

Ordinary Council Meeting

12 October 2016

Minutes



Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Agendas and Minutes are available on the City's website www.kwinana.wa.gov.au

Vision Statement

Kwinana 2030

***Rich in spirit, alive with opportunities,
surrounded by nature – it's all here!***

Mission

**Strengthen community spirit, lead
exciting growth, respect the environment
- create great places to live.**



We will do this by –

- providing strong leadership in the community;
- promoting an innovative and integrated approach;
- being accountable and transparent in our actions;
- being efficient and effective with our resources;
- using industry leading methods and technology wherever possible;
- making informed decisions, after considering all available information; and
- providing the best possible customer service.

Values

We will demonstrate and be defined by our core values, which are:

- Lead from where you stand – Leadership is within us all.
- Act with compassion – Show that you care.
- Make it fun – Seize the opportunity to have fun.
- Stand Strong, stand true – Have the courage to do what is right.
- Trust and be trusted – Value the message, value the messenger.
- Why not yes? – Ideas can grow with a yes.

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Present:

DEPUTY MAYOR PETER FEASEY
CR R ALEXANDER
CR W COOPER
CR S LEE
CR S MILLS
CR B THOMPSON
CR D WOOD

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVLOVICH	-	Acting Director City Strategy
MR P NIELSON	-	Acting Director City Development
MR C TANNER	-	Acting Manager Environmental Health Services
MS M BELL	-	Corporate Lawyer
MR E LAWRENCE	-	Director Corporate and Engineering Services
MS A MCKENZIE	-	Council Administration Officer

Members of the Press	0
Members of the Public	1

1 Declaration of Opening:

Presiding Member declared the meeting open at 7:00pm and welcomed Councillors, City Officers and gallery in attendance and read the Welcome.

“IT GIVES ME GREAT PLEASURE TO WELCOME YOU ALL HERE AND BEFORE COMMENCING THE PROCEEDINGS, I WOULD LIKE TO ACKNOWLEDGE THAT WE COME TOGETHER TONIGHT ON THE TRADITIONAL LAND OF THE NOONGAR PEOPLE”

2 Prayer:

Councillor Wendy Cooper read the Prayer

“OH LORD WE PRAY FOR GUIDANCE IN OUR MEETING. PLEASE GRANT US WISDOM AND TOLERANCE IN DEBATE THAT WE MAY WORK TO THE BEST INTERESTS OF OUR PEOPLE AND TO THY WILL. AMEN”

3 Apologies/Leave(s) of Absence (previously approved)

Apologies

Mayor Carol Adams

Leave(s) of Absence (previously approved):

Nil

4 Public Question Time:

Nil

5 Applications for Leave of Absence:

COUNCIL DECISION

337

MOVED CR B THOMPSON

SECONDED CR R ALEXANDER

Councillor Wendy Cooper be granted a leave of absence from 25 October 2016 to 26 October 2016 inclusive.

**CARRIED
7/0**

6 Declarations of Interest by Members and City Officers:

Nil

7 Community Submissions:

Nil

8 Minutes to be Confirmed:

8.1 Ordinary Meeting of Council held on 28 September 2016:

COUNCIL DECISION

338

MOVED CR S LEE

SECONDED CR B THOMPSON

That the Minutes of the Ordinary Meeting of Council held on 28 September 2016 be confirmed as a true and correct record of the meeting.

**CARRIED
7/0**

9 Referred Standing / Occasional / Management /Committee Meeting:

Nil

10 Petitions:

Nil

11 Notices of Motion:

Nil

12 Reports – Community

12.1 Memorandum of Understanding – Connecting Community for Kids Initiative

SUMMARY:

This report seeks Council endorsement of the Memorandum of Understanding (MOU) for the Connecting Community for Kids (CCK) Initiative between the Joint Commissioning Committee, Joint Leadership Team and Child Australia (attached) and approval for the CEO to sign the MOU on behalf of the City of Kwinana.

The CCK Initiative is a collective impact initiative that aims to improve the health, wellbeing and developmental outcomes of children in the Cities of Kwinana and Cockburn through embedded responsiveness, and better collaboration and coordination of services across government and the community sector.

The MOU defines the relationship between, responsibilities and functions of, and associated matters of the three aforementioned entities in relation to the governance of the Connecting Community for Kids (CCK) Initiative -- including the City's proposed role on the Initiative's Joint Commissioning Committee and Joint Leadership Team.

OFFICER RECOMMENDATION:

That Council

- (1) endorse the Memorandum of Understanding for the Connecting Community for Kids Initiative between the Joint Commissioning Committee, Joint Leadership Team and Child Australia (attached) and authorises the Chief Executive Officer to sign the Memorandum of Understanding on behalf of the City of Kwinana; and
- (2) endorse Mayor Carol Adams as the City of Kwinana's representative to the Joint Commissioning Committee of the Connecting Community for Kids Initiative.
- (3) endorse the Manager Community Development as the City of Kwinana's representative to the Joint Leadership Team of the Connecting Community for Kids Initiative.

DISCUSSION:

The early years (pre-birth to eight years) is a crucial stage where children undergo substantial physical, cognitive, language and social/emotional development. A wide range of evidence shows that positive, nurturing experiences and developmentally-appropriate learning opportunities in the early years foster children's development and greatly contribute to successful outcomes later in life.

In 2014, the Western Australian Partnership Forum Early Years Working Group identified the opportunity for a place-based initiative in the Cities of Kwinana and Cockburn to improve the health and wellbeing of children. The initiative aimed to demonstrate a place-based approach to partnership and collaboration between community, government, the community sector and industry, which is transferrable to other locations. Kwinana and Cockburn were selected for a range of compelling reasons including:

12.1 MEMORANDUM OF UNDERSTANDING – CONNECTING COMMUNITY FOR KIDS INITIATIVE

- Australian Early Development Census (AEDC) outcomes for Cockburn and Kwinana;
- the high proportion of children aged zero to eight years;
- projected population growth in these areas;
- the location as a trial area for the National Disability Insurance Scheme (NDIS);
- the current investment in early years across multiple government agencies; and
- the commitment to the early years demonstrated by the Cities of Kwinana and Cockburn.

Modelled on the collective impact approach in Queensland's Logan City, Logan Together, the CCK Initiative was conceptualised as using aspects of the collective impact and Platforms Framework to take a long-term view to improve coordination and provide an effective organising environment for service planning, prioritisation and delivery, rather than add additional services to a congested market.

Informed by community engagement, a governance model consisting of three key elements was developed:

- the Joint Commissioning Committee (JCC);
- the Joint Leadership Team (JLT); and
- the Auspicing Organisation.

The Joint Commissioning Committee is the committee which provides the leadership, oversight, advice and engagement with government and funders in the delivery of the CCK Initiative. It is comprised of senior representatives from the Cities of Kwinana and Cockburn, the State Government, the community sector, the corporate sector, and the chair/s of the Joint Leadership Team.

The Joint Leadership Team is the committee which is the primary decision-making body in respect of the operational delivery of the CCK. The Joint Leadership Team will (amongst other things) set the Collective Team's strategic direction and oversee the implementation of the associated activities. It is comprised of local leaders and leaders of social service providers and other relevant stakeholder organisations.

The Auspicing Organisation is the organisation in the CCK Initiative's governance structure with primary responsibility for the Auspicing Functions which include employing and hosting the Collective Team and meeting all employment and workplace related legal requirements, contract management, administrative support and administering funding from third parties for the CCK Initiative.

An expression of interest was issued for the Auspicing Organisation and Child Australia was selected based on their extensive experience working with children, their families, early childhood professionals and the wider community.

In October 2015, a submission was made to the Woodside Development Fund for resources to employ the Collective Team. In November 2015, Woodside advised that it would contribute \$2 million over a five-year period (i.e. \$400,000 per annum to the CCK Initiative to provide financial support to deliver the Auspicing Functions).

12.1 MEMORANDUM OF UNDERSTANDING – CONNECTING COMMUNITY FOR KIDS INITIATIVE

To participate in the CCK Initiative, the City is required to enter into an MOU (attached) with the three elements comprising the Initiative's governance (JCC, JLT and Child Australia). The MOU defines the relationships between, responsibilities and functions of, and associated matters of the three aforementioned entities in relation to the governance of the Connecting Community for Kids (CCK) Initiative -- including the City's proposed role on the JCC and JLT.

In entering into this MOU the City would be committing to the "Shared principles and recognition" (p. 12), which are as follows:

- To deliver the CCK Initiative and the Auspicing Functions, the partners are committed to:
 - improving early years outcomes in the Cities of Kwinana and Cockburn;
 - achieving a more effective, coordinated and collaborative approach to decision making and working together in the delivery of early years services in Kwinana and Cockburn;
 - mutual respect and trust;
 - openness and transparency;
 - effective communication; and
 - working co-operatively and avoiding conflict.
- Members of the JCC and JLT complement the funding provided through the Sponsorship Agreement through the provision of financial and/or in-kind support. This support may take the form of staff, resources, and the sharing of data, knowledge and expertise as extended by the members of the JCC and JLT.
- The JCC and JLT recognise that Child Australia is contributing significant in-kind support, principally in the form of staff and particularly during the start-up phase, to the CCK Initiative.

Additionally, the City would be committing to the Mayor attending JCC meetings and the Manager Community Development attending JLT meetings as per the MOU's membership schedule (p. 24).

LEGAL/POLICY IMPLICATIONS:

The MOU constitutes a non-legally-binding multilateral agreement between parties, expressing a convergence of will with an intended common line of action. Whilst it is not a legally enforceable agreement, there would be reputational risks associated with a failure to deliver on the shared principles it articulates if signed.

FINANCIAL/BUDGET IMPLICATIONS:

The MOU states that "Members of the JCC and JLT complement the funding provided through the Sponsorship Agreement through the provision of financial and/or in-kind support" (p. 12) and "This support may take the form of staff, resources, and the sharing of data, knowledge and expertise as extended by the members of [JCC] and [JLT]" (p. 12).

The City would meet this requirement within existing staff, facilities and other resources, therefore, there would be no direct financial or budget implications.

12.1 MEMORANDUM OF UNDERSTANDING – CONNECTING COMMUNITY FOR KIDS INITIATIVE

ASSET MANAGEMENT IMPLICATIONS:

As discussed in the previous section, the MOU would commit the City to the in-kind provision of resources. This would include the in-kind provision of City facilities for meetings.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

The MOU aligns with the following Strategic Community Plan aspiration, objective and strategy:

- Aspiration 1. Rich in Spirit
- Objective 1.4: All sections of the community are supported by the provision of relevant community and human services
- Strategy 1.4.3: Develop relationships and partnerships with other organisations to ensure the delivery of a diverse range of services and programs for Kwinana

RISK IMPLICATIONS:

As discussed in the Legal/Policy Implications section, the MOU constitutes a non-legally-binding multilateral agreement between parties. Whilst it is not a legally enforceable agreement, there would be reputational risks associated with a failure to deliver on the shared principles it articulates if signed.

However, given community expectation and the CCK Initiative's extensive cross-sector, industry and multi-government support, there would also be reputational risks associated with not entering into the MOU.

12.1 MEMORANDUM OF UNDERSTANDING – CONNECTING COMMUNITY FOR KIDS INITIATIVE

COUNCIL DECISION

339

MOVED CR S LEE

SECONDED CR W COOPER

That Council

- (1) endorse the Memorandum of Understanding for the Connecting Community for Kids Initiative between the Joint Commissioning Committee, Joint Leadership Team and Child Australia (as per confidential attachment) and authorises the Chief Executive Officer to sign the Memorandum of Understanding on behalf of the City of Kwinana; and**
- (2) endorse Mayor Carol Adams as the City of Kwinana's representative to the Joint Commissioning Committee of the Connecting Community for Kids Initiative.**
- (3) endorse the Manager Community Development as the City of Kwinana's representative to the Joint Leadership Team of the Connecting Community for Kids Initiative.**

**CARRIED
7/0**

NOTE – The officers recommendation has been amended to include as per confidential attachment.

13 Reports – Economic

Nil

14 Reports – Natural Environment

Nil

15 Reports – Built Infrastructure

15.1 Adoption of Amended Local Development Plan for Lot 12 Honeywood Avenue, Wandi - Wandi North Local Structure Plan Area (Whistling Grove Estate)

SUMMARY:

A request to amend Local Development Plan (LDP) No.1, for Lot 12 Honeywood Avenue, Wandi has been received for the consideration of Council under the City of Kwinana Town Planning Scheme No. 2 (Scheme) (refer Attachments A and B).

The LDP was originally approved in December 2014 and then was amended in April 2015. This newly proposed amendment to this LDP is required as a condition of subdivision and includes three new survey-strata lots – Lots 229a, 229b and 228 (refer Attachment C).

The new lots have a development approval already in place for a Group Dwelling (three dwellings) to which the new survey strata lots will apply. The lots have minimum frontages of 10m which are the smallest in the estate that has a combination of mainly 12, 12.5 and 15 metre frontages. This amendment will serve to update the lot configuration on the LDP to reflect the conditionally approved subdivision.

The lots created as a result of this subdivision have lot frontages of 10m. There are no 7.5m wide lot frontages as part of this LDP.

Councillors will be aware via a number of Councillor Forums that the City is presently progressing towards the completion of an Urban Amenity Strategy and a number of accompanying policies including the 'Built form and Streetscapes'. This work is being undertaken in conjunction with key representatives of the local development industry and the Department of Planning to seek to achieve improved urban amenity across the City.

One response being considered by Council has been the application of mandatory two storey development of lots at or less than 7.5 metres in width, as well as additional design criteria for lots with widths between 10 metres and 7.5 metres to seek to achieve better amenity outcomes and scaled development. City staff and Councillors have acknowledged however, that this is a complex matter and, in keeping with the City's practice, wish to partner with industry and State Government to develop the best policy framework possible with these stakeholders.

In this respect, a number of LDPs which are in process have been set aside pending the formulation of a final policy position from Council. It has become apparent however, that many of these LDPs are now urgent and further delay will adversely affect local developers and significantly impact on new lot growth in the City.

As such City Officers have recommended progression of some of the LDPs to finalisation. In some instances, there were relatively minor modifications to previously approved LDPs (where often, lots have already been sold and approvals in place). In these cases, City Officers have not sought to introduce any additional provisions addressing built form.

It is noted that this LDP was not included in the Council Forum Presentation held on the 8 August 2016 at which a number of pressing and urgent LDPs were tabled and detailed for consideration for potential approval.

15.1 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN FOR LOT 12 HONEYWOOD AVENUE, WANDI - WANDI NORTH LOCAL STRUCTURE PLAN AREA (WHISTLING GROVE ESTATE)

The LDP was however lodged in June 2016, it does contain lots which already have development approvals in place and it has lots with minimum frontages of 10 metres. In addition, the development approvals do incorporate design provisions such as gable roof and additional brick coursing which promote a reasonably attractive appearance to the street. As such, City Officers are recommending that Council support consideration of the LDP.

The amended LDP (refer Attachment B) has been assessed and is supported by City Officers. It is recommended that Council approves the amended LDP in accordance with Clause 52(1) (a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

OFFICER RECOMMENDATION:

That Council approves the Amended Local Development Plan for Lot 12 Honeywood Avenue, Wandi North (Whistling Grove Estate) Local Structure Plan area pursuant to Clause 52(1) (a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

DISCUSSION:

Land Status

Metropolitan Region Scheme:	'Urban' Zone
Town Planning Scheme No. 2:	Residential R30
	Residential R40

The LDP for Lot 12 Honeywood Avenue was originally adopted by Council at its Ordinary Meeting held on the 10 December 2014 (refer Attachment D). The LDP was prepared and approved as part of the initial stages of development of the Whistling Grove Estate. The LDP was then amended at the Council Meeting held on 22 April 2015 to incorporate bushfire management provisions.

A subdivision for Lots 228 and 229 (Western Australian Planning Commission (WAPC) Reference 89715) was granted conditional approval on 27 July 2016. The subdivision amalgamated the two lots and split them into three survey-strata lots. This newly proposed amendment to this LDP is required as a condition of subdivision and includes the three new survey-strata lots to be created – Lots 229a, 229b and 228 (refer Attachments B and C).

The new lots have a development approval already in place for a Grouped Dwelling (three dwellings) to which the new survey strata lots will apply. The lots have minimum frontages of 10m which are the smallest in the Estate that has a combination of mainly 12, 12.5 and 15 metre frontages. This amendment will serve to update the lot configuration on the LDP to reflect the conditionally approved subdivision.

The lots created as a result of this subdivision have lot frontages of 10m and there are no 7.5m wide lot frontages as part of this LDP.

15.1 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN FOR LOT 12 HONEYWOOD AVENUE, WANDI - WANDI NORTH LOCAL STRUCTURE PLAN AREA (WHISTLING GROVE ESTATE)

Councillors will be aware via a number of Councillor Forums that the City is presently progressing towards the completion of an Urban Amenity Strategy and a number of accompanying policies focused on 'Landscape and Tree Retention' and 'Built form and Streetscapes'. This work is being undertaken in conjunction with key representatives of the local development industry and the Department of Planning to seek to achieve improved urban amenity across the City.

One response being considered by Council has been the application of mandatory two storey development of lots at or less than 7.5 metres in width, as well as additional design criteria for lots with widths between 10 metres and 7.5 metres to seek to achieve better amenity outcomes and scaled development. City staff and Councillors have acknowledged however, that this is a complex matter and, in keeping with the City's practice, wish to partner with industry and State Government to develop the best policy framework possible with these stakeholders.

In this respect, a number of LDPs which are in process have been set aside pending the formulation of a final policy position from Council. It has become apparent however, that many of these LDPs are now urgent and further delay will adversely affect local developers and significantly impact on new lot growth in the City.

As such City Officers have recommended progression of some of the LDPs to finalisation. In some instances, there were relatively minor modifications to previously approved LDPs (where often, lots have already been sold and approvals in place). In these cases, City Officers have not sought to introduce any additional provisions addressing built form.

It is noted that this LDP was not included in the Council Forum Presentation held in August 2016 which detailed a number of pressing and urgent LDPs.

The LDP has been with the City for a considerable time as it was lodged in June 2016. Further, it does contain lots which already have development approvals in place and it has lots with minimum frontages of 10 metres.

Whilst City Officers have not sought to include additional provisions for built form (over and above those already included), the development approvals do however incorporate design provisions such as gable roof and additional brick coursing which promote a reasonably attractive appearance to the street.

It is considered that the LDP will be a single point of reference that will provide clarity and certainty to builders, property owners and City Officers with respect to development on the lots subject to the LDP.

The amended LDP (refer Attachment B) has been assessed and is supported by City Officers. It is recommended that Council approves the amended LDP in accordance with Clause 52(1) (a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering financial or impartiality interests, the land owners are Hairuo Dong, Jleli Huang, Rick James Moffit and Wenbin Xu and the applicant is RPS Australia East Pty Ltd.

15.1 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN FOR LOT 12 HONEYWOOD AVENUE, WANDI - WANDI NORTH LOCAL STRUCTURE PLAN AREA (WHISTLING GROVE ESTATE)

The following strategic and policy based documents were considered in assessing the application;

- City of Kwinana Town Planning Scheme No. 2
- Wandi North Local Structure Plan
- State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*)
- Liveable Neighbourhoods Operational Policy
- Local planning and other related policies
- Guidelines for Planning in Bushfire Prone Areas & Appendices 2015

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications as a result of this application.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications as a result of this LDP.

STRATEGIC/SOCIAL IMPLICATIONS:

LDPs allow for variations to the Scheme and R-Codes which take into account specific site characteristics and configuration of lots, particularly smaller lots. The use of such mechanisms is common practice, and is encouraged to allow for the most optimal form of urban development to occur.

RISK IMPLICATIONS:

Council approves development under its Town Planning Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality. The draft amended LDP seeks to include the construction standards required for bushfire protection. It is anticipated that compliance with the stipulated BAL ratings would reduce the occurrence of and minimise the impact of bushfires thereby reducing the threat to life, property and the environment.

COUNCIL DECISION

340

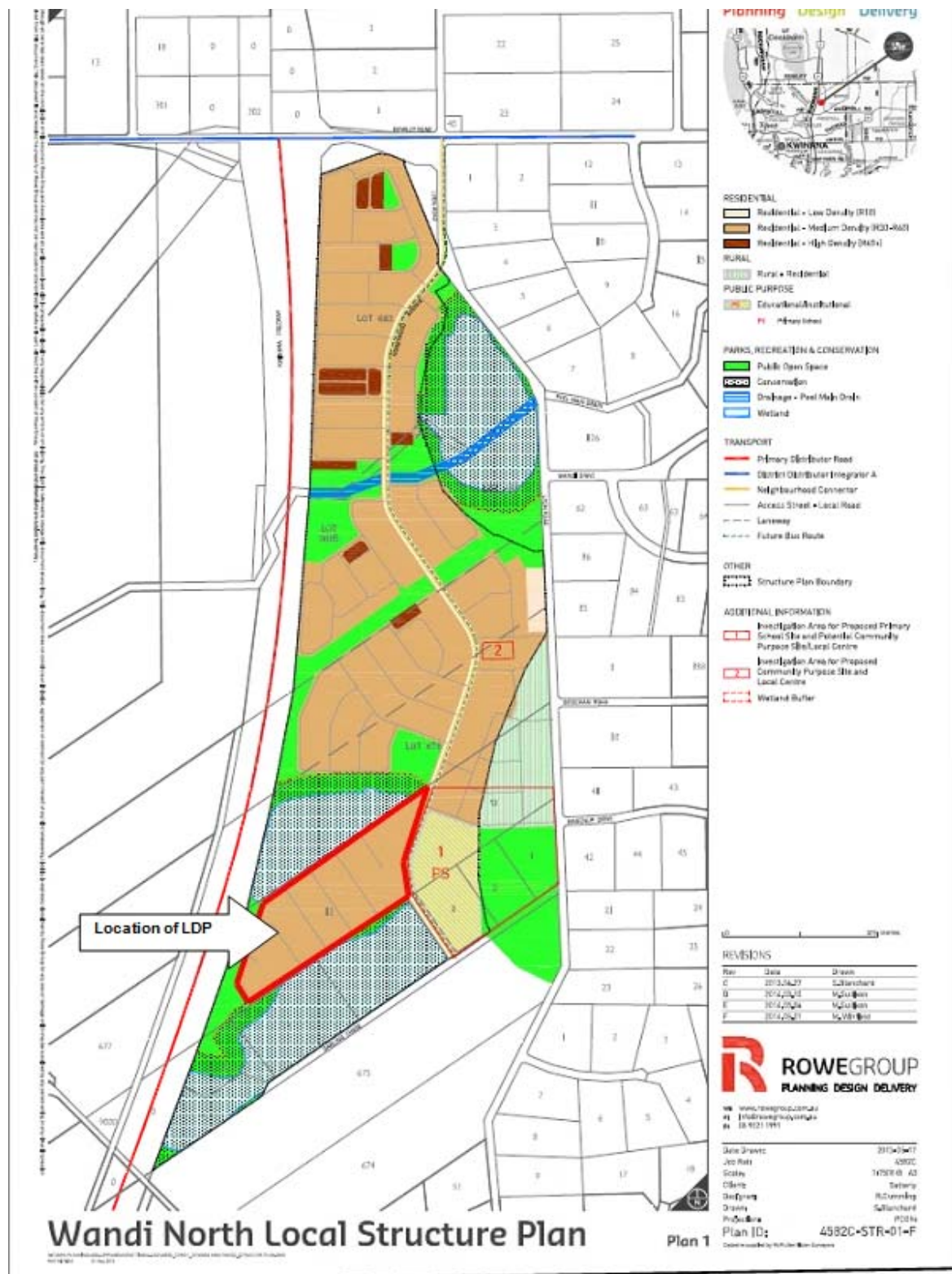
MOVED CR D WOOD

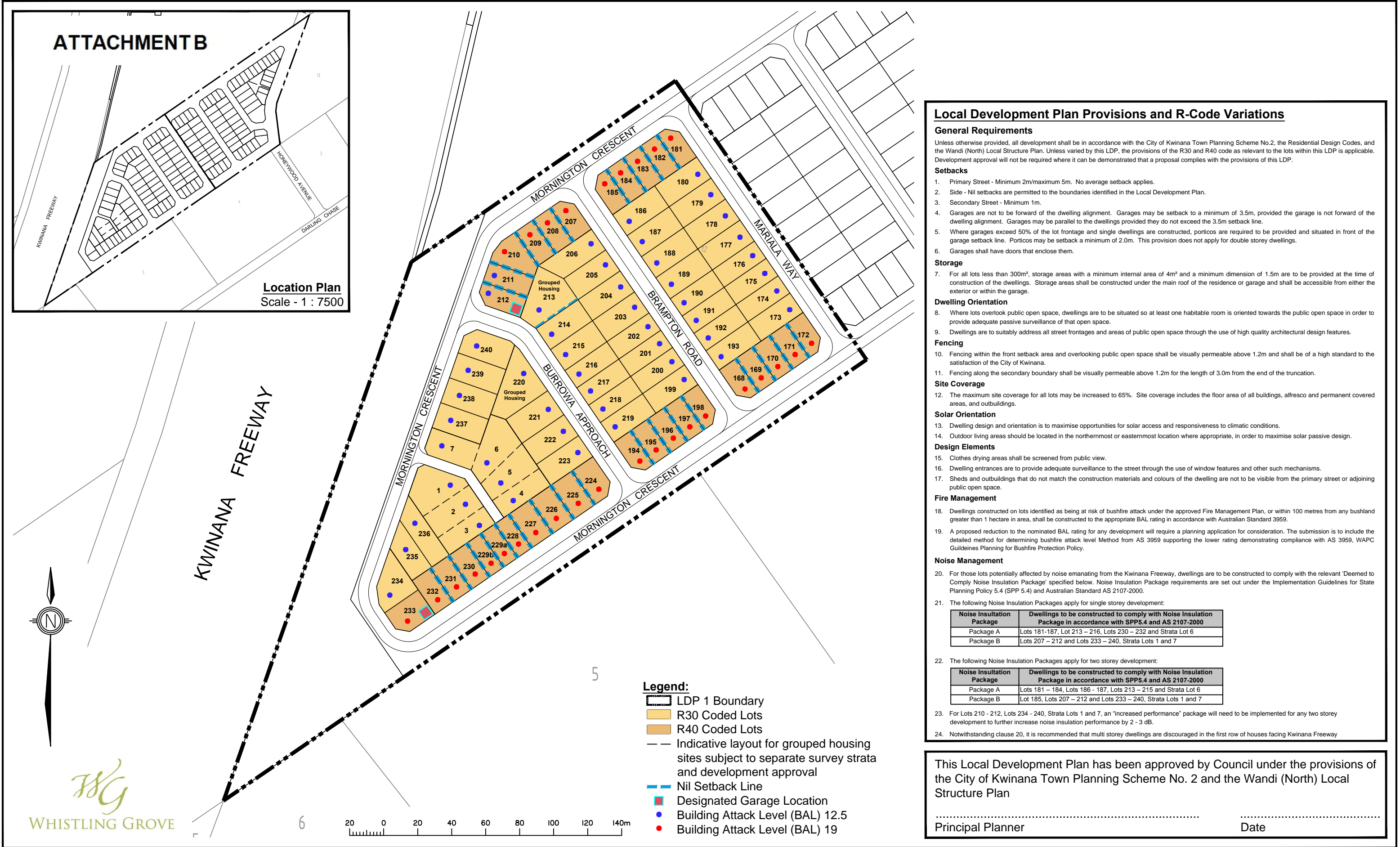
SECONDED CR B THOMPSON

That Council approves the Amended Local Development Plan for Lot 12 Honeywood Avenue, Wandi North (Whistling Grove Estate) Local Structure Plan area pursuant to Clause 52(1) (a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

**CARRIED
7/0**

ATTACHMENT A





SURVEY-STRATA PLAN

73639

SHEET 1 OF 1 SHEETS

PLAN OF

LOT 700 ON DP 407255

CERTIFICATE OF TITLE

Volume: Folio:

LOCAL GOVERNMENT

CITY OF KWINANA

FIELD RECORD

134632

NAME OF SCHEME

52 MORNINGTON CRESCENT,
WANDI

ADDRESS OF PARCEL

52 MORNINGTON CRESCENT,
WANDI WA 6167

MANAGEMENT STATEMENT YES ☐ NO ☒

SURVEYOR'S CERTIFICATE - Reg 54

I, PAUL NAS
hereby certify that this plan is accurate and is a correct
representation of the -
(a) *survey; and
(b) *calculations from measurements recorded in the
field records,
(*delete if inapplicable)
undertaken for the purposes of this plan and that it complies
with the relevant written law(s) in relation to which it is lodged.

Paul Nas
LICENSED SURVEYOR 6-Nov-15
DATE

LODGED

DATE FEE PAID ASSESS No.

