

Ordinary Council Meeting

10 February 2021

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

TABLE OF CONTENTS

1	Opening and announcement of visitors	4
2	Acknowledgement of country	4
3	Dedication	4
4	Attendance, apologies, Leave(s) of absence (previously approved)	4
5	Public Question Time	5
6	Receiving of petitions, presentations and deputations:	5
6.1	Petitions:	5
6.2	Presentations:	5
6.3	Deputations:	5
7	Confirmation of minutes	5
7.1	Ordinary Meeting of Council held on 27 January 2021:	5
8	Declarations of Interest (financial, proximity, impartiality – both real and perceived) by Members and City Officers	5
9	Requests for leave of absence	6
10	Items brought forward for the convenience of those in the public gallery	6
11	Any business left over from previous meeting	6
12	Recommendations of committees	6
13	Enbloc reports	6
14	Reports - Community	6
15	Reports – Economic	6
16	Reports – Natural Environment	6
17	Reports – Built Infrastructure	7
17.1	Joint Development Assessment Panel Application – Child Care Centre – Lot 102 (13) Nicolas Drive, Casuarina	7
17.2	Proposed Road Names for Lot 30 Treeby Road, Anketell	12
17.3	Proposed Road Names for Lot 60 & 61 Kenby Chase, Wandi	15
18	Reports – Civic Leadership	18
18.1	Request to transfer reserve to Crown and reserve land for recreation – Honeywood Playing Fields, Wandi	18
18.2	Amendment to Register of Delegated Authority – Deemed to comply check	22
19	Notices of motions of which previous notice has been given	26
20	Notices of motions for consideration at the following meeting if given during the meeting	26
21	Late and urgent Business	27
21.1	Donation to the Lord Mayor's Distress Relief Fund - Wooroloo and Hills Bushfire 2021	27
22	Reports of Elected Members	32
22.1	Councillor Wendy Cooper	32
22.2	Councillor Sandra Lee	32
22.3	Councillor Sherilyn Wood	32
23	Answers to questions which were taken on notice	32

24	Mayoral Announcements	32
25	Confidential items	33
26	Close of meeting	33

Present:

MAYOR CAROL ADAMS, OAM
DEPUTY MAYOR PETER FEASEY
CR W COOPER
CR M KEARNEY
CR S LEE
CR M ROWSE
CR D WOOD
CR S WOOD

MR W JACK	-	Chief Executive Officer
MRS B POWELL	-	Director City Engagement
MRS M COOKE	-	Director City Development and Sustainability
MR D ELKINS	-	Director City Infrastructure / Acting Director City Business
MS A MCKENZIE	-	Council Administration Officer

Members of the Press 0
Members of the Public 1

1 Opening and announcement of visitors

Presiding Member declared the meeting open at 5:30pm and welcomed all in attendance.

2 Acknowledgement of country

Presiding Member read the Acknowledgement of country

"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 and we pay our respects to their Elders past and present."

3 Dedication

Councillor Matthew Rowse read the dedication

"May we, the Elected Members of the City of Kwinana, have the wisdom to consider all matters before us with due consideration, integrity and respect for the Council Chamber.

May the decisions made be in good faith and always in the best interest of the greater Kwinana community that we serve."

4 Attendance, apologies, Leave(s) of absence (previously approved)

Apologies

Nil

Leave(s) of Absence (previously approved):

Nil

5 Public Question Time

Nil

6 Receiving of petitions, presentations and deputations:

6.1 Petitions:

Nil

6.2 Presentations:

Nil

6.3 Deputations:

Nil

7 Confirmation of minutes

7.1 Ordinary Meeting of Council held on 27 January 2021:

COUNCIL DECISION

350

MOVED CR M ROWSE

SECONDED CR S WOOD

That the Minutes of the Ordinary Meeting of Council held on 27 January 2021 be confirmed as a true and correct record of the meeting.

CARRIED
8/0

8 Declarations of Interest (financial, proximity, impartiality – both real and perceived) by Members and City Officers

Mayor Carol Adams declared an impartiality interest in item 17.1, Joint Development Assessment Panel Application – Child Care Centre – Lot 102 (13) Nicolas Drive, Casuarina due to being a member of the Outer Metropolitan Joint Development Assessment Panel who will access this application in due course.

Councillor Matthew Rowse declared an impartiality interest in item 17.1, Joint Development Assessment Panel Application – Child Care Centre – Lot 102 (13) Nicolas Drive, Casuarina due to being a member of the Joint Development Assessment Panel which this item is being referred to for determination on 24 February 2021.

9 Requests for leave of absence

COUNCIL DECISION

351

MOVED CR M ROWSE

SECONDED CR S LEE

That Councillor Merv Kearney be granted a leave of absence from 1 March 2021 to 10 March 2021 inclusive and that Councillor Kearney's previous leave of absence request, resolved at the Ordinary Council Meeting held on 27 January 2021 be cancelled.

**CARRIED
8/0**

10 Items brought forward for the convenience of those in the public gallery

Nil

11 Any business left over from previous meeting

Nil

12 Recommendations of committees

Nil

13 Enbloc reports

Nil

14 Reports - Community

Nil

15 Reports – Economic

Nil

16 Reports – Natural Environment

Nil

17 Reports – Built Infrastructure

17.1 Joint Development Assessment Panel Application – Child Care Centre – Lot 102 (13) Nicolas Drive, Casuarina

DECLARATION OF INTEREST:

Mayor Carol Adams declared an impartiality interest due to being a member of the Outer Metropolitan Joint Development Assessment Panel who will access this application in due course.

Councillor Matthew Rowse declared an impartiality interest due to being a member of the Joint Development Assessment Panel which this item is being referred to for determination on 24 February 2021.

SUMMARY:

The City of Kwinana (the City) has received an application for a Child Care Centre at Lot 102 (13) Nicolas Drive, Casuarina (the subject site). The applicant is seeking temporary approval for a Child Care Centre to be constructed of modular buildings and includes an associated nature play area (refer to Attachment 1 of the Responsible Authority Report: Attachment A). The application has been assessed against relevant planning legislation and is considered to meet the requirements of the City's Local Planning Scheme No. 2 (LPS2).

As the estimated development cost of this application is in excess of \$2 million (estimated cost of this development is \$4.09 million), the applicant has opted to pursue this application through the Joint Development Assessment Panel. The application is therefore required to be referred to the Metro Outer Joint Development Assessment Panel (JDAP) for determination. City Officers have prepared the attached Responsible Authority Report (RAR) in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The RAR is attached for Council's consideration and adoption – Attachment A.

OFFICER RECOMMENDATION:

That Council resolve to support the development application for a Child Care Centre at Lot 102 (13) Nicolas Drive, Casuarina as per the recommendation outlined in the Responsible Authority Report (Attachment A) to the Metro Outer Joint Development Assessment Panel.

DISCUSSION:

The subject application is for a Child Care Centre to be temporarily approved on a portion of Lot 102 (13) Nicolas Drive, Casuarina. The subject lot is located on the corner of Nicolas Drive and Mortimer Road, with the proposed Child Care Centre orientating to and obtaining access from Mortimer Road.

17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPLICATION – CHILD CARE CENTRE – LOT 102 (13) NICOLAS DRIVE, CASUARINA

The proposal is for a temporary Child Care Centre that will provide care for up to 104 children and operate between 6:30am and 6:30pm, Monday to Friday. The centre will employ up to 18 staff. Key elements of the proposed development are as follows:

- A single storey, modular Child Care Centre building that orientates to Mortimer Road. The modular method of building construction involves the transportation of pre-constructed modules to the site, which are then craned into position over the course of 2-3 days;
- An outdoor play area up to 1022 square metres;
- A full-movement crossover connecting the development to Mortimer Road;
- A 30 bay car parking area.

The proposed Child Care Centre is located in the Development zone as prescribed under LPS2. The overall purpose of the Development zone is to discourage development in anticipation of detailed planning work being undertaken via a local structure plan being prepared. Although no local structure plan has been approved over the Casuarina south area, the proposal for a temporary land use is not considered to prejudice the local structure planning of the area. In this regard, the development is considered to be consistent with the principles of orderly and proper planning as per the *Planning and Development Regulations 2015* and LPS2, and as such can be approved. Further discussion can be found under the heading 'Planning Assessment' in the attached RAR.

It should be noted that the applicant initially submitted this application proposing a permanent Child Care Centre land use. Following further discussions with the applicant, City Officers outlined the application for a permanent land use in this area is not consistent with the objectives of the Development zone and would be recommended for refusal. As a result, the applicant has submitted amended plans for a temporary land use.

The application has been advertised to all owners and occupiers of properties within 300 metres of the subject site and has also been referred to various external agencies and government departments. The matters raised in responses are further discussed in the RAR.

As the estimated development cost exceeds \$2 million (estimated cost of this development is \$2.1 million) and the applicant has opted to have the application determined by the JDAP, the application is required to be referred to the JDAP for determination. The application is scheduled to be considered by the JDAP at a meeting in early February 2021. The City is required to submit the RAR to the DAP Secretariat on 29 January 2021.

The application has been referred to Council prior to the lodgement of the RAR, as City Officers do not have delegation to prepare the RAR under the *Planning and Development (Development Assessment Panel) Regulations 2015*. In the event that Council wishes to modify or make an alternative recommendation to that contained within the RAR, this will form a separate recommendation to that of Officers in the RAR for JDAP's consideration.

**17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPLICATION – CHILD CARE CENTRE – LOT 102
(13) NICOLAS DRIVE, CASUARINA**

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a financial or impartiality interest only, the proponent is Planning Solutions and the land owner is Practical Investments Pty Ltd.

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment Panels) Regulations 2015*

Local Planning Scheme

- City of Kwinana, Local Planning Scheme No. 2

State Planning Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Local Planning Policies

- Local Planning Policy No. 6 – Guidelines for Structure Planning in the Casuarina Cell
- Local Planning Policy 5 – Development Contribution Towards Public Art

FINANCIAL/BUDGET IMPLICATIONS:

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

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications as a result of this application.

ENVIRONMENTAL IMPLICATIONS:

Approval of this application would result in the removal of existing vegetation. The application was referred to the Department of Water and Environment Regulation who provided advice in relation to the clearing of native vegetation.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal may impact on the achievement of the following outcome and objective detailed in the Strategic Community Plan.

Plan	Outcome	Objective
Corporate Business Plan	A well planned City	4.4 Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity.

**17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPLICATION – CHILD CARE CENTRE – LOT 102
(13) NICOLAS DRIVE, CASUARINA**

COMMUNITY ENGAGEMENT:

The application was advertised to land owners within 300 metres of the site for a period of 21 days. Four submissions were received and a Schedule of Submissions is attached to the RAR. The issues raised in the submissions are discussed in the RAR (attached to this report).

PUBLIC HEALTH IMPLICATIONS

The proposal has the potential to negatively impact on the following determinants of health and factors:

- Built Environment – Environmental Quality and Neighbourhood Amenity; and

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Appeal of the JDAP's decision or failure to provide RAR on time.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements Providing inaccurate advice/ information.
Risk Effect/Impact	Reputation Compliance
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	<ul style="list-style-type: none"> • Work instructions in place and checklists used when assessing the application. • The recommendation on the application is justified on the basis of compliance with the Town Planning Scheme, and the discretion afforded to the JDAP to vary these documents. • Liaising with the proponent throughout the application process.
Rating (after treatment)	Low

**17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPLICATION – CHILD CARE CENTRE – LOT 102
(13) NICOLAS DRIVE, CASUARINA**

COUNCIL DECISION

352

MOVED CR S LEE

SECONDED CR M KEARNEY

That Council resolve to support the development application for a Child Care Centre at Lot 102 (13) Nicolas Drive, Casuarina as per the recommendation outlined in the Responsible Authority Report (Attachment A) to the Metro Outer Joint Development Assessment Panel.

CARRIED

8/0

Attachment A

Lot 102 (13) Nicolas Drive, Casuarina – Child Care Centre

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro-Outer	
Local Government Area:	City of Kwinana	
Proponent:	Alessandro Stagno/Planning Solutions	
Owner:	Darren Blowes/Practical Investments Pty Ltd	
Value of Development:	\$2.1 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Kwinana	
Authorising Officer:	Senior Planning Officer	
LG Reference:	DA9759	
DAP File No:	DAP/20/01856	
Application Received Date:	16 September 2020	
Report Due Date:	29 January 2021	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1-13: Development Plans 14: Context Map 15: Local Planning Policy No.6 16: Traffic Impact Statement 17: DWER Advice 18: DPLH Advice 19: MRWA Advice 20: DFES Advice 21: Schedule of Submissions 21: Council Minutes (to be inserted)	
Is the Responsible Authority Recommendation the same as the Officer Recommendation? <i>This section to be completed following council meeting</i>	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro – Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01856 and accompanying plans:
Drawing No: A00-CS01 – Cover Page
Drawing No: A00-CS02 – Code Legend
Drawing No: A01-CS04 – Perspective View
Drawing No: A01-SP02 – Site Plan 1
Drawing No: A01-SP01 – Site Plan 2
Drawing No: A02-FP01 – Floor Plan
Drawing No: A03-EL01 – Elevations 1

Drawing No: A03-EL02 – Elevations 2
Drawing No: A03-EL03 – Elevations 3
Drawing No: A04-SC01 – Sections
Drawing No: A05-RP01 – Roof Plan
Drawing No: A08-SH01 – Door Schedule
Drawing No: A08-SH03 – Window Schedule
in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Clause 6.1 of the City of Kwinana Local Planning Scheme No. 2, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This approval is valid for five (5) years from the date of occupation of the development. Prior to the expiry of this approval, the use of the land shall cease and all physical improvements removed from the site and the land made good to the satisfaction of the City of Kwinana.
3. The requirements of Local Planning Policy No.5 – Development Contribution Towards Public Art (LPP5) shall be met through one of the following options:
 - a. Prior to the submission of an application for building permit, submit a Public Art Report in accordance with LPP No. 5 to the City of Kwinana that details the public art to be developed as a component of the development. Prior to the occupation of the development, the approved artwork shall be installed on site to the satisfaction of the City of Kwinana; or
 - b. Prior to the occupation of the development, the proponent shall provide a financial contribution of \$21,000 (1% of the development cost) to the City of Kwinana in lieu of installing art work on site to the satisfaction of the City of Kwinana.
4. Prior to the submission of an application for building permit, the Fire Management Plan prepared by Integrated Consulting Town & Bushfire Planning (Rev C) and dated 14 August 2020 is to be amended to reflect the proposed development and comply with State Planning Policy 3.7: Planning in Bushfire Prone Areas, and submitted for approval, in consultation with DFES to the satisfaction of the City of Kwinana. The approved Fire Management Plan shall be implemented thereafter to the satisfaction of the City of Kwinana.
5. Prior to the submission of an application for building permit, the Environmental Noise Assessment prepared by Lloyd George Acoustics (Reference: 20025396-01) and dated 7 May 2020 is to be amended to comment on potential changes to the noise levels and recommendations based on the amended building layout and building materials and have consideration to acoustic treatment barriers on adjoining lots to child care. The amended Noise Assessment is to be submitted for approval to the satisfaction of the City of Kwinana.

6. The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
7. Landscaping shall be installed in accordance with the approved site plan (Drawing No. A01-SP01, Revision B) prior to the occupation of the development and maintained for the life of the development to the satisfaction of the City of Kwinana.
8. Prior to occupation of the development, a footpath connecting from the existing Sunrise Boulevard footpath along the southern verge of Mortimer Road to the proposed Child Care Centre is to be constructed at the applicants cost to the satisfaction of the City of Kwinana.
9. Prior to occupation of the development, vehicle parking bays are to be constructed in accordance with AS2890, clearly marked on the ground and drained to the satisfaction of the City of Kwinana.
10. Stormwater is to be contained and disposed of on site to the satisfaction of the City of Kwinana.
11. The development being suitably lit in accordance with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting.
12. Prior to occupation of the development, a secondary treatment system (STS) with phosphorus removal is to be installed and operated in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, the Government Sewage Policy, the Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units Serving Single Dwellings and AS 1547: 2012 On-site domestic wastewater management.
13. The STS is to be decommissioned in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* at the end of the temporary development approval.
14. Prior to occupation of the development, the crossover is to be constructed to the satisfaction of the City of Kwinana. Prior to the expiry of this approval, the crossover is to be removed.

Advice Notes

1. In relation to the timeframe of this approval, the Child Care Centre is approved for a five (5) year period from the date of occupation of the development only. An application is required to be submitted to the City of Kwinana and a further application for approval must be submitted for assessment prior to continuing with the land use beyond that date.
2. In relation to the construction of the proposed crossover, the crossover is to be concrete having a minimum width of six (6) metres with 1.5 metre wings.
3. In relation to the installation of a secondary treatment system (STS), an application is to be made to the City of Kwinana for approval to construct or install an apparatus for the treatment of sewage prior to the lodgement of a building application. The applicant is advised that the subject site is located in a sewage sensitive area and therefore the

discharge points of the STS are to be at least 1.5 metres above the highest groundwater level. The STS, including the treatment beds, shall not be situated within 100 metres of a Resource Enhancement Wetland. Additionally, the effluent irrigation treatment bed is not to be located in the children's outdoor play or courtyard area where there is human traffic.

4. The applicant is advised that any servicing requiring road crossings as part of this development are to be installed via trenchless techniques.
5. The applicant is advised that the proposed bin store shall comply with the City of Kwinana Refuse by law. The bin store is to be supplied with a tap and the floor must be graded to industrial waste connected to the approved STS.
6. The applicant is advised to submit an application to the City of Kwinana for approval to construct or alter a food business, an application for registration of food business and an application for child care approval with associated fees and documents at the lodgement of building application.
7. The applicant is advised that the proposal is to comply with the *Food Act 2008*, *Food Regulations 2009*, *Health (Miscellaneous Provisions) Act 1911* and *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
8. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
9. The applicant is advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site a Building Permit must be issued and penalties apply for failing to adhere to this requirement.
10. The applicant is advised that under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations). You are advised to contact the Department of Water and Environment Regulation for further information.

Reasons for Responsible Authority Recommendation

This section is to be completed where the Council resolution differs from the Officer recommendation. Council reasons are to be outlined here.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Kwinana Local Planning Scheme No.2

Local Planning Scheme - Zone/Reserve	Development
Structure Plan/Precinct Plan	None applicable
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	N/A (No Local Structure Plan exists over the site)
Lot Size:	Two hectares
Existing Land Use:	Single House
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

Proposed Land Use	Child Care Centre
Proposed Net Lettable Area	N/A
Proposed No. Storeys	1
Proposed No. Dwellings	N/A

The City of Kwinana has received an application for a proposed Child Care Centre to on a portion of Lot 102 (13) Nicolas Drive, Casuarina (the subject lot). The subject lot is located on the corner of Nicolas Drive and Mortimer Road, with the proposed Child Care Centre orientating to and obtaining access from Mortimer Road (see context map – Attachment 14).

The applicant is seeking temporary approval for ten years for a Child Care Centre that will provide care for up to 104 children. The centre is proposed to operate between 6:30am and 6:30pm, Monday to Friday and will employ up to 18 staff. Key elements of the proposed development are as follows:

- A single storey, modular Child Care Centre building that orientates to Mortimer Road. The modular method of building construction involves the transportation of pre-constructed modules to the site, which are then craned into position over the course of 2-3 days;
- An outdoor play area up to 1022 square metres;
- A full-movement crossover connecting the development to Mortimer Road;
- A 30 bay car parking area.

The development plans can be seen in Attachments 1 - 13.

It should be noted that the applicant initially submitted this application proposing a permanent Child Care Centre land use. Following further discussions with the applicant, City Officers outlined the application for a permanent land use in this area is

not consistent with the objectives of the Development zone and would be recommended for refusal. As a result, the applicant has submitted amended plans (as seen in Attachments 1-13) for a temporary land use. As part of the amended plans, the location and footprint of the development on the subject site is generally unchanged. In terms of capacity and number of staff, the proposal remains unchanged. A further comparison between the previous proposal and the amended can be seen below:

Previous Proposal (permanent)	Current Proposal (temporary)
1x permanent framed building with a variety of weatherboard and feature stone cladding. To be constructed on site.	1x main modular building made up of 10x individual modular buildings. Each individual building to be constructed off site and transported to the site. The individual buildings will then be attached/joined on site.
N/A	1x ancillary modular building for outside of hours school care.
1400m ² outdoor play area	1022m ² outdoor play area
30 bay car parking area	30 bay car parking area
Vehicle access and crossover onto Mortimer Road	Vehicle access and crossover onto Mortimer Road

Background:

Site Context

The subject site is located on the corner of Mortimer Road and Nicolas Drive in the suburb of Casuarina. Mortimer Road is a key arterial road which links the established urban areas west of the freeway (Bertram and Wellard) to Casuarina on the east side of the freeway. In terms of existing context, the wider locality is in the process of urbanisation. The subject site is zoned 'Development' under the City of Kwinana Local Planning Scheme No.2 (LPS2). The area comprises of semi-rural lots averaging two hectares in size with existing dwellings. Beyond Mortimer Road to the south of the subject site is Sunrise Boulevard, which is the gateway to the residential area known as Sunrise Estate.

The subject site itself is approximately two hectares in size and currently contains a single house with access from Nicolas Drive that is proposed to be retained. The proposed Child Care Centre and ancillary infrastructure is proposed to be located to the south western corner of the lot, occupying a total area of approximately 3,700 square metres (0.37 hectares).

Site History

The relevant history of the subject site is listed below:

2011:

In 2011 the subject site (and wider Casuarina area) was rezoned from 'Rural' to 'Urban' under the Metropolitan Region Scheme (MRS). As a result of this rezoning, the area was subsequently rezoned from 'Special Rural' to 'Development' under LPS2. The 'Development' zoning allows for the preparation of a Local Structure Plan to guide the future development of the area.

May 2018:

In May 2018 the City adopted Local Planning Policy 6 – Guidelines for Structure Planning in the Casuarina Cell (LPP6). This policy sought to guide future structure planning in the Casuarina development cell which extends along the Kwinana Freeway, from Thomas Road in the north to Mortimer Road in the south. LPP6 divides the Casuarina Development zone into three precincts: North, Central and South (see Attachment 15). The subject lot is located within the Casuarina South precinct. This policy provides guidance for future subdivision and development to proceed in an orderly and proper manner. LPP6 also lists a number of community facilities and land uses that are required to be provided within the Casuarina cell and indicated on the Local Structure Plan within each precinct. The policy has been adopted by Council and provides initial guidance of the requirement to provide for a holistic approach to planning within the Casuarina cell. It should be noted that to date, structure planning has significantly progressed over the remainder of the Casuarina development area (north and central cells) although no Local Structure Plan has been prepared for the Casuarina South cell.

September 2020:

In September 2020, an application was lodged with the Western Australian Planning Commission for the subject site to be subdivided into two lots. This application is a result of the future road widening for Mortimer Road as indicated in the Metropolitan Region Scheme. The proposal is to delineate the Mortimer road widening from the subject lot as indicated in the image below. The proposed road widening is indicated on the development plans (see Attachment 4) for the subject application and the proposed layout and location is designed on this premise.

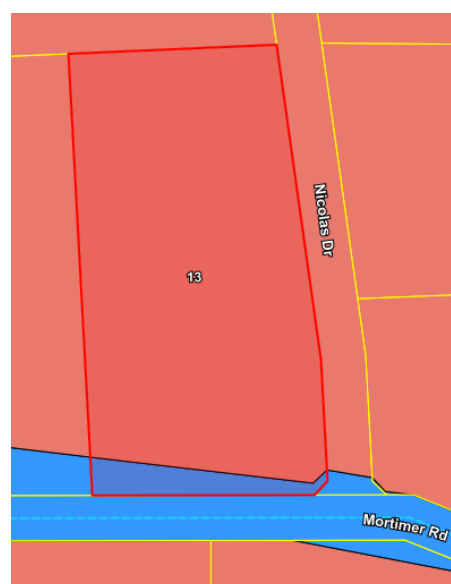


Figure 1 - Mortimer Road Widening

Legislation and Policy:

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development (Development Assessment Panels) Regulations 2015

Schemes

City of Kwinana Local Planning Scheme No.2

State Government Policies

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Structure Plans/Activity Centre Plans

N/A – No Local Structure Plan has been prepared and/or approved in the Casuarina South precinct.

Local Policies

Local Planning Policy No. 6 – Guidelines for Structure Planning in the Casuarina Cell
Local Planning Policy No. 5 – Development Contribution towards Public Art

Consultation:

Public Consultation

The application was advertised to all landowners (via mail out) within 300 metres of the subject site for a period of 21 days. A total of four submissions were received during the advertising period. Of the submissions received, three objected to the proposal, and one was neutral. The main issues raised within the submissions are summarised in the table below.

Issue Raised	Officer comments
Traffic: Concerns were raised regarding the proposed development and the impact on the amenity of the area through the increase in traffic generated by the proposal. It was expressed that the increase in traffic will pose a safety risk for vehicles travelling on Mortimer Road and entering/exiting Nicolas Drive and the Child Care Centre.	Noted - A Traffic Impact Statement (TIS) was provided as part of the application (See Attachment 16). Traffic generation of the proposed development is estimated to be under 100 trips in the AM and PM peak hour and the TIS concludes that these numbers would have an insignificant impact on the surrounding road network. The concerns regarding traffic were reviewed by the City's Engineering team who raised no further concern in this regard. The application was also referred to the Department of Planning Lands and Main Roads WA for comment in relation to the proposed access onto Mortimer Road – see discussion below.
Local Structure Planning: There is no Local Structure Plan that has been prepared or approved for this area as yet. When this area is planned and developed further (i.e. roads are planned), a Child Care Centre could then be considered. The proposed development is premature.	Noted – While City Officers concur with this position, the application is for a temporary use. The temporary nature of the application will ensure the future planning for this Casuarina cell will not be compromised.

A full schedule of submissions can be found as Attachment 21 to this report

Referrals/consultation with Government/Service Agencies

The application was referred to the following external agencies:

- Department of Water and Environmental Regulation (DWER)
- Department of Fire and Emergency Services (DFES)
- Main Roads WA (MRWA) and the Department of Planning Lands and Heritage (DPLH)

The key issues that were identified in the referral responses are outlined below.

- DWER

As the proposed Child Care Centre is located within the Peel Inlet – Harvey Estuary Policy area and existing vegetation is proposed to be removed for the development, the application was referred to DWER for comment. DWER provided comments and advise on the proposal and its response is contained in Attachment 17.

In its response, the DWER outlined that while it does not object to the proposal, a number of key issues and recommendations were provided as follows:

- **Native Vegetation Protection:**
Except where an exemption applies, clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit. It was noted that while it is likely the proposed clearing of native vegetation for the Child Care Centre is exempt from requiring a clearing permit, the DWER advised that the proponent should be made aware they are responsible to determine compliance with the relevant exemptions and whether a clearing permit is required.
- **Environmental Noise:**
DWER noted that while noise impacts will be minimal on the existing development in the surrounding area, the design of the Child Care Centre will likely impact on future urban development. The design of the Child Care Centre, such as noise walls and fencing, would at that point in time need to be reconsidered. The concerns regarding impacts of noise on future development were also expressed by the City of Kwinana Health Department. The applicant submitted an Environmental Noise Assessment as part of the application. This noise assessment was submitted as part of the initial application and has not yet been updated to reflect the amended plans. A condition is therefore recommended to amend the noise assessment to reflect the current plans.

- DFES

Considering the subject lot is located within a bushfire prone area and is considered to be a sensitive use, the application was referred to DFES for comment. The applicant initially submitted a Bushfire Management Plan (BMP). In its review of the BMP, DFES requested a number of modifications be undertaken (see Attachment 20). It was noted that some modifications to the BMP are required to ensure consistency with the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas.. Since this time, the applicant has also amended the plans and is now proposing a temporary land use. Due to reporting timeframes, the BMP has not yet been amended to reflect the amended plans and therefore this matter has not been fully resolved at this stage. As a result, a condition is recommended for an amended BMP to be submitted and approved by the City of Kwinana, in consultation with DFES, prior to the submission of a building permit.

- MRWA & DPLH

The application was referred to MRWA and DPLH for comment in relation to the proposal for a crossover and vehicle access from Mortimer Road. Mortimer Road is an 'Other Regional Road' and therefore all applications proposing additional crossovers are required to be sent to DPLH for comment. Furthermore, considering the impact of the future Mortimer Road widening (as seen in Figure 1), and close proximity of the development to the Kwinana Freeway, the application was also referred to MRWA.

Comments from both agencies can be seen in Attachments 18 and 19 and are summarised below:

- Given present traffic volumes on Mortimer Road, a crossover is supported on a temporary basis only. When Mortimer Road is duplicated, access to Mortimer Road should be closed and access be obtained from Nicolas Drive.
- Mortimer Road may be upgraded to a four-lane dual carriageway standard in future and the proposed development should be set back sufficiently to accommodate this.
- Further investigation is required regarding the widening of the truncation at the Mortimer Road/Nicolas Drive roundabout as outlined in the approved LSP (Lot 59 Mortimer Road, Wellard);
- MRWA advised that consideration should be given to providing turn lanes into the proposed development from Mortimer Road or alternative, safer access.

As per the advice from DPLH, City Officers are of the view that a temporary crossover onto Mortimer Road can be supported. This is due to the current traffic volumes and has been confirmed through the TIS submitted by the applicant. Following expiration of the approval, the crossover will be required to be removed to reduce future traffic safety issues. It should also be noted that City Officers have strongly encouraged the applicant to amend the design to provide access off Nicolas Drive rather than Mortimer Road. However, the applicant has continued to pursue access from Mortimer Road and following advice from DPLH, stating that a temporary crossover can be supported, City Officers are satisfied that the proposal is acceptable and traffic safety is achieved into the short term future. This is also confirmed in the attached TIS.

It is noted however, that should the applicant reapply and seek additional timeframe, it is likely that access into the site will need to be reconsidered based on advice from DPLH and MRWA at that time.

Planning Assessment:

Land Use

The proposal is for the use and development of a Child Care Centre on the subject site. Pursuant to the provisions of LPS2, the proposed use is best classified as 'Child Care Centre', defined as: *"land and buildings used for the purpose of a Child Care Centre in accordance with the "Community Services Act 1972", a Day Care Centre in accordance with the Community services (Child Care) Regulations 1988 but does not include a Family Day Care Centre"*.

There is no prescribed land use permissibility for the Development zone under LPS2. Rather, LPS2 states that all land uses and development within the Development zone are to be generally in accordance with an approved local structure plan prepared and adopted under LPS2. Furthermore, Clause 27(2) (b) of the Regulations allows development to be considered for approval in a development zone where no local structure plan has been approved where the following is satisfied:

- *the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and*
- *the proposed development or subdivision would not prejudice the overall development potential of the area.*

An assessment against the relevant provisions of both the Regulations and LPS2 is outlined below.

Objectives of the Development Zone

It should be noted that the overall purpose of the Development zone is to discourage development in anticipation of detailed planning work being undertaken via a local structure plan being prepared. Clause 6.15 of LPS2 outlines the objectives for planning proposals in the Development zone. This application has been considered against all five objectives as listed and further discussed in the table below.

Provision	Objective	Assessment
LPS2: CL 6.15 (a)	Designate land for future development;	By nature of the zoning, the land has been set aside for future development upon preparation of a LSP. The proposal is for a temporary land use which can be removed easily from site so as not to jeopardise future planning.
LPS2: CL 6.15 (b)	Provide a planning mechanism for the identification and protection of areas of conservation value whilst facilitating the growth of the Town;	N/A – there are no elements of conservation value being affected by this proposal.
LPS2: CL 6.15 (c)	Provide for the orderly planning of large areas of land for residential, commercial, industrial and associated purposes through a comprehensive structure planning process;	No Local Structure Planning has been undertaken for the subject lot and/or wider Casuarina South precinct. While it could be considered that the proposed development is premature, the fact that it is temporary will enable the area to be planned without a significant, permanent obstruction. The proponent has indicated that following expiration of the temporary approval, all structures will be removed from the site to enable development as prescribed under an approved Local Structure Plan.
LPS2: CL 6.15 (d)	Enable planning to be flexible and responsive to changing circumstances throughout the developmental stages of the area, and,	Considering the proposed development is a temporary use, this objective is key in recommending the proposal be approved. By allowing such a land use to be temporarily approved, flexibility in planning is clearly being applied.

LPS2: CL 6.15 (e)	Provide sufficient certainty for demand forecasting by service providers.	The proponent has indicated the proposed child care centre in this location is a result of current and future demand from residential areas. The temporary nature of the proposal also provides opportunity and greater certainty for other land uses that are in demand in this future urban area.
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Matters to be considered

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) outlines 'matters to be considered' by the local government when considering an application. The following key 'matters to be considered' as outlined in the Regulations are outlined below:

Provision	Assessment
Clause 67 (b): <i>the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving</i>	Since the applicant has amended the proposal from a permanent to a temporary land use with modular buildings, City Officers are of the view that the proposed development would not prejudice the overall development potential of the area. The proposed development is therefore considered to be consistent with the principles of proper and orderly planning subject to the time limitation conditioned in the recommendation.
Clause 67 (m): <i>the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development</i>	The proposed development and use is considered to be in keeping with the current setting. The area is earmarked for future development with developed areas located nearby such as the Sunrise residential estate to the south. Furthermore, the proposal is located in close proximity to the Kwinana Freeway. The development is single storey modular construction with a significant nature play area that is compatible with the current rural nature of the area. Considering the area is currently dominated by larger (2 hectare) properties, the proposal is considered to have minimal impact in terms of building bulk and scale on adjoining properties. The building is highly visible from Mortimer Road and although it has design elements that are clearly of a commercial nature, it is designed with

	similar features as a home that is suited to the rural living character of the area.
<p>Clause 67 (n):</p> <p><i>the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development</i></p>	The proposed development will have minimal impact on the character of the locality largely because it is temporary in nature. Minimal existing vegetation is proposed to be removed from the site and the proposal incorporates nature play which is consistent with the area.
<p>Clause 67 (u):</p> <p><i>the availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability;</i></p>	Provision of services within the area is limited considering the predominately rural nature of the area. Services will be provided for the development at the cost of the applicant and will be required to be removed following expiration of the temporary approval. The proposed development will be accessed predominately via car. However, in order to better meet the requirements of this provision, the footpath that accesses Sunrise Estate (from Sunrise Boulevard to the south) should be extended to service the proposed Child Care Centre. This will provide greater accessibility for both users and employees. A condition is recommended in this regard.
<p>Clause 67 (x):</p> <p><i>the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</i></p>	The proposed development will provide a service that has the potential to benefit the community. It is envisaged the Child Care Centre will predominately service residents in the nearby sunrise estate to the south in the short term future, with such land use being scarce.
<p>Clause 67 (y):</p> <p><i>any submissions received on the application;</i></p>	As previously outlined, the application was publicly advertised to all landowners within 300 metres of the site and four submissions were received – see the public consultation section of this report.

Local Planning Policy No.6: Guidelines for Structure Planning in the Casuarina Cell

Since the Casuarina South precinct was re-zoned Development under LPS2, Council has adopted a position regarding future structure planning in the area through the adoption of Local Planning Policy No. 6 – Guidelines for Structure Planning in the Casuarina Cell (LPP6) – see Attachment 15. In order to facilitate orderly and proper planning, this policy requires the preparation of a local structure plan for each of the three precincts (previously referred to as the: north, central and south – see Attachment 15).

The policy also lists a number of specific district and significant local planning matters that must be addressed as part of the local structure planning for each precinct.

Some matters that are to be addressed within the Casuarina South precinct include:

- Providing a site for a High School

- Providing land for a District Community Centre (7,000m²)
- Providing land for a District Youth Centre (7,000m²)
- Landgren Road be extended to connect to and generally align with Nicholas Drive to provide a north-south linkage. The current intersection of Nicholas Drive and Mortimer Road may be used to align with local structure planning for the Wellard East Cell.
- The identification of a site for a Local Centre (6,000m² retail floor space) be provided near the intersection of the north-south linkage (Landgren Road) and Mortimer Road.

It is clear from the above list that significant planning through the local structure plan process is required for the Casuarina South precinct including the review of community infrastructure, significant environmental and traffic issues. This policy clearly outlines the City's position and seeks to aid in guiding the future planning of this area. This will enable a more streamlined process and a collaborative approach to the local structure planning for this Casuarina south cell. By granting a temporary approval for the Child Care Centre, it is considered the proposed development will not influence any future planning of the area or the matters discussed in LPP6.

Local Planning Policy No. 5 – Development Contributions towards Public Art

The application was considered against LPP5 as the proposed development is valued greater than \$2 million. This policy requires a public art contribution be provided for new developments valued over \$2 million. The public art contribution requirement can be met in a variety of ways, including the provision of public art on the subject site or on public land, or a financial contribution.

The City considers the policy requirements are relevant to the proposal as it has a reasonable planning purpose and the development is highly visible from the public realm. A condition of approval requiring adherence with the policy is therefore included in the recommendation.

Temporary Approval

As part of this application for temporary approval, the proponent requested that a ten year approval term be provided. The applicant requested this ten year time frame be enforced through a condition of approval and proposed the following wording:

From commencement of occupancy, this development approval remains valid for a nominal timeframe of ten years thereafter. Prior to the approval expiring, the local authority will review the status of the planning framework and may permit the approval term to be extended.

