MINUTES
Planning Services Committee Meeting
Held on Monday, 18 June 2012 at 4:00pm
City of Rockingham Boardroom
City of Rockingham
Planning Services Committee Meeting Minutes
Monday 18 June 2012

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<td>158</td>
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</table>
## Declaration of Opening

The Chairman declared the Planning Services Committee Meeting open at 4.00pm and welcomed all present.

## Record of Attendance/Apologies/Approved Leave of Absence

### 2.1 Councillors

<table>
<thead>
<tr>
<th>Cr Richard Smith</th>
<th>Chairperson</th>
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<tr>
<td>Cr Chris Elliott</td>
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<td>Cr Leigh Liley</td>
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<td>Cr Allan Hill</td>
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### 2.2 Executive

<table>
<thead>
<tr>
<th>Mr Andrew Hammond</th>
<th>Chief Executive Officer</th>
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<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
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<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
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<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
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<tr>
<td>Mr Colin Reguero</td>
<td>Senior Building Surveyor (until 4.14pm)</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Ms Erica Scott</td>
<td>Coordinator Health Services (until 4.14pm)</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Members of the Public:</th>
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</thead>
<tbody>
<tr>
<td>Press:</td>
<td>1</td>
</tr>
</tbody>
</table>

### 2.3 Apologies:

Nil

### 2.4 Approved Leave of Absence:

Nil

## Responses to Previous Public Questions Taken on Notice

Nil

## Public Question Time

**Ms Helen Seabrook, No.47 Cassia Drive, Karnup - SP-030/12**

Ms Helen Seabrook addressed the Committee and registered her objections to the application for the keeping of wildlife at Lot 341 (No.65) Cassis Drive, Karnup. Ms Seabrook advised that she had previously agreed to the keeping of fauna, as she understood it was to be a temporary solution until a new location could be found for the former Marapana Wildlife Park animals. Ms Seabrook expressed her concerns regarding the following matters:-

- The applicant did not live on the property.
• In addition to the 2 dingos, 2 dogs belonging to the owner there were also 6 greyhounds being kept at the property.
• The barking of all dogs and the dingos was seriously affecting the quality of her lifestyle and the enjoyment of her property.
• The barking from the dogs was continual.
• She had been forced to keep her dogs inside her house to prevent them from barking.

She also had concerns regarding waste disposal, security of the dog enclosures, visual impact and the potential devaluing of her property.

The Chairman thanked Ms Seabrook and advised that the Item would be discussed later on in the Agenda.

**Mr John Carr, No.94 Charthouse Road, Shoalwater - SP-031/12**

Mr John Carr addressed the Committee on behalf of the Hillman Cricket Club which was the proponent for the proposed Sea Container. He advised that the Club, with approximately 90 members (senior and junior) needed a sea container as a temporary solution to store cricket gear, which included expensive equipment. He advised the Club would work towards a more permanent facility when the Club had raised sufficient funds to extend the existing clubrooms.

The Chairman thanked Mr Carr and advised that the Item would be discussed later on in the Agenda.

5. **Confirmation of Minutes of the Previous Planning Services Committee Meeting**

Moved Cr Hill, seconded Cr Elliott:

That Council **CONFIRM** the Minutes of the Planning Services Committee Meeting held on 14 May 2012, as a true and accurate record.

Committee Voting – 4/0

6. **Matters Arising from the Previous Planning Services Committee Meeting Minutes**

Nil

7. **Announcement by the Presiding Person without Discussion**

The Chairman announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. **Declarations of Members and Officers Interests**

Nil

9. **Petitions/Deputations/Presentations/Submissions**

9.1 4.35pm **Mr Darrol Mullany** attended the Planning Services Committee Meeting to give a deputation on Item SP-030/12 - Proposed Rural Pursuit (Keeping of Wildlife).

9.2 5.15pm **Mr Frank Arangio and Mr Justin Hansen (Development Planning Strategies) and Mr Stuart Gardiner (Australand)** attended the Planning Services Committee Meeting to give a deputation on Item SPE-012/12 - Proposed Scheme Amendment No.122.

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 JULY 2012

PRESIDING MEMBER
10. **Matters for which the Meeting may be Closed**

| Nil |

11. **Bulletin Items**

**Planning Services Information Bulletin – June 2012**

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health & Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 North Rockingham Industrial Noise
   3.7 Ocean Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls - May 2012
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals - May 2012
   4.6 After Hours Noise & Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Building Plan Assessments
   4.9 Septic Tank Applications
   4.10 Demolitions
   4.11 Swimming Pool Samples
   4.12 Rabbit Processing
   4.13 Hairdressing & Skin Penetration Premises
   4.14 Family Day Care
   4.15 Free Online Food Safety Training Initiative

**Building Services**

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Legislation Update
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Monthly Building Licence Approvals - (All Building Types)
   4.4 Occupancy Permits
   4.5 Demolition Permit
   4.6 Permanent Sign Licence
   4.7 Building Approval Certificates for Unauthorised Building Works
   4.8 Occupancy Permit - Strata
   4.9 Provisional Approval
   4.10 Monthly Caravan Park Site Approvals

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update

3. Project Status Reports
   3.1 Policy Manual Review (LUP/1265)
   3.2 Local Planning Strategy (LUP/1352)
   3.3 Amendment No.114 - Developer Contribution Plan No.2 (LUP/909)
   3.4 Local Biodiversity Strategy Review (EVM/22)
   3.5 Karnup District Water Management Strategy (EVM/136)
   3.6 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)
   3.7 Water Campaign (EVM/56-02)

4. Information Items
   4.1 Delegated Final Adoption of Structure Plan
   4.2 Delegated Minor Change to Structure Plan
   4.3 Coastal Adaptation Planning Projects Update

Statutory Planning
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 CouncilsOnline (Planning Products via the Web) formerly eDA
   4. Information Items
   4.1 Land Use – Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
   4.8 Delegated Building Envelope Variations
   4.9 Subdivision/Amalgamation Approved
   4.10 Subdivision/Amalgamation Refused
   4.11 Development Assessment Panels – Development Applications

Director Planning and Development Services
1. Director Planning and Development Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Administration Building Refurbishment/Fitout
   3.2 Rockingham Primary Centre Infrastructure - Business Case
   3.3 Smart Village 1 Masterplan
   3.4 Keralup
   3.5 Karnup Station Transit Oriented Development

Appendices

Committee Recommendation

That Councillors acknowledge having read the Planning Services Information Bulletin – June 2012 and the contents be accepted.

Committee Voting – 4/0
12. Agenda Items

Strategic Planning and Environment

Planning Services
Strategic Planning & Environment Services

<table>
<thead>
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<th>SPE-011/12 Baldivis South District Structure Plan Update - Endorsement</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/881</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>October 2011 (SPE-027/11)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Baldivis South Urban Precinct</td>
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<tr>
<td>Site:</td>
<td></td>
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<tr>
<td>Lot Area:</td>
<td></td>
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<td>LA Zoning:</td>
<td>Development</td>
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<td>MRS Zoning:</td>
<td>Urban &amp; Urban Deferred</td>
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<td>Schedule of Submissions</td>
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<td></td>
<td>2. Location Plan - Lot 19 &amp; 20 Public Open Space</td>
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<td></td>
<td>3. Updated Baldivis South District Structure Plan (October 2011)</td>
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1. Purpose of Report

To consider for endorsement, an update of the Baldivis South District Structure Plan, following the completion of public advertising.
2. Background

Adoption of the District Structure Plan

At its Ordinary meeting held on the 26th October 2004, following a process of public advertising, Council resolved to endorse the Baldivis South District Structure Plan (BSDSP) for the purpose of guiding Comprehensive Development Plans (subsequently referred to as Structure Plans under Town Planning Scheme No.2) and planning generally for the South Baldivis area, subject to certain modifications being undertaken.

Since its endorsement, the BSDSP (see Map 1) has been used to guide the preparation of Local Structure Plans. These plans have generally followed the ‘district’ level land use footprint set out on the BSDSP.

1. Baldivis South District Structure Plan (June 2005)

Community Infrastructure Planning

An important element of the Baldivis South District Structure Plan is the planning for active sporting reserves, which includes the provision of a large Public Open Space (‘POS’) reserve to the north of the High School site proposed along Sixty Eight Road, within Lots 19 and 20 Sixty Eight Road (see Map 2).
2. Location Plan - Lot 19 & 20 Public Open Space

In May 2011, Council adopted the Community Infrastructure Plan 2011/12 to 2020/21 which provides direction on the provision of community facilities to accommodate urban growth throughout the City, and particularly the provision of sporting reserves within the Baldivis area.

The Community Infrastructure Plan did not identify the provision of a large POS reserve within Lots 19 and 20 Sixty Eight Road.

On this basis, the Manager Community Infrastructure Planning has advised that the subject POS reserve is not required, and can be deleted from the District Structure Plan.

3. Details

In October 2011, Council resolved to approve advertising of an update to the BSDSP, which was proposed to be amended in the following manner:

(i) Delete the large POS reserve located on Lot 19 and 20 Sixty Eight Road; and

(ii) Reflect approved Structure Plans within the subject area, with respect to the general location of Neighbourhood Roads, Activity Centres and significant POS.

The updated District Structure Plan is attached below.
3. Updated Baldivis South District Structure Plan (October 2011)
Consultation was subsequently undertaken in accordance with Council's resolution. The outcome of the consultation forms the basis of this report.