EXAMINED

DATE

WESTERN AUSTRALIAN PLANNING COMMISSION

W.A.P.C. REF: 897-15

Certificate of Approval of W.A.P.C. under Section 25B(2) of
Strata Titles Act 1985

Delegated under S.16 P&D Act 2005 DATE

PLAN APPROVED

INSPECTOR OF PLANS AND SURVEYS DATE
(S.18 Licensed Surveyors Act 1909)

IN ORDER FOR DEALINGS

SUBJECT TO

FOR REGISTRAR OF TITLES DATE

REGISTERED

APPLICATION

DATE REGISTRAR OF TITLES SEAL



LIMITED IN DEPTH TO 60.96 METRES

SURVEY CARRIED OUT UNDER REG 26A
SPECIAL SURVEY AREA GUIDELINES



THE LAND DIVISION

PLANNING | SURVEYING | DESIGN

PO BOX 2444, MALAGA, WA 6090

T: 9209 3232 F: 9249 2551

E: INFO@LANDDIVISION.COM.AU

REF: 4765-15 PN 3-11-2015

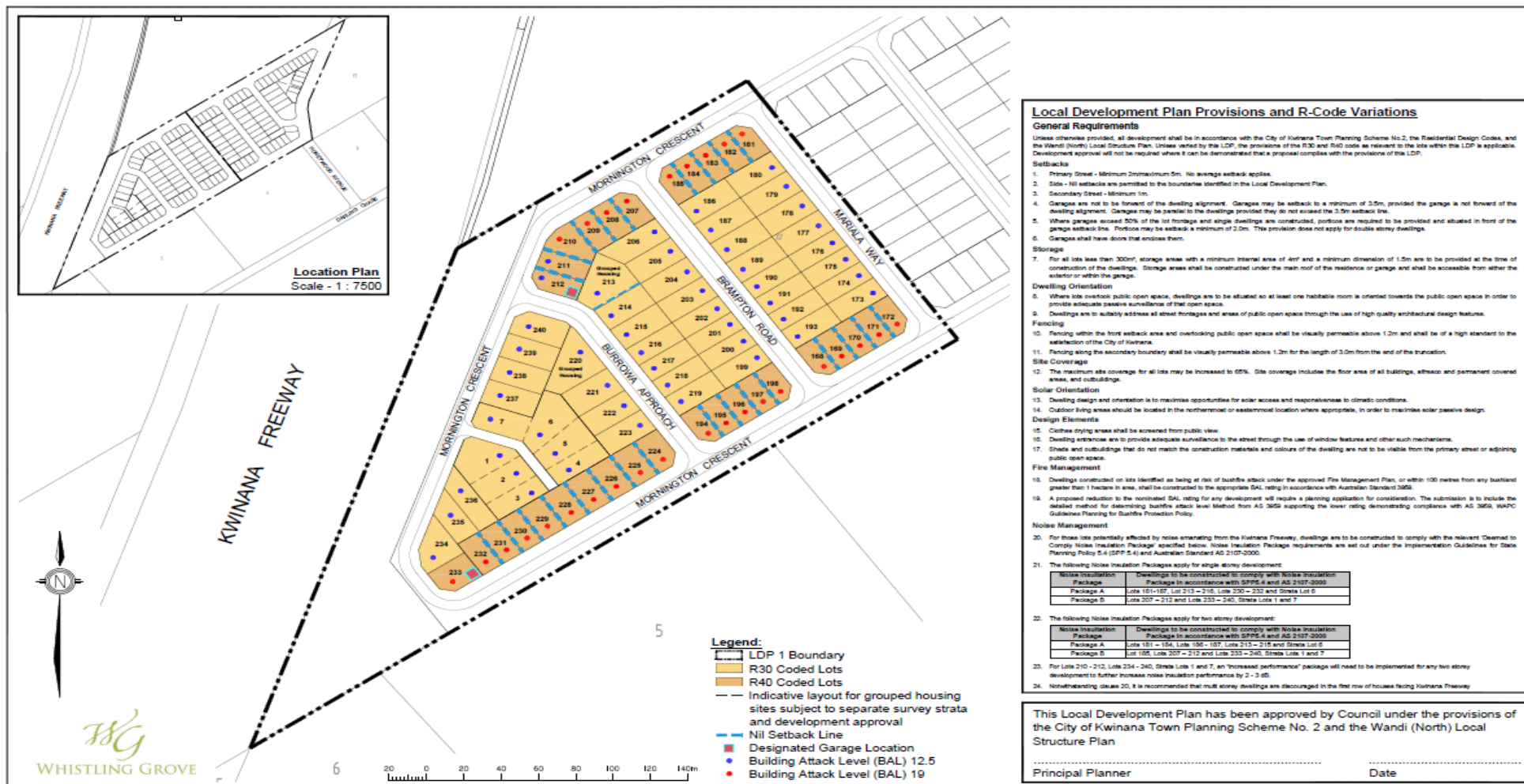
INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(A)	EASEMENT (Transmission of Electricity by Underground cable)	SEC 136C of the TLA	THIS PLAN	LOT 3	LOTS 1 & 2	
(B)	EASEMENT (Transmission of Electricity by Underground cable)	SEC 136C of the TLA	THIS PLAN	LOT 2	LOT 1	



HELD BY LANDGATE IN DIGITAL FORMAT ONLY

ATTACHMENT C



PROJECT			LOT 12			CLIENT			WANDI DEVELOPMENTS PTY LTD			<div><div>RPS</div><div>RPS Australia East Pty Ltd ACN 140 292 762 ABN 44 140 292 762</div><div>Subiaco Office 38 Station Street Subiaco WA 6008 T +61 8 9211 1111 F +61 8 9211 1122 W rpsgroup.com.au</div></div>			
HONEYWOOD AVENUE, WANDI									LOCAL DEVELOPMENT PLAN - LDP 1						
Job Ref.	3984	Date	19 MARCH 2015							Scale			Sheet		
Comp By.	BC / KCH	DWG Name.	3984-3-001k.dwg							1 : 2000			A3		
Locality	WANDI	Local Authority	CITY OF KWINANA							Plan Ref			3984-3-001		
												Rev			
												K			

15.2 Adoption of Amended Local Development Plan, Stage 39 the Village at Wellard – Wellard Village

SUMMARY:

A request to further amend the Local Development Plan (LDP) Stage 39, of the Wellard Village Estate, Wellard has been received for the consideration of Council under the City of Kwinana Town Planning Scheme No. 2 (Scheme) (Attachments A, B and C). The LDP was originally adopted by Council at its Ordinary Meeting held on 13 July 2015 (Attachments D and E).

The proposed amendment to this LDP is required as a condition of recently approved 2 lot subdivision. The amendment seeks to update the LDP to include the proposed survey strata lots to be created on Lot 1310 Bellingham Parade (Western Australian Planning Commission (WAPC) Reference 245-16) (Attachment F).

The new lots already have a development approval and building permits approved for a Grouped Dwelling (two dwellings) to which the new survey strata lots will apply. This amendment will serve to update the lot configuration on the LDP to reflect the conditionally approved subdivision.

The lots created as a result of this subdivision have lot frontages of 10.033m and 13.791m. There are no 7.5m wide lot frontages as part of this LDP.

Councillors will be aware via a number of Councillor Forums that the City is presently progressing towards the completion of an Urban Amenity Strategy and a number of accompanying policies including a 'Built form and Streetscapes' policy. This work is being undertaken in conjunction with key representatives of the local development industry and the Department of Planning to seek to achieve improved urban amenity across the City.

One response being considered by Council has been the application of mandatory two storey development of lots at or less than 7.5 metres in width, as well as additional design criteria for lots with widths between 10 metres and 7.5 metres to seek to achieve better amenity outcomes and scaled development. City staff and Councillors have acknowledged however, that this is a complex matter and, in keeping with the City's practice, wish to partner with industry and State Government to develop the best policy framework possible with these stakeholders.

In this respect, a number of LDPs which are in process have been set aside pending the formulation of a final policy position from Council. It has become apparent however, that many of these LDPs are now urgent and further delay will adversely affect local developers and significantly impact on new lot growth in the City.

As such City Officers have recommended progression of some of the LDPs to finalisation. In some instances, there were relatively minor modifications to previously approved LDPs (where often, lots have already been sold and approvals in place). In these cases, City Officers have not sought to introduce any additional provisions addressing built form.

It is noted that this LDP was not included in the Council Forum Presentation held on the 8 August 2016 which detailed a number of pressing and urgent LDPs.

15.2 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN, STAGE 39 THE VILLAGE AT WELLARD – WELLARD VILLAGE

The LDP amendment refers only to two lots with frontages at or greater than 10 metres with development approvals and building permits in place. It was lodged in July 2016 so has been at the City for a number of weeks. The development approvals do incorporate design provisions such as gable roof and additional brick coursing which promote a reasonably attractive façade to the street. For this reason, City Officers are recommending that Council consider supporting the amended LDP (refer Attachment B).

OFFICER RECOMMENDATION:

That Council approves the Amended Local Development Plan Stage 39; The Village at Wellard, Wellard (as per Attachments B and C), pursuant to Clause 52(1)(a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

DISCUSSION:Land Status

Town Planning Scheme No 2: Residential R25
 Residential R35
 Residential R40

Metropolitan Region Scheme: ‘Urban’ Zone

Background

The LDP for this site was originally approved by Council on the 13 July 2015. The subdivision of Lot 1310 Bellingham Parade (WAPC Reference 245-16) (Attachment F) was granted conditional approval on 27 May 2016.

The proposed amendment to this LDP is required as a condition of recently approved subdivision. The amendment seeks to update the LDP to include the proposed survey strata lots to be created on Lot 1310 Bellingham Parade (WAPC Reference 245-16) (Attachment F). The amendment will serve to update the lot configuration on the LDP to reflect the conditionally approved subdivision.

This LDP is being amended to incorporate the newly created lots, both of which have lot frontages 10 metres or greater. It is relevant to note, that the property has had a planning application for grouped dwellings approved in February 2016 and Building Permits approved and issued in March 2016 for the proposed dwellings.

There are no 7.5m wide lot frontages as part of this LDP and all lot frontages are 10m or greater.

Councillors will be aware via a number of Councillor Forums that the City is presently progressing towards the completion of an Urban Amenity Strategy and a number of accompanying policies focused on ‘Landscape and Tree Retention’ and ‘Built form and Streetscapes’. This work is being undertaken in conjunction with key representatives of the local development industry and the Department of Planning to seek to achieve improved urban amenity across the City.

15.2 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN, STAGE 39 THE VILLAGE AT WELLARD – WELLARD VILLAGE

One response being considered by Council has been the application of mandatory two storey development of lots at or less than 7.5 metres in width, as well as additional design criteria for lots with widths between 10 metres and 7.5 metres to seek to achieve better amenity outcomes and scaled development. City staff and Councillors have acknowledged however, that this is a complex matter and, in keeping with the City's practice, wish to partner with industry and State Government to develop the best policy framework possible with these stakeholders.

In this respect, a number of LDPs which are in process have been set aside pending the formulation of a final policy position from Council. It has become apparent however, that many of these LDPs are now urgent and further delay will adversely affect local developers and significantly impact on new lot growth in the City.

As such City Officers have recommended progression of some of the LDPs to finalisation. In some instances, there were relatively minor modifications to previously approved LDPs (where often, lots have already been sold and approvals in place). In these cases, City Officers have not sought to introduce any additional provisions addressing built form.

It is noted that this LDP was not included in the Council Forum Presentation but has been with the City since July 2016. This LDP contains lots with frontages of 10m or greater and given development approvals and building permits have been issued for grouped dwellings on these lots, City Officers have not sought to include additional provisions for built form (over and above those already included). In this respect, the development approvals do however incorporate design provisions such as gable roof and additional brick coursing which promote a reasonably attractive appearance to the street.

It is considered that the LDP will be a single point of reference that will provide clarity and certainty to builders, property owners and City Officers with respect to development on the lots subject to the LDP.

The amended LDP (refer Attachment B) has been assessed and is supported by City Officers. It is recommended that Council approves the amended LDP in accordance with Clause 52(1) (a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a financial or impartiality interest the land owners are Jiele Huang and Rick Moffit and the applicant is The Land Division.

The following strategic and policy based documents were considered in assessing the application;

- City of Kwinana Town Planning Scheme No. 2
- Wellard Village Structure Plan
- State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*)
- Liveable Neighbourhoods Operational Policy
- Local planning and other related policies
- Guidelines for Planning in Bushfire Prone Areas & Appendices 2015

15.2 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN, STAGE 39 THE VILLAGE AT WELLARD – WELLARD VILLAGE

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications as a result of this application.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications as a result of this application.

STRATEGIC/SOCIAL IMPLICATIONS:

LDPs allow for variations to the Scheme and R-Codes which take into account specific site characteristics and configuration of lots, particularly smaller lots. The use of such mechanisms is common practice, and should be encouraged to allow for the most optimal form of urban development to occur.

RISK IMPLICATIONS:

Council approves development under its Town Planning Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality.

The Draft LDP sets specific design requirements to promote a high standard of development within the Wellard Village Estate. LDPs are required under the Scheme and as a condition of subdivision approval issued by the WAPC. The WAPC can clear the subdivision with or without Council's approval of the LDP. In addition, if Council were to refuse the LDP, the proponent has the right to appeal to the State Administrative Tribunal (SAT).

COUNCIL DECISION

341

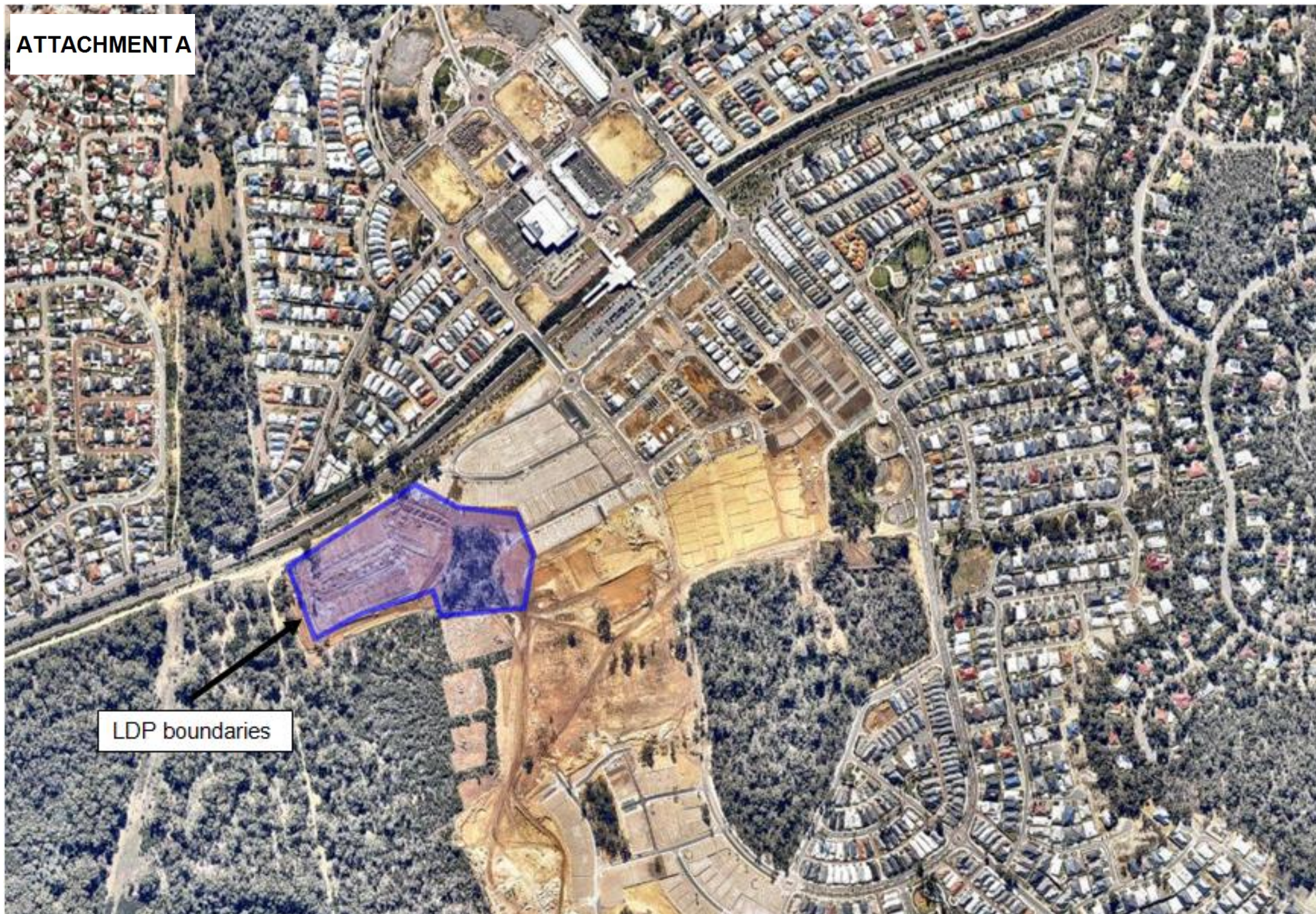
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SECONDED CR S MILLS

That Council approves the Amended Local Development Plan Stage 39; The Village at Wellard, Wellard (as per Attachments B and C), pursuant to Clause 52(1)(a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

**CARRIED
7/0**

ATTACHMENT A



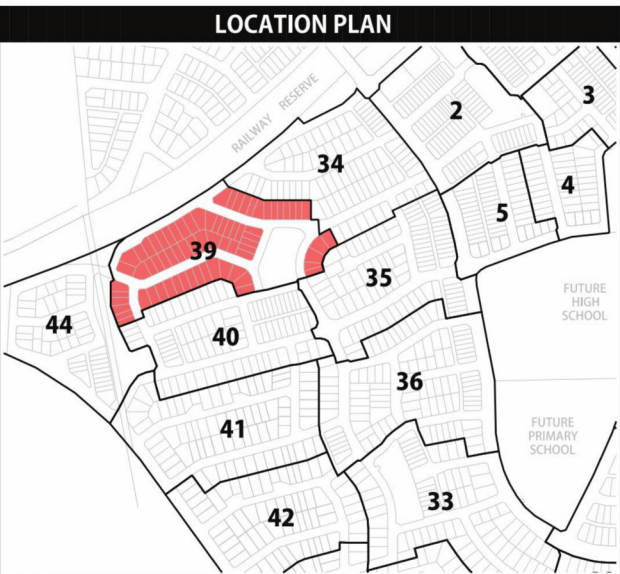
LDP boundaries

ATTACHMENT B



LEGEND

- Local Development Plan Boundary
- R25 Coding
- R35 Coding
- R40 Coding
- Primary Dwelling Orientation
- Secondary Dwelling Orientation
- Recommended Garage Location
- Quiet House Design Requirement
- DX Duplex Lot Potential
- Footpaths
- Retaining Wall
- No Vehicle Access
- Bushfire Attack Level (BAL) 12.5
- Retained Trees



ENDORSEMENT OF REGISTERED TOWN PLANNER

This Local Development Plan has been adopted by Council and signed by the Principal Planner.

SIGNATURE: _____ DATE: _____

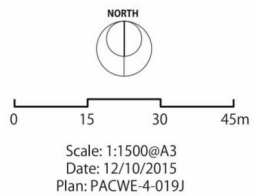
The requirement to consult with adjoining or other land owners to vary the Residential Design Codes in accordance with the Local Development Plan is not required except where variations to the provisions of the Local Development Plan are sought.

Planning Approval is not required, but a Building Permit is required, for the construction of a dwelling on any lot within the area covered by the Local Development Plan (including lots with a land area less than 260m²) except where variations to the provisions of the Local Development Plan are sought.

LOCAL DEVELOPMENT PLAN

Stage 39, The Village at Wellard Page 1 of 2

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LDP PROVISIONS – VILLAGE AT WELLARD STAGES 39

The provisions addressed below and on the reverse plan relate to Stage 39 within the Village at Wellard Estate, Wellard.

The requirements of the Residential Design Codes apply unless otherwise provided for below.

The following standard represents variations to the Residential Design Codes and constitutes ‘Deemed-to-Comply’ requirements pursuant to the Codes.

1. R-CODE VARIATIONS		
a) Minimum Open Space*:		
R25		40%
R35/R40		35%

2. SETBACK PROVISIONS		
	Minimum	Maximum
a) Dwelling – Primary Street		
R25	3.0m	5.0m
R35/R40	2.0m	4.0m
b) Rear Setbacks	As per R-Codes	
c) POS Setback	2.0m	4.0m
d) Boundary Walls (Parapets)	For R35, R40 lots and R25 lots with a frontage of 10m or less, lot boundary walls are permitted to both side boundaries for a maximum length prescribed by the front and rear setback requirements (with the exception of side street boundaries).	

NOTES – MINIMUM OPEN SPACE	
* For R25 lots site cover may be increased to 60% subject to the provision of a 30m² outdoor living area.	
For R35/R40 lots site cover may be increased to 65% subject to the provision of a 24m² outdoor living area.	
In all instances a minimum dimension of 4.0 metres is required with two thirds of this area uncovered and located behind the street setback area.	

3. BUILDING FORM & ORIENTATION

- a) The design of dwellings shall include an articulated front elevation in the direction of the ‘Primary Dwelling Orientation’ arrow shown on the Local Development Plan. The front elevation shall consist of at least one major opening to a habitable room overlooking the Primary Dwelling Orientation.
- b) The design of dwellings on applicable lots shall include a side elevation, which has at least one major opening facing the direction of the ‘Secondary Dwelling Orientation’ arrow shown on the Local Development Plan. The part of the dwelling which includes the required major opening shall be well articulated and its view not obstructed by visually impermeable fencing.
- The part of the dwelling which includes the required major opening shall be well articulated and its view not obstructed by visually impermeable fencing.
- c) Where possible, dwellings are to be designed to take advantage of northern solar orientation.

- d) Dual fronted lots fronting POS shall address both front and rear boundaries and provide an alfresco area fronting the POS with its view not obstructed by visually impermeable fencing.
- a) A 4m² store room shall be provided for all single dwellings in accordance with the requirements of the Residential Design Codes pursuant to Clause 5.4.5, C5.1.
- b) Outbuildings are not to be located within 4.0 metres of the Public Open Space boundary

4. VEHICULAR ACCESS and GARAGES/CARPORTS

- a) Where garages exceed 50% of the primary lot frontage, the following provision shall apply:
- i. Clear sight lines to the dwelling entrance,
 - ii. Dwelling entrance to be the dominant feature of the facade,
 - iii. Provision of a projecting portico or veranda with a minimum depth of 1.5 metres, and
 - iv. Garages are to be set back at least 0.5 metres behind the dwelling facade.
- b) Garages may be aligned with the dwelling facade provided they do not exceed the dwelling setback line.
- c) Recommended garage locations apply to lots identified on the Local Development Plan, an alternative design may be approved by the City subject to the design meeting solar orientation principles, streetscape objectives, and any other statutory requirements to the satisfaction of the City. Recommended garage locations do not prescribe boundary walls.
- d) All garages are to have doors to enclose them.
- e) Access to on-site car parking spaces may be provided from either the primary or secondary street orientation unless otherwise designated on the Detailed Area Plan.

5. UNIFORM ESTATE BOUNDARY FENCING

- a) Any Estate provided fencing/retaining on private lots shall not be modified without written approval from the City and shall be maintained as visually permeable by landowners where applicable.

6. INCIDENTAL DEVELOPMENT

- a) Outbuildings are to be screened from public view unless constructed from the same materials as the dwelling.

7. FIRE MANAGEMENT

- a) Dwellings constructed on lots identified as being at risk of bushfire attack under the approved Fire Management Plan (prepared by Strategen, April 2015), shall be constructed to the appropriate BAL rating, as identified on the LDP, in accordance with Australian Standard 3959.
- b) For Lots 1529 - 1537 a minimum 3.0 metre rear setback is required in accordance with the approved Fire Management Plan (prepared by Strategen, April 2015).
- c) This LDP shall be read in conjunction with the approved Fire Management Plan.
- d) A proposed reduction to the nominated Bushfire Attack Level (BAL) rating as specified within the Fire Management Plan for any development will require a planning application for consideration. The applicant will be required to undertake a new BAL assessment by a suitably qualified consultant, as part of the building and planning approval process to determine the Bushfire Attack Level in accordance with AS3959 and WAPC Guidelines for Bushfire Protection Policy.

8. QUIET HOUSE DESIGN

- a) As defined by the Noise Assessment undertaken by Lloyd George Acoustics (2014) for Lot 9041 Wellard Village Quiet House Design provisions apply to lots as identified on the reverse plan. These provisions are outlined in Section 8.b.
- b) The following noise insulation package is designed to meet the indoor noise standards for residential developments in areas where noise levels exceed the noise target but are within the limit.

AREA TYPE	ORIENTATION	PACKAGE ‘A’ MEASURES
Bedrooms	Facing road/rail corridor	<ul style="list-style-type: none">• 6mm (min) laminated glazing• Fixed, casement or awning windows with seals• Closed eaves• No vents to outside walls/eaves• Mechanical ventilation/air-conditioning
	Side on to corridor	<ul style="list-style-type: none">• 6mm (min) laminated glazing• Closed eaves• Mechanical ventilation/air-conditioning
	Away from corridor	No requirements
Living and work areas	Facing road/rail corridor	<ul style="list-style-type: none">• 6mm (min) laminated glazing• Fixed, casement or awning windows with seals• 35mm (min) solid core external doors with acoustic seals• Sliding doors must be fitted with acoustic seals• Closed eaves• No vents to outside walls/eaves• Mechanical ventilation/air-conditioning
	Side on to corridor	<ul style="list-style-type: none">• 6mm (min) laminated glazing• Closed eaves• Mechanical ventilation/air-conditioning
	Away from corridor	No requirements
Other indoor areas	Any	No requirements

9. NOTIFICATION TO PROSPECTIVE PURCHASES

- a) The Developer is required to give prospective purchases a complete copy of all the requirements of this Local Development Plan prior to Offer and Acceptance being made.

ENDORSEMENT OF REGISTERED TOWN PLANNER

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SIGNATURE: _____ DATE: _____

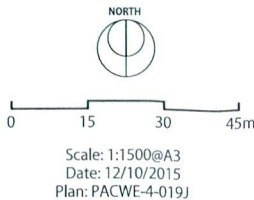
LOCAL DEVELOPMENT PLAN

Stage 39, The Village at Wellard Page 2 of 2

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The requirement to consult with adjoining or other land owners to vary the Residential Design Codes in accordance with the Local Development Plan is not required except where variations to the provisions of the Local Development Plan are sought.

Planning Approval is not required, but a Building Permit is required, for the construction of a dwelling on any lot within the area covered by the Local Development Plan (including lots with a land area less than 260m²) except where variations to the provisions of the Local Development Plan are sought.



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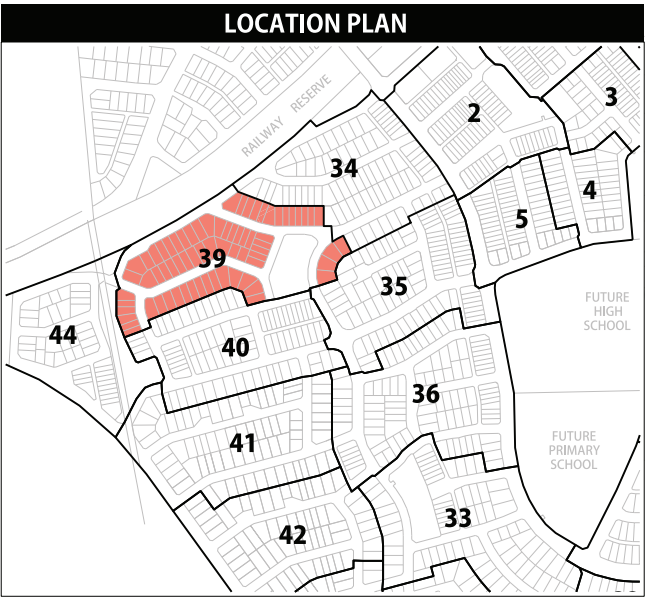


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LEGEND

- Local Development Plan Boundary
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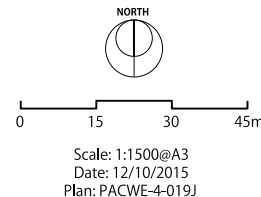
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LOCAL DEVELOPMENT PLAN

Stage 39, The Village at Wellard Page 1 of 2

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- d) All garages are to have doors to enclose them.
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	Side on to corridor	<ul style="list-style-type: none">6mm (min) laminated glazingClosed eavesMechanical ventilation/air-conditioning
	Away from corridor	No requirements
Living and work areas	Facing road/rail corridor	<ul style="list-style-type: none">6mm (min) laminated glazingFixed, casement or awning windows with seals35mm (min) solid core external doors with acoustic sealsSliding doors must be fitted with acoustic sealsClosed eavesNo vents to outside walls/eavesMechanical ventilation/air-conditioning
	Side on to corridor	<ul style="list-style-type: none">6mm (min) laminated glazingClosed eavesMechanical ventilation/air-conditioning
	Away from corridor	No requirements
Other indoor areas	Any	No requirements

9. NOTIFICATION TO PROSPECTIVE PURCHASES

- a) The Developer is required to give prospective purchases a complete copy of all the requirements of this Local Development Plan prior to Offer and Acceptance being made.

ENDORSEMENT OF REGISTERED TOWN PLANNER

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SIGNATURE: _____ DATE: **16/10/2015**

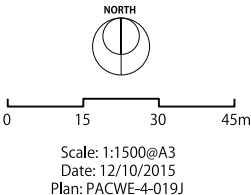
LOCAL DEVELOPMENT PLAN

Stage 39, The Village at Wellard Page 2 of 2

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SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED/ SERVIENT LOT	BENEFIT TO/ DOMINANT LOT	COMMENTS
(P)	EASEMENT (Transmission of Electricity by Underground cable)	SEC 136C of the TLA	THIS PLAN	LOT 1	LOT 2	

15.3 Consideration to Initiate Town Planning Scheme No. 2 Amendment Numbers 146 and 147 to Modify Subdivision Guide Plan No. 2 within Special Rural Zone No. 2, Wandí

SUMMARY:

Requests have been received to amend the adopted Subdivision Guide Plan (SGP) No.2 for Special Rural Zone No.2 to facilitate subdivision of Lot 21(160) and Lot 9 (81) Robinson Road, Wandí. The proposed amendments 146 and 147 to the Town Planning Scheme No.2 (TPS2) will allow the abovementioned lots within the Wandí area to be subdivided in a similar manner to other properties within that zone.

