

1 INTRODUCTION

The Western Australian Planning Commission (the 'Commission') is required by the Planning and Development Act 2005 to consult with local government and any relevant public bodies and government departments before making its decision on an application for subdivision. It will consider any advice arising from that consultation during its determination.

Applications for the subdivision of land into residential lots will be assessed against the relevant criteria set out in the Commission's Liveable Neighbourhoods (2007) and in this regard, a minimum of 10% of the gross subdivisible area must be given up free of cost by the subdivider for public open space (POS).

Note: Liveable Neighbourhoods (2007) is an operational policy for the design and assessment of structure plans (regional, district and local) and subdivision for new urban (predominantly residential) areas in the metropolitan area and country centres, on greenfield and large urban infill sites.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the 'Council' shall have due regard to in assessing the provision, location, design and development of POS in the City of Rockingham. This Policy does not cover regional open space or foreshore reserves.

2 POLICY APPLICATION

The criteria set out in this Planning Policy will be applied by the Council in the assessment of 'Proposed Structure Plans' in the Development Zone and in advice provided to the Commission regarding the subdivision of land into residential lots.

Note: The Council requires a 'Structure Plan' for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving the development of land within the Development Area.

Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule No.9 of Town Planning Scheme No.2.

This Planning Policy should be read in conjunction with the Council's Planning Procedure No.1.6 – Preparation and Assessment of Structure Plan, and Liveable Neighbourhoods (2007).

3 POLICY OBJECTIVES

The objectives of this Planning Policy are as follows:

- (a) To ensure that all residential development is complemented by well located areas of POS that provide for the recreational and social needs of the community.
- (b) To ensure that POS is designed, developed and maintained to an acceptable standard to enhance local amenity.

4 POLICY STATEMENT

4.1 Provision of Public Open Space

4.1.1 The Proponent for a Proposed Structure Plan which has been submitted for a Development Area, or for any particular part or parts of a Development Area is required to submit the following:-

- (a) a POS Concept Plan detailing the location, size, use (active or passive) of each proposed POS reserve. The Concept Plan is to also provide information regarding vegetation retention and stormwater detention, show indicative levels and indicate what recreation facilities are proposed on each proposed POS reserve;
- (b) a POS Schedule to demonstrate that the minimum required amount of POS is to be provided.
- (c) a Local Water Management Plan to demonstrate that water sensitive urban design management measures will be implemented.

Note: For assistance in the preparation of a POS Schedule, refer to Liveable Neighbourhoods (2007), Table 11.

Note: For assistance in the preparation of a Local Water Management Plan, refer to Appendix 2.

4.1.2 Under Liveable Neighbourhoods (2007), a minimum of 10% of the gross subdivisible area must be given up free of cost by the subdivider for POS. This POS contribution may comprise a minimum of 8% for active and passive recreational purposes, with the remaining 2% comprising 'restricted use' POS uses such as:-

- Natural areas and cultural features.
- Urban water management measures such as stormwater detention areas.
- Artificial lakes/permanent drainage ponds.
- Natural wetlands.

4.1.3 Under Liveable Neighbourhoods (2007), the Commission may allow for the following to be included in 'restricted use' POS:-

- (a) buffers to an Environmental Protection Policy, conservation category wetland or wetland of a similar environmental value;
- (b) a resource enhancement wetland, multiple use wetland or wetland of a similar environmental value, provided that the area included in POS is usable for recreational purposes and there is an agreement with the Council, referral agencies and the Commission on a Management Plan that enhances the wetland;
- (c) urban water management measures, including swales and detention areas (refer to clause 4.7.5), where:
 - the area is not subject to inundation more frequently than a one year average recurrence interval rainfall event and does not present a safety hazard;
 - the area of the swale is contoured, unfenced and landscaped; and
 - the area forms part of the approved Local Water Management Plan.

- (d) artificial water bodies (refer to clause 4.7.2), where:
- the water body will contribute to the recreation value and amenity of the POS;
 - satisfactory arrangements are in place with the Council for the ongoing maintenance of the water body, including an appropriate management plan; and
 - the water body forms part of the urban water management system.
- 4.1.4 The Council's Local Biodiversity Strategy encourages the retention of native vegetation (and in some cases particular vegetation complexes), in future urban areas. It is therefore recommended that the Local Biodiversity Strategy be consulted to assist in determining where public open space should be located such that native vegetation can be retained.
- 4.1.5 The Commission may agree to Community Purposes sites (eg community centres, meeting halls, branch libraries, kindergartens) being provided as part of the overall 10% POS contribution.
- 4.1.6 To facilitate the joint use and maintenance of POS, school sites are encouraged to be located in conjunction with POS.
- 4.1.7 Residential Entry Treatments will not be accepted as part of the POS provision unless the entry statement forms part of a consolidated parcel of POS (and does not compromise the use of the POS for either active or passive purposes).
- 4.1.8 All entry statements must be maintained by the subdivider until six (6) months after the release of blocks in the last stage of subdivision.