4. Implications to Consider

a. Consultation with the Community

Advertising Methodology
The updated BSDSP was advertised for public comment in the following manner:-
- 24 key stakeholders, one directly affected private landowner and the Department of Education and Training were notified of the proposal in writing and invited to comment;
- A notice was placed in the Weekend Courier newspaper; and
- Copies of the updated BSDSP and relevant documents were made available for inspection at the City’s Administration Offices and placed on the City’s website.
Summary of Submissions
Following the close of the submission period, the City had received two submissions of no objection to the updated BSDSP, with one of the submissions also recommending further modifications to the BSDSP as follows:

(i) The proposed area of POS adjacent to the Parmelia Natural Gas Pipeline Reserve is not consistent with the proposed Structure Plan over Lots 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis and should thus be deleted; and

(ii) The primary school and neighbourhood centre located over Lots 635, 739 & 740 Baldivis Road should be located on the west side of the proposed north-south road, in accordance with the proposed Structure Plan, as opposed to the east side as currently shown on the BSDSP.

A summary of the submissions received during the advertising period is set out in the Schedule of Submissions attached to this report.

All matters raised during consultation are considered and addressed within the Comments section of this report.

b. Consultation with Government Agencies
As mentioned above, the Department of Education and Training was notified of the proposal in writing and invited to comment, and responded by raising no objection.

c. Strategic Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
The District Structure Plan is a non-statutory plan and is intended to function as a guide only. The preparation of local structure plans, involving a greater level of detail, is required prior to subdivision and development commencing.

5. Comments

The proposed update of the BSDSP is appropriate in order to ensure it reflects current planning for the area, particularly in terms of the provision of substantial POS.

In regards to the proposed modifications to the BSDSP raised by the submitter, both of the Structure Plans referred to in the submission have yet to be adopted by Council. Should proposed Structure Plans be adopted by Council in the future, the City can update the BSDSP to reflect the changes accordingly.

In light of the above, it is recommended that the updated Baldivis South District Structure Plan be endorsed.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council **ENDORSE** the updated Baldivis South District Structure Plan.
8. Committee Recommendation

That Council **ENDORSE** the updated Baldivis South District Structure Plan.

Committee Voting – 4/0

9. The Committee's Reason for Varying the Officer's Recommendation

Not applicable

10. Implications of the Changes to the Officer's Recommendation

Not applicable

4.14pm - Mr Colin Reguero, Senior Building Surveyor and Ms Erica Scott, Coordinator Health Services left the Planning Services Committee meeting.
## Planning Services

### Strategic Planning and Environment Services

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<th>Reference No &amp; Subject:</th>
<th>SPE-012/12 Proposed Scheme Amendment No.122 - Rezoning from 'Rural' &amp; 'Special Rural' to 'Development' and introducing District Structure Plan Provisions (Initiation)</th>
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<tr>
<td>File No:</td>
<td>LUP/1640</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
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<tr>
<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis</td>
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<td>Lot Area:</td>
<td>59.0680ha</td>
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<td>LA Zoning:</td>
<td>Rural, Special Rural</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
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<td>2. Land subject to Urban Deferment Lifting Request (April 2010)</td>
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<td>3. Land Subject to Revised Lifting of Urban Deferment Request (September 2011)</td>
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<td>Maps/Diagrams:</td>
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### Purpose of Report

To initiate an Amendment to Town Planning Scheme No.2 (TPS2) to rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from 'Rural' and 'Special Rural' to 'Development' and the unconstructed, unnamed road reserve bounded by Lots 1000, 105 and 541 Baldivis Road, Baldivis from 'Local Road Reserve' to 'Development', following the Western Australian Planning Commission's (WAPC) decision to lift Urban Deferment over the land (see Figure 1), and to introduce provisions for the requirement, preparation and operation of District Structure Plans.
History of the Metropolitan Region Scheme Amendment

In December 2005, the City received a request from planning consultancies Development Planning Strategies and Koltaz Smith (now RPS), on behalf of the respective landowners, to seek the initiation of an Amendment to the Metropolitan Region Scheme (MRS) to rezone the land generally bounded by Millar Road, Kwinana Freeway, Safety Bay Road and Baldivis Road (generally referred to as 'East Baldivis') from 'Rural' to 'Urban' (see Figure 2).

Upon review of the request, it was considered that development of the subject area for urban purposes may be appropriate for the following reasons:

- Will further assist in the development of local employment opportunities by increasing the ultimate population catchment for the planned Baldivis Town Centre;
- Takes advantage of planned public transport systems to major workplaces and other activity centres;
- Makes efficient use of existing and proposed public, social and transport infrastructure; and
- Represents a logical extension of existing 'Urban' zoned land.

The Council resolved to seek the approval of the WAPC to initiate an amendment to the Metropolitan Region Scheme to rezone the 'Baldivis East' land from 'Rural' to 'Urban' for the purpose of public advertising and detailed environmental assessment.

An Amendment was subsequently initiated by the WAPC and the subject land was contained with Metropolitan Region Scheme Amendment 1128/41.
In December 2006, the City received correspondence from the Hon. Minister for Planning and Infrastructure requesting that it support the concurrent zoning of the above landholdings under the MRS and Town Planning Scheme No. 2.

This action was said to assist in addressing the land supply issues in the Perth region and save considerable time and resources for both State and local governments.

Note: In April 2006, the Planning and Development Act 2005 commenced operation. The legislation consolidated and repealed the Town Planning and Development Act 1928, the Metropolitan Region Scheme Act 1959 and the Western Australian Planning Commission Act 1985. Section 126(3) of the Act enables concurrent zoning of land under the MRS and the local authority Town Planning Scheme, in cases where the WAPC consults with the Council prior to initiating an Amendment to the Metropolitan Region Scheme.

The effect of s126(3) is that the Council need not initiate an amendment to its Town Planning Scheme to bring zoning into consistency with the MRS, as required under the Act. This mechanism seeks to streamline the zoning process so that land release is expedited.

The Council resolved to advise the WAPC and the Hon. Minister for Planning and Infrastructure that it supported the subject being zoned ‘Development’ under Town Planning Scheme No.2, concurrent with the land being zoned ‘Urban’ under the MRS, subject to the necessary amendments being effected to the Scheme Text to enable a Structure Plan to be lawfully approved over the land.

In July 2009, the City received correspondence from the WAPC advising that Amendment 1128/41 relating to the subject land had been adopted in a modified form. In this regard, the land was rezoned from ‘Rural’ to ‘Urban Deferred’ instead of ‘Urban’. The Amendment Report outlined that the following matters were required to be addressed prior to the transfer of the land to the ‘Urban’ zone:

- Insufficient wastewater treatment capacity;
- Drainage requirements/drainage planning;
- Location of a High School; and
- Freeway Service Centre buffer requirements.

In April 2010, the City received a request from the WAPC to provide comment on a proposal to lift ‘Urban Deferment’ (rezone the land from ‘Urban Deferred’ to ‘Urban’) over the land shown in Figure 2 below:

2. Land subject to Urban Deferment Lifting Request (April 2010)
In May 2010, the City advised the WAPC that it did not support the lifting of Urban Deferment for the following reasons:

1. Planning is not sufficiently advanced to depict an acceptable overall design to guide future development. The City has been in discussions with the applicants since October 2008 on the preparation and lodgement of a District Structure Plan. To date, this Plan has not been lodged with the City for consideration.

Further to the above, the District Structure Plan contained within the “Request for Lifting of Urban Deferment Report” (the Report) has not been lodged with the City. In this regard, the City notes a number of issues still to be resolved to its satisfaction including (but not limited to):

- The location of District Public Open Space;
- Requirements for schools in and particular, a High School;
- Requirements and location of local commercial needs;
- Interface with Kwinana Freeway;
- Location of the Freeway Service Centre; and
- Lodgement and consideration of a Traffic Report.

2. It is understood that the land is to be serviced by the proposed East Rockingham Waste Water Treatment Plant (WWTP). The applicant has indicated that in the interim period prior to the East Rockingham WWTP coming on line, it is proposed that wastewater outflows from the subject land be conveyed to the Kwinana WWTP. The City is not aware of any agreements with the Water Corporation stating that the land is capable of being serviced temporarily by the Kwinana WWTP.

It should also be noted that the City is not prepared to support a concurrent zoning to rezone the subject land to “Development” under Town Planning Scheme No. 2 (TPS2) for the following reasons:

- Part of the subject area is zoned “Special Rural” under TPS2 with associated provisions under Schedule No. 4 – Special Rural Zones. The submission has not considered or addressed how these provisions will be dealt with;
- An amendment to TPS2 to zone land ‘Development’ will require an associated Scheme Text amendment to include the land and any relevant provisions in Schedule No.9 – Development Areas; and
- It is not satisfied that the consultation processes associated with MRS Amendments suitably engage with the stakeholders in the same manner as TPS amendments.

In September 2011, the City received a revised request for lifting of Urban Deferment from the WAPC reducing the area proposed under the April 2010 request (see Figure 3). This request applied to land owned by Australand and Peet Ltd on the basis that the constraints identified as part of the preparation of the East Baldivis District Structure Plan did not affect the revised area requested for lifting of Urban Deferment.

In October 2011, the City advised the WAPC that it did not support lifting of Urban Deferment as it considered that planning was insufficiently advanced with respect to the preparation of the East Baldivis District Structure Plan to demonstrate an acceptable overall design to guide future development. The City further recommended the request to lift Urban Deferment be held in abeyance until such time as the District Structure Plan was finalised.
3. Land Subject to Revised Lifting of Urban Deferment Request (September 2011)

In December 2011, the WAPC requested that the Proponent address the following matters to demonstrate that the land could be transferred into the ‘Urban’ zone under the MRS. The criteria being:

- Insufficient wastewater treatment capacity;
- Drainage requirements/drainage planning;
- Location of High School site;
- Freeway service centre buffer requirements; and
- Bushfire impacts.