The subject properties are located within the Jandakot Groundwater Protection Area. Subdivision and development is to be in accordance with the Western Australian Planning Commission's (WAPC's) State Planning Policy 2.3 where a minimum lot size of 2 hectares (ha) is specified for Rural Residential development.

Amendment 146 is to facilitate the subdivision of Lot 21 Robinson Road, Wandí. This lot is approximately 4.63 ha and the proposed subdivision configuration would result in two lots, one of approximately 2.6ha and the other measuring approximately 2.0ha. The subdivision configuration shown on the amended SGP allows for the subdivision of the property into two lots (refer Attachment D). The proposed subdivision would create a new boundary through the middle of the property. The new boundary would run east/west and once subdivided, both new lots will maintain frontage to Robinson Road.

Amendment 147 is to facilitate the subdivision of Lot 9 Robinson Road, Wandí. This lot is approximately 4.12ha and the proposed subdivision configuration would result in two lots, one of approximately 2.12ha and the other measuring approximately 2ha. The subdivision configuration allows for the subdivision of the property into two lots (refer Attachment E). The proposed subdivision would create a new boundary through the middle of the property. The new boundary would run north/south and once subdivided, both new lots will maintain frontage to Robinson Road. This amendment has been the subject of a Councillor Forum as there has been considerable thought given to how best to deal with the conflicting values around vegetation retention and the need to provide adequate fire management and clearing for building envelopes.

City Officers have considered the applications and are generally supportive of the proposals which meet scheme requirements. This includes an assessment of the application for environmental and fire management characteristics and requirements.

OFFICER RECOMMENDATION:

1. That Council, in pursuance of Section 75 of the Planning and Development Act 2005 ("Act") undertake the following:
 - 1.1 Initiate Amendment 146 to the City of Kwinana Town Planning Scheme No. 2 ("Scheme") for the purposes of:
 - 1.1.1 Modifying the Subdivision Guide Plan for Special Rural Zone No.2 in accordance with the proposed new lot configuration for Lot 21 (160) Robinson Road, Wandí, as shown in Attachment D of this Council Report.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

- 1.1.2 Within the Second Schedule of the Scheme, rename “Subdivision Guide Plan No.2 for Special Rural Zone No.2 dated March 2014” to “Subdivision Guide Plan No.2 for Special Rural Zone No. 2 dated November 2016” for Special Rural Zone No.2 and modifying the Development Conditions of Special Rural Zone No 2 under the Second Schedule of the Scheme to reflect this.
 - 1.2 Initiate Amendment 147 to City of Kwinana Town Planning Scheme No. 2 (“Scheme”) for the purposes of:
 - 1.2.1 Modifying the Subdivision Guide Plan for Special Rural Zone No 2 in accordance with the proposed new lot configuration for Lot 9 (81) Robinson Road, Wand, as shown in Attachment E of this Council Report, subject to the following modification:

No fencing (including boundary fencing) shall be permitted to be constructed or installed through the vegetation rated ‘Very Good to Excellent’ and is most common and extensive in the central and southern area of Lot 9 Robinson Road.
 - 1.2.2 Within the Second Schedule of the Scheme, rename “Subdivision Guide Plan No.2 for Special Rural Zone No.2 dated March 2014” to “Subdivision Guide Plan No.2 for Special Rural Zone No. 2 dated November 2016” for Special Rural Zone No.2 and modifying the Development Conditions of Special Rural Zone No 2 under the Second Schedule of the Scheme to reflect this.
2. That the amendments be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and, on receipt of a response from the EPA indicating that the amendments are not subject to formal environmental assessments, cause the amendments to be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendments are to be subject to formal environmental assessments, these assessments are to be prepared by the proponent prior to advertising of the amendments.
3. That in the opinion of Council both amendments are a ‘Standard Amendment’ as they satisfy the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015;

An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
4. Upon completion of advertising and notification of the level of assessment of the amendments by the EPA, the amendments be referred back to Council for final adoption.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

DISCUSSION:

Land Status

Metropolitan Region Scheme:
Town Planning Scheme No.2:

Rural Water Protection
Special Rural Zone No.2

Requests have been received to amend the adopted SGP No.2 for Special Rural Zone No.2. Amendment 146 is to facilitate the subdivision of Lot 21 (160) Robinson Road, Wandí (Attachment B) and Amendment 147 is to facilitate the subdivision of Lot 9 (81) Robinson Wandí (Attachment C). The proposed amendments to the Scheme will allow the abovementioned lots within the Wandí area to be subdivided in a similar manner to other properties within that zone.

The subject properties are located within the Jandakot Groundwater Protection Area. Subdivision and development is to be in accordance with the WAPC's State Planning Policy No.2.3 Jandakot Groundwater Protection Area where a minimum lot size of 2 ha is specified for Rural Residential development.

Existing Land uses

Amendment 146

Lot 21 Robinson Road, Wandí is currently used for Special Rural purposes, with an existing dwelling and associated ancillary outbuildings (Refer to Attachments B & D). A portion of the property to the east of the lot has been cleared to allow for stables and paddocks for the keeping of horses.

Amendment 147

Lot 9 Robinson Road is currently vacant and comprises of remnant and regrowth vegetation.

These amendments propose to amend Subdivision Guide Plan No.2 for Special Rural Zone No.2 under the Second Schedule of TPS2 to allow for the subdivision of these lots.

Lot Configuration

Amendment 146

Lot 21 Robinson Road comprises an area of approximately 4.63 ha. The proposed subdivision configuration would result in two lots, one of approximately 2.6 ha and the other measuring approximately 2.0 ha. The subdivision configuration shown on the amended SGP allows for the subdivision of the property into two lots (refer Attachments B and D). The proposed subdivision would create a new boundary through the middle of the property with the new boundary running east/west. Once subdivided, both new lots will maintain frontage to Robinson Road and the subdivision would be in compliance with the 2ha minimum lot size.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

Amendment 147

Lot 9 Robinson Road comprises an area of approximately 4.12ha. The proposed subdivision configuration would result in two lots, one of approximately 2.12ha and the other measuring approximately 2.0ha. The subdivision configuration shown on the amended SGP allows for the subdivision of the property into two lots (refer Attachments C and E). The proposed subdivision would create a new boundary through the middle of the property. The new boundary would run north/south and once subdivided, both new lots will maintain frontage to Robinson Road.

Vegetation

On September 16, 2016, the Minister for the Environment and Energy approved the inclusion of the “Banksia Woodlands of the Swan Coastal Plain” on the list of threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999*, in the endangered category.

Listing the Banksia Woodlands ecological community under the EPBC Act means that an activity that is likely to have a significant impact on the ecological community would need to be considered and approved at the federal level before proceeding. For example, activities such as large new developments, works or infrastructure, that involve permanently clearing large areas of intact and high-quality native vegetation. In this regard, the listing of banksia woodlands under the EPBC Act will need to be further considered in the context of the proposed amendments on advice from the Environmental Protection Authority and any necessary changes incorporated in any further consideration of the applications.

Amendment 146

Lot 21 Robinson Road, Wandi generally contains vegetation in ‘Good’ condition, in particular to the southern portions of the property. An Environmental Value Assessment Report was submitted with the scheme amendment application. The report notes that the property is predominantly covered in native vegetation with some environmental values.

The assessment within the subject site defined four broad vegetation complexes:

1. Wetland Vegetation occurring within the mapped extent of the Resource Enhancement Wetland (REW) and comprised of *Melaleuca preissiana* and *Kunzea glabrescens* woodland in ‘Very Good’ condition.
2. Transitional Vegetation: extending north from the mapped extent of the REW to modified vegetation associated with the existing land use comprised of *Kunzea glabrescens* and *Jacksonia sternbergiana* thicket in ‘Good-Very Good’ condition.
3. Upland Vegetation: located on the eastern boundary of the subject site between cleared areas and the boundary fence and comprised of *Banksia attenuata*/*Adenanthos cygnorum* very open woodland to shrubland in ‘Good-Degraded’ condition.
4. Highly Modified Vegetation: located around existing building and infrastructure where native vegetation has been modified in association with existing land uses in ‘Completely Degraded’ condition.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

The report provides an assessment of the different vegetation complexes and identifies that the proposed subdivision and building envelope locations are in areas of degraded vegetation that would not negatively impact the environmental value of the property.

Clearing for accessways and building envelope locations would not impact the REW located to the south of the property where the most significant vegetation is located. The building envelopes are situated outside of the REW and City Environment Officers have confirmed that the proposed building envelope locations are the most appropriate locations on the property.

The City's Environment Manager reviewed the Environmental Value Assessment Report and carried out a site inspection and concurs with the report's findings. The Environment Manager confirms that the significant native vegetation on the property will not be impacted by subdivision and the building envelope locations.

Amendment 147

An Environmental Value Assessment Report has been undertaken for Lot 9 Robinson Road. The best vegetation is rated 'Very Good to Excellent' and is most common and extensive in the central and southern areas. This is *Banksia ilicifolia* Low Open Woodland to Low Open Forest, often with one or more of *Banksia attenuata*, *Banksia menziesii*, *Kunzea glabrescens* or *Adenanthos cygnorum* small trees and large shrubs.

The rest of the bushland is 'Good' to 'Degraded', with a few relatively small 'Completely Degraded' areas. The over-storey is similar, but the ground layer is of *Ursinia anthemoides* and other herbaceous plants.

There is no naturally occurring paper-bark, eucalyptus or she-oak trees identified by this survey on Lot 9 and no 'Declared Rare', 'Priority Flora' or other significant species were found on the site. Following a review of the vegetation survey, the Manager of Environment undertook a site visit and reported the following:

*"Subsequent to a recent inspection of Lot 9 Robinson Road, Wandi a review of aerial photos has identified that a significant portion of the subject lot has been cleared of native vegetation. Clearing initially occurred between 1983 and 1985; between 1985 and 1995 further clearing of remnant vegetation occurred resulting in clearing of 80% of Lot 9 Robinson Road. The vegetation on site mainly consists of regrowth indicated by the prevalence of some native species that thrive post disturbance (i.e. Woolly Bush – *Adenanthos* sp.).*

The Environmental Value Report accompanying Amendment 147 does not consider previous clearing as the objective of the report was to identify any Threatened, Priority and/or significant taxa. The report states that the site contains vegetation with the condition of Excellent/Good-Degraded although the actual area of vegetation of this condition could be smaller in size than presented within the environmental report for Amendment 147 given the clearing history of the site".

The environmental consultant who undertook the Environmental Value Assessment has submitted an addendum to the original report supporting the views of the City's Environment Department.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

The proposed building envelopes for Lot 9 Robinson Road, Wandi are proposed to be situated outside of the remnant vegetation identified on the property (refer to Attachment F) and will not result in clearing of remnant vegetation for purposes of development on this property which protects the better quality vegetation. It will however mean that some of the newer regrowth areas (some of which are in good condition) will be affected by the envelopes.

City Officers take the view that on balance, this is an acceptable outcome to enable subdivision of the property to occur.

Wetlands

Amendment 146

The SGP currently shows a REW to the southern portion of Lot 21 Robinson Road. The Environmental Value Assessment Report submitted with the scheme amendment documentation identified native vegetation in very good condition. The report also confirmed that the location of the proposed building envelopes would not impact on this vegetation. As mentioned previously, the City's Environment Manager reviewed the report and was supportive of its findings, however recommend that conditions be placed on the subdivision to ensure that the construction of structures is to the north of the building envelope to reduce the impact of bushfire mitigation measures on the REW. The information submitted with the application is considered sufficient to enable the scheme amendment to be initiated.

Amendment 147

There are no Wetlands on Lot 9 Robinson Road.

Fire Access and Management

Fire risk is an important issue in the Special Rural Zones. A Fire Management Plan (FMP) for each property was prepared by Bushfire Prone Planning. Both FMPs were submitted with the respective scheme amendment documentation. The FMPs note that the risk and potential impact of fire to persons and property would be greatly reduced through the implementation of measures including construction of fire breaks and maintaining a hazard separation zone. The draft FMPs were reviewed by the City's Fire Consultant who concurred with the findings and endorsed the FMPs.

At subdivision stage, notifications would be required to be placed on titles to alert purchasers and successors in title to the responsibilities of the FMP and bush fire building construction requirements.

Amendment 146

The FMP for Lot 21 Robinson Road, Wandi is dated July 2015. This recommends that a new dwelling on this property be constructed to a minimum Bush Fire Attack Level (BAL) rating of 29 as per Australian Standard (AS) 3959-2009 construction standards. The proposed locations of building envelopes will not result in clearing of wetland vegetation for purposes of fire mitigation on this property.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

Amendment 147

The FMP for Lot 9 Robinson Road, Wandí is dated June 2015. Lot 9 has been given a BAL rating of Flame Zone (FZ) which indicates that in the lot's current condition, the fire danger is 'Extreme'. This is due to the lot being vacant and the property fully vegetated. With clearing for the building envelopes and access way construction, the BAL will be reduced, but the new BAL cannot be determined until clearing has occurred. Therefore, it is recommended that a revised BAL assessment be undertaken for any proposed new buildings, once clearing has been undertaken. The BAL assessment will identify the BAL at the time of construction after clearing of vegetation has occurred.

City Planning Officers met with internal departments and the applicant to discuss the issues surrounding clearing for bushfire protection and the impact of clearing of vegetation for this purpose on the proposed properties. As a part of these meetings (and accompanying vegetation assessments), it was discovered that the property had been extensively cleared in the 1980s and a majority of the property was actually regrowth (refer to Attachment F). Only a small portion, to the centre of the property is considered to be remnant vegetation and as such, City Officers took the view that the proposed building envelopes should be located away from this remnant vegetation to maintain the integrity of the good quality remnant vegetation (refer to Attachment F). The location of the building envelopes will allow for the Asset Protection Zone (APZ) as identified in the Guidelines for Planning in Bushfire Prone Areas 2015 to be implemented without impacting on good quality vegetation.

The proposal was discussed at a Councillor Forum held on 29 August 2016 and the locations of the proposed building envelopes were presented to Councillors. It was noted that there was also scope for no fire break or fencing to be erected between the proposed new properties, to help reduce the impact on remnant vegetation present on the property. The location and appropriateness of boundary fencing will be considered as part of this amendment process, with a recommendation being provided in conjunction with any further consideration of the amendment.

Building Envelopes

For both amendments, the proposed building envelopes have been setback a minimum 15m from the primary street and a minimum of 10m from the side and rear boundaries in accordance with the City's Policy for Development within the Special Rural Zone. The proposed envelopes are 2000m² and of a regular rectangular shape as required under the Special Rural Policy.

Building envelopes have been identified for each new lot on the SGP. The criteria for facilitating building envelopes are as follows:

- Utilise existing cleared areas and allow for revegetation outside envelope;
- Maximise separation from wetlands;
- Minimise potential impacts on adjacent land holdings; and
- Locate adjacent to road alignments/access driveways to minimise unnecessary clearing for accessways.

As discussed previously, City Officers have sought to address these criteria via their negotiations with the applicant. The precise location of the building envelopes will be determined at subdivision stage (SGP provides guidance on the general location of building envelopes).

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

Amendment 146

The proposed building envelopes for Lot 21 Robinson Road, Wandi have been located in the most degraded portions of the lot.

The existing structures to the north of the property will be encompassed within a building envelope and any existing structures that are not encompassed within the proposed building envelope will be acknowledged outside of the approved building envelope. No new structures will be allowed to be constructed outside of the building envelope once it has been imposed on the property.

The building envelope to the south will be located within an area that is degraded and is sufficiently separated from the wetlands existing on the property. City Officers have undertaken a site visit of the property and are satisfied that this is the most appropriate location for the new building envelope and will not result in clearing of wetland vegetation for purposes of development on this property.

Amendment 147

The proposed building envelopes for Lot 9 Robinson Road, Wandi have been located to ensure that the new 'Guidelines for Planning in Bushfire Prone Areas 2015' have been satisfied while ensuring that the remnant vegetation on the property is not impacted. The locations of the building envelopes will allow for the setback as required under the new bushfire guidelines while not impacting on the remnant vegetation on the property (refer to Attachment F). City Officers have undertaken a site visit of the property and are satisfied that this is the most appropriate location for the new building envelope and will not result in clearing of remnant vegetation for purposes of development on this property.

It is worth noting that revegetation of degraded areas within both these properties is a matter which will be considered and likely conditioned as a part of subdivision approval.

Conclusion

Due to the conflicting issues of bushfire mitigation versus environmental impacts these amendments have been extensively reviewed prior to initiation. Over several months, City Officers have reviewed each application to seek to achieve the best outcome feasible in the event of subdivision between competing criteria and particularly, between planning for bushfire protection and the preservation of good quality vegetation and wetlands.

City Officers are of the view that the resulting subdivision configurations and building envelope locations sufficiently address the issues regarding the environmental importance of the area while allowing for the full extent of bushfire mitigation to be undertaken as required by the 2015 Bushfire Guidelines. Therefore it is considered appropriate to initiate the two amendments outlined within this report.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councilors considering a financial or impartiality interest only, the proponent is Altus Planning & Appeals for both Scheme Amendments. The owners of Lot 21 Robinson Road, Wandi (Amendment 146), are Leslie and Stewart Eddy. The owners of Lot 9 Robinson Road, Wandi (Amendment 147), are Johannes Harm Edmunds Marie Geling, Ann Maria Geling, Benjamin Luke Geling and Timothy James Geling.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

Legislation

Planning and Development Act, 2005
Metropolitan Region Scheme
City of Kwinana Town Planning Scheme No. 2
Planning and Development (Local Planning Schemes) Regulations 2015
Environmental Protection Act, 1986
Guidelines for Planning in Bushfire Prone Areas, 2015

Policies

Advertising SA and Town Planning Scheme Amendment
Development within Special Rural Zones

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with the Scheme Amendment are to be met by the proponent.

ASSET MANAGEMENT IMPLICATIONS:

No asset management implications have been identified as a result of this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

As discussed, City Officers have reviewed each application to seek to achieve the best outcome feasible in the event of subdivision between competing criteria and particularly, between planning for bushfire protection and the preservation of good quality vegetation and wetlands.

The amendment will be assessed by the Department of Water, Department of Parks and Wildlife and EPA during its advertising.

Prior to making recommendations to Council, City of Kwinana Officers conducted a site visit to ensure that the proposed Scheme Amendment is environmentally appropriate. The City's Manager of Environment Department also undertook a review of each of the Environmental Value Assessment Reports submitted for the respective Amendment and was satisfied with the findings of each report.

On September 16, 2016, the Minister for the Environment and Energy approved the inclusion of the "Banksia Woodlands of the Swan Coastal Plain" on the list of threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999*, in the endangered category.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

Listing the Banksia Woodlands ecological community under the EPBC Act means that an activity that is likely to have a significant impact on the ecological community would need to be considered and approved at the national level before proceeding. For example, activities such as large new developments, works or infrastructure, that involve permanently clearing large areas of intact and high-quality native vegetation. In this regard, the listing of banksia woodlands under the EPBC Act will need to be further considered in the context of the proposed amendments on advice from the Environmental Protection Authority and any necessary changes incorporated in any further consideration of the applications.

STRATEGIC/SOCIAL IMPLICATIONS:

The proposed subdivision accords with the Scheme and intent of the Special Rural zone. The Amendment will ensure that subdivision within this zone continues to occur in a coordinated manner.

RISK IMPLICATIONS:

For Special Rural Zone 2 under TPS2 (Wandi), the intent is to facilitate rural home sites and equestrian uses whilst protecting the environmental integrity of the area. City Officers have considered these amendments in this context and have sought to achieve the best balance between the development of land for special rural purposes and environmental values.

The Council approves developments under its Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality to accommodate development in accordance with the objectives of Council's Strategic Plan.

Development Approvals, Scheme Amendments, Subdivision and Structure Planning allows land use to change over time, in order to meet Council and State Government policies and practices, community values and provide protection to the environment.

COUNCIL DECISION

342

MOVED CR W COOPER

SECONDED CR S LEE

- 1. That Council, in pursuance of Section 75 of the Planning and Development Act 2005 ("Act") undertake the following:**
 - 1.1 Initiate Amendment 146 to the City of Kwinana Town Planning Scheme No. 2 ("Scheme") for the purposes of:**
 - 1.1.1 Modifying the Subdivision Guide Plan for Special Rural Zone No.2 in accordance with the proposed new lot configuration for Lot 21 (160) Robinson Road, Wandí, as shown in Attachment D of this Council Report.**

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

- 1.1.2 Within the Second Schedule of the Scheme, rename “Subdivision Guide Plan No.2 for Special Rural Zone No.2 dated March 2014” to “Subdivision Guide Plan No.2 for Special Rural Zone No. 2 dated November 2016” for Special Rural Zone No.2 and modifying the Development Conditions of Special Rural Zone No 2 under the Second Schedule of the Scheme to reflect this.**
 - 1.2 Initiate Amendment 147 to City of Kwinana Town Planning Scheme No. 2 (“Scheme”) for the purposes of:**
 - 1.2.1 Modifying the Subdivision Guide Plan for Special Rural Zone No 2 in accordance with the proposed new lot configuration for Lot 9 (81) Robinson Road, Wand, as shown in Attachment E of this Council Report, subject to the following modification:
No fencing (including boundary fencing) shall be permitted to be constructed or installed through the vegetation rated ‘Very Good to Excellent’ and is most common and extensive in the central and southern area of Lot 9 Robinson Road.**
 - 1.2.2 Within the Second Schedule of the Scheme, rename “Subdivision Guide Plan No.2 for Special Rural Zone No.2 dated March 2014” to “Subdivision Guide Plan No.2 for Special Rural Zone No. 2 dated November 2016” for Special Rural Zone No.2 and modifying the Development Conditions of Special Rural Zone No 2 under the Second Schedule of the Scheme to reflect this.**
- 2. That the amendments be referred to the Environmental Protection Authority (“EPA”) as required by Section 81 of the Act, and, on receipt of a response from the EPA indicating that the amendments are not subject to formal environmental assessments, cause the amendments to be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendments are to be subject to formal environmental assessments, these assessments are to be prepared by the proponent prior to advertising of the amendments.**
- 3. That in the opinion of Council both amendments are a ‘Standard Amendment’ as they satisfy the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015;**

An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

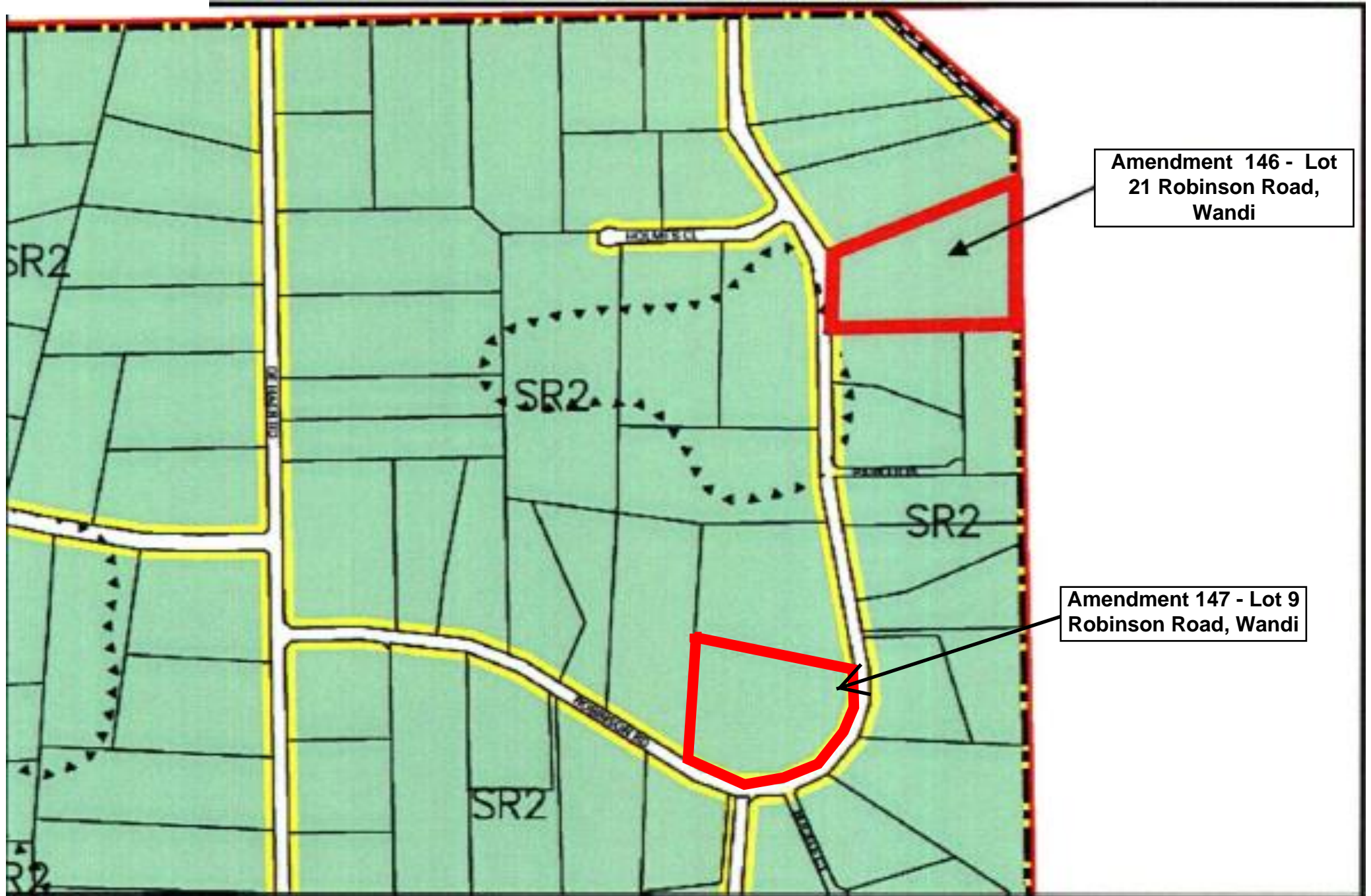
An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

15.3 CONSIDERATION TO INITIATE TOWN PLANNING SCHEME NO. 2 AMENDMENT NUMBERS 146 AND 147 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

- 4. Upon completion of advertising and notification of the level of assessment of the amendments by the EPA, the amendments be referred back to Council for final adoption.**

**CARRIED
7/0**

ATTACHMENT A



ATTACHMENT B

**Amendment 146 -
Lot 21 Robinson Road,
Wandi**



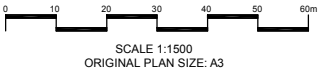
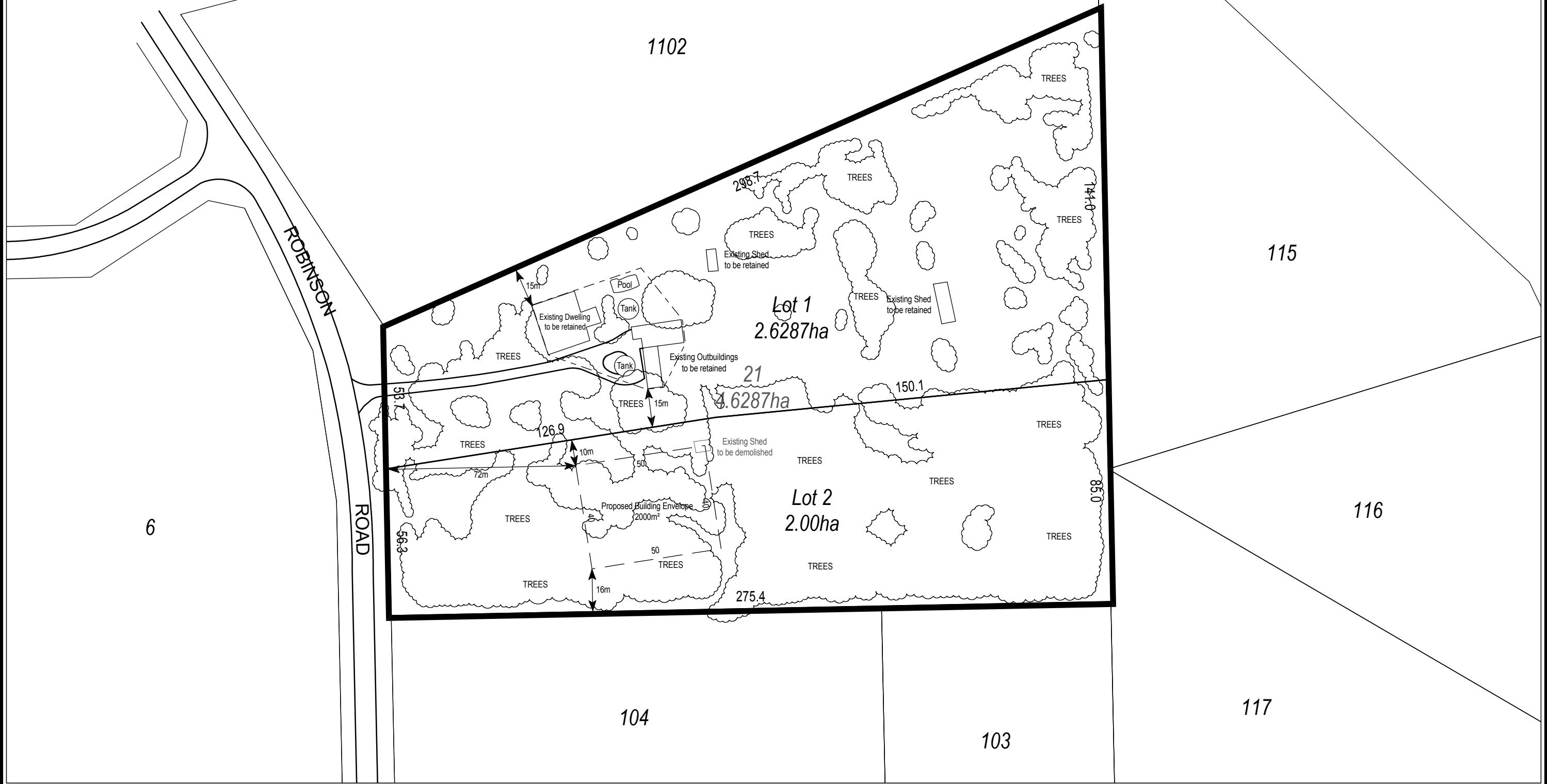
ATTACHMENT C

**Amendment 147 -
Lot 9 Robinson Road,
Wandi**



ATTACHMENT D

Amendment 146 -
Lot 21 Robinson
Road, Wandl



Base Mapping Prepared
By Landgate

DATE:
16.04.2015



NORTH

LEGEND:
Subject Land.....



