



Ordinary Council Meeting

Minutes

Tuesday 22 October 2024



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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7pm and welcomed members of the public present in the public gallery, Councillors and staff.

1.1 DISCLAIMER

The Mayor read aloud the following statement:

Members of the public are cautioned against taking any action on Council decisions, on items in which they may have an interest, until such time as they have seen a copy of the Minutes of the meeting or have been advised in writing by City staff.

1.2 RECORDING OF COUNCIL MEETINGS

Please take notice that all Council Meetings are digitally recorded, with the exception of Confidential Agenda Items (in accordance with Section 5.23(2) of the Local Government Act 1995) during which time recording will cease.

Following publication and distribution of the meeting minutes to Elected Members the digital recording will be available on the City's website.

For further information please contact the Business Services Support Officer on 9397 3046.

I _____ (THE PRESIDING MEMBER) CERTIFY THAT
THESE MINUTES WERE CONFIRMED BY THE COUNCIL OF THE CITY OF GOSNELLS ON
12 NOVEMBER 2024.

13.2.5 PROPOSED AMENDMENT TO SOUTHERN RIVER PRECINCT 3E LOCAL STRUCTURE PLAN

Director:	Chris Terelinck
Author's Declaration of Interest:	Nil
Property Number:	206597, 321143
Application No:	PF22/00015
Applicant:	Taylor Burrell Barnett
Owner:	Carmelo Ridici, Rosina Ridici and LWP Southern River Pty Ltd
Location:	66 (Lot 18) Matison Street and Lot 9012 Southern River Road, Southern River
MRS Zoning:	Urban
TPS No. 6 Zoning:	Residential Development
Review Rights:	Yes. State Administrative Tribunal against any discretionary decision of Council.
Area:	25.77ha
Previous Ref:	
Appendix:	1. Approved Structure Plan [13.2.5.1 - 1 page] 2. Proposed Amended Structure Plan [13.2.5.2 - 1 page] 3. Schedule of Submissions [13.2.5.3 - 3 pages] 4. Kennel Buffer Comparison Plan [13.2.5.4 - 1 page]

PURPOSE OF REPORT

For Council to consider endorsing a proposed amendment to the Southern River Precinct 3E Structure Plan.

BACKGROUND**Site Description and Planning Framework**

The Southern River Precinct 3E Structure Plan was originally approved by the Western Australian Planning Commission (WAPC) in May 2017 and was subsequently amended in April 2020. The current approved Structure Plan is contained as Appendix 1 of this report.

The Structure Plan covers 25.7781ha of land bound by Southern River Road, Evandra Road (formerly Lander Street), Matison Street and the Balannup Drain. The Structure Plan provides a framework to guide subdivision and development in the precinct.

Southern River Road is reserved as an Other Regional Road under the Metropolitan Region Scheme (MRS) and the land within the Structure Plan area is zoned Residential Development under Town Planning Scheme No. 6 (TPS 6). The existing approved Structure Plan provides for areas of Residential designated land, Public Open Space (POS) and an area subject to further planning. The area of land identified for further planning is constrained by the potential for noise impacts from the nearby Kennels zone.

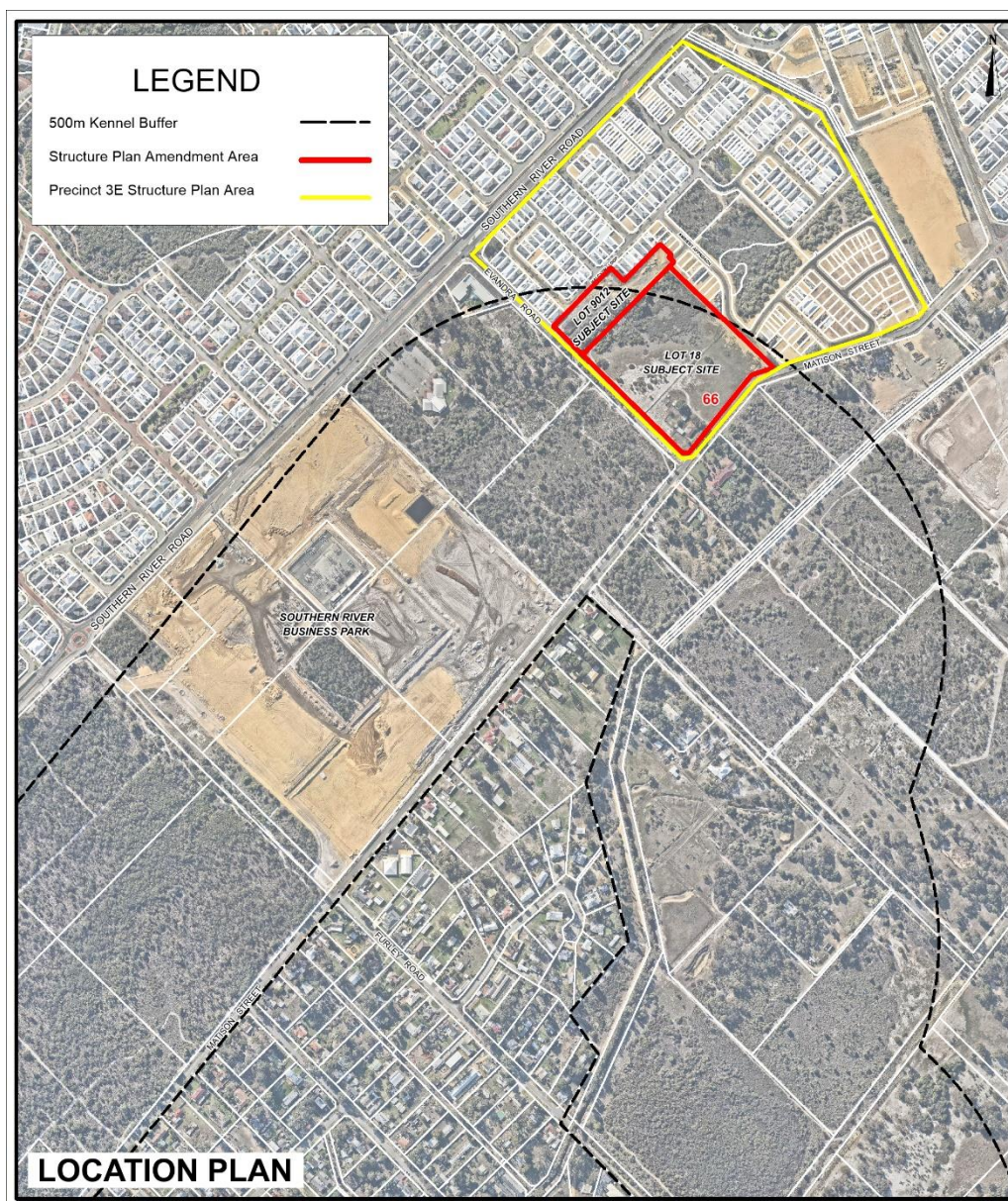
In 2001, the WAPC prepared the Southern River, Forrestdale, Brookdale, Wungong District Structure Plan. The district structure plan was prepared to provide a high-level structure plan to guide the urbanisation and development of the Southern River, Forrestdale, Brookdale and Wungong areas. Through the preparation of this plan, the EPA identified that noise impacts associated with the Kennels zone were experienced within 500m to 1,000m from kennel properties.