Lot 129 which is owned by Peet Ltd forming the northern portion of the land proposed for lifting of Urban Deferment was not confirmed by the Water Corporation to be serviceable by wastewater treatment facilities. In this regard, Lot 129 was not considered as part of the request to lift Urban Deferment.

In February 2012, the WAPC advised the City of its decision to transfer Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from the 'Urban Deferred' zone to 'Urban' zone under the MRS (as shown in Figure 1). The Amendment took effect on the 28th February 2012.

Given that the decision was contrary to the City’s recommendation that lifting of Urban Deferment not be supported, the City requested an explanation to the rationale for zoning the land from ‘Urban Deferred’ to ‘Urban’ under the MRS. In response, the Director General of the Department of Planning provided the following response:
“I refer to your letter of 5 April 2012 and I apologise for the delay in responding. You are seeking the Western Australian Planning Commission's (WAPC) reasons for the lifting of Urban Deferment, to which I provide the following response.

The Department notes that the City of Rockingham raised concerns regarding the lifting of Urban Deferment on the grounds that planning had not been sufficiently advanced to guide the future development of the site. The City undertook an assessment of the draft East Baldivis District Structure Plan (draft EBDSP) and liaised with various stakeholders including the Department.

I am aware that the Department met with the City of Rockingham (and the Department of Education) and considered the City's comments. The Department advised the proponent (and the City) that wastewater provision, freeway service centre buffer requirements and bushfire impacts required resolution before the application could be further considered by the WAPC. The proponent provided clarification on these matters as discussed below.

MRS Amendment 1128/41 zoned the subject land to Urban Deferred in 2009. The amendment documentation states that the following matters are to be addressed before the land can be transferred to the Urban zone:

(i) Insufficient wastewater treatment capacity

In response to the proposal to lift Urban Deferment, the Water Corporation confirmed that the land can be serviced with a reticulated water and wastewater supply. It is noted that the proponent requested that Lot 129 Baldivis Road, Baldivis (originally included in the application) be excluded from the application as the Water Corporation cannot service this land at this time.

(ii) Drainage requirements/drainage planning

The Department of Water raised no objections to the lifting of Urban Deferment and approved a District Water Management Strategy for the site.

(iii) Location of High School site

The Department of Education confirmed that a High School site is to be located to the north of the land. Therefore, the subject land is not affected by this constraint.

(iv) Freeway service centre buffer requirements

The proponent provided additional information relating to the Local Planning Scheme (LPS) amendment for the freeway service centre confirming that the buffer to this facility is to be fully contained on-site. The urbanisation of the surrounding locality was envisaged when the LPS amendment was granted final approval.

(v) Bushfire impacts

Although not a requirement to be addressed prior to the lifting of Urban Deferment, the proponent confirmed that high to moderate fire risk areas would be cleared for residential development as they are not of environmental significance. The existing tramway reserve (to the west) is to be separated and protected from residential development by a road reserve.

The WAPC carefully considered the issues raised by the City, the requirements to be addressed prior to the transfer of land to the Urban zone and the Guidelines for the Lifting of Urban Deferment and resolved to support the application. Although the argument for finalising the draft EBDSP prior to the lifting of Urban Deferment is understood, the WAPC considered that there were no "fatal flaws" that would prejudice the finalisation of the draft EBDSP should the land be transferred to the Urban zone."

**East Baldivis District Structure Plan**

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the 'East Baldivis' locality (referring to themselves as the East Baldivis Stakeholder Team or 'BEST' group) to prepare a District Structure Plan over the land to generally guide development of the urban cell, including the subject land. The City agreed to facilitate the preparation of the District Structure Plan with the 'BEST' group, however, advised the group that the preparation of the District Structure Plan should not be dictated by land ownership and at the expense of orderly and proper planning of the locality.
In July 2011, following extensive discussions with the BEST group and state agencies, the East Baldivis District Structure Plan was lodged for the City's consideration. The City assessed the submitted District Structure Plan and determined the submission inadequately addressed a number of issues and concerns from previous discussions. The City requested further information in September 2011 to address the following matters with the submitted documentation:

- Provision of a revised Traffic Management Plan and revised road layout that addresses potential future traffic impacts introduced as a result of development on the district road network and more specifically at the intersection of Baldivis Road and Mundijong Road.
- Commitment for the location of a Senior High School required as a result of urbanisation of the East Baldivis cell.
- Appropriate land use treatments to known land use constraints such as the Freeway Service Centre, Kwinana Freeway, Poultry Farm and Resource Enhancement Wetlands.
- Provision of further information regarding how proposed land uses are treated to identify extreme and moderate bushfire hazards.
- Identification of a Neighbourhood Centre within the District Structure Plan area.

In light of the land use constraints identified through the District Structure Plan process, planning is currently not sufficiently advanced to depict an acceptable overall design to guide future development over the East Baldivis land.

In May 2012, the City requested an update from the BEST group with regard to the matters raised in the City's letter of September 2011. A representative of the BEST group informed the City that a submission will be provided to the City by early June. Once the information is received and plan assessed to the satisfaction of City Officers, the District Structure Plan will be presented to the Council for consent to advertise.

3. Details

Following the WAPC’s decision to rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from Urban Deferred to Urban in the MRS, the Council is now required to initiate an amendment to TPS2 pursuant to section 124(3) of the Planning and Development Act (2005), to ensure that TPS2 is consistent with the MRS.

The Amendment also proposes to introduce into TPS2 provisions for the requirement, preparation and operation of District Structure Plans, prepared to guide the preparation of Structure Plans (proposed to be renamed Local Structure Plans) within the 'Development' zone.

4. Implications to Consider

a. Consultation with the Community

When the Scheme Amendment is initiated by the Council, it is required to be advertised in accordance with the Town Planning Regulations 1967 for a minimum period of 42 days from the date of publication of an advertisement in a newspaper circulating in the area.

b. Consultation with Government Agencies

Consultation with relevant Government Agencies will occur when the Scheme Amendment is initiated by the Council. Referrals can then be undertaken in accordance with the Town Planning Regulations 1967.

c. Strategic Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.
d. Policy

Liveable Neighbourhoods

*Liveable Neighbourhoods* has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy, and operates as a sustainable development control policy to guide structure planning and subdivision. The document outlines all the requirements a new Structure Plan and the supporting documentation needs to assess. These requirements are intended to facilitate the State Government’s objective to create communities that reduce dependency on private vehicles and are more energy and land efficient.

*Liveable Neighbourhoods* contains eight ‘elements’ under which District Structure Plans, Local Structure Plans and Subdivisions are assessed, as follows: -

- Element 1 - Community Design
- Element 2 - Movement Network
- Element 3 - Lot Layout
- Element 4 - Public Parkland
- Element 5 - Urban Water Management
- Element 6 - Utilities
- Element 7 - Activity Centres and Employment
- Element 8 - Schools

Each Element has two components - ‘Objectives’ and ‘Requirements’. Objectives describe the principal aims of each Element, and Requirements present a range of qualitative and quantitative responses to meeting the Objectives. Requirements include matters that ‘should’ be considered, where there is a range of design solutions, and matters that ‘must’ be satisfied.

*Liveable Neighbourhoods* recognises Regional Structure Plans and District Structure Plans as part of its consideration of Local Structure Plans, in that these higher order strategic plans guide the consideration of statutory based Local Structure Plans. The information requirements for District Structure Plans are proposed to be replaced in the WAPC’s draft Structure Plan Preparation Guidelines.

The *Liveable Neighbourhoods* concept of a District Structure Plan is reflected in the proposed Scheme Amendment with respect to the various elements that should be accounted for on the Plan.

Planning for Bushfire Protection Guidelines Edition 2

The WAPC *Planning Bush Fire Protection Guidelines* (Edition 2) notes in Section 2.3 – Guidance Statements for Strategic Plans, Planning Strategies, Planning Schemes, Planning Scheme Amendments and Structure Plans – that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level, any new proposals or proposals which will effect a change of land use or design resulting in the introduction of, or an intensification of development should:

- Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;
- Identify any bush fire hazard issues arising from that assessment; and
- Address those issues, in accordance with the general principles that underpin these guidelines, in a statement or report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.

A Bushfire Hazard Assessment was prepared as part of the preparation of the submitted East Baldivis District Structure Plan where moderate and extreme fire risks were identified over the subject land.
As the Planning for Bushfire Protection Guidelines (Edition 2) are currently not an adopted State Planning Policy, and provide guidance only, it is recommended the Development Area provisions of the Scheme Amendment acknowledge the requirement for a Bushfire Hazard Assessment to be undertaken as part of consideration of a Proposed Local Structure Plan over the land.

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

This Policy seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost to transport infrastructure. The Policy applies for the consideration and management of the impacts of transport noise and freight operations when development is proposed in the following manner:

- New noise-sensitive development in the vicinity of existing or future major transport corridors or freight handling facilities;
- New major road or rail infrastructure projects, including major redevelopments, in the vicinity of existing or future noise-sensitive land uses; and
- The location of freight handling facilities.

Due to the potential impact of noise from the Kwinana Freeway and future Freeway Service Centre, is recommended that a Development Area provision is imposed ensuring appropriate noise investigations are mandated as part of the Local Structure Planning process.

e. Financial
Nil

f. Legal and Statutory

Section 124 of the Planning and Development Act (2005) deals with the effect of a Region Planning Scheme on a Local Planning Scheme.