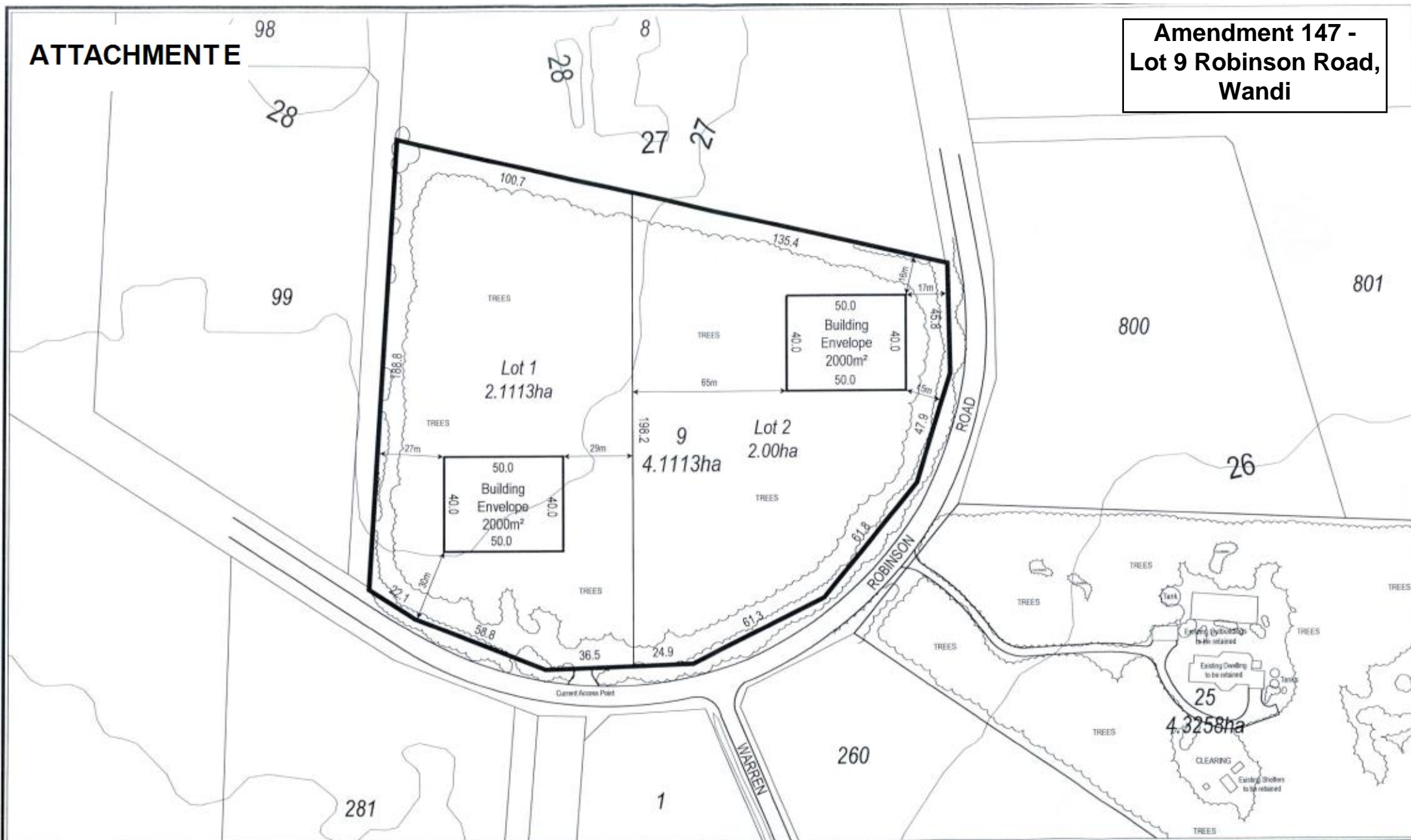
NOTE: Areas and dimensions are subject to survey.

PROPOSED SUBDIVISION

LOT 21 (No. 160) ROBINSON ROAD
WANDL
City of Kwinana

ATTACHMENTE

Amendment 147 - Lot 9 Robinson Road, Wandi



SCALE 1:1000
ORIGINAL PLAN SIZE: A3

Base Mapping Prepared
By Landgate

DATE:
15.05.2015



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LEGEND:
Subject Land.....



NOTE: Areas and dimensions are subject to survey.

PROPOSED SUBDIVISION

LOT 9 (No. 81) ROBINSON ROAD
WANDI
City of Kwinana





30 April 2015

City of Kwinana
PO Box 21
KWINANA WA 6966

Dear Sir/Madam,

**PROPOSAL TO AMEND TOWN PLANNING SCHEME NO. 2 – LOT 21 (NO. 160) ROBINSON ROAD,
WANDI**

Please find enclosed a copy of an initiation request, with relevant appendices, for the proposed amendment to Subdivision Guide Plan No. 2 (Special Rural Zone No. 2) under Town Planning Scheme No. 2. This amendment proposes to amend Subdivision Guide Plan No. 2 to allow for a two (2) lot subdivision of the land, consistent with the surrounding development.

Should you have any questions regarding the proposal, please do not hesitate to contact our office on 9470 9447 or joe@altusplan.com.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Algeri', is written over a horizontal line.

Joe Algeri
Director

**Proposed Amendment to
Town Planning Scheme No. 2**

***Subdivision Guide Plan No. 2: Amendment to allow subdivision of Lot
21 (No. 160) Robinson Road, Wandí***



Prepared by



April 2015

Disclaimer

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Document Version Control				
Version	Date	Description	Author	Review
1	29/04/15	Draft	BL	JA
2	30/04/15	As lodged	BL	JA

Proposal

The purpose of this report is to provide justification for amendment to the City of Kwinana's ('the City') Subdivision Guide Plan No. 2 ('SGP2') to allow for the future subdivision of Lot 21 (No. 160) Robinson Road, Wandi ('the subject land' or 'land').

This report has been prepared by Altus Planning & Appeals and was commissioned by the owners of the subject land, Leslie and Stewart Eddy. It includes a detailed assessment of the suitability of the subject land to be subdivided in accordance with this proposal.

The subject land currently exists as a single, 4.6287ha lot zoned 'Special Rural No. 2' under the City's Town Planning Scheme No. 2 ('TPS2') – see **Image 1**.

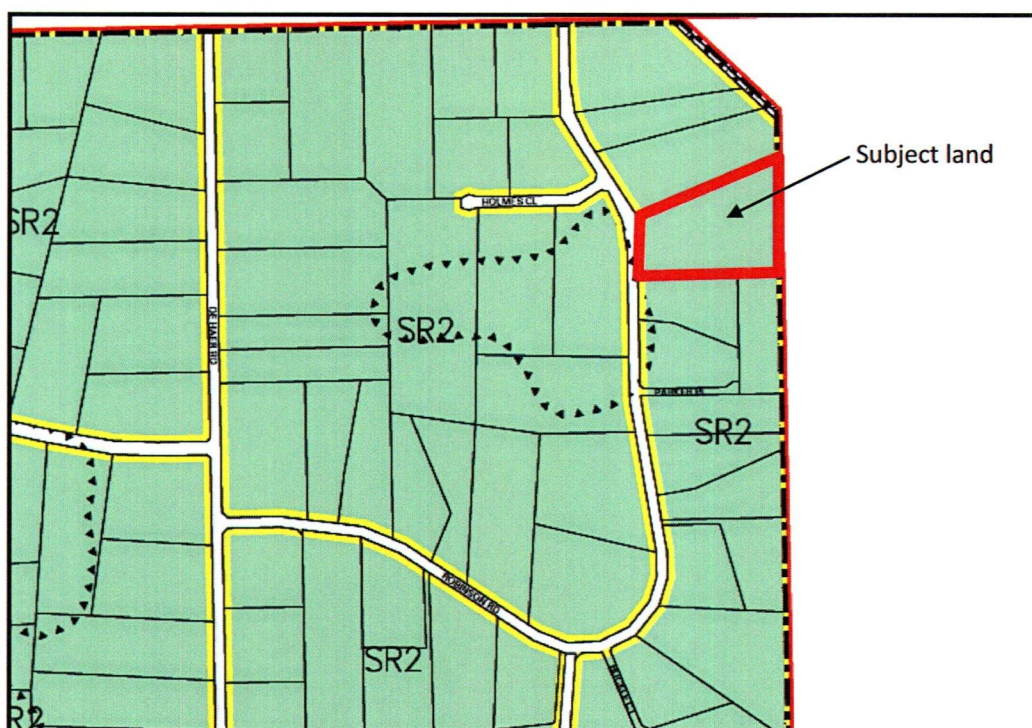


Image 1: Excerpt from City's Scheme Map – subject property identified in red

The owners of the subject land seek an amendment to SGP2 so that the land can be subdivided into two (2) lots, as the SGP2 currently does not allow further subdivision of the land.

It is our understanding that the City has previously approved similar amendments and officers from the City have communicated that there is potential for the subject land to be subdivided, provided that the amendment addresses the wetland on the southern boundary and that the necessary setbacks can also be achieved. Accordingly, this amendment to SGP2 is considered to be minor in nature.

1.0 Site Description

The subject land exists as a freehold lot with frontage to Robinson Road, Wandi. The site area of the property measures approximately 4.6287ha, with an existing single dwelling and numerous outbuildings located to the north of the land. A wetland also exists along the southern boundary.

A locality plan extract depicting the location of the subject land is shown in **Image 2**.



Image 2: Aerial location plan (Source: Landgate's Map Viewer 2015)

The subject land is located on the eastern extent of the municipal boundary and is zoned 'Special Rural No. 2' under the City's TPS2. The Special Rural zone contains a number of lots with similar land uses, some containing 'Areas of Landscape Protection' according to the Scheme Maps. Sole access is gained to the land from Robinson Road.

2.0 Planning Matters

2.1 Existing Zoning

The subject land is zoned 'Rural' pursuant to the Metropolitan Region Scheme ('MRS') (refer to **Image 3** overleaf) and correspondingly zoned 'Special Rural No. 2' under the City's TPS2.



Image 3: Excerpt from MRS – subject property identified in red

2.2 Proposed Amendment to Subdivision Guide Plan

SGP2 has been adopted under TPS2 with a series of amendments described in the Text Amendments. As shown in **Image 4**, SGP2 does not indicate any further subdivision of the subject land; however the majority of properties within the immediate proximity have been, or at least have potential to be, subdivided into 2 hectare lots.

It is our understanding that the land is not identified as having subdivision potential on SGP2 because the subject land's landowner(s) at the time SGP2 was created did not wish to participate in the process.

SGP2 also illustrates that a 'Resource Enhancement' Wetland narrowly intercepts the subject land, existing along the southern boundary. The proposed amendment and resulting development would not interfere with the wetland.

It is proposed that SGP2 be modified to allow for the land to be subdivided into two (2) lots of approximately 2 hectares each, with the new lot being created to the south of the existing dwelling (refer to proposed subdivision concept at **Appendix 1** and extract of amended SGP2 at **Appendix 2**). Specifically, the proposed subdivision concept would maintain the existing dwelling and outbuildings on a lot measuring approximately 2.6287 hectares with a new lot being created to the south and measuring approximately 2.00 hectares. The dividing boundary between the lots would be along the existing horse paddock fencing.

2.2.1 Resource Enhancement Wetland

As mentioned above, SGP2 indicates that a portion of a 'Resource Enhancement' Wetland narrowly exists along the southern boundary of the subject land (refer to **Image 4** and Photo 5 of **Appendix 3 – Site Photos**). This proposal does not seek to alter the wetland nor is it proposed that any subsequent development will be located within the wetland. Specifically, **Appendix 1** and **Appendix 2** illustrate that the proposed building envelope for Proposed Lot 2 is to be located outside (to the north) of the wetland.

2.2.2 Surrounding Development

Image 4 shows surrounding properties within the SGP2 area, including the properties immediately to the north and south of the subject land, having subdivision potential into 2 hectare allotments. This proposal seeks to bring conformity with surrounding development.

2.2.3 Scheme Provisions

In addition to those matters raised previously, the proposal is consistent with a number of Scheme provisions (refer to **Table 1** below).

TABLE 1		
Scheme Clause	Summary of Provision	Comment
1.6	Scheme objectives	Consistent.
6.12	Predominant uses of Policy Area	Consistent. Land is contained within Policy Area No. 1 – Wandi. The current and proposed use of the land remains a Rural Homesite (Dwelling).
6.12.4(a) & (b)	Provisions of Special Rural Zone: - Dwellings	Consistent. It is proposed that only one (1) dwelling will be erected on each lot. Furthermore, no habitable dwelling is proposed to have a floor level less than 2m above the highest known water level.
6.12.4(c)	- Building Setbacks	Consistent. The existing dwelling and outbuildings on Proposed Lot 1 are setback 15m from both the northern boundary and southern boundaries. Furthermore, the proposed building envelope illustrated on Appendix 1 for Proposed Lot 2 is to be setback 72m from the primary street (western boundary), 10m from the northern boundary and 16m from the southern boundary.
6.12.4(d) & (e)	- Access	Consistent. No change to the existing road network is required and the proposed new lot will front, and have direct access to, Robinson Road.
6.12.4(f)	- Drainage	Not applicable at this stage, this is to be dealt with at subdivision stage.

6.12.4(g)	- Building Envelopes	Consistent. The proposed building envelope illustrated on Appendix 1 for Proposed Lot 2 is to be 2,000m ² . Furthermore, the building envelope is setback 72m from the primary street (western boundary), 10m from the northern boundary and 16m from the southern boundary.
6.12.4(h) – (k)	- Tree Preservation	Not applicable. To the best of our knowledge the Council has not identified any Tree Preservation Areas on the land. Furthermore, the proposed building envelope identified on the subdivision concept plan at Appendix 1 has been located in an area of degraded vegetation (refer to Photos 6 & 7 at Appendix 3)
6.12.4(l)	- Fencing	Not applicable at this stage, to be specified by Council.
6.12.4(m)	- Water Supply	Not applicable at this stage, this is to be dealt with at subdivision stage.
6.12.4(n)	- Forestry (Selective)	Not applicable. Selective Forestry is not the proposed use.
6.12.4(o)	- Stock	Not applicable to this application.
6.12.4(p)	- Waste Water Treatment	Not applicable to this application, this is to be dealt with at development stage.
Schedule II	Development conditions for Special Rural Zone No. 2 ('SR2'):	This Scheme Amendment seeks to amend SGP2 so that the proposed 2 lot subdivision can be implemented, consistent with the subdivision layout and lot sizes of the surrounding properties.
	- Condition 1	
	- Condition 2	The proposed lots will be consistent with the 2ha minimum requirement.
	- Condition 3	Whilst we acknowledge that Condition 3 states, as a general rule, that further subdivision will not be supported, the proposed amendment and subsequent subdivision will be consistent with the surrounding properties. It is our understanding that the City has

		supported similar subdivisions within the area.
	- Condition 4	Again, the purpose of this amendment is to modify SGP2 so that the subject land can be subdivided.
	- Condition 5	Not applicable. SGP2 does not currently illustrate a building envelope on the subject land. However, the proposed building envelope indicated in Appendix 1 for Proposed Lot 2 is consistent with the City's requirements, as mentioned previously.
	- Conditions 6 - 8	Notwithstanding that these conditions are for the subdivision stage, this Scheme Amendment provides building envelopes that meet Council requirements and minimise the impact on the existing vegetation.
	- Conditions 9 - 19	Not applicable at this stage.
	- Condition 20	Not applicable. The proposed subdivision layout does not incorporate a battleaxe leg.
	- Conditions 21 - 24	Not applicable at this stage.

2.2.4 Policy No. 3.3.20 – Development within Special Rural Zones

Notwithstanding that Policy No. 3.3.20 – Development within Special Rural Zones ('the Policy') is to provide guidance to landowners and Council with development applications, we provide that the proposed amendment to SGP2 is consistent with Provision 3.1 – Building Envelopes of the Policy for the following reasons:

- The proposed building envelope for Proposed Lot 2 is 2,000m² in area (refer to **Appendix 1**);
- The building envelope is rectangular in shape;
- The building envelope has been located in such a way as to minimise the impact on existing vegetation, being located where vegetation is degraded (refer to **Image 5** below); and

- The building envelope has been setback in accordance with the City's requirements. That is, a minimum of 10m from the side and rear boundaries, and a minimum of 15m from the front lot boundary.

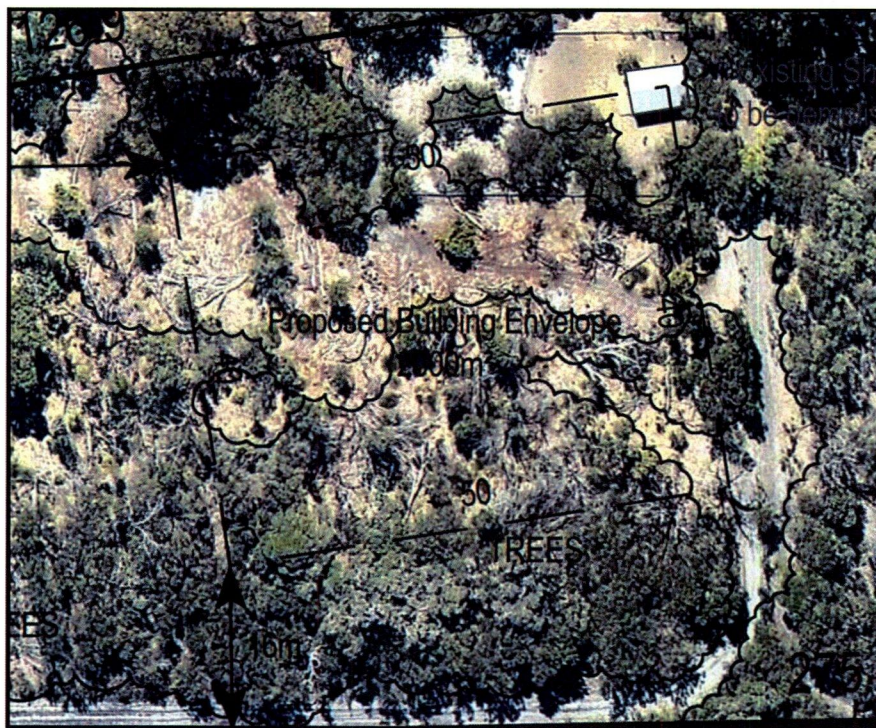


Image 5: Extract of the proposed building envelope for Proposed Lot 2

2.2.5 Precedent

Should the Amendment be granted final approval and an application for subdivision be made, any resultant subdivision approval would not set any form of undesirable precedent as all adjoining properties have been subdivided to their potential lot yield.

The proposed amendment only seeks to increase the lot yield within SGP2 by one (1) additional allotment to allow for the subdivision of the land into two (2), 2 hectare allotments, consistent with the surrounding properties. We reiterate that it is our understanding that the reason why SGP2 currently does not indicate any further subdivision of the land is a result of a previous landowner(s) not participating in the formulation of SGP2.

3.0 Conclusion

The proposed amendment seeks to modify the Subdivision Guide Plan as it relates to the subject land in order to allow for further subdivision. Whilst it is acknowledged that TPS2 provides a general position that the City will not consider further subdivision than what is depicted in SGP2, the proposal would allow the subject land to be subdivided in a manner similar to the surrounding properties and would maintain the 2 hectare minimum lot size.

In addition, the proposal does not jeopardise the intent of SGP2, the orderly and proper planning of the locality of Wandi, preclude the subdivision of surrounding properties or create an undesirable precedent of subdivision. Accordingly, we submit that the proposed amendment should be initiated by the City for advertising.



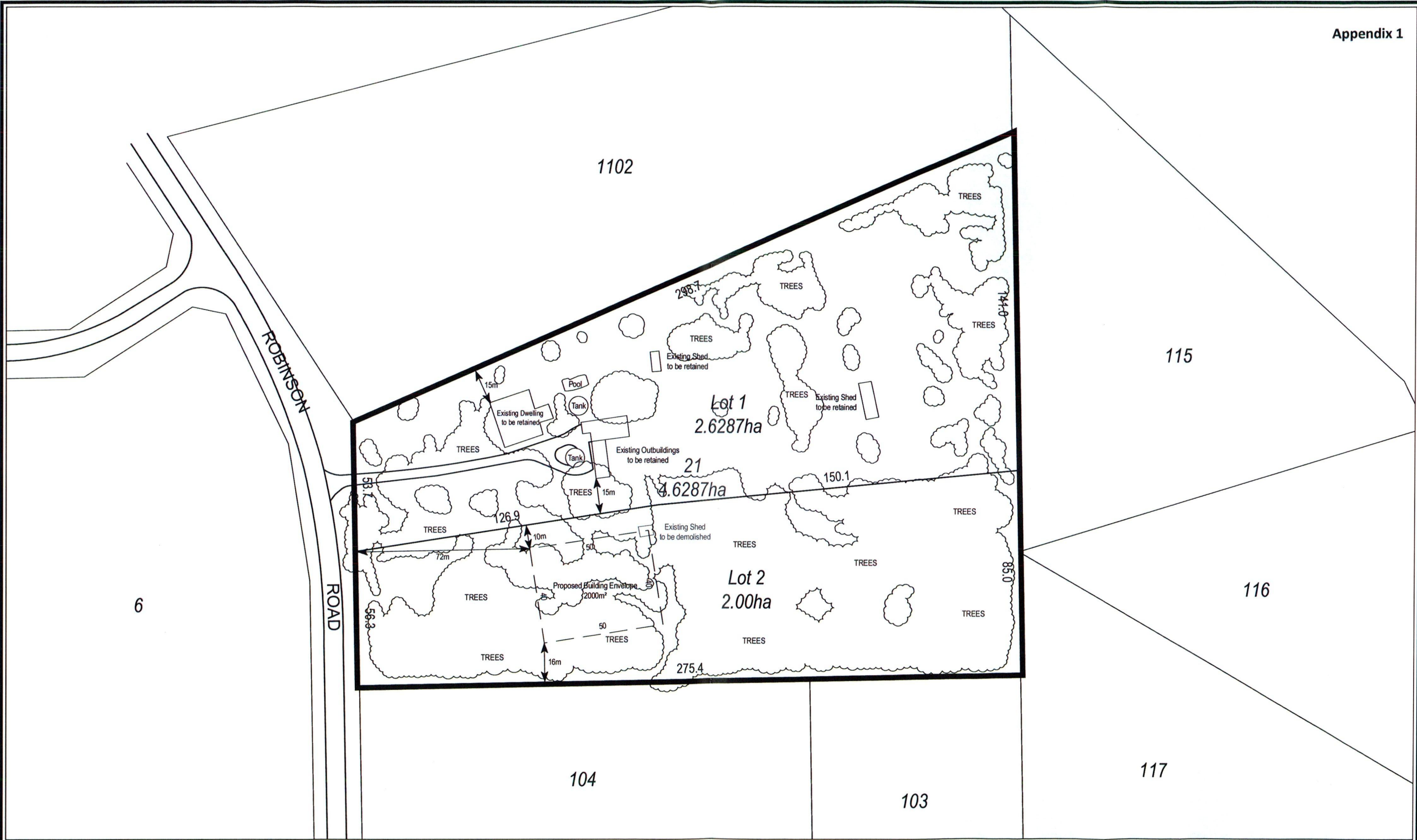
Joe Algeri
Director

Enc.

Appendix 1 Proposed subdivision concept plan (with and without aerial overlay)

Appendix 2 Extract of Amendment to Subdivision Guide Plan No. 2

Appendix 3 Site photos

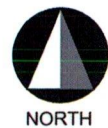


SCALE 1:1500
ORIGINAL PLAN SIZE: A3


Base Mapping Prepared
By Landgate

DATE:
16.04.2015

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LEGEND:
Subject Land..... 

NOTE: Areas and dimensions are subject to survey.

PROPOSED SUBDIVISION

LOT 21 (No. 160) ROBINSON ROAD
WANDI
City of Kwinana




SCALE 1:1500
ORIGINAL PLAN SIZE: A3


Base Mapping Prepared
By Landgate

DATE:
16.04.2015

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NORTH

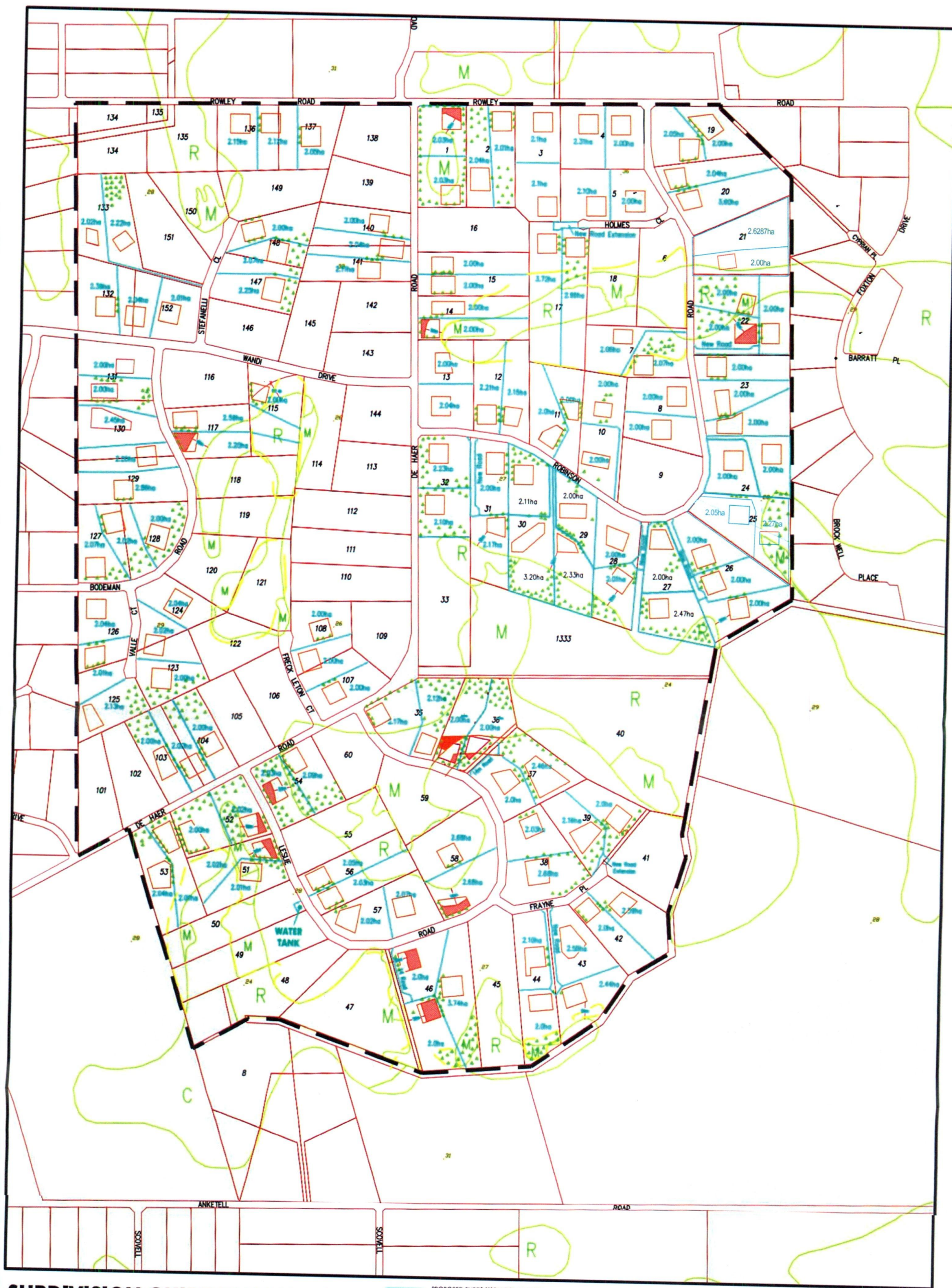
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LEGEND:
Subject Land..... 

NOTE: Areas and dimensions are subject to survey.