The proponent's key reasons for requesting a ten year approval time frame and the City's response to each is summarised in the table below:

Applicants Reason	City Officer Response
Structure planning within the Casuarina area has not yet commenced and is unlikely to occur unless market demand encourages the resources and effort required to advance planning in the locality.	City Officers note that Local Structure Planning has not yet commenced in the Casuarina south cell. However, preliminary investigations and assessments, particularly in relation to environmental matters, have commenced within the cell. These preliminary investigations will inform the local structure planning. It is therefore

	not possible to state that Local Structure Planning is unlikely to occur in the near future, as preliminary investigations that will influence the local structure planning have commenced.
Land ownership within the area is highly fragmented, and requires a significant number of landowners to collaborate in order to commence a local structure planning process which would require a considerable amount of time.	While it is acknowledged the area is highly fragmented, landowners have been aware of the development capabilities for nearly 10 years. Furthermore, LPP6 has been adopted by the City and provides guidance for the local structure planning of this area, which will aid in reducing timeframes.
This Casuarina cell contains land which may be environmentally significant and would require a suitable environmental assessment by state and federal agencies prior to structure planning being able to progress.	A significant portion of the Casuarina Cell is currently being assessed by the Environmental Protection Authority at both State and Federal levels. This demonstrates that environmental investigations are already being undertaken that will inform the local structure plan.
Road planning for Mortimer Road is understood to not have progressed in any significant way and would need to be resolved as part of a local structure planning process.	While road planning for Mortimer Road has not progressed in a significant way, DPLH has advised that it is likely Mortimer Road will be duplicated into a four lane road adjacent to the subject site (refer to Attachment 18). Road planning would also be investigated as part of the local structure planning process. The City's LPP6 also provides some guidance in terms of future road networks and capacities for the area. Additionally, DPLH has advised that traffic volumes will increase into the future on Mortimer Road. This increase in traffic will pose a safety issue and require the proposed crossover onto Mortimer Road to be removed.
Local structure planning would require the following steps: <ul style="list-style-type: none"> ○ Formulation of more detailed structure plan mapping and investigation of essential utilities and infrastructure. ○ 12-18 months of technical reporting prior to lodgement (in particular, environmental reporting such as a Local Water Management Strategy which must be carried out over two winters). ○ At least two years to achieve structure plan endorsement from 	Based on this timeframe, it is possible for a local structure plan to be endorsed and other approvals obtained within five years. While this may seem unlikely, it is a possibility and cannot be disregarded.

the local authority and WA Planning Commission.	
The provision of utilities and infrastructure for intended development will take time.	City Officers agree with this comment, although it is difficult to pin a timeframe to provide utilities and infrastructure for the development.

The design of the proposed development being modular buildings with a nature play area, provides flexibility and demonstrates that the land use is indeed temporary. Based on the above comments, City Officers are of the view that a ten year time frame is excessive and has the ability to prejudice the future planning of this development area. There is a possibility that a local structure plan is endorsed and subsequent approvals (such as subdivision and earthworks) are obtained within five years. While this may seem unlikely, it is a possibility and cannot be disregarded. Therefore, City Officers recommend the application be approved for five years. Following the five years, the development will be required to be removed and the site cleared and graded for future development.

Notwithstanding, should it occur that the five year timeframe be completed and local structure planning not to have progressed, the applicant has the opportunity to submit an application to allow extend the timeframe the development can remain on site. At that point in time, the responsible authority would need to assess the application, taking into account advice from other agencies and the progression of planning in the area.

Ultimately, should the structure planning for Casuarina South cell demonstrate the need for child care facilities on the site, the facility may well be approved for permanent development. Given the number of constraints within the cell at this point in time, it is near on impossible to say without that detailed planning exercise of an LSP.

Conclusion:

City Officers have considered the proposed Child Care Centre on the subject lot and conclude that the application can be supported on a temporary basis. The proposal for a temporary Child Care Centre is consistent with the objectives of the Development zone in which it is located as the temporary nature will not prejudice the local structure planning of the area that is yet to be undertaken.

City Officers are of the view that a temporary approval of five years for the Child Care Centre would not impact on the orderly and proper planning for the future Casuarina South are and has the potential to positively benefit the existing community into the short term future.

Officer Recommendation

This section is to be completed if Council recommendation differs from the recommendation as noted under the heading 'Responsible Authority Recommendation'.

Reasons for Officer Recommendation

This section is to be completed if Council recommendation differs from the recommendation as noted under the heading 'Responsible Authority Recommendation'.

SHEET LIST_TENDER	
	SHEET NAME
A00-CS01	COVER PAGE
A00-CS02	CODE LEGEND
A01-CS04	PERSPECTIVE VIEW
A01-SP01	SITE PLAN
A01-SP02	OVERALL SITE PLAN
A02-FP01	GENERAL FLOOR PLAN
A03-EL01	ELEVATIONS
A03-EL02	ELEVATIONS



CHILD CARE CENTRE

PROJECT NO.: J001603	PROJECT CLIENT BLOKK PROPERTY
PROJECT STATUS DESIGN DEVELOPMENT	PROJECT ADDRESS: 13 NICOLAS DRIVE, CASUARINA, WA



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SHEET

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A3

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A00-CS01

REVISION

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DC SIGN OFF:

Attachment 2

GENERAL NOTES:

BUILDING CLASSIFICATION:	NCC CLASS 9b
BAL LEVEL:	TBC
CLIMATE ZONE:	5
CYCLONIC REGION CLASSIFICATION:	"A" REGION
REGION A WINDOWS DESIGN CRITERIA:	AS2047
SERVICEABILITY PRESSURE:	GENERAL: 840Pa, UP TO 2400MM FROM CORNER - 900Pa
ULTIMATE STRENGTH PRESSURE:	GENERAL: 1230Pa, UP TO 2400MM FROM CORNER - 1307Pa
WATER PENETRATION RESISTANCE PRESSURE:	NON EXPOSED: 150Pa EXPOSED: 200Pa
WIND LOAD IN ACCORDANCE WITH:	AS.1170.2-2011
FLOOR STRUCTURAL STEEL PROTECTION MINIMUM CATEGORY:	ATMOSPHERIC CORROSIVITY CATEGORY "C3"
DESIGN CRITERIA IN ACCORDANCE WITH:	AS1170.1-2002: IMPOSED FLOOR ACTIONS (TABLE 3.1).
ALLOWABLE FLOOR LOADS:	B-3.0kPa UNIFORMLY DISTRIBUTED. 4.5kN CONCENTRATED LOAD.
DESIGN CRITERIA IN ACCORDANCE WITH:	AS1170.4-2007:
PROBABILITY:	P=1/500 (TABLE 3.1)
KP:	1.0 (TABLE 3.1)
SITE HAZARD FACTOR Z ALLOWED:	0.15 (FIGURE 3.2(C)).
EARTHQUAKE DESIGN CATEGORY:	II AS PER TABLE 2.1.

THE ENTIRE ROOF AND WALL ASSEMBLIES, THEIR CONNECTIONS & IMMEDIATE SUPPORTING MEMBERS HAVE BEEN DESIGNED SO AS TO BE CAPABLE OF REMAINING IN POSITION NOTWITHSTANDING ANY PERMANENT DISTORTION, FRACTURE OR DAMAGE THAT MIGHT OCCUR WITH NCC VOLUME 1, SPECIFICATIONS B1.2 OR VOLUME 2, PART 2.1.1 (b) AND 3.10.1 HIGH WIND AREAS (IF APPLICABLE).

ELECTRICAL SERVICES TO BE PROVIDED IN ACCORDANCE WITH NCC 2016 – AMENDMENT 1 AND RELEVANT AUSTRALIAN STANDARDS (INCLUDING, BUT NOT LIMITED TO: AS 1670 AS/NZS 1680, AS 2293.1, AS/NZS 3000)

HYDRAULIC SERVICES TO BE PROVIDED IN ACCORDANCE WITH THE NCC 2016 – AMENDMENT 1 AND RELEVANT AUSTRALIAN STANDARDS (INCLUDING, BUT NOT LIMITED TO: AS 3500)

MECHANICAL SERVICES TO BE PROVIDED IN ACCORDANCE WITH THE NCC 2016 – AMENDMENT 1 AND RELEVANT AUSTRALIAN STANDARDS (INCLUDING, BUT NOT LIMITED TO: AS 1668)

DISABLED ACCESS, CIRCULATION ZONES, CLEARANCES, FIXTURES, FINISHES, AND SIGNAGE SHALL COMPLY WITH AS 1428.1-2009

ALL REFERENCED STANDARDS TO BE THE CURRENT VERSION AT THE TIME OF CONSTRUCTION.

GENERAL SPECIFICATIONS:

CHASSIS:	TRANSPORTABLE PRE-STRESSED CONCRETE SLAB	
WALLS:	90MM METAL STUD FRAMING.	
ROOF & CEILING FRAME:	GALVANISED STEEL FRAMEWORK.	
FENCE:	WFE-01	COLORBOND OR SIMILAR. COLOUR: WOODLAND GREY HEIGHT: 1800MM
SITE BOUNDARY WALL:		

BUILDING SHORT SPECIFICATION - TO CURRENT NCC:

FLOOR COVERING:	FCO-01	CONCRETE FLOORING TYPE: TBC
	FTI-01	TILES TYPE: TBC COLOUR: TBC
	FVI-01	VINYL TYPE: 2.0MM COLOUR: TBC
EXTERNAL CLADDING:	WMC-01	COLORBOND CUSTOM ORB® COLOUR: AS PER ELEVATIONS
	WMC-02	STANDING SEAM CLADDING HILAND TRAY OR SIMILAR COLOUR: AS PER ELEVATIONS
	WFC-01	FC BOARD WEATHERBOARD WIDTH: 170MM COLOUR: AS PER ELEVATIONS
	WFC-02	FC SHEET MATRIX PANEL OR SIMILAR WIDTH: 900 MM COLOUR: PAINTED AS PER ELEVATIONS
	WTM-01	TIMBER LOOKING CLADDING WEATHERTEX OR SIMILAR WIDTH: 170 MM COLOUR: AS PER ELEVATIONS
INTERNAL LINING:	WPB-01	PLASTERBOARD THICKNESS: 10mm COLOUR: WHITE
	WPB-02	FYRCHEK PLASTERBOARD THICKNESS: 13mm COLOUR: WHITE
	WSK-01	WALL SKIRTING TYPE: TIMBER BULLNOSE SKIRTING BOARDS COLOUR: TBC
	WSK-02	WALL SKIRTING TYPE: TILE SKIRTING TO ALL WET AREAS COLOUR: TBC
CEILING LINING:	CPB-01	PLASTERBOARD THICKNESS: 10mm COLOUR: WHITE
	CCC-01	PLASTERBOARD CORNICE TYPE: COVED
ROOF INSULATION:	R2.5 R1.3	EARTHWOOL BATTS BETWEEN CEILING JOIST ANTI-CONDENSATION BLANKET UNDER ROOF
WALL INSULATION:	R2.5	EARTHWOOL BATS TO ALL WALLS AND 6.5mm E-THERM UNDER EXTERNAL CLADDING.
ROOF CLADDING:	RMS-01	ROOF SHEETING CORRUGATED METAL ROOF SHEETS COLOUR: ZINCALUME THICKNESS: 0.42BMT
ROOF FLASHINGS & CORNER TRIMS:	RFL-01	COLORBOND BARGE CAPPING COLOUR: MONUMENT
	RFA-01	COLORBOND FASCIA COLOUR: MONUMENT
	REG-01	COLORBOND GUTTER COLOUR: MONUMENT
EAVES SOFFIT:	RSL-01	EAVES SOFFIT 4.5MM FIBRE CEMENT BOARD COLOUR: WHITE

ALLOW FOR STANDARD SERVICES. SERVICES LAYOUT TBC

A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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PROJECT NO.:

J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

CODE LEGEND

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VL

CHECKED
MMG

SCALE
1 : 100

SIZE
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DRAWING NO.

A00-CS02

REVISION

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DC SIGN OFF:

Attachment 3



1	EAST PERSPECTIVE
A01-CS04	



2	NORTH PERSPECTIVE
A01-CS04	



3	NORTH-WEST PERSPECTIVE
A01-CS04	

CHILD CARE CENTRE

PROJECT NO.: J001603	PROJECT CLIENT BLOKK PROPERTY
PROJECT STATUS DESIGN DEVELOPMENT	PROJECT ADDRESS: 13 NICOLAS DRIVE, CASUARINA, WA

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SHEET
PERSPECTIVE VIEW

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SIZE
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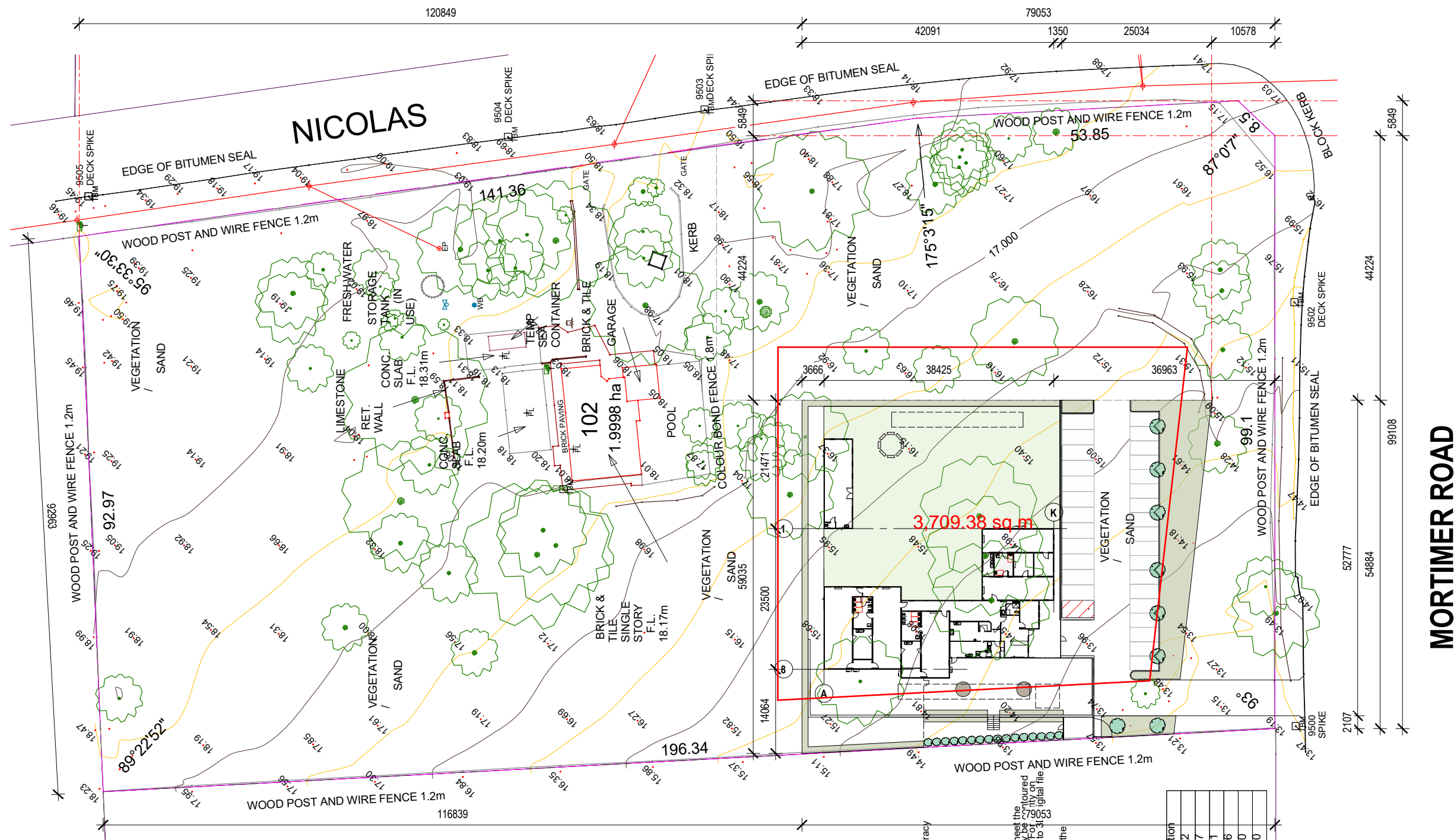
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Attachment 4



1	OVERALL SITE PLAN
A03-EL01	1:750

B	CLIENT REVIEW	15/12/20	VL	MMG
A	DESIGN DEVELOPMENT	30/11/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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PROJECT NO.:
J001603

PROJECT STATUS
DESIGN DEVELOPMENT

PROJECT CLIENT
BLOKK PROPERTY

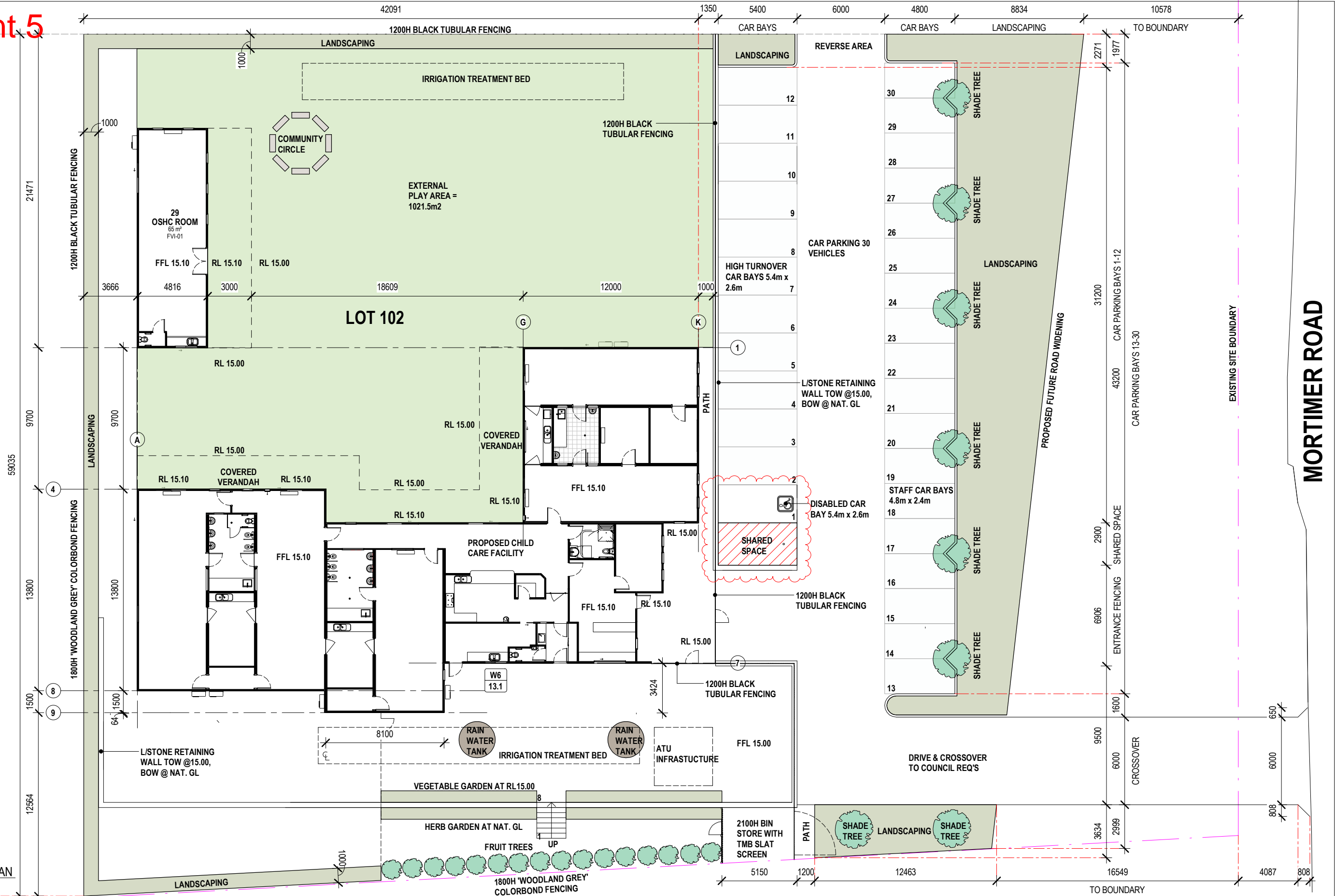
PROJECT:
CHILD CARE CENTRE

PROJECT ADDRESS
13 NICOLAS DRIVE, CASUARINA, WA

SHEET

OVERALL SITE PLAN

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1 SITE PLAN
A03-EL01 1:250

NO.	DESCRIPTION	DATE	BY	CHK'D
B	CLIENT REVIEW	15/12/20	VL	MMG
A	DESIGN DEVELOPMENT	30/11/20	VL	MMG



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PROJECT NO.:
J001603

PROJECT STATUS
DESIGN DEVELOPMENT

PROJECT CLIENT
BLOKK PROPERTY

PROJECT:
CHILD CARE CENTRE

PROJECT ADDRESS
13 NICOLAS DRIVE, CASUARINA, WA

SHEET
SITE PLAN

DRAWN
VL

CHECKED
MMG

SCALE
1:250

SIZE
A3

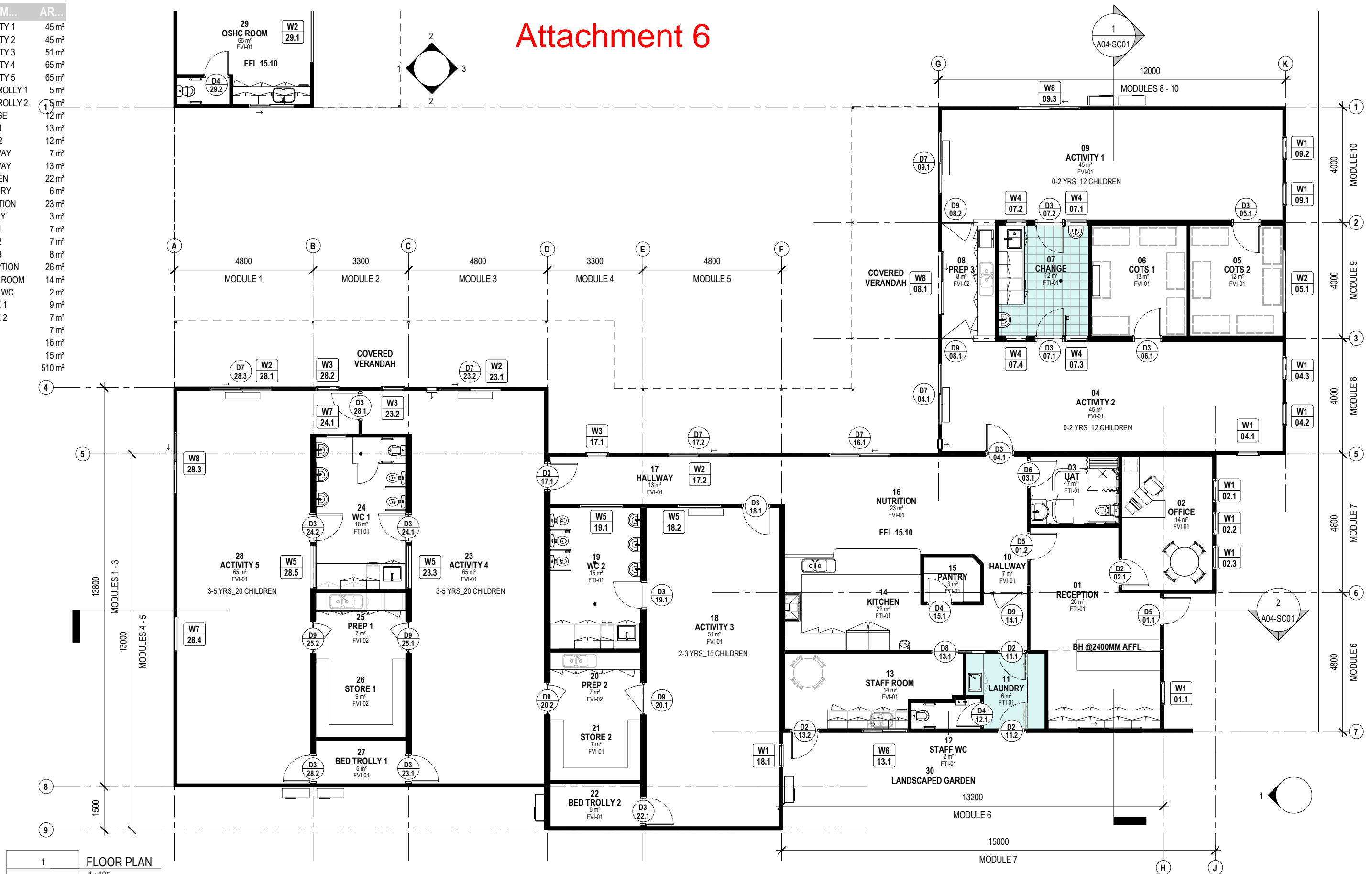
DRAWING NO.
A01-SP01

REVISION
B

DC SIGN OFF:

Attachment 6

ROOM...	AR...
ACTIVITY 1	45 m²
ACTIVITY 2	45 m²
ACTIVITY 3	51 m²
ACTIVITY 4	65 m²
ACTIVITY 5	65 m²
BED TROLLEY 1	5 m²
BED TROLLEY 2	5 m²
CHANGE	12 m²
COTS 1	13 m²
COTS 2	12 m²
HALLWAY	7 m²
HALLWAY	13 m²
KITCHEN	22 m²
LAUNDRY	6 m²
NUTRITION	23 m²
PANTRY	3 m²
PREP 1	7 m²
PREP 2	7 m²
PREP 3	8 m²
RECEPTION	26 m²
STAFF ROOM	14 m²
STAFF WC	2 m²
STORE 1	9 m²
STORE 2	7 m²
UAT	7 m²
WC 1	16 m²
WC 2	15 m²
TOTAL	510 m²



A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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PROJECT NO.:

J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

GENERAL FLOOR PLAN

DRAWN

VL

DRAWING NO.

A02-FP01

DC SIGN OFF:

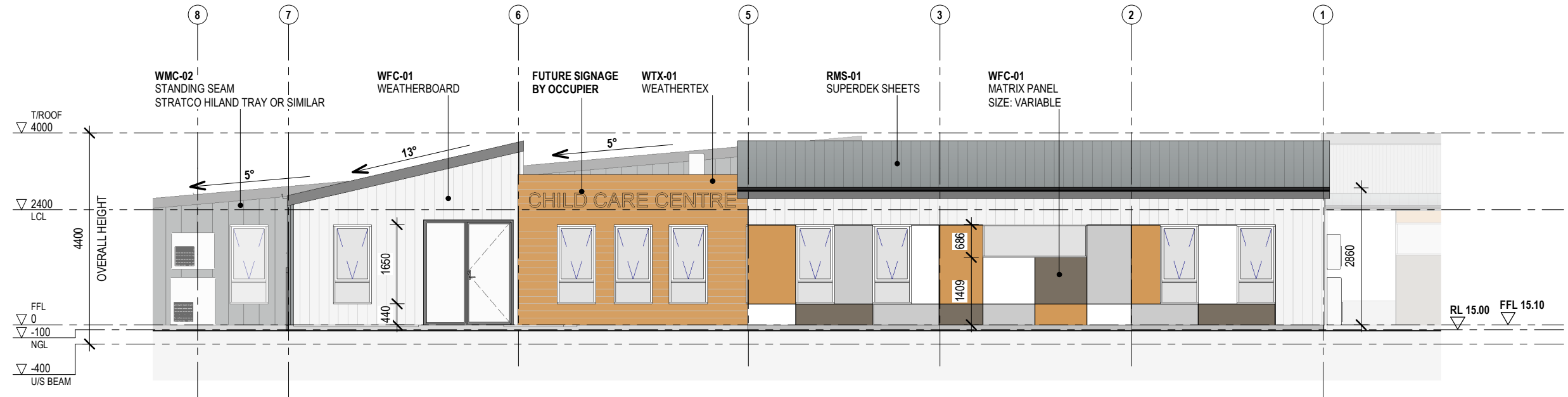
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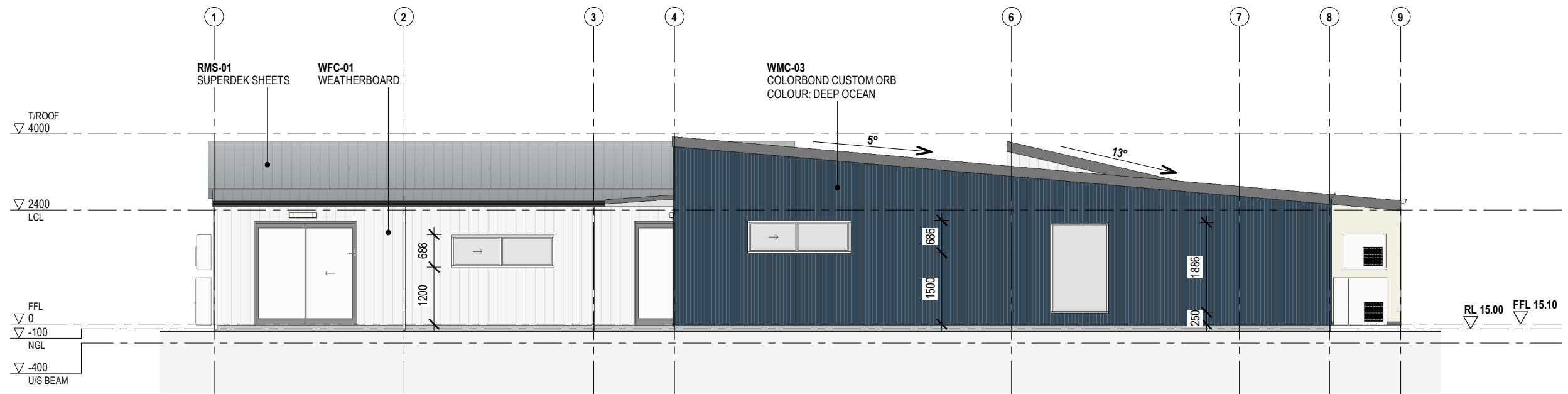
REVISION

A

Attachment 7



1	FRONT ELEVATION
A02-FP01	1 : 100



3	REAR ELEVATION
A02-FP01	1:100

A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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PROJECT NO.:

J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

ELEVATIONS

DRAWN

VL

DRAWING NO.

A03-EL01

DC SIGN OFF:

CHECKED

MMG

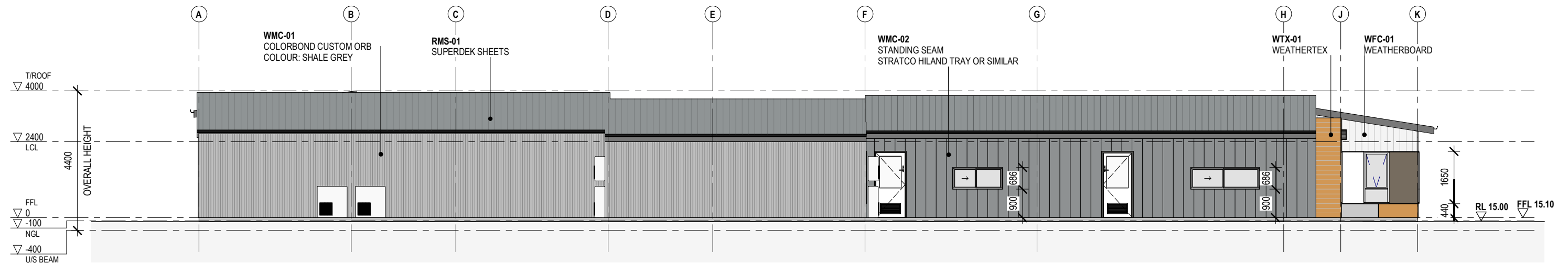
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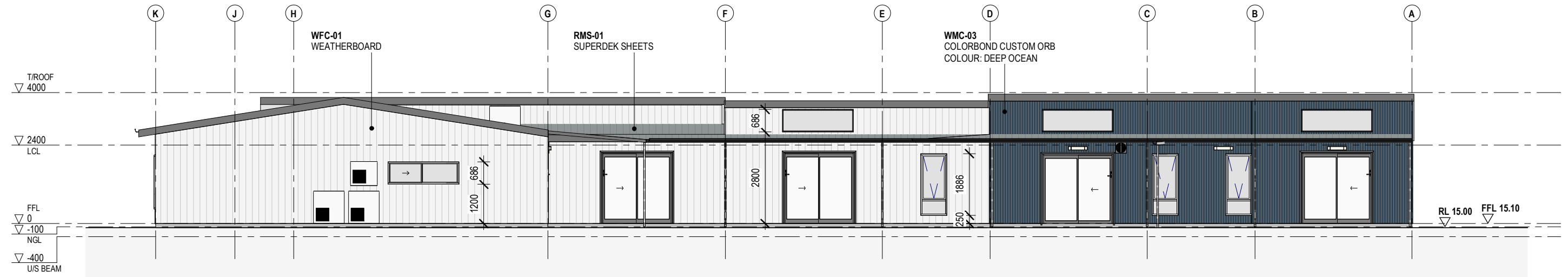
REVISION

A

Attachment 8



3	SIDE 1 ELEVATION 1 : 125
A05-RP01	



2	SIDE 2 ELEVATION
A02-FP01	1 : 125

A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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PROJECT NO.:

J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

ELEVATIONS

DRAWN
VL

CHECKED
MMG

SCALE
1:125

SIZE
A3

DRAWING NO.

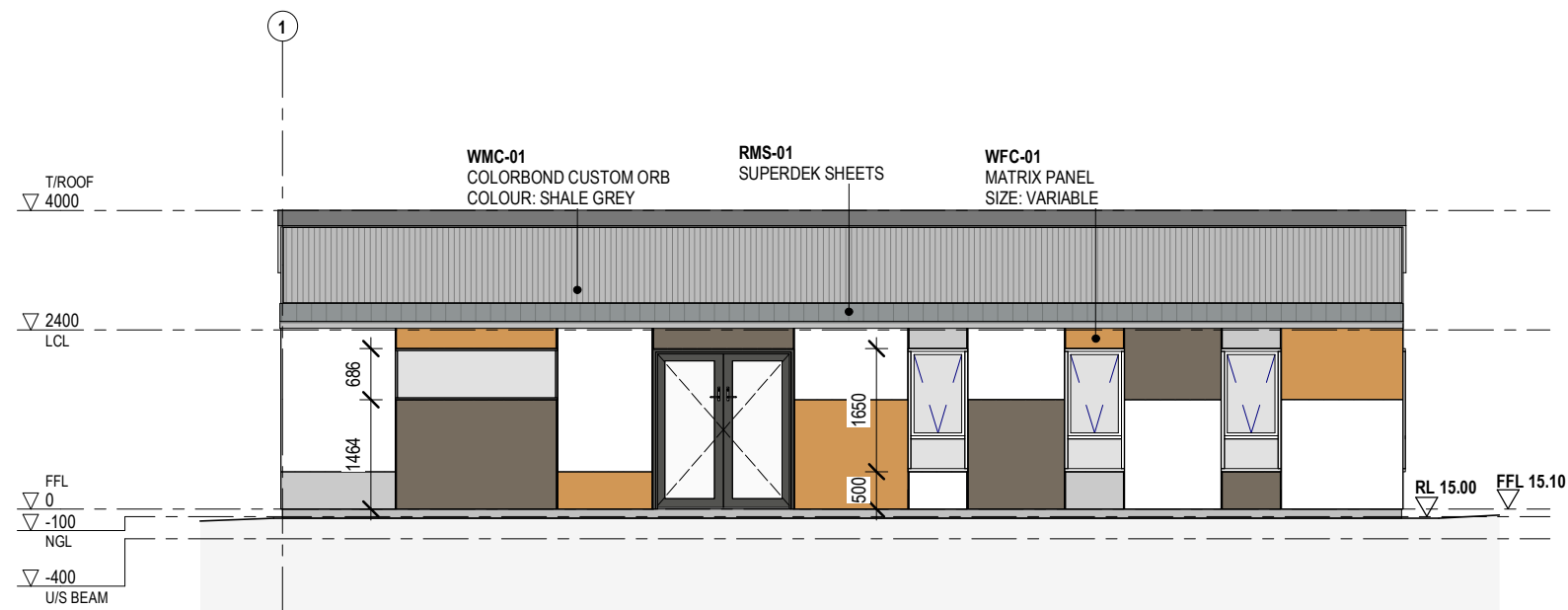
A03-EL02

REVISION

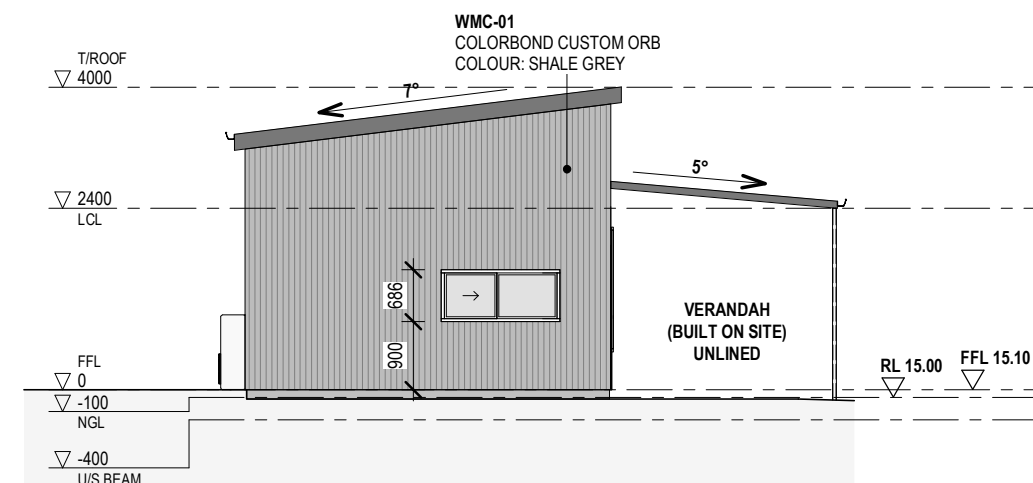
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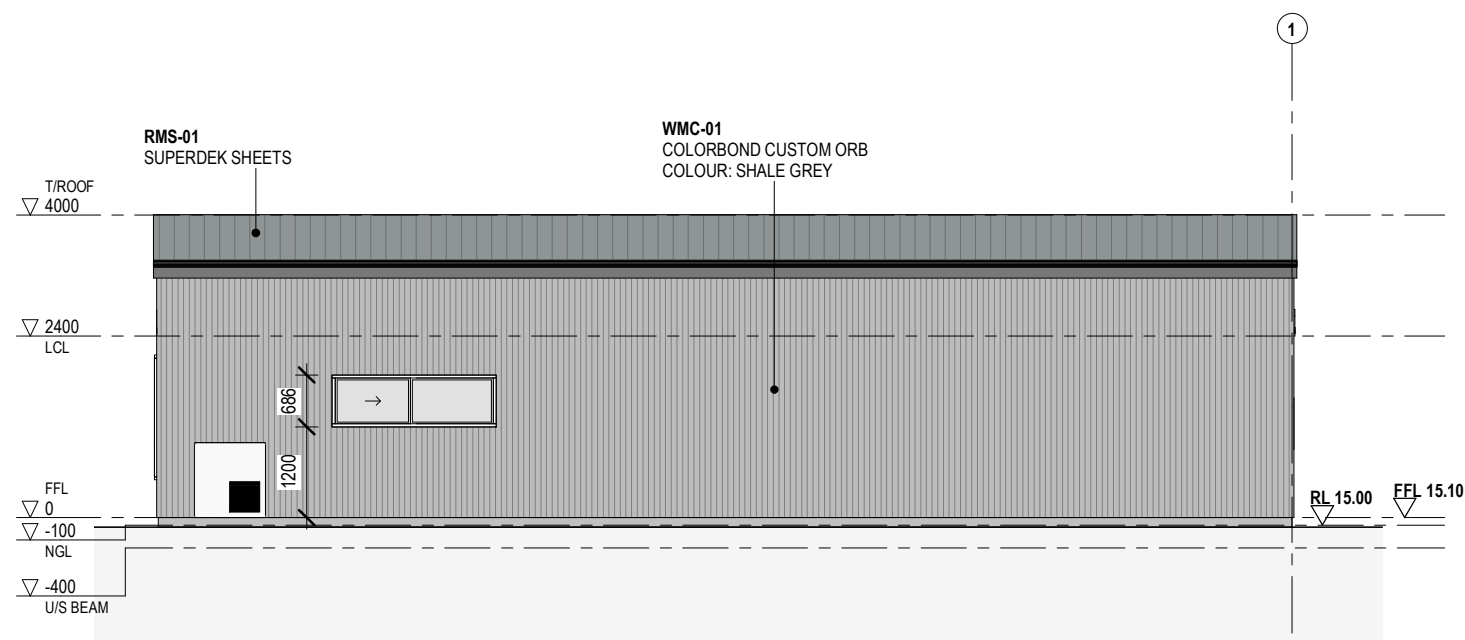
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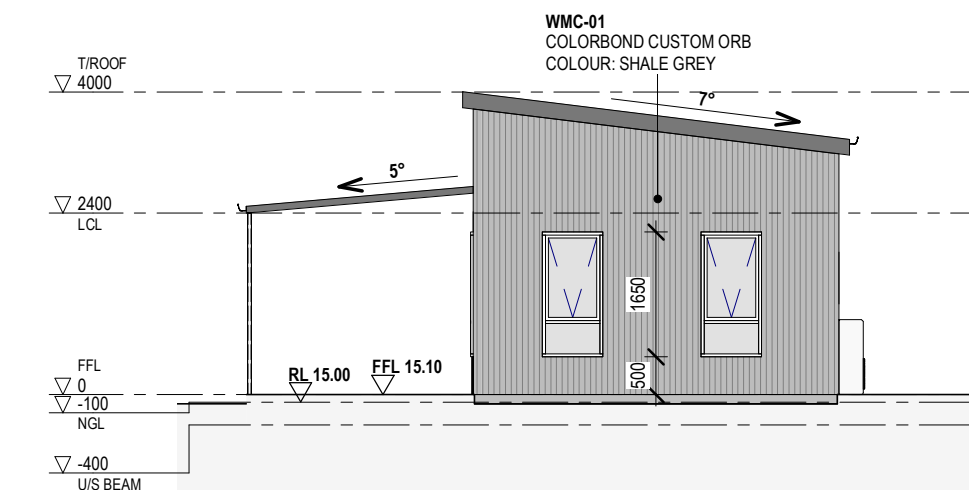
1	OSHC FRONT ELEVATION
A02-FP01	1 : 100



2	OSHC SIDE 1 ELEVATIONS
A02-FP01	1 : 100



3	OSHC REAR ELEVATIONS
A05-RP01	1 : 100



4	OSHC SIDE 2 ELEVATIONS
A05-RP01	1 : 100

A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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PROJECT NO.:

J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

ELEVATIONS - OSHC BUILDING

DRAWN
VL

CHECKED
MMG

DRAWING NO.