Note: Refer to Engineering & Parks Services Policy No.PO4 – Subdivision Entry Statement and Other Planted Areas Construction and Maintenance Policy.

4.2 Cash-in-lieu of Public Open Space

- 4.2.1 Under the provisions of Section 153 of the Planning and Development Act 2005, the Commission may agree to cash-in-lieu of POS where:
- (a) the land area is such that a 10% contribution would be too small to be of practical use; and
 - (b) there is already adequate POS taking into account the overall objective of parkland provision and distribution.

Note: Refer to Liveable Neighbourhoods (2007), Appendix 4, for guidance on the provision of cash-in-lieu for POS.

4.3 Location of Public Open Space

- 4.3.1 Liveable Neighbourhoods (2007) requires that POS should provide for Local Parks up to 3,000m² located within 150 to 300m of safe walking distance to all dwellings. Local Parks can include small parks, special purpose parks, children's playgrounds and squares.
- 4.3.2 Liveable Neighbourhoods (2007) requires that POS should provide for Neighbourhood Parks of around 3,000m² to 5,000m² or larger, each serving about 600-800 dwellings and to be located a maximum of 400m walk from most dwellings.

- 4.3.3 Liveable Neighbourhoods (2007) requires that POS should provide for District Parks of around 2.5 – 7.0 hectares, notionally serving three neighbourhoods, located within 600m - 1km walk from most dwellings. District Parks must be of adequate size and shape to accommodate both grassed areas for informal games and for organised sport.
- 4.3.4 Any areas of POS shall be not less than 2,000m² in area unless it can be demonstrated that the proposed POS will satisfy the intent of the Council's design criteria.

4.4 Design Criteria

- 4.4.1 The location, layout and design of subdivision and development surrounding POS should promote visual surveillance of the POS to minimise personal safety and security problems.
- 4.4.2 In the interests of promoting visual surveillance, the POS should be bounded by streets on all frontages such that adjacent lots overlook the street and POS.
- 4.4.3 Notwithstanding provision 4.4.2, consideration will be given to lots with direct frontage to POS where it can be demonstrated that the accessibility and usability of the POS is not compromised and that visual surveillance of the POS from adjoining development and the need for visitor parking has been addressed.
- 4.4.4 A Detailed Area Plan will be required for lots with direct frontage to POS and the adjoining residential development will be required to be elevated a minimum of 500mm above the POS, with open-style front fencing and it will be necessary to provide a 1.5m wide footpath between the lot and the POS. Where appropriate, visitor parking will also have to be provided.

Note: Refer to Planning Policy No.3.4.2 – Subdivision Fencing for fencing design criteria.

- 4.4.5 The maximum acceptable grade for POS is as follows:-

- | | | | |
|-----|-----------------|-------|---|
| (a) | Active | 1:250 | |
| (b) | Perimeter | 1:20 | |
| (c) | Playground area | 1:20 | |
| (d) | Other Banks | 1:6 | Provided development treatment is undertaken to reduce maintenance and permit public use eg. Stabilisation by landscaping of banks, irrigation and level path for access as defined by Australian Standard 1428 – (2001) Design for Access and Mobility (series Parts 1-4). |

- 4.4.6 Where POS is designated to be used for active recreational purposes (Neighbourhood and District Parks), the provision of on-street carparking will be required at the time that the subdivision is being developed. On-street parking is to be designed in accordance with Australian Standard AS 2890.5- 1993.
- 4.4.7 Where POS is designated to be used for passive recreational purposes, the provision of a minimum of one(1) on-street disabled carparking bay will be required at the time that the subdivision is being developed in accordance with the Disability Discrimination Act 1992.

4.5 Development of Public Open Space

- 4.5.1 Under Liveable Neighbourhoods (2007), the Commission requires POS to be developed by the subdivider to a minimum standard (as a condition of subdivision approval) that may include full earthworks, basic reticulation, grassing of key areas, pathways that form part of the overall pedestrian and/or cycle network, and maintenance for two summers.
- 4.5.2 Development of POS is to be carried out in accordance with a POS Landscape Plan approved by the local government. The City's minimum requirements for the preparation of a POS Landscape Plan are set out in Appendix 1.
- 4.5.3 Where it is intended to develop POS to a standard in excess of the minimum requirement, the subdivider may be required to enter into an agreement with the City to provide for ongoing management.