PROPOSED SUBDIVISION

LOT 21 (No. 160) ROBINSON ROAD
WANDI
City of Kwinana



SUBDIVISION GUIDE PLAN No. 2

WANDI (Special Rural Zone No. 2)

Chief Executive Officer - City of Kwinana

- PROPOSED SUBDIVISION BOUNDARIES
- WRC WETLAND BOUNDARIES - CONSERVATION CATEGORY
- MULTIPLE USE RESOURCE ENHANCEMENT
- AMENDMENT BOUNDARY
- BUILDING ENVELOPES
- LANDSCAPE PROTECTION AREAS
- AREA FOR EFFLUENT DISPOSAL
- SETBACK 50m FROM WETLAND BOUNDARY
- REVEGETATION REQUIRED ADJACENT TO BUILDING ENVELOPE

SCALE 1:10 000 DATE: APRIL 2015

Special Rural - Zone 2 - Boundary



Photo 1: A view of the existing driveway toward Robinson Road



Photo 2: A view of the sparse vegetation along what will be the northern boundary of Proposed Lot 2



Photo 3: A view of the degraded/dead vegetation to the north-west of Proposed Lot 2



Photo 4: A view of the existing firebreak along the western (front) boundary of Proposed Lot 2



Photo 5: A view of the dense vegetation within the nominated Resource Enhancement Wetland area along the southern boundary of Proposed Lot 2



Photo 6: A view of the sparse and degraded vegetation in the eastern portion of the building envelope for Proposed Lot 2



Photo 7: A view of the sparse and degraded/dead vegetation in the centre of the building envelope for Proposed Lot 2



ALTUS
PLANNING & APPEALS

3 June 2015

City of Kwinana
PO Box 21
KWINANA WA 6966

Dear Sir/Madam,

**PROPOSAL TO AMEND TOWN PLANNING SCHEME NO. 2 – LOT 9 (NO. 81) ROBINSON ROAD,
WANDI**

Please find enclosed a copy of an initiation request, with relevant appendices, for the proposed amendment to Subdivision Guide Plan No. 2 (Special Rural Zone No. 2) under Town Planning Scheme No. 2. This amendment proposes to amend Subdivision Guide Plan No. 2 to allow for a two (2) lot subdivision of the land, consistent with the surrounding development.

Should you have any questions regarding the proposal, please do not hesitate to contact our office on 9470 9447 or joe@altusplan.com.au.

Yours Sincerely,

Joe Algeri
Director

**Proposed Amendment to
Town Planning Scheme No. 2**

***Subdivision Guide Plan No. 2: Amendment to allow subdivision of Lot 9
(No. 81) Robinson Road, Wandí***



Prepared by



June 2015

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Version	Date	Description	Author	Review
1	02/06/15	Draft	BW	BL/JA
2	03/06/15	As lodged	BW	BL/JA

Proposal

The purpose of this report is to provide justification for an amendment to the City of Kwinana's ('the City') Subdivision Guide Plan No. 2 ('SGP2') to allow for the future subdivision of Lot 9 (No. 81) Robinson Road, Wandi ('the subject land' or 'land').

This report has been prepared by Altus Planning & Appeals and was commissioned by the owners of the subject land, Johannes (John), Ann Maria, Benjamin & Timothy Geling. It includes a detailed assessment of the suitability of the subject land to be subdivided in accordance with this proposal.

The subject land currently exists as a single, 4.1113ha lot zoned 'Special Rural No. 2' under the City's Town Planning Scheme No. 2 ('TPS2') – see **Image 1**.

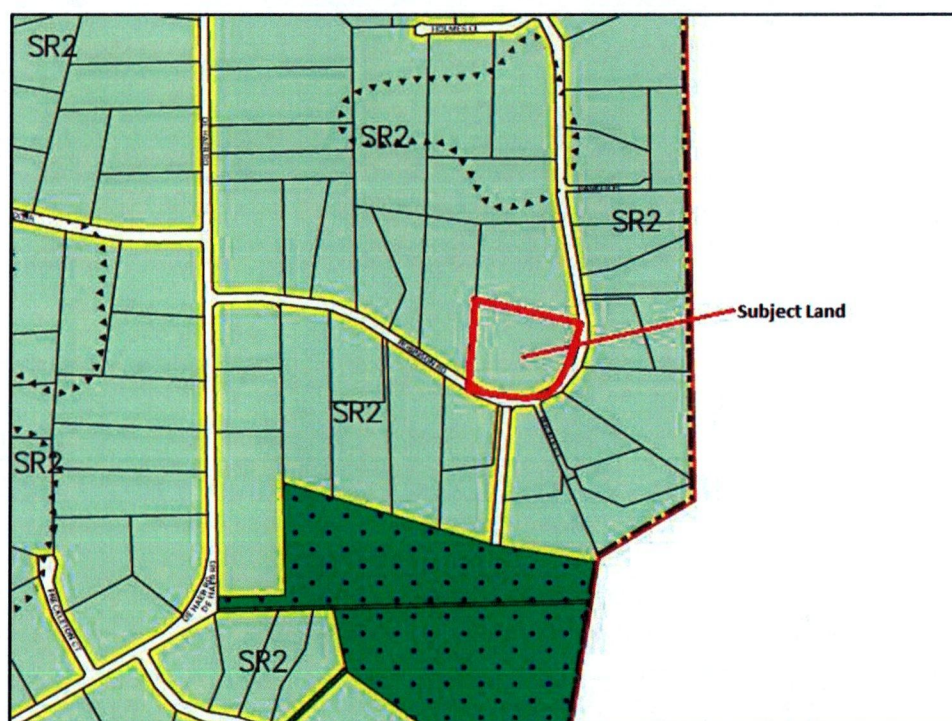


Image 1: Excerpt from City's Scheme Map – subject property identified in red

The owners of the subject land seek an amendment to SGP2 so that the land can be subdivided into two (2) lots, as the SGP2 currently does not allow further subdivision of the land.

It is our understanding that the City has previously approved similar amendments and officers from the City have communicated that there is potential for the subject land to be subdivided, provided that the amendment addresses the existing vegetation on-site and that the necessary building envelopes/setbacks can also be achieved. Accordingly, this amendment to SGP2 is considered to be minor in nature.

1.0 Site Description

The subject land exists as a freehold lot with frontage to Robinson Road, Wandí. The site area of the property measures approximately 4.1113ha, with no existing dwelling or outbuildings located on the land.

A locality plan extract depicting the location of the subject land is shown in **Image 2**.



Image 2: Aerial location plan (Source: Landgate's Map Viewer 2015)

The subject land is located near to the eastern extent of the municipal boundary and is zoned 'Special Rural No. 2' under the City's TPS2. The Special Rural zone contains a number of lots with similar land uses, some containing 'Areas of Landscape Protection' according to the Scheme Maps. Sole access to the land is gained from Robinson Road.

2.0 Planning Matters

2.1 Existing Zoning

The subject land is zoned 'Rural' pursuant to the Metropolitan Region Scheme ('MRS') (refer to **Image 3** overleaf) and correspondingly zoned 'Special Rural No. 2' under the City's TPS 2.

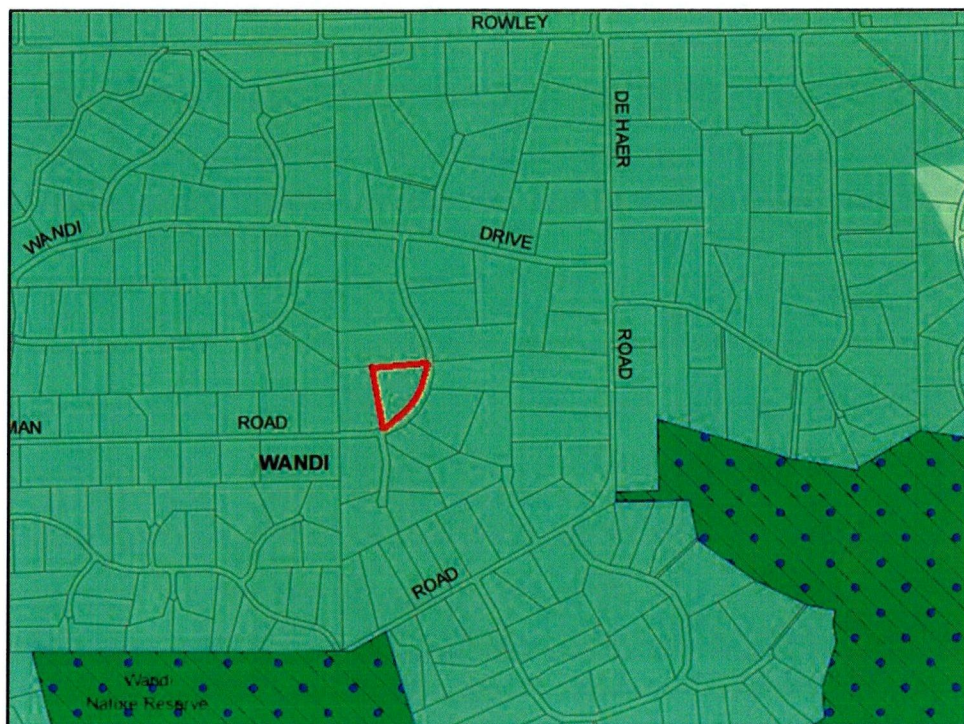


Image 3: Excerpt from MRS – subject property identified in red

2.2 Proposed Amendment to Subdivision Guide Plan

SGP2 has been adopted under TPS2 with a series of amendments described in the Text Amendments. As shown in **Image 4** (overleaf), SGP2 currently does not indicate any further subdivision of the subject land; however the majority of properties within the immediate proximity have been, or at least have the potential to be, subdivided into 2 hectare lots.

It is our understanding that the land is not identified as having subdivision potential on SGP2 because the subject land's landowner(s) at the time SGP2 was created did not wish to participate in this process.

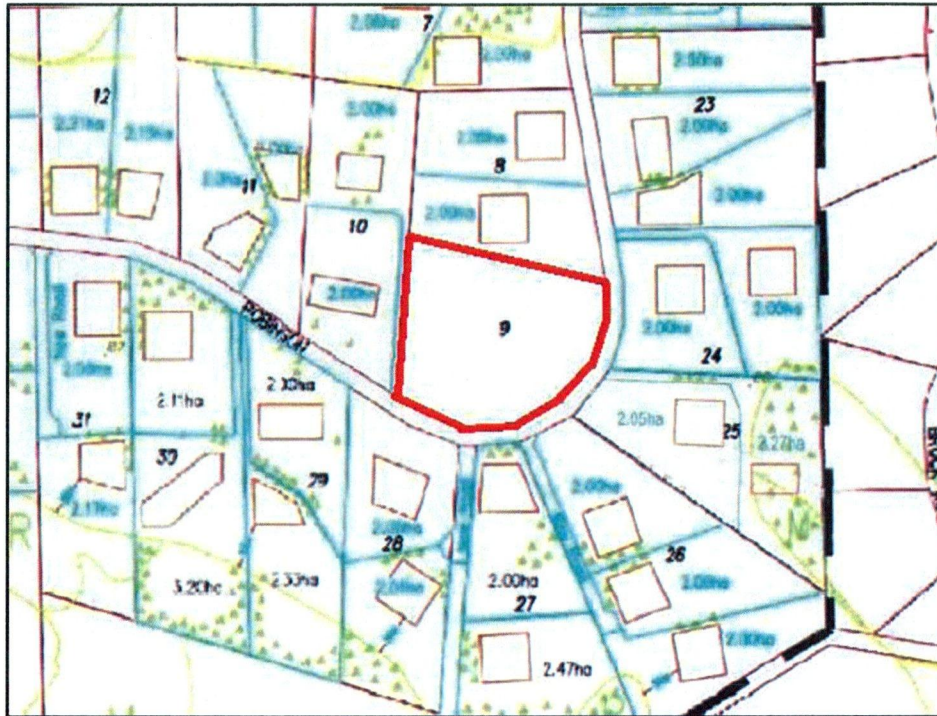


Image 4: Location of the subject property in context of SGP2 – subject land identified in red

It is proposed that SGP 2 be modified to allow for the land to be subdivided into two (2) lots of approximately 2 hectares each, with the existing lot to be spilt approximately in half, creating an eastern and western lot (refer to proposed subdivision concept plan at **Appendix 1** and extract of amended SGP2 at **Appendix 2**). Specifically, Lot 1 (west) on the proposed subdivision concept would measure approximately 2.1113 hectares, with Lot 2 (east) being approximately 2.00 hectares.

A subdivision of this nature would be consistent with the lot sizes of the surrounding properties within the SGP2 area. Further justification for this modification is provided below and overleaf:

2.2.1 Surrounding Development

Image 4 shows surrounding properties within the SGP2 area, including the properties immediately to the north and south of the subject land, having subdivision potential into 2 hectare allotments. This proposal seeks to bring the subject land into conformity with surrounding development.

2.2.2 Scheme Provisions

In addition to those matters raised previously, the proposal is consistent with a number of Scheme provisions (refer to **Table 1** below).

TABLE 1 – CITY OF KWINANA TOWN PLANNING SCHEME NO. 2

Scheme Clause	Summary of Provision	Comment
1.6	Scheme objectives	Consistent.
6.12	Predominant uses of Policy Area	Consistent. Land is contained within Policy Area No. 1 – Wandi. The proposed use of the land is in accordance with the surrounding pattern of development - Rural Homesite (Dwelling).
6.12.4(a) & (b)	Provisions of Special Rural Zone: - Dwellings	Consistent. It is proposed that only one (1) dwelling will be erected on each lot. Furthermore, no habitable dwelling is proposed to have a floor level less than 2m above the highest known water level.
6.12.4(c)	- Building Setbacks	Consistent. The proposed building envelopes are setback 15m from the primary street and 10m from the rear and side boundaries (see Appendix 1).
6.12.4(d) & (e)	- Access	Consistent. No change to the existing road network is required and the proposed new lots will front, and have direct access to, Robinson Road.
6.12.4(f)	- Drainage	Not applicable at this stage, this is to be dealt with at subdivision stage.
6.12.4(g)	- Building Envelopes	Consistent. The proposed building envelopes illustrated on Appendix 1 for each lot are proposed to be 2,000m ² . Furthermore, the building envelopes are setback a minimum of 15m from the primary street, and a minimum of 10m from the rear and side boundaries.
6.12.4(h) – (k)	- Tree Preservation	Not applicable. To the best of our knowledge the Council has not identified any Tree Preservation Areas on the land. In addition, the Applicant has undertaken a Flora Report, which indicates that no species of Priority or Threatened

		Flora are present on the subject land (refer to Appendix 3).
6.12.4(l)	- Fencing	Not applicable at this stage, to be specified by Council.
6.12.4(m)	- Water Supply	Not applicable at this stage, this is to be dealt with at subdivision stage.
6.12.4(n)	- Forestry (Selective)	Not applicable. Selective Forestry is not the proposed use.
6.12.4(o)	- Stock	Not applicable to this application.
6.12.4(p)	- Waste Water Treatment	Not applicable to this application, this is to be dealt with at development stage.
Schedule II	Development conditions for Special Rural Zone No. 2 ('SR2'):	This Scheme Amendment seeks to amend SGP2 so that the proposed 2 lot subdivision can be implemented, consistent with the subdivision layout and lot sizes of the surrounding properties.
	- Condition 1	
	- Condition 2	The proposed lots will be consistent with the 2ha minimum requirement.
	- Condition 3	Whilst we acknowledge that Condition 3 states, as a general rule, that further subdivision will not be supported, the proposed amendment and subsequent subdivision will be consistent with the surrounding properties. It is our understanding that the City has recently supported similar subdivisions within the area.
	- Condition 4	Again, the purpose of this amendment is to modify SGP2 so that the subject land can be subdivided.
	- Condition 5	Not applicable. SGP2 does not currently illustrate a building envelope on the subject land. However, the proposed building envelopes indicated in Appendix 1 for each proposed lot is consistent with the City's requirements, as mentioned previously.
	- Conditions 6 - 8	Notwithstanding that these conditions are for the subdivision

		stage, this Scheme Amendment provides building envelopes that meet Council requirements and minimise the impact on the existing vegetation.
	- Conditions 9 - 19	Not applicable at this stage.
	- Condition 20	Not applicable. The proposed subdivision layout does not incorporate a battle-axe leg.
	- Conditions 21 - 24	Not applicable at this stage.

2.2.3 Policy No. 3.3.20 – Development within Special Rural Zones

Notwithstanding that the purpose of Policy No. 3.3.20 – Development within Special Rural Zones ('the Policy') is to provide guidance to landowners and Council in the consideration of development applications, we provide that the proposed amendment to SGP 2 is consistent with Provision 3.1 – Building Envelopes of the Policy for the following reasons:

- The proposed building envelopes are 2,000m² in area (refer to **Appendix 1**).
- The building envelopes are rectangular in shape and have been setback in accordance with the City's requirements. That is, a minimum of 10m from the side and rear boundaries, and a minimum of 15m from the front lot boundary.
- Given the subject land is extensively vegetated, building envelopes have been located towards the front of each proposed lot, in order to minimise the effect on existing vegetation. Specifically, the building envelope for Proposed Lot 2 has been positioned entirely within the area identified with degraded vegetation to vegetation in good condition (refer to **Appendix 3**). Whilst the building envelope for Proposed Lot 1 is located within the area identified with vegetation patches in very good or excellent condition as well as vegetation in good to degraded condition, consideration was given to the fact that if the building envelope was to be located to the rear of the lot where the vegetation is in good to degraded condition, a long driveway would be required which in itself would require extensive clearing and would also come at a significant cost. It should also be noted that no threatened or priority species of flora exists on the subject land and that the vegetation does not appear to be remnant (refer to site photos at **Appendix 4**).

2.2.4 Precedent

Should the Amendment be granted final approval and an application for subdivision be made, any resultant subdivision approval would not set any form of undesirable precedent as a number of adjoining properties have already been subdivided to their potential lot yield.

The proposed amendment only seeks to increase the lot yield within SGP2 by one (1) additional allotment to allow for the subdivision of the land into two (2), 2 hectare allotments, consistent with the surrounding properties. We reiterate that it is our understanding that the reason why SGP2 currently does not indicate any further subdivision of the land is a result of a previous landowner(s) not participating in the formulation of SGP2.

3.0 Conclusion

The proposed amendment seeks to modify the Subdivision Guide Plan as it relates to the subject land in order to allow for further subdivision. Whilst it is acknowledged that TPS2 provides a general position that the City will not consider further subdivision than what is depicted in SGP2, the proposal would allow the subject land to be subdivided in a manner similar to the surrounding properties and would maintain the 2 hectare minimum lot size.

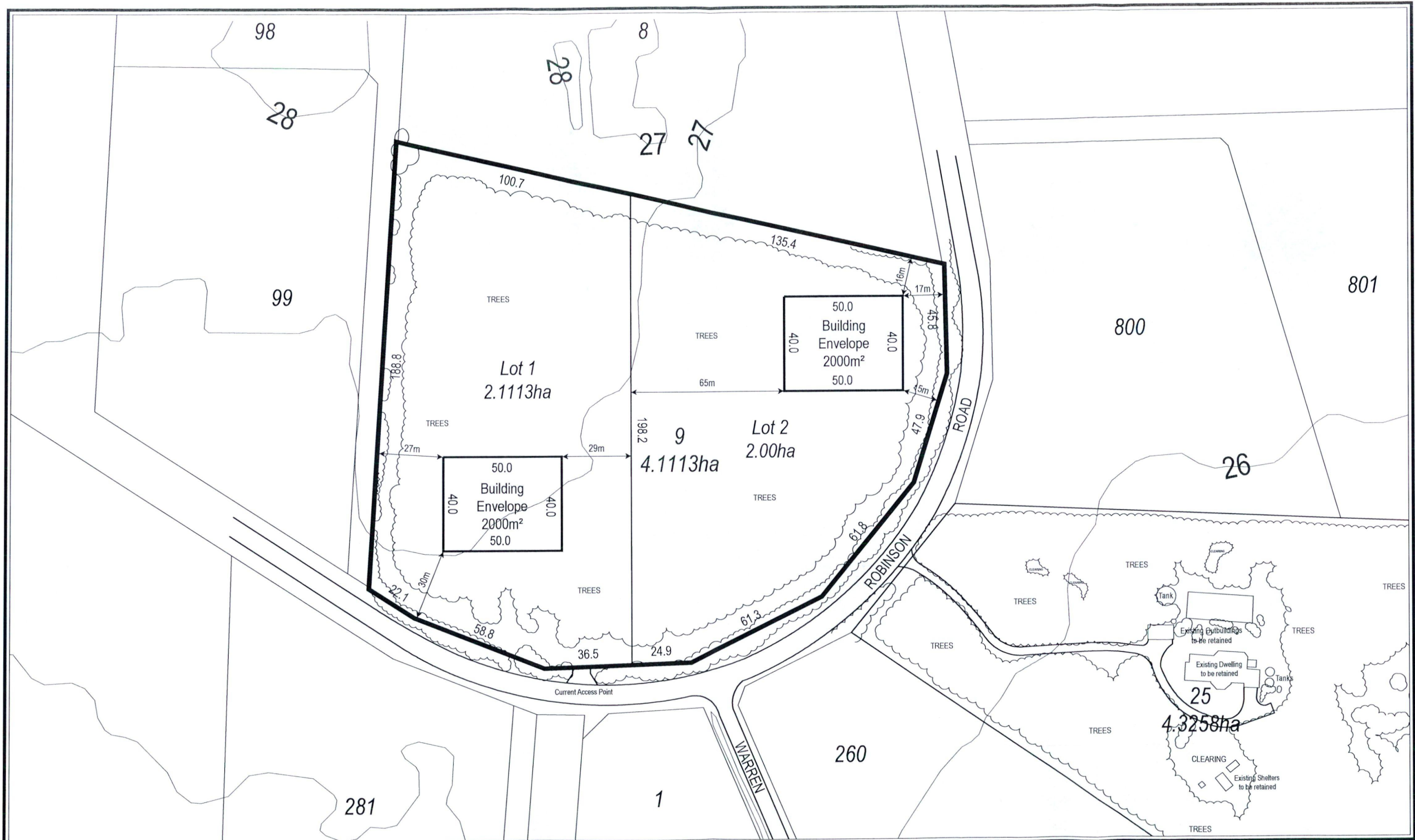
In addition, the proposal does not jeopardise the intent of SGP2, the orderly and proper planning of the locality of Wandi, preclude the subdivision of surrounding properties or create an undesirable precedent of subdivision. Accordingly, we submit that the proposed amendment should be initiated by the City for advertising.




Joe Algeri
Director

Enc.

- Appendix 1** Proposed subdivision concept plan
- Appendix 2** Extract of Amendment to Subdivision Guide Plan No. 2
- Appendix 3** Flora Survey prepared by Arthur S. Weston
- Appendix 4** Site photos

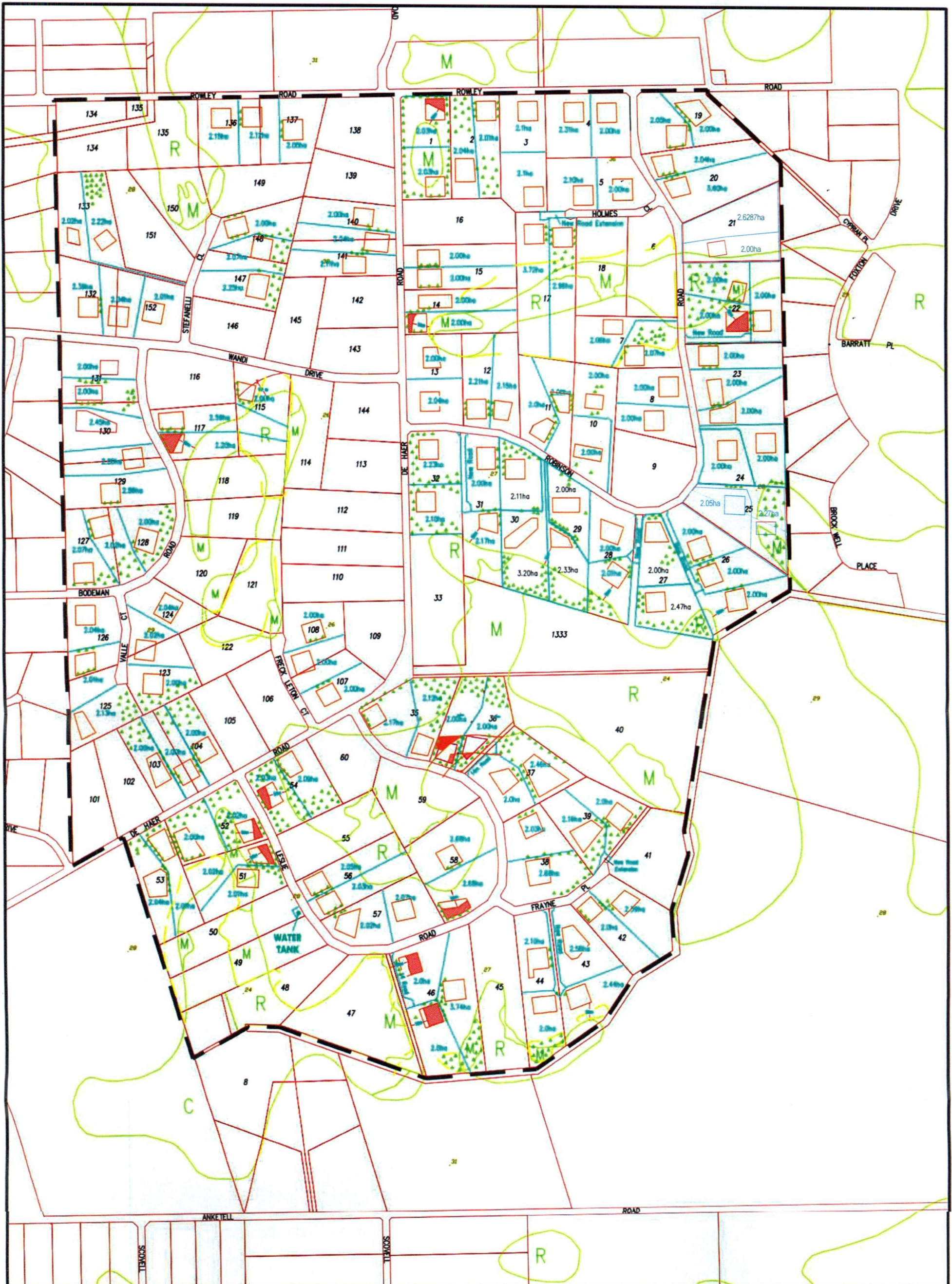


<p>0 10 20 30 40 50 60m</p> <p>SCALE 1:1500 ORIGINAL PLAN SIZE: A3</p>		<p> NORTH</p>	<p>LEGEND: Subject Land..... </p> <p>NOTE: Areas and dimensions are subject to survey.</p>	<p>PROPOSED SUBDIVISION</p>	
<p>Base Mapping Prepared By Landgate</p>	<p>DATE: 15.05.2015</p>			<p>LOT 9 (No. 81) ROBINSON ROAD WANDI City of Kwinana</p>	



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SUBDIVISION GUIDE PLAN No. 2

WANDI (Special Rural Zone No. 2)

Chief Executive Officer - City of Kwinana

- PROPOSED SUBDIVISION BOUNDARIES
- WRC WETLAND BOUNDARIES - CONSERVATION CATEGORY MULTIPLE USE
- RESOURCE ENHANCEMENT AMENDMENT BOUNDARY
- BUILDING ENVELOPES
- LANDSCAPE PROTECTION AREAS
- AREA FOR EFFLUENT DISPOSAL
- SETBACK 50m FROM WETLAND BOUNDARY
- REVEGETATION REQUIRED ADJACENT TO BUILDING ENVELOPE

SCALE 1:10 000 DATE: APRIL 2015

Special Rural - Zone 2 - Boundary

SPRING SEARCH FOR RARE FLORA
LOT 9 (NO. 81) ROBINSON ROAD
WANDI, TOWN OF KWINANA



Prepared for

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Prepared by

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ST JAMES WA 6102
Ph: 9458 9738, 0424 361 502
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20 November 2014

SUMMARY

No species of Priority Flora, Threatened Flora or otherwise significant flora was found in Lot 9 during spring rare flora searches there by Botanist Dr. Arthur Weston or assistants Marg Owen and Naomi Segal on 23 and 26 September 2014, and it is unlikely that any is there.

Nor was any Priority or Threatened Ecological Community found there.

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**SPRING SEARCH FOR RARE FLORA
LOT 9 (NO. 81) ROBINSON ROAD
WANDI, TOWN OF KWINANA**

1.0 INTRODUCTION

On 23 September 2014 Arthur Weston and Marg Owen searched Lot 9 Robinson Road, Wandí, for rare flora. They and Naomi Segal also searched on 26 September.

Wandi is in the northeastern corner of the Town of Kwinana, east of Lyon Road, between Rowley and Anketell Roads and north and west of drains.

2.0 OBJECTIVES

The principal aim of the search was to find any plants of the Threatened Flora species Grand Spider Orchid (*Caladenia huegelii*) that might be in the lot and to record locations of any of the orchids found. In addition, they looked for other Threatened, Priority and significant taxa (species, subspecies, varieties), principally those listed in Tables A1 and A2 of Appendix A in this report.

3.0 METHODS

The 23 and 26 September 2014 searches by Weston, Owen and Segal were principally for the taxa listed in Appendix A's Tables A1 and A2, but other Threatened and Priority Flora taxa and otherwise significant flora, including those listed in *Bush Forever* (2000, Volume 2, Table 13), were also searched for. On their way to Wandí on 23 September Weston and Owen detoured to Jandakot to confirm that the Fraser Road population of *Caladenia huegelii* was in full flower; it was.

Sixteen of the Table A1 taxa are in the results of searches of three databases by Department of Parks and Wildlife (DPaW) staff for Threatened and Priority taxa recorded around Lot 9 Robinson Road. Fifteen (15) of them are the Threatened (CR, EN, VU) flora taxa in the results of searches of federal databases for the same area with the EPBC Act Protected Matters Search Tool. The names of the DPaW databases searched, the parameters used for the searches and the results of both DPaW and EPBC database searches are given in Appendix A and its Attachment.