Clause 124 (1) states if a Region Planning Scheme is inconsistent with a Local Planning Scheme, the Region Scheme prevails over the Local Planning Scheme to the extent of the inconsistency. In this regard, the 'Urban' zone on the MRS applies over the 'Rural' and 'Special Rural' zoning prescribed under TPS2.

Clause 124 (2) requires the Council to initiate an amendment to TPS2 to be consistent with the Region Planning Scheme within 90 days after an amendment to the Region Planning Scheme has come into effect. In this regard, the Council is obligated to initiate an Amendment to TPS2 specifically with respect to the ensuring consistency with the MRS.

With respect to the proposed District Structure Plan provisions proposed as part of the Amendment, the Council is required to resolve to either Adopt (initiate) the Scheme Amendment or Not Proceed with a Scheme Amendment and notify the WAPC in writing of its decision under Regulation 13 of the Town Planning Regulations (1967).

5. Comments

Requirement for a Scheme Amendment

The initiation of an Amendment to TPS2 to rezone the land from 'Rural' and 'Special Rural' to 'Development' zone will provide consistency with the MRS 'Urban' zone. The 'Development' zone and supporting Development Area outlined in Schedule No.9 provides the most appropriate statutory mechanisms to ensure orderly and proper planning of the subject land.

In response to the requirement for the preparation of a Scheme Amendment, it has been identified that TPS2 does not have appropriate controls to ensure a Structure Plan is prepared in context to its surrounding locality and not prejudice the potential development of surrounding landholdings where land is not zoned 'Development' under TPS2. With increasing pressure to urbanise new land within the Baldivis and Karnup localities, it is considered that a co-ordinated approach needs to be mandated within TPS2. In this regard, it is proposed to introduce provisions for the requirement, preparation and operation of District Structure Plans.
Purpose of a District Structure Plan

The need for the preparation of District Structure Plans within Baldivis arose from the situation of fragmented land ownership and individual planning proposals having the ability to impact the orderly and proper planning of the Baldivis urban corridor.

In this regard, the Council endorsed the North and South Baldivis District Structure Plans to guide the preparation of Structure Plans and Comprehensive Development Plans (prepared under Town Planning Scheme No.1) within Baldivis. Although these District Structure Plans did not have statutory effect under TPS2, they are considered successful instruments to guide the preparation of Local Structure Plans.

District Structure Plans are strategic structure plans intended to be prepared over land either not yet zoned for urban purposes or over land where fragmented land ownership requires a framework to guide the coordination of land uses and infrastructure as part of the preparation of a Local Structure Plan.

District Structure Plans are not intended to contain detailed planning outcomes normally required as part of the preparation of a Local Structure Plan, but rather provide a broad overview with respect to the disposition of land uses, activity centres, regional and district infrastructure, schools, open spaces and road networks. The precise distribution of land uses and reserves identified by a District Structure Plan are accounted for as part of a Local Structure Plan.

Provisions of the Proposed Amendment

The proposed Scheme provisions have been prepared consistent with Planning Bulletin No.37 - Draft Model Text Provisions for Structure Plans with respect to the process of considering a District Structure Plan. The purpose and information requirements for a District Structure Plan reflect the draft Structure Plan Preparation Guidelines which is a seriously entertained planning document of the Department of Planning.

As a result of introducing District Structure Plan provisions, Structure Plans prepared in accordance with the TPS2 ‘Development’ zone provisions have been renamed as ‘Local Structure Plans’. This terminology is consistent with current industry practise and establishes a clear hierarchy of Structure Plans to be prepared under the Scheme.

The Amendment includes provisions for the requirement, preparation and operation of District Structure Plans, which will be applied to the new development area, as part of the East Baldivis, Karnup and Keralup localities. The existing North and South Baldivis District Structure Plans are proposed to have effect under TPS2 through this Amendment.

6. Voting Requirements

Simple Majority.

7. Officer Recommendation

That Council ADOPT (initiate) Amendment No.122 to Town Planning Scheme No.2 as follows: -

1. Rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from ‘Rural’ and ‘Special Rural’ to ‘Development’ and the unconstructed, unnamed road reserve bounded by Lots 1000, 105 and 541 Baldivis Road, Baldivis from ‘Local Road Reserve’ to ‘Development’ on the Scheme Map.

2. Amend ‘Schedule No.9 - Development Areas’ to include new Development Area DA40 as set out below: -

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA40</td>
<td>Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis</td>
<td>An approved Local Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
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1. Proposed Local Structure Plan

1-1 The following matters must be addressed as part of the preparation of the Proposed Local Structure Plan in addition to those set out in Clause 4.2.5:

1. A Bushfire Hazard Assessment; and

2. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Freeway Service Centre (Special Use No.12) and the Kwinana Freeway.

3. Amend ‘Schedule No.4 - Special Rural Zones – Portions of Planning Unit 5 of the Rural Land Strategy’ to exclude lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from the Special Rural Zone 5(i) area, and update the lot references for all retained lots as per current Deposited Plans and amend the Location Table contained within ‘Schedule No.4 - Special Rural Zones – Portions of Planning Unit 5 of the Rural Land Strategy’ ‘Schedule No. 4 – Special Rural Zones’ as follows:

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<td>Lots 101-105 and 129 Zig Zag and Paparone Roads, Baldivis</td>
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</table>

4. Modify ‘Plan No.4 – Special Rural Zones (North)’ to exclude Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from this Plan; and

5. A new clause 4.1A is inserted immediately before clause 4.2.

8. Committee Recommendation

That Council ADOPT (initiate) Amendment No.122 to Town Planning Scheme No.2 as follows: -

1. Rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from ‘Rural’ and ‘Special Rural’ to ‘Development’ and the unconstructed, unnamed road reserve bounded by Lots 1000, 105 and 541 Baldivis Road, Baldivis from ‘Local Road Reserve’ to ‘Development’ on the Scheme Map.

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4. Modify ‘Plan No.4 – Special Rural Zones (North)’ to exclude Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis from this Plan; and

5. A new clause 4.1A is inserted immediately before clause 4.2 as follows:

4.1A District Structure Plans

4.1A.1 Interpretation

In this clause unless the context otherwise requires:

‘Proponent’ means any owner or owners of land to which the Proposed District Structure Plan relates that has or have submitted that Proposed District Structure Plan;

‘Proposed District Structure Plan’ means a proposed District Structure Plan required to be prepared in accordance with clause 4.1A.5; and

‘District Structure Plan’ means a Proposed District Structure Plan that has been both endorsed by the Commission and adopted by the Council under clause 4.1A.6.

4.1A.2 Application

This clause 4.1A applies to each of the following parts of the Scheme Area:

(a) the land shown and described on Plan No. 8 as the “North Baldivis District Structure Plan Area”;  
(b) the land shown and described on Plan No. 8 as the “South Baldivis District Structure Plan Area”;  
(c) the land shown and described on Plan No. 8 as the “Keralup District Structure Plan Area”;  
(d) the land shown and described on Plan No. 8 as the “Karnup District Structure Plan Area”; and  
(e) the land shown and described on Plan No. 8 as the “East Baldivis District Structure Plan Area”.

4.1A.3 Purpose

The purpose of a District Structure Plan is to provide guidance for the preparation of a Proposed Local Structure Plan including with respect to the location and disposition of land uses, activity centres, regional and district infrastructure, schools, open spaces, road networks and other matters considered relevant by the Council.
4.1A.4 Requirement for a District Structure Plan

(a) The Council requires a District Structure Plan for a part of the Scheme Area to which this clause applies, before a Proposed Local Structure Plan, with respect to that land or any part of that land, is adopted by the Council or approved by the Commission under clause 4.2.6.

(b) The Council shall not make a determination under clause 4.2.6.2 with respect to a Proposed Local Structure Plan prior to the advertisement of a Proposed District Structure Plan, for the land to which the Proposed Local Structure Plan is to apply, pursuant to a determination of the Council or the Commission under clause 4.1A.6.2.

(c) The Council shall not adopt a Proposed Local Structure Plan under clause 4.2.6.7(a) prior to the adoption by the Council under clause 4.1A.6.7(a) of a Proposed District Structure Plan for the land to which the Proposed Local Structure Plan is to apply.

(d) The Commission shall not approve a Proposed Local Structure Plan under clause 4.2.6.10(a) prior to the endorsement by the Commission under clause 4.1A.6.10(a) of a District Structure Plan for the land to which the Proposed Local Structure Plan is to apply.

4.1A.5 Preparation of District Structure Plans

(a) A Proposed District Structure Plan may include plans and other documents.

(b) A Proposed District Structure Plan shall relate to all of the land in that part of the Scheme Area referred to in clause 4.1A.2(a), (b), (c), (d) or (e), as the case may be.

(c) A Proposed District Structure Plan is to contain such detail as, in the opinion of the Council, is required to satisfy the planning requirements of the land to which the Proposed District Structure Plan applies, and, without limiting the generality of the foregoing, may include the following details:

(i) a map showing the area to which the Proposed District Structure Plan applies, proposals for the indicative pattern of neighbourhoods around town and neighbourhood centres, arterial routes and neighbourhood connector streets, the protection of natural features such as water courses and vegetation, major open spaces and parklands, major public transport routes and facilities, the pattern and disposition of land uses, schools and community facilities;

(ii) a context and constraints analysis which takes into consideration land use, noise or environmental buffers, existing and future transport routes, major services and infrastructure, existing and planned employment nodes, landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, and ownership;

(iii) an environmental assessment and management strategy;

(iv) a district water management strategy;

(v) a bushfire hazard assessment;

(vi) a transport and traffic management strategy; and

(vii) such other information as may be required by the Council.