Note: Agreement by the City to POS being developed to a standard in excess of the minimum requirement should not be construed as a basis upon which to apply for a POS credit. In this regard, the subdivider is required to give up a minimum of 10% of the gross subdivisible area free of cost for POS, whether the POS is to be developed to the minimum requirement or to a standard in excess of the minimum requirement.

- 4.5.4 Where the subdivider proposes to commission and install public artwork in POS, it will be necessary to liaise with the Co-ordinator, Cultural Development for advice regarding the City's requirements.

4.6 Maintenance of Public Open Space

- 4.6.1 Upon completion of the development of the POS in accordance with the Landscape Master Plan approved by the City, the subdivider shall be required to maintain the POS reserve(s) for a period as determined by City, which shall not be less than 2 summers.
- 4.6.2 The three (3) months prior to handover, a detailed inspection of the POS will be carried out in the presence of the subdivider. Any unacceptable or incomplete works identified during this inspection are to be rectified prior to the final handover inspection. Failure to complete the works will result in an extension of the handover period as determined by the Director, Engineering and Parks Services.

4.7 Urban Water Management

- 4.7.1 Liveable Neighbourhoods (2007) states that POS should incorporate drainage, wherever practicable, using contemporary urban water management measures.
- 4.7.2 The Council will only support constructed water bodies (permanent or temporary) whereby it is a sustainable response to an environmental issue. Any such proposal will be assessed against the criteria set out in the *Interim Drainage and Water Management Position Statement: Constructed Lakes, 2007 (Department of Water)* and *Chironomid Midge and Mosquito Risk Assessment Guide for Constructed Water Bodies, 2007 (Department of Health and Midge Research Group of WA)*.
- 4.7.3 A maximum of 25% site area of any parcel of POS may be covered by any body of water at a frequency of inundation of 1 in 10 years. The area of a water body shall be defined by the maximum water surface area measured from the outer most contour of the batter.

- 4.7.4 In order to control seagull numbers in the City, permanent water bodies (ornamental lakes) are not generally encouraged to be developed within residential areas in close proximity to the coast.
- 4.7.5 Where it is proposed to incorporate urban water management measures (such as stormwater detention basins) into POS, the Local Water Management Plan shall address the following additional requirements:
- (a) Details of the location, type and size of each proposed urban water management measure;
 - (b) Demonstrate that the floor of any detention basin is a minimum of 500mm above the post-development maximum groundwater level as determined by the Local Water Management Plan;
 - (c) In the case of subdivision within the Peel-Harvey Catchment Area or any other site the City considers is susceptible to rising groundwater post-development, demonstrate that the floor of any detention basin is a minimum of 1200mm above the post-development maximum groundwater level as determined by the Local Water Management Plan;
 - (d) Demonstrate that the side slope of any detention basin does not exceed a maximum grade of 1:6; and
 - (e) Demonstrate that the usability of the POS for recreation purposes will not be compromised by any urban water management measures.

4.8 High Pressure Gas Transmission Pipelines

The calculations for the Parmelia Gas Pipeline and the Dampier to Bunbury Natural Gas Pipeline (Easement and Buffer) are as follows:-

- (a) Easement: to be deducted from gross subdivisible area (ie 100% deduction) and be a 50% credit towards 'restricted use' public open space;
- (b) Buffer: to form part of the gross subdivisible area (ie 0% deduction) and be a 100% credit towards public open space.

5 APPLICATION PROCEDURE

A Proposed Structure Plan submitted to the Council for determination is to contain the following information relating to public open space:-

- (a) A POS Concept Plan;
- (b) A POS Schedule; and
- (c) a Local Water Management Plan.

6 AUTHORITY

This Planning Policy has been adopted by the Council and whilst it is not part of the Scheme, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7 INTERPRETATIONS

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:-

Commission – means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985.

Council – means the Council of the City of Rockingham.

Proponent – means any owner or owners of land to which the proposed Structure Plan related that has or have submitted that Proposed Structure Plan.

Proposed Structure Plan – means a Structure Plan, which may apply to either a local area or a district that has been prepared in accordance with clause 4.2.5.