A03-EL03

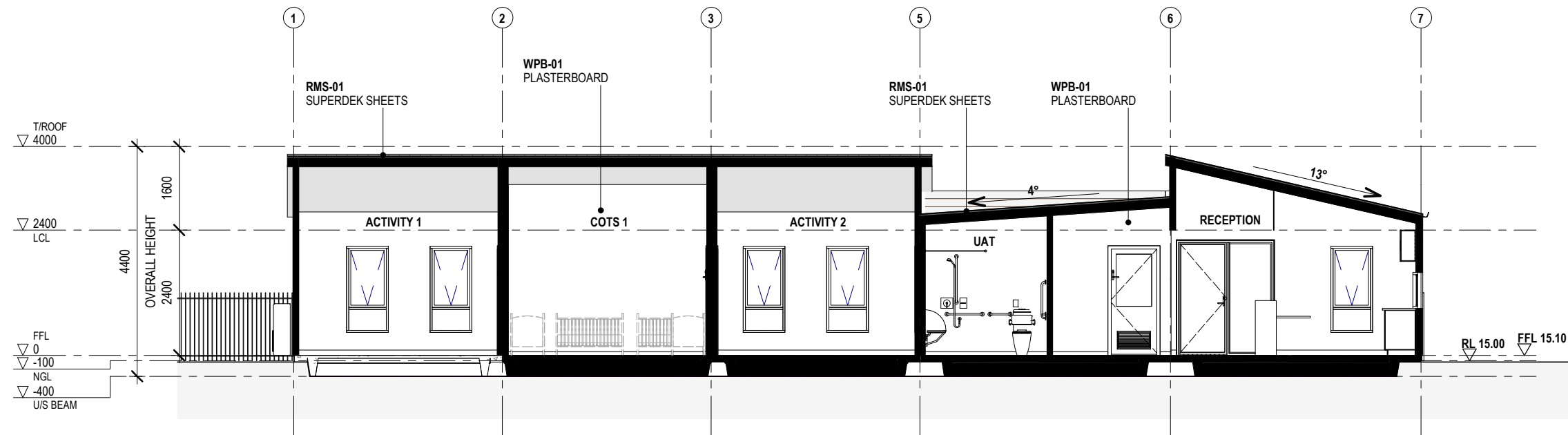
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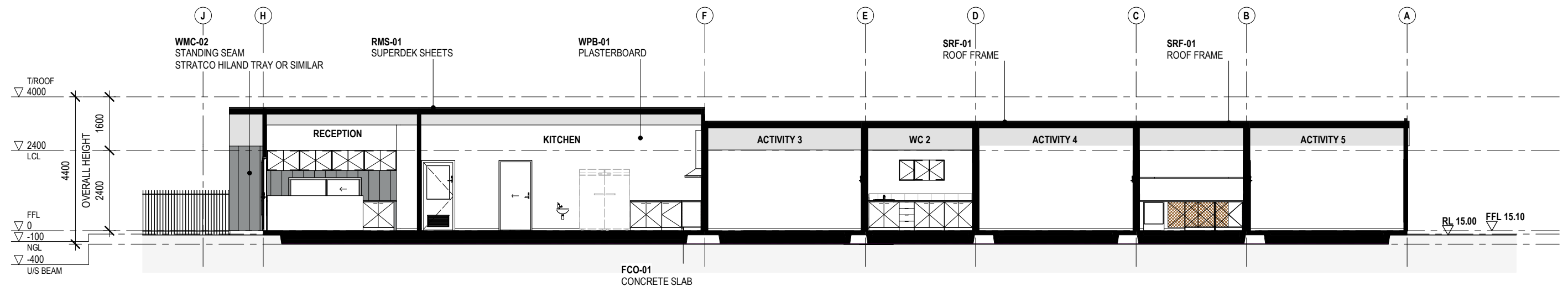
REVISION

A

Attachment 10



1	SECTION A
A02-FP01	1 : 100



2	SECTION B
A02-FP01	1 : 125

A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

SECTIONS

DRAWN
VL

CHECKED
MMG

SCALE SIZE
As indicated A3

DRAWING NO.

A04-SC01

REVISION

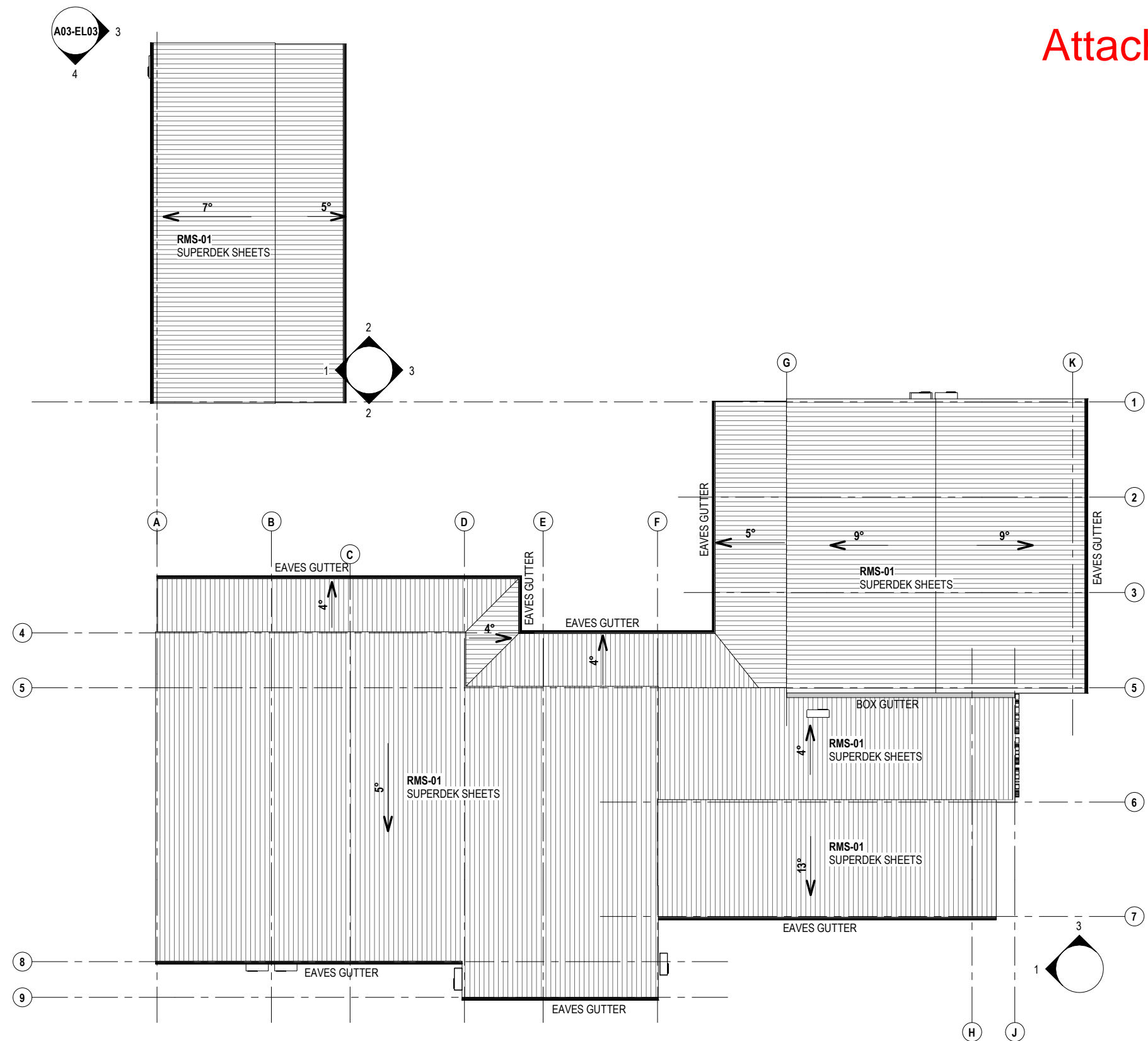
A

DC SIGN OFF:

ROOF ANCHOR DESIGN TO COMPLY WITH BCA & RELEVANT
AUSTRALIAN STANDARDS INCLUDING BUT NOT LIMITED TO AS1891.4 &
AS5532 (IF APPLICABLE) - REFER TO SHOP DRAWINGS
METAL SHEET ROOFING TO BE IN ACCORDANCE WITH AS1562.1-1992.
DOWNPIPES TO SERVE NOT MORE THAN 12M OF ROOF.
DOWNPIPES TO BE CONNECTED INTO AN IN-GROUND STORMWATER
PIPE BY OTHERS.

MECHANICAL FIXTURES

- MECHANICAL NOTE:**
- ISOLATOR TO BE MOUNTED WITHIN 2000MM OF AIR CONDITIONER CONDENSER UNITS (BCU-5.0/9.5)



Attachment 11

A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

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DRAWN VL	CHECKED MMG	SCALE As indicated	SIZE A3
DRAWING NO. A05-RP01		REVISION A	
DC SIGN OFF:			

Attachment 12

DOOR PROCUREMENT SCHEDULE	
TYPE	TOTAL
D1	1
D2	4
D3	14
D4	3
D5	2
D6	1
D7	6
D8	1
D9	7
TOTAL	39

DOOR SCEDULE												
General				Size				Materials/Finishes				Comments
Type Mark	Mark	Room	Operation	Panel Count	Panel			Frame		Panel		
					Height	Width A	Width B	Material	Colour	Material	Colour	
D1	29.1	OSHC ROOM	Hinged	2	2143	920	920	Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	
D2	02.1	OFFICE	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D2	11.1	LAUNDRY	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D2	11.2	LAUNDRY	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D2	13.2	STAFF ROOM	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	04.1	ACTIVITY 2	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	05.1	COTS 2	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	06.1	COTS 1	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	07.1	CHANGE	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	07.2	CHANGE	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	17.1	HALLWAY	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	18.1	ACTIVITY 3	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	19.1	WC 2	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	22.1	BED TROLLY 2	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	23.1	BED TROLLY 1	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	24.1	WC 1	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	24.2	WC 1	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	28.1	ACTIVITY 5	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D3	28.2	BED TROLLY 1	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D4	12.1	LAUNDRY	Hinged	1	2040	820		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D4	15.1	PANTRY	Hinged	1	2040	820		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D4	29.2	OSHC ROOM	Hinged	1	2040	820		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D5	01.1	RECEPTION	Hinged	2	2143	920	860	Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	TO INCLUDE SIDELIGHT 860MM W
D5	01.2	HALLWAY	Hinged	2	2143	920	860	Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	TO INCLUDE SIDELIGHT 860MM W
D6	03.1	UAT	Hinged	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D7	04.1	ACTIVITY 2	Sliding	2	2143	2170		Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	DOOR TO BE OPENED MANUALLY UNDER A FORCE OF NOT MORE THAN 110 N
D7	09.1	ACTIVITY 1	Sliding	2	2143	2170		Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	DOOR TO BE OPENED MANUALLY UNDER A FORCE OF NOT MORE THAN 110 N
D7	16.1	NUTRITION	Sliding	2	2143	2170		Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	
D7	17.2	HALLWAY	Sliding	2	2143	2170		Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	DOOR TO BE OPENED MANUALLY UNDER A FORCE OF NOT MORE THAN 110 N
D7	23.2	ACTIVITY 4	Sliding	2	2143	2170		Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	DOOR TO BE OPENED MANUALLY UNDER A FORCE OF NOT MORE THAN 110 N
D7	28.3	ACTIVITY 5	Sliding	2	2143	2170		Powdercoated Aluminium	SHALE GREY	GLAZED	CLEAR	DOOR TO BE OPENED MANUALLY UNDER A FORCE OF NOT MORE THAN 110 N
D8	13.1	STAFF ROOM	Cavity Slider	1	2040	920		Pressed Metal. Painted	SURFMIST	SOLID CORE	SURFMIST	
D9	08.1	PREP 3	Child Gate		1200	970		Steel				SELF CLOSING GATE
D9	08.2	ACTIVITY 1	Child Gate		1200	970		Steel				SELF CLOSING GATE
D9	14.1	KITCHEN	Child Gate		1200	970		Steel				SELF CLOSING GATE
D9	20.1	PREP 2	Child Gate		1200	970		Steel				SELF CLOSING GATE
D9	20.2	PREP 2	Child Gate		1200	970		Steel				SELF CLOSING GATE
D9	25.1	PREP 1	Child Gate		1200	970		Steel				SELF CLOSING GATE
D9	25.2	PREP 1	Child Gate		1200	970		Steel				SELF

NOTES:

- DOOR THRESHOLDS TO COMPLY WITH AS1428.1
- ALL DOORS, INCLUDING DOORS LEADING TO EXITS, TO BE PROVIDED WITH COMPLIANT DOOR HANDLES AT **1500MM FROM THE FFL**. EXCEPT FOR UAT DOOR (D6 03.1), **UAT DOOR HANDLE TO BE PLACED AT 900MM-1100MM AFFL**. ALL EXTERNAL DOORS MUST BE KEY LOCKABLE. ALL EXTERNAL DOORS TO BE KEYED ALIKE WITH THE FRONT DOORS.
- ALL INTERNAL DOOR LEAFS TO BE WHITE, MATT FINISH.
- AMBULANT AND UAT SIGNAGE TO BE INSTALLED AT 1200MM - 1600MM ABOVE FFL AS PER AS1428.1-2009.
- INSTALL AMBULANT SIGNAGE IN WC 1 TOILET PARTITION DOOR AS PER AS1428.1-2009.

A	CLIENT REVIEW	15/12/20	VL MMG
NO.	DESCRIPTION	DATE	BY CHK'D

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PROJECT NO.:

J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

DOOR SCHEDULE

DRAWN
VL

CHECKED
MMG

SCALE

SIZE
A3

DRAWING NO.

A08-SH01

REVISION

A

DC SIGN OFF:

Attachment 13

WINDOW PROCUREMENT SCHEDULE	
TYPE	COUNT
W1	15
W2	5
W3	3
W4	4
W5	4
W6	2
W7	2
W8	5
Grand total	40

WINDOW SCHEDULE								
General				Size		Materials		
Type	Mark	Room	Operation	Width	Height	Frame material	Frame Colour	Glazing
W1	01.1	RECEPTION	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	02.1	OFFICE	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	02.2	OFFICE	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	02.3	OFFICE	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	04.1	ACTIVITY 2	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	04.2	ACTIVITY 2	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	04.3	ACTIVITY 2	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	09.1	ACTIVITY 1	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	09.2	ACTIVITY 1	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	18.1	ACTIVITY 3	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	29.2	OSHC ROOM	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	29.3	OSHC ROOM	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	29.4	OSHC ROOM	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	29.5	OSHC ROOM	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W1	29.6	OSHC ROOM	Fixed+Awning	800	1650	Powdercoated Aluminium	Shale Grey	CLEAR
W2	05.1	COTS 2	Fixed	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W2	17.2	HALLWAY	Fixed	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W2	23.1	ACTIVITY 4	Fixed	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W2	28.1	ACTIVITY 5	Fixed	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W2	29.1	OSHC ROOM	Fixed	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W3	17.1	HALLWAY	Fixed+Awning	800	1886	Powdercoated Aluminium	Shale Grey	CLEAR
W3	23.2	ACTIVITY 4	Fixed+Awning	800	1886	Powdercoated Aluminium	Shale Grey	CLEAR
W3	28.2	ACTIVITY 5	Fixed+Awning	800	1886	Powdercoated Aluminium	Shale Grey	CLEAR
W4	07.1	CHANGE	Fixed	730	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W4	07.2	CHANGE	Fixed	730	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W4	07.3	CHANGE	Fixed	730	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W4	07.4	CHANGE	Fixed	730	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W5	18.2	HALLWAY	Fixed	1500	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W5	19.1	WC 2	Fixed	1500	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W5	23.3	WC 1	Fixed	1500	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W5	28.5	WC 1	Fixed	1500	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W6	13.1	STAFF ROOM	Sliding	1570	686	Powdercoated Aluminium	Shale Grey	CLEAR
W6	29.8	OSHC ROOM	Sliding	1570	686	Powdercoated Aluminium	Shale Grey	CLEAR
W7	24.1	ACTIVITY 5	Fixed	730	1114	Powdercoated Aluminium	Shale Grey	CLEAR
W7	28.4	ACTIVITY 5	Fixed	1210	1886	Powdercoated Aluminium	Shale Grey	CLEAR
W8	08.1	PREP 3	Sliding	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W8	09.3	ACTIVITY 1	Sliding	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W8	28.3	ACTIVITY 5	Sliding	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W8	29.7	OSHC ROOM	Sliding	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR
W8	81	RECEPTION	Sliding	2170	686	Powdercoated Aluminium	Shale Grey	CLEAR

* MINIMUM GLAZING THICKNESS AS PER ACOUSTIC REPORT

* ALL WINDOWS OPERATION TO BE FIXED.

A	CLIENT REVIEW	15/12/20	VL	MMG
NO.	DESCRIPTION	DATE	BY	CHK'D

FLEETWOOD
AUSTRALIA

1202 Abernethy Rd, Perth Airport WA 6105 | (08) 9281 7500

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GENERAL NOTES

- GENERAL NOTES
1. ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORKS.
 2. USE WRITTEN DIMENSIONS ONLY, DO NOT SCALE DRAWINGS.
 3. READ IN CONJUNCTION WITH OTHER DRAWINGS, SPECIFICATIONS & CONSULTANTS DOCUMENTATION.
 4. REFER ANY DISCREPANCIES IMMEDIATELY TO THE DESIGNER & AWAIT WRITTEN INSTRUCTION.

PROJECT NO.:

J001603

PROJECT STATUS

DESIGN DEVELOPMENT

PROJECT CLIENT

BLOKK PROPERTY

PROJECT:

CHILD CARE CENTRE

PROJECT ADDRESS

13 NICOLAS DRIVE, CASUARINA, WA

SHEET

WINDOW SCHEDULE

DRAWN
VL

CHECKED
MMG

SCALE

SIZE
A3

DRAWING NO.

A08-SH03

REVISION

A

DC SIGN OFF:

Attachment 14



Local Planning Policy 6

Guidelines for Structure Planning In the Casuarina Cell



Local Planning Policy No. 6

Guidelines for Structure Planning in the Casuarina Cell

Adopted:	23 May 2018
Last Reviewed:	
Legal Authority:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 – Part 2 – Division 2

1. POLICY OBJECTIVE

To provide guidance on the district planning matters that should be considered during the preparation of Local Structure Plans (LSPs) within the Casuarina Urban Development zone (Casuarina Cell), to ensure that subdivision and/or development proceeds in an orderly and proper manner across the whole Cell.

2. POLICY APPLICATION

This policy has been informed by the *South Metropolitan Peel Sub-regional Planning Framework* (2018), *Jandakot Structure Plan* (2007) and *Eastern Residential Intensification Concept* (2005) in order to ensure integrated decision-making. This ensures that these regional planning documents are considered when preparing LSPs within the Casuarina Cell.

To ensure that subdivision and/or development proceed in an orderly and proper manner, LSPs prepared within the Casuarina Cell (pursuant to *Planning and Development Regulations 2015*) may only be supported by the City of Kwinana (the City) where they are prepared for one, or more, of the entire precincts as depicted in Figure 1 (Attachment A).

The City may consider a LSP for a portion of a precinct where the proponent has:

- Demonstrated that the LSP addresses and meets the objectives of LPP6 and the precinct guidelines in which it is located, such as the provision of significant local and district land uses and facilities as identified in the policy;
- Demonstrated that the LSP can be considered in isolation to the wider planning considerations within the precinct in which it is located, and, its approval would not prejudice the optimum planning and design outcome of the precinct as considered by Council;
- Demonstrated that the LSP applies to greater than a single lot and occupies an area of at least 30% of a precinct; and
- Prepared a concept plan for the remainder of the precinct which addresses the matters raised in the policy and has been the subject of consultation with other landowners in the precinct. The concept plan shall be submitted with the LSP documents and shall include but not limited to, details in relation to the outcomes of the consultation, total site area of the precinct, gross subdivisible area, distributor roads, POS schedule and POS distribution.

This policy should be read in conjunction with relevant State Government, Commonwealth Government and City legislation and policies, including but not limited to:

- *City of Kwinana Local Planning Scheme No. 2* (1992)
- *Community Infrastructure Plan* (as adopted by the City of Kwinana)
- *Development Contribution Plan 3* (POS) (City of Kwinana, 3 October 2017)
- *Development Contribution Plan 10* (Community facilities) (as adopted by the City of Kwinana)
- *Environmental Protection and Biodiversity Conservation Act 1999* (Cth)
- *Environmental Protection Act 1986* (WA)
- *Eastern Residential Intensification Concept* (2006)
- *Guidelines for Structure Plans* (WAPC, 2012)
- *Guidelines for Planning in Bushfire Prone Areas* (WAPC, 2015)
- *Jandakot Structure Plan* (WAPC, 2007)
- *Liveable Neighbourhoods* (WAPC, 2009)
- *Local Commercial and Activity Centres Strategy* (City of Kwinana, 2013)
- *Planning and Development Regulations 2015* (WA Government)
- *South Metropolitan Peel Sub-regional Planning Framework* (2018)
- *State Planning Policy 1 – State Planning Framework* (WAPC, 2017)
- *State Planning Policy 2.3 – Jandakot Groundwater Protection* (WAPC, 2017)
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (WAPC, 2015)
- *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (WAPC, 2010)
- *State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning* (WAPC, 2009)
- *Strategic Community Plan 2017-2027* (City of Kwinana, January 2017)

3. DEFINITIONS

The terms used in this policy are defined below or as defined in adopted or amended versions of the *Local Planning Scheme No.2* (LPS2), *Community Infrastructure Plan* or relevant *Developer Contribution Plan(s)*:

Developer Contribution Plan

The subject land is included in *Developer Contribution Plan 3* for public open space and *Developer Contribution Plan 10* for community facilities.

The principles and considerations that apply to development contributions are set out in *State Planning Policy 3.6 - Development Contributions for Infrastructure*.

District Community Centre

A large scale multi-purpose community centre that caters for the higher order social and community needs generated from surrounding local catchments. A District Community Centre provides a diverse range of universal activities and programs, including performance space.

A District Community Centre can also provide the base for the delivery of community services, such as child health clinics and can also accommodate office space for community organisations involved in the delivery of services or programs at the district level and visiting government services.

A District Community Centre can also provide the facilities for adult day care and other specialised functions and may resource and provide outreach programs, activities and services to Local Community Centres.

District Youth Centre

A multi-purpose community facility catering for young people (12 - 24 year olds) by providing a range of facilities, programs, services and activities that target their needs and interests.

Local Community Centre

A multi-purpose community building which provides a range of social, learning, personal development, health and lifestyle activities. A *Local Community Centre* incorporates a main hall area, activity area(s), meeting rooms, kitchen, wet activity areas, offices and storage areas.

Local Centre

An important local community focal point that helps to provide for the main daily to weekly household shopping and community needs.

District Sporting Ground

A multi-purpose sporting hub that is designed to have flexible capacity to cater for a diverse and changing range of field sports over time, while also integrating opportunities and infrastructure for passive recreation and physical activity.

Local Sporting Ground

A multi-purpose sports and recreation facility incorporating a grass active playing space with training level lighting that can accommodate a wide variety of sports. A Local Sporting Ground is typically shared by a minimum of two clubs and includes one to two multi-purpose hard courts and other facilities such as cricket practice nets. A Local Sporting Ground also provides for informal physical activity and passive recreation, such as jogging, walking, fitness programs and dog exercise and includes play equipment, seating, picnic table, BBQ, drinking fountain, toilets and shade at a minimum.

A facility building is situated alongside the playing field to provide toilets and some shade.

Local Park

A well designed open space with equipment and natural play opportunities for 0-12 year olds including active and passive elements.

4. GENERAL GUIDELINES

In addition to the requirements of the Western Australian Planning Commission (WAPC) and the City, there are a number of specific district planning matters that must be addressed as part of all LSPs prepared for the Casuarina Cell, as described below:

Bushfire Protection

This policy should be read in conjunction with *State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (WAPC, 2015).

LSPs must take into account bushfire protection requirements. The City will not support LSPs where vulnerable and high risk land uses are proposed in a manner in which the associated risk cannot be sufficiently mitigated.

Compatible land uses in the vicinity of the mushroom farm

Evidence obtained from onsite noise studies, odour studies and modelling will be required when sensitive land uses are proposed in the vicinity of the mushroom farm on Lot 1 (45) Orton Road, Casuarina to demonstrate that the proposed land uses will not be exposed to unacceptable odour and noise emissions, to the satisfaction of the City.

The City will only support land uses in locations where it can be confident there will not be long-term odour and noise conflicts.

Interface treatment between Development and Rural zones

In locations where the boundary of a proposed LSP, within the *Development* zone, abuts the *Rural Water Resource* zone (*Jandakot Groundwater Protection Area*) the following potential land use compatibility matters should be taken into account and appropriately mitigated:

- The potential impact of future land uses within the *Development* zone on the visual amenity (light emissions, fencing and landscaping) and character of the *Rural* zone; and
- The potential impact of land use activities (noise, dust and odour) within the *Rural* zone on future sensitive land uses within the *Development* zone.

Local Water Management

Stormwater drainage should be contained within each precinct, unless supported by a *Local Water Management Strategy* and an implementation process that enables drainage to be managed elsewhere. Peel sub-drains should be upgraded to an appropriate urban standard with *Living Stream* treatment in accordance with the *Development Contribution Plan*.

Residential Densities

Residential densities should accord with *Liveable Neighbourhood* principles with higher densities located near the activity centre or areas of higher amenity, such as public open space (POS).

5. LOCAL STRUCTURE PLANNING GUIDELINES

In addition to the requirements of the WAPC and the City, there are a number of specific district and significant local planning matters that must be addressed as part of structure planning for each precinct identified in Figure 1 (Attachment A), as described below:

a) NORTH PRECINCT

The North Precinct should include the following:

- i.* *Bulky Goods* and *Showroom* uses should be located adjacent to Thomas Road and the Kwinana Freeway to make best use of the access and exposure provided by these roads. Supermarkets and small format shops are not permitted in this area. The balance of the precinct should be used for residential purposes.
- ii.* Primary access from Thomas Road should allow a four way intersection as approved in the *Anketell South Local Structure Plan* (2014). This access should become the primary north–south route through the broader Casuarina Cell and should link to existing Landgren Road in the adjacent Central Precinct.
- iii.* The City may support the use of the land within the power line easements for car parking associated with the adjacent commercial and recreation uses.
- iv.* Development of a *District Sporting Ground* located on land to be acquired by the *Development Contribution Plan* in accordance with the adopted *Community Infrastructure Plan* (or most recent version).

- v. A maximum of 80% of the total POS requirement in the North Precinct shall be provided within the precinct with the shortfall (maximum 20%) being provided as a cost contribution through the DCP.
- vi. The identification of a site for a *Local Centre* (commercial and activity centre) (800m² retail floor space) should be provided at the intersection of Landgren Road and Orton Road, either in the North Precinct or the Central Precinct.
- vii. As part of the submittal of a LSP, the applicant shall consider and address the key land uses proposed in the Jandakot Structure Plan and Eastern Residential Intensification Concept for this Precinct area.

b) CENTRAL PRECINCT

The Central Precinct should include the following:

- i. A *Primary School* site located near the intersection of Landgren Road and Orton Road.
- ii. POS co-located with the Primary School to the satisfaction of the City and the Department of Education.
- iii. A maximum of 80% of the total POS requirement in the Central Precinct shall be provided within the precinct with the shortfall (maximum 20%) being provided as a cost contribution through the DCP.
- iv. Landgren Road as the main north-south road link through the Casuarina Cell.
- v. The identification of a site for a *Local Centre* (commercial and activity centre) (800m² retail floor space) provided at the intersection of Landgren Road and Orton Road, either in the Central Precinct or the North Precinct.
- vi. Commercial uses and floor areas should be consistent with the City's *Local Commercial and Activity Centres Strategy* (2013).
- vii. As part of the submittal of a LSP, the applicant shall consider and address the key land uses proposed in the Jandakot Structure Plan and Eastern Residential Intensification Concept for this Precinct area.

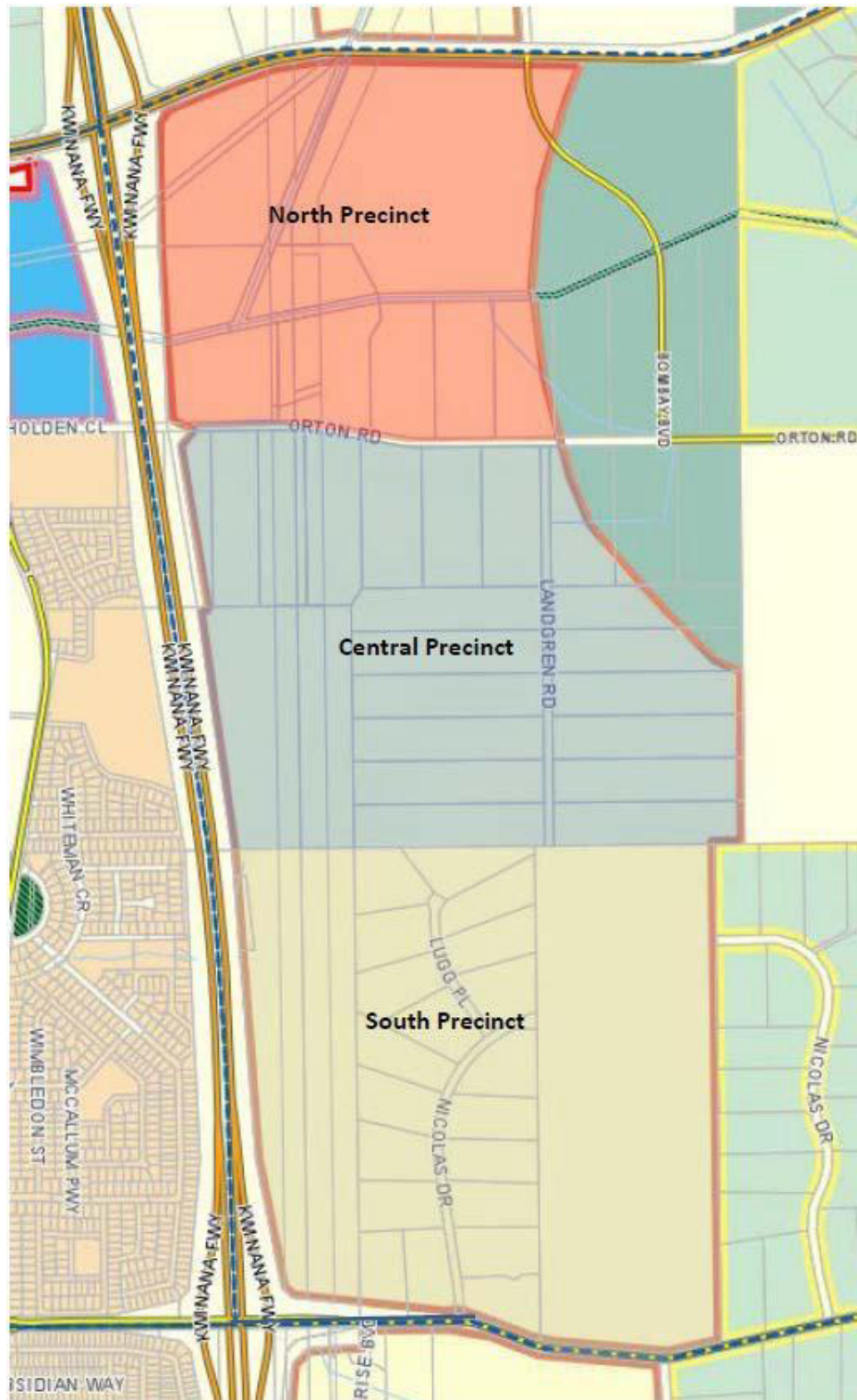
c) SOUTH PRECINCT

The South Precinct should include the following:

- i. A site for a *High School* provided in accordance with the design principles set out in *Liveable Neighbourhoods*.
- ii. A *Local Sporting Ground* (with a facility building and kiosk) to be co-located with the high school in accordance with the adopted *Community Infrastructure Plan* (or most recent version).
- iii. Land for a *District Community Centre* (7,000m²) to form part of the POS contribution for the Casuarina Cell.

- iv. Land for a *District Youth Centre* (7,000m²) to form part of the POS contribution for the Casuarina Cell. The *District Youth Centre* should be located adjacent to the *District Community Centre* within POS.
- v. The identification of a site for a for a *Local Centre* (6,000m² retail floor space) be provided near the intersection of the north-south linkage (Landgren Road) and Mortimer Road.
- vi. Landgren Road be extended to connect to and generally align with Nicholas Drive to provide a north-south linkage. The current intersection of Nicholas Drive and Mortimer Road may be used to align with local structure planning for the Wellard East Cell.
- vii. The assessment of the environmental quality of the existing bushland within the Casuarina Cell and make recommendations for the preservation of areas of environmental value in accordance with the Western Australian *Environmental Protection Act 1986* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*.
- viii. The shortfall of POS in the North and Central Precincts may be used to purchase additional Restricted POS in the South Precinct through the DCP, for the purpose of maximising the preservation of environmentally significant native bushland.