Table A1 also provides information about conservation codes, distributions, locality records, growth forms, habitats and flowering times for at least some of these taxa. This additional information was obtained from various sources, including examination of herbarium specimens and their labels in the Western Australian Herbarium, consultations with other botanists and information in FloraBase (2014), Marchant *et al.* (1987), Brown *et al.* (2008, 2013) and relevant parts of the *Flora of Australia* and *How to Know Western Australian Wildflowers*. The information about distributions, localities, growth forms, habitats and flowering times is not always comprehensive, but information about habitat is at least indicative and should help in assessing how likely species of rare flora are to occur in the search area.

The method of searching comprised looking for plants of rare and other significant species while walking more or less parallel zigzag lines through the vegetation. In addition, height, cover and condition of vegetation units were recorded according to the categories and scale in Appendix B.

Most plants were identified in the field.

4.0 RESULTS and DISCUSSION

4.1 VEGETATION

4.1.1 Wandi

Wandi vegetation is in the Bassendean Vegetation Complex (44) – Central and South of Hedde *et al.* (1978, 1980; *Bush Forever* 2000, Volume 1, Map Sheet 2). It ranges from *Banksia attenuata* – *Banksia menziesii* Low Woodland to Low Open Forest, often with *Eucalyptus tottiana* and sometimes with *Banksia ilicifolia*, on the tops and upper slopes of hills, to *Melaleuca preissiana* Woodland to Low Woodland, in the lowest areas. Spearwood Teatree (*Kunzea glabrescens*) Open to Closed Tall Scrub is common, especially in lower areas, often as an understorey in woodlands, and there are trees of *Eucalyptus rudis*, *Melaleuca raphiophylla* and *Banksia ilicifolia* and shrubs of *Astartea ? scoparia* in some low areas.

The floristic community types (of Gibson *et al.* 1994 and *Bush Forever* 2000, Table 6) represented in Wandi are probably mainly one or more of SCP 21a, SCP 21c, SCP 22 and SCP 23a, with relatively small areas of SCP 4. None of these floristic community types is listed on DPaW's Threatened Ecological Community (TEC) database (Department of Parks and Wildlife (2014).

The condition of remnants of native vegetation in the Wandi lots was assessed as mainly Very Good to Degraded, with extensive areas Completely Degraded and a few Excellent.

4.1.2 Lot 9

The Lot 9 vegetation in best condition, Very Good to Excellent, is *Banksia ilicifolia* Low Open Woodland to Low Open Forest, often with one or more of *Banksia attenuata*, *Banksia menziesii*, *Kunzea glabrescens* or *Adenanthos cygnorum* small trees and large shrubs, over patches of *Desmocladius flexuosus* restionaceous sedgeland, which, though scattered through the lot, are most common and extensive in the central and southern areas.

The rest of Lot 9 bushland is Good to Degraded, with a few relatively small Completely Degraded areas. The overstorey is similar, but the ground layer is of **Ursinia anthemoides* and other herbaceous plants, many of which are, like the **Ursinia* and with an asterisk (*) preceding the name, weedy alien species.

There are no naturally occurring paperbark, eucalyptus or she-oak trees in Lot 9.

No ecological community listed in Department of Parks and Wildlife (2014a, 2014b) as a TEC or PEC was identified.

4.2 SIGNIFICANT FLORA

4.2.1 Wandi

Two species of Threatened Flora (T), one subspecies of Priority One Flora (P1), one species of Priority Three Flora (P3) and two species of other significant flora ('e' taxa, which are, according to *Bush Forever* 2000 Vol. 2 Table 13, endemic to the Swan Coastal Plain [SCP]) have been identified in one or more of the Wandi lots. These taxa are *Caladenia huegelii* (T), *Drakaea elastica* (T), *Eremaea asterocarpa* subsp. *brachyclada* (P1), *Jacksonia gracillima* (P3), *Lysinema elegans* (e, p, s) and *Dielsia stenostachyus* (e). Brief descriptions of these taxa are in Appendix A, Table A1 (definitions of T, P1, P3 and e are in Section 2 of Appendix A).

Jacksonia gracillima is similar to *Jacksonia sericea*, but it is more erect than prostrate and has thin, rigid, pungent branchlets, especially towards the base of the shrub; it mainly flowers in October and November and is generally in damper areas than *J. sericea*. Though it has a wider distribution than *J. sericea* – it occurs between Bayswater and Capel - it is probably less well conserved and is now a Priority 3 species (*J. sericea* is

Priority 4). *J. gracillima* is a relatively newly named and described species; in the past plants of it were often identified as *J. sericea* or *J. furcellata* (Chappill pers. comm. 2005).

J. calcicola flowers throughout the year, is largely north of Trigg (to N of Kalbarri) and tends to be upright, but it intergrades with *J. sericea* (Chappill pers. comm. 2005).

Plate 1 has photographs of the Threatened *Caladenia huegelii* orchid and the P1 *Eremaea asterocarpa* subsp. *brachyclada*, but not taken in Wandí.

4.2.2 Lot 9

No Declared Rare, Priority Flora or other significant species was found in Lot 9, and it is unlikely that any is there.

Orchids that were found in Lot 9 at the time of the search are *Caladenia flava* (Cowslip Orchid), *Caladenia latifolia* (Pink Fairy Orchid), *Diuris* sp. (Donkey Orchid), *Microtis media* (Tall Mignonette Orchid) and two species of *Pterostylis* (Greenhood and Snail Orchids).

4.3 LIMITATIONS

Some herbaceous plants, such as many orchids, flower briefly, then disappear and, furthermore, some do not appear every year. Some plants flower for only one or a few seasons following a hot summer fire, and the incidence of flowering of plants that flower annually may vary from year to year.

Density variations in the understorey, especially under woodland and forest canopies, are often difficult or impossible to recognise or map.

Some plants, especially small sedges, are impossible to identify if they are not in seed.

5.0 ACKNOWLEDGEMENTS

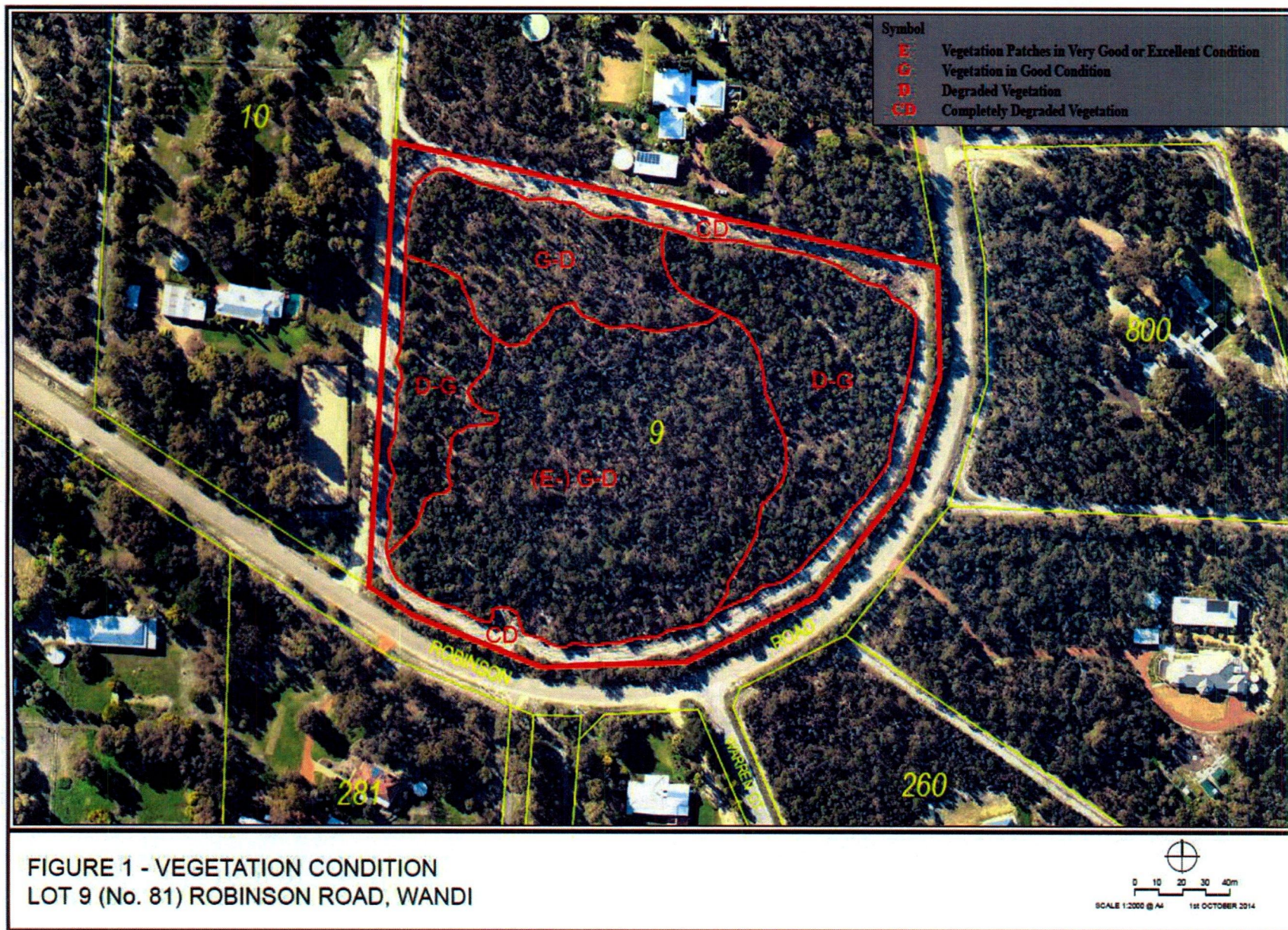
The assistance of Marg Owen and Naomi Segal in the field is greatly appreciated.

Access to the Western Australian Herbarium collections, which was essential for carrying out the study, is also greatly appreciated.

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Threatened Flora *Caladenia huegelii* in Jandakot. Notice the long, pale-coloured, often divided fringing hairs.
 Photos: Upper - MO Nikon DSC_0046; Lower: ASW Olympus PA090338 (Medium)

PLATE 1 THREATENED FLORA GRAND SPIDER ORCHID *Caladenia huegelii*



Priority 1 Flora *Eremaea asterocarpa* subsp. *brachyclada*. Notice the relatively large, open, woody fruits.

Eremaea asterocarpa subsp. *brachyclada* occurs in Harrisdale.

Photo: ASW Pentax IMGP0983 (Medium)

PLATE 2 PRIORITY ONE FLORA *Eremaea asterocarpa* subsp. *brachyclada*

APPENDIX A

Threatened and Priority Flora and other Significant Flora with Distributions and Habitats which may include Lot 9 Robinson Road, Wandí

(based mainly upon printouts of results of DPaW 2014 database searches and upon
EPBC Act Protected Matters Search Tool September 2014 search results)

1.0 TABLE A1

Table A1 lists 28 taxa (species, subspecies and varieties). Twenty-six (26) of them are the Threatened (T) and Priority (P1, P2, P3 and P4) Flora that are in the results of early October 2014 searches by DPaW staff of three Western Australian DPaW databases and the Threatened (CR, EN, VU) flora in the results of searches of federal databases with the EPBC Act Protected Matters Search Tool. Two taxa in the table – *Dielsia stenostachya* and *Lysinema elegans* – are listed in *Bush Forever* (2000, Volume 2, Table 13, pp. 51-55) as taxa “endemic to the Swan Coastal Plain” (e and e, p, s; they are neither Threatened nor Priority.

The taxa in the results of DPaW searches of the TPFL and WAHerb databases were recorded within 5 km of a point with the coordinates -32.1989°S and 115.8947°E, which is about 900 m south of Lot 9. Target locality names in the DPaW searches of the TPlist and database are: Wandí, Banjup, Forrestdale, Oakford, Anketell, The Spectacles, Mandogalup, Hammond Park, Aubin Grove, Modong, Atwell, Success, Wattleup, Beeliar, Hope Valley, Piara Waters, Postans, Orelia, Parmelia, Bertram, Casuarina and Oldbury. The e taxa were recorded in Wandí, and the CR, EN and VU taxa were recorded within 5 km of a point with the coordinates -32.1989°S and 115.8947°E. The ten (10) taxa in the EPBC search results that are not in the DPaW search results are italicised in Table A1.

The taxa listed in Table A1 are the first order principal taxa searched for in Wandí Lot 9 on 23 and 26 September 2014. The table also provides information about conservation codes, distributions, locality records, growth forms, habitats and flowering times for at least some of these taxa. The information about distributions, localities, growth forms, habitats and flowering times is not always comprehensive, but information about habitat is at least indicative and should help in assessing how likely species of rare flora are to occur in the search area.

The Table A1 list of taxa was compiled principally from the results of searches of three databases carried out by the Species and Communities Branch of the DPaW in 2014, and from FloraBase. The three DPaW databases are Threatened and Priority Flora (TPFL), Threatened and Priority Flora List (TPlist) and Western Australian Herbarium Specimen (WAHerb). The point coordinates given to the DPaW as the centre of the databases search area are:

Coordinates: -32.1989°S and 115.8947°E

The results of the database searches also provided some information about conservation codes, localities and distributions, habitats and flowering times. Additional information in the table was obtained from examination of herbarium specimens and their labels in the Western Australian Herbarium, consultations with other botanists, information in Smith (2013), FloraBase (2014), Marchant *et al.* (1987), Brown *et al.* (2013) and relevant parts of the *Flora of Australia* and *How to Know Western Australian Wildflowers*. These references are listed in the report to which this is Appendix A.

2.0 TABLE A2

Table A2 lists 15 taxa that are listed in previous results of DEC (now DPaW) and EPBC database searches but not in the results of mid-2014 database searches. These are the second order principal taxa searched for.

3.0 ATTACHMENT TO APPENDIX A

(Extracted from the Department of Environment (2014) EPBC Act Protected Matters Report for an area centred on -32.1989°S and 115.8947°E.) [Australian Government DoE]

A report was generated by the Department of Environment EPBC Act [Protected Matters Search Tool](#) for a 5 km wide area around a point in the survey area with the coordinates -32.1989°S and 115.8947°E. That report lists no threatened ecological community, but it does list 15 species of flora classified as Threatened (*Andersonia gracilis*, *Caladenia huegelii*, *Centrolepis caespitosa*, *Darwinia foetida*, *Diuris micrantha*, *Diuris purdiei*, *Drakaea elastica*, *Drakaea micrantha*, *Eucalyptus balanites*, *Grevillea curviloba* subsp. *incurva*, *Lepidosperma rostratum*, *Synaphea* sp. Fairbridge Farm, *Thelymitra manginii* [now *T. dedmaniarum*], *Thelymitra stellata* and *Verticordia plumosa* var. *pleiobotrya* [now

var. *brachyphylla*)). Some of these occur nowhere near the search area, and there is no suitable habitat there for most of the others.

4.0 CONSERVATION CODES DEFINITIONS (summary of definitions in Smith 2013)

- T: **Threatened Flora** (Declared Rare Flora – Extant). Schedule 1 of the Wildlife Conservation (Rare Flora) Notice under the *Wildlife Conservation Act 1950*. [Gazetted]
X: **Presumed Extinct Flora** (Declared Rare Flora – Extinct). Schedule 2 of the Wildlife Conservation (Rare Flora) Notice under the *Wildlife Conservation Act 1950*. [Gazetted]

Threatened Flora (Schedule 1) are further ranked by DPaW according to their level of threat using IUCN Red List criteria, which are the three EPBC Act Threatened Codes in this report's Appendix A's Table A1 and/or the Attachment:

- CR: Critically Endangered – considered to be facing an extremely high risk of extinction in the wild.
EN: Endangered – considered to be facing a very high risk of extinction in the wild.
VU: Vulnerable – considered to be facing a high risk of extinction in the wild.

*Taxa = plural of taxon (a classificatory group of any taxonomic rank, e.g. a family, genus, species or any infraspecific category i.e. subspecies, variety or forma).

- P1: **Priority One: Poorly-known taxa**
Taxa that are known from one or a few collections (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas,
P2: **Priority Two: Poorly-known taxa**
Taxa that are known from one or a few collections, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks,
P3: **Priority Three: Poorly-known taxa**
Taxa that are known from collections from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat.
P4: **Priority Four: Rare, Near Threatened and other taxa in need of monitoring**
(a) Rare. Taxa that are considered to have been adequately surveyed,
(b) Near Threatened. Taxa that are considered to have been adequately surveyed.
(c) Taxa that have been removed from the list of threatened taxa during the past five years for reasons other than taxonomy.
P5: **Priority Five: Conservation Dependent taxa**
Taxa that are not threatened but are subject to a specific conservation program, the cessation of which would result in the taxa becoming threatened within five years.

5.0 SIGNIFICANCE CODES DEFINITIONS (from *Bush Forever* 2000, Volume 2, Table 13, pp. 51-55)

d = populations disjunct from their known geographic range;
e = taxa endemic to the Swan Coastal Plain;
p = considered to be poorly reserved (applies to all DRF and Priority taxa);
r = populations at the northern or southern limit of their known geographic range;
s = significant populations;
E = taxa endemic to the Swan Coastal Plain in the Perth Metropolitan Region;
X = taxa considered lost in the Perth Metropolitan Region

5.0 DEFINITION OF * An asterisk (*) preceding an italicised two-word scientific name indicates that the name is of an established alien species, an environmental weed.

Table A1

Threatened, Priority and other Significant Flora Recorded in the Broader Vicinity of Lot 9 Robinson Road, Wandí

(based mainly on results of October 2014 DPaW database searches and on FloraBase Sept 2014; the 10 italicised entries in the **Taxon** column are in EPBC but not DPaW search results.)

(Status & Rank column – EPBC: CR, EN, VU, -; DPaW: T, P1, P3, P4)

WA-Herb	TP-FL	TP-list	Taxon	Status & Rank	Fam-ily	Distribution / Localities	Flower period	Form	Plant Description and Habitats
-	-	-	<i>Andersonia gracilis</i>	EN,T	Eric	Kenwick, Badgingarra, Nambung, Swan View	Sep-Nov	ShS	Slender erect or open straggly shrub, 0.1-0.5(-1) m high; flower white-pink-purple. White/grey sand, sandy clay, gravelly loam. Winter-wet areas, near swamps.
-	-	X	<i>Aponogeton hexatepalus</i>	-,P4	Apon	Perth, Pinjarra, Bunbury, Capel, Nannup, Bertram	(Jul-) Aug-Sep (-Oct)	He	Rhizomatous or cormous, aquatic perennial, herb; leaves floating; flower green-white. Mud. Freshwater: ponds, rivers, claypans.
-	15	-	<i>Caladenia huegelii</i>	CR,T	Orch	Perth-Capel, WANDI	Aug-Oct	He	Large, few-flowered spider orchid w. Large labellum that is dark red (& white) and has long fringing hairs that are usually white and often divided at tip; leaves & stem w. Long thin spreading hairs at base. Sandy (to clay-loam?) soils in banksia and eucalypt woodlands and open forests which are, usually, low in the landscape and, near Perth, usually have <i>Dasyopogon bromeliifolius</i> and <i>Phlebocarya ciliata</i> sedge-like plants.
-	-	-	<i>Centrolepis caespitosa</i>	EN,P4	Cent	S Stirling, Pearce, (Byford), Youngs Siding, Orange Grve	Oct-Dec (Nov)	He	Tufted annual, herb (forming a rounded cushion up to 25 mm across). White sand, clay. Salt flats, wet areas.
-	1	-	<i>Cyathochaeta teretifolia</i>	-,P3	Cype	Muchea-Denbarker, Margaret R, Casuarina	Dec	Se	Seasonally wet creeks and swamps, often with paperbarks, <i>Eucalyptus rudis</i> , bracken, <i>Homalospermum</i> and <i>Agonis</i> trees or tall shrubs. Black peaty soil.
-	-	-	<i>Darwinia foetida</i> = <i>D. sp. A</i> Perth Flora	CR,T	Myrt	Chittering & Swan LGAs, Muchea	Oct-Dec	ShS	Erect shrub <50 cm tall; leaves small (ca. 0.5x5mm); inflorescence pendulous & reddish bracts hide flowers; in <i>D. neildiana</i> complex. Sand on E side of SCP.
-	-	-	<i>Dielsia stenostachya</i>	e ¹	Rest	Gingin-Pinjarra-Yalgorup, WANDI	Feb-May	Se	Rhizomes rufous furry. Sandy winter-wet depressions and flats & along watercourses.
-	-	X	<i>Diuris micrantha</i>	VU,T	Orch	Medina, Yarloop, Yunderup, Manjimup	(Aug-) Sep(-Oct)	He	Swamp. Black peaty soil. Miscellaneous rushes and sedges. Among dense native sedges (mainly <i>Lepidosperma</i> spp.) in shallow water in swampy flats.
-	1	-	<i>Diuris purdiei</i>	EN,T	Orch	Perth-Waroona, Busselton	Sep-Oct	He	Slender donkey orchid with 5-10 narrow, spirally twisted leaves. Seasonally wet, recently burnt sand over clay, shrublands, usually of <i>Regelia</i> and <i>Pericalymma</i> .
-	-	X	<i>Dodonaea hacketiana</i>	-,P4	Sapin	Gingin-Wattleup	Jul-Oct	Ts	Small tree or large shrub. Sand with outcropping limestone. Tall dense <i>Banksia</i> forest. Often on limestone or in margins of wetlands.
1	5	-	<i>Drakaea elastica</i>	EN,T	Orch	Albany-Busselton-Gingin, WANDI	Oct-Nov	He	Glossy-leaved Hammer-orchid. Deep grey sand on gradual slopes in undulating plain. Low woodland of <i>B. attenuata</i> , <i>B. menziesii</i> , <i>B. ilicifolia</i> and Jarrah over scrub of <i>Adenanthos cygnorum</i> and <i>Kunzea</i> over herbs. On deep sand low in the landscape, often under spearwood and banksias adjoining winter-wet swamps.
-	-	-	<i>Drakaea micrantha</i>	VU,T	Orch	Perth-Augusta-Albany	Sep-Oct	He	Tuberous, perennial, herb, 0.15-0.3 m high; flower red & yellow. White-grey sand.
-	6	X	<i>Eremaea asterocarpa</i> subsp. <i>brachyclada</i>	-,P1	Myrt	Base of Darling Scarp south of Perth, WANDI	Oct Jul-Nov?	ShS	Shrub to 0.7m tall; branches short (ca. 2-6 cm / growth cycle). Kwongan or woodland on deep grey sand over yellow sand.
-	-	X	<i>Eryngium pinnatifidum</i> subsp. <i>palustre</i>	-,P3	Apia	Gingin-Serpentine, Capel, Mandurah, Arrowsmith	Oct-Nov	He	Herb to 50 cm tall; flowers white, pale blue. <i>Melaleuca</i> shrublands and open low vegetation on winter-wet sandy-clay flats.
-	-	-	<i>Eucalyptus balanites</i>	EN,T	Myrt	Badgingarra, Armadale	Oct-Dec Jan-Feb	M	Mallee to 5m; bark rough, flaky; flower white. Sandy soils with lateritic gravel.
-	-	-	<i>Grevillea curviloba</i> subsp. <i>incurva</i>	EN,T	Prot	Muchea, Eneabba, Gingin	Jul or Aug or Sep	ShM	Shrub to 2.5m; leaf simple, blade deeply tripartite to midvein, margins revolute, enclosing the lower surface of the blade; inflorescence an axillary or terminal raceme; flowers white or cream, regular. Amongst low trees or in tall (sclerophyll) shrubland; in sand or clay; winter wet flats.
2	-	X	<i>Jacksonia gracillima</i>	-,T	Faba	Mundijong, Modong NR, Forrestdale, Elgin, Capel,	Oct-Nov	ShS	Low spreading compact shrub to 1 m tall with thin, rigid, numerous pungent lateral branchlets, especially towards the base; fl standard & wings yl to or-rd. More upright than <i>J. sericea</i> . Standard lamina >8.5mm.

¹ Listed in *Bush Forever* (2000, Volume 2, Table 13) as an e species ('taxa endemic to the Swan Coastal Plain').

WA-Herb	TP-FL	TP-list	Taxon	Status & Rank	Fam-ily	Distribution / Localities	Flower period	Form	Plant Description and Habitats
						Forrestfield, WANDI			Seasonally wet, waterlogged or inundated soil; often in heaths of <i>Pericalymma</i> or <i>Regelia</i> or in <i>Melaleuca</i> shrublands and open low vegetation on winter-wet sandy-clay flats.
-	-	X	<i>Lepidosperma rostratum</i>	EN,T	Cype	Cannington, Kenwick, Forrestdale Lake NR	Aug	Se	Tufted perennial sedge, 0.5 m high. Peaty grey sand, clay; Guildford formation seasonally wet poorly drained flats.
-	-	-	<i>Lysinema elegans</i>	e ² ,p,s	Eric	Beverley, Brookton, Swan, Cockburn, Dandaragan, York Gingin, Serpentine-Jarrahdale LGAs, Wand	Oct-Dec	Sh	Erect shrub to 0.6 m high; fl white-cream. White/grey sand. Low rises, flats.
-	-	X	<i>Ornduffia submersa</i>	-,P4	Meny	Denmark-Boyanup-Cannington	Sep-Oct	He	Rooted herb with floating elliptic leaves and white flowers. Shallow seasonal pools on clay depressions.
2		X	<i>Stylidium paludicola</i> ms	-,P3	Styl	Capel, Harvey, Kwinana, Melville, Murray, Swan LGAs, Anketell, Wand (Robinson Rd)	Oct-Dec	He	Reed-like perennial, herb, 0.35-1 m high, Leaves tufted, linear or subulate or narrowly oblanceolate, 0.5-4 cm long, 0.5-1.5 mm wide, apex acute, margin entire, glabrous. Scape mostly glabrous, inflorescence axis glandular. Inflorescence racemose. Fl. pink. Peaty sand over clay. Winter wet habitats. Marri and <i>Melaleuca</i> woodland, <i>Melaleuca</i> shrubland; <i>Kunzea glabrescens</i> low open forest over <i>Astartea scoparia</i> , <i>Hypocalymma angustifolium</i> open shrubland over <i>Lepidosperma longitudinale</i> open sedgeland.
-	-	-	<i>Synaphea</i> sp. Fairbridge Farm	CR,T	Prot	Pinjarra, Dardanup	Oct	ShS	Dense, clumped shrub to 0.3 m by 0.4 m; flower yellow. Sandy w lateritic pebbles. Near winter-wet flats, in low woodland with weedy grasses.
-	-	-	<i>Thelymitra dedmaniarum</i>	EN,T	Orch	Gidgegannup, Red Hill	(Oct-)Nov (-Dec)	He	Tuberous perennial herb to 0.8 m high. Fl yellow, Nov to Dec or Jan. Granite.
-	-	-	<i>Thelymitra stellata</i>	EN,T	Orch	Perth - 3 Springs, Pinjarra, Dumbleyung, Corrigin	Oct-Nov	He	Star Sun Orchid. Tuberous, perennial, herb, 0.15-0.25 m high. Fl yl & brn. Sand, gravel, lateritic loam.
-	-	X	<i>Thysanotus glaucus</i>	-,P4	Aspar	L King, Busselton, Lesueur NP, W Mt Barren, Forrestdale	(Oct-) Nov-Mar	He	White, grey or yellow sand, sandy gravel.
1	1	X	<i>Tripterococcus paniculatus</i>	-,P4	Celas	Armadale-Upper Swan, Jandakot	(Oct-) Nov	ShS	Glabrous, several-stemmed herb similar to <i>T. brunonis</i> but fls later & spikes have >1 flower. <i>Hypocalymma angustifolium</i> low heath. Grey peaty sand over clay, winter damp flats; open patches in heath w <i>Mel. preiss.</i>
-	1	X	<i>Verticordia lindleyi</i> subsp. lindleyi	-,P4	Myrt	Gillingarra-Forrestdale, Gingin, Murray River	May, Nov-Jan	ShS	Sand, sandy clay, winter wet depressions.
	-	-	<i>Verticordia plumosa</i> var. <i>pleiobotrya</i>	EN,-	Myrt	Busselton, Serpentine - Blackwood	Nov-Dec	ShS	<i>V. p.</i> var. <i>pleiobotrya</i> is now <i>V. p.</i> var. <i>brachyphylla</i> , a relatively common variety, which is widespread in southwest Western Australia.

Abbreviations used in table: Columns 1, 2, 3: in DEC 2012 database search results: WAHerb – Western Australian Herbarium Specimen database; TPFL – Threatened and Priority Flora database; TPlist – Threatened and Priority Flora List database. **Column 4:** Taxon – Species, subspecies or variety. **Column 5:** Status & Rank codes - CR, EN, VU – EPBC Act Threatened Flora; T – DEC Threatened Flora; P1, P2, P3, P4 – DEC Priority Flora. **Column 6:** Family – abbreviations of the family names currently in use in the Western Australian Herbarium; e.g. Orch is Orchidaceae, Myrt=Myrtaceae, Acacia is in Fabaceae, Andersonia is in Ericaceae. **Column 7:** Distribution / Localities – Not necessarily complete listings; **WANDI** indicates a taxon that ASW has recorded in Wand. **Column 8:** Flower period. **Column 9:** Form [of plant]: He – herbaceous plant; Ma – mallee; Se – sedge; Sh – shrub. Height of shrubs: S – short; M – mid height (ca. 1-2 m); T – tall; V – vine. **Column 10:** Description and Habitats.

² Listed in *Bush Forever* (2000, Volume 2, Table 13) as an e, p, s species (a species endemic to the Swan Coastal Plain which is considered to be poorly reserved and significant).