As such the district structure plan established a generic 500m noise buffer zone to the Southern River Kennels zone and excluded residential development from occurring within the buffer unless site specific acoustic assessments could demonstrate that an acceptable noise impact is achievable.

The current approved Structure Plan identified the noise impacts associated with the Kennels zone to the south of the subject land and this resulted in the need to provide an alternative land use outcome for the portion of the site located within the 500m Kennels zone noise buffer. As such the Structure Plan was adopted with this area noted as 'Subject to Further Planning'. The Structure Plan requires that development within this area needs to address noise emissions associated with the Kennels zone through a development application or Structure Plan amendment.

To date, most of the Structure Plan area has been subdivided and developed except for the area noted as 'Subject to Further Planning' which is the subject of this proposed amendment.

A plan identifying the subject site follows.



Proposal

The proposed amendment to the Southern River Precinct 3E Structure Plan involves the following:

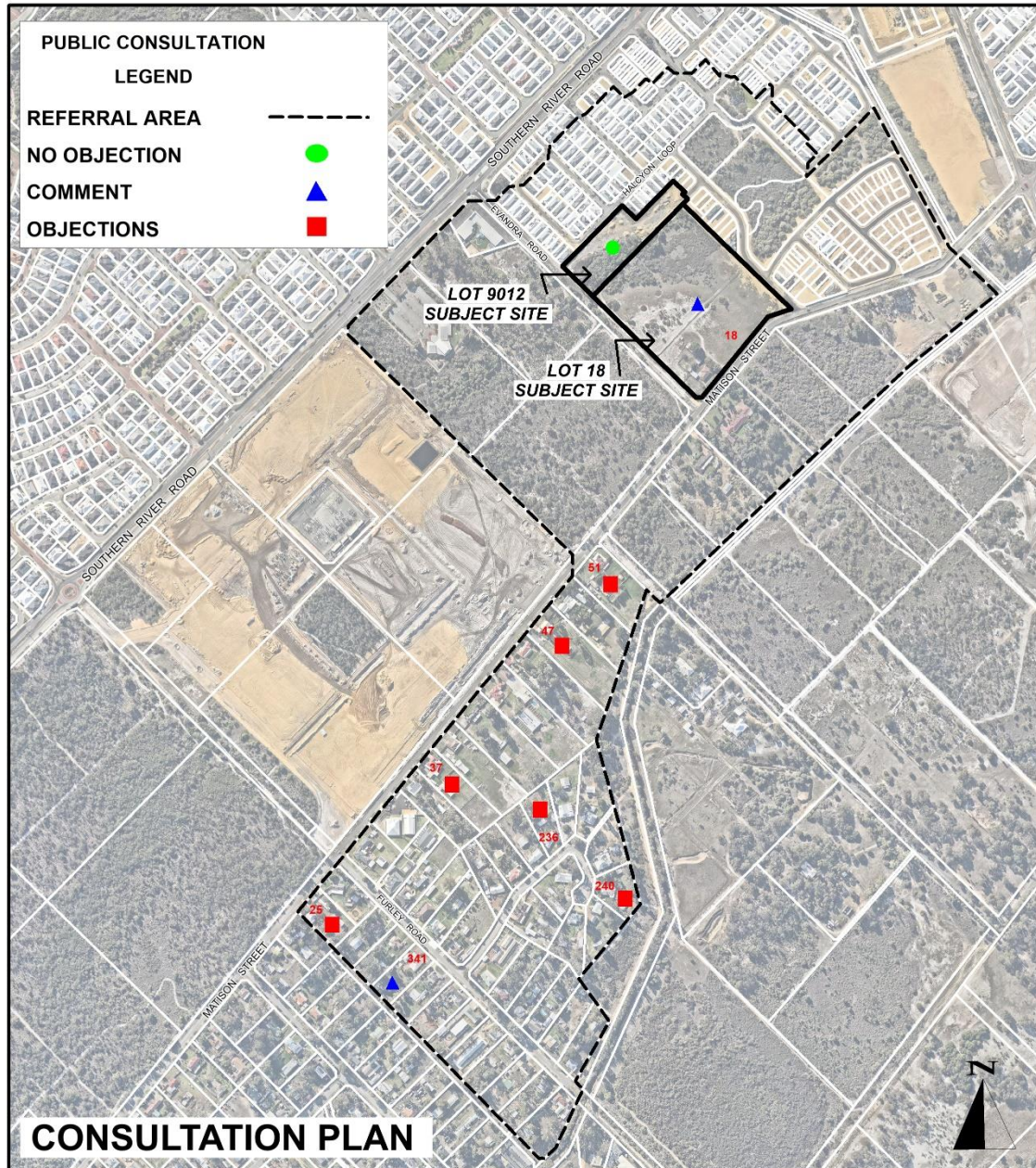
- Zoning the land previously identified as 'Subject to Further Planning' to 'Residential R25 – R40', Local Centre and Public Open Space, with a proposed street block layout.
- Updating zones and roads which have been created following subdivision approval.
- Relocation of the Local Centre to the intersection of Matison Street and Evandra Road.
- Relocation of Public Open Space (POS) adjacent to Matison Street.

A copy of the proposed amended Structure Plan is contained as Appendix 2 of this report.

Consultation

In accordance with Clause 18 of Schedule 2 - Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal was advertised for a period of 42 days from 21 April 2023 to 2 June 2023, by way of letters to surrounding landowners and relevant Authorities. Additionally, the amendment was available for public viewing on the City's Your Say website.

The City received 13 submissions from landowners and consultants during the advertising period, and three submissions from government agencies and service providers. Of the landowner submissions received, 10 objected to the proposal, two provided comments, and one provided support. It should be noted that three submitters requested to remain anonymous, and one objector was located outside of the advertising radius. A map identifying the extent of the consultation area and the origin of the submissions which did not request anonymity follows.