4.1A.6 Adoption and Approval of District Structure Plans

4.1A.6.1 (a) A Proposed District Structure Plan may be prepared:

(i) by the Council; or

(ii) subject to clause 4.1A.6.1(b), by a Proponent.

(b) A Proponent shall not prepare a Proposed District Structure Plan for the purpose of this clause 4.1A except with the prior approval of the Council.
(c) In determining whether to give the approval referred to in clause 4.1A.6.1(b), the Council is to have regard to whether the Council has resolved to commence preparation of a Proposed District Structure Plan and the Council is proceeding without undue delay with its preparation and with the procedures under this clause 4.1A.

(d) Where the Council has commenced preparation of a plan referred to in clause 4.1A.11.2 then, for the purposes of clause 4.1A.6(c):

(i) the plan is to be treated as a Proposed District Structure Plan; and

(ii) the reference to the procedures under clause 4.1A is taken to be a reference to the procedures under clause 8.9.

(e) Where prepared by a Proponent, the Proposed District Structure Plan is to be submitted to the Council.

4.1A.6.2 Upon receiving a Proposed District Structure Plan, the Council is to either:

(a) determine that the Proposed District Structure Plan is satisfactory for advertising;

(b) determine that the Proposed District Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or

(c) determine that the Proposed District Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

4.1A.6.3 If within 60 days of receiving a Proposed District Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 4.1A.6.2, the Council is deemed to have determined that the Proposed District Structure Plan is not satisfactory for advertising.

4.1A.6.4 (a) Where the Proponent is aggrieved by a determination of the Council under clause 4.1A.6.2(b) or (c) or clause 4.1A.6.3, the Proponent may request the Council by notice in writing to forward the Proposed District Structure Plan to the Commission.

(b) Within 21 days of receiving a notice from the Proponent under clause 4.1A.6.4(a), the Council is to forward to the Commission:

(i) a copy of the Proposed District Structure Plan;

(ii) details of the Council’s determination including any modifications to the Proposed District Structure Plan required by the Council; and

(iii) any other information the Council considers may be relevant to the Commission’s consideration of approval of the Proposed District Structure Plan for advertising.

(c) Upon receiving a Proposed Structure Plan in accordance with clause 4.1A.6.4(b), the Commission is to make one of the determinations referred to in clause 4.1A.6.2 and advise the Council and the Proponent accordingly.

(d) If the Commission requires modifications to the Proposed District Structure Plan, the Commission is to consult with the Council prior to making its determination under clause 4.1A.6.4(c).
(e) If within 60 days of receiving a Proposed District Structure Plan under clause 4.1A.6.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.1A.6.2, the Commission is deemed to have determined that the Proposed District Structure Plan is not satisfactory for advertising.

4.1A.6.5 Where the Council, or the Commission under clause 4.1A.6.4, has determined that the Proposed District Structure Plan is satisfactory for advertising, the Council is to:

(a) advertise, or require the Proponent to advertise, the Proposed District Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 6.3.3 of the Scheme; and

(b) give notice or require the Proponent to give notice in writing to:

(i) all landowners affected by the Proposed District Structure Plan; and

(ii) such public authorities and other persons as the Council nominates,

and such advertisement and notice are to explain the scope and purpose of the Proposed District Structure Plan, when and where it may be inspected, and invite submissions to the Council by a specified date being at least 21 days from the date of the notice and advertisement.

4.1A.6.6 Within 7 days of determining that a Proposed District Structure Plan is satisfactory for advertising, the Council is to forward a copy of the Proposed District Structure Plan to the Commission.

4.1A.6.7 The Council is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 4.1A.6.5 is to either:-

(a) adopt the Proposed District Structure Plan with or without modifications; or

(b) refuse to adopt the Proposed District Structure Plan and give reasons for this to the Proponent.

4.1A.6.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 4.1A.6.7, the Council is deemed to have refused to adopt the Proposed District Structure Plan.

4.1A.6.9 Within 21 days of the Council making its determination under clause 4.1A.6.7, or deemed refusal under clause 4.1A.6.8, the Council is to forward to the Commission:

(a) a summary of all submissions and comments received by the Council in respect of the Proposed District Structure Plan, and the Council’s decisions or comments in relation to these;

(b) the Council’s recommendation to the Commission to endorse, modify or refuse to endorse the Proposed District Structure Plan; and

(c) any other information the Council considers may be relevant to the Commission’s consideration of the Proposed District Structure Plan.

4.1A.6.10 The Commission is to either:

(a) endorse the Proposed District Structure Plan with or without modifications; or
(b) refuse to approve the Proposed District Structure Plan and give reasons for its decision to the Proponent and the Council.

4.1A.6.11 If within 60 days of receiving the information referred to in clause 4.1A.6.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 4.1A.6.10, the Commission is deemed to have refused to endorse the Proposed Structure Plan.

4.1A.6.12 If the Commission endorses the Proposed Structure Plan, it is to notify the Council and Proponent of its decision within 14 days of the date of the Commission’s decision.

4.1A.6.13 If the Commission requires modifications to the Proposed District Structure Plan, the Commission is to consult with the Council prior to endorsing the Proposed District Structure Plan under clause 4.1A.6.10.

4.1A.6.14 If the Council, following consultation with the Commission, is of the opinion that any modification to the Proposed District Structure Plan is substantial, the Council may:

(a) readvertise the Proposed District Structure Plan; or

(b) require the Proponent to readvertise the District Structure Plan and, thereafter, the procedures set out in clause 4.1A.6.5 onwards are to apply.

4.1A.6.15 As soon as practicable after receiving notice of the endorsement of the Proposed District Structure Plan by the Commission, the Council is to adopt the Proposed District Structure Plan and forward a copy of the District Structure Plan to:

(a) the Proponent;

(b) the Commission; and

(c) any other appropriate person or public authority which the Council thinks fit.

4.1A.6.16 A District Structure Plan is to be kept at the Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.

4.1A.7 Change or Modification to a District Structure Plan

Any change or modification to a District Structure Plan is to follow the procedures set out in clause 4.1A.6.

4.1A.8 Operation of a District Structure Plan

4.1A.8.1 District Structure Plan commences operation on the date it is adopted by the Council pursuant to clause 4.1A.6.15.

4.1A.8.2 For the avoidance of doubt, a District Structure Plan is not part of the Scheme and the provisions of a District Structure Plan do not apply as if they were incorporated in the Scheme.

4.1A.9 Appeal

4.1A.9.1 The Proponent may appeal, in accordance with Part 14 of the Act, any:

(a) determination or decision made by the Commission;

(b) requirement imposed by or modification sought by the Commission; or

(c) determinations deemed to have been made by the Commission under clauses 4.1A.6.4 or 4.1A.6.11 in the exercise of the Commission’s powers under clause 4.1A.

4.1A.9.2 The Proponent may appeal, in accordance with Part 14 of the Act, any decision made by the Council under clause 4.1A.7.
4.1A.10 Certain Plans to have Effect as District Scheme Structure Plans

4.1A.10.1 This clause 4.1A.10 applies to:

(a) the plan entitled the “South Baldivis District Structure Plan” adopted by the Council on 26 October 2004 together with any amendments to that plan adopted by the Council; and

(b) the plan entitled the “North Baldivis District Structure Plan” adopted by the Council on 18 August 2000 together with any amendments to that plan adopted by the Council.

4.1A.10.2 Any District Structure Plan to which this clause applies is to have the full force and effect as if it were adopted and endorsed as a District Structure Plan under clause 4.1A.6.

4.1A.11 District Structure Plans prepared under Clause 8.9

4.1A.11.1 Any plan which, at the Gazettal date of this clause 4.1A:

(a) is entitled a “District Structure Plan”; and

(b) has effect as a Policy under clause 8.9,

is to have full force and effect as if it were a District Structure Plan adopted by the Council and endorsed by the Commission under this clause 4.1A.

4.1A.11.2 Any plan which, at the Gazettal date of this clause 4.1A:

(a) is entitled a “District Structure Plan”; and

(b) is being prepared as a Policy under clause 8.9,

may continue to be prepared in the manner required by clause 8.9 and, upon it taking effect as a Policy under clause 8.9, it is to have full force and effect as if it were a District Structure Plan adopted by the Council and endorsed by the Commission under this clause 4.1A.6.”

6. Clause 4.2 is amended by adding “Local” immediately before the expression “Structure Plan” wherever that expression appears in clauses 4.2.1, 4.2.4, 4.2.5(a), 4.2.5(b), 4.2.5(c), 4.2.6, 4.2.7, 4.2.9 and 4.2.11.

7. Clause 4.2.1 is amended, in the definition of “Proposed Structure Plan”, by deleting:

“, which may apply to either a local area or a district, that has been”.

8. Clause 4.2.5(d) is amended by adding the words “Proposed Local” before the expression “Structure Plan” whenever that expression appears.

9. Clause 4.2.5 is amended by adding the following new paragraph immediately after paragraph (e):

“(f) Where the land to which the Proposed Local Structure Plan relates is land to which clause 4.1A applies, then the Proposed Local Structure Plan shall generally be consistent with the applicable District Structure Plan adopted by the Council and endorsed by the Commission under clause 4.1A.6.”

10. Clause 4.2.6.2 is amended by adding the following immediately before “the Council is to either”:

“but subject to clause 4.1A.4(b),”.

11. Clause 4.2.6.7(a) is amended by adding the following immediately before “adopt”:

“subject to clause 4.1A.4(c),”.