Table A2

Threatened and Priority Flora Recorded in the Broader Vicinity of Lot 9 Robinson Road, Wandí

(listed in results of DEC and EPBC database searches for Wandí lots in some previous years but not in the results of September and October 2014 database searches)

Taxon	WA Status & Rank	Fam-ily	Distribution / Localities	Flower period	Form	Plant Description and Habitats
<i>Austrostipa mundula</i>	P2	Poac	Torndirrup NP, Esperance, Jerramungup, Joondalup, Kwinana, Fremantle LGAs	mainly Oct-Nov	Gr	Lvs sturdy, erect? (rather than flexuous), tightly rolled; callus 2-3 mm long; similar to <i>A. exilis</i> (callus 1-1.5 mm long) (Jessop <i>et al.</i> 2006). S of Fremantle in sand over limestone; in S Aust., also other habitats.
<i>Boronia juncea</i> subsp. <i>juncea</i>	P1	Ruta	Myalup, Wellard	Apr	ShM?	Slender or straggly shrub, pedicels and sepals glabrous, flower pink. Sand. Low scrub.
<i>Byblis gigantea</i>	P3	Bybl	Yule Brook, Jandakot, Brookton Hwy, Cervantes	Sep-Jan	He	Erect viscid insectivorous perennial herb to 0.6m tall; flowers blue/pink/purple. Seasonally wet soils, sandy clay, swampy areas.
<i>Drosera occidentalis</i> subsp. <i>occidentalis</i>	P4	Dros	Gingin-Pinjarra, Darling Range	Nov-Dec	He	Pygmy sundew with sparse, open rosette of red leaves and white to very pale pink flowers. In white peaty sand of margins of winter wet swamps and depressions.
<i>Grevillea thelemanniana</i> subsp. <i>thelemanniana</i>	P2	Prot	Forrestdale, Kenwick, Jervoise Bay, Joondalup	May-Nov	ShS	Dense spreading lignotuberous shrub < 1 m; branchlet indumentums appressed, sparse or absent; leaves glabrous above, not pitted; flower pink-red, limb cream. Winter-wet heathland on grey sand.
<i>Jacksonia sericea</i>	P4	Faba	Wanneroo, Trigg, Perth, Karrinyup, Mandurah-Pinjarra, Neerabup NPK	Dec (-Feb)	ShS	Low spreading to prostrate shrub to 0.6(-1) m high; pungent branchlets rare or absent; fl wings & standard orange. Standard lamina <7mm. Sand over limestone.
<i>Microtis quadrata</i>	P4	Orch	Albany-Augusta, Varley, Pinjarra, Jandakot, Walpole	Dec-Jan	He	South Coast Mignonette Orchid. Flowers short, green, densely packed. Peat, sandy clay loam. Mainly coastal swamps
<i>Phlebocarya pilosissima</i> subsp. <i>pilosissima</i>	P3	Haem	Jurien, Badgingarra, Warradarge Hill, Eneabba	Aug-Oct	HeSe	Shortly rhizomatous, compactly tufted perennial, grass-like or herb, 0.15-0.4 m high. Fl. cream-white. White or grey sand, lateritic gravel.
<i>Pimelea calcicola</i>	P3	Thym	Yanchep & Yalgro NP, Henderson, Beaconsfield	Sep-Nov	ShS	Erect to spreading shrub, 0.2-1 m high; flower pink. Brown sand with protruding limestone; coastal limestone ridges.
<i>Schoenus pennisetis</i>	P3	Cype	Cannington, Kenwick, Wongan Hills, Byford	Aug-Sep (-Dec?)	SeS	To 0.15 m high; fl. Ppl-black. Grey or peaty sand, sandy clay. Swamps, winter-wet depressions.
<i>Stylidium ireneae</i>	P4	Styl	Waroona, Lane Poole, Augusta, Kwinana	Oct-Nov	He	10-30 cm tall, w stolons; stems red, >2; leaves acuminate-spatulate, in rosette of 10-20 leaves & below it; flowers small, pale pink. Sandy loam at source of creek.
<i>Stylidium longitubum</i>	P3	Styl	Midland, Bunbury, Arthur R., Busselton, Jandakot	Nov (-Dec)	HeS	Very small erect annual; flower pink, with distinct red line across near throat. Grey sandy clay over clay; winter-wet flats.
<i>Synaphea</i> sp. <i>Serpentine</i> (GRB 103)	T	Prot	Serpentine, Byford Mundijong, Yarloop	Aug-Nov	ShS	Leaves narrow.
<i>Tetradlea</i> sp. <i>Granite</i> (S Patrick 1224) [aff. <i>hirsuta</i> ?]	P3	Trem	Gosnells, Kalamunda, Helena Valley	May-Nov	ShS	Erect shrub to 0.4 m high. Clay, moist loam, clayey sand. Granite boulders. Not recorded from the Wandí area; unlikely that there is suitable habitat for it there or near there.
<i>Thelymitra variegata</i>	P3	Orch	Baldivis, Capel, Hyden, Albany, Mt Lindesay	Jun-Sep	He	Queen of Sheba. Tuberous, perennial, herb, 0.1-0.35 m high. Fl. orange & red & purple & pink. Sandy clay, sand, laterite.

ATTACHMENT TO APPENDIX A

EPBC Act Protected Matters Report

Australian Government Department of Environment EPBC Act Protected Matters
Report on area around -32.1989°S and 115.8947°E (PMST_7H4T54) edited 29/09/2014

Database Search Area (buffer = 5 km radius): Point Coordinates: -32.1989°S and 115.8947°E

**No Image
Available**

Matters of National Environmental Significance

Plants (Threatened Species):	Status	Type of Presence
<i>Andersonia gracilis</i> Slender Andersonia	Endangered (DPaW T)	Species or species habitat may occur within area.
<i>Caladenia huegelii</i> King or Grand Spider-orchid	Endangered (DPaW T)	Species or species habitat known to occur within area.
<i>Centrolepis caespitosa</i> Matted Centrolepis	Endangered (DPaW P4)	Species or species habitat likely to occur within area.
<i>Darwinia foetida</i> Muchea Bell	Critically E (DPaW T).	Species or species habitat likely to occur within area. Only Muchea area, NNE of Perth.
<i>Diuris micrantha</i> Dwarf Bee-orchid	Vulnerable (DPaW T)	Species or species habitat known to occur within area.
<i>Diuris purdiei</i> Purdie's Donkey-orchid	Endangered (DPaW T)	Species or species habitat known to occur within area.
<i>Drakaea elastica</i> Glossy-leaved Hammer-orchid	Endangered (DPaW T)	Species or species habitat known to occur within area.
<i>Drakaea micrantha</i> Dwarf Hammer-orchid	Vulnerable (DPaW T)	Species or species habitat known to occur within area
<i>Eucalyptus balanites</i> Cadda Road Mallee, Cadda Mallee	Endangered (DPaW T)	Species or species habitat likely to occur within area.
<i>Grevillea curviloba</i> subsp. <i>incurva</i> Narrow curved-leaf Grevillea	Endangered (DPaW T)	Species or species habitat may occur within area. FloraBase shows it as only N of Perth.
<i>Lepidosperma rostratum</i> Beaked Lepidosperma	Endangered DPaW T)	Species or species habitat likely to occur within area.
<i>Synaphea</i> sp. Fairbridge Farm Selena's Synaphea (D.Papenfus 696)	Critically E (DPaW T)	Species or species habitat likely to occur within area.
<i>Thelymitra dedmaniarum</i> Cinnamon Sun Orchid	Endangered (DPaW T)	Species or species habitat may occur within area. = <i>T. manginii</i> , <i>T. manginiorum</i>
<i>Thelymitra stellata</i> Star Sun Orchid	Endangered (DPaW T)	Species or species habitat may occur within area.
<i>Verticordia plumosa</i> var. <i>pleiobotrya</i>	Endangered (DPaW --)	Species or species habitat likely to occur within area. <i>V. p.</i> var. <i>pleiobotrya</i> is now <i>V. p.</i> var. <i>brachyphylla</i> , a relatively common variety, which is widespread in the southwest.
Listed Threatened Ecological Communities:	None	

APPENDIX B

Vegetation Structure Categories and Condition Assessment Scale

Vegetation Structure Categories

The classification system used for describing vegetation structure and the six-point scale used for assessing vegetation condition are based upon those in *Bush Forever* (2000, Vol. 2, pp. 493-494).

The vegetation classification system is, basically, as set out below (note that the term for density precedes the term for height; in *Bush Forever* the term for height sometimes precedes the term for density):

Canopy cover/Form, Height	100% - 70%	70% - 30%	30% - 10%	10% - 2%
Trees > 30m	Closed Tall Forest CTF	Open Tall Forest OTF	Tall Woodland TW	Open Tall Woodland OTW
Trees 10-30m	Closed Forest CF	Open Forest OF	Woodland W	Open Woodland OW
Trees < 10m	Closed Low Forest CLF	Open Low Forest OLF	Low Woodland LW	Open Low Woodland OLW
Shrubs > 2m	Closed Tall Scrub CTSc	Open Tall Scrub OTSc	Tall Shrubland TSh	Open Tall Shrubland OTSh
Shrubs 1-2m	Closed Heath CH	Open Heath OH	Shrubland Sh	Open Shrubland OSh
Shrubs < 1m	Closed Low Heath CLH	Open Low Heath OLH	Low Shrubland LSh	Open Low Shrubland OLSh
Grasses	Closed Grassland CG	Grassland G	Open Grassland OG	Very Open Grassland VOG
Also Herbs: Herblands. Sedges: Sedgelands. Rushes: Rushlands. Etc.				

Key to above Abbreviations in Bold

C	Closed	F	Forest	G	Grassland
H	Heath	L	Low	O	Open
Sc	Scrub	Se	Sedgeland	Sh	Shrubland
T	Tall	V	Very	W	Woodland

Condition Assessment Scale

The six-point condition scale is, basically:

P	Pristine	No obvious signs of disturbance,
E	Excellent	Vegetation structure intact, disturbance affecting individual species, and weeds are non-aggressive species,
V	Very Good	Vegetation structure altered, obvious signs of disturbance,
G	Good	Vegetation structure significantly altered by very obvious signs of multiple disturbance; basic vegetation structure or ability to regenerate it is retained,
D	Degraded	Basic vegetation structure severely impacted by disturbance; scope for regeneration but not to a state approaching good condition without intensive management, and
C	Completely Degraded	Vegetation structure not intact; the area completely or almost completely without native species ('parkland cleared').



Photo 1: A westward view of Robinson Road from the current access point to Proposed Lot 1



Photo 2: A view of the property on the opposite (southern) side of Robinson Road to Proposed Lot 1



Photo 3: A view of the degraded vegetation on Proposed Lot 1



Photo 4: A south-westward view of Robinson Road from Proposed Lot 2



Photo 5: A view of the on-site vegetation



Photo 6: A view of the existing firebreak

15.4 Submission on proposed amendments to the Residential Design Codes

SUMMARY:

The Western Australian Planning Commission (WAPC) has released proposed amendments to State Planning Policy 3.1: Residential Design Codes (R-Codes) for public comment. The majority of changes proposed by the *R-Codes proposed amendments 2016* (2016 amendments) relates to terminology and procedural inconsistencies with the recently gazetted *Planning and Development (Local Planning Schemes) Regulations 2015* (2015 Regulations). The majority of these changes have been reviewed and no objection is recommended to such changes or constructive suggestions have been made.

However, there are three specific changes proposed by the 2016 amendments that warrant further consideration and are not supported by the City in their current form. These changes relate to:

1. The introduction of a 'Streetscape Appearance' clause and associated provisions;
2. The removal of a solar access assessment (overshadowing) from walls with a height of 3.5 metres or less; and
3. Reduction in 'deemed to comply' lot boundary setback from 1.5m to 1.2m.

These points were raised at a Councillor Forum held on the 28 September 2016. This report recommends that Council endorse a submission on the proposed amendments, identifying a number of key concerns related to the above three changes.

OFFICER RECOMMENDATION:

That Council authorise the preparation of a submission to the Western Australian Planning Commission on the *R-Codes proposed amendments 2016* based on the content of this report and attachment A.

BACKGROUND:

The Residential Design Codes (R-Codes) were originally prepared in 2002 as the 'Residential Planning Codes' and adopted as Statement of Planning Policy 1 (now referred to as State Planning Policy 3.1 (SPP3.1)). Since 2002, there have been three reviews of the R-Codes in 2008, 2010 and 2015.

The R-Codes are the predominant planning control document for residential development within Western Australia. The City's Town Planning Scheme No. 2 (TPS2) gives statutory force to the R-Codes through clause 6.4.1(c) that states:

'Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes and the schedules to those codes.'

PROPOSED AMENDMENTS:

The WAPC has released the *R-Codes proposed amendments 2016* (2016 amendments) for public comment, with the submission period closing on 10 October 2016. The Department of Planning have granted a 1 week extension for the City to make a submission to align with Council meeting dates.

15.4 SUBMISSION ON PROPOSED AMENDMENTS TO THE RESIDENTIAL DESIGN CODES

According to the WAPC website, the 2016 amendments have been prepared to:

- Address stakeholder concerns regarding misinterpretation and inconsistency of application of certain provisions of the R-Codes; and
- Improve use and clarity, address anomalies and align the R-Codes with the *Planning and Development (Local Planning Schemes) Regulations (2015 Regulations)*.

The substantive changes include:

- Removal of site area design principles;
- Amended grouped and multiple dwelling definitions;
- Reduce setback for walls with major openings for wall heights 3.5 metres or less from 1.5 metres to 1.2 metres;
- Solar access applying to wall height greater than 3.5 metres;
- Introduce a new streetscape appearance 'deemed to comply' clause;
- Clarification of ancillary dwellings construction standards;
- Clarification of driveway/crossover locations; and
- Reduce the minimum number of aged or dependent persons' dwellings in any single development from 5 to 2.

PLANNING COMMENT

Attachment 1 to this report provides a recommended response to each change proposed by the 2016 amendments.

The majority of changes proposed by the 2016 amendments relate to terminology and procedural inconsistencies with the recently gazetted *2015 Regulations*. The majority of these changes have been reviewed and no objection is recommended to such changes or constructive suggestions have been made. Refer to Attachment 1 for the full list of changes and recommended responses.

However, there are three specific changes proposed that warrant further consideration and are not supported by the City in their current form. These changes are discussed in further detail as follows.

1. Introduction of 'Streetscape Appearance' clause

The 2016 amendments propose a new clause to deal with matters associated with the streetscape appearance of development. This clause is copied in full as follows:

5.2.7 Streetscape appearance

C7 (deemed-to-comply) Buildings comply with the requirements of a relevant streetscape local planning policy approved by the WAPC in accordance with clause 7.3.2 of the R-Codes.

P7 (design principle) Building mass and form that:

- *Satisfies objectives and design principles outlined in a relevant streetscape local planning policy **approved by the WAPC**;*
- ***Uses design features to articulate the building;***
- *Uses appropriate minor projections that do not detract from the character of the streetscape;*

15.4 SUBMISSION ON PROPOSED AMENDMENTS TO THE RESIDENTIAL DESIGN CODES

- *Uses major openings to facilitate street surveillance and activation and minimises building facade take up by garages, blank walls and servicing infrastructure; and*
- *Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework. (Emphasis added – points discussed below)*

The justification provided for the above clause is contained in the 'Administration Comment' of the 2016 amendments, copied in full as follows:

*'The proposed streetscape appearance clause seeks to address unintended consequences of the Planning and Development (Local Planning Schemes) Regulations 2015 whereby R-Codes compliant single houses bypass development approval (due to exemption under clause 61(1)(d) and **application of local planning policy**. Local Planning Policy requirements will apply as if they are 'read into' the R-Codes **provided WAPC approves**.'* (Emphasis added)

The introduction of a clause that deals with streetscape appearance is supported by the City, and is consistent with the recent efforts of the City to prepare streetscape design policy requirements through the series of workshops under the 'Urban Amenity Strategy' banner.

However there are a number of points to raise regarding the reasoning and drafting of the above clause.

Status of local planning policies and need for WAPC approval

Part 7.3 of the R-Codes already allow for the preparation of local planning policies (LPPs) to replace the 'deemed to comply' provisions of the R-Codes for specific design elements – eg. building height, street setback and garage width. These LPPs do not require the approval of the WAPC. The LPP can replace or vary the 'deemed to comply' provisions of the R-Codes but cannot replace or vary the 'design principle' criteria. A development that does not satisfy the replaced or varied 'deemed to comply' provisions of the R-Codes would be assessed against the 'design principle' criteria of the R-Codes.

There seems to be confusion about the status of LPPs that vary the 'deemed to comply' and whether the clauses in the *2015 Regulations* that permit development without approval where the development complies with the R-Codes exclude the requirement to comply with an LPP. It appears that this confusion is behind the reason for the requirement for the WAPC to approve an LPP prepared for *Streetscape Appearance*, as stated in the 'Administration Comment' of the 2016 amendments. However the City's position is that an LPP prepared within the framework of the R-Codes is a statutorily sound document and is not circumvented or excluded from application under the *2016 Regulations*. This view has been confirmed as a correct interpretation with the City's lawyers.

A second possible reason to justify the requirement for WAPC approval of a *Streetscape Appearance* LPP is that some of the matters to be addressed by the LPP could be viewed as subjective or location specific. However this in itself does not adequately justify the need for WAPC approval of such LPPs, rather it emphasises the importance of suitable 'design principles' or parameters for the LPP to operate. For example, the LPP could address location specific or more subjective matters of design as 'deemed to comply' provisions, however a development could still be assessed against the 'design principles' of the R-Codes, which cannot be varied by an LPP. This approach would be consistent with the current framework for other LPPs dealing with R-Codes design elements.

15.4 SUBMISSION ON PROPOSED AMENDMENTS TO THE RESIDENTIAL DESIGN CODES

A further possible reason that the WAPC is proposing *Streetscape Appearance* LPPs be approved by the WAPC is that a number of local governments are currently applying LPPs that address streetscape matters such as fencing, setbacks and height, but these LPPs have not been prepared in accordance with the format and structure of the R-Codes, particularly the application of the 'design principles' where the policy requirements aren't met. Some such policies also attempt to control matters not covered by the current R-Codes, such as form and proportion of development. Whilst the R-Codes contemplate local governments preparing LPPs that augment the R-Codes for any aspect of residential development that is not provided for under the R-Codes, it is arguable whether compliance with such a LPP is required to be exempt from development approval. The proposed inclusion of *Streetscape Appearance* provisions will clarify that a LPP can be prepared under the R-Codes to address streetscape matters, however it is not necessary for such LPPs to be approved by the WAPC for the reasons outlined above.

In principle, the City is supportive of the inclusion of *Streetscape Appearance* provisions in the R-Codes, however does not consider it necessary for the WAPC to approve an LPP prepared under this clause.

If the WAPC were to retain the requirement for WAPC approval of an LPP under this clause, then further guidance about the content of an LPP is recommended as detailed below.

Wording of the proposed design principle

The proposed 'design principles' are not considered satisfactory to achieving the objective and intent of the proposed clause.

In particular, the proposed provision, '*Satisfies the objectives and design principles of the LPP*' is inconsistent with the structure of the rest of the R-Codes. Either the LPP should be the only document that addresses these matters, or the same approach to the rest of the R-Codes should be taken – that being the LPP can replace deemed-to-comply requirements, but the R-Codes provides the design principles. The current wording confuses the status of the LPP and the 'design principles'.

The proposed provision, '*Design features to articulate the building*', reads as a requirement, not a principle. Articulation of a building is not always appropriate or necessary to achieve a satisfactory or desirable streetscape appearance. The principle should be '*design features to appropriately proportion and break up the building's bulk as viewed from the streetscape*' or similar.

2. Removal of solar access assessment (overshadowing) from walls with a height of 3.5 metres or less (including boundary walls)

The 2016 amendments propose to '*clarify [that] solar access standards apply to walls with a height greater than 3.5 metres (generally single storey high walls). Wall height 3.5 metres [sic] or less will not trigger application of the solar access clause.*'

The change has the effect of removing the assessment of overshadowing caused by the wall of a development (including boundary walls) and thereby 'weighting' the importance of complying with one design element of the R-Codes (that being, lot boundary setbacks) over another element (solar access for adjoining sites). This change is not recommended to be supported as it is:

15.4 SUBMISSION ON PROPOSED AMENDMENTS TO THE RESIDENTIAL DESIGN CODES

1. Inconsistent with the well established structure of the R-Codes, where by development is required to satisfy all design elements;
2. Seems unfairly weighted to the standard project homes offered by the building industry without sufficient thought to its application in other circumstances; and
3. Is contrary to basic town planning principles where a development's impact on the amenity of adjoining properties is assessed prior to being approved.

Furthermore, it is unclear how the proposed change will be practically applied, particularly in circumstances with two storey or more developments, or on narrow north-south orientated lots. For instance, if a two storey development exceeds the 'deemed to comply' overshadowing requirement with the single storey wall included in the assessment, is it simply a matter of removing the single storey wall from the assessment? If that means the development meets the 'deemed to comply' overshadowing requirement, then the impact on the neighbouring property's amenity has not been adequately considered (i.e. through a 'design principle' assessment).

3. Reduction in 'deemed to comply' lot boundary setback from 1.5m to 1.2m

The 2016 amendments propose to reduce the 'deemed to comply' minimum lot boundary setback requirement for a single storey wall with major openings from 1.5m to 1.2m. The justification provided for the change is that a 1.2m setback *'provides slightly greater design and lot use efficiency opportunities than a 1.5m setback.'*

This change is not recommended to be supported as insufficient justification is provided to warrant the change. The 'design principles' for the lot boundary setback provisions focus include:

- reducing impacts of building bulk on adjoining properties;
- providing adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

The justification provided for the change by the WAPC does not address any of these principles, or more generally the impact on the amenity of adjoining properties, but rather focus on the benefit in floor area increase to the development itself.

Without further information to justify the proposed change, it is not recommended that this change be supported.

LEGAL/POLICY IMPLICATIONS:

The City's Town Planning Scheme No. 2 (TPS2) gives statutory force to the R-Codes through clause 6.4.1(c) that states:

'Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes and the schedules to those codes.'

The 2016 amendments, if gazetted, will affect the assessment of residential development in accordance with TPS2.

15.4 SUBMISSION ON PROPOSED AMENDMENTS TO THE RESIDENTIAL DESIGN CODES

FINANCIAL/BUDGET IMPLICATIONS:

No financial or budget implications have been identified in association with this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified in association with this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

Strategy 4.4.8 of the City's Strategic Community Plan 2015-2025 states:

Ensure that the City has significant input on planning and strategic growth decisions at the Regional and State level.

The preparation of this recommended submission is consistent with this strategy.

RISK IMPLICATIONS:

No risk implications have been identified in association with this report or recommendation.

COUNCIL DECISION

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MOVED CR W COOPER

SECONDED CR B THOMPSON

That Council authorise the preparation of a submission to the Western Australian Planning Commission on the *R-Codes proposed amendments 2016* based on the content of this report and attachment 1.

**CARRIED
7/0**

NOTE – That the officer recommendation has been amended to read attachment 1. The attachment was originally stated as attachment A.

Attachment 1: Proposed R-Codes changes and City of Kwinana response

No.	Details of proposed amendment	Administration comment	City of Kwinana response
1.	Modify replacement dates on title page to 2 August 2013 and 23 October 2015	Administrative change.	No objection
2.	Modify contents page as follows: <ul style="list-style-type: none"> replace 'planning approval' with 'development approval' under clauses 2.3 and 3.1 replace 'R30' with 'R40' under Appendix 1 Definitions text relating to Table 1 and Table 4 	Administrative change to correct anomaly.	No objection
3.	Remove sub-contents pages in Parts 1 – 6, Tables and Figures	Administrative change. Main contents page sufficient.	No objection
4.	Modify clause 1.4 as follows: <ul style="list-style-type: none"> Replace 'R30' with 'R40' 	Administrative change to correct anomaly.	No objection
5.	Modify clauses 2.1.2, 2.1.3, 2.2.1, 2.2.2, 2.3, 3.1 and 4.1.2 as follows: <ul style="list-style-type: none"> Replace 'planning approval' with 'development approval' 	Align with LPS regulations.	No objection
6.	Amend clause 2.2.2 as follows: <ul style="list-style-type: none"> insert '*' after 'single house' and corresponding note at the end of the clause as follows: 'Note: *includes the erection or extension to a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, verandah, garage, carport or swimming pool – refer to Schedule 2, Clause 61 (c) and (d) of the <i>Planning and Development (Local Planning Schemes) Regulations</i> (as amended).' Replace '(or other application as determined by the decision maker)' with 'under the scheme' 	Align with LPS regulations.	No objection
7.	Modify clause 3.1 as follows: <ul style="list-style-type: none"> Amend the text following point (c) as follows: an application shall be made to the decision-maker on the appropriate application for development approval form (refer to Schedule 2, Clause 62 and 86 of the <i>Planning and Development (Local Planning Schemes) Regulations</i> (as amended)). 	Align with LPS regulations.	No objection
8.	Modify clause 3.2.1 as follows:	Align with LPS regulations.	No objection

No.	Details of proposed amendment	Administration comment	City of Kwinana response
	<ul style="list-style-type: none"> replace 'determined by the decision maker' with 'required under the scheme' 		
9.	<p>Modify Part 3 Accompanying information - Application information matrix as follows:</p> <ul style="list-style-type: none"> Amend the Outbuildings application type column as follows: Outbuildings/external fixtures/patios/pergolas/verandahs/garages/ carports 	Align with LPS regulations and improve clarity.	No objection
10	<p>Modify clause 4.1.2 as follows:</p> <ul style="list-style-type: none"> Delete ' , or other approval process as used by the decision maker ,' 	Administrative change to correct anomaly. No alternate approval process available under the LSP regulations.	No objection
11	<p>Modify clause 5.1.1 as follows:</p> <ul style="list-style-type: none"> Delete P1.1, P1.2 and P1.3 under the design principles column and replace with: Note: Site area unable to be varied under design principles via the development application process. WAPC is able to vary through subdivision policy and application process (refer C1.4ii). 	Existing design principles are often misinterpreted by stakeholders as providing an option for site/lot area to be varied under the development process. WAPC has sole power to vary site/lot area via subdivision process.	No objection
12	<p>Modify clause 5.1.2 as follows:</p> <ul style="list-style-type: none"> Amend last dot point under P2.2 to: Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework. Amend C2.4 to: A porch, balcony, verandah, chimney or the equivalent may (subject to the Building Code of Australia) project not more than 1m into the street setback area. Projections up to 1m are not subject to a compensating area, provided that the total of such projections does not exceed 20 per cent of the building façade as viewed from the street (refer Figure 2b). Projections greater than 1m and exceeding 20 per cent of the building facade at any level are subject to an equivalent open area under clause 5.1.2 C2.1iii. 	<p>The additional text in P2.2 allows future development context outlined in the local planning framework to be considered in an assessment against the design principles.</p> <p>C2.4 commonly misinterpreted by stakeholders. The change provides application and interpretation clarity.</p>	No objection
13	<p>Modify clause 5.1.3 as follows:</p> <ul style="list-style-type: none"> Amend P3.1 as follows: Buildings set back from lot boundaries or adjacent 	The additional text in P3.1 rectifies an anomaly where setbacks between buildings on the same lot were not covered.	No objection

No.	Details of proposed amendment	Administration comment	City of Kwinana response
	<p>buildings so as to:</p> <ul style="list-style-type: none"> Amend final dot point under P3.2 to: positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework. Modify note after C3.3 as follows: The term 'up to a lot boundary' means a wall, on or less than 600mm from any lot boundary (green title or survey strata lot), other than a street boundary. 	<p>The text in P3.2 allows future development context outlined in the local planning framework to be considered in an assessment against the design principles.</p> <p>The modification to the note relating to lot boundaries is to clarify it relates to both green title and strata boundaries.</p>	No objection
14	<p>Modify clause 5.2.3 by inserting new deemed-to-comply requirement as follows:</p> <p>C3.3 For battleaxe lots or sites with internal driveway access, at least one major opening from a habitable room of the dwelling faces the approach to the dwelling.</p>	<p>The change provides application and interpretation clarity for sites accessed via a battleaxe leg or internal access driveway.</p>	Support
15	<p>Insert the following new clause after clause 5.2.6 as follows:</p> <ul style="list-style-type: none"> 5.2.7 Streetscape appearance <p>P7 Building mass and form that:</p> <ul style="list-style-type: none"> satisfies objectives and design principles outlined in a relevant streetscape local planning policy approved by the WAPC; uses design features to articulate the building; uses appropriate minor projections that do not detract from the character of the streetscape; uses major openings to facilitate street surveillance and activation and minimises building façade taken up by garages, blank walls and servicing infrastructure; and positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework. <p>C7 Buildings comply with the requirements of a relevant streetscape local planning policy approved by the WAPC in accordance with clause 7.3.2 of the R-Codes.</p>	<p>The proposed streetscape appearance clause seeks to address unintended consequences of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whereby R-Code compliant single houses bypass development approval (due to exemption under clause 61(1)(d)) and application of local planning policy. Local Planning Policy requirements will apply as if they are 'read into' the R-Codes provided WAPC approves.</p>	Refer to report discussion on this change.
16	<p>Modify clause 5.3.5 C5.3 second dot point as follows:</p>	<p>The change provides application and interpretation clarity.</p>	No objection