A summary of submissions received, and comments thereon are included in Appendix 3 of this report. The main issues raised in the submissions relate to:

- Noise impacts from the Kennels zone negatively impacting the proposed residential area;
- Inadequacies in the noise modelling provided to support the amendment;
- The proposed Residential zone will negatively impact the development and operation of kennels within the Kennels zone;
- Encroachment of residential development within the 500m kennel buffer will set precedent for further development in the future.

These issues are discussed in the following sections, along with any other applicable technical matters.

DISCUSSION

The Southern River Precinct 3E Structure Plan was approved by the Western Australian Planning Commission (WAPC) in May 2017 and the subject sites were identified on the plan as 'Subject to Further Planning'. In accordance with Clause 5.4.1(a) of the approved Structure Plan, any development within the area identified as 'Subject to Further Planning' requires an amendment to the Structure Plan and should address as a minimum:

- i. The allocation of zoning and land use planning controls to restrict noise sensitive development within the designated 500 metre Kennels zone buffer;
- ii. Where modification to the kennel buffer alignment is proposed to allow noise sensitive development within 500 metres of the Kennels zone, a noise assessment as endorsed by the Department of Water and Environmental Regulation and the City of Gosnells is to be submitted which demonstrates that noise can be maintained within the assigned levels of the *Environment Protection (Noise) Regulations 1997*;
- iii. The coordination of roads and access to be supported by a transport impact assessment if deemed necessary;
- iv. Dependent upon the nature of zoning / land uses, the need to contribute towards open space;
- v. An appropriate transition between the proposed development and adjoining residential sites;
- vi. Other relevant matters deemed necessary by the local government and WAPC.

Kennels Zone Buffer

The approved Structure Plan identified the noise impacts associated with the Kennels zone and resulted in a 'Subject to Further Planning' classification being applied to the portion of the subject land located within 500m of the Kennels zone. This amendment proposes to remove the 'Subject to Further Planning' classification and apply a Residential R25 – R40 coding, Local Centre zoning and Public Open Space reservation to the subject land.

The applicant provided an Acoustic Assessment prepared by Herring Storer Acoustics to support the proposed Structure Plan amendment. The acoustic assessment included noise data obtained from the subject site in August 2018, and noise modelling data obtained in April 2021 from dog kennels located within the City of Cockburn. The resultant noise modelling demonstrated that noise generated from the Kennels area could comply with the regulatory limits specified under the *Environmental Protection (Noise) Regulations 1997* at all times and would not cause a nuisance to residential development.

During the public consultation period in April 2023, the acoustic report was assessed by the Department of Water and Environmental Regulation (DWER). DWER did not support the noise modelling and concluded that noise levels would be unsatisfactory. In addition, 10 submissions received during the consultation period also raised similar concern. Subsequently, the applicant advised that the acoustic assessment would be reviewed taking into consideration the DWER comments and the nature of objections received from submitters.

In March 2024, the applicant provided an updated acoustic assessment and technical note. The updated acoustic assessment measured the current noise levels at the boundary of the subject land and dog barking and other noise was found to be at 35dB(A) for the most critical period (night). Importantly, the updated acoustic assessment demonstrates that the current noise levels of 35dB(A) are below the permissible 39dB(A) maximum noise level for night time periods. The updated acoustic assessment concluded that based on the analysis of the current monitored levels, noise received at the subject land, inclusive of noise generated by barking dogs, complies with the regulations for all hours.

Previous advice from DWER and submissions received in 2023 commented that the acoustic assessment did not factor in any growth or changes to developments within the Kennels zone.

The March 2024 updated acoustic assessment therefore included a possible scenario which included a predictive noise model of all Kennel properties located north of Furley Road operating at full capacity, with dogs located in outside exercise areas. In this predictive model, it was assumed that these kennel properties would have 10 large breed dogs, barking simultaneously, in open yards at all hours of the day, including night time periods. The modelling indicates that compliance with the noise regulations for daytime hours is achieved but the scenario could result in exceedances of up to 10dB(A) during night time periods. The updated acoustic assessment highlights that:

- The closest residential premises would be located 300m from the nearest Kennels zoned property, and only four Kennels zoned lots (Lots 22, 23, 24 & 25 Matison Street) are within 500m of the subject land (refer to Appendix 4 of this report).
- The predicted scenario modelling assumes 10 large dogs at each of the 37 kennel properties located north of Furley Road all barking simultaneously. The likelihood of these assumptions occurring is considered remote as this would require 370 dogs to be barking on these properties simultaneously during night time periods.
- Most of the Kennels zone is not affected by this proposal and is outside the 500m generic acoustic buffer.
- Development of the Southern River Business Park, which is non-residential development within the 500m kennel buffer, has commenced and will provide noise attenuation in the form of buildings acting as acoustic barriers to the proposed Structure Plan amendment area. The Business Park may include showrooms/warehouses that have the ability to ameliorate noise based on bulk and scale and the current position/orientation between the Kennels zone and the subject land.

To address the predicted future noise levels and possible 10dB(A) exceedances, the applicant has proposed mitigation measures which will ameliorate night time noise to acceptable levels, within the proposed residential area and includes:

- Construction of a 2.4m high masonry noise wall along the boundary of the residential area and Evandra Road, and Local Centre lot;
- Requirement for Quiet House Design Packages for dwellings within the 300m to 500m buffer area to mitigate internal noise levels; and
- Notifications on titles of lots within the 300m to 500m buffer area advising of potential noise associated with barking dogs.

In July 2024, DWER concluded that the modelled noise levels are worst-case and potentially overpredicting. DWER noted that a noise barrier on the southern boundary of the development site would be effective in reducing the noise from the dog kennels. which may be able to reduce the required buffer distance from 500m to 300m on the subject land. DWER also noted:

- The modelled noise reduction due to barriers is contingent on the barriers being present before the residential buildings are constructed.
- The noise reductions due to barriers is only relevant to single storey receivers, further acoustic assessments will be required should residential buildings with second storeys be proposed within the development site.
- Given the predicted noise levels associated with the kennels, an appropriate acoustic barrier should be provided to lots abutting Matison Street.
- It is unclear if the Quiet House design packages, deemed appropriate for quasi-continuous traffic noise provides sufficient attenuation for other noise sources (such as dog barking).

In summary, the amended acoustic assessment and DWER assessment support the buffer reduction to 300m for the following reasons:

- The current noise levels for the subject land indicates compliance with the Noise Regulations is achieved at all times;
- Predictive noise modelling indicates that under worst case conditions properties within the 500m buffer may experience up to a 10dB(A) exceedance during night time periods which is proposed to be mitigated by the inclusion of quiet house design packages and construction of a 2.4m high noise wall to Evandra Road;
- To achieve exceedance of the maximum permitted assigned night time noise levels, a total of 370 dogs would need to be barking simultaneously in an open yard environment. This is considered unlikely due to a large proportion of kennel operators sheltering dogs during the night;
- The amended acoustic modelling and reduction in the buffer to 300m does not present any restrictions to the use of the Kennels zone.