12. Clause 4.2.6.10(a) is amended by adding the following immediately before “approved”:

“subject to clause 4.1A.4(d),”.

13. Clause 4.2.11.2 is amended by:

(1) adding the following immediately after “as if it were approved”:

“and adopted”; and

(2) deleting “clause 4.2.6.15” and substituting “clause 4.2.6”.
14. Table 1 is amended by adding “Local” immediately before the expression “Structure Plan” wherever that expression appears.

15. Clause 4.6A(a) is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

16. Clause 4.23.1 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears in paragraph (b) and paragraph (e).

17. Clause 4.23.4 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

18. Schedule 9 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears.

19. Schedule 10 is amended by adding “Local” before the expression “Structure Plan” wherever that expression appears in clauses 3, 5 and 8 of that Schedule.

20. Introduce a new Plan No.8 District Structure Plan Areas (Under Clause 4.1A.2).\(^1\)

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9. **The Committee's Reason for Varying the Officer's Recommendation**

Not applicable

10. **Implications of the Changes to the Officer's Recommendation**

Not applicable

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\(^1\) Plan No.8 was not included in the Planning Services Agenda Officer Recommendation of this Item. The Plan was provided to all Councillors and relevant Officers prior to the Planning Services Committee Meeting.

CONFIRMED AT A PLANNING SERVICES MEETING
HELDE ON MONDAY, 16 JULY 2012

PRESIDING MEMBER
# Planning Services

## Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-013/12 Proposed Structure Plan – Final Adoption</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/866</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Taylor Burrell Barnett on behalf of Rockingham Park Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning, Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>27th March 2012 (SPE-005-12)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
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## Site:

- Lot 1507 Eighty Road, Baldivis
- Lot Area: 120.8249ha
- LA Zoning: Development
- MRS Zoning: Urban, Other Regional Road

## Attachments:

1. Proposed Structure Plan – as advertised (April 2012)
2. Submissions

## Maps/Diagrams:

1. Location Plan
2. District Structure Plan
3. Approved Structure Plan
4. Proposed Structure Plan – as advertised (April 2012)
5. Location of Potential Breeding Habitat Trees

## 1. Purpose of Report

To consider a proposed Structure Plan over Lot 1507 Eighty Road, Baldivis following the completion of public advertising.
2. Background

District Structure Plan
At its Ordinary meeting held on the 26th October 2004, following a process of public advertising, the Council resolved to endorse the *Baldivis South District Structure Plan* (‘BSDSP’) for the purpose of guiding Comprehensive Development Plans (subsequently referred to as Structure Plans under Town Planning Scheme No.2) and planning generally for the South Baldivis area, subject to certain modifications being undertaken.

In June 2005, the City advised submissioners in writing that the various modifications had been completed, and that the District Structure Plan was endorsed.
Previous Structure Planning

A Comprehensive Development Plan (CDP) for Lot 1507 was approved by the Western Australian Planning Commission (WAPC) on the 2th November 2002. This CDP is limited to the west of Nairn Drive and provides for conventional residential development across the site. An indicative road network is depicted over the land east of Nairn Drive.

Since the WAPC’s 2002 approval, two minor modifications to the CDP have been approved. The first for Stage 1 on the 2nd December 2010 and the second for Stage 2 on the 21st March 2011.

3. Approved Comprehensive Development Plan – Last Modified 21st March 2011

Subdivision Approvals

Two subdivision approvals have been issued over the subject site. The first relates to Stage 1 and proposed 110 lots, which was approved by the WAPC on the 15th December 2010. The second relates to Stage 2 and proposed 68 lots, which was approved by the WAPC on the 11th April 2011.
Proposed Structure Plan
The City received an application for a Structure Plan for Lot 1507 Eighty Road on the 15th July 2011. At its ordinary meeting held on the 27th March 2012 the Council resolved to approve advertising of the Proposed Structure Plan for Lot 1507 Eighty Road, Baldivis.

3. Details
The subject land is located at the corner of Eighty and Sixty Eight Roads, Baldivis. The proposed Structure Plan incorporates the following elements:

- Overall yield of 1600 dwellings consisting of:
  - Low Density Residential ‘R15’ lots;
  - Low Density Residential ‘R20-25’ lots;
  - Medium Density Residential ‘R30’ rear-loaded Cottage lots;
  - 26 Medium Density Residential ‘R30-60’ sites (maximum yield of 477 dwellings);
- 1 Primary School (4ha);
- 1 District Open Space (5.77ha);
- 15 areas of Public Open Space (POS) totalling 11.46ha; and
- 1 Village Centre which is excluded from consideration of this Structure Plan (subject to further planning).

4. Proposed Structure Plan – As Advertised
4. Implications to Consider

a. Consultation with the Community

Advertising Methodology

The Proposed Structure Plan was advertised for public comment for a period of 35 days commencing on the 6th April 2012 and concluding on the 11th May 2012. Public advertising was carried out in the following manner:-

- Nearby owners and occupiers and servicing agencies were notified of the proposal in writing and invited to comment;
- The Proponent erected two signs on site in prominent locations advertising the Proposed Structure Plan;
- A notice was placed in the Weekend Courier for two consecutive weeks, appearing in the newspaper on the 6th April 2012 and the 13th April 2012; and
- Copies of the Structure Plan and relevant documents were made available for inspection at the City's Administration Offices and placed on the City's website.

Advertising was undertaken in accordance with the requirements of Clause 6.3.3 of Town Planning Scheme No.2 (TPS2).

Following the close of the submission period, the City had received a total of twelve (12) submissions on the proposed Structure Plan, comprising of ten (10) from servicing authorities, one (1) from a nearby landowner and one (1) from the Proponent.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.2 to this report). The content of the submissions is summarised and discussed below.

Catholic Education Office: Lot 10 Sixty Eight Road to the west of the subject site is owned by the Roman Catholic Archbishop of Perth. The Catholic Education Office has advised that it intends to build a school from Kindergarten to Year Twelve (12) on Lot 10 in the future. The Catholic Education Office advises that the diversion of Eighty Road in the south-west corner could impact traffic flow if the car park for the future school is located near the bend.

Comment: At this stage the City has not received any plans for a school on the abovementioned site. It is not considered that the proposed road alignment will preclude the siting of any car parking or access arrangement associated with the School. Given that the submissioner has not submitted any detailed plans or general information for the future development of the Catholic Education owned site, further consideration of any potential access arrangements can be assessed upon lodgement of a development application.

Taylor Burrell Barnett: The Proponent has put forward a submission to amend the proposed Structure Plan to reflect the intended plan of subdivision. These changes include:-

- The removal of the 6 metre laneway extension which connects to the western portion of ‘Stage 2’ with POS reserve ‘D’ to eliminate potential for anti-social activity.
- Moving the ‘dress circle’ road running through the western portion of Stage 3 two (2) metres to the west to reduce lot depth.
- Internal lot boundaries slightly modified, resulting in a 10 lot reduction in the yield of single lots within Stages 3-5. An updated staging plan was provided to illustrate this change.
- Small adjustments to POS reserves A, B and C due to implementation and construction of Stage 1.

Comment: The removal of the 6 metre laneway which connects POS ‘D’ to Stage 2 of the Structure Plan is supported. Its removal deletes a pedestrian link to the POS, however, the increased distance does not put any dwellings outside a walkable distance to POS. Deletion of the laneway changes the configuration of the remaining portion into an ‘L’ configuration. Whilst in this instance a ‘T’ shape laneway is preferred, the lack passive surveillance associated with an ‘L’ configuration can be addressed via design components of a Detailed Area Plan.
The reduction in lot depth does not affect the proposed density of the lots and raises no planning concerns. A reduction in the overall lot yield of 10 single lots does not affect Liveable Neighbourhoods target density of 12-20 dwellings per site hectare outside the 400 metre radius of a Neighbourhood Centre and 20-30 dwellings per site hectare for areas within 400 metres of Neighbourhood Centres and within 250 metres of main bus routes. With a maximum of 1629 dwellings across 63.74 hectares of residential lots, a density of 25.55 dwellings per site hectare is achieved. This is consistent with Liveable Neighbourhoods.

Adjustments to the POS reserves within Stage 1 result in a POS change from 10.69% of the site, down to 10.57% of the site. This remains above the minimum 10% requirement for POS provision and is considered acceptable.

b. Consultation with Government Agencies

As mentioned above, relevant servicing authorities were notified of the proposal in writing and invited to comment. In this regard, the City invited comments from the following agencies:-
- Department of Water
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power
- Main Roads WA
- FESA
- Department of Environment and Conservation
- Alinta
- Department of Health
- Department of Education
- Department of Indigenous Affairs

The matters raised by servicing authorities are summarised below:-

Department of Health

The Department of Health (DoH) commented on three (3) issues affecting the Proposed Structure Plan.

The first was noting the requirement for residential developments with densities ranging from ‘R15’ to ‘R60’ to connect to reticulated sewerage as required by the Government Sewerage Policy – Perth Metropolitan Region.

The second was advising of Mosquito-borne Disease Control Program and Services, noting that the subject land is within close proximity to mosquito breeding habitat. The DoH advised that the City needs to be confident that it can manage the risks from mosquitoes and mosquito-borne diseases to public health and the severe impacts they can cause on the quality of life of residents. The DoH recommends that the Proposed Structure Plan should be contingent upon a comprehensive mosquito risk assessment to enable the City to determine the extent of the risk from mosquitoes and mosquito-borne disease. Should the risk be considered high, a management plan for the proposed Structure Plan will be required. The DoH also recommended that new residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on any newly created property titles. The DoH noted that the City must ensure proposed infrastructure and site works do not create additional mosquito breeding habitat and noted that the City should encourage the use of built form design measures in the construction of accommodation and recreational areas to protect future residents from mosquitoes.
The third was regarding the market garden land uses located to the west of Eighty Road. Concerns were raised regarding adverse health effects on future residents from spray drift or pesticide events from pesticide applications from existing market gardens. The DoH recommended that proponents need to undergo a risk based assessment to determine the need and adequacies of buffer zones between market gardens and the development site to ensure any potential public health risks of future residents are minimised.