Attachment A (Figure 1)





Proposed Child Care Centre Development

**Lot 102 (13) Nicolas Drive,
Casuarina**

Transport Impact Statement

**PREPARED FOR:
Practical Investments Pty Ltd**

June 2020

Document history and status

Author	Revision	Approved by	Date approved	Revision type
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Waihin Tun	r01a	B Bordbar	12/06/2020	Final

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Author: Waihin Tun

Project manager: Behnam Bordbar

Client: Practical Investments Pty Ltd

Project: Lot 102 (13) Nicolas Drive, Casuarina

Document revision: r01a

Project number: t20.016

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TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
2.0	PROPOSED DEVELOPMENT	3
3.0	VEHICLE ACCESS AND PARKING.....	4
3.1	ACCESS.....	4
3.2	PARKING DEMAND AND SUPPLY.....	4
3.3	ESTIMATED ACTUAL PARKING DEMAND BASED ON TRIP GENERATION.....	5
4.0	PROVISION FOR SERVICE VEHICLES	7
5.0	HOURS OF OPERATION	8
6.0	DAILY TRAFFIC VOLUMES AND VEHICLE TYPES	9
6.1	EXISTING DEVELOPMENT TRIP GENERATION.....	9
6.2	PROPOSED DEVELOPMENT TRIP GENERATION	9
6.3	TRAFFIC FLOW	10
6.4	IMPACT ON SURROUNDING ROAD NETWORK.....	11
7.0	TRAFFIC MANAGEMENT ON THE FRONTAGE STREETS.....	12
8.0	PUBLIC TRANSPORT ACCESS.....	14
9.0	PEDESTRIAN ACCESS.....	15
10.0	CYCLE ACCESS	16
11.0	SITE SPECIFIC ISSUES	17
12.0	SAFETY ISSUES.....	18
13.0	CONCLUSIONS.....	19

APPENDIX A: PROPOSED DEVELOPMENT PLANS

REPORT FIGURES

Figure 1. Location of the subject site	2
Figure 2: Proposed development crossovers.....	4
Figure 3. Proposed child care centre parking allocation plan	6
Figure 4. Estimated traffic movements for the subject development – morning, afternoon peak and total daily trips.....	11
Figure 5. Northbound view along Nicolas Drive	12
Figure 6. Westbound view along Mortimer Road	13
Figure 7. Local bus map (Source: Transperth)	14
Figure 8. Perth bike map series – local area (source: Department of Transport).....	16

REPORT TABLES

Table 1. Bus services available within the locality.....	14
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1.0 Introduction

This Transport Impact Statement has been prepared by Transcore on behalf of Practical Investments Pty Ltd with regard to the proposed child care centre development to be located within the southwestern portion of Lot 102 (13) Nicolas Drive, Casuarina in the City of Kwinana.

The subject site is located at the corner of the 'T' intersection of Nicolas Drive and Mortimer Road. The subject site currently contains a single house and unpaved vehicle access is currently available from Nicolas Drive. The subject site of approximately 19,700m² total area and is bound by Nicolas Drive to the east, Mortimer Road to the south and semi-rural properties to the immediate north and west. As shown in **Figure 1**, the development site is located within the southwestern portion of the subject site and only has frontage to Mortimer Road.

The Transport Impact Assessment Guidelines (WAPC, Vol 4 – Individual Developments, August 2016) states: “A *Transport Impact Statement* is required for those developments that would be likely to generate moderate volumes of traffic¹ and therefore would have a moderate overall impact on the surrounding land uses and transport networks”. **Section 6.0** of Transcore’s report provides details of the estimated trip generation for the proposed development. Accordingly, as the total peak hour vehicular trips are estimated to be less than 100 trips, a Transport Impact Statement is deemed appropriate for this development.

Key issues that will be addressed in this report include the traffic generation and distribution of the proposed development, parking, access and egress movement patterns.

¹ Between 10 and 100 vehicular trips per hour



Figure 1. Location of the subject site

2.0 Proposed Development

The Development Application (DA) for the subject site proposes development of a child care centre with associated car park within the south eastern portion of Lot 102 (13) Nicolas Drive, Casuarina, in the City of Kwinana. The development site only has frontage to Mortimer Road.

The child care centre is proposed to accommodate up to 104 children and 18 staff.

As part of the development proposal, 30 parking bays including one ACROD parking bay are proposed to address the parking demand of the proposed child care centre. It is proposed to provide a full movement crossover on Mortimer Road at the southwestern corner of the site which provides direct access to the car park, as detailed in **Section 3.1** of this report.

The bin storage area is located at the southwest corner of the development site next to the proposed crossover. Based on the information provided to Transcore, it is understood that the location of the bin storage area has been configured to allow for after-hours waste collection within the site by private contractor or bins will be wheeled out from the bin storage area by centre staff and lined up along Mortimer Road for verge collection.

Refer to **Appendix A** for plans of the proposed development.

3.1 Access

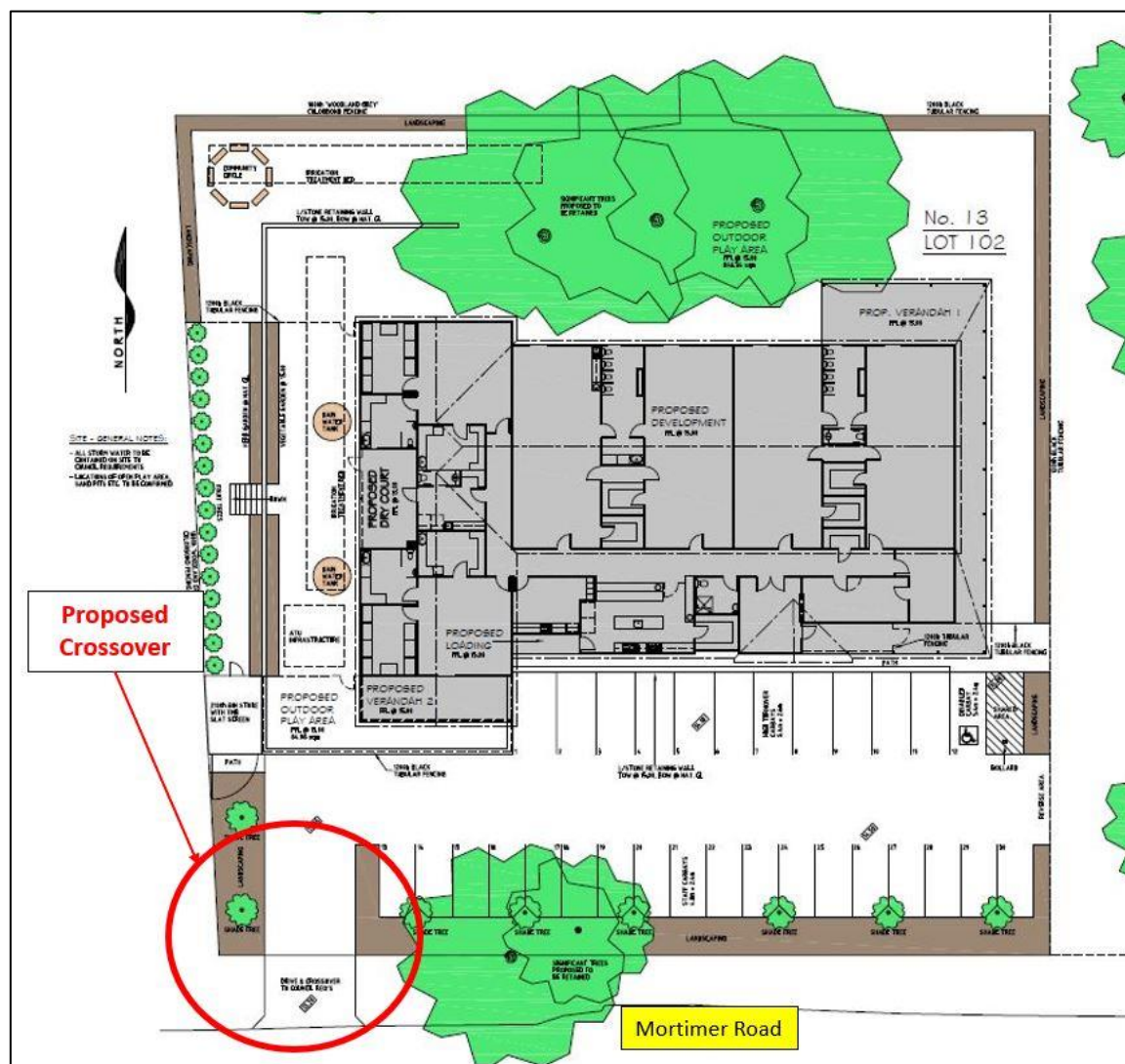


Figure 2: Proposed development crossovers

3.2 *Parking Demand and Supply*

3.3 *Estimated Actual Parking Demand Based on Trip Generation*

Transcore has undertaken a parking analysis based on the anticipated peak hour traffic generation of the proposed child care centre, to estimate the actual peak parking demand of the centre.

Section 6.0 of this report details the anticipated peak hour traffic generation of the proposed CCC. It was established that the calculated morning peak hour trip generation of the proposed CCC is 41 vehicles in and 37 vehicles out of the car park (afternoon peak hour is expected to generate less trips).

This represents a potential 41 vehicles using the child care centre car park during the peak hour.

The RTA NSW “Guide to Traffic Generating Developments” section on childcare centres provides commentary on childcare centre mode share, parking utilisation and parking length of stay. It should be noted that the commentary provided in the RTA guide is based on surveys of actual parking activity undertaken in New South Wales. The RTA guide indicates highest parking demand of 0.23 cars per child and the average recorded length of stay for all surveyed child care centres of 6.8 minutes.

Conservatively assuming that the length of stay for pick-up/drop-off parking for the proposed child care centre is 10 minutes, it is calculated that each parking bay can accommodate a turnover of up to 6 vehicles per hour.

It is therefore established that at least 7 bays ($41/6 = 6.8$ say 7) should be reserved for pick-up and drop-off activities during peak hour periods.

Based on the information provided to Transcore, it is understood that the maximum of 18 staff members will be present at the centre. During the peak periods the maximum number of staff members on site is not expected to be more than 18. However, to have more flexibility for drop off and pick up activities, it is recommended that 12 bays (including one ACROD bay) should be allocated for pick up and drop off activities and 18 parking bays should be allocated for staff as shown in **Figure 3**.

It should also be noted that some of the staff of the child care centre is expected to use car share/ lift and therefore, it is considered that sufficient parking has been provided to meet the anticipated needs of the proposed child care centre.

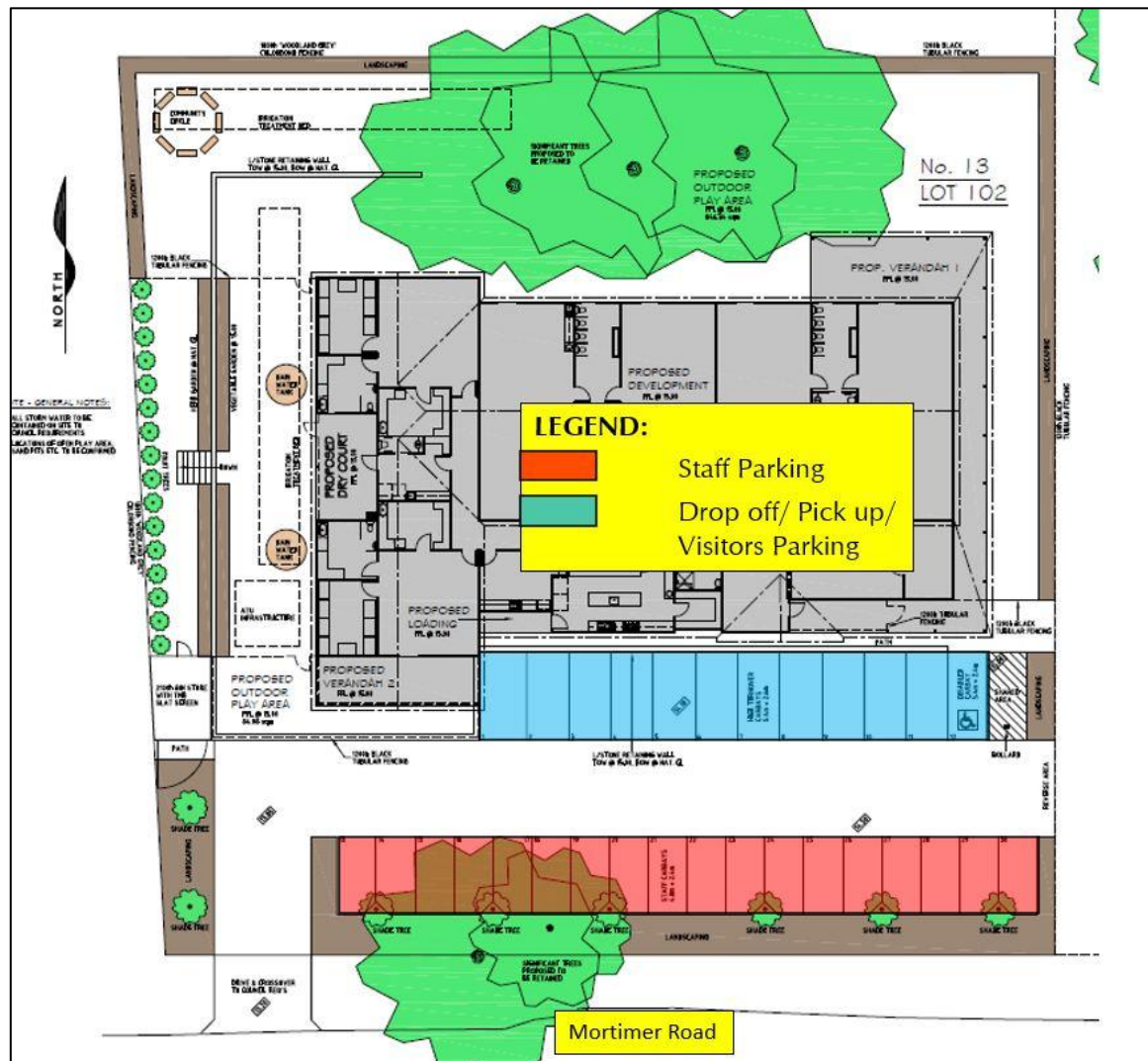


Figure 3. Proposed child care centre parking allocation plan

4.0 Provision for Service Vehicles

The bin storage area is proposed at the southwest corner of the development site adjacent to the proposed crossover on Mortimer Road as shown in proposed development plan in **Appendix A**. Based on the information provided to Transcore, it is understood that the location of the bin storage area has been configured to allow for after-hours waste collection within the site by private contractor or bins will be wheeled out from the bin storage area by centre staff and lined up along Mortimer Road for verge collection.

It is anticipated that the child care centre will generate a small volume of service vehicle traffic, primarily associated with deliveries for the child care centre. According to the information provided to Transcore, it is understood that service vehicles no bigger than 8.8m service vehicle would access and exit the site for service/ delivery. Delivery vehicles may park for a short time within the child care centre car park for loading and unloading activities. These activities will occur during the off-peak periods.

5.0 Hours of Operation

The hours of operation for the proposed child care centre is to be confirmed.

6.0 Daily Traffic Volumes and Vehicle Types

6.1 Existing Development Trip Generation



The subject site is currently occupied by a single dwelling. However, the development site is within the vacant portion of the subject site. For a robust assessment it is assumed that the subject site doesn't generate any traffic currently.

6.2 Proposed Development Trip Generation

In order to establish an accurate traffic generation rate for the proposed child care centre, traffic count surveys undertaken by Transcore at similar centres in the Perth metropolitan area were sourced.



Discussions with the respective centre managers revealed that the peak drop-offs and pick-ups for each of these centres occur between the hours of 7:00AM–10:00AM and 3:00PM–6:00PM.

From the total number of children at each of the centres on the surveyed days, the following average generation rates were established for the morning and afternoon surveyed periods:

-  7:00AM–10:00AM: 1.58 trips per child (52% in / 48% out); and,
-  3:00PM–6:00PM: 1.67 trips per child (47% in / 53% out).

From this information, the traffic generation rate for the combined period of 7:00AM–10:00AM and 3:00PM–6:00PM was calculated as 3.25 trips per child. To convert this figure to a daily generation rate, this figure was increased to 3.5 trips per child to account for any trips outside of the surveyed times. It was assumed that the daily in and out split for vehicle trips was 50/50.

Furthermore, the following peak hour generation rates were established from the surveys for the Child Care Centres:

-  AM peak hour: 8:00AM – 9:00AM: 0.75 trips per child (52% in / 48% out); and,
-  PM peak hour: 4:30PM – 5:30PM: 0.49 trips per child (43% in/ 57% out);

Comparison of the six-hour generation rates and the peak hour generation rates confirms that the distribution of traffic from these centres is spread over the peak periods and that full concentration of traffic does not occur in the peak hour. The AM peak hour represents 47% of the 3-hour AM peak period traffic generation and the typical school PM and road network PM peak hours represent 36% and 29% of the 3-hour PM peak period traffic generation, respectively. As such, childcare centres operate quite differently to schools as their peak period is spread out.

Accordingly, the following number of trips was estimated for the proposed child care centre, assuming a maximum scenario of 104 children being present (i.e. centre at full capacity):

- + AM peak hour: 78 trips generated (41 in / 37 out);
- + PM peak hour: 51 trips generated (22 in / 29 out); and,
- + Daily traffic generation: 364 trips generated (182 in / 182 out).

6.3 Traffic Flow

Considering that all access to the site is available via Mortimer Road, all the estimated development-generated traffic would arrive/depart to and from the site via Mortimer Road, Nicolas Drive and Sunrise Boulevard.

As with similar centres, an overwhelming majority of patrons would originate from within the local area with only a marginal number of patrons arriving from afar.

Hence, based on the general spatial distribution of existing residential developments in the immediate area, permeability of the local road network and the assumption that all traffic attracted to the proposed child care centre would arrive/depart via Mortimer Road, the child care centre's traffic distribution adopted for this analysis is as follows:

- + 50% to/ from Mortimer Road west;
- + 20% to/ from Sunrise Boulevard;
- + 10% to/ from Nicolas Drive; and,
- + 20% to/ from Mortimer Road east.

Figure 4 illustrates trip generation and traffic distribution over the local road network for the proposed child care centre.

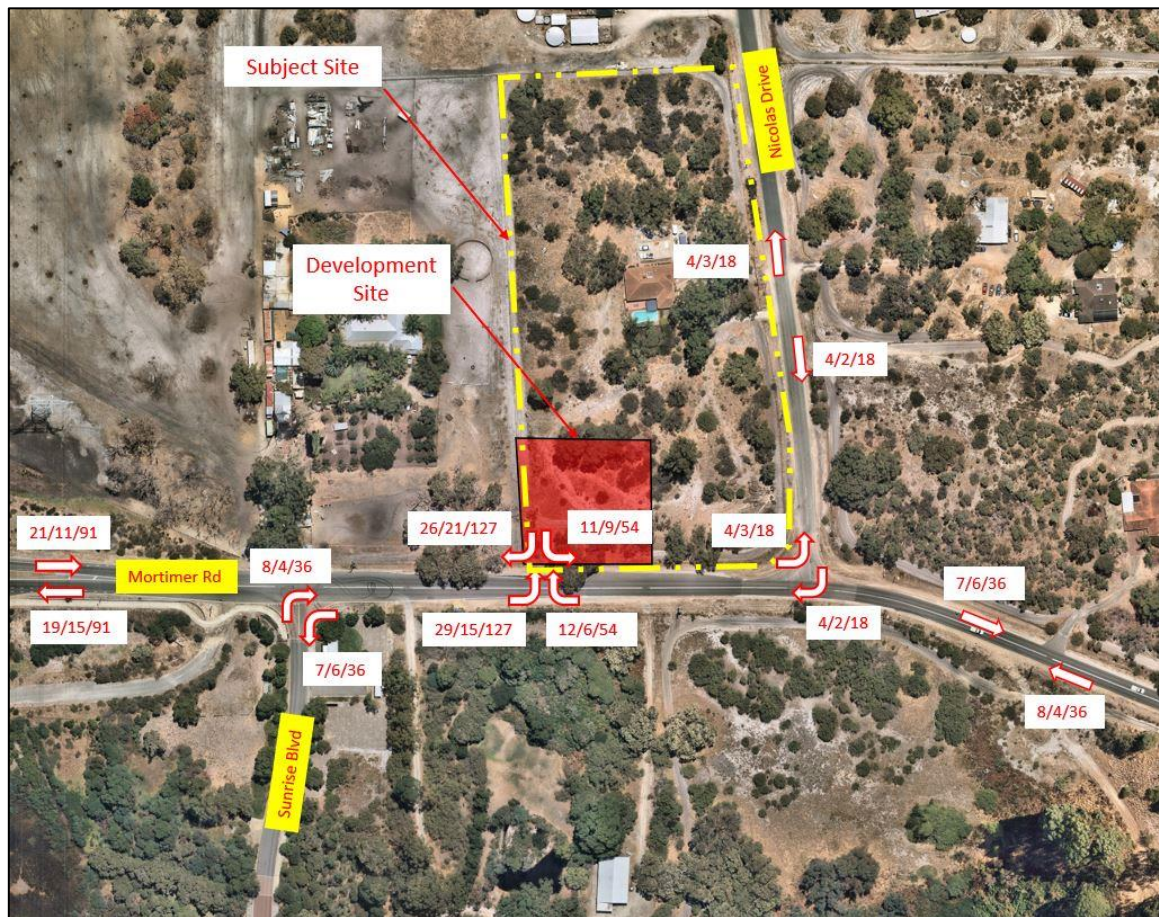


Figure 4. Estimated traffic movements for the subject development – morning, afternoon peak and total daily trips

6.4 Impact on Surrounding Road Network

The WAPC *Transport Impact Assessment Guidelines* (2016) provides guidance on the assessment of traffic impacts:

“As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 percent may. All sections of road with an increase greater than 10 percent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity. Therefore, any section of road where the development traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis.”

It is clear that the traffic increase from the proposed development would be significantly less than the critical threshold (100vph per lane) with the most pronounced traffic increases being 29vph on Mortimer Road (west of the development) and 12vph on Mortimer Road (east of the development) during the morning peak hour, hence the impact on the surrounding road network is not considered to be significant and does not require further detailed analysis.

7.0 Traffic Management on the Frontage Streets

Nicolas Drive is constructed as a 7.0m wide, single carriageway, two-way undivided road. Nicolas Drive forms a 'T' intersection with Mortimer Road, controlled by Give Way signs on Nicolas Drive. Refer to **Figure 5** for more details.

Nicolas Drive is classified as *Access Road* in the Main Roads WA *Functional Road Hierarchy* and operates under a default 50km/h built-up area speed limit regime. There are no formal traffic counts available for this road. However, based on its function it is estimated that this road carries less than a thousand vehicles per day.



Figure 5. Northbound view along Nicolas Drive

Mortimer Road is two lane divided carriageway with no pedestrian footpaths in the vicinity of the subject site. Refer to **Figure 6** for more details.

Mortimer Road is classified as *Regional Distributor* in the *Main Roads WA Functional Road Hierarchy* and operates under 80km/h speed regime in the vicinity of the subject site. The speed limit on Mortimer Road reduces to 70km/h before the Kwinana Freeway interchange.

Based on the available SCATS info sourced from Main Roads WA, it is estimated that Mortimer Road, east of Kwinana Freeway carries about 5,382vpd vehicles on a regular weekday (2019/20). The morning and afternoon peaks are between 8:00am – 9:00am and 3:00pm to 4:00pm with traffic volumes of 451vph and 507vph respectively.



Figure 6. Westbound view along Mortimer Road

8.0 Public Transport Access

According to the current Transperth bus network map, the subject site does not have direct access to public transport system. The closest bus route is Transperth route 543 running on Bertram Road, west of Kwinana Freeway and the nearest bus stop is located on Bertram Road approximately 1km west of the development site.

Nearby public transport service is listed in **Table 1** and illustrated in the relevant Transperth service map (see **Figure 7**).

Table 1. Bus services available within the locality

Service #	Facility
543	Kwinana Station – Kwinana Bus Station

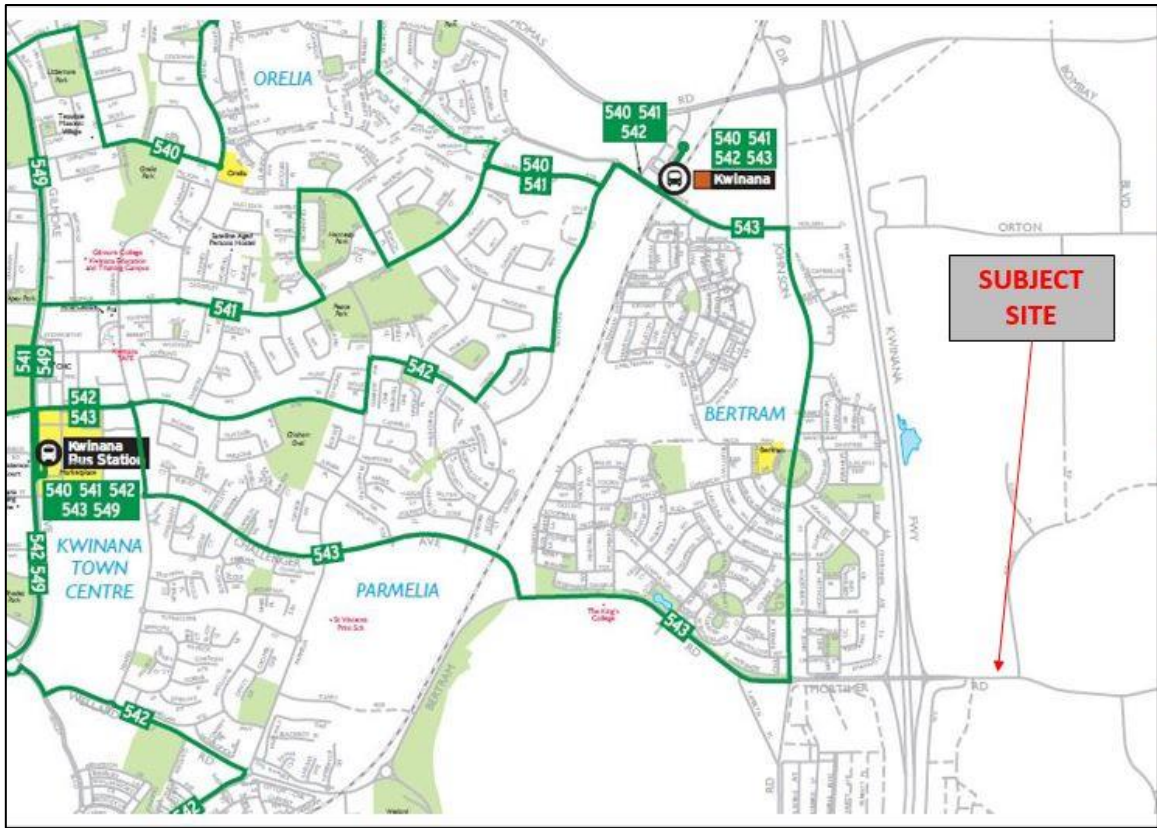


Figure 7. Local bus map (Source: Transperth)

9.0 Pedestrian Access

The subject site is not directly accessible to pedestrians as no paths are in place on the immediately adjacent roads in the vicinity of the subject site. The nearest pedestrian footpath is available on Mortimer Road and terminates at the intersection of Mortimer Road/ Sunrise Boulevard which is approximately 90m west of the subject site.

10.0 Cycle Access

According to the current Department of Transport Bike Maps, the subject site has direct access to the existing bike path network within the locality via the “Perth bicycle network” which shows a continuous signed route on Mortimer Road. This provides cycle links to a number of recreational paths within the adjacent streets including a link to Kwinana Freeway which is classified as “principal shared path” and Sunrise Boulevard which is classified as “other shared path”. **Figure 8** shows existing cyclist connectivity to the subject site.

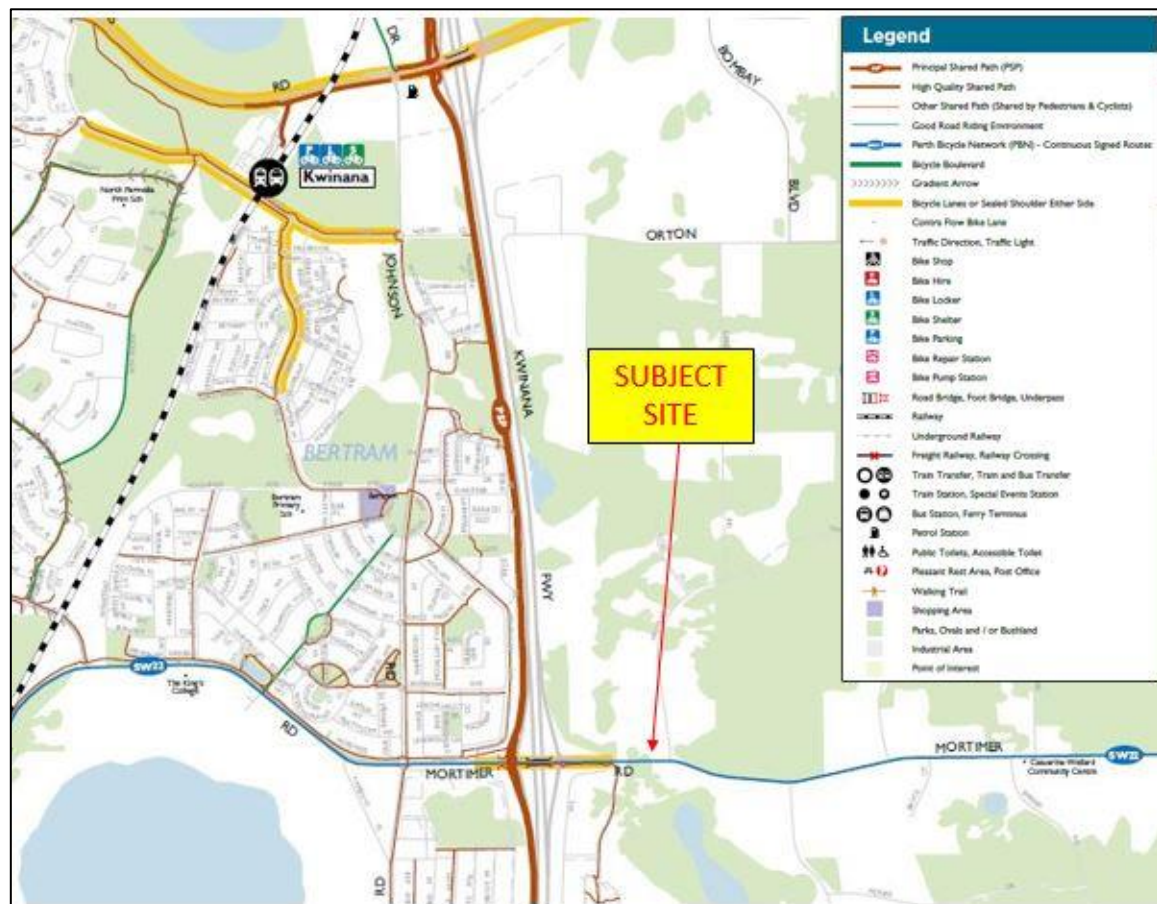


Figure 8. Perth bike map series – local area (source: Department of Transport)

11.0 Site Specific Issues

No particular site-specific issues have been identified for this proposed development.

12.0 Safety Issues

No particular traffic related safety issues have been identified for the proposed development.

13.0 Conclusions

This Transport Impact Statement has been prepared by Transcore on behalf of Practical Investments Pty Ltd and provides information on the proposed child care centre development to be located within southwest portion of Lot 102 (13) Nicolas Drive, Casuarina in the City of Kwinana. The development site only has frontage to Mortimer Road.

The proposed child care centre development accommodates 104 children with a total of 18 staff.

Vehicle access to and from the site will be via a single full movement crossover proposed on Mortimer Road which leads to a 30-bay parking area on-site including one ACROD bay. Based on the analysis undertaken it is recommended that 12 parking bays should be allocated to visitors and drop off/pick up activities and 18 parking bays should be allocated to staff.

The traffic analysis undertaken in this report shows that the traffic generation of the proposed development is estimated to be in the order of 364 daily and 78 and 51 morning and afternoon peak hour trips (total of both inbound and outbound movements), respectively. Accordingly, the traffic generation of the proposed development is low and as such would have insignificant impact on the surrounding road network.

No particular transport or safety issues have been identified for the proposed development.

Finally, it is concluded that traffic-related issues should not form an impediment to the approval of the proposed development.

Attachment 17



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Your ref:

Our ref: RF3773-02, PA037124

Enquiries: Jane Sturgess, Ph 9550 4228

City of Kwinana
PO Box 21
Kwinana WA 6966

Attention: Jared Veenendaal

Dear Jared

DEVELOPMENT APPLICATION - LOT 102 NICOLAS DRIVE, CASUARINA – PROPOSED CHILDCARE CENTRE

Thank you for providing the development application for the Department of Water and Environmental Regulation (Department) to consider.

The Department has identified that the development of the proposed childcare centre on Lot 102 Nicolas Drive in Casuarina has the potential for impact on environment and water values and/or management. In principle the Department does not object to the proposal, however key issues and recommendations are provided below and these matters should be addressed.

Issue

Native Vegetation Protection

Advice

Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations).

Based on the information provided, it is likely that the proposed clearing for the buildings and associated structures within the southern half of the lot is exempt from the requirement for a clearing permit under Regulation 5, Item 1 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations). The exemption will only apply once the development approval has been issued, as the exemption does not apply without the relevant planning approval.

This exemption is described in the Departments '[A Guide to the Exemptions and Regulations for Clearing Native Vegetation](#)'. It is the applicant's responsibility to determine compliance with these exemptions and therefore whether a clearing permit is required.

If further clarification is required please contact DWER's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).

Issue

Environmental Noise Report

Advice

Please see Attachment 1 for the Technical Review Report from the Department's Environmental Noise branch.

Issue

Government Sewerage Policy

Advice

In accordance with the *Government Sewerage Policy* (Government of Western Australia, 2019), the subject land is located within a sewage sensitive area. As this land is not connected to the reticulated sewerage infrastructure, future development of the proposed lot must adhere to the Policy including the requirement for a secondary treatment system with nutrient removal as well as setback requirements.

In the event there are modifications to the proposal that may have implications on aspects of environment management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact Jane Sturgess on 9550 4228.

Yours sincerely



Brett Dunn
Program Manager – Planning Advice
Kwinana Peel Region

06 / 10 / 2020

Attachment 18



Department of Planning, Lands and Heritage

City of Kwinana
PO Box 21
KWINANA WA 6966

Your Ref: DA 9759; DAP/20/01856

Our ref: 808/02/26/0003P

Enquiries: Saikat Mitra (6551 9832)

23 November 2020

Attention: Jared Veenendaal

Re: Lot 102 (13) Nicolas Drive, Casuarina

Further to your correspondence dated 12 and 19 November 2020 (attached email), in accordance with the Western Australian Planning Commission's (WAPC) Instrument of Delegation (DEL 2017/02) dated 30 May 2017, the following comments are provided. This proposal seeks approval for a Child Care Centre.

Land Requirements

The subject site abuts Mortimer Road, the subject section of which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The site is affected the ORR reservation for Mortimer Road which has been acknowledged in the submitted plans. The site also abuts Nicolas Drive which is a local road under the control and maintenance of the local government.

DAP Application Proposal

The proposal will accommodate up to 104 children and 18 staff per day. The submitted Traffic Impact Statement (TIS) prepared by Transcore, June 2020 anticipates 364 vehicles per day (vpd) from the proposed child care facility with 78 and 51 trips respectively for AM and PM peak hour periods. 30 parking bays are proposed within the site.

A full movement vehicular access point is proposed onto Mortimer Road at the south-west corner of the site. The traffic report indicates that there will be no significant impact to the surrounding road network as a result of the proposed development, however no information has been provided regarding future road planning for Mortimer Road.

Mortimer Road is proposed to be a future ORR (Integrator Arterial) per the 3.5 Million Sub-regional Planning Framework and is expected to accommodate significant regional traffic in future. Direct access is not generally supported onto regional roads.