The City agrees with this reasoning. However, as a result of the updated acoustic assessment, there are minor modifications required to the structure plan text to ensure the outcomes of the noise modelling are included. It will therefore be recommended that prior to the draft Structure Plan being approved by the WAPC, Clause 5.1.2 of Part 1 of the Structure Plan text be modified to include reference to the inclusion of quiet house design packages in accordance with the acoustic assessment (Modification 1). Additionally, modifications to Clause 5.2.2(b) are proposed to include the requirement for a noise wall adjacent to the residential properties facing Matison Street in accordance with DWER comments (Modification 2).

Proposed Zoning and Reservation

Residential Density

The approved Structure Plan contains a range of residential densities, as follows:

- Residential R25 provided as a base density code;
- Medium densities of up to Residential R40 provided in areas of high amenity including within 800m of activity centres, around areas of Public Open Space and adjacent to neighbourhood connector roads; and
- A small distribution of R40-R60 lots to provide some variety in the range of proposed lot sizes.

The draft Structure Plan proposes to zone the area noted on the approved Structure Plan as 'Subject to Further Planning', and located within the 500m Kennel zone Buffer, as Residential R25-R40. Additionally, the draft Structure Plan proposes to relocate the existing Local Centre zone to the corner of Matison Street and Evandra Road. Public Open Space 'No 7' is also proposed to be relocated to the corner of Matison Street and Ambient Approach.

The proposed residential density range is consistent with the approved Structure Plan and is supported as it provides lot yields that satisfy the minimum density targets under the WAPC's Liveable Neighbourhoods policy. This policy aims for residential densities of at least 12 – 20 dwellings per hectare for standard lots and 20 – 30 dwellings per hectare for lots within 400m of a Local Centre. The residential density range will require the WAPC to approve an R-code Plan to determine the specific lot densities at the time of subdivision which is consistent with the current approved Structure Plan.

A draft subdivision concept plan was provided with the amendment which indicates that the proposed residential zoned land within the Kennels buffer area can accommodate approximately 77 lots.

Public Open Space

In accordance with the requirements of Liveable Neighbourhoods, subdivisions should include a minimum of 10% of the gross subdivisible area to be given up free of cost for Public Open Space (POS). For the purposes of this calculation, the gross subdivisible area includes the total site area less deductions for non-residential uses such as school sites, dedicated drainage and commercial land uses. Furthermore, since POS often provides a range of functions, including recreation and drainage, Liveable Neighbourhoods makes provision for land ceded for drainage to be counted towards satisfying the 10% requirement, although there are limitations on credit allowances. These allowances/ limitations include:

- A minimum of eight per cent unrestricted POS for the purpose of active and passive recreation, which may include drainage areas that do not accommodate storm events equal to or less often than a 1:5 year event.
- The remaining two per cent (of the 10%) may comprise restricted POS, being areas that incorporate stormwater capture from between 1:1 and 1:5 year events.
- The detention of stormwater for a 1:1 year event does not contribute towards unrestricted POS calculations.

The approved Structure Plan provides for 5.5% of the gross subdivisible areas as POS, comprising areas of restricted and unrestricted POS. The provision of 10% POS was not considered appropriate at the time given the substantial area of land that was provided within the subdivision area for conservation purposes and the subject site's proximity to Sutherlands Park.

The revised POS Schedule provided in support of the draft Structure Plan provides for an estimated total of 5.9% of the gross subdivisible area as POS. Whilst it is noted that the area of POS is proposed to increase, it remains less than the 10% required by Liveable Neighbourhoods. However, while the total amount of creditable POS is less than the required 10%, the Structure Plan provides a total of 18.6% of the gross subdivisible area as POS and conservation reserves. In this regard, the net provision of creditable POS has increased above what was previously approved by the WAPC and in this case is considered appropriate.

The draft Structure Plan proposes the relocation of POS area 7 to the corner of Matison Street and Ambient Approach. The location of POS area 7 under the approved Structure Plan is situated mid-block along Ambient Approach and would share a direct boundary with residential lots with limited accessibility to residents of the Ambia estate. The proposed relocation provides for a road frontage to each boundary of the POS and allows for greater accessibility to residents within the Ambia estate. As such the proposed relocation of POS area 7 is supported.

Public Open Space Development

In accordance with the WAPC's Liveable Neighbourhoods and Better Urban Water Management policies and Council's Local Planning Policy 4.7 - Public Open Space and Streetscapes, a proposed Structure Plan should be accompanied by a landscape masterplan detailing the size, location and proposed use of each area of POS.

The draft Structure Plan provides a Landscape Masterplan which outlines the intended landscaping and recreation outcomes for the POS. The POS is intended to be developed with a combination of low maintenance native non-irrigated planting with an interspersed footpath network. Additionally, the POS is proposed to contain a shade structure with picnic facilities, seating, a half basketball court and a hit-up wall with climbing / parkour equipment and swings.

The proposed Landscape Masterplan and indicative POS design is supported, however, to provide greater opportunities for recreational activities the City recommends the masterplan be amended to incorporate a minimum of 1,600m² of reticulated turf in lieu of non-irrigated planting areas. It will therefore be recommended that prior to the draft Structure Plan being approved by the WAPC, a revised Landscape Masterplan be submitted and endorsed by the City (Modification 3).

Local Centre

The City's Activity Centres Planning Strategy identifies a future Local Centre in the Southern River Precinct 3E Structure Plan area. The approved Structure Plan provides for a Local Centre within Lot 18 Matison Street on the corner of Matison Street and Ambient Approach. Under this amendment the location of the Local Centre is proposed to be relocated to the corner of Matison Street and Evandra Road. Additionally, the Local Centre lot area is proposed to increase by 611m² (from 2,623m² to 3,234m²), however the site will retain a maximum of 1,200m² Net Lettable Area as referenced under the current approved Structure Plan.

The proposed relocation of the Local Centre to the opposite corner of Lot 18 Matison Street is not expected to have a material impact on its functionality. In addition, the relocation of the Local Centre to this corner of the Structure Plan will likely provide additional noise attenuation to the proposed adjoining residential lots through the future location of commercial buildings and the Town Planning Scheme No. 6 (TPS 6) requirement for a 2m high masonry wall between the commercial and residential zones. In regard to the TPS 6 requirement for the construction of a 2m high masonry wall between the Local Centre zone and Residential zone, a modification to the Structure Plan text is necessary to require it to be provided at the subdivision stage. It will therefore be recommended that prior to the draft Structure Plan being approved by the WAPC, Clause 5.2.2 of Part 1 of the Structure Plan text be modified to include a new clause xiii) requiring, at the subdivision stage, the construction of a 2m high masonry wall along the boundary of the Local Centre lot where it abuts residential development (Modification 4).