Comment: The City notes the DoH comments regarding the requirement to connect to reticulated sewerage and provision of a Health Impact Assessment.

The City acknowledges that mosquitoes in the Baldivis and Karnup region are of concern and that measures need to be taken during development to ensure that any mosquito breeding on the subject lot is minimised as much as possible. It is recommended that a Mosquito Risk Assessment be undertaken on the proposed Landscaping Plan and Urban Water Management Plan to ensure that all areas of drainage and Public Open Space are designed to prevent mosquito breeding.

The City has previously considered a buffer distance of 150 metres to existing market gardens sufficient for Structure Planned areas located further east on Sixty Eight Road and the same standard has been applied to this Proposed Structure Plan. It is believed that market garden activities will not adversely affect future residents. Lots within the 150 metre buffer are located in the southern stages of the Structure Plan. These stages will be the last to be developed and will be subject to a notification on the title advising of the nearby market gardens.

Public Transport Authority

The Public Transport Authority (PTA) advised that the Structure Plan was considered to be generally conducive to the operation and growth of the Transperth network, however, objected to the proposed bus route deviating away from the south part of Nairn Drive. Instead of moving east through the Structure Plan to a terminus on Sixty Eight Road, the PTA instead propose that the bus route follow Nairn Drive to a terminus near Sixty Eight Road.

Comment: The bus route shown on the Proposed Structure Plan is generally consistent with the recommendations of the City’s Baldivis Road Needs Study (BRNS). The PTA proposal to revise the bus route does not require any redesign of the Structure Plan. The Proponent has advised that it is prepared to amend the Structure Plan documents to reflect the PTA comments. As such, it is recommended that the Proponent revise the bus route shown in the Structure Plan documents to reflect the PTA comments, prior to the Structure Plan being referred to the WAPC for approval.

Department of Education

The Department of Education (DoE) commented on two elements of the Structure Plan design near the proposed school site.

The first noted that the eastern side of the village centre should not be used as a delivery access point. This was due to increased traffic volumes on the adjacent road if it providing for rear access to buildings, along with a reduction in the passive surveillance over the school site.

The second advised that should medium density housing be included above the commercial village the DoE may have concerns with those homes overlooking into the school site.

Comment: The DoE comments relate to the ultimate design of that section of the ‘Village Centre’ located on the eastern side of Nairn Drive which abuts the Primary School site. It is important to note that the ‘Village Centre’ is excised from the Structure Plan and is subject to further planning. It is the City’s view that the relationship between the school and the ‘Village Centre’ area will be considered when a Structure Plan for the ‘Village Centre’ area is lodged with the City. It is through the assessment of that Structure Plan that the Proponent would need to justify the configuration of the site and its ability to enhance the land use functions of the surrounding area. The City notes that the DoE comments are planning considerations, although they can only be sufficiently addressed when more is known about the intended form of the ‘Village Centre’ precinct.
Main Roads WA

Main Roads WA (MRWA) advised that it has no objection to the proposed Structure Plan, however, noted some advice for the Proponent.

MRWA advised that Nairn Drive which runs through the middle of the proposed Structure Plan is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS).

The proposed Structure Plan has allowed for eight access points on Nairn Drive, in addition to four roundabouts within approximately a 1.6km section. A vehicle access strategy is required to be developed so that the integrity of an ORR is maintained as a regional road.

Comment: MRWA noted that the number of access points on Nairn Drive require a Vehicle Access Strategy to be prepared. The City notes the importance of Nairn Drive as an ORR, providing connectivity to undeveloped land to the south and developing residential estates throughout the Baldivis area. The Vehicle Access Strategy will need to demonstrate that the functionality of Nairn Drive as an ORR will not be impeded by the number of access points the Structure Plan proposes.

The City recommends that a Vehicle Access Strategy be prepared by the Proponent to inform the Structure Plan design abutting Nairn Drive, prior to the Structure Plan being forwarded to the WAPC for approval.

Water Corporation

The Water Corporation (WC) advised that it has no objections to the proposed Structure Plan. The WC noted that future subdivision stages over the land to the east of Nairn Drive may require more extensive water and headworks infrastructure, including the need to secure a permanent wastewater pump station site at or beyond the southern boundary of the land as indicated in the WC’s long-term wastewater planning for the Baldivis Sewer District (SD156). The WC also noted that the future southward extension of Nairn Drive will be an important infrastructure corridor and that the WC’s long-term water and wastewater planning for this area includes the need to locate at least one wastewater pressure main and one large diameter water distribution main along the future alignment of Nairn Drive.

Telstra

Telstra advised that Lot 1507 will be serviced by the National Broadband Network.

Department of Water

The Department of Water (DoW) advised that it has assessed a Local Water Management Strategy (LWMS) for the site and advised the proponent in January 2012 that it was satisfied with the document to support the Proposed Structure Plan.

The DoW also noted that the Proponent has secured the necessary groundwater allocation to irrigate Public Open Space in the Structure Plan area, with the exception of the school site. No further groundwater allocations are currently available in the area. As such, the Proponent has committed through the LWMS to secure an irrigation water source for the school site at the subdivision stage, within the required future Urban Water Management Plan.

Department of Indigenous Affairs

The Department of Indigenous Affairs advised that there are currently no sites mapped on the Aboriginal Heritage Information System (AHIS) that fall within the proposed Structure Plan area.

Western Power

Western Power advised that it had no objections to the proposed Structure Plan. Western Power noted that there are overhead lines and/or underground cables, adjacent to or traversing the property.

Department of Environment and Conservation

The Department of Environment and Conservation (DEC) (Swan Region) advised that it had no comment to make on this proposal. The DEC noted that it expects that the planning system will appropriately address environmental planning issues.
The comments provided by the Water Corporation, Telstra, Department of Water, Department of Indigenous Affairs and Western Power are noted. As they do not affect the immediate design of the Structure Plan, copies of the submissions will be provided to the Proponent as advice.

c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy

State Planning Policies

Directions 2031

Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon (‘Directions 2031’) was released by the WAPC in August 2010 as the plan to provide a vision for the future growth of the Metropolitan and Peel region. It provides a broad framework to guide detailed planning and the delivery of the various elements that provide for growth.

Directions 2031 seeks to increase the proportion of infill development to the ratio of new ‘greenfield’ development sites. A target of 47% infill development is sought under the Policy. As of 2009, only 30% infill development was being achieved. This Policy seeks a 50% improvement from the existing trend.

To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare of land in new development areas. This equates to a minimum R25 code (average of 350m² lots) being applied to all greenfield and infill development.

The Proposed Structure Plan does not meet the density target of 15 dwellings per hectare, instead having a density of approximately 14.35 dwellings per gross hectare. This shortfall is considered acceptable given that the density of Stages 1 and 2 (already approved) are lower than the remainder of the site, and number of dwellings exceeds Liveable Neighbourhoods requirements.

Liveable Neighbourhoods

Liveable Neighbourhoods has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy, and operates as a sustainable development control policy to guide structure planning and subdivision. The document outlines all the requirements a new Structure Plan and the supporting documentation needed to assess such. These requirements are intended to facilitate the State Government’s objective to create communities that reduce dependency on private vehicles and are more energy and land efficient.

Liveable Neighbourhoods contains eight ‘elements’ under which Structure Plans and subdivisions are assessed, as follows:

- Element 1 - Community Design
- Element 2 - Movement Network
- Element 3 - Lot Layout
- Element 4 - Public Parkland
- Element 5 - Urban Water Management
- Element 6 - Utilities
- Element 7 - Activity Centres and Employment
- Element 8 - Schools
Each Element has two components - 'Objectives' and 'Requirements'. Objectives describe the principal aims of each Element, and Requirements present a range of qualitative and quantitative responses to meeting the Objectives. Requirements include matters that 'should' be considered, where there is a range of design solutions, and matters that 'must' be satisfied.

In accordance with the City’s comments in the 27th March 2012 Council Report, the Proposed Structure Plan is considered to meet the objectives and requirements of Liveable Neighbourhoods.

Planning for Bushfire Protection Guidelines Edition 2

The WAPC Planning Bush Fire Protection Guidelines (Edition 2) notes in Section 2.3 – Guidance Statements for Strategic Plans, Planning Strategies, Planning Schemes, Planning Scheme Amendments and Structure Plans – that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level, any new proposals or proposals which will effect a change of land use or design resulting in the introduction of, or an intensification of development should:

- Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;
- Identify any bush fire hazard issues arising from that assessment; and
- Address those issues, in accordance with the general principles that underpin these guidelines, in a statement or report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.

Fire risk has been raised as a concern due to the proximity of proposed lots to heavily vegetated land to the south. The Proponent has provided a Bush Fire Hazard Assessment (BFHA) and Bush Fire Management Plan. The BFHA and Bush Fire Management Plan have been assessed during the advertising and the Fire Management Plan requires modifications prior to being approved. The Bush Fire Management Plan is to be approved by the City, prior to the Proposed Structure Plan being forwarded to the Commission for approval.