Recommendation

The Department of Planning, Lands and Heritage has no objection to the proposal and provides the following recommendations:

- In principle, the Department does not support any direct access onto Mortimer Road from the site, however given present traffic volumes, a crossover be supported on a temporary basis only. When the Mortimer Road is duplicated, access to Mortimer should be closed with access to be obtained from the lower order road network (i.e. Nicolas Drive);

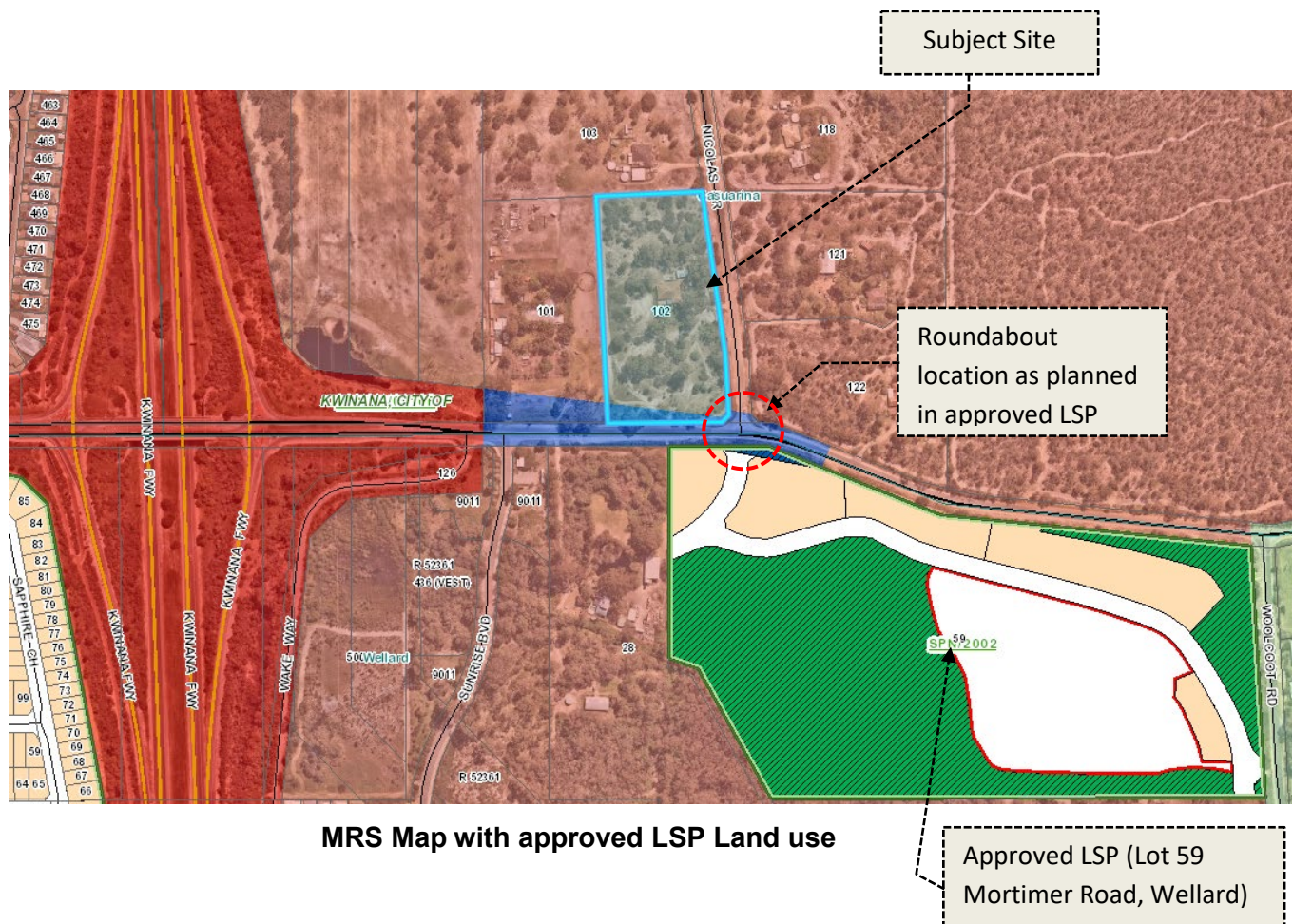
- Mortimer Road may be upgraded to a four-lane dual carriageway standard in future and the proposed development should be set back sufficiently to accommodate this (refer to proposed Integrator Arterial and Planning Investigation Area within 3.5 Million Sub-regional Planning Framework);
- Further investigation is required regarding the widening of the truncation at the Mortimer Road/Nicolas Drive roundabout as outlined in the approved LSP (Lot 59 Mortimer Road, Wellard); and
- Comments should be sought from Main Roads WA (if required) as the site is located within close proximity to Kwinana Freeway reserve (approximately 107 metres).

Thank you for your correspondence. Should you have any queries regarding this matter, please contact me on 6551 9832 or via email (Saikat.Mitra@dplh.wa.gov.au).

Regards,



Simon Luscombe
Principal Planning Officer
Strategy and Engagement





mainroads
WESTERN AUSTRALIA

Attachment 19

Enquiries: Maryanne Thornely on (08) 9323 4078
Our Ref: 19/3569 (D20#976508)
Your Ref: DA9759

4 November 2020

Chief Executive Officer
City of Kwinana
PO BOX 21
Kwinana WA 6966

Email: customer@kwinana.wa.gov.au

Dear Sir/Madam,

13 NICHOLAS DRIVE CASUARINA - CHILD CARE CENTRE (DA9759)

In response to your correspondence received on 8 October 2020, Main Roads has no objections to the proposal and provides the following advice:

Advice

1. The property is located adjacent to an "Other Regional Road" (Blue Road) reserve in the Metropolitan Regional Scheme (MRS). Main Roads is not the responsible authority for Mortimer Road.
2. Further advice should be sought from Department Planning Lands and Heritage (DLPH) who are responsible for the future planning for Blue Roads.
3. Consideration by the Decision Maker should be given to providing protected turn lanes into the proposed development from Mortimer Road or a safer alternative access to the development should be sought.

Main Roads requests a copy of the City's final determination on this proposal to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

Yours sincerely

Zeljko Zagorac
Statutory Road Planning Manager



Our Ref: D18444
Your Ref: DA9759

Jared Veenendaal
City of Kwinana
customer@kwinana.wa.gov.au

Dear Mr Veenendaal

RE: VULNERABLE LAND USE – LOT 102 (13) NICOLAS DRIVE, CASUARINA – PROPOSED CHILD CARE CENTRE

I refer to your email dated 17 November 2020 regarding the submission of a Bushfire Management Plan (BMP) (Revision C), dated 14 August 2020 and the additional information, dated 10 November 2020, prepared by Integrated Consulting for the above development application. The BMP is accompanied by a report from the proponent dated 13 August 2020 for the above development application (DA).

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map

Issue	Assessment	Action
Vegetation classification	<p>There is insufficient photographic evidence to support the vegetation classification within Plot 11. The photo points should be marked on an aerial map.</p> <p>Evidence to support the exclusion of Plot 11 as managed to low threat in accordance with AS3959 is required. An enforceable mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity and that they are enforceable.</p>	<p>Decision maker to be satisfied with the vegetation classification.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959, or the resultant BAL ratings may be inaccurate.</p>

Vegetation Management	<p>Plot 8 – Excluded 2.2.3.2 (f)</p> <p>DFES does not accept fire break notices on adjoining land as part of the vegetation management required to achieve an APZ or low-threat classification. Fire break notices may only apply for part of the year and may be varied from year to year by the responsible local government. The proponent is to provide a performance principle-based solution to achieve the required APZ should the APZ rely on the management of vegetation on adjoining land.</p>	Modification to the BMP is required.
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2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location Siting and Design	<p>A1.1 & A2.1 – not demonstrated</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.</p> <p>DFES does not support a vulnerable land use within BAL-40/FZ. DFES considers that ‘use’ in this case includes the outdoor play areas of the Child Care Centre. SPP 3.7 appropriately focuses on the location and siting of vulnerable land uses rather than the application of bushfire construction requirements. Re-design of the proposal is recommended so that outdoor play areas and other activities associated with the functions of the Child Care Centre are sited outside of BAL-40/FZ areas.</p> <p>In addition, as the Child Care Centre is a class of building not covered by AS3959:2018, it is recommended that the building be constructed to utilise all of the aspects of AS3959 that apply to the appropriate Bushfire Attack Level (BAL). This is consistent with Clause 78E(i) of the LPS Regulations that requires the decision-maker to have regard to the bushfire construction requirements of the Building Code. This recommendation is further supported by Clause 5.8.3 of the Guidelines which reads as follows:</p> <p><i>The bushfire construction provisions of the Building Code of Australia do not apply to Class 4 to Class 9 buildings. In these instances, the applicant has the discretion to utilise any or all of the elements of AS3959 in the construction of the building they deem appropriate.</i></p> <p>While the vegetation to the west is outside the lot boundary, there are measures that can be taken to increase the resilience of the proposed buildings and contingencies should be in place for students/visitors in these buildings during a bushfire emergency.</p>	Modification to the BMP is required.

3. Policy Measure 6.6.2 Vulnerable land uses in areas where BAL-40 or BAL-FZ applies

Issue	Assessment	Action
Extreme bushfire hazard and/or	Development applications for vulnerable land uses in areas of BAL-40/BAL-FZ will not be supported unless they comply with policy measure Clause 6.7.2 of SPP 3.7.	Comment only.

BAL-40/ BAL-FZ applies	Notwithstanding the above, should the City be of a mind to approve the proposal it is recommended that the building utilise all practical elements of AS3959 that apply to the appropriate bushfire Attack Level (BAL). This is consistent with Clause 6.7.2(b) of SPP 3.7 and Clause 78E(i) of the LPS Regulations that requires the decision-maker to have regard to the bushfire construction requirements of the Building Code.	
Bushfire Emergency Evacuation Plan (EEP)	The referral has included a ' <i>Draft Emergency Evacuation Plan</i> ' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in an EEP and will ensure the appropriate content is detailed when finalising the EEP to the satisfaction of the City.	Comment only.

Recommendation – not supported modifications required

It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:

The development design has not demonstrated compliance to:

- Element 1: Location, and
- Element 2: Siting and design.

As this planning decision is to be made by a Joint Development Assessment Panel please forward notification of the decision to DFES for our records.

If you require further information, please contact Richard Trinh, A/Director Land Use Planning on telephone number 9395 9709.

Yours sincerely



**Richard Trinh
A/DIRECTOR LAND USE PLANNING**

7 December 2020

CC: Jared.Veenendaal@kwinana.wa.gov.au

ATTACHMENT 21

Submitter	Submitter comments	Officer comment
2 Nicolas Drive landowner	<ul style="list-style-type: none"> The submitter stated they have lived on Nicolas Drive for 25 years and have noticed an increase in traffic on Mortimer Road. Vehicles tailgate or overtake dangerously when turning from Mortimer Road into Nicholas Drive. This is a safety issue and the risk of vehicle accidents is increasing. The submitter posed the following questions: <ul style="list-style-type: none"> Will a filter/slip lane for the proposed Child Care Centre driveway be put in place? What road upgrades will be done to made entry and exit safer? 	<ul style="list-style-type: none"> Noted. A Traffic Impact Statement (TIS) was provided as part of the application. Traffic generation of the proposed development is estimated to be under 100 trips in the AM and PM peak hour and the TIS concludes that these numbers would have an insignificant impact on the surrounding road network. The concerns regarding traffic were reviewed by the City's Engineering team who had no further comments to add. Noted. As per above comments. Noted. The submitter has been notified that no alterations are proposed to the existing road network as part of this application.
165 Mortimer Road landowner	<ul style="list-style-type: none"> 165 Mortimer Road is currently subject to an Environment Protection and Biodiversity Conservation assessment. There is no Local Structure Plan existing over the Casuarina South area. A Local Structure Plan is being prepared for the Southern Precinct in accordance with the City of Kwinana planning requirements. The submitter stated their total objection to the proposed Child Care Centre. The submitter stated that once a Local Structure Plan is approved, at that point in time an application for a Child Care Centre could then be considered. 	<ul style="list-style-type: none"> Noted. Noted. Noted. City Officers concur with the comment regarding the premature nature of the application being considered prior to the approval of a Local Structure Plan. This is discussed in the Responsible Authority Report.
42 Nicolas Drive, landowner	<ul style="list-style-type: none"> The proposed Child Care Centre could create traffic congestion, particularly for traffic entering/exiting Nicolas drive considering this road is a one way in/one way out road. If there is an emergency or traffic detour to Mortimer road, the congestion would be too great for residents on Nicolas Drive to exit safely. Until there is another way in/way out for vehicles on Nicolas Drive, we oppose the child care centre. 	<ul style="list-style-type: none"> Noted. As per above comments, the issue regarding traffic is noted and addressed through a TIS. Noted. Noted. City Officers concur with the submitters' recommendation that the area should be further developed/planned prior to considering an application for a use such

	<ul style="list-style-type: none"> • The submitter stated they don't want the single exit from Nicolas Drive to be more problematic than it already is. If Nicolas Drive had two exits this wouldn't be a problem. • The submitter recommended that when this area is developed and more roads are in place it would be a much wiser decision to put a child care centre here, but not as it stands. 	as the Child Care Centre. This is discussed in the Responsible Authority Report.
24 Nicolas Drive landowner	<ul style="list-style-type: none"> • The submitter stated that while they support any positive development in this part of Casuarina with it being zoned Urban, the question was raised: <ul style="list-style-type: none"> ◦ Can such an application be considered with there being a Local Structure Plan in place? • The submitter stated they own 24 Nicolas Drive Casuarina and would similarly like to apply for a development (such as a Child Care Centre, an Aged Care Centre or Health/Medical Centre). The submitter then questioned the following: <ul style="list-style-type: none"> ◦ If our understanding is correct (that a LSP needs to be approved first), can you please outline in detail what would be required to get a LSP approved in that southern cell of Casuarina? • The submitter stated that they understand the owners of the affected area such as Lot 123 Mortimer Road and others need to be part of such an application for a Local Structure Plan, and contact has been made with local owners in recent years who have expressed an interest to achieve developments in the area. 	<ul style="list-style-type: none"> • The submitter was provided general information regarding the planning process for 'Development' zoned areas. • The submitter was provided with information regarding the legislation and planning policy requirements that apply to the Local Structure Planning for Casuarina. • Noted.

17.2 Proposed Road Names for Lot 30 Treeby Road, Anketell

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

GHT (WA), the developer of Lot 30 Treeby Road, Anketell, has submitted details of a proposed road name for new roads being constructed as part of their development, as indicated in Attachment A. GHT (WA) is now seeking Council support for the proposed road names, in order to present the road names to the Geographic Names Committee. In addition, GHT (WA) is seeking support for alternative road names, as shown in Attachment B.

Geographic Names has granted 'in principle approval' for the use of these road names, via passing preliminary validation on their 'request road name' web page. The listed alternative road names will be used as a substitute if the proposed road names are not approved by Geographic Names. The naming theme for the roads in this subdivision is 'Lakes of Australia'. This is a continuation of the theme in this development.

The information regarding the origin of the proposed road names is contained in Attachment B.

OFFICER RECOMMENDATION:

That Council approve the following road names for use within Lot 30 Treeby Road, Anketell, as shown in Attachment A.

Proposed Names:	Alternative Names:
Ace Street	Jeavons
Balicup Street	Abbotts
Cronin Way	
Halbert Rise	

DISCUSSION:

Before the developer of a subdivision can lodge survey diagrams for clearance, all road names need to be approved and indicated on the survey diagram. The process for naming roads must adhere to the Geographic Names Committee guidelines to ensure no duplication of road names occurs within the surrounding areas.

Geographic Names has granted 'in principle approval' for the use of these road names via passing preliminary validation on Landgate's 'request road name' web page. The naming theme for the roads in this subdivision is 'Lakes of Australia'. This theme is an extension of the existing theme in this development.

Two road names are proposed as alternative road names for use in the event that the proposed name is not approved by the Geographic Names formal approval process. The origin information for these road names can be found in Attachment B.

17.2 PROPOSED ROAD NAMES FOR LOT 30 TREEBY ROAD, ANKETELL

The proposed road names for Lot 30 Treeby Road, Anketell are:

Proposed Names:	Alternative Names:
Ace Street	Jeavons
Balicup Street	Abbotts
Cronin Way	
Halbert Rise	

LEGAL/POLICY IMPLICATIONS:

The approval process is in compliance with the Geographic Names Committee Guidelines, and Council Policy – Street Naming.

FINANCIAL/BUDGET IMPLICATIONS:

No financial/budget implications have been identified as a result of this report or recommendation.

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:

There are no strategic/social implications as a result of this proposal.

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report

PUBLIC HEALTH IMPLICATIONS:

There are no implications on any determinants of health as a result of this report.

17.2 PROPOSED ROAD NAMES FOR LOT 30 TREEBY ROAD, ANKETELL**RISK IMPLICATIONS:**

The risk implications in relation to this proposal are as follows:

Risk Event	The approval of the road names is required for titles to be issued for the lots within the subdivision. Should Council or Geographic Names not approve these road names, clearances may be delayed which will have implications for the developer and the owners of these lots
Risk Theme	Errors omissions delays
Risk Effect/Impact	Service delivery
Risk Assessment Context	Operational
Consequence	Insignificant
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate the risk)
Response to risk treatment required/in place	Work instructions in place for Geographic Names approvals and sufficient information and alternative names for Council approvals.
Rating (after treatment)	Low

COUNCIL DECISION

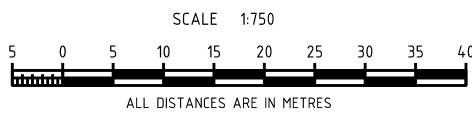
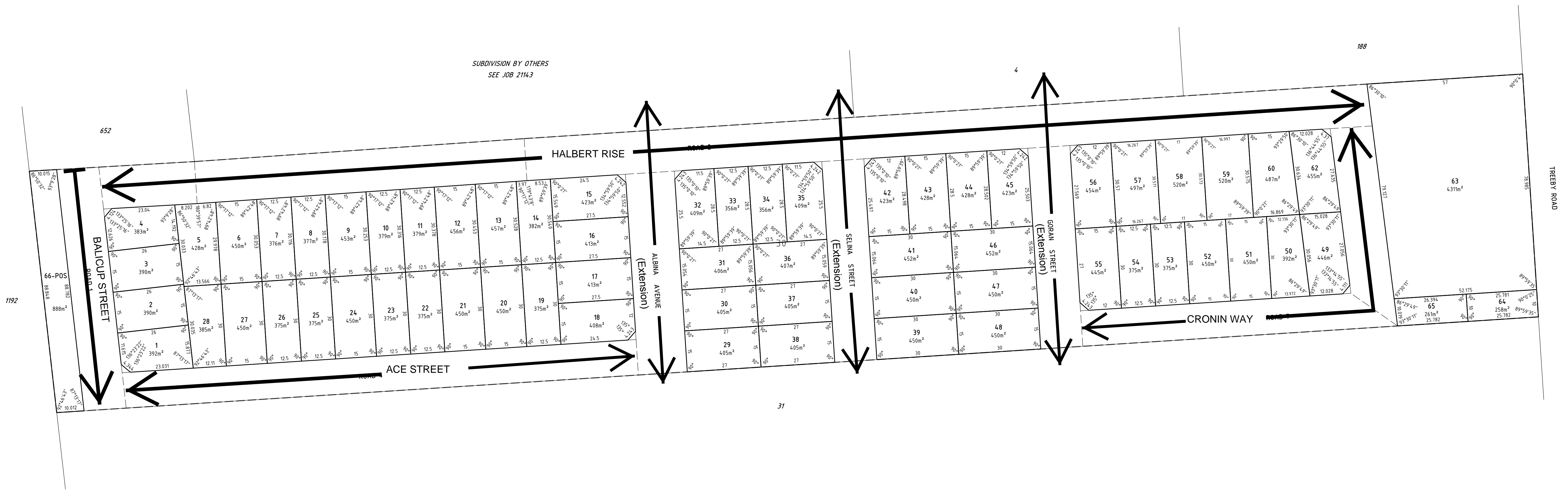
353

MOVED CR W COOPER**SECONDED CR D WOOD**

That Council approve the following road names for use within Lot 30 Treeby Road, Anketell, as shown in Attachment A.

Proposed Names:	Alternative Names:
Ace Street	Jeavons
Balicup Street	Abbotts
Cronin Way	
Halbert Rise	

CARRIED
8/0



02	AMEND LOTS 29-48, 50-59 & ADDED ROAD NAMES	RM	27/12/20	LJG	
01	AMEND LOTS 57-60, REMOVE LOT 61	TRM	27/07/20	LJG	
Rev.	Description	Drawn	Date	App'd	

Surround Date: 01/10/2019
Drawn Date: 08/04/2020
Scale (A1): 1: 750

Survey Manager: LJG
Calc/Drafted: TRM
WAPC No: TBA

Hor Datum: PCG/94
Data File:lot30_treeby-2-201202.acs
CAD File: 636003-002-02 - lot30_treeby-201202.dgn
Path: W:\Projects\636\636003\04-Spatial\Comps\Precal\

Vert Datum: AHD
Upload File: N/A

WESTERN AUSTRALIA
T 08 6241 3333
veris.wa@veris.com.au
www.veris.com.au

DEVELOP WITH CONFIDENCE™

Client: GHT (WA) Pty Ltd

PRECALCULATION PLAN
LOT 30 on Dia 32446
TREEBY ROAD
ANKETELL

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Job No: Item No: Plan No: Rev:
636003-003 -002 -02

ATTACHMENT B

Proposed Names	Proposed Suffix	Theme	Location	Resource
Ace	Street	Lakes of Australia	Western Australia	Wikipedia
Balicut	Street	Lakes of Australia	Western Australia	Wikipedia
Cronin	Way	Lakes of Australia	Western Australia	Wikipedia
Halbert	Rise	Lakes of Australia	Western Australia	Wikipedia
Alternative Names	Proposed Suffix	Theme	Location	Resource
Jeavons		Lakes of Australia	Western Australia	Wikipedia
Abbotts		Lakes of Australia	Western Australia	Wikipedia

17.3 Proposed Road Names for Lot 60 & 61 Kenby Chase, Wandi

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

Jardim, the developer of Lot 60 & 61 Kenby Chase, Wandi, has submitted details of a proposed road name for a new road being constructed as part of their development, as indicated in Attachment A. Jardim is now seeking Council support for the proposed road name, in order to present the name to the Geographic Names Committee. In addition, Jardim is seeking support for alternative road names, as shown in Attachment B.

Geographic Names has granted 'in principle approval' for the use of these road names, via passing preliminary validation on their 'request road name' web page. The listed alternative road names will be used as a substitute if the proposed road name is not approved by Geographic Names. The naming theme for the roads in this subdivision is 'flora' which is consistent to the existing 'flora and fauna' theme of the surrounding development

The information regarding the origin of the proposed road names is contained in Attachment B.

OFFICER RECOMMENDATION:

That Council approve the following road names for use within Lot 60 & 61 Kenby Chase, Wandi, as shown in Attachment A.

Proposed Names:	Alternative Names:
Waratah Way	Stringybark
	Clematis
	Lily

DISCUSSION:

Before the developer of a subdivision can lodge survey diagrams for clearance, all road names need to be approved and indicated on the survey diagram. The process for naming roads must adhere to the Geographic Names Committee guidelines to ensure no duplication of road names occurs within the surrounding areas.

Geographic Names has granted 'in principle approval' for the use of these road names via passing preliminary validation on Landgate's 'request road name' web page. The naming theme for the road in this subdivision is 'flora'. This theme is consistent to the existing 'flora and fauna' theme in this development.

Three road names are proposed as alternative road names for use in the event that the proposed name is not approved by the Geographic Names formal approval process. The origin information for these road names can be found in Attachment B.

17.3 PROPOSED ROAD NAMES FOR LOT 60 & 61 KENBY CHASE, WANDI

The proposed road names for Lot 60 & 61 Kenby Chase, Wandi are:

Proposed Names:	Alternative Names:
Waratah Way	Stringybark
	Clematis
	Lily

LEGAL/POLICY IMPLICATIONS:

The approval process is in compliance with the Geographic Names Committee Guidelines, and Council Policy – Street Naming.

FINANCIAL/BUDGET IMPLICATIONS:

No financial/budget implications have been identified as a result of this report or recommendation.

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:

There are no strategic/social implications as a result of this proposal.

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report

PUBLIC HEALTH IMPLICATIONS:

There are no implications on any determinants of health as a result of this report.

17.3 PROPOSED ROAD NAMES FOR LOT 60 & 61 KENBY CHASE, WANDI**RISK IMPLICATIONS:**

The risk implications in relation to this proposal are as follows:

Risk Event	The approval of the road names is required for titles to be issued for the lots within the subdivision. Should Council or Geographic Names not approve these road names, clearances may be delayed which will have implications for the developer and the owners of these lots
Risk Theme	Errors omissions delays
Risk Effect/Impact	Service delivery
Risk Assessment Context	Operational
Consequence	Insignificant
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate the risk)
Response to risk treatment required/in place	Work instructions in place for Geographic Names approvals and sufficient information and alternative names for Council approvals.
Rating (after treatment)	Low

COUNCIL DECISION

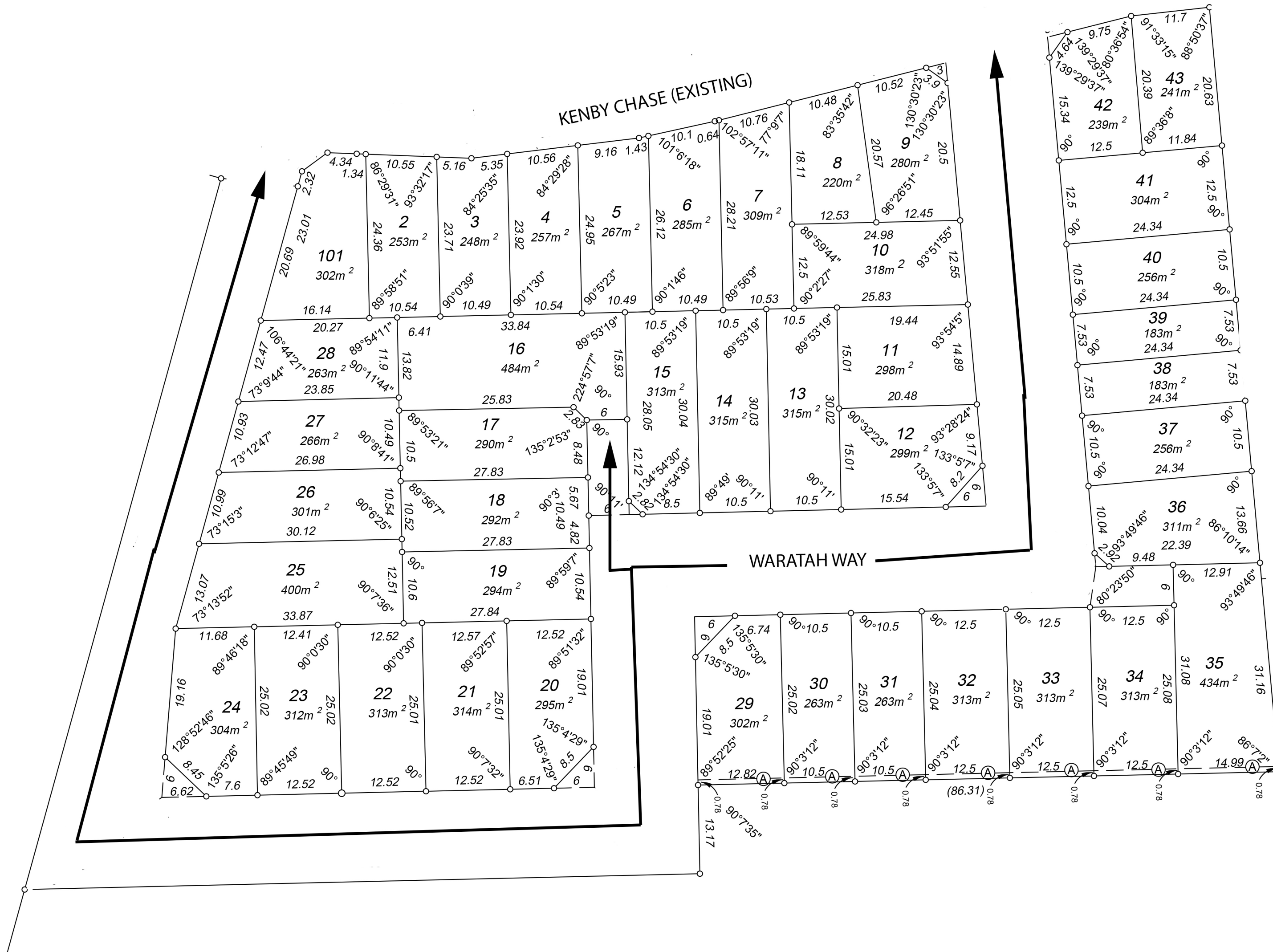
354

MOVED CR S LEE**SECONDED CR W COOPER**

That Council approve the following road names for use within Lot 60 & 61 Kenby Chase, Wandl, as shown in Attachment A.

Proposed Names:	Alternative Names:
Waratah Way	Stringybark
	Clematis
	Lily

CARRIED
8/0



ATTACHMENT B

Proposed Name	Proposed Suffix	Source of info	Background/origin/meaning/justification
Waratah	Way	https://en.wikipedia.org/wiki/Waratah	Waratah (Telopea) is an Australian-endemic genus of five species of large shrubs or small trees, native to the southeastern parts of Australia (New South Wales, Victoria and Tasmania).
Reserve Name	Proposed Suffix	Source of info	Background/origin/meaning/justification
Stringybark	Way	https://en.wikipedia.org/wiki/Stringybark	Stringybark can be any of the many <i>Eucalyptus</i> species which have thick, fibrous bark. Like all eucalypts, stringybarks belong to the family Myrtaceae.
Clematis	Close	https://en.wikipedia.org/wiki/Clematis	Clematis is a genus of about 300 species ^[2] within the buttercup family, Ranunculaceae. Their garden hybrids have been popular among gardeners.
Lily	Circuit	https://en.wikipedia.org/wiki/Lilium	Lilium (members of which are true lilies) is a genus of herbaceous flowering plants growing from bulbs, all with large prominent flowers. Lilies are a group of flowering plants which are important in culture and literature in much of the world. Most species are native to the temperate northern hemisphere, though their range extends into the northern subtropics. Many other plants have "lily" in their common name but are not related to true lilies.

18 Reports – Civic Leadership

18.1 Request to transfer reserve to Crown and reserve land for recreation – Honeywood Playing Fields, Wandí

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

In order to facilitate to the construction of the Honeywood Sporting and Clubrooms (the Clubrooms), the City needs to amalgamate the current playing fields with a closed road reserve, as the proposed building will straddle the current boundaries (depicted in Attachment A). This creates a complication, as buildings are unable to be approved over two lots.

This report recommends vesting the playing fields as a reserve for recreation, converting the road reserve to a recreation reserve and amalgamating the two parcels of land. The City acquired the playing fields, or Lot 8008 Lyon Road, through Developer Contributions. It is the intent of the land to be for public recreation use.

The closure of the road reserve, a portion of Darling Chase, Wandí, was identified and adopted in the Wandí North and Wandí South Local Structure Plans. The remainder of this portion of Darling Chase has since been renamed Litoria Drive, following a realignment of Darling Chase. Council subsequently resolved in 2016 (Decision 156), to close the portion of the road reserve, however this has not yet been progressed due to a confusion over the responsibility of the closure. City Officers are now progressing the finalisation of the closure process.

City officers, in consultation with the Department of Planning, Lands and Heritage (**DPLH**), recommend that the City transfer Lot 8008 Lyon Road to the Crown and the whole area, being Lot 8008 and the closed road reserve portion, be set aside as a Reserve for the purpose of Recreation under Management Order to the City

These land administration functions are consistent with the Structure Plan for the area, as well as the City's Community Infrastructure plan.

OFFICER RECOMMENDATION:

That Council:

1. Endorse the transfer of Lot 8008 from Freehold to Reserve.
2. Endorse the vesting of Lot 8008 and the closed portion of Darling Chase with the City for the purposes of Recreation
3. Authorise the Chief Executive Officer to execute the agreements as required.

18.1 REQUEST TO TRANSFER RESERVE TO CROWN AND RESERVE LAND FOR RECREATION – HONEYWOOD PLAYING FIELDS, WANDI**DISCUSSION:**

The issues surrounding this report are largely related to land administration issues. While the City can issue a building licence for the clubrooms to commence construction over the two lots, it will be conditional on the lots being amalgamated prior to occupancy.

City Officers have considered alternative arrangements, where the City could purchase the road reserve and amalgamate the two freehold titles. This is not recommended, as the City would need to purchase the road reserve land at market value and the land is intended to be for public purposes and not a freehold parcel.

The road closure had been pursued previously. While public consultation had been completed, the responsibility for engaging a surveyor to finalise the closure was in question as the land was transferred from the developer to the City. City Officers are now pursuing the finalisation of the road closure. The land has been used as park land since the playing fields have been commenced and the land would appear to be part of the playing fields for any user of the space.

Lot 8008 was purchased through developer contributions and forms part of the public open space in the area. While the land is still a freehold title, the land has no long term value as it is intended to be transferred to a reserve. While the State Government would take ownership of the land, it will be conditional on the City to agree to accept the management order for the land and continue to be responsible for the maintenance of the reserve.

The recommendation states Council's support for this outcome and authorises the CEO to pursue this.

LEGAL/POLICY IMPLICATIONS:

The processes for vesting land and amalgamating reserves are set out in the *Land Administration Act 1997*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of engaging a surveyor to complete the necessary documents to finalise the road closure is estimated at \$1500.

ASSET MANAGEMENT IMPLICATIONS:

While Lot 8008 will move from City Ownership to State Government Ownership, asset management implications will be unchanged, as the City will be given a Management Order over Lot 8008 as well as the Road Reserve portion.

ENVIRONMENTAL IMPLICATIONS:

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

18.1 REQUEST TO TRANSFER RESERVE TO CROWN AND RESERVE LAND FOR RECREATION – HONEYWOOD PLAYING FIELDS, WANDI

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcomes and objectives detailed in the Strategic Community Plan 2019-2029 and Corporate Business Plan 2020-2025.

Plan	Outcome	Objective
Corporate Business Plan Strategic Community Plan	Services for an active community	1.4 A healthy and active community with services for everyone's needs
Corporate business plan Strategic Community Plan	Great public spaces	4.1 residents are provided with a range of multifunctional community places and accessible facilities
Corporate business plan Strategic Community Plan	A well planned city	4.4 Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity
Community Infrastructure Plan		Honeywood - District A Development Contribution Area 9

COMMUNITY ENGAGEMENT:

Community engagement surrounding the road closure took place in 2016. Since that time the land has been used for recreation and no further consultation is warranted. Consultation on the proposed building and location took place in 2020.

PUBLIC HEALTH IMPLICATIONS:

The Honeywood Clubrooms have the potential to help improve the following determinants of health -

- Built Environment – Environmental Quality; Neighbourhood Amenity;
- Health Behaviours – Diet and Exercise; Participation
- Socio-economic Factors – Community Safety

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	That Lot 8008 and the Road Reserve are not amalgamated, meaning the City cannot construct the Clubrooms in the desired location.
Risk Theme	Business and community disruption Inadequate project/change management Ineffective management of facilities/venues/events

18.1 REQUEST TO TRANSFER RESERVE TO CROWN AND RESERVE LAND FOR RECREATION – HONEYWOOD PLAYING FIELDS, WANDI

Risk Effect/Impact	Service Delivery People/Health Financial Reputation Property
Risk Assessment Context	Operational Project
Consequence	Major
Likelihood	Likely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	That Council supports the transfer of Lot 8008 to the Crown and the whole area being Lot 8008 and the portion of the road reserve be set aside as a Reserve for the purpose of Public Recreation or Recreation under Management Order to the City.
Rating (after treatment)	Low

COUNCIL DECISION**355****MOVED CR W COOPER****SECONDED CR S WOOD****That Council:**

- 1. Endorse the transfer of Lot 8008 from Freehold to Reserve.**
- 2. Endorse the vesting of Lot 8008 and the closed portion of Darling Chase with the City for the purposes of Recreation**
- 3. Authorise the Chief Executive Officer to execute the agreements as required.**

**CARRIED
8/0**

Site Plan



18.2 Amendment to Register of Delegated Authority – Deemed to comply check

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

The State Government is currently undertaking a program of Planning Reform to streamline the Development Approvals process in Western Australia. On 18 December 2020, amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) were gazetted that included a number of measures requiring implementation by local government as detailed in Attachment A.

The Regulations include a number of works and land uses that do not require planning approval. Clause 61A has been added to the Deemed Provisions of the Regulations, to enable applicants to seek formal advice from local government about whether a single house requires planning approval. The intent of this check is to provide applicants with confidence that their proposal can proceed straight to a building permit, which saves time and money on their project. The process is voluntary for applicants to use and will come into effect on 15 February 2021.

It is recommended that Council approve an amendment to delegation 3.3.2, authorising the Chief Executive Officer (CEO) to assess and provide advice pursuant to regulation 61A. The CEO may then elect to sub-delegate such authority to officers, including the Manager Planning and Development, Coordinator Statutory Planning and Senior Planning Officer.

OFFICER RECOMMENDATION:

That Council:

1. Amend delegation 3.3.2 of the *Register of Delegated Authority 2020/21*, as detailed in Attachment B to include authority for the Chief Executive Officer to provide advice under regulation Clause 61A, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

Sections 5.42 and 5.44 of the *Local Government Act 1995* as well as other relevant legislation such as the *Planning and Development Act 2005*, grant Council the ability to delegate certain local government functions to the CEO, Officers or Committees to exercise.

Such delegations are recorded in the *Register of Delegated Authority 2020/21* with or without conditions.

18.2 AMENDMENT TO REGISTER OF DELEGATED AUTHORITY – DEEMED TO COMPLY CHECK

Development approval is required for all works and land uses in Western Australia unless listed as exempt by Clause 61, Schedule 2 Deemed Provisions of the Regulations. A recent gazettal of amendments to the Regulations, has included a new clause which allows applicants to seek formal confirmation as to whether their single house (or extensions to), require planning approval. The applicant must pay a fee and obtain the owners authority to sign to submit the application to the local government. The advice provided by the local government is not a decision, rather just confirmation as to whether a planning application is required. If it is confirmed that the development meets all criteria, the applicant can proceed straight to a building permit, saving time and money on their development.

The amendment to the Regulations was gazetted on 18 December 2020, with the provisions to become operational on 15 February 2021. As the clause refers to advice being provided by “local government”, the advice to the applicant would need to be signed off by Council. Importantly, the local government must also make a decision on whether the development needs approval within fourteen days, which is not practical with current Council Agenda timelines. As the clause intends on streamlining the approvals process for applicants, it is recommended that Council delegate authority to the CEO, who would then sub delegate to appropriately qualified officers. In this instance, it is recommended that the Manager Planning and Development, Coordinator Statutory Planning and Senior Planning Officer be the nominated officers.

The proposed addition to the *Register of Delegated Authority 2020/21* should be to section 3.3.2 - subdivision and development control.

LEGAL/POLICY IMPLICATIONS:

Exemptions to the requirement for development approval falls within the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 (Deemed Provisions) Part 6 Clause 61. The additional service required to be implemented by the City has been gazetted as Clause 61A of the same Part. The Regulations refer to the “local government” providing advice on whether a single house (or extensions to) require development approval. On this basis, the delegation rests with Council unless delegated.

FINANCIAL/BUDGET IMPLICATIONS:

The *Planning and Development Regulations 2009*, are also being amended to include a maximum fee for this service of \$295. As the fee is a statutory, maximum fee, the City is unable to vary the amount other than to reduce it. The application will not be a detailed planning assessment, rather a check to see if all deemed to comply criteria are met. The fee is not significant, however if it is deemed that an applicant requires planning approval, they will also need to pay the planning application fee, noting that this is where more detailed assessment and consultation will take place.