Environmental Considerations

A Flora and Vegetation assessment was submitted with the amendment proposal which identifies the lots subject to the amendment were historically cleared of all native vegetation and used for keeping of livestock. The flora and vegetation assessment identifies a portion of the site contains regrowth vegetation which is in a completely degraded condition and is of no environmental value. Additionally, the flora and vegetation assessment identifies that the regrowth vegetation present on the site was not representative of the Southern River complex nor of conservation significant ecological communities. The remaining portion of the site contains managed grassland and holds no environmental value.

The DWER has no objections to the proposed clearing from a flora and vegetation perspective. If the development proceeds to a subdivision stage, any clearing of the site will be referred to DWER for comment and approval as part of that process.

Movement Network

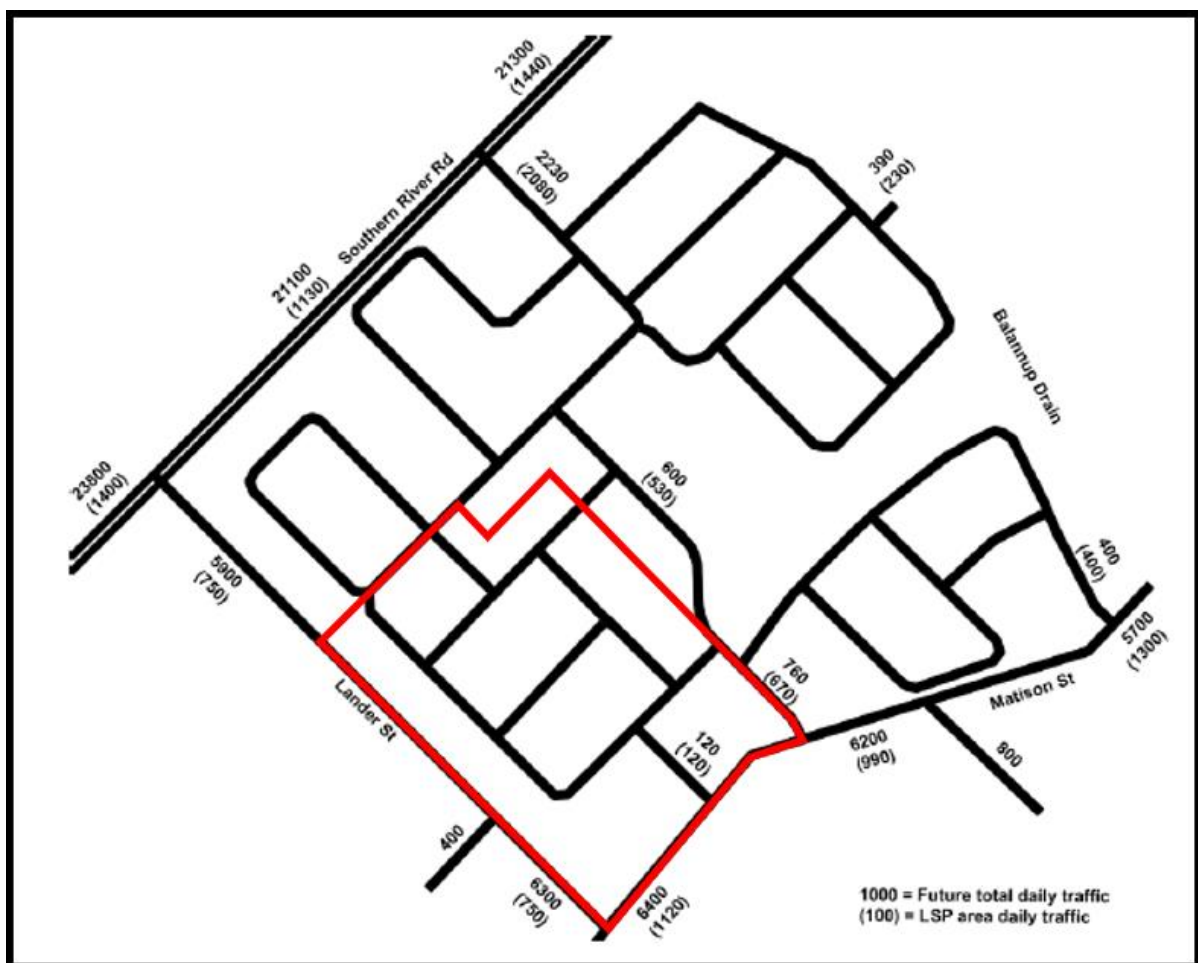
Laneways and Road Widths

The proposed road network shown on the draft Structure Plan is based on a modified grid pattern and includes the existing developed road network within the Ambia Estate. The road network has been modified from the approved Structure Plan to provide additional roads and laneways to connect to the proposed residential area. The road and laneway reserve widths are consistent with the 15m and 10m road reserves constructed in the existing developed areas of the Structure Plan.

The applicant has provided a Traffic Impact Assessment (TIA) in support of the draft Structure Plan demonstrating the proposed road reserve widths and hierarchy are appropriate. The proposed road and laneway widths are supported from a technical viewpoint.

Evandra Road (formerly Lander Street) Construction

The TIA submitted in support of the draft Structure Plan identifies that the daily traffic generated from the existing 350 dwellings in structure plan area is approximately 2,800 vehicles per day (vpd), and the additional traffic generated by the amendment will add a further 616vpd. Additionally, the proposed Local Centre is estimated to generate approximately 1,210vpd upon completion. At full capacity the Structure Plan area, inclusive of the proposed amendment and Local Centre, will generate approximately 4,626 vehicle movements per day. The figure below demonstrates the anticipated traffic movements on the surrounding road network with the vehicle movements generated by the Structure Plan area shown in brackets.



As shown in the figure above, daily traffic from the development which will utilise Evandra Road (labelled Lander Street) would be in the vicinity of 750 vehicles per day or 21.9% of the daily traffic generated from the development. Additionally, the TIA identifies that a full movement T intersection would be required where Evandra Road adjoins both Southern River Road and Matison Street. Currently Evandra Road is largely unconstructed, except for the intersection with Southern River Road, and there is no timeframe for its construction.

Whilst lots within the Structure Plan area will not gain direct vehicle access to Evandra Road, the TIA indicates that the road is needed to support approximately 21.9% of the vehicle movements generated from the Structure Plan.