Structure Plan – means a Proposed Structure Plan that has been both approved by the Commission and adopted by the Council under clause 4.2.6.15.

8 DELEGATION

Refer to Planning Procedure No.1.1 – Delegated Authority to the Manager, Statutory Planning.

9 ADOPTION

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 24th February 2009.

10 REVOCATION

This Planning Policy supersedes the Council's Statement of Planning Policy No.3.4 – Public Open Space in Residential Areas, 3.8 – Drainage Functions and Mosquito Breeding Control and 3.11 – Landscaping requirements for new Subdivisions.

Appendices

1. Requirement for a Public Open Space Landscape Plan
2. Requirements for a Local Water Management Plan

APPENDIX 1

PUBLIC OPEN SPACE LANDSCAPE PLAN

1. Introduction

Public Open Space is required to be developed by the subdivider in accordance with a Landscape Plan approved by the City.

The POS Landscape Plan is to be submitted to Engineering and Parks Services for approval, prior to the issue of the subdivision clearance.

2. Minimum Standards for Development of Public Open Space

The minimum standard for the development of Local, Neighbourhood and District level active and passive POS are as follows:-

REQUIREMENT	LEVEL OF PUBLIC OPEN SPACE		
	Local	Neighbourhood	District
Irrigation	✓	✓	✓
Roll-on Instant Turf	✓	✓	✓
Landscaped Planting Areas	✓	✓	✓
Shade Trees	✓	✓	✓
Seating	✓	✓	✓
Shelter	✓	✓	✓
Playground Equipment	✓	✓	✓ *
Five (5) On-street Parking Bays		✓	
One (1) On-street Disabled Parking Bay	✓ **	✓ **	
One (1) Off-street Disabled Parking Bay		✓	
Unisex and Individual Public Toilets/Change Room Facilities			✓
Dual-use Path Network			✓
Lighting		✓	✓
50 On-site Parking Bays, including a minimum of one (1) Disabled Parking Bay			✓

* Playground equipment in District POS is required to be fenced.

** One (1) On-street Disabled Parking Bay required where POS approved for passive use.

2.1 Playgrounds

Playground equipment is to comply with Australian Standard AS4685 parts 1-6, 2004.

Playground equipment is generally to be made of stainless steel, aluminium, fibreglass and plastic components and consist of the following:-

Local	3 unit modules incorporating; a swing, a slide, and a seesaw for children aged 2-10 years.
Neighbourhood	5 unit modules incorporating as a minimum; a climbing frame, a slide, confidence course equipment, and a seesaw designed for ages 2 – 14 years.
District	7 unit modules and above, incorporating as a minimum, 2 slides, a swing, interactive lookout, flying fox, seesaw, monkey bars and confidence course equipment all over rubber soft fall and suitable for all ages. (All playground equipment in District POS to be fences to the City's satisfaction).

2.2 Lighting

POS lighting is to be provided in accordance with Australian Standard AS 1158. Lighting is to be connected to and controlled by the street lighting system for all neighbourhood and district level reserves.

Only one type of lighting will be approved for individual subdivisions. Where decorative lighting is chosen, it is to be installed throughout the entire development.

Decorative lighting in the POS is to be subject to a 24-month maintenance period.

2.3 Permanent Water Bodies

All permanent ornamental water bodies shall be approved by the Department of Water and comply with the following minimum requirements:-

- (a) Lake edge retaining walls greater than 900mm in height shall have a (1) metre balustrade installed;
- (b) The first 10 metres of the lake edge slope shall be no greater than 1:6;
- (c) The water depth at the lake edge shall be no greater than 300mm;
- (d) All permanent water bodies shall have mechanical aeration or reticulation; and
- (e) Playground structure are to be placed a minimum of 30 metres from any permanent water body.

3. POS Landscape Plan Requirements

The POS Landscape Plan shall detail the design, location and construction of facilities in accordance with the POS Concept Plan forming part of the approved Structure Plan.

The POS Landscape Plan shall show all existing contours or spot levels, vegetation and structure and buildings and all new or proposed contours or spot levels, earthwork embankments, playing surfaces, landscaping features, roads, car parks, and recreation facilities.

The minimum requirements for the preparation of a POS Landscape Plan are set out in the following Table.