ASSET MANAGEMENT IMPLICATIONS:

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

18.2 AMENDMENT TO REGISTER OF DELEGATED AUTHORITY – DEEMED TO COMPLY CHECK**ENVIRONMENTAL IMPLICATIONS:**

There are no direct environmental implications related to this report.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following objectives and strategies detailed in the Corporate Business Plan:

Plan	Outcome	Objective
Corporate Business Plan 2017 - 2022	Business Performance	5.8 Apply best practice principles and processes to maximise efficiencies and quality.

COMMUNITY ENGAGEMENT:

This service is currently being provided informally when an applicant lodges a building permit. The introduction of this application in the Regulations will provide a formal option for applicants and require that the local government provide the applicant with a specific list of reasons why planning approval is or isn't required. It is not a mandatory requirement for each Single house development, rather the applicant may choose to lodge an application under this new regulation if they wish.

Officers will be ensuring information is included on the website and promoted to customers when they enquire about development of a Single house. It is noted that every local government in the Perth metropolitan region will need to provide this service, so it is likely to be requested by applicants regardless of the level of promotion by the City.

The amendments to the Regulations were advertised by the Western Australian Planning Commission, and Council has previously made comment.

PUBLIC HEALTH IMPLICATIONS:

There are no public health implications as a result of this report.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Officers not appointed or provided with delegated authority to undertake certain functions.
Risk Theme	Failure to fulfil statutory or compliance requirements.
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational

18.2 AMENDMENT TO REGISTER OF DELEGATED AUTHORITY – DEEMED TO COMPLY CHECK

Consequence	Moderate
Likelihood	Unlikely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Ensure officers are appointed or delegated in accordance with the relevant legislation.
Rating (after treatment)	Low

COUNCIL DECISION**356****MOVED CR S LEE****SECONDED CR M ROWSE****That Council:**

- 1. Amend delegation 3.3.2 of the *Register of Delegated Authority 2020/21*, as detailed in Attachment B to include authority for the Chief Executive Officer to provide advice under regulation Clause 61A, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**8/0**

PERTH, FRIDAY, 18 DECEMBER 2020 No. 210 SPECIAL

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Planning and Development Act 2005

Planning Regulations Amendment Regulations 2020

SL 2020/252

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Planning Regulations Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) Part 2 Division 3 — on 1 July 2021;
- (c) the rest of the regulations — on 15 February 2021.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 1 Regulations amended

r. 3

Part 2 — *Planning and Development (Local Planning Schemes) Regulations 2015* amended

Division 1 — Regulations amended

3. Regulations amended

This Part amends the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Division 2 — Amendments commencing on 15 February 2021

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

excluded holiday period day means a day that is in —

- (a) a period commencing on 25 December in a year and ending on the next 1 January; or
- (b) a period of 7 days commencing on Good Friday in a year;

5. Regulation 3A inserted

After regulation 3 insert:

3A. Excluded holiday period days not counted in time periods

For the purposes of these regulations (other than Schedules 1 and 2), an excluded holiday period day is not to be counted in calculating a period of time that is expressed as a number of days.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 6

6. Regulation 11 amended

Before regulation 11(2)(a) insert:

- (aa) be prepared in a manner and form approved by the Commission; and

7. Regulation 13 amended

(1) In regulation 13(1):

(a) delete paragraphs (a) and (b) and insert:

- (a) publish in accordance with regulation 76A the strategy and a notice giving details of —
 - (i) how the strategy is made available to the public in accordance with regulation 76A; and
 - (ii) the manner and form in which submissions may be made; and
 - (iii) the period under subregulation (2) for making submissions and the last day of that period;

(b) delete paragraph (d).

(2) Delete regulation 13(2) and (3) and insert:

- (2) The period for making submissions on a local planning strategy is —
 - (a) the period of 21 days after the day on which the notice of the strategy is first published under subregulation (1)(a); or
 - (b) a longer period approved by the Commission.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 8

8. Regulation 16 replaced

Delete regulation 16 and insert:

16. Publication of endorsed local planning strategy

- (1) The Commission must ensure that an up-to-date copy of each endorsed local planning strategy that is in effect is published in a manner the Commission considers appropriate.
- (2) A local government must ensure that an up-to-date copy of each endorsed local planning strategy of the local government that is in effect is published in accordance with regulation 76A.
- (3) Subregulation (2) is an ongoing publication requirement for the purposes of regulation 76A(5)(a).

9. Regulation 18 amended

Delete regulation 18(b)(ii) and insert:

- (ii) published by the local government in accordance with regulation 76A.

10. Regulation 20 amended

Delete regulation 20(1)(a) and insert:

- (a) publish a notice in a form approved by the Commission in accordance with regulation 76A;

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 11

11. Regulation 22 amended

- (1) Delete regulation 22(1)(b) and (c) and insert:
 - (b) how the draft scheme is to be made available to the public in accordance with regulation 76A; and
 - (c) the manner and form in which submissions may be made; and
 - (d) the period under subregulation (3) for making submissions and the last day of that period.
- (2) Delete regulation 22(2)(a) to (e) and insert:
 - (a) publish in accordance with regulation 76A —
 - (i) the notice; and
 - (ii) the draft local planning scheme;
 - (b) give a copy of the notice to each public authority that the local government considers is likely to be affected by the draft local planning scheme;
 - (c) advertise the draft local planning scheme as directed by the Commission and in any other way the local government considers appropriate.
- (3) Delete regulation 22(3) and (4) and insert:
 - (3) The period for making submissions on a draft local planning scheme is —
 - (a) the period of 90 days after the day on which the notice is first published under subregulation (2)(a)(i); or

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 12

- (b) a longer period approved by the Commission.

12. Regulation 25 amended

In regulation 25(1) in the definition of *submission period* delete “specified in the notice in respect of the draft scheme referred to in regulation 22(1).” and insert:

that applies under regulation 22(3).

13. Regulation 26 amended

- (1) In regulation 26(1)(b) delete “modifications are” and insert:

modification is

- (2) Delete regulation 26(4)(a) to (d) and insert:

- (a) the proposed modification to be made to the advertised local planning scheme; and
- (b) details of how the proposed modification is made available to the public; and
- (c) the manner and form in which submissions may be made; and
- (d) the period under subregulation (5) for making submissions and the last day of that period.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 14

(3) Delete regulation 26(5) and insert:

- (5) The period for making submissions on the proposed modification is —
- (a) the period of 60 days after the day on which the notice under subregulation (4) is first advertised; or
 - (b) a longer period approved by the Commission.

14. Regulation 33 amended

Delete regulation 33(2) and insert:

- (2) For the purposes of section 87(4B)(a) of the Act, the local government must advertise the local planning scheme as follows —
- (a) publish a copy of the notice referred to in subregulation (1) in accordance with regulation 76A;
 - (b) publish the local planning scheme in accordance with regulation 76A;
 - (c) notify each person who made a submission in relation to the local planning scheme —
 - (i) that the local planning scheme has been approved; and
 - (ii) of the details of how the local planning scheme is made available to the public in accordance with regulation 76A.
- (3) Subregulation (2)(b) is an ongoing publication requirement for the purposes of regulation 76A(5)(a).

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 15

15. Regulation 34 amended

- (1) In regulation 34 in the definition of *basic amendment* paragraph (g) delete “plan, activity centre plan or” and insert:

plan or

- (2) In regulation 34 in the definition of *standard amendment* paragraph (d) delete “plan, activity centre plan or” and insert:

plan or

16. Regulation 35A inserted

After regulation 35 insert:

35A. Amendment to local planning scheme affecting area to which structure plan relates

If an amendment to a local planning scheme affects the area to which a structure plan approved under the scheme relates, the amendment must include a statement that, when the amendment takes effect —

- (a) the approval of the structure plan is to be revoked; or
- (b) the structure plan is to be amended in accordance with the statement; or
- (c) the approval of the structure plan is not affected.

Note for this regulation:

Under the deemed provision of local planning schemes set out in Schedule 2 clause 29A —

- (a) a structure plan that is the subject of a statement under paragraph (a) must be revoked as soon as is

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 17

- reasonably practicable after the amendment to the local planning scheme takes effect; and
- (b) a structure plan that is the subject of a statement under paragraph (b) must be amended in accordance with the statement as soon as is reasonably practicable after the amendment to the local planning scheme takes effect.

17. Regulation 38 amended

- (1) Delete regulation 38(1)(b) and (c) and insert:

- (b) how the amendment is to be made available to the public in accordance with regulation 76A; and
- (c) the manner and form in which submissions may be made; and
- (d) the period under subregulation (3) for making submissions and the last day of that period.

- (2) In regulation 38(2):

- (a) delete paragraphs (a) and (b) and insert:

- (a) publish in accordance with regulation 76A —
 - (i) the notice; and
 - (ii) the amendment;

- (b) delete paragraph (d).

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 18

(3) Delete regulation 38(3) and (4) and insert:

(3) The period for making submissions on a complex amendment to a local planning scheme is —

- (a) the period of 60 days after the day on which the notice is first published under subregulation (2)(a)(i); or
- (b) a longer period approved by the Commission.

18. Regulation 41 amended

In regulation 41(1) in the definition of *submission period* delete “specified in the notice in respect of the amendment referred to in regulation 38(1).” and insert:

that applies under regulation 38(3).

19. Regulation 42 amended

(1) In regulation 42(1)(a) delete “modifications” and insert:

modification

(2) In regulation 42(2) before “amendment” insert:

complex

(3) In regulation 42(3) delete “an amendment” and insert:

a complex amendment

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 20

(4) Delete regulation 42(4) and (5) and insert:

- (4) Any advertisement of a proposed modification to a complex amendment to a local planning scheme must include a notice specifying —
- (a) the proposed modification to be made to the advertised amendment to the local planning scheme; and
 - (b) details of how the proposed modification is made available to the public; and
 - (c) the manner and form in which submissions may be made; and
 - (d) the period under subregulation (5) for making submissions and the last day of that period.
- (5) The period for making submissions on the proposed modification is —
- (a) the period of 42 days after the day on which the notice under subregulation (4) is first advertised; or
 - (b) a longer period approved by the Commission.

(5) In regulation 42(7)(a) delete “modifications” and insert:

modification

20. Regulation 47 amended

(1) Delete regulation 47(1)(b) and (c) and insert:

- (b) how the amendment is to be made available to the public in accordance with regulation 76A; and

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 20

- (c) the manner and form in which submissions may be made; and
 - (d) the period under subregulation (3) for making submissions and the last day of that period.
- (2) In regulation 47(2):
 - (a) delete paragraphs (a) and (b) and insert:
 - (a) publish in accordance with regulation 76A —
 - (i) the notice; and
 - (ii) the amendment;
 - (b) delete paragraph (d);
 - (c) in paragraph (e) delete “scheme” and insert:

amendment
- (3) Delete regulation 47(3) and (4) and insert:
 - (3) The period for making submissions on a standard amendment to a local planning scheme is —
 - (a) the period of 42 days after the day on which the notice is first published under subregulation (2)(a)(i); or
 - (b) a longer period approved by the Commission.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 21

21. Regulation 50 amended

In regulation 50(1) in the definition of *submission period* delete “specified in the notice in respect of the amendment referred to in regulation 47(1).” and insert:

that applies under regulation 47(3).

22. Regulation 51 amended

- (1) In regulation 51(2) delete “amendment.” and insert:

standard amendment.

- (2) In regulation 51(3) delete “an amendment” and insert:

a standard amendment

- (3) Delete regulation 51(4) and (5) and insert:

- (4) Any advertisement of a proposed modification to a standard amendment to a local planning scheme must include a notice specifying —

- (a) the proposed modification to be made to the advertised amendment to the local planning scheme; and
- (b) details of how the proposed modification is made available to the public; and
- (c) the manner and form in which submissions may be made; and
- (d) the period under subregulation (5) for making submissions and the last day of that period.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 23

- (5) The period for making submissions on the proposed modification is —
 - (a) the period of 21 days after the day on which the notice under subregulation (4) is first advertised; or
 - (b) a longer period approved by the Commission.

23. Regulation 64 amended

Delete regulation 64(2) and insert:

- (2) For the purposes of section 87(4B)(a) of the Act, the local government must advertise the approved amendment as follows —
 - (a) publish a copy of the notice referred to in subregulation (1) in accordance with regulation 76A;
 - (b) publish the amendment in accordance with regulation 76A;
 - (c) notify each person who made a submission in relation to the amendment —
 - (i) that the amendment has been approved; and
 - (ii) of the details of how the amendment is made available to the public in accordance with regulation 76A.

24. Regulation 66 amended

Delete regulation 66(3)(b) and insert:

- (b) whether the local planning strategy for the scheme —
 - (i) is satisfactory in its existing form; or

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 25

- (ii) should be amended; or
 - (iii) should be revoked and a new strategy prepared in its place;
- and
- (c) whether any structure plan or local development plan approved under the scheme —
 - (i) is satisfactory in its existing form; or
 - (ii) should be amended; or
 - (iii) should have its approval revoked.

25. Regulation 67 amended

In regulation 67(2) delete the passage that begins with “must —” and ends with “office of the local government.” and insert:

must publish in accordance with regulation 76A —

- (a) the report; and
- (b) notice of the Commission’s decision.

26. Regulations 76A and 76B inserted

At the end of Part 8 insert:

76A. Requirements for making documents available to public

- (1) This regulation applies if under a provision of these regulations (other than Schedule 1 or 2) a local government is required to publish in accordance with this regulation a notice, scheme, amendment or other document (the *document*).

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 26

- (2) The local government must make the document available in accordance with the applicable requirements of subregulations (3) to (5).

Note for this subregulation:

Under regulation 76B, the Commission may approve varied requirements that apply if it is not practicable for a local government to publish documents in accordance with subregulations (3) to (5).

- (3) For all documents, the local government must —
- (a) publish on the website of the local government —
 - (i) the document; or
 - (ii) a hyperlink to a webpage on which the document is published;
 - and
 - (b) if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.
- (4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government's district.
- (5) The local government must ensure that the document remains published under subregulation (3)(a) and (if applicable) available for public inspection under subregulation (3)(b) —
- (a) if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or

Planning Regulations Amendment Regulations 2020Planning and Development (Local Planning Schemes)
Regulations 2015 amended**Part 2**

Amendments commencing on 15 February 2021

Division 2**r. 26**

- (b) if the document is published in compliance with a requirement to advertise for submissions or recommendations under these regulations — during the whole of the period within which submissions or recommendations may be made; or
- (c) if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.

76B. Commission may approve varied requirements for publication of documents

- (1) In this regulation —
document has the meaning given in regulation 76A(1);
publication requirements means the requirements of regulation 76A(3) to (5) in relation to making documents available to the public.
- (2) If the Commission considers that it is not practicable for a local government to comply with any of the publication requirements in relation to documents that it is or may become required to publish, the Commission may give the local government a written notice approving varied requirements that apply in relation to the local government making documents available to the public.
- (3) If a notice under subregulation (2) is in effect in relation to a local government, the local government is taken to comply with the applicable publication requirements in relation to a document if the local government complies with those requirements as varied by the notice.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 27

- (4) A notice under subregulation (2) —
 - (a) must state whether it has effect indefinitely or for a period specified in the notice; and
 - (b) takes effect when it is given to the local government; and
 - (c) ceases to be in effect —
 - (i) if the Commission gives the local government a further written notice revoking it; or
 - (ii) at the end of the period (if any) specified under paragraph (a).

27. Part 9 Division 1 heading inserted

At the beginning of Part 9 insert:

Division 1 — Transitional provisions for *Planning and Development (Local Planning Schemes) Regulations 2015*

28. Regulation 77 amended

In regulation 77 delete “Part — ” and insert:

Division —

29. Regulation 79 amended

After regulation 79(2) insert:

- (3) On and after the day on which the *Planning Regulations Amendment Regulations 2020* Part 2

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 30

Division 2 comes into operation, this regulation applies subject to Schedule 2 clause 92 (as that clause applies as part of local planning schemes).

30. Part 9 Division 2 inserted

At the end of Part 9 insert:

Division 2 — Transitional provisions for *Planning Regulations Amendment Regulations 2020*

82. Advertising processes in progress on commencement day

(1) In this regulation —

amended regulations means these regulations as amended by the *Planning Regulations Amendment Regulations 2020* Part 2 Division 2;

commencement day means the day on which the *Planning Regulations Amendment Regulations 2020* Part 2 Division 2 comes into operation;

former regulations means these regulations as in force immediately before commencement day;

relevant advertising process —

(a) means any of the following processes —

- (i) the advertising of a local planning strategy, or amendment to a local planning strategy, under regulation 13;
- (ii) the advertising of a resolution to prepare or adopt a local planning scheme under regulation 20;
- (iii) the advertising of a draft local planning scheme under regulation 22;

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 30

- (iv) the advertising of a proposed modification to a local planning scheme under regulation 26;
 - (v) the advertising of an approved local planning scheme under regulation 33;
 - (vi) the advertising of an amendment to a local planning scheme under regulation 38 or 47;
 - (vii) the advertising of a proposed modification to an amendment to a local planning scheme under regulation 42 or 51;
 - (viii) the advertising of an approved amendment to a local planning scheme under regulation 64;
 - and
 - (b) includes the giving of notices to persons or public authorities as part of a process referred to in paragraph (a).
- (2) A relevant advertising process that commenced, but was not completed, before commencement day may be completed in accordance with the requirements of the former regulations rather than the amended regulations.
- (3) If the relevant advertising process for a strategy, resolution, scheme, amendment or modification (the **relevant planning instrument**) is completed in accordance with subregulation (2) —
- (a) the relevant planning instrument is taken to have been advertised in compliance with the relevant requirements of the amended regulations; and
 - (b) these regulations apply with any necessary changes to the relevant planning instrument.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 31

- (4) If the process of advertising an amendment to a local planning scheme commenced before commencement day, regulation 35A does not apply to the amendment.

31. Schedule 1 clause 8 amended

In Schedule 1 clause 8(d) delete “plans, activity centre plans and” and insert:

plans and

32. Schedule 1 clause 18 amended

- (1) In Schedule 1 clause 18(2):
(a) delete “giving notice” and insert:

advertising the application

- (b) delete the notes and insert:

Notes for this clause:

1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances 1 application is made for both the carrying out of works on, and the use of, land.
2. Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.
3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 33

- (2) In Schedule 1 clause 18(4)(b) delete “give notice” and insert:

advertise

- (3) Delete Schedule 1 clause 18(6).

- (4) Delete Schedule 1 clause 18(7)(b).

33. Schedule 1 clause 24 amended

- (1) Delete Schedule 1 clause 24(3)(b) and (c) and insert:

- (b) must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.

- (2) After Schedule 1 clause 24(3) insert:

- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

34. Schedule 1 clause 25 amended

- (1) Delete Schedule 1 clause 25(2) and insert:

- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.

- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 35

(2) Delete Schedule 1 clause 25(4) and insert:

- (4) The R-Codes apply to an area if —
- (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

35. Schedule 1 clause 27 amended

Delete Schedule 1 clause 27(2) and insert:

- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

36. Schedule 1 clause 29 amended

Delete Schedule 1 clause 29(2) and insert:

- (2) The local government must ensure that each State planning policy referred to in subclause (1) is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 37

37. Schedule 1 clause 31 amended

Delete Schedule 1 clause 31(3) and insert:

- (3) The local government must ensure that all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3 are published in accordance with clause 87 of the deemed provisions.
- (4) Subclause (3) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

38. Schedule 1 clause 32 amended

- (1) In Schedule 1 clause 32(1) delete “activity centre plans,” and insert:

precinct structure plans,

- (2) In Schedule 1 clause 32(2) delete “an activity centre plan,” and insert:

a precinct structure plan,

39. Schedule 1 clause 33 replaced

Delete Schedule 1 clause 33 and insert:

33. Additional site and development requirements for areas covered by structure plan or local development plan

The Table sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 40

Table

**Additional requirements that apply to land covered by structure plan
or local development plan**

No.	Description of land	Requirement

(The Table of additional requirements that apply to land as a result of a precinct structure plan, a structure plan approved before 19 October 2015 or a local development plan may be set out as a Schedule to the Scheme.

If no additional requirements are to apply as a result of a structure plan of that kind or a local development plan that applies in the Scheme area, insert the words “There are no additional requirements that apply to this Scheme.”.)

40. Schedule 1 clause 34 amended

- (1) In Schedule 1 clause 34(4)(a) delete “clause 64” and insert:

clause 64(4)

- (2) In Schedule 1 clause 34(5)(a) delete “clause 67” and insert:

clause 67(2)

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 41

41. Schedule 1 clause 35 amended

In Schedule 1 clause 35(2)(b) delete “gives notice of” and insert:

advertises

42. Schedule 1 clause 37 amended

- (1) In Schedule 1 clause 37(1) delete the definitions of:

building height

commencement day

frontage

incidental use

net lettable area or *nla*

non-conforming use

wall height

- (2) In Schedule 1 clause 37(1) insert in alphabetical order:

Scheme commencement day means the day on which this
Scheme comes into effect under section 87(4) of the Act;

43. Schedule 1 clause 38 amended

- (1) In Schedule 1 clause 38 in the definition of *bulky goods*
showroom paragraph (a)(x) delete “childrens’” and insert:

children’s

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 44

- (2) In Schedule 1 clause 38 in the definition of *hospital* delete “*Hospitals and Health Services Act 1927* section 2(1);” and insert:

Health Services Act 2016 section 8(4);

44. Schedule 2 clause 1 amended

- (1) In Schedule 2 clause 1 delete “In this Scheme —” and insert:

If a word or expression used in this Scheme is listed in this clause, its meaning is as follows —

- (2) In Schedule 2 clause 1 insert in alphabetical order:

activity centre means —

- (a) an area of land identified in accordance with a State planning policy as an activity centre; or
- (b) an area of land identified by the Commission as an activity centre;

ancillary dwelling has the meaning given in the R-Codes;

building height, in relation to a building —

- (a) if the building is used for residential purposes — has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes — means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

class A use, in relation to a zone, means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is not permitted in the zone unless the local government has exercised its discretion by granting

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 44

development approval after advertising the application in accordance with clause 64;

class D use, in relation to a zone —

- (a) means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is not permitted in the zone unless the local government has exercised its discretion by granting development approval; but
- (b) does not include a class A use;

class P use, in relation to a zone, means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is permitted in the zone if it complies with any relevant development standards and requirements of this Scheme;

class X use, in relation to a zone, means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is not permitted in the zone;

commercial, centre or mixed use zone means —

- (a) if this Scheme includes the model provision set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 16 — a Commercial zone, Centre zone or Mixed Use zone; or
- (b) otherwise — a zone (however named) the objectives of which as set out in this Scheme indicate that it is an area suitable for —
 - (i) a range of shops, offices, restaurants and other commercial outlets (whether or not in a town centre or activity centre); or
 - (ii) a wide variety of active uses on street level that are compatible with residential and other non-active uses on upper levels;

complex application means —

- (a) an application for approval of development that is a use of land if the use is not specifically referred to

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 44

in the zoning table for this Scheme in respect of the zone in which the development is located; or

- (b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval;

container has the meaning given in the WARR Act section 47C(1);

container collection cage means a cage or other structure in which members of the public may place empty containers for the purposes of the container deposit scheme, without receiving payment of the refund amount in exchange;

container deposit recycling centre means a refund point that has or can accommodate facilities for the consolidation or sorting of empty containers pending collection for the purposes of the container deposit scheme;

container deposit scheme means the scheme established by the WARR Act Part 5A;

deemed-to-comply provision, of the R-Codes, means a provision of the R-Codes described in the R-Codes as a deemed-to-comply provision or a deemed-to-comply requirement;

drop-off refund point means a refund point that —

- (a) is located in a building; and
- (b) is not a container deposit recycling centre;

excluded holiday period day means a day that is in —

- (a) a period commencing on 25 December in a year and ending on the next 1 January; or
- (b) a period of 7 days commencing on Good Friday in a year;

frontage, in relation to a building —

- (a) if the building is used for residential purposes — has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes — means the line where a road reserve and the front of a lot meet and, if a lot abuts

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 44

2 or more road reserves, the one to which the building or proposed building faces;

grouped dwelling has the meaning given in the R-Codes;

heritage-protected place has the meaning given in clause 1A;

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

light industry zone means —

- (a) if this Scheme includes the model provision set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 16 — a Light Industry zone; or
- (b) otherwise — a zone (however named) the objectives of which as set out in this Scheme indicate that it is an area suitable for a range of light industrial uses and service industries generally compatible with urban areas that cannot be located in commercial zones;

maintenance and repair works means works that —

- (a) are carried out to maintain or repair any building, structure or land or otherwise to prevent any building, structure or land from deteriorating or falling into a state of disrepair; and
- (b) do not result in any material alteration to the building, structure or land, including any material alteration to the materials used in or on, or the design or specifications of, the building, structure or land;

Minister for Heritage means the Minister who administers the *Heritage Act 2018*;

multiple dwelling has the meaning given in the R-Codes;

natural ground level, in relation to land subject to development, means —

- (a) the ground level specified in either of the following that applies to the land (or, if both of the following

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 44

apply to the land, the more recent of the following) —

- (i) a condition on an approval of a plan of subdivision that specifies a ground level;
- (ii) a previous development approval for site works on the land that specifies a ground level;

or

- (b) if paragraph (a) does not apply — the level of the land before any disturbance to the land relating to the development;

net lettable area or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas —

- (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;

non-conforming use has the meaning given in section 172 of the Act;

Peel Region Scheme area means the area to which the Peel Region Scheme applies;

refund amount has the meaning given in the WARR Act section 47C(1);

refund point has the meaning given in the WARR Act section 47C(1);

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 44

residential zone —

- (a) if this Scheme includes the model provision set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 16 — means a Residential zone, Special Residential zone or Rural Residential zone; or
- (b) otherwise —
 - (i) means a zone (however named) the objectives of which as set out in this Scheme indicate that it is an area suitable for residential use (regardless of residential lot sizes in the zone and whether or not a limited range of rural and related ancillary pursuits are permitted); but
 - (ii) does not include a zone (however named) the objectives of which as set out in this Scheme indicate that it is an area suitable for a wide variety of active uses on street level that are compatible with residential and other non-active uses on upper levels;

reverse vending machine means a permanently-located unattended device that accepts empty containers from members of the public in exchange for the payment of the refund amount;

single house has the meaning given in the R-Codes;

site works means works that affect the ground level, whether by excavation or filling;

street setback area, of a building, means the area between the building and the boundary of a road reserve that abuts the lot, and if the lot abuts 2 or more road reserves, means the area between the building and boundary of the road reserve to which the building faces;

wall height, in relation to a wall of a building —

- (a) if the building is used for residential purposes — has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes — means the vertical distance

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 45

from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

- (3) In Schedule 2 clause 1 in the definition of ***built heritage conservation*** delete “*Heritage of Western Australia Act 1990* section 3(1);” and insert:

Heritage Act 2018 section 4;

- (4) In Schedule 2 clause 1 in the definition of ***cultural heritage significance*** delete “meaning given in the *Heritage of Western Australia Act 1990* section 3(1);” and insert:

the meaning given in the *Heritage Act 2018* section 5(1);

- (5) In Schedule 2 clause 1 in the definition of ***works*** paragraph (c) delete “a Conservation Order made under the *Heritage of Western Australia Act 1990* section 59” and insert:

a protection order made under the *Heritage Act 2018* Part 4 Division 1

45. Schedule 2 clauses 1A to 1C inserted

At the end of Schedule 2 Part 1 insert:

1A. Heritage-protected places

- (1) A ***heritage-protected place*** is a place —
- (a) that is entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42; or

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 45

- (b) that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or
 - (c) that is the subject of an order under the *Heritage Act 2018* Part 4; or
 - (d) that is the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90; or
 - (e) that is included on a heritage list as defined in clause 7; or
 - (f) that is within a heritage area as defined in clause 7.
- (2) For the purposes of subclause (1)(b), a place is under consideration for entry into the State Register of Heritage Places if —
 - (a) the Heritage Council has made a preliminary determination under the *Heritage Act 2018* section 39(2) that the place warrants review under section 40(1) but the review has not commenced; or
 - (b) the Heritage Council has commenced but has not completed a review of the place under the *Heritage Act 2018* section 40(1); or
 - (c) the Heritage Council has made a recommendation under the *Heritage Act 2018* section 40(2) that the place be entered in the State Register of Heritage Places but the Minister for Heritage has not yet given a direction under section 41(1) of that Act in relation to that recommendation.

1B. Development taken to comply with deemed-to-comply provision of R-Codes

For the purposes of this Scheme, development is taken to comply with a deemed-to-comply provision of the R-Codes if the development complies with —

- (a) a provision of a local development plan, precinct structure plan or local planning policy if —
 - (i) the provision amends or replaces the deemed-to-comply provision; and

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 46

- (ii) for a provision of a local development plan or local planning policy where the plan or policy is required to be approved by the Commission under the R-Codes — the plan or policy is approved by the Commission;

or

- (b) a provision that —
 - (i) is in a structure plan that was approved before 19 October 2015; and
 - (ii) amends or replaces the deemed-to-comply provision.

1C. Excluded holiday period days not counted in time periods

For the purposes of this Scheme, an excluded holiday period day is not to be counted in calculating a period of time that is expressed as a number of days, business days or working days.

46. Schedule 2 clause 4 amended

- (1) Delete Schedule 2 clause 4(1)(a) and insert:

- (a) publish in accordance with clause 87 the proposed policy and a notice giving details of —
 - (i) the subject and nature of the proposed policy; and
 - (ii) the objectives of the proposed policy; and
 - (iii) how the proposed policy is made available to the public in accordance with clause 87; and
 - (iv) the manner and form in which submissions may be made; and

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 46

- (v) the period for making submissions and the last day of that period;

(2) Delete Schedule 2 clause 4(2) and insert:

- (2) The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).

(3) After Schedule 2 clause 4(3) insert:

- (3A) The local government must not resolve under subclause (3) to proceed with the policy if —
 - (a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and
 - (b) under the R-Codes, the Commission's approval is required for the policy; and
 - (c) the Commission has not approved the policy.

(4) In Schedule 2 clause 4(4) delete “in a newspaper circulating in the Scheme area.” and insert:

in accordance with clause 87.

(5) Delete Schedule 2 clause 4(6) and insert:

- (6) The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 47

- (7) Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).

47. Schedule 2 clause 6 amended

Delete Schedule 2 clause 6(b)(ii) and insert:

- (ii) published by the local government in accordance with clause 87.

48. Schedule 2 clause 7 amended

In Schedule 2 clause 7 in the definition of *place* delete “*Heritage of Western Australia Act 1990* section 3(1).” and insert:

Heritage Act 2018 section 7(1).

49. Schedule 2 clause 8 amended

- (1) Delete Schedule 2 clause 8(2) and insert:
- (2) A heritage list established under subclause (1) must set out a description of each place and the reason for its entry on the heritage list.
- (2A) The local government must ensure that an up-to-date copy of the heritage list is published in accordance with clause 87.
- (2B) Subclause (2A) is an ongoing publication requirement for the purposes of clause 87(5)(a).

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 50

- (2) In Schedule 2 clause 8(3)(b) delete “21 days of the day on which the notice is served or within a longer period specified in the notice; and” and insert:

a period specified in the notice; and

- (3) After Schedule 2 clause 8(3) insert:

- (3A) The period for making submissions specified in a notice under subclause (3)(b) must not be less than the period of 21 days after the day on which the notice is given under subclause (3)(a).

50. Schedule 2 clause 9 amended

Delete Schedule 2 clause 9(3) to (5) and insert:

- (3) Before designating an area as a heritage area the local government must —
- (a) give each owner of land affected by the proposed designation —
 - (i) notice of the proposed designation; and
 - (ii) a copy of the proposed local planning policy for the heritage area or details of how the proposed local planning policy is made available to the public under clause 4(1)(a);and
 - (b) advertise the proposed designation by —
 - (i) publishing in accordance with clause 87 a notice of the proposed designation; and

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 51

- (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation;
 - and
 - (c) carry out any other consultation the local government considers appropriate.
- (4) Notice of a proposed designation under subclause (3)(b) must specify —
 - (a) the area that is the subject of the proposed designation; and
 - (b) details of how the proposed local planning policy for the heritage area is made available to the public under clause 4(1)(a); and
 - (c) the manner and form in which submissions may be made; and
 - (d) the period for making submissions and the last day of that period.
- (5) The period for making submissions specified in the notice under subclause (4)(d) must not be less than the period of 21 days after the day on which the notice is first published under subclause (3)(b)(i).

51. Schedule 2 clause 10 amended

In Schedule 2 clause 10(1) delete “*Heritage of Western Australia Act 1990* section 29,” and insert:

Heritage Act 2018 Part 7,

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 52

52. Schedule 2 clause 12 amended

- (1) In Schedule 2 clause 12(1)(a) delete “entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the heritage list; or” and insert:

entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42 or included on the heritage list; or

- (2) In Schedule 2 clause 12(3)(a) delete “uses under clause 64; and” and insert:

under clause 64(4); and

53. Schedule 2 clause 13A inserted

At the end of Schedule 2 Part 3 insert:

13A. Heritage list and heritage areas under former Scheme

- (1) This clause applies if —
- (a) this Scheme comes into operation on or after the day on which the *Planning Regulations Amendment Regulations 2020* Part 2 Division 2 comes into operation; and
 - (b) immediately before this Scheme came into operation, another local planning scheme (the ***former Scheme***) applied to the Scheme area.
- (2) On and after the day on which this Scheme comes into operation —
- (a) the heritage list established under the former Scheme continues under this Scheme and is taken to be the heritage list established under clause 8; and

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 54

- (b) any heritage area that was designated under the former Scheme immediately before this Scheme comes into operation continues under this Scheme and is taken to be a heritage area designated under clause 9; and
 - (c) any local planning policy of a kind referred to in clause 9(2) in effect under the former Scheme immediately before this Scheme comes into operation continues under this Scheme and is taken to be a local planning policy in effect under Part 2 Division 2.
- (3) This clause does not prevent the amendment, modification or revocation under this Scheme of the heritage list or any designation of a heritage area or local planning policy.

54. Schedule 2 clause 14 replaced

Delete Schedule 2 clause 14 and insert:

14. Terms used

In this Part —

precinct structure plan means a plan for the coordination of future subdivision, zoning and development of an area of land;

standard structure plan means a plan for the coordination of future subdivision and zoning of an area of land;

structure plan means a standard structure plan or a precinct structure plan.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 55

55. Schedule 2 clause 16 amended

(1) Delete Schedule 2 clause 16(1)(c) and insert:

- (c) unless the Commission otherwise agrees, set out the information required under subclause (1A).

(2) After Schedule 2 clause 16(1) insert:

(1A) For the purposes of subclause (1)(c) —

- (a) a standard structure plan or precinct structure plan must include the following information —
 - (i) the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
 - (ii) the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
 - (iii) any major land uses, zoning or reserves proposed by the plan;
 - (iv) estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
 - (v) the population impacts that are expected to result from the implementation of the plan;
 - (vi) the extent to which the plan provides for the coordination of key transport and other infrastructure;
 - (vii) the proposed staging of the subdivision covered by the plan;

and

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 56

- (b) a precinct structure plan must also include the following information —
 - (i) the standards to be applied for the buildings, other structures and works that form part of the subdivision and development covered by the plan;
 - (ii) arrangements for the management of services for the subdivision and development covered by the plan;
 - (iii) arrangements to be made for vehicles to access the area covered by the plan;
 - (iv) the proposed staging of the development covered by the plan.

56. Schedule 2 clause 18 amended

Delete Schedule 2 clause 18(2) and (3) and insert:

- (2) The local government —
 - (a) must advertise the proposed structure plan by publishing in accordance with clause 87 —
 - (i) the proposed structure plan; and
 - (ii) a notice of the proposed structure plan; and
 - (iii) any accompanying material in relation to the proposed structure plan that the local government considers should be published;
 - and
 - (b) may also advertise the proposed structure plan by doing either or both of the following —
 - (i) giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the proposed structure plan;

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 57

- (ii) erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan giving notice of the proposed structure plan.
- (3) A notice published or given, or on a sign erected, under subclause (2) in relation to a proposed structure plan must specify —
 - (a) the manner and form in which submissions may be made; and
 - (b) the period under subclause (3A) for making submissions and the last day of that period.
- (3A) The period for making submissions on a proposed structure plan is —
 - (a) the period of 42 days after the day on which the notice is first published under subclause (2)(a)(ii); or
 - (b) a longer period approved by the Commission.

57. Schedule 2 clause 20 amended

Delete Schedule 2 clause 20(1)(a) and insert:

- (a) the last day of the period for making submissions on the proposed structure plan that applies under clause 18(3A); or

58. Schedule 2 clause 24 amended

(1) After Schedule 2 clause 24(1) insert:

- (1A) The Commission may approve a precinct structure plan that provides for further details of development included in the plan to be submitted to, and approved by, the local government for the purposes of the plan before development

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 59

approval is granted (or, if development approval is not required, before development commences).

- (2) In Schedule 2 clause 24(2) after “(1)” insert:

or (1A)

Note: The heading to amended Schedule 2 clause 24 is to read:

**Structure plan may provide for later approval of details of
subdivision or development**

59. Schedule 2 clause 28 replaced

Delete Schedule 2 clause 28 and insert:

28. Duration of approval

- (1) Subject to this clause and clause 29A, the approval of a structure plan has effect for —
 - (a) the period of 10 years commencing on the day on which the Commission approves the plan; or
 - (b) another period determined by the Commission when approving the plan.
- (2) The Commission may extend the period for which the approval of a structure plan has effect under subclause (1) if there are no changes to the terms of the plan.
- (3) The Commission may revoke its approval of a structure plan if —
 - (a) a new structure plan is approved in relation to the area to which the structure plan to be revoked relates; or
 - (b) the Commission considers that the plan has been implemented or is otherwise no longer required; or
 - (c) the Commission considers that the structure plan cannot be effectively implemented because of a

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 60

legislative change or a change in a State planning policy; or

- (d) for a structure plan that was the subject of an application under clause 16(3), the revocation is agreed to by —
- (i) the owner of the land to which the structure plan relates (or, if the land is owned by 2 or more owners, each of them); and
 - (ii) the local government.