Additionally, it is likely that the future Local Centre will require vehicle access to be obtained from Evandra Road and Matison Street to provide for efficient traffic movements throughout the site. It will therefore be recommended that prior to the draft Structure Plan being approved by the WAPC, Clause 5.2.2 of Part 1 of the Structure Plan text be modified to include a new clause xiv) requiring, at the subdivision stage, the construction of Evandra Road where it abuts the Structure Plan area (Modification 5).

Water Management

The WAPC's Better Urban Water Management (2008) Guideline stipulates that a Local Water Management Strategy (LWMS) is to accompany a Structure Plan. Typically, a LWMS is a broad drainage strategy for a specific development area that addresses the management of additional quantities of stormwater resulting from urban development.

A revised LWMS has been provided in support of the Structure Plan which has been approved by the City, however is required to be assessed and endorsed by the DWER. At this stage the DWER has not provided its approval for the revised LWMS, however it should be noted that any subsequent changes that may be required to the LWMS are unlikely to have a significant impact on the draft Structure Plan design. As such, the City is satisfied that the LWMS does not require modification prior to the draft Structure Plan being considered by the WAPC.

Bushfire Hazard Management

The applicant has provided an addendum to the current approved Bushfire Management Plan (BMP) in support of the Structure Plan. This BMP addendum provides an updated strategic level bushfire assessment specific to the Structure Plan amendment area.

The BMP demonstrates how the Structure Plan amendment area will comply with the relevant bushfire requirements at each stage of the planning process. Whilst the addendum provides guidance in assessing the draft Structure Plan, further BMP's or Bushfire Attack Level (BAL) assessments will be prepared should development progress to the subdivision and development stage. Therefore, future BMP's / BAL assessments prepared for subsequent subdivision and development applications will be required to meet the relevant requirements of SPP 3.7.

CONCLUSION

For the reasons outlined in this report, it is recommended that Council recommends to the WAPC that it approves the structure plan amendment, subject to the following modifications being made:

No.	Recommended Modification	Reasons
1.	Clause 5.1.2 of Part 1 of the Structure Plan text being modified to include reference to the inclusion of quiet house design packages in accordance with the recommendations of the acoustic assessment prepared by Herring Storer.	To ensure that the required noise mitigation methods are applied to dwellings at the subdivision and development stage.
2.	Clause 5.2.2 b. of Part 1 of the Structure Plan text is to be modified to include the requirement for the construction of a noise wall adjacent to the residential properties facing Matison Street.	To ensure that the required noise mitigation methods are applied to dwellings at the subdivision and development stage.
3.	A revised Landscape Masterplan be submitted and endorsed by the City to include a minimum of 1,600m ² of irrigated turf area.	To ensure that appropriate areas for active recreation are provided within the Structure Plan area.
4.	Clause 5.2.2 of Part 1 of the Structure Plan text be modified to include a new clause xiii) requiring, at the subdivision stage, the construction of a 2m high masonry wall along the boundary of the Local Centre lot where it abuts residential development.	To ensure development within the Local Centre zone complies with the requirement of Town Planning Scheme No. 6.

No.	Recommended Modification	Reasons
5.	Clause 5.2.2 of Part 1 of the Structure Plan text be modified to include a new clause xiv) requiring, at the subdivision stage, the construction of Evandra Road where it abuts the Structure Plan area.	To ensure the traffic movements and volumes identified within the Traffic Impact Assessment are adequately catered for within the surrounding road network.

FINANCIAL IMPLICATIONS

All costs associated with the proposed amendment will be borne by the applicant.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions.*
- Town Planning Scheme No. 6.
- Southern River Precinct 3E Structure Plan.
- Local Planning Policy 4.7 - Planning and Development of Public Open Space and Streetscapes.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 4)

OCM 2024/274 Moved Cr Saiful Islam Seconded Cr Balli Singh

That Council, pursuant to Clause 20(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, notes the submissions received in respect of the proposed amendments to the Southern River Precinct 3E Structure Plan and endorses the responses to those submissions, as contained in Appendix 3 of this report.

Carried 13 / 0

FOR: Cr Peter Abetz, Cr Aaron Adams, Cr Caren Baayens, Cr Kylie Dalton, Cr Glenn Dewhurst, Cr David Goode, Cr Saiful Islam, Cr Diane Lloyd, Cr Kevin McDonald, Cr Balli Singh, Cr Serena Williamson, Cr Emma Zhang and Mayor Teresa Lynes

AGAINST: Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 4)

OCM 2024/275 Moved Cr Saiful Islam Seconded Cr Balli Singh

That Council, pursuant to Clause 20(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, endorses the assessment of the proposed amendments to the Southern River Precinct 3E Structure Plan, as outlined in this report.

Carried 13 / 0

FOR: Cr Peter Abetz, Cr Aaron Adams, Cr Caren Baayens, Cr Kylie Dalton, Cr Glenn Dewhurst, Cr David Goode, Cr Saiful Islam, Cr Diane Lloyd, Cr Kevin McDonald, Cr Balli Singh, Cr Serena Williamson, Cr Emma Zhang and Mayor Teresa Lynes

AGAINST: Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 4)**OCM 2024/276 Moved Cr Saiful Islam Seconded Cr Balli Singh**

That Council, pursuant to Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, recommends to the Western Australian Planning Commission that proposed amendments to the Southern River Precinct 3E Structure Plan be approved subject to the following modifications:

No.	Recommended Modification	Reasons
1.	Clause 5.1.2 of Part 1 of the Structure Plan text being modified to include reference to the inclusion of quiet house design packages in accordance with the recommendations of the acoustic assessment prepared by Herring Storer.	To ensure that the required noise mitigation methods are applied to dwellings at the subdivision and development stage.
2.	Clause 5.2.2 b. of Part 1 of the Structure Plan text is to be modified to include the requirement for the construction of a noise wall adjacent to the residential properties facing Matison Street.	To ensure that the required noise mitigation methods are applied to dwellings at the subdivision and development stage.
3.	A revised Landscape Masterplan be submitted and endorsed by the City to include a minimum of 1,600m ² of irrigated turf area.	To ensure that appropriate areas for active recreation are provided within the Structure Plan area.
4.	Clause 5.2.2 of Part 1 of the Structure Plan text be modified to include a new clause xiii) requiring, at the subdivision stage, the construction of a 2m high masonry wall along the boundary of the Local Centre lot where it abuts residential development.	To ensure development within the Local Centre zone complies with the requirement of Town Planning Scheme No.6.
5.	Clause 5.2.2 of Part 1 of the Structure Plan text be modified to include a new clause xiv) requiring, at the subdivision stage, the construction of Evandra Road where it abuts the Structure Plan area.	To ensure the traffic movements and volumes identified within the Traffic Impact Assessment are adequately catered for within the surrounding road network.