No.	Details of proposed amendment	Administration comment	City of Kwinana response
	<ul style="list-style-type: none"> No closer than 6m to a street corner as required under AS2890.1 Parking Facilities: Offstreet Parking (as amended); and Insert Figure 3.1 Prohibited Locations of Access Driveways from AS2890.1 		
17	<p>Amend clause 5.3.5 as follows:</p> <ul style="list-style-type: none"> C5.4 second dot point to read: the distance from an on-site car parking space to the street is 15m or more; or 	The change provides application and interpretation clarity.	No objection
18	<p>Amend clause 5.3.6 C6.1 as follows:</p> <ul style="list-style-type: none"> Insert '(as amended)' following 'AS1428.1 	Administrative change.	No objection
19	<p>Amend clause 5.3.8 as follows:</p> <ul style="list-style-type: none"> Modify C8.1 as follows: Retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setback provisions of Table 1. Retaining walls 0.5m or less in height may be located up to the lot boundary. Delete C8.2. Renumber C8.1 to C8. 	The change provides application and interpretation clarity.	No objection
20	<p>Amend clause 5.4.1 Note i. following C1.2 as follows:</p> <ul style="list-style-type: none"> Replace 'Codes' with 'Code' 	Administrative change.	No objection
21	<p>Amend clause 5.4.2 C2.1 as follows:</p> <ul style="list-style-type: none"> Insert 'for walls higher than 3.5m' following 'does not exceed the following limits' 	Proposal seeks to clarify solar access standards apply to walls with a height greater than 3.5 metres (generally single storey high walls). Wall height 3.5 metres or less will not trigger application of the solar access clause.	Refer to report discussion on this change.
22	<p>Modify clauses 5.4.4 and 5.4.5 as follows:</p> <ul style="list-style-type: none"> Modify the heading of clause 5.4.4 to 'External fixtures, utilities and facilities' Relocate P5 from clause 5.4.5 to clause 5.4.4 following P4.1 and renumber to P4.2 Relocate C5.1, C5.2 and C5.3 from clause 5.4.5 to clause 5.4.4 following C4.4 and renumber to C4.5, C4.6 and C4.7 respectively Modify renumbered C4.5 as follows: 	<p>Administrative change to merge both clauses as they contain similar content.</p> <p>Change to renumbered C4.5 reflects commonly accepted practice that where a storage area is provided within a garage, a 1m dimension is appropriate.</p>	<p>No objection</p> <p>No objection</p>

No.	Details of proposed amendment	Administration comment	City of Kwinana response
	<p>An enclosed, lockable storage area, constructed in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m when provided external to a garage and 1m when provided within a garage and an internal area of at least 4m², for each grouped dwelling.</p> <ul style="list-style-type: none"> Delete all references to clause 5.4.5. 		
23	<p>Modify clause 5.5.1 as follows:</p> <ul style="list-style-type: none"> Insert the following after C1: <p>Note: Where an ancillary dwelling provides for independent living (such as separate access, laundry and kitchen facilities), the ancillary dwelling may be considered as a separate dwelling for the purposes of the National Construction Code and additional or different construction requirements may apply. This may include an ancillary dwelling located under the same roof as the single house that provides independent living.</p>	Change to provide clarification and early warning that an ancillary dwelling may be considered as a separate dwelling under the National Construction Code and additional or different construction standards may apply.	No objection
24	<p>Modify clause 5.5.2 C2.1ii as follows:</p> <ul style="list-style-type: none"> Replace 'five' with 'two' 	Change seeks to remove barriers to facilitate provision of aged and dependant persons' dwellings by reducing the minimum number required in a single development from five to two.	Support
25	<p>Modify clause 6.1.4 P4.1 text preceding dot points as follows:</p> <ul style="list-style-type: none"> Buildings set back from boundaries or adjacent buildings on the same lot so as to: 	The change provides application and interpretation clarity.	No objection
26	<p>Modify clause 6.3.5 C5.3 second dot point as follows:</p> <ul style="list-style-type: none"> the distance from an on-site car parking space to the street is 15m or more; or 	The change provides application and interpretation clarity.	No objection
27	<p>Modify clause 6.4.2 C2.1 as follows:</p> <ul style="list-style-type: none"> Insert 'for walls higher than 3.5m' following 'does not exceed the following limits' 	Proposal seeks to clarify solar access standards apply to walls with a height greater than 3.5 metres (single storey high walls). Wall height 3.5 metres or less will not trigger application of the solar access clause.	See comments under point 21.
28	<p>Modify clauses 6.4.5 and 6.4.6 as follows:</p> <ul style="list-style-type: none"> Amend title of 6.4.5 to External fixtures, utilities and 	Administrative change to merge both clauses as they contain similar content.	No objection

No.	Details of proposed amendment	Administration comment	City of Kwinana response
	<p>facilities;</p> <ul style="list-style-type: none"> Relocate P6 from clause 6.4.6 to clause 6.4.5 following P5.2 and renumber to P5.3; Relocate C6.1, C6.2 and C6.3 from clause 6.4.6 to clause 6.4.5, following C5.4 and renumber to C5.5, C5.6 and C5.7 respectively; Modify renumbered C5.5: An enclosed, lockable storage area, constructed in a design and material matching the building/dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m when provided external to a garage and 1m when provided within a garage and an internal area of at least 4m² shall be provided for each multiple dwelling; Delete all references to clause 6.4.6. 	<p>Change to renumbered C5.5 reflects commonly accepted practice that where a storage area is provided within a garage, a 1m dimension is appropriate.</p>	
29	<p>Modify clause 7.3 as follows:</p> <ul style="list-style-type: none"> Modify the heading as follows: Scope of local planning policies, local development plans and activity centre plans Modify clause 7.3.1 text preceding point (a) as follows: Local planning policies, local development plans and activity centre plans may contain provisions that: Modify 7.3.2 as follows: Replace 'local structure' with 'activity centre'. 	<p>Align with LPS regulations.</p>	<p>No objection</p>
30	<p>Modify the following definitions:</p> <p>Grouped dwelling A dwelling that is one of a group of two or more detached or attached dwellings on the same lot which are not located above or below another dwelling or another type of building other than a garage, and includes a dwelling on a survey strata lot with common property but does not include an ancillary dwelling.</p> <p>Local planning strategy A document which supports the preparation and review of a scheme in accordance with Part 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>	<p><u>Grouped and multiple dwelling definitions</u></p> <p>Changes proposed or clarity and to align definitions with National Construction Code building classifications.</p> <p><u>Local planning strategy</u> Administrative change to refer to the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p><u>Local structure plan</u> Change to align with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> by removing the word 'statutory'.</p>	<p>No objection</p>

No.	Details of proposed amendment	Administration comment	City of Kwinana response
	<p>Local structure plan A planning document prepared and approved under the provisions of the scheme which provides a framework for the planning and coordination of land use, development and subdivision.</p> <p>Multiple dwelling A dwelling:</p> <ul style="list-style-type: none"> • in a building containing two or more dwellings; or • in a mixed use development. <p>but does not include a grouped dwelling.</p>		<p>Multiple dwelling definition requires further work as it is a circular definition. Suggest that the definition of mixed use development is amended to remove '<i>in a multiple dwelling configuration</i>' to remove the confusion.</p>
31	<p>Modify Table 2b: Boundary setbacks – Walls with major openings as follows:</p> <ul style="list-style-type: none"> • Modify boundary setback for wall height of 3.5m or less to 1.2m 	<p>A 1.2m setback for a wall with a major opening for wall height of 3.5 metres or less (single storey) provides slightly greater design and lot use efficiency opportunities than a 1.5m setback.</p>	<p>Refer to report discussion on this change.</p>

16 Reports – Civic Leadership

16.1 Amendment to the City's 2016/17 Schedule of Fees and Charges – Library Photocopying/Printing and Kiosk Hire

SUMMARY:

The purpose of this report is to obtain Council approval to reduce the Library photocopying/printing fees and to clarify the definition of kiosk in the City's 2016/17 Schedule of Fees and Charges.

OFFICER RECOMMENDATION:

That Council:

1. Authorise the publication of a local public notice stating the intention to amend the City's 2016/17 Schedule of Fees and Charges, as attached, effective seven days from the date of the local public notice.
2. Amend the City's 2016/17 Schedule of Fees and Charges, as attached, effective seven days from the date of the local public notice.

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

The Library provides a public photocopying/printing facility. When the fees for this service were reviewed for inclusion in the 2016/17 Fees and Charges Schedule they were increased by five cents, however, the photocopier coin mechanism cannot be configured to take five cent pieces. In order to facilitate ease of customer access to this photocopying/printing function, it is recommended that the Fees and Charges Schedule be amended as follows:

2016/17 Fees and Charges Schedule - Library		Current	Proposed
Photocopying/Printing – black and white	A4 page	\$0.35	\$0.30
Photocopying/Printing – black and white	A3 page	\$0.55	\$0.50
Photocopying/Printing – colour	A4 page	\$1.15	\$1.10

A further review of the 2016/17 Fees and Charges Schedule has revealed that the definition of Kiosk in the Schedule requires amendment. The heading for the section dealing with kiosk hire currently reads: "Kiosk Hire (Rhodes Park)". This section actually applies to all kiosk hire including the hire of The Pavilion at The Adventure Park. The words (Rhodes Park) should be removed from this heading to make this clear.

It is recommended that pages 17 and 27 of the 2016/17 Schedule of Fees and Charges be amended as attached.

16.1 AMENDMENT TO THE CITY'S 2016/17 SCHEDULE OF FEES AND CHARGES – LIBRARY PHOTOCOPYING/PRINTING AND KIOSK HIRE

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995

s6.17. Setting level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) *the cost to the local government of providing the service or goods; and*
 - (b) *the importance of the service or goods to the community; and*
 - (c) *the price at which the service or goods could be provided by an alternative provider.*

s6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

FINANCIAL/BUDGET IMPLICATIONS:

Photocopying/printing fees and charges for the Library are budgeted at \$4,500 for the 2016/17 financial year. Reducing the fees by five cents per copy is likely to result in a 5% reduction in revenue or approximately \$225 for the year.

ASSET MANAGEMENT IMPLICATIONS:

No asset management implications have been identified as a result of this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

The City's Strategic Community Plan for the period 2015-2025 provides that Council will ensure the future sustainability of the City of Kwinana through the implementation of sound revenue and expenditure policies.

RISK IMPLICATIONS:

No risk implications have been identified as a result of this report or recommendation.

16.1 AMENDMENT TO THE CITY'S 2016/17 SCHEDULE OF FEES AND CHARGES – LIBRARY PHOTOCOPYING/PRINTING AND KIOSK HIRE

COUNCIL DECISION

344

MOVED CR S LEE

SECONDED CR B THOMPSON

That Council:

- 1. Authorise the publication of a local public notice stating the intention to amend the City's 2016/17 Schedule of Fees and Charges, as attached, effective seven days from the date of the local public notice.**
- 2. Amend the City's 2016/17 Schedule of Fees and Charges, as attached, effective seven days from the date of the local public notice.**

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

7/0

CITY OF KWINANA FEES & CHARGES 2016/2017

Description	Comments	Statutory Fee Indicator	GST	2016/17 Fee
Community Services				
Bus Hire				
Bus Bond		No	No	\$500.00
Community Group Half Day Hire (4 hours)	Extra charge if bus not returned with a full tank	No	Yes	\$72.90
Community Group Full Day Hire (8 hours)	Extra charge if bus not returned with a full tank	No	Yes	\$108.75
Commercial/Private Use Half Day Hire (4 hours)	Extra charge if bus not returned with a full tank	No	Yes	\$200.00
Commercial/Private Use Full Day Hire (8 hours)	Extra charge if bus not returned with a full tank	No	Yes	\$300.00
Bus Km Rate		No	Yes	\$0.40
Additional Fuel Charge	Additional Charge if bus not returned with a full tank of fuel + cost of filling the bus with fuel	No	Yes	\$56.00
Hall Bonds and Permits				
Key Bond (applicable to key borrowed to view halls without a booking)	Included in hall bond if booking taken	No	No	\$50.00
Meetings Bond - One Off Charge plus Hireage Fee		No	No	\$200.00
Activities Bond - One Off Charge plus Hireage Fee		No	No	\$300.00
Functions Bond - One Off Charge plus Hireage Fee	Amount depending on level of risk associated with hire	No	No	\$1000-\$2000
Liquor Permit Casual Hire	Permit fee only + Hireage fee	No	No	\$34.00
Liquor Permit - Seasonal Hire	Permit fee only	No	No	\$45.00
Community Halls and Centres Hire Fees & Charges				
Definitions: Community - Any Not For Profit organisation, Charitable organisation, charitable event or bookings made by individuals for private bookings.				
Commercial - Government Departments & Agencies, Business, or where individuals will collect profit as a result of the booking				
Community Meetings	Between 8am - 6pm. Hourly Rate.	No	Yes	\$11.20
Community Meetings	Between 6pm - 1am. Hourly Rate.	No	Yes	\$16.95
Community Activities	Between 8am - 6pm. Hourly Rate.	No	Yes	\$16.95
Community Activities	Between 6pm - 1am. Hourly Rate.	No	Yes	\$22.40
Community Functions	Between 8am - 6pm. Hourly Rate.	No	Yes	\$39.10
Community Functions	Between 6pm - 1am. Hourly Rate.	No	Yes	\$44.75
Commercial Meetings	Between 8am - 6pm. Hourly Rate.	No	Yes	\$16.95
Commercial Meetings	Between 6pm - 1am. Hourly Rate.	No	Yes	\$22.40
Commercial Activities	Between 8am - 6pm. Hourly Rate.	No	Yes	\$22.40
Commercial Activities	Between 6pm - 1am. Hourly Rate.	No	Yes	\$28.00
Commercial Functions	Between 8am - 6pm. Hourly Rate.	No	Yes	\$44.75
Commercial Functions	Between 6pm - 1am. Hourly Rate.	No	Yes	\$50.50
Other Fees & Charges				
Security Fee	Fee charged per call out	No	Yes	\$103.50
Cleaning Fee	Hourly Rate for cleaning fee if additional cleaning of facility is required. Minimum 2 hours charge	No	Yes	\$103.50
Change room Hire Only - All Facilities - Thomas Wellard Medina Orella				
Community	Hourly Rate	No	Yes	\$12.25
Commercial	Hourly Rate	No	Yes	\$18.00
Seasonal Hire	Seasonal fee entitles hirer to 1 hire per week	No	Yes	\$280.00
Kiosk Hire (Rhodes Park)				
Community User	Per hour	No	Yes	\$12.25
Commercial User	Per hour	No	Yes	\$18.00
Seasonal Hire	Per season	No	Yes	\$606.00
Community Services				
Sports Ground Hire (formerly Oval Hire Only) - All venues - minimum hire 1 hour				
Community User: Activity	Per hour	No	Yes	No charge
Community User: Sport	Per hour	No	Yes	\$26.10
Commercial User: Hourly Rate	Per hour	No	Yes	\$47.90
Seasonal Hire		No	Yes	\$761.20
Outdoor Netball Court Hire				
Casual Hire	Per hour/Per court	No	Yes	\$8.00
Seasonal Hire	Per season/Per court	No	Yes	\$50.00
Public Open Space Bonds & Hire Fees				
Public Open Space General Bond		No	No	\$100.00
Public Open Space Special Event Bond		No	No	\$1000-\$2000
Public Open Space Community Hire Fee	Cost per hour	No	Yes	No Charge
Public Open Space Commercial Hire Fee	Cost per hour	No	Yes	\$28.00
Public Open Space Special Event Hire Fee	Cost per hour	No	Yes	\$33.60
Public Open Space Special Event Weekly Hire Fee	Cost per week	No	Yes	\$1,120.00
Public Open Space Personal Trainer Hire Fee	Cost per three month period	No	Yes	\$56.00
Storage - only available to Regular Users				
Regular User : Yearly Rate		No	Yes	\$56.00
Flood Lights				
Oval/Sporting Grounds/Outdoor courts	Per hour	No	Yes	\$11.20
Annual Seasonal Fees				
Seasonal Tenant Seniors		No	Yes	As per Council Policy 10% of maintenance costs of facility, plus \$500 bond per club
Seasonal Tenant Junior		No	Yes	As per Council Policy 2% of maintenance costs of facility, plus \$500 bond per club
Note: Seasonal Fees are set as a percentage of this cost as per Policy 9.3.13. 10% for senior (>18yrs) clubs and 2% for junior (18&U) clubs is set.				
Where a club has both juniors and seniors, they are charged each rate based on the percentage of juniors to seniors, i.e. if a club has 60% seniors (based on actual numbers not teams) and 40% juniors, workout the 10% maintenance cost (remembering to halve if only in the facility for 6months of the year) and 2% maintenance cost then divide each by 60% and 40% respectively.				
Kwinana Tennis Club		No	Yes	\$2,075.00
Magenup Equestrian Centre		No	Yes	\$3,109.00

CITY OF KWINANA FEES & CHARGES 2016/2017

Description	Comments	Statutory Fee Indicator	GST	2016/17 Fee
Library				
General				
Photocopying/Printing - Black and White	Per A4 page	No	Yes	\$0.35 \$0.30
Photocopying/Printing - Black and White	Per A3 page	No	Yes	\$0.65 \$0.50
Photocopying/Printing - Colour	Per A4 page	No	Yes	\$1.15 \$0.10
Photocopying/Printing - Colour	Per A3 page	No	Yes	\$2.20
Pocket Laminating	Per card	No	Yes	\$3.20
Pocket Laminating	Per A4 sheet	No	Yes	\$6.40
Pocket Laminating	Per A3 sheet	No	Yes	\$10.60
A4 Sheet Protectors	Per A4 sheet	No	Yes	\$0.15
Cotton Library Bags	Per bag	No	Yes	\$3.50
Replacement Membership Cards	Per card	No	No	\$5.35
First Overdue Notice		No	No	\$5.35
Account Fee		No	No	\$10.60
Charges for lost books etc	Cost to Council plus account fee	No	No	At Cost
From the Limestone Up MP3/CD		No	Yes	\$15.90
Scanning/Emailing Documents	up to 10 pages	No	Yes	\$2.20
Kwinana Koorliny Together DVD	Per DVD	No	Yes	\$15.90
Toy Library Membership - 6 Months		No	No	\$43.00
Toy Library Membership - 1 Year		No	No	\$64.00
Toy Library Membership - 6 Months with Concession		No	No	\$32.00
Toy Library Membership - 1 Year with Concession		No	No	\$54.00
USB drive	Per USB	No	Yes	\$5.20
Earbud Earphones	Per set	No	Yes	\$1.20

16.2 Mineral Resources Limited Public Comment

SUMMARY:

The Environmental Protection Authority of Western Australia (EPA) is accepting public comments until 31 October 2016 on a proposal by Mineral Resources Limited to construct and operate the J5 and Bungalbin East Iron Ore mines in the Yilgarn area. For Mineral Resources to continue their iron ore production post 2017 they require approval for these mines. As the actual project lies outside of the City of Kwinana's boundaries, City Officers have provided comment related to the potential loss of the 148 existing jobs if the Mineral Resources operation closed in the Kwinana Industrial Area. The City Officers note that there are potential environmental impacts in the Yilgarn area and will respect any findings the EPA make in relation to whether they support or not support the application. The City Officers can only make comment on the economic impacts if Mineral Resources close down their site in Kwinana as a result of being unsuccessful in receiving the necessary approvals to mine iron ore.

OFFICER RECOMMENDATION:

That Council:

1. Endorse the submission to the Environmental Protection Authority pertaining to Public Environmental Review-J5 and Bungalbin East Iron Ore Proposal as detailed in Attachment A.
2. Forward the submission to Minister for State Development, Minister for Regional Development and Lands and Minister for Environment.

DISCUSSION:

Despite the continued strength of the Western Trade Coast, the City of Kwinana's Gross Regional Product (GRP) in the 2015 financial year was \$3.06b which was down 10.5% from the 2014 financial year. This loss can be attributed to a significant slow down in heavy/civil construction and construction services. The significant loss in GRP as well as one of the highest unemployment rates in metro Perth (11.0% in June 2016) requires the City of Kwinana to be a strong advocate of job creation and retention.

If the Mineral Resources Limited facility which employs 148 people directly within the KIA closed this would have negative economic consequences in the City of Kwinana, our neighbouring local governments and Western Australia. In order to demonstrate the economic consequences, the City of Kwinana utilised a program called Economy.id which uses National Institute of Economic and Industry Research modelling series data as the basis for analysis and is widely used by local governments in Australia to demonstrate economic/demographic trends. This has shown there will be a loss of jobs for residents of Kwinana, a decline in Gross Regional Product impacting on the local, state and national economy.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a financial or impartiality interest only, the proponent/owner is Mineral Resources Limited

16.2 MINERAL RESOURCES LIMITED PUBLIC COMMENT

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial/budget implications relating to this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications relating to this report.

ENVIRONMENTAL IMPLICATIONS:

The City has a proud reputation as providing a balanced point of view which considers all aspects of a project and whilst the submission focuses on the economic implications in Kwinana, the environmental implications will be addressed by the EPA.

STRATEGIC/SOCIAL IMPLICATIONS:

The social implications behind the loss of 192 direct and indirect jobs on the local economy would be dramatic.

RISK IMPLICATIONS:

The City of Kwinana has only addressed the economic implications of the project in making this submission. However the City of Kwinana supports the need for balance between environmental, social and economic interests when assessing any project of this scale and will respect the findings of the EPA.

COUNCIL DECISION

345

MOVED CR D WOOD

SECONDED CR B THOMPSON

That Council:

1. **Endorse the submission to the Environmental Protection Authority pertaining to Public Environmental Review-J5 and Bungalbin East Iron Ore Proposal as detailed in Attachment A.**
2. **Forward the submission to Minister for State Development, Minister for Regional Development and Lands and Minister for Environment.**

**CARRIED
7/0**

1) What is your name?

City of Kwinana

2) What is your e-mail address

Admin@kwinana.wa.gov.au

3) Are You Making this submission on behalf of your Organisation?

Yes-City of Kwinana

4) Please enter your submission below

Thank you for the opportunity to comment on Mineral Resources Limited Public Environmental Review-J5 and Bungalbin East Iron Ore Proposal. The proposed iron ore mines are located outside of the City of Kwinana (and thus it is inappropriate for the City to provide comment regarding the environmental aspects of that proposal). However, the application does directly affect a Mineral Resources Limited facility located within the Kwinana Heavy Industrial Area (KIA) which forms part of the larger Western Trade Coast (WTC).

One of the main reasons that Western Australia has avoided a decline in the manufacturing sector suffered in the Eastern States is due to the KIA and the larger WTC. The KIA is the most important and successful industrial area of the state, a key contributor to the State's economy and a major employer. Given the importance of the local manufacturing to the State's economy, it is an imperative that the City of Kwinana and the State of Western Australia facilitate and support existing and future industry.

Despite the continued strength of the WTC, the City of Kwinana's Gross Regional Product (GRP) in the 2015 financial year was \$3.06b which was down 10.5% from the 2014 financial year. This loss can be attributed to a significant slow down in heavy/civil construction along with the construction services. The significant loss in GRP as well as one of the highest unemployment rates in metro Perth (11.0% in June 2016) requires the City of Kwinana to be a strong advocate of job creation and retention.

If the Mineral Resources Limited facility which employs 148 people directly within the KIA closed this would have negative economic consequences upon the City of Kwinana, our neighbouring local governments and Western Australia. In order to demonstrate the economic consequences, the City of Kwinana has utilised a program called Economy.id which uses National Institute of Economic and Industry Research modelling series data as the basis for analysis and is widely used by local governments in Australia to demonstrate economic/demographic trends.

The negative consequences of the direct loss of 148 jobs from the closure of Mineral Resources Limited within Kwinana would be dramatic:

- The closure of the Kwinana Workshop would lead to a loss of 192 direct and indirect jobs located within the City of Kwinana. This would be felt across a range of industries;
- Around 33% or 64 of these jobs would be lost by residents who live and work in the City of Kwinana. This is because residents outside the City of Kwinana travel to the KIA for work;
- This loss in jobs would lead to a subsequent decline in the City of Kwinana's economy (Gross Regional Product) by the value of \$14.75m. This would have a -0.5% impact on the local economy;
- The closure would also impact on other areas of Australia. In total cumulative impact on the national economy (GDP) is estimated to be around \$22.85m (of which \$14.75m is lost from the City of Kwinana).

Further anecdotal evidence such as the slow up take of ready industrial land in Latitude 32 indicates a general slowing of industrial activity in Western Australia. Industrial development and employment opportunities created are not only essential to Kwinana's economy, but are also essential to the State and the Nation.

- 5) If you provide an e-mail address you will be sent a receipt and a link to the PDF of your response.

Admin@kwinana.wa.gov.au

16.3 Budget Variations

SUMMARY:

To amend the 2016/2017 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

OFFICER RECOMMENDATION:

That the required budget variations to the Adopted Budget for 2016/2017 as outlined in the report be approved.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

ITEM #	LEDGER ACCOUNT	DESCRIPTION	OPERATING BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	400094.1600	Operating Expense	(317,517)	(22,190)	(334,707)
	300158.1600	Operating Revenue	216,750	22,190	233,940
	Reason:	<i>CDO Recreation and Leisure - revenue in excess of adopted budget. Additional funding received from Department of Sport and Recreation for the Kidsport program.</i>			
2	400094.1600	Operating Expense	(334,707)	(1,818)	(336,525)
	300158.1600	Operating Revenue	233,940	1,818	235,758
	Reason:	<i>CDO Recreation and Leisure - revenue in excess of adopted budget. Contribution received from the Heart Foundation for the Local Government awards to be used for Health Promotion programs.</i>			
3	600002.1001	Capital Expense	(255,245)	(1,100)	(256,345)
	400566.1600	Operating Expense	(150,500)	(15,000)	(165,500)
	400087.1031	Employee Expense	(190,489)	16,100	(174,389)
	Reason:	<i>Community Services Admin – transfer of identified savings in CDO Arts and Culture salaries due to vacant position to create community projects funds for Place Management initiative and purchase iPhone for Place Management Co-ordinator.</i>			
4	600008.1568	Capital Expense	(4,089,862)	(50,000)	(4,139,862)
	600007.1562	Capital Expense	(160,000)	35,000	(125,000)
	400480.1985	Operating Expense	(359,000)	15,000	(344,000)
	Reason:	<i>Recreation and Culture Grounds – to remove the footpath project at Walgreen Crescent and transfer funds to the Adventure Park for the additional costs including the security, changes to toilet block, splash pad and turf.</i>			

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-

(b) is authorised in advance by resolution*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

*requires an absolute majority of Council.

16.3 BUDGET VARIATIONS

FINANCIAL/BUDGET IMPLICATIONS:

Budget Item Name:	Various items as listed above.
Budgeted Amount:	
Expenditure to Date:	
Proposed Cost:	Nil effect.
Balance:	

*NOTE: All figures are exclusive of GST

ASSET MANAGEMENT IMPLICATIONS:

The allocation of funds towards the upgrading and renewal of existing City assets in the capital expenditure items is in line with the Asset Management Strategy and will reduce the current asset management gap.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

Council's Strategic Community Plan for the period 2015 to 2025 provides that Council will ensure the future sustainability of the City of Kwinana through the implementation of sound revenue and expenditure policies, and seeking additional revenue sources.

RISK IMPLICATIONS:

Refer to Legal/Policy comments for risk implications.

COUNCIL DECISION

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MOVED CR R ALEXANDER**SECONDED CR S MILLS**

That the required budget variations to the Adopted Budget for 2016/2017 as outlined in the report be approved, including the amendments to Item 1.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

7/0

NOTE – That the officer recommendation has been amended due to the City receiving payment from the Department of Sport and Recreation for an additional \$5,000 that was not included for in the original Budget Variation. Item 1 has been amended from an increase of revenue of \$17,190 to an increase of revenue of \$22,190.

17 Urgent Business

Nil

18 Councillor Reports

18.1 Councillor Bob Thompson

Councillor Bob Thompson reported that he had attended the Medina Festival and enjoyed having a drum in a drumming band and that he had a great time.

18.2 Councillor Sandra Lee

Councillor Sandra Lee reported that she had attended the Medina Festival and that it had been an absolute success.

18.3 Councillor Wendy Cooper

Councillor Wendy Cooper reported that she had attended the Paint Kwinana REaD Launch Event, which is a new initiative to teach children to read which was delightful.

Councillor Cooper advised that she had attended the Southern Metropolitan Regional Council (SMRC) display at the Perth Royal Show which was focused on Recycle Right which was enjoyable and worthwhile.

Councillor Cooper mentioned that she had attended the Glimpses of Australia Art Exhibition Opening by Diane Newton and that the artist is very talented.

Councillor Cooper reported that she had attended the Access and Inclusion Meeting.

Councillor Cooper advised that she had attended the Opening of the Step Up Step Down Building in Shoalwater which is short term residential housing for people with mental health issues.

Councillor Cooper mentioned that she had attended the SMRC Briefing.

Councillor Cooper reported that she had attended the Medina Festival.

Councillor Cooper advised that she had attended the Kwinana Tennis Club Season Opening which was a great function.

Councillor Cooper mentioned that she had attended several City of Kwinana Community Plan for the Future Workshops which have been interesting.

18 COUNCILLOR REPORTS CONTINUED

18.4 Councillor Ruth Alexander

Councillor Ruth Alexander reported that she had been pleased to host the Cockburn Sound Management Council Meeting at the City of Kwinana and passed on her congratulations to the Functions Officer for the brilliant organisation of the event.

Councillor Alexander mentioned that the City of Kwinana Festival will be held on Saturday 12 November commencing at 12pm and that a great day has been planned for all.

19 Response to Previous Questions

Nil

20 Mayoral Announcements (without discussion)

Deputy Mayor Peter Feasey reported that he had attended the Honeywood Residents Association Annual General Meeting (AGM).

Deputy Mayor Feasey encouraged all to attend the opening of the City of Kwinana Adventure Playground on Sunday.

21 Matters Behind Closed Doors

Nil

22 Meeting Closure

The Deputy Mayor declared the meeting closed 7:23pm.