- (4) For the purposes of subclause (1), a structure plan that was approved before 19 October 2015 is taken to have been approved on that day.

60. Schedule 2 clause 29 amended

- (1) In Schedule 2 clause 29(2) delete “structure plan.” and insert:

structure plan under this clause.

- (2) In Schedule 2 clause 29(4) after “structure plan” insert:

under this clause or clause 29A(2)

61. Schedule 2 clause 29A inserted

At the end of Schedule 2 Part 4 insert:

29A. Revocation or amendment of structure plan resulting from scheme amendment

- (1) The Commission must, as soon as is reasonably practicable, revoke the approval of a structure plan if —
- (a) an amendment to this Scheme that affects the area to which the structure plan relates takes effect; and

Planning Regulations Amendment Regulations 2020Planning and Development (Local Planning Schemes)
Regulations 2015 amended**Part 2**

Amendments commencing on 15 February 2021

Division 2**r. 62**

- (b) the amendment includes a statement in relation to the structure plan under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 35A(a).
- (2) If an amendment to this Scheme that affects the area to which a structure plan relates takes effect, and that amendment includes a statement in relation to the structure plan under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 35A(b), the Commission must as soon as is reasonably practicable amend the structure plan in accordance with the statement.
- (3) The procedures referred to in clause 29(2) do not apply in relation to the amendment of a structure plan under subclause (2).

62. Schedule 2 Part 5 deleted

Delete Schedule 2 Part 5.

63. Schedule 2 clause 47 amended

In Schedule 2 clause 47:

- (a) in paragraph (b) delete “a structure plan” and insert:

a local planning policy or structure plan
- (b) delete paragraph (c) and insert:
- (c) another provision of this Scheme requires a local development plan to be prepared for the area; or

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 64

64. Schedule 2 clause 50 amended

- (1) Delete Schedule 2 clause 50(2) and insert:
 - (2) The local government —
 - (a) must advertise the proposed local development plan by publishing in accordance with clause 87 —
 - (i) the proposed local development plan; and
 - (ii) a notice of the proposed local development plan; and
 - (iii) any accompanying material in relation to the proposed local development plan that the local government considers should be published;
 - and
 - (b) may also advertise the proposed local development plan by doing either or both of the following —
 - (i) giving notice of the proposed local development plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan;
 - (ii) erecting a sign or signs in a conspicuous place on the land the subject of the proposed local development plan giving notice of the proposed local development plan.
- (2) Delete Schedule 2 clause 50(4) and insert:
 - (4) A notice published or given, or on a sign erected, under subclause (2) in relation to a proposed local development plan must specify —
 - (a) the manner and form in which submissions may be made; and

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 65

(b) the period for making submissions and the last day of that period.

(5) The period for making submissions specified in a notice under subclause (4)(b) must not be less than the period of 14 days after the day on which the notice of the proposed local development plan is first published under subclause (2)(a)(ii).

65. Schedule 2 clause 51 amended

In Schedule 2 clause 51(c) delete “clause 67” and insert:

clause 67(2)

66. Schedule 2 clause 52 amended

(1) After Schedule 2 clause 52(1) insert:

(1A) The local government must not approve a local development plan under subclause (1) if —

- (a) the local development plan amends or replaces a deemed-to-comply provision of the R-Codes; and
- (b) under the R-Codes, the Commission’s approval is required for the local development plan; and
- (c) the Commission has not approved the local development plan.

(2) In Schedule 2 clause 52(2)(a) delete “specified in a notice given or published under clause 50(2)” and insert:

specified in accordance with clause 50(5)

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 67

67. Schedule 2 clause 55 replaced

Delete Schedule 2 clause 55 and insert:

55. Publication of local development plan approved by local government

- (1) If the local government approves a local development plan the local government must publish the local development plan in accordance with clause 87.
- (2) Subclause (1) is an ongoing publication requirement for the purposes of clause 87(5)(a).

68. Schedule 2 clause 57 amended

In Schedule 2 clause 57(2) delete “the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b) (***commencement day***) is to be taken to have been approved on commencement day.” and insert:

19 October 2015 is taken to have been approved on that day.

69. Schedule 2 clause 60 amended

In Schedule 2 clause 60(b) delete “the development is of a type referred to in” and insert:

development approval is not required for the development under

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 70

70. Schedule 2 clause 61 replaced

Delete Schedule 2 clause 61 and insert:

61. Development for which development approval not required

- (1) Development approval is not required for works if —
- (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

Table

	Column 1 Works	Column 2 Conditions
1.	The demolition or removal of any of the following — <ul style="list-style-type: none">(a) a single house;(b) an ancillary dwelling;(c) an outbuilding;(d) an external fixture;(e) a boundary wall or fence;(f) a patio;(g) a pergola;(h) a verandah;(i) a deck;(j) a garage;(k) a carport;	The works are not located in a heritage-protected place.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 70

	Column 1 Works	Column 2 Conditions
	(l) a swimming pool; (m) shade sails.	
2.	The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling.	(a) The building does not share a common wall with another building. (b) The works are not located in a heritage-protected place.
3.	The demolition or removal of a cubbyhouse.	The works are not located in a heritage-protected place.
4.	The demolition or removal of a flagpole.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e).
5.	Internal building work that does not materially affect the external appearance of the building.	Either — (a) neither the building nor any part of it is located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e); or (b) the building, or a part of it, is located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (c), (d) or (e), but the interior of the building is specified as not being of cultural heritage significance in the relevant register, order, agreement or list referred to in that clause.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 70

	Column 1 Works	Column 2 Conditions
6.	The erection of, or alterations or additions to, a single house on a lot.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.
7.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling — (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; (i) a garage; (j) a carport.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 70

	Column 1 Works	Column 2 Conditions
8.	The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling — (a) a swimming pool; (b) shade sails.	The works are not located in a heritage-protected place.
9.	The temporary erection or installation of an advertisement.	<p>(a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the <i>Commonwealth Electoral Act 1918</i> (Commonwealth), the <i>Referendum (Machinery Provisions) Act 1984</i> (Commonwealth), the <i>Electoral Act 1907</i>, the <i>Local Government Act 1995</i> or the <i>Referendums Act 1983</i>.</p> <p>(b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll.</p> <p>(c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the <i>Local Government Act 1995</i>, until the 36th day before the day on which the election, referendum or poll is to be held.</p>

Planning Regulations Amendment Regulations 2020
 Planning and Development (Local Planning Schemes) **Part 2**
 Regulations 2015 amended
 Amendments commencing on 15 February 2021 **Division 2**
r. 70

	Column 1 Works	Column 2 Conditions
		<p>(d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted.</p> <p>(e) The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p>
10.	The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.	<p>(a) The sign complies with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.</p> <p>(b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p> <p>(c) The works are not located in a heritage-protected place.</p>
11.	Works to change an existing sign that has been erected or installed on land.	<p>(a) The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval.</p> <p>(b) The changes do not alter the size or location of the existing sign or result in the sign containing any</p>

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 70

	Column 1 Works	Column 2 Conditions
		<p>illumination, animation, movement or reflective, retro-reflective or fluorescent materials.</p> <p>(c) The sign is not used for advertising (other than the advertising of a business operated on the land).</p> <p>(d) The works are not located in a heritage-protected place.</p>
12.	The installation of a water tank.	<p>(a) The water tank is not installed in the street setback area of a building.</p> <p>(b) The volume of the water tank is no more than 5 000 L.</p> <p>(c) The height of the water tank is no more than —</p> <p>(i) for a tank fixed to a building — the height of the eaves of the building; or</p> <p>(ii) for a tank that is not fixed to a building and is more than 1 m from each boundary of the lot — 2.4 m; or</p> <p>(iii) for a tank that is not fixed to a building and is 1 m or less from a boundary of the lot — 1.8 m.</p> <p>(d) The works are not located in a heritage-protected place.</p>

Planning Regulations Amendment Regulations 2020

Planning and Development (Local Planning Schemes)

Part 2

Regulations 2015 amended

Amendments commencing on 15 February 2021

Division 2**r. 70**

	Column 1 Works	Column 2 Conditions
13.	The erection or installation of a cubbyhouse.	<ul style="list-style-type: none"> (a) The cubbyhouse is not erected or installed in the street setback area of a building. (b) The floor of the cubbyhouse is no more than 1 m above the natural ground level. (c) The wall height of the cubbyhouse is no more than 2.4 m above the natural ground level. (d) The building height of the cubbyhouse is no more than 3 m above the natural ground level. (e) The area of the floor of the cubbyhouse is no more than 10 m². (f) The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.
14.	The erection or installation of a flagpole.	<ul style="list-style-type: none"> (a) The height of the flagpole is no more than 6 m above the natural ground level. (b) The flagpole is no more than 200 mm in diameter. (c) The flagpole is not used for advertising. (d) There is no more than 1 flagpole on the lot.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 70

	Column 1 Works	Column 2 Conditions
		(e) The works are not located in a heritage-protected place.
15.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof. (b) The works are not located in a heritage-protected place.
16.	Maintenance and repair works.	Either — (a) the works are not located in a heritage-protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).
17.	Temporary works.	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
18.	Works that are urgently necessary for any of the following — (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d).

Planning Regulations Amendment Regulations 2020
 Planning and Development (Local Planning Schemes) **Part 2**
 Regulations 2015 amended
 Amendments commencing on 15 February 2021 **Division 2**
r. 70

	Column 1 Works	Column 2 Conditions
19.	Works that are wholly located on an area identified as a regional reserve under a region planning scheme.	
20.	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.
21.	Works of a type identified elsewhere in this Scheme as works that do not require development approval.	The works comply with any requirements specified in this Scheme in relation to the exemption from the requirement for development approval.

Notes for this subclause:

1. Approval may be required from the Commission for development on a regional reserve under a region planning scheme.
 2. Section 157 of the Act applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
 3. Section 6 of the Act applies in respect of the carrying out of public works.
 4. Clause 1B sets out circumstances in which development is taken to comply with a deemed-to-comply provision of the R-Codes.
- (2) Development approval of the local government is not required for the following uses —
- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 70

Note for this paragraph:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) development that is a class P use in relation to the zone in which the development is located, if —
 - (i) the development has no works component;
or
 - (ii) development approval is not required for the works component of the development;
- (c) development that is an exempt class D use under subclause (3) in relation to the zone in which the development is located, if —
 - (i) the development has no works component;
or
 - (ii) development approval is not required for the works component of the development;
- (d) the use of premises as a home office;
- (e) the use of premises as a drop-off refund point if —
 - (i) the premises are otherwise used as a shop (as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38); or
 - (ii) the premises are not in a residential zone and the use of the premises as a drop-off refund point is an incidental use of the premises;
- (f) temporary use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period;
- (g) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
- (h) use of a type identified elsewhere in this Scheme as use that does not require development approval.

Planning Regulations Amendment Regulations 2020
 Planning and Development (Local Planning Schemes) **Part 2**
 Regulations 2015 amended
 Amendments commencing on 15 February 2021 **Division 2**
r. 70

- (3) For the purposes of subclause (2)(c), a use of land is an exempt class D use in relation to the zone in which the land is located if —
- (a) the use is a class D use in relation to the zone; and
 - (b) the use is of a class set out in Column 1 of an item in the Table; and
 - (c) the zone is of a class set out in Column 2 of the Table opposite that item; and
 - (d) if conditions are set out in Column 3 of the Table opposite that item — all of those conditions are satisfied in relation to the use.

Table

	Column 1 Use	Column 2 Zones	Column 3 Conditions
1.	Shop	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m ² .
2.	Restaurant/cafe	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m ² .
3.	Convenience store	Commercial, centre or mixed use zone	Store is not used for the sale of petroleum products.
4.	Consulting rooms	Commercial, centre or mixed use zone	No more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass.
5.	Office	Commercial, centre or mixed use zone	Office is not located on the ground floor of a building.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 70

	Column 1 Use	Column 2 Zones	Column 3 Conditions
6.	Liquor store — small	Commercial, centre or mixed use zone	Store is in the metropolitan region or Peel Region Scheme area.
7.	Small bar	Commercial, centre or mixed use zone	<p>(a) Small bar is in the metropolitan region or Peel Region Scheme area.</p> <p>(b) The lot on which the small bar is located does not directly adjoin a residential zone.</p>
8.	Recreation — private	<p>Commercial, centre or mixed use zone</p> <p>Light industry zone</p>	<p>(a) Premises are in the metropolitan region.</p> <p>(b) Net lettable area of any indoor area of the premises is no more than 300 m².</p> <p>(c) No more than 60% of the glass surface of any window on the ground floor of a building on the premises is obscured glass.</p>
9.	Home occupation	All zones	

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 70

- (4) A reference in Column 1 of the Table to subclause (3) to a class of land use is a reference to that use as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38, whether or not —
 - (a) the relevant definition is included in this Scheme; or
 - (b) this Scheme includes a different definition for that use; or
 - (c) this Scheme refers to that class of land use by a different name.
- (5) Subclause (2) has effect despite the zoning table for this Scheme.
- (6) Despite subclauses (1) and (2), an exemption under those subclauses does not apply to development if —
 - (a) the development is undertaken in a special control area and the special provisions that apply to that area under this Scheme provide that development approval is required for the development; or
 - (b) the development is undertaken on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area and development approval is required under clause 78D(3) for the development.
- (7) An exemption from the requirement for development approval that applies under this clause (other than an exemption under item 10 or 20 in the Table to subclause (1)) is not affected by any provision of a local planning policy or local development plan.
- (8) If development consists of both works and use of land —
 - (a) subject to subclause (2)(b)(ii) and (c)(ii), any exemption under subclause (1) that applies to the works does not affect whether development approval is required for the use; and
 - (b) any exemption under subclause (2) that applies to the use does not affect whether development approval is required for the works.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 70

61A. Advice by local government that development approval not required for erection of, or alterations or additions to, single house

- (1) This clause applies only if —
 - (a) the Scheme area is wholly or partly in the metropolitan region or the Peel Region Scheme area; or
 - (b) the local government has made an election under subclause (5)(a) and has not revoked that election under subclause (5)(b).
- (2) An owner of a lot in the Scheme area who proposes to carry out works consisting of the erection of, or alterations or additions to, a single house on the lot may apply to the local government for written advice that the local government is satisfied that development approval of the local government is not required for the works because of an exemption under item 6 in the Table to clause 61(1).
- (3) An application under subclause (2) must be —
 - (a) made in a manner and form approved by the Commission; and
 - (b) accompanied by any documents or other information required by the approved form; and
 - (c) accompanied by any fee for determining the application imposed by the local government under the *Planning and Development Regulations 2009*.
- (4) Within 14 days after an application under subclause (2) is made, the local government must —
 - (a) provide advice to the applicant, in the manner and form approved by the Commission, that the local government is satisfied that development approval of the local government is not required for the works because of an exemption under item 6 in the Table to clause 61(1); or
 - (b) notify the applicant, in the manner and form approved by the Commission, that the local

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 71

government is not satisfied as referred to in paragraph (a).

- (5) The local government may, by written notice given to the Commission and published in accordance with clause 87 —
- (a) elect to provide advice under this clause; or
 - (b) revoke an election under paragraph (a).

71. Schedule 2 clause 64 replaced

Delete Schedule 2 clause 64 and insert:

63A. Action by local government on receipt of application

- (1) On receipt of an application for development approval, the local government must —
- (a) consider whether the application and accompanying material comply with clauses 62 and 63; and
 - (b) within 7 days after the day on which the application is received, advise the applicant by written notice —
 - (i) if the local government is satisfied that the application and accompanying material comply with clauses 62 and 63 — that the application has been accepted for assessment; or
 - (ii) otherwise — that the applicant must amend the application, or provide further accompanying material, before the application can be accepted for assessment.
- (2) If the local government does not give advice under subclause (1)(b) within the 7-day period referred to in that subclause, the application is taken to be accepted for assessment on the day after the end of that period.
- (3) If the local government gives advice under subclause (1)(b)(ii) and the applicant amends the application

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 71

or provides further accompanying material as required, this clause applies again in respect of the application as amended or as accompanied by the further material as if references to the receipt of the application were to the receipt of the amendment or the further material.

64. Advertising applications

- (1) The local government —
- (a) must advertise a complex application for development approval in accordance with subclause (3); and
 - (b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —
 - (i) relates to development that is a class A use in relation to the zone in which the development is located; or
 - (ii) relates to the extension of a non-conforming use; or
 - (iii) relates to development that does not comply with the requirements of this Scheme; or
 - (iv) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
 - (v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised;
- and
- (c) may advertise any other application for development approval in accordance with subclause (4).
- (2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 71

- (3) For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following —
- (a) publishing in accordance with clause 87 —
 - (i) a notice of the proposed development in the form set out in clause 86(3); and
 - (ii) the application for development approval; and
 - (iii) any accompanying material in relation to the application that the local government considers should be published;
 - (b) giving notice of the proposed development —
 - (i) to the owners and occupiers of every property that is within 200 m of the proposed development; and
 - (ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

Note for this subclause:

Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).

- (4) For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —
- (a) publishing in accordance with clause 87 —
 - (i) a notice of the proposed development in the form set out in clause 86(3); and

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 71

- (ii) the application for development approval;
and
 - (iii) any accompanying material in relation to
the application that the local government
considers should be published;
 - (b) giving notice of the proposed development to
owners and occupiers of properties in the vicinity of
the development who, in the opinion of the local
government, are likely to be affected by the
granting of development approval;
 - (c) erecting, in the manner and form approved by the
Commission, a sign or signs in a conspicuous place
on the land the subject of the application giving
notice of the proposed development in the form set
out in clause 86(3).
- (5) A notice published or given, or on a sign erected, in
accordance with subclause (3) or (4) in relation to an
application for development approval must specify —
- (a) the manner and form in which submissions may be
made; and
 - (b) the applicable period under subclause (6) or (7) for
making submissions and the last day of that period.
- (6) The period to be specified in a notice published or given, or
on a sign erected, in accordance with subclause (3) in
relation to a complex application is —
- (a) the period of 28 days after the day on which the
notice of the application is first published under
subclause (3)(a); or
 - (b) a longer period agreed in writing between the
applicant and the local government.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 72

- (7) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —
- (a) the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or
 - (b) a longer period agreed in writing between the applicant and the local government.

64A. Applicant for development approval may be required to pay costs of advertising or erect signs

- (1) The local government may require an applicant for development approval to pay the costs of the local government advertising the application for development approval under clause 64.
- (2) The local government may, instead of erecting signs under clause 64(3)(c) or (4)(c), require the applicant for development approval to erect those signs.

72. Schedule 2 clauses 65A and 65B inserted

At the beginning of Schedule 2 Part 9 insert:

65A. Local government may request additional information or material

- (1) If an application for development approval has been accepted for assessment, the local government may, by written notice given to the applicant, request the applicant to provide any further information or material that the local government reasonably requires to determine the application.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 72

- (2) A request under subclause (1) may be made whether or not the local government gave the applicant advice under clause 63A(1)(b)(ii) in relation to the application before it was accepted for assessment.
- (3) A request under subclause (1) must state the period within which the further information or material must be provided, which must be a period of at least 21 days after the day on which the request is made.
- (4) Only 1 request under subclause (1) can be made in relation to an application for development approval unless —
 - (a) the application is a complex application; or
 - (b) the application is required to be advertised under clause 64(1)(b); or
 - (c) a copy of the application is required to be provided to a statutory, public or planning authority under clause 66; or
 - (d) after the application was accepted for assessment, the applicant, on their own initiative, submitted further information or material relevant to the application to the local government and the request relates to that further information or material.

65B. Applicant may agree to or refuse request for additional information or material

- (1) If a request under clause 65A(1) is made to an applicant for development approval, the applicant may, by written notice given to the local government within 7 days after the day on which the request is made, agree to or refuse the request.
- (2) If the applicant does not agree to or refuse the request within the 7-day period referred to in subclause (1), the applicant is taken to have refused the request.
- (3) If an applicant agrees to a request under clause 65A(1), the period set out in subclause (4) is not to be counted for the purposes of determining when the application for development approval must be determined under clause 75(1).

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 73

- (4) For the purposes of subclause (3), the period —
 - (a) begins on the day on which the applicant agrees to the request; and
 - (b) ends on the earlier of the following —
 - (i) the day on which the applicant gives the information or material specified in the request to the local government;
 - (ii) the last day of the period stated in the notice of request under clause 65A(3).
- (5) If an applicant refuses a request under clause 65A(1) —
 - (a) the local government must not refuse to determine the application for development approval merely because the applicant has refused the request; and
 - (b) the making of the request does not affect when the application for development approval must be determined under clause 75(1).

73. Schedule 2 clause 66 amended

- (1) In Schedule 2 clause 66(3) delete “allows,” and insert:

allows in accordance with subclause (3A),

- (2) After Schedule 2 clause 66(3) insert:

- (3A) The local government may extend the 42-day period referred to in subclause (3) once only by a period of not more than 14 days.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 74

74. Schedule 2 clause 67 amended

- (1) At the beginning of Schedule 2 clause 67 insert:
 - (1) Development approval cannot be granted on an application for approval of —
 - (a) development that is a class X use in relation to the zone in which the development is located, unless —
 - (i) the development relates to land that is being used for a non-conforming use; and
 - (ii) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use;
 - or
 - (b) development that otherwise does not comply with a requirement of this Scheme, unless —
 - (i) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
 - (ii) the development is permitted under a provision of this Scheme in relation to non-conforming uses.
- (2) In Schedule 2 clause 67:
 - (a) delete “In considering an application for development approval” and insert:
- (2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)),

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 74

(b) after paragraph (f) insert:

(fa) any local planning strategy for this Scheme
endorsed by the Commission;

(c) in paragraph (h) delete “plan, activity centre plan or” and
insert:

plan or

(d) delete paragraph (m) and insert:

(m) the compatibility of the development with its
setting, including —

- (i) the compatibility of the development with
the desired future character of its setting;
and
- (ii) the relationship of the development to
development on adjoining land or on other
land in the locality including, but not
limited to, the likely effect of the height,
bulk, scale, orientation and appearance of
the development;

(3) At the end of Schedule 2 clause 67 insert:

(3) Subclause (1) has effect despite the zoning table for this
Scheme.

Note: The heading to amended Schedule 2 clause 67 is to read:

Consideration of application by local government

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 75

75. Schedule 2 clause 68 amended

Delete Schedule 2 clause 68(1) and insert:

- (1) If an application for approval of development is advertised under clause 64, the local government must not determine the application until after the end of —
 - (a) for a complex application advertised in accordance with clause 64(3) — the period for making submissions that applies under clause 64(6); or
 - (b) for an application advertised in accordance with clause 64(4) — each period for making submissions specified in a notice published or given, or on a sign erected, in accordance with that clause.
- (1A) If a copy of an application for approval of development has been provided to a statutory, public or planning authority under clause 66, the local government must not determine the application until after the end of each period for providing a memorandum to the local government that applies under clause 66(3).

76. Schedule 2 clause 71 amended

At the end of Schedule 2 clause 71 insert:

Note for this clause:

Under the *Planning and Development (Development Assessment Panels) Regulations 2011* regulation 16A(2), for an application determined by a Development Assessment Panel the period within which development must be substantially commenced is 4 years.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 77

77. Schedule 2 clause 75 amended

Delete Schedule 2 clause 75(1)(a) and (b) and insert:

- (a) if the application is advertised in compliance with a requirement under clause 64(1)(a) or (b) or a copy of the application is provided to a statutory, public or planning authority under clause 66 — within 90 days after the day on which the application is accepted for assessment; or
- (b) otherwise — within 60 days after the day on which the application is accepted for assessment; or

78. Schedule 2 clause 86 amended

In Schedule 2 clause 86(3):

- (a) delete “clause 64(4)” and insert:

clause 64(3)(a)(i) or (c) or (4)(a)(i) or (c)

- (b) in the Form delete:

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of

.....

and insert:

Details of the proposal are available to the public at
Submissions may be made on the proposal in the period ending on the day of Comments on the proposal may be submitted to the local government in writing on or before that day.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021
r. 79

79. Schedule 2 Parts 12 and 13 inserted

After Schedule 2 clause 86 insert:

Part 12 — Miscellaneous**87. Requirements for making documents available to public**

- (1) This clause applies if under a provision of this Scheme the local government is required to publish in accordance with this clause a notice, plan, application or other document (the *document*).
- (2) The local government must make the document available in accordance with the applicable requirements of subclauses (3) to (5).

Note for this subclause:

Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to publish documents in accordance with subclauses (3) to (5).

- (3) For all documents, the local government must —
 - (a) publish on the website of the local government —
 - (i) the document; or
 - (ii) a hyperlink to a webpage on which the document is published;
 - and
 - (b) if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.
- (4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 79

- (5) The local government must ensure that the document remains published under subclause (3)(a) and (if applicable) available for public inspection under subclause (3)(b) —
- (a) if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or
 - (b) if the document is published in compliance with a requirement to advertise for submissions under this Scheme — during the whole of the period within which submissions may be made; or
 - (c) if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.

88. Commission may approve varied requirements for publication of documents and advertising of complex applications

- (1) In this clause —
- complex application notice and signage requirements*** means the requirements of clause 64(3)(b) and (c) in relation to advertising complex applications;
- document*** has the meaning given in clause 87(1);
- publication requirements*** means the requirements of clause 87(3) to (5) in relation to making documents available to the public.
- (2) If the Commission considers that it is not practicable for the local government to comply with any of the publication requirements in relation to documents that it is or may become required to publish, the Commission may give the local government a written notice approving varied requirements that apply in relation to the local government making documents available to the public.
- (3) If a notice under subclause (2) is in effect, the local government is taken to comply with the applicable publication requirements in relation to a document if the

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 79

local government complies with those requirements as varied by the notice.

- (4) If the Commission considers that it is not practicable for the local government to comply with any of the complex application notice and signage requirements in relation to complex applications it is or may become required to advertise, the Commission may give the local government a written notice approving varied requirements that apply in relation to the local government advertising complex applications.
- (5) If a notice under subclause (4) is in effect, a complex application made to the local government is taken to be advertised in compliance with the complex application notice and signage requirements if it is advertised in compliance with those requirements as varied by the notice.
- (6) A notice under subclause (2) or (4) —
 - (a) must state whether it has effect indefinitely or for a period specified in the notice; and
 - (b) takes effect when it is given to the local government; and
 - (c) ceases to be in effect —
 - (i) if the Commission gives the local government a further written notice revoking it; or
 - (ii) at the end of the period (if any) specified under paragraph (a).

Part 13 — Transitional provisions for *Planning Regulations Amendment Regulations 2020*

89. Terms used

In this Part —

amended deemed provisions means the deemed provisions of this Scheme set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 as

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 79

amended by the *Planning Regulations Amendment Regulations 2020* Part 2 Division 2;

commencement day means the day on which the *Planning Regulations Amendment Regulations 2020* Part 2 Division 2 comes into operation;

former deemed provisions means the deemed provisions of this Scheme set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 as in force immediately before commencement day.

90. Application of amendments made by *Planning Regulations Amendment Regulations 2020*

- (1) The amendments to Part 7 made by the *Planning Regulations Amendment Regulations 2020* do not apply in relation to development —
 - (a) that commenced before commencement day; or
 - (b) for which development approval was granted before commencement day.
- (2) The amendments to Parts 8 and 9 made by the *Planning Regulations Amendment Regulations 2020* do not apply in relation to an application for development approval made before commencement day.

91. Advertising processes in progress on commencement day

- (1) In this clause —

relevant advertising process —

 - (a) means any of the following processes —
 - (i) the advertising of a proposed local planning policy, or amendment to a local planning policy, under clause 4;
 - (ii) the advertising of the proposed designation of a heritage area, or the proposed amendment or revocation of the designation of a heritage area, under clause 9;

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 79

- (iii) the advertising of a proposed structure plan, or amendment to a structure plan, under clause 18;
 - (iv) the advertising of a proposed local development plan, or amendment to a local development plan, under clause 50;
 - and
 - (b) includes the giving of notices to persons or public authorities or the erection of signs as part of a process referred to in paragraph (a).
- (2) A relevant advertising process that commenced, but was not completed, before commencement day may be completed in accordance with the relevant requirements of the former deemed provisions rather than the amended deemed provisions.
- (3) If the relevant advertising process for a policy, designation, plan or amendment (the **relevant planning instrument**) is completed in accordance with subclause (2) —
- (a) the relevant planning instrument is taken to have been advertised in compliance with the relevant requirements of the amended deemed provisions; and
 - (b) this Scheme applies with any necessary changes to the relevant planning instrument.

92. Activity centre plans or structure plans in effect before commencement day

- (1) In this clause —
- current activity centre plan** —
- (a) means an activity centre plan under this Scheme for which the approval is in effect immediately before commencement day; and
 - (b) includes a plan taken to be an activity centre plan under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 79

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 15 February 2021 **Division 2**
r. 79

that is in effect under this Scheme immediately before commencement day;

current structure plan —

- (a) means a structure plan under this Scheme for which the approval is in effect immediately before commencement day; and
 - (b) includes a plan taken to be a structure plan under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 79 that is in effect under this Scheme immediately before commencement day.
- (2) On and after commencement day, a current activity centre plan —
- (a) continues in effect under this Scheme; and
 - (b) is taken to be a precinct structure plan approved under this Scheme for which the approval has effect; and
 - (c) may be amended or revoked accordingly.
- (3) On and after commencement day, a current structure plan —
- (a) continues in effect under this Scheme; and
 - (b) is taken to be a standard structure plan approved under this Scheme for which the approval has effect; and
 - (c) may be amended or revoked accordingly.
- (4) Clause 28 of the amended deemed provisions applies to a structure plan, whether it is a plan referred to in subclause (2) or (3) or a plan approved under this Scheme on or after commencement day.

93. Activity centre plans or amendments in course of preparation on commencement day

- (1) In this clause —
- preparation and approval process***, in relation to an activity centre plan or amendment to an activity centre plan, means

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 2 Amendments commencing on 15 February 2021

r. 79

the process for preparing or accepting, advertising, reporting on, modifying and approving the plan or amendment set out in Part 5 of the former deemed provisions.

- (2) This clause applies to an activity centre plan or amendment to an activity centre plan if —
 - (a) 1 or more steps in the preparation and approval process for the plan or amendment occurred before commencement day under Part 5 of the former deemed provisions; but
 - (b) the Commission did not approve or refuse to approve the proposed plan or amendment before commencement day.
- (3) If the process of advertising the proposed activity centre plan or amendment under clause 34 of the former deemed provisions commenced but was not completed before commencement day —
 - (a) that advertising process may be completed in accordance with the requirements of that clause; and
 - (b) after the advertising process referred to in paragraph (a) is completed —
 - (i) the proposed plan or amendment is taken to be a proposed precinct structure plan or amendment to a precinct structure plan that has been advertised in compliance with the requirements of clause 18 of the amended deemed provisions; and
 - (ii) the other steps taken before commencement day in the preparation and approval process for the plan or amendment are taken to have been taken under and in accordance with the equivalent provision of Part 4 of the amended deemed provisions.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

- (4) If subclause (3) does not apply, on and after commencement day —
- (a) the proposed activity centre plan or amendment is taken to be a proposed precinct structure plan or amendment to a precinct structure plan; and
 - (b) the steps taken before commencement day in the preparation and approval process for the plan or amendment are taken to have been taken under and in accordance with the equivalent provision of Part 4 of the amended deemed provisions.

Division 3 — Amendments commencing on 1 July 2021

80. Schedule 2 Part 9A inserted

After Schedule 2 clause 77 insert:

Part 9A — Provisions about car parking

Division 1 — General

77A. Terms used

In this Part —

applicable minimum on-site parking requirement, in relation to development —

- (a) means a minimum on-site parking requirement that applies to the development (and, if the local government has varied a minimum on-site parking requirement in relation to the development under clause 77D(1)(a), means that requirement as so varied); but
- (b) does not include a minimum on-site parking requirement that has been waived in relation to the development under clause 77D(1)(b);

minimum on-site parking requirement means a provision of this Scheme, or a local planning policy, that provides for

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 80

the minimum number of car parking spaces that must be provided as part of development of a specified kind;

parking space shortfall, in relation to development, has the meaning given in clause 77C;

payment in lieu of parking condition means a condition requiring a payment to be made in lieu of satisfying a minimum on-site parking requirement;

payment in lieu of parking plan has the meaning given in clause 77J(1);

relevant payment in lieu of parking plan, in relation to development, means the payment in lieu of parking plan in effect from time to time for the area in which the development is located;

shared parking arrangement condition means a condition requiring entry into an arrangement for shared parking in lieu of satisfying a minimum on-site parking requirement.

77B. Development to which this Part applies

- (1) This Part applies to development in —
 - (a) the metropolitan region; or
 - (b) the Peel Region Scheme area.
- (2) Despite subclause (1), this Part does not apply to development to which the R-Codes apply.

77C. Parking space shortfall for development

If development does not comply with an applicable minimum on-site parking requirement, the ***parking space shortfall*** for the development is the number of car parking spaces calculated as follows —

$M - A$

where —

M is the minimum number of car parking spaces required to be provided as part of the development under the applicable minimum on-site parking requirement;

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

A is the actual number of car parking spaces to be provided as part of the development.

77D. Variation of minimum on-site parking requirement in relation to development

- (1) The local government may —
 - (a) vary a minimum on-site parking requirement that applies to development so that the minimum number of car parking spaces that must be provided as part of the development is a lower number; or
 - (b) waive a minimum on-site parking requirement that applies to development.
- (2) The local government must not vary or waive a minimum on-site parking requirement under subclause (1) in relation to development unless the local government is satisfied —
 - (a) that reasonable efforts have been made to comply with the minimum on-site parking requirement without adversely affecting access arrangements, the safety of pedestrians or persons in vehicles, open space, street trees or service infrastructure; and
 - (b) that —
 - (i) in the case of a variation — the lower number of car parking spaces would be adequate for the demands of the development, having regard to the likely use of the car parking spaces, the availability of off-site parking facilities and the likely use of alternative means of transport; or
 - (ii) in the case of a waiver — it is not necessary for car parking spaces to be provided as part of the development, having regard to the availability of off-site parking facilities and the likely use of alternative means of transport.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 80

77E. Development that does not comply with applicable minimum on-site parking requirement

- (1) Development is not required to comply with an applicable minimum on-site parking requirement if —
 - (a) development approval is not required for the development under clause 61; or
 - (b) development approval has been granted for the development subject to either or both of the following —
 - (i) a payment in lieu of parking condition imposed in accordance with clause 77H;
 - (ii) a shared parking arrangement condition imposed in accordance with clause 77Q.
- (2) The local government must not grant development approval for development that does not comply with an applicable minimum on-site parking requirement unless the approval is granted subject to a condition or conditions referred to in subclause (1)(b).

77F. Imposition of both payment in lieu of parking condition and shared parking arrangement condition

- (1) The local government must not under clause 68(2)(b) impose on an approval of development both a payment in lieu of parking condition in accordance with clause 77H and a shared parking arrangement condition in accordance with clause 77Q, unless —
 - (a) the parking space shortfall for the development is at least 2; and
 - (b) the local government has given the applicant for development approval a notice of apportionment stating that —
 - (i) a specified number of the car parking spaces in the parking space shortfall are to be dealt with by the payment in lieu of parking condition; and

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

- (ii) the remainder of the car parking spaces in the parking space shortfall are to be dealt with by the shared parking arrangement condition.
- (2) If the local government gives a notice of apportionment under subclause (1)(b), then —
 - (a) for the purpose of imposing the payment in lieu of parking condition in accordance with clause 77H, the parking space shortfall for the development is taken to be the number of car parking spaces specified in the notice under subclause (1)(b)(i); and
 - (b) for the purpose of imposing the shared parking arrangement condition in accordance with clause 77Q, the parking space shortfall for the development is taken to be the number of car parking spaces specified in the notice under subclause (1)(b)(ii).

Division 2 — Payment in lieu of provision of car parking spaces

77G. When payment in lieu of parking condition may be imposed

- (1) The local government must not impose a payment in lieu of parking condition on an approval of development under clause 68(2)(b) otherwise than in accordance with clause 77H.
- (2) The local government must not impose a payment in lieu of parking condition on an approval of development under clause 68(2)(b) in accordance with clause 77H unless a payment in lieu of parking plan that applies to the area in which the development is to be located is in effect under this Division.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 80

- (3) Despite subclause (2), during the period of 2 years commencing on the day on which the *Planning Regulations Amendment Regulations 2020* Part 2 Division 3 comes into operation —
- (a) the local government may under clause 68(2)(b) impose a payment in lieu of parking condition in accordance with clause 77H on an approval of development if there are interim parking provisions that apply to the area in which the development is to be located; and
 - (b) if the local government imposes a condition as referred to in paragraph (a) — the interim parking provisions are taken to be the relevant payment in lieu of parking plan for the development for the purposes of this Division.
- (4) In subclause (3) —
- interim parking provisions* means provisions of this Scheme, or of a local planning policy or local development plan, if the provisions —
- (a) are in effect immediately before the day on which the *Planning Regulations Amendment Regulations 2020* Part 2 Division 3 comes into operation; and
 - (b) deal with the imposition of payment in lieu of parking conditions; and
 - (c) set out —
 - (i) the area to which the provisions apply; and
 - (ii) the purposes for which money paid in accordance with a payment in lieu of parking condition imposed on an approval of development located in that area will be applied.

77H. Payment in lieu of parking condition

- (1) Subject to clause 77G, if the local government grants approval for development that does not satisfy an applicable

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

minimum on-site parking requirement, the local government may under clause 68(2)(b) impose a condition requiring the owner of the land on which the development is to be located to make a payment to the local government in lieu of satisfying the applicable minimum on-site parking requirement.