Carried 13 / 0

FOR: Cr Peter Abetz, Cr Aaron Adams, Cr Caren Baayens, Cr Kylie Dalton, Cr Glenn Dewhurst, Cr David Goode, Cr Saiful Islam, Cr Diane Lloyd, Cr Kevin McDonald, Cr Balli Singh, Cr Serena Williamson, Cr Emma Zhang and Mayor Teresa Lynes

AGAINST: Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 OF 4)**OCM 2024/277 Moved Cr Saiful Islam Seconded Cr Balli Singh**

That Council, following determination of the proposal by the Western Australian Planning Commission, notifies those persons who made a submission on the Amendment to the Southern River Precinct 3E Structure Plan of the decision.

Carried 13 / 0

FOR: Cr Peter Abetz, Cr Aaron Adams, Cr Caren Baayens, Cr Kylie Dalton, Cr Glenn Dewhurst, Cr David Goode, Cr Saiful Islam, Cr Diane Lloyd, Cr Kevin McDonald, Cr Balli Singh, Cr Serena Williamson, Cr Emma Zhang and Mayor Teresa Lynes

AGAINST: Nil

- LEGEND**
- Structure Plan Extent
- METROPOLITAN REGION SCHEME Reserves**
- Other Regional Roads (Existing to be retained)
 - Other Regional Roads (Existing to be removed from Metropolitan Region Scheme)
 - Other Regional Roads (Proposed - Subject to design confirmation)
- LOCAL PLANNING SCHEME Reserves**
- Conservation POS
 - Urban Water Management - POS Swale Drainage
 - Traditional POS
 - POS - Swale Drainage
- Zones**
- Local Centre * Restricted Uses (Refer to Part 1 Implementation)
 - Residential R25 - R40
 - Residential R40 - R60
- Other**
- Road Reserve
 - Subject to Further Planning * Restricted Uses (Refer to Part 1 Implementation)
 - Cycle Path
 - 1000m Kennel Notification Area
 - 500m Buffer to the outer boundary of all kennels zone properties
 - POS Identification Number

The residential densities provide a range between the lower and higher R-Code that can be considered for each residential site. The specific residential density is subject to the preparation and approval of a Residential Code Plan. The R-Code Plan, once approved, is to form part of the Structure Plan.



LOCAL STRUCTURE PLAN - SOUTHERN RIVER PRECINCT 3E
Lots 13, 14, 18, 19, 20, 21 and 22 Southern River Road and Matison Street, Southern River

0m 25m 50m
S: 1:3,000/A3
d: 17/09/2019
p: 16/04/2016L

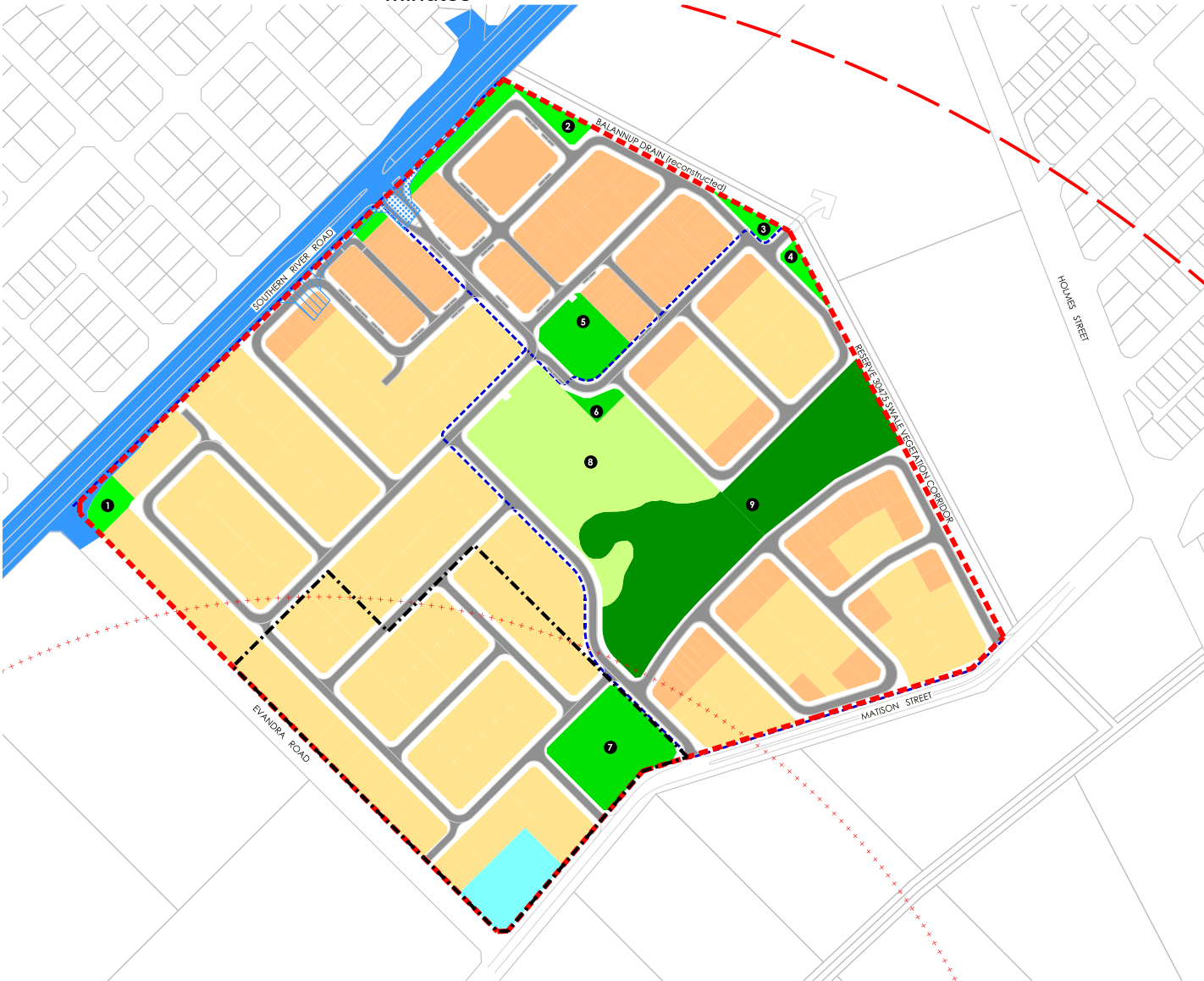
Taylor Burrell Barnett
Town Planning and Design
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e: admin@tbbplanning.com.au