DRAWING	SCALE	DETAIL (MINIMUM REQUIREMENT)
Landscape Plan	Minimum horizontally 1:500	Existing roads, lots, reserves and locality areas, new construction details. Index of drawings. Cadastral boundaries, existing level contours, fences, vegetation, structures, services, landscaping and reticulation. All dimensions, widths and construction details. Cross-sections, pavement depths, court layouts and lighting details.
Longitudinal and profiles	Minimum 1:1000 horizontally and 1:100 vertically	All existing natural surface levels and existing detail. New profiles, grades, cross falls, kerbs and intersection and junction details.
Cross-sections	Minimum 1:200 horizontally and 1:100 vertically	All existing natural surface levels and detail. New works, widths, depths and construction details.
Intersections and Junctions	Minimum 1:250 horizontally	Cadastral boundaries, footpath, footways, cycle ways, new and existing kerb and channelization and drainage details.
Contour Plans	Minimum 1:1000 horizontally	All existing cadastral boundaries, pegs, marks and fences and existing levels and contours. New contours and regarding levels, oval and pitch areas, pad levels, carparks and roads.
Construction Details	To standard engineering drawing scales	As required by City.
Courts	Minimum 1:250 horizontally	All dimensions of court layout, line marking and side clearances.
Electrical and Lighting	Minimum 1:250 horizontally	All dimensions of court areas, fencing, conduits, cabinets and pole locations.
Retaining Walls	Minimum 1:150 horizontally	All dimensions and heights of walls including fencing, typical cross-sections and construction details.

Drawings shall generally be prepared in accordance with Australian Standard AS1100 Pt 101 (1992) at Pt 401 (1984). The datum used shall be the Australian Height Datum.

APPENDIX 2

LOCAL WATER MANAGEMENT PLAN

1. Introduction

The Proponent for a Proposed Structure Plan is required to prepare a Local Water Management Plan to demonstrate that water sensitive urban design management practices will be implemented.

The Proposed Structure Plan should be consistent with the objectives and requirements of Liveable Neighbourhoods (2007), and comply with any current existing District Water Management Plan. Ultimately, it should seek to integrate strategic catchment management and land-use planning objectives and minimise geotechnical, hydrological and environmental impacts, and where not possible, outline actions to mitigate or offset such impacts.

The Local Water Management Plan should provide the following details:-

- Existing natural ground levels and proposed finished ground levels;
- Pre and post-development extent of deep rooted perennial vegetation, particularly native remnant vegetation, waterways and wetlands of conservation significance; and the extent of the buffers proposed to assist their protection;
- Pre and post-development maximum groundwater levels;
- The proposed WSUD practices and treatment trains, including their integration into the urban landscape; and
- The result of 12 to 24 months monitoring of ground and surface water levels, flows and quality; as well as studies of the geotechnical and biological characteristics of the study area. In sensitive areas, the Council may require a longer duration of baseline monitoring and possibly further studies.

The conceptual urban water management system that should also be included containing the following:-

- Identification of land required for storage and retention of stormwater for the 1 in 100 yr ARI, 1 in 10 yr ARI and 1 in 1 yr ARI storm events;
- Map of existing groundwater levels and any proposed Controlled Groundwater Levels (CGL) (including subsoil drains) with justification for this control including potential impacts on groundwater dependent ecosystems;
- Fit-for-purpose water use strategy – mechanisms to conserve potable water and reuse wastewater or stormwater (including those relating to development design and construction); and
- Infrastructure and management requires for proposed water, wastewater and stormwater systems, having consideration of infrastructure already existing and identifying and necessary approvals required.

The Local Water Management Plan should address the following:-

- Outline expected potable water consumption, groundwater quantity, groundwater quality, stormwater quantity and stormwater quality;

- Demonstrate that the stormwater quantity and stormwater quality meets Environmental Quality Criteria (*Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992*) and, if applicable, the load targets within the “Peel-Harvey Coastal Catchment Water Quality Improvement Plan” (EPA, in preparation);
- Demonstrate sufficient groundwater allocation for the development proposal;
- Comprehensive site assessment and planning to identify constraints and opportunities including:-
 - Existing and proposed natural and artificial water pathways, including multiple-use corridors;
 - Groundwater dependent ecosystems, areas of notable landscape or landform;
 - Social, cultural and heritage values of significant water resources;
 - Potential pollution export risk levels based on historical land uses, soil type, hydrology and proposed land use; and

Other matters to be addressed within the Local Water Management Plan are:-

- Any proposed constructed water body must be indicated at this stage and justified as outlined in Section 4.7.2;
- Issues to be addressed at subdivision stage (included in an Urban Water Management Plan);
- Lifecycle cost assessment of the proposed water cycle strategy; and
- Proposed implementation of strategy including roles, responsibilities and funding for monitoring and maintenance.