- (2) The maximum amount of the payment required under a condition referred to in subclause (1) is the amount calculated in accordance with the determination under subclause (4).
- (3) Subclause (2) does not prevent the local government from imposing a condition that requires a payment that is lower than the maximum amount referred to in that subclause.
- (4) The Commission must, by notice published in the *Gazette*, determine the method to be used to calculate a reasonable estimate of the costs to the local government of providing in the area to which the relevant payment in lieu of parking plan applies a number of car parking spaces equivalent to the parking space shortfall for the development.
- (5) A determination under subclause (4) may provide for different calculation methods that apply in different circumstances.
- (6) The Commission may revoke a determination under subclause (4) by a subsequent determination under that subclause.
- (7) A determination under subclause (4) may be combined in a single instrument with 1 or more other determinations of that kind issued under 1 or more other local planning schemes or all other local planning schemes.

77I. Application of money paid under payment in lieu of parking condition

- (1) All money received by the local government in accordance with a payment in lieu of parking condition imposed on an approval of development in accordance with clause 77H must be paid into a reserve account established under the

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 80

Local Government Act 1995 section 6.11 for the purposes set out in the relevant payment in lieu of parking plan for the development.

- (2) The money must be applied for the purposes set out in the relevant payment in lieu of parking plan.
- (3) If interest is earned from the investment of money held under subclause (1), that interest must be applied for the purposes set out in the relevant payment in lieu of parking plan.
- (4) Subclause (5) applies if —
 - (a) a person (the **relevant payer**) pays money to the local government in accordance with a payment in lieu of parking condition imposed in accordance with clause 77H; and
 - (b) at the end of the period of 10 years commencing on the day on which the local government receives the money, or a longer period approved by the Commission, either or both of the following applies —
 - (i) any of the money received has not been applied in accordance with subclause (2);
 - (ii) any interest earned from the investment of the money received has not been applied in accordance with subclause (3).
- (5) The local government must repay the money and interest referred to in subclause (4)(b)(i) and (ii) to the relevant payer.
- (6) The local government is not required to comply with subclause (5) if —
 - (a) after taking reasonable steps to find the relevant payer, the relevant payer cannot be found; or
 - (b) the relevant payer is a body corporate that has been dissolved.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

- (7) If subclause (6) applies, then despite subclauses (2) and (3), the money and interest referred to in subclause (4)(b)(i) and (ii) may be applied for any purpose that —
- (a) relates to the provision or maintenance of public parking infrastructure or other transport infrastructure (for example, public transport infrastructure or cycling or pedestrian paths) in the Scheme area; or
 - (b) is ancillary or incidental to purposes referred to in paragraph (a).

77J. Payment in lieu of parking plan

- (1) A *payment in lieu of parking plan* is a plan setting out the following —
- (a) the area to which the plan applies;
 - (b) the purposes for which money paid in accordance with any payment in lieu of parking condition imposed by the local government on an approval of development located in the area will be applied, which must —
 - (i) relate to the provision or maintenance of public parking infrastructure or other transport infrastructure (for example, public transport infrastructure or cycling or pedestrian paths) in the area to which the plan applies; or
 - (ii) be ancillary or incidental to purposes referred to in subparagraph (i);
 - (c) any other information required by the Commission.
- (2) The local government may —
- (a) prepare a payment in lieu of parking plan for any part of the Scheme area; or
 - (b) adopt a payment in lieu of parking plan prepared by an owner of land in the part of the Scheme area to which the plan would apply.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 80

- (3) A payment in lieu of parking plan must be prepared in the form approved by the Commission.

77K. Advertising payment in lieu of parking plan

- (1) If the local government resolves to prepare or adopt a payment in lieu of parking plan the local government must, unless the Commission otherwise agrees, advertise the proposed plan as follows —
- (a) publish in accordance with clause 87 the proposed plan and a notice giving details of —
 - (i) how the proposed plan is made available to the public in accordance with clause 87; and
 - (ii) the manner and form in which submissions may be made; and
 - (iii) the period for making submissions and the last day of that period;
 - (b) give notice of the proposed plan in any other way, and carry out any other consultation, that the local government considers appropriate.
- (2) The period for making submissions specified in a notice under subclause (1)(a)(iii) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).
- (3) After the expiry of the period within which submissions may be made, the local government must —
- (a) review the proposed payment in lieu of parking plan in the light of any submissions made; and
 - (b) resolve —
 - (i) to approve the plan without modification; or
 - (ii) to approve the plan with modifications; or
 - (iii) not to approve the plan.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

- (4) If the local government approves the payment in lieu of parking plan under subclause (3)(b)(i) or (ii), the local government must publish notice of the approval in accordance with clause 87.

77L. Publication of payment in lieu of parking plan

- (1) The local government must ensure that an up-to-date copy of each payment in lieu of parking plan in effect under this Scheme is published in accordance with clause 87.
- (2) Subclause (1) is an ongoing publication requirement for the purposes of clause 87(5)(a).

77M. Procedure for amending payment in lieu of parking plan

- (1) The procedures for making a payment in lieu of parking plan set out in clauses 77J to 77L, with any necessary changes, are to be followed in relation to an amendment to a payment in lieu of parking plan.
- (2) Despite subclause (1), the local government may approve an amendment to a payment in lieu of parking plan without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.
- (3) The amendment of a payment in lieu of parking plan does not extend the period for which the plan has effect under clause 77N.

77N. Duration of payment in lieu of parking plan

- (1) Unless sooner revoked, a payment in lieu of parking plan has effect for —
- (a) the period of 10 years commencing on the day after the day on which the local government first publishes notice of the approval of the plan under clause 77K(4); or
- (b) a longer period approved by the Commission.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 80

- (2) The Commission may approve a longer period under subclause (1)(b) in relation to a payment in lieu of parking plan either before or after the plan is approved by the local government.
- (3) A payment in lieu of parking plan may be revoked —
 - (a) by a subsequent payment in lieu of parking plan that expressly revokes the payment in lieu of parking plan; or
 - (b) by a notice of revocation —
 - (i) prepared by the local government; and
 - (ii) published by the local government in accordance with clause 87.

77O. Payment in lieu of parking plan ceasing to be in effect when money has not been applied

- (1) This clause applies if —
 - (a) a person (the *relevant payer*) pays money to the local government in accordance with a payment in lieu of parking condition imposed on an approval of development in accordance with clause 77H; and
 - (b) any of the money, or any interest earned from the investment of the money, has not been applied or repaid under clause 77I; and
 - (c) the relevant payment in lieu of parking plan (the *former plan*) that was in effect for the development ceases to have effect under clause 77N(1); and
 - (d) as a result of the cessation, there is no payment in lieu of parking plan in effect for the area in which the development is located.
- (2) During the period that applies under subclause (3), clause 77I applies as if the former plan continued to be the relevant payment in lieu of parking plan for the development.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

- (3) The period that applies for the purposes of subclause (2) is the period that —
- (a) commences on the day (***cessation day***) on which the former plan ceases to have effect; and
 - (b) ends —
 - (i) if a new payment in lieu of parking plan comes into effect for the area in which the development is located within the period of 2 years commencing on cessation day — when the new plan comes into effect; or
 - (ii) otherwise — at the end of the 2-year period commencing on cessation day.
- (4) If at the end of the 2-year period commencing on cessation day there is still no payment in lieu of parking plan in effect for the area in which the development is located, the local government must repay to the relevant payer any of the following that has not been applied or repaid under clause 77I before the end of that period —
- (a) money paid as referred to in subclause (1)(a);
 - (b) interest earned from the investment of that money.
- (5) Clause 77I(6) and (7) apply with any necessary changes to a requirement to repay money under subclause (4) as if it were a requirement under clause 77I(5).

Division 3 — Shared parking arrangements

77P. When shared parking arrangement condition may be imposed

The local government must not impose a shared parking arrangement condition on an approval of development under clause 68(2)(b) otherwise than in accordance with clause 77Q.

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 80

77Q. Shared parking arrangement condition

- (1) If the local government grants approval for development that does not comply with an applicable minimum on-site parking requirement, the local government may under clause 68(2)(b) impose a condition requiring the following —
 - (a) that the owner of the land on which the development is to be located must enter into an arrangement (the *shared parking arrangement*) with an owner of other land (the *shared site*) —
 - (i) that provides for a number of car parking spaces equivalent to the parking space shortfall for the development to be made available on the shared site for the purposes of the development; and
 - (ii) that meets any other requirements specified by the local government;
 - (b) that the owner must apply to the local government for approval of the shared parking arrangement under this clause;
 - (c) that the development must not commence unless the local government has approved the shared parking arrangement under this clause;
 - (d) that a shared parking arrangement approved by the local government must not be terminated or varied without the approval of the local government.
- (2) The local government must not impose a condition under subclause (1) unless the local government is satisfied that the owner of the shared site is prepared to enter into a shared parking arrangement that meets the requirements of the condition.
- (3) Without limiting subclause (1)(a)(ii), the requirements specified under that subclause may include requirements relating to the form and content of the arrangement.

Planning Regulations Amendment Regulations 2020
Planning and Development (Local Planning Schemes) **Part 2**
Regulations 2015 amended
Amendments commencing on 1 July 2021 **Division 3**
r. 80

- (4) An application for approval of a shared parking arrangement referred to in subclause (1)(b) must include the following —
 - (a) a copy of the shared parking arrangement;
 - (b) information about the matters referred to in subclause (6);
 - (c) a draft plan for the management of parking in relation to the development;
 - (d) any other information required by a relevant local planning policy.
- (5) If an application is made in accordance with subclause (4), the local government may approve or refuse to approve the shared parking arrangement.
- (6) In determining whether to approve the shared parking arrangement under subclause (5), the local government —
 - (a) may have regard to any relevant matters, including —
 - (i) whether the peak operation hours of the development will overlap with those of the shared site; and
 - (ii) whether the use of the car parking spaces to be made available on the shared site will impede the use of delivery or service areas on the shared site; and
 - (iii) any relevant local planning policy;and
 - (b) must not approve the shared parking arrangement unless the local government is satisfied that —
 - (i) adequate car parking is likely to be available at all times for both the proposed development and the shared site; and

Planning Regulations Amendment Regulations 2020

Part 2 Planning and Development (Local Planning Schemes)
Regulations 2015 amended

Division 3 Amendments commencing on 1 July 2021

r. 81

- (ii) the relationship between the proposed development and the shared site will be such that the shared car parking spaces are likely to be used by persons using the proposed development.

81. Schedule 2 clause 90 amended

After Schedule 2 clause 90(2) insert:

- (3) Part 9A does not apply in relation to development approval granted on an application made before the day on which the *Planning Regulations Amendment Regulations 2020* Part 2 Division 3 comes into operation.

Planning Regulations Amendment Regulations 2020

Planning and Development Regulations 2009 amended

Part 3

r. 82**Part 3 — *Planning and Development Regulations 2009*
amended****82. Regulations amended**

This Part amends the *Planning and Development Regulations 2009*.

83. Regulation 46 amended

- (1) In regulation 46 delete the definitions of:

activity centre plan

structure plan

- (2) In regulation 46 insert in alphabetical order:

structure plan —

- (a) has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 14; and
- (b) includes a plan taken to be a precinct structure plan or standard structure plan under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 92 (as that clause applies as part of local planning schemes).

84. Regulation 48 amended

In regulation 48(1)(b) and (c), (4), (8A) and (8)(a) and (b) delete “plan, activity centre plan or” (each occurrence) and insert:

plan or

Note: The heading to amended regulation 48 is to read:

Fees for scheme amendments, structure plans and local development plans

Planning Regulations Amendment Regulations 2020**Part 3** Planning and Development Regulations 2009 amended**r. 85**

85. Regulation 51 amended

In regulation 51(1)(b) delete “plan, activity centre plan or” and insert:

plan or

86. Schedule 2 amended

After Schedule 2 item 5A insert:

- 5B. Determining an application for advice \$295
made under the *Planning and Development
(Local Planning Schemes)
Regulations 2015* Sch. 2 cl. 61A (as that
clause applies as part of the local planning
scheme)

87. Schedule 4 heading amended

In the heading to Schedule 4 delete “**plans, activity centre plans**” and insert:

plans

88. Schedule 4 amended

In Schedule 4 in the Form:

- (a) in note 1 delete “plans, activity centre plans and” and insert:

plans and

Planning Regulations Amendment Regulations 2020

Planning and Development Regulations 2009 amended

Part 3

r. 88

(b) in note 2 delete “plan, activity centre plan or” and insert:

plan or

Planning Regulations Amendment Regulations 2020

Part 4 Planning and Development (Development Assessment Panels) Regulations 2011 amended

r. 89

Part 4 — *Planning and Development (Development Assessment Panels) Regulations 2011* amended

89. Regulations amended

This Part amends the *Planning and Development (Development Assessment Panels) Regulations 2011*.

90. Regulation 3 amended

After regulation 3(2) insert:

- (3) A reference in these regulations to an application being ***accepted for assessment*** is —
- (a) in relation to a DAP application made under a local planning scheme — a reference to the application being accepted for assessment under the local planning scheme; or
 - (b) in relation to a DAP application made under a planning instrument other than a local planning scheme — a reference to the application being made in accordance with the requirements of the planning instrument; or
 - (c) in relation to an application under regulation 17(1) — a reference to the application being made in accordance with the requirements of these regulations.

91. Regulation 9 amended

After regulation 9(a) insert:

- (aa) the provisions of a planning instrument as to acceptance of a development application for assessment and requesting further information

Planning Regulations Amendment Regulations 2020
Planning and Development (Development Assessment
Panels) Regulations 2011 amended **Part 4**

r. 92

or material in relation to a development
application; or

92. Regulation 11A deleted

Delete regulation 11A.

93. Regulation 11 amended

(1) In regulation 11(1):

- (a) delete “it receives a DAP application, give the administrative officer of the DAP that will determine the application” and insert:

it accepts a DAP application for assessment, give the administrative officer (the *relevant administrative officer*) of the DAP that will determine the application

- (b) delete paragraph (d) and insert:

- (d) a copy of any notice requiring the applicant to amend the application, or provide further information or material in relation to the application, given to the applicant before the application was accepted for assessment under the planning instrument (the *relevant planning instrument*) under which the application was made;
- (e) any further information or material given to the local government in response to a notice referred to in paragraph (d).

Planning Regulations Amendment Regulations 2020

Part 4 Planning and Development (Development Assessment Panels) Regulations 2011 amended

r. 93

- (2) Delete regulation 11(2) and insert:
- (2) If, after a DAP application is accepted for assessment, a local government gives the applicant a notice under the relevant planning instrument requesting that the applicant give further information or material to the local government and the applicant accepts the request, the local government must —
- (a) within 3 days after the date on which the request is accepted, give the relevant administrative officer —
 - (i) a copy of the notice of request; and
 - (ii) confirmation of the date on which the request was accepted;and
 - (b) within 7 days after the date on which the information or material (if any) is given to the local government in response to the request, give the relevant administrative officer —
 - (i) the information or material; and
 - (ii) confirmation of the date on which the information or material was given to the local government.
- (3) If, after a DAP application is accepted for assessment, the applicant gives the local government further information or material relevant to the application on the applicant's own initiative, the local government must give the further information or material to the relevant administrative officer within 7 days after the date on which it is given to the local government.

Planning Regulations Amendment Regulations 2020
Planning and Development (Development Assessment
Panels) Regulations 2011 amended **Part 4**

r. 94

94. Regulation 12 amended

- (1) In regulation 12(3):
 - (a) in paragraph (a) delete “was made; or” and insert:

was accepted for assessment; or
 - (b) in paragraph (b)(ii) delete “is made,” and insert:

was accepted for assessment,
 - (c) in paragraph (c) delete “was made.” and insert:

was accepted for assessment.
- (2) Delete regulation 12(4A) and insert:
 - (4A) In calculating the period within which the report on a DAP application must be given under subregulation (3), an excluded day or period is not to be counted.
 - (4B) For the purposes of subregulation (4A), an *excluded day or period* is a day or period that, under the planning instrument under which the DAP application is made, is not to be counted in determining when the application must be determined.

95. Regulation 16 amended

- (1) In regulation 16(1) delete “(2B)” and insert:
 - (2B)(b)

Planning Regulations Amendment Regulations 2020

Part 4 Planning and Development (Development Assessment Panels) Regulations 2011 amended

r. 96

(2) In regulation 16(2B):

- (a) delete “is made, the following periods are to be excluded in calculating the period between when the application is made” and insert:

is accepted for assessment, the following are to be excluded in calculating the period between when the application is accepted for assessment

- (b) delete regulation 16(2B)(a) and insert:

- (a) any excluded day or period as defined in regulation 12(4B);

(3) In regulation 16(2C) delete “calculating a period under subregulation (2B)(a) as to whether, or when, an applicant complied with a notice given under regulation 11A” and insert:

determining whether a day or period is an excluded day or period referred to in subregulation (2B)(a)

96. Regulation 16A inserted

After regulation 16 insert:

16A. Commencement of development under development approval by DAP

- (1) In this regulation —

substantially commenced has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1.

Planning Regulations Amendment Regulations 2020
Planning and Development (Development Assessment Panels) Regulations 2011 amended **Part 4**

r. 97

- (2) If development approval is granted by a DAP pursuant to a DAP application —
 - (a) the development must be substantially commenced within the period of 4 years beginning on the date on which the determination is made; and
 - (b) the approval lapses if the development has not substantially commenced within that period.
- (3) Subregulation (2) applies despite any provision of the planning instrument under which the DAP application is made.

97. Regulation 17 amended

- (1) In regulation 17(1)(a) delete “commenced;” and insert:

commenced under regulation 16A(2);
- (2) In regulation 17(2)(a) delete “commenced; and” and insert:

commenced under regulation 16A(2); and

98. Regulation 56 inserted

At the end of Part 6 insert:

56. Application of amendments made by *Planning Regulations Amendment Regulations 2020*

The amendments to these regulations made by the *Planning Regulations Amendment Regulations 2020*

Planning Regulations Amendment Regulations 2020

Part 4 Planning and Development (Development Assessment Panels) Regulations 2011 amended

r. 99

Part 4 do not apply to a DAP application made before the day on which that Part comes into operation.

99. Schedule 3 amended

- (1) In Schedule 3 Form 1 Part B after the row relating to “Statutory timeframe: (regulation 12)” insert:

Date application accepted for assessment	
---------------------------------------------------	--

- (2) In Schedule 3 Form 2 Part E after the row relating to “Planning scheme:” insert:

Date application accepted for assessment	
---------------------------------------------------	--

V. MOLAN, Clerk of the Executive Council.

3.3.2 Subdivision and development control

Delegator: <i>Power/Duty assigned in legislation to:</i>	Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2 – Part 10 - Clause 82(1) Delegations by local government
Express Power or Duty Delegated:	Town of Kwinana Town Planning Scheme No. 2 Town of Kwinana Town Planning Scheme No. 3 <i>Planning and Development Act 2005:</i> Part 7 Planning Control Areas Part 8 Improvement Plans and Schemes Part 13 Enforcement and Legal Proceedings <i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> r.61A Advice by local government that development approval not required for erection of, or alterations or additions to, single house
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: <ol style="list-style-type: none"> 1. Determine applications for Planning Approval in regards to development including change of use and variations to development standards; 2. Make objections or recommendations in respect of Subdivision Applications to the West Australian Planning Commission, including recommendations for the imposition of subdivision conditions; 3. Make recommendations for approval or refusal of development within Planning Control Areas; 4. Determine applications for variations to previously approved Planning Applications; and 5. Give a written direction in accordance with section 214 of the Planning and Development act 2005 to the owner or any other person undertaking a development. 6. Advise that development approval is not required for erection of, or alterations or additions to, single house
Council Conditions on this Delegation:	Conditions: <ol style="list-style-type: none"> 1. The authority is only to be exercised for those uses or other applications specified in: Table 1 - Use Classes; and Table 1A Use Classes for Other Applications. 2. May determine variations to Planning Applications including Planning Applications previously approved by resolution of Council, that are of a minor nature and if amended, would

	<p>not substantially change the development approved and for which no objection has been received during advertising (if applicable).</p> <p>3. Prosecutions The authority to proceed with any prosecution under the Planning and Development Act 2005 must be approved by the Chief Executive Officer prior to commencement.</p> <p>Exceptions: Excluding variations to Planning Applications as stated in Condition (2) above, this delegation does not include the following:</p> <ul style="list-style-type: none"> • The acceptance of mediated outcomes or determinations of s.31 reconsiderations for appeals lodged with the State Administrative Tribunal • Local Development Plans (except for a 12 month period from 11 November 2020 to 11 November 2021 where the delegation for determination will rest with the CEO). Elected Members are to be consulted regarding significant Local Development Plans. • Local Planning Policies including amendments • Major development within the Town Centre
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

**Note: Any changes to the above delegation requires a resolution of absolute majority of Council*

<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p>Coordinator Statutory Planning Director City Development and Sustainability Manager Planning and Development Senior Statutory Planning Officer</p>
<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>1. The authority is only to be exercised for those uses or other applications specified in: Table 1 - Use Classes; and Table 1A Use Classes for Other Applications.</p> <p>2. May determine variations to Planning Applications including Planning Applications previously approved by resolution of Council, that are of a minor nature and if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable).</p> <p>Any variation to a planning approval for which a prior resolution by Council applies, must be preceded by a memo to Council prior to any determination being made.</p> <p>3. Prosecutions</p>

	<p>The authority to proceed with any prosecution under the Planning and Development Act 2005 must be approved by the Chief Executive Officer prior to commencement.</p> <p>4. In relation to the exercise of delegation under the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2: Part 4 – Clause 18; Part 5 – Clause 34; and Part 6 – Clause 50.</p> <p>Council must be notified of the advertising of the application in the form of a memorandum prior to the commencement of advertising.</p> <p>Exceptions: Excluding variations to Planning Applications as stated in Condition (2) above, this delegation does not include the following:</p> <ul style="list-style-type: none"> • The acceptance of mediated outcomes or determinations of s.31 reconsiderations for appeals lodged with the State Administrative Tribunal • Local Development Plans (except for a 12 month period from 11 November 2020 to 11 November 2021 where the delegation for determination will rest with the Director of Development and Sustainability). Elected Members are to be consulted regarding significant Local Development Plans. • Local Planning Policies including amendments • Major development within the Town Centre <p>The exercise of the delegated power does not include the power of delegation.</p>
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Compliance Links:	<p><u>City of Kwinana Policies</u></p> <ul style="list-style-type: none"> • Advertising 'SA' and City Planning Scheme Amendment • Ancillary Accommodation • Compliance with Conditions of Planning Approval • Design Guidelines for Medium Density Development • Development within Cockburn Sound Catchment • Development within Special Rural Zones • Development within the Industrial Zones • Development within the Special Residential Zones • Latitude 32 Redevelopment Area Development Control • Referral for Proposals to Adjoining Local Authorities • Referral of Various Development Application to WA Planning Commission and Dept of Environment, Water and Catchment Protection • Residential Development • Standard Conditions for Subdivisions • Standard Conditions for Planning Approval
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	<ul style="list-style-type: none"> • Strata Titles • Telecommunications Installation • Special Residential and Special Rural Zone • Street Naming
Record Keeping:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register. 2. In relation to Condition (2) above, any variation to a planning approval for which a prior resolution by Council applies, must be preceded by a memo to Council prior to any determination being made. 3. Local Development Plans (except for a 12 month period from 11 November 2020 to 11 November 2021 where the delegation for determination will rest with the Director of Development and Sustainability). Elected Members are to be consulted regarding significant Local Development Plans.

Table 1. – Use classes

Use Class	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	Comments
Aged/Dependent Persons Dwelling	D	D					D					D	
Ancillary Accommodation	D						D		D	D		D	Provided Compliance With LPP 3.3.30
Amenity Building	D	D	D	D	D	D	D	D				D	
Amusement Centre		D	D	D			D					D	
Aqua Culture							D						
Boat Sales			D	D	D	D							
Boatrel					D	D							
Bus Station					D								
Car Park	D	D	D		D	D	D	D				D	
Caravan park						D	D	D					
Caretakers House/Flat	D	D	D	D	D	D	D	D					Where Incidental to Existing Use
Chicken farm							D						
Child Care Centre	D	D										D	
Civic Building		D	D	D		D						D	
Club		D	D									D	
Commercial Hall		D	D	D								D	
Consultation Rooms		D	D			D						D	
Dog Kennels						D	D						
Drive-in Takeaway Food Shop		D				D						D	
Drive-In Theatre						D						D	
Dry Cleaning Premises		D	D	D		D							
Eating House	D	D	D		D	D						D	Where no objection received during advertising

Use Class	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	Comments
Educational Establishment	D	D			D	D	D					D	
Equestrian uses							D			D			Provided No Clearing of vegetation is required Outside Building Envelopes and consistent with scheme TPS 2
Extractive Industry					D	D	D	D					
Factory Units				D	D	D							
Family Day Care centre	D	D	D		D	D	D	D				D	
Fish Shop		D	D									D	
Forestry (selective)							D	D					
Fuel Depot			D		D	D		D					
Funeral parlour		D	D	D	D	D	D					D	
General Industry					D			D					
Grouped Dwelling	D	D											
Hazardous Industry					D								Where no objection received during advertising
Health Centre		D	D		D	D							
Health Studio	D	D	D		D	D						D	
Holiday Accommodation				D		D	D	D					
Home Occupation	D	D					D		D	D		D	
Hospital	D	D	D	D		D	D	D				D	Where no objection received during advertising

ATTACHMENT B

Use Class	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	Comments
Hotel		D		D								D	Where no objection received during advertising
Intensive Agriculture							D						
Laundry (Industrial)			D	D	D	D							
Laundrette		D	D	D		D						D	
Licensed Restaurant	D	D	D			D						D	Where no objection received during advertising
Light Industry					D	D		D					
Liquor Sore		D	D	D								D	
Local Shop	D	D	D	D	D	D	D					D	Where no objection received during advertising
Lodging House	D	D				D						D	
Marina					D	D							
Medical Clinic	D	D	D	D		D	D					D	Where no objection received during advertising
Motel	D	D	D	D									Where no objection received during advertising
Motor Racing Track			D		D		D						
Motor Repair Station		D	D		D	D						D	
Multiple Dwelling	D	D										D	
Museum	D	D	D									D	

ATTACHMENT B

Use Class	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	Comments
Non-residential Health Centre	D	D	D	D	D	D						D	Where no objection received during advertising
Noxious Industry					D								Where no objection received during advertising
Office		D	D	D	D	D						D	
Open Air Display		D	D	D	D	D						D	
Open Air Storage Yard				D	D	D							
Petrol Filling Station		D	D	D	D	D		D				D	
Piggery					D		D						Where no objection received during advertising
Private Hotel		D	D	D								D	
Private Recreation		D	D	D		D	D					D	
Private Utility	D	D	D	D	D	D	D	D				D	
Professional Office		D	D	D								D	
Public Amusement	D	D	D	D			D	D				D	Where no objection received during advertising
Public Assembly – Place of	D	D	D	D	D	D	D					D	Where no objection received during advertising
Public Recreation	D	D	D	D	D	D	D	D				D	
Public Utility	D	D	D	D	D	D	D	D	D	D	D	D	

Use Class	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	Comments
Public Worship	D	D	D	D	D	D	D	D				D	Where no objection received during advertising
Recreation facilities	D	D	D	D	D	D	D	D				D	
Residential Building	D						D		D	D		D	
Restricted Premises		D	D	D		D						D	Where no objection received during advertising
Retail Plant Nurseries		D	D	D		D	D						Where no objection received during advertising
Rural Industry					D	D	D	D					
Rural Produce Stall							D						
Service Industry		D	D	D	D	D						D	Where no objection received during advertising
Service Station		D	D	D	D	D						D	
Shop		D		D								D	
Showroom,		D	D	D	D	D						D	
Single House	D	D	D		D	D	D		D	D	D	D	
Stables							D	D		D			
Tailing Ponds								D					
Tavern		D	D	D								D	
Telecommunication Infrastructure	D	D	D	D	D	D	D	D				D	Where no objection received during advertising
Trade Display		D	D	D	D	D						D	

ATTACHMENT B

Use Class	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	Comments
Transport Depot				D	D	D		D					
Vehicles Sales		D	D	D		D						D	
Vehicle Wreckers					D	D							
Veterinary Clinic	D	D	D	D	D	D	D					D	Where no objection received during advertising
Veterinary Hospital			D	D	D	D	D					D	
Warehouse		D	D	D	D	D						D	

Table 1A - Use classes for other applications

Use Class	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	Comments
Other Applications													
Amalgamation	D	D	D	D	D	D	D	D	D	D	D	D	
Antennae (attached to building <5m height)	D	D	D	D	D	D	D	D	D	D	D	D	
Building Envelope Variations									D	D			In accordance with TPS No. 2
Deemed to comply check	D	D	D	D			D	D	D	D	D	D	
Satellite Dishes	D	D	D		D	D	D	D	D	D	D	D	In accordance with TPS No.2
Second Storey Addition	D						D		D	D			
Setback Variation		D	D		D	D						D	
Signs	D	D	D	D	D	D	D	D	D	D		D	Provided compliance with Local Law
Subdivision (Freehold/Strata)	D	D	D	D	D	D	D	D	D	D		D	
Vegetation removal (Diseased or Dangerous)							D		D	D			
Verandahs (within road reserves)		D										D	

19 Notices of motions of which previous notice has been given

Nil

20 Notices of motions for consideration at the following meeting if given during the meeting

Nil

21 Late and urgent Business

COUNCIL DECISION

357

MOVED CR P FEASEY

SECONDED CR W COOPER

That Council deal with the item of urgent business as presented in the Addendum to the Agenda.

**CARRIED
8/0**

21.1 Donation to the Lord Mayor's Distress Relief Fund - Wooroloo and Hills Bushfire 2021

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

The Lord Mayor's Distress Relief Fund (LMDRF) was established in 1961, in conjunction with the State Government to provide financial assistance to individuals for the alleviation and relief of distress, suffering and personal hardships, brought about by any disaster or emergency within Western Australia declared by the Western Australian Government or for which the LMDRF Board considers assistance is warranted.

The Wooroloo bushfire was reported on Monday, 1 February 2021, the bushfire has brought devastating outcomes with thousands hectares having been burnt and many homes being destroyed. The bushfire has been difficult to contain due to the difficult weather conditions.

An appeal for the Wooroloo and Hills Bushfire has been launched and City Officers recommend a donation to the LMDRF be made towards the disaster relief effort underway.

As a result of the donation a budget variation is required to the City's current 2020/2021 Budget to transfer the required funds from Community Services and Emergency Relief Reserve.

OFFICER RECOMMENDATION:

That Council:

1. Approves the donation of \$2,500 to the Wooroloo and Hills Bushfire 2021 Appeal through the Lord Mayor's Distress Relief Fund (LMDRF) to assist the residents affected by the fires.

21.1 DONATION TO THE LORD MAYOR'S DISTRESS RELIEF FUND - WOOROLOO AND HILLS BUSHFIRE 2021

2. Approves the required budget variations to the Current Budget for 2020/2021 as follows:

ITEM #	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	Operating Expense – Other Welfare – Sundry Donations	Nil	(2,500)	(2,500)
	Reserve Transfer - Community Services & Emergency Relief Reserve	Nil	2,500	2,500

A variation to the budget is required to transfer the required funds from Community Services and Emergency Relief Reserve to make this donation.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

The appeal has been set up through the LMDRF, this fund provides relief for personal hardship and distress arising from natural disasters occurring within Western Australia and has been activated on this occasion to coordinate donations to support victims of the bushfires.

This extreme fire event has caused massive devastation with residents being evacuated, left hundreds of homes and businesses without power, homes and bushland destroyed as well as the loss of natural wildlife

It is recommended that the City donates \$2,500 towards the Wooroloo and Hills Bushfire Appeal through the Lord Mayor's Distress Relief Fund.

LEGAL/POLICY IMPLICATIONS:

City of Kwinana Community Funding Policy

5.2.3 Emergency Relief Reserve Fund

Council by resolution may consider making a donation to disaster relief appeals upon being given approval by the Ministerial body at the time. Such donations are to be drawn from the Emergency Relief Reserve Fund.

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.*

21.1 DONATION TO THE LORD MAYOR'S DISTRESS RELIEF FUND - WOOROLOO AND HILLS BUSHFIRE 2021**FINANCIAL/BUDGET IMPLICATIONS:**

The Council donation of \$2,500 to the Wooroloo and Hills Bushfire 2021 Appeal through the Lord Mayor's Distress Relief Fund (LMDRF) is proposed to be funded from the Community Services and Emergency Relief Reserve. A Budget Variation is required to transfer the required funds from Community Services and Emergency Relief Reserve to make this donation.

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:

There are no strategic/social implications as a result of this proposal.

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

PUBLIC HEALTH IMPLICATIONS:

The recommendation has the potential to assist with the recovery effort of those affected individuals and communities in the fire affected areas.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	The City is not seen as assisting with the disaster relief effort.
Risk Theme	Inadequate engagement practices
Risk Effect/Impact	Reputation
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Unlikely

21.1 DONATION TO THE LORD MAYOR'S DISTRESS RELIEF FUND - WOOROLOO AND HILLS BUSHFIRE 2021

Rating (before treatment)	Low
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Donate to the Lord Mayor's Distress Relief Fund.
Rating (after treatment)	Low

Risk Event	The City does not manage its finances adequately and allows budget expenditure to exceed allocation and the City then finds itself unable to fund its services that have been approved through the budget process
Risk Theme	Failure to fulfil statutory regulations or compliance Providing inaccurate advice/information
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Major
Likelihood	Rare
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate risk)
Response to risk treatment required/in place	Submit budget variation requests to Council as they arise, identifying financial implications and ensuring there is nil effect on the budget adopted
Rating (after treatment)	Low

LOST MOTION

MOVED CR C ADAMS

SECONDED CR S LEE

That Council:

- Approves the donation of \$2,500 to the Wooroloo and Hills Bushfire 2021 Appeal through the Lord Mayor's Distress Relief Fund (LMDRF) to assist the residents affected by the fires.
- Approves the required budget variations to the Current Budget for 2020/2021 as follows:

ITEM #	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	Operating Expense – Other Welfare – Sundry Donations	Nil	(2,500)	(2,500)
	Reserve Transfer - Community Services & Emergency Relief Reserve	Nil	2,500	2,500

A variation to the budget is required to transfer the required funds from Community Services and Emergency Relief Reserve to make this donation.

LOST
3/5

21.1 DONATION TO THE LORD MAYOR'S DISTRESS RELIEF FUND - WOOROLOO AND HILLS BUSHFIRE 2021

COUNCIL DECISION

358

MOVED CR W COOPER

SECONDED CR S WOOD

That Council:

- 1. Approves the donation of \$5,000 to the Wooroloo and Hills Bushfire 2021 Appeal through the Lord Mayor's Distress Relief Fund (LMDRF) to assist the residents affected by the fires.**
- 2. Approves the required budget variations to the Current Budget for 2020/2021 as follows:**

ITEM #	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	Operating Expense – Other Welfare – Sundry Donations	Nil	(5,000)	(5,000)
	Reserve Transfer - Community Services & Emergency Relief Reserve	Nil	5,000	5,000
	A variation to the budget is required to transfer the required funds from Community Services and Emergency Relief Reserve to make this donation.			

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL
7/1

NOTE – That Council amended the Officer Recommendation to increase the donation and required budget variation amount as they believed \$5,00 was a small amount and the right thing to do.

22 Reports of Elected Members

22.1 Councillor Wendy Cooper

Councillor Wendy Cooper reported that she had attended a Joint Development Application Panel (JDAP) hearing at the City of Cockburn on behalf of Councillor Matthew Rowse.

Councillor Cooper advised that she had attended the opening of an art exhibition at Koorliny Arts Centre.

Councillor Cooper mentioned that she had participated in a community painting for a blank wall near the train station in Wellard, which was a very festive event.

22.2 Councillor Sandra Lee

Councillor Sandra Lee reported that she had attended the Beeliar Regional Park Community Advisory Committee Meeting where Cat Local Laws and turtle preservation were discussed. There has been a fauna relocation of quendas and reptiles from Mandogalup when clearing for a residential development site occurred to Clementi Road Reserve last November, monitoring is ongoing.

Councillor Lee advised that she had attended the Freedom Arts Exhibition launch which was held at the Koorliny Arts Centre. Councillor Lee stated that the artworks were of a very high quality.

22.3 Councillor Sherilyn Wood

Councillor Sherilyn Wood reported that she had attended the Kwinana Citizens Advice Bureau Committee Meeting and that there will be virtual and in-house Lawyers available for the community.

23 Answers to questions which were taken on notice

Nil

24 Mayoral Announcements

Mayor Carol Adams reported that she had participated in a media event regarding the Chinese New Year Greeting Message.

The Mayor advised that she had attended the Mandogalup Fire Station Meeting with Madeleine King MP, Member for Brand and a brief tour of recent fire affected area of Casuarina.

24 MAYORAL ANNOUNCEMENTS

The Mayor mentioned that she had attended the following events or undertaken the following commitments:

- Quarterly meeting with District Police Superintendent John Leembrugen. Issues discussed included recent police statistics for the Kwinana area and spate of unauthorised trail bike usage.
- Attended the Kwinana Citizens Advice Bureau Committee Meeting.
- Attended the Perth Bala Murugan Temple in Mandogalup for its “*Thai Poosam Festival*”. Every year Hindu Temples undertake this rituals that is believed to be a sacred Hindu festival to celebrate and commemorate the triumph of good and evil
- Attended the Metropolitan Outer Metropolitan Joint Development Assessment Panel meeting where the upgrades to the Casuarina Prison were approved.
- Participated via electronic zoom in the Metropolitan Outer Metropolitan Joint Development Assessment Panel meeting. The item related to Lot 3 (101) Johnson Road, Bertram.
- Attended the Freedom Arts Exhibition at the Koorliny Art Centre which was officially opened by Roger Cook MLA, Member for Kwinana.
- Participated via electronic Teams meeting and in – person Elected Members Briefing Sessions held on 1 February 2021 and 8 February 2021.
- Participated via electronic Teams meeting in a discussion with several local small business owners and our Economic Development Team.
- Attended the Perth Motorplex event sponsored by the City of Kwinana. A very exciting event with the City receiving many thanks for their sponsorship. Congratulations to Jason Kendrick for his win.

25 Confidential items

Nil

26 Close of meeting

The Mayor declared the meeting closed at 5:50pm.