LEGEND

- Structure Plan Extent
- Proposed Amendment Area Boundary
- METROPOLITAN REGION SCHEME Reserves
 - Other Regional Roads (Existing to be retained)
 - Other Regional Roads (Existing to be removed from Metropolitan Region Scheme)
 - Other Regional Roads (Proposed - Subject to design confirmation)
- LOCAL PLANNING SCHEME Reserves
 - Conservation POS
 - Urban Water Management - POS Swale Drainage
 - Traditional POS
 - POS - Swale Drainage
- Zones
 - Local Centre * Restricted Uses (Refer to Part 1 Implementation)
 - Residential R25 - R40
 - Residential R40 - R60
- Other
 - Road Reserve
 - Cycle Path
 - 1000m Kennel Notification Area
 - 500m Generic Buffer to the outer boundary of all kennels zone properties
 - POS Identification Number

The residential densities provide a range between the lower and higher R-Code that can be considered for each residential site. The specific residential density is subject to the preparation and approval of a Residential Code Plan. The R-Code Plan, once approved, is to form part of the Structure Plan.

Refer to Acoustic Assessment prepared by Herring Storer Acoustics (September, 2022) for the portion of the 500m Generic Buffer located within the Structure Plan Amendment Area for more detailed analysis and confirmation that the buffer is able to be reduced to 300m.



AMENDMENT LOCAL STRUCTURE PLAN - SOUTHERN RIVER PRECINCT 3E
Lots 13, 14, 18, 19, 20, 21 and 22 Southern River Road and Matison Street, Southern River

Scale: 1:3,000 (A3)
d: 30/08/2022
p: 16/04/066

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PROPOSED STRUCTURE PLAN – SOUTHERN RIVER SUB-PRECINCT 3E**Schedule of Submissions**

Matter Raised	Comment	Submission Number
1. Traffic and Access		
Public transport routes are needed in area.	The public transport routes through the area are managed by the PTA and are not impacted by this amendment.	1.
Need walking paths due to increased traffic / public safety	A network of footpaths have been included in the proposed amended Structure Plan area.	1.
2. Amenity – Kennel Buffer and Noise		
Concern that residential encroachment within the 500-metre buffer zone has the potential of impacting on the lifestyle and livelihoods of the residents of the Kennel Zone.	The proposal includes residential development 300m from the Kennel zone at its nearest point. The reduction has been supported by a noise assessment which demonstrates that noise emissions are currently compliant, and any possible increases in future noise levels can be mitigated through quiet house designs. The acoustic assessment does not require or propose any restrictions on the way the Kennel zone currently operates or may operate in the future.	1, 2, 3, 4, 5, 6, 8, 10, 12
Concern regarding previous noise surveys that have been conducted were inadequate in design and were conducted at times that were not at peak occupancy for the kennel properties. The surveys were not conducted during any school holiday or Public Holiday periods when occupancy is at its highest. Therefore, any modelling based on these surveys is not accurate.	The updated acoustic reporting did not monitor noise levels during any peak periods such as school holidays or over a long weekend. Despite this, the noise assessment provides relevant noise emission data which is typical of usual operating conditions. The predictive noise model supports future development within the kennel and notes that a total of 370 dogs would need to be barking simultaneously, within an open area, during the night time period to exceed the assigned noise levels by up to 10dB(A).	2, 3, 4, 5, 6, 8, 10, 12
Concern that the Kennel Zone area is not yet fully developed there is the potential within the area for more licences to be granted. It is possible, that in future noise levels may reach higher volumes than any current measured level.	The updated environmental noise assessment demonstrates that current noise levels are compliant. The predictive model concluded that any future increases in noise levels can be mitigated through quiet house designs. The acoustic assessment does not require or propose any restrictions on the way the Kennel zone currently operates or may operate in the future.	2, 4, 5, 8, 10, 12
Concern that encroachment of residential development into the 500m buffer will result in noise complaints.	The updated acoustic reporting demonstrates that current noise levels received at the subject land is compliant for all periods, including night time. In order to achieve an exceedance of the assigned noise levels the predictive noise	2, 4, 5, 7, 8, 10

Matter Raised	Comment	Submission Number
	model demonstrates that that a total of 370 dogs would need to be barking simultaneously, within an open area, during the night time period to exceed the assigned noise levels by up to 10dB(A). In this regard, the predictive noise model is considered conservative and unlikely to be realised.	
Concern that allowing residential development within the 500m buffer will set precedent for other proposals.	Individual planning proposals are required to be considered on their merits. In this case the Structure Plan requires that development proposed within the area identified as subject to further planning within the 500m buffer would need to be supported by site specific acoustic reporting. The addition of residential development within the 500m Kennel Buffer in this case has been supported by a site specific environmental noise assessment which demonstrates that noise emissions are currently compliant, and any possible increases in future noise levels can be mitigated through quiet house designs.	2, 4, 8, 10, 12
3. Environmental		
Concerned about the loss of habitat for wildlife in the area, including foraging areas for the Black Cockatoos and the Quenda habitat.	Noted. The subject land contains limited native vegetation to support native fauna. In this regard, the DWER assessed the vegetation on the site and found it to be of no environmental value.	3, 9
The land should be kept as bushland or turned into a park.	The land is currently zoned Residential Development under the City's Town Planning Scheme No. 6. The proposed amended Local Structure Plan includes an additional 5,194m ² of Public Open Space.	5, 9
4. Site Specific Comments		
18 Matison Street The landowner respectfully requests to increase the proposed density of the land adjacent to the POS and Local Centre from R25-R40 to R40-R60. The increase in density will allow the land to be more effectively developed, produce a better design outcome and greater overall amenity for the area.	The proposed increase in density in this location from R25-R40 to R40-R60 is not considered to provide an improved design or development outcome. The proposed R25-R40 density range provides for a range of housing types which include single houses, grouped and multiple dwellings.	11

Submitter No.	Affected Property	Nature of Submission
1.	341 Furley Road, Southern River	Comment
2.	37 Matison Street, Southern River	Objection
3.	51 Matison Street, Southern River	Objection
4.	Anonymous	Objection
5.	Lot 240 Tamby Court, Southern River	Objection
6.	Anonymous	Objection
7.	Lot 211 Cormorant Court, Southern River	Objection
8.	Lot 236 Tamby Court, Southern River	Objection
9.	Anonymous	Objection
10.	25 Matison Street, Southern River	Objection
11.	Lot 18 (66) Matison Street, Southern River	Comment
12.	47 Matison Street, Southern River	Objection
13.	Lot 9012 Southern River DP423708	Support