Local Planning Policies

Planning Policy 3.4.1 - Public Open Space

Planning Policy 3.4.1 - Public Open Space provides guidance regarding the location and design of public open space within the City. The objectives of the policy are:

- To ensure that all residential development is complemented by well located areas of public open space that provide for the recreational and social needs of the community.
- To ensure that Public Open Space is designed, developed and maintained to an acceptable standard to enhance local amenity.

Discussion regarding the distribution of public open space and compliance with the City's Policy can be found in the 'Implications to Consider' section of this Report.

Planning Policy 6.3 - Local Commercial Strategy

Planning Policy 6.3 - Local Commercial Strategy provides guidance for the distribution and hierarchy of employment centres within the District.

The Proponent has indicated a desire to include 700m² of Commercial zoned land within a ‘Village Centre’ precinct abutting Nairn Drive within the area excluded from consideration as part of the Proposed Structure Plan. This Commercial floor space is not allocated to the site via the Local Commercial Strategy, nor the South Baldivis District Structure Plan (SBDSP).

As the City is currently undertaking a review of Commercial floor space allocations of the Local Commercial Strategy throughout Baldivis, it is believed to be premature to consider this element of the proposal in isolation to the wider review. As such, the ‘Village Centre’ area of the plan has been excluded from consideration of this Structure Plan, and will be subject to a future application.

e. Financial

Nil
f. **Legal and Statutory**

In accordance with Clause 4.2.6.7 of TPS2, the Council is required to consider all submissions received within 60 days following the advertising period for a Proposed Structure Plan and resolve to either:-

(i) Adopt the Proposed Structure Plan with or without modifications; or

(ii) Refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent

Determination of a Proposed Structure Plan ultimately rests with the WAPC, notwithstanding the Council's resolution. Pursuant to Clause 4.2.6.9, the Council within 21 days of making its determination under Clause 4.2.6.7, is required to forward to the Commission:

(i) A summary of all submissions and comments received by the Council in respect to the of the Proposed Structure Plan, and the Council's decisions or comments in relation to these;

(ii) The Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and

(iii) Any information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

### 5. Comments

The April 2012 Council Report raised a number of matters that were required to be addressed prior to the Structure Plan being determined. These matters are discussed further below.

**Unidentified Trees**

The City requested that “prior to the Proposed Structure Plan being considered for adoption, the location of the four (4) trees with potential breeding habitat for black cockatoos are required to be identified on a plan”.

The Proponent forwarded a report on the 22nd May 2012 identifying the four trees noted in the Proposed Structure Plan Report. The trees consist of three Jarrah and one Marri, all located within the road reserve of Sixty Eight Road. This road reserve is likely to be subject to future widening of up to 2.5 metres on the north and south side to facilitate the upgrade of Sixty Eight Road to a Boulevard Standard. Therefore the retention of the four trees within the Sixty Eight Road reserve will be subject to consideration when the upgrades to Sixty Eight Road are being considered by the City.
Bush Fire Management

In the 24th April 2012 Council Report, the City noted that the Proponent had provided a Bush Fire Hazard Assessment and Bush Fire Management Plan. The Fire Management Plan has been assessed and minor changes to this document have been requested by the City. It is recommended that the Bush Fire Management Plan be finalised prior to the Structure Plan being forwarded to the WAPC for approval.

Conclusion

In light of the response to submissions and Structure Plan assessment provided above, it is recommended that the Council adopt the Proposed Structure Plan, subject to the following matters being addressed prior to the Proposed Structure Plan being forwarded to the WAPC for determination:-

(i) Structure Plan Documents to be revised to reflect comments received from the Public Transport Authority suggesting an alternative Bus Route;

(ii) Bush Fire Hazard Assessment and Bush Fire Management Plan being approved by the City;

(iii) Structure Plan Documents to be updated to reflect the modifications detailed within the Proponents submission; and

(iv) The Traffic Report being amended to incorporate a vehicle access strategy addressing the design abutting Nairn Drive.

At subdivision stage the Proponent will be required to undertake a Mosquito Risk Assessment on the proposed Landscaping Plan and Urban Water Management Plan, to ensure that all areas of drainage and Public Open Space are designed to prevent mosquito breeding.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADOPT the Proposed Structure Plan for Lot 1507 Eighty Road, Baldivis, subject to the following matters being addressed prior to the Proposed Structure Plan being forwarded to the WAPC for determination:-

(i) Structure Plan Documents to be revised to reflect comments received from the Public Transport Authority suggesting an alternative Bus Route;

(ii) Bush Fire Hazard Assessment and Bush Fire Management Plan being approved by the City;

(iii) Structure Plan Documents to be updated to reflect the modifications detailed within the Proponents submission; and

(iv) The Traffic Report being amended to incorporate a vehicle access strategy addressing the design abutting Nairn Drive.

8. Committee Recommendation

That Council ADOPT the Proposed Structure Plan for Lot 1507 Eighty Road, Baldivis, subject to the following matters being addressed prior to the Proposed Structure Plan being forwarded to the WAPC for determination:-

(i) Structure Plan Documents to be revised to reflect comments received from the Public Transport Authority suggesting an alternative Bus Route;

(ii) Bush Fire Hazard Assessment and Bush Fire Management Plan being approved by the City;

(iii) Structure Plan Documents to be updated to reflect the modifications detailed within the Proponents submission; and

(iv) The Traffic Report being amended to incorporate a vehicle access strategy addressing the design abutting Nairn Drive.

Committee Voting – 4/0
9. The Committee's Reason for Varying the Officer's Recommendation

Not applicable

10. Implications of the Changes to the Officer’s Recommendation

Not applicable
1. **Purpose of Report**

To consider an update of cost estimates under Development Contribution Plan No.1 - Anstey Park.

2. **Background**

On the 25th July 2008, Amendment No.53 to Town Planning Scheme No.2 was gazetted. The Amendment, amongst other things, introduced Development Contribution Plan No. 1 - Anstey Park into the Scheme, pertaining to the Anstey Park area, providing statutory effect to the Cost Contributions Arrangement.
In August 2008, the Council considered a Report outlining updates to the cost estimates for the Development Contribution Plan and revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park.

The cost estimates were further reviewed by the Council in July 2009, and then most recently in December 2010 when it resolved to adopt revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park, as follows:-

(a) Land Acquisition - $10,360,306.72
(b) Public Open Space Development - $1,469,807.92
(c) Public Open Space Maintenance - $1,307,788.85
(d) Stormwater Drainage Pipework - $0.00
(e) Stormwater Drainage Earthworks - $0.00
(f) Anstey Road - $248,252.00
(g) Warnbro Sound Avenue - $637,977.00
(h) Administration - $234,794.65
(i) Ongoing Management - $292,514.37

3. Details

In accordance with clause 5.5.5.5(a) of Town Planning Scheme No.2, the Council is required to review the estimated costs contained in a Development Contribution Plan (DCP) at least annually, in accordance with the best and latest information available. This Report seeks to satisfy this Scheme requirement.

4. Implications to Consider

a. Consultation with the Community

Consultation with the community is not required under the provisions of Town Planning Scheme No.2. In accordance with clause 5.5.5.5(b) of the Scheme, an Owner can request that the City have the estimated costs independently certified by an appropriate qualified person.

b. Consultation with Government Agencies

Consultation with the government agencies is not required under the provisions of Town Planning Scheme No.2.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy

Nil

e. Financial

The Cost Contributions Scheme is intended to ensure that all subdividers equitably contribute to the provision of certain infrastructure with the Council performing a regulatory role in this regard. Given that the payment and receipt of funds by the Council is influenced by the timing of subdivision and the prevailing costs at that time (land value, development costs etc), the Cost Contributions Scheme is subject to uncontrollable variables that may present a financial risk to the Council when the Cost Contributions Scheme is finished.
f. Legal and Statutory

Clause 5.5.5.5(a) requires the estimated costs under the Development Contribution Plan to be reviewed at least annually in accordance with the best and latest information available to the Council until the expenditure on the relevant item has occurred.

5. Comments

The current cost estimates, adopted in April 2010, have been reviewed as follows:-

Land Acquisition

Since the last review in April 2010, the City has expended funds in the acquisition of land for the Lennox Drive and Surf Drive Public Open Space reserves. Accordingly, actual expenditure on land acquisition totals $9,138,389.45, consisting of both cash payments and the provision of 'in kind' credit towards the Owner's cost contributions.

For the remaining land to be acquired for Public Open Space, valuation advice has been received from McGees stating the value of land has not changed from the previous update, remaining at $875,000 west of Forty Road, and $825,000 East of Forty Road. McGees has further recommended that a 1.5% increase in land value be applied given the land is expected to be ceded for Public Open Space by June 2013.

Based on the above advice, the following estimated land valuations have been applied:

<table>
<thead>
<tr>
<th>Date</th>
<th>Land West of Forty Road</th>
<th>Land East of Forty Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 2012</td>
<td>$875,000</td>
<td>$825,000</td>
</tr>
<tr>
<td>February 2013</td>
<td>$888,125</td>
<td>$837,375</td>
</tr>
</tbody>
</table>

On this basis, the current estimate for remaining land acquisition is $1,089,446.53 and the total estimated costs for land acquisition, including land already acquired, is therefore $10,227,835.98.

Public Open Space Development & Maintenance

To date, a total of $662,483.43 has been expended on the development of land for Public Open Space, through the provision of 'in kind' credit towards the Owner's cost contributions and allocation of funds from the Anstey Park Shared Costs Reserve. Similarly, a total of $419,345.20 has been expended on the maintenance of Public Open Space.

Where landscaping plans have not been prepared for reserves, the costs for development of the remaining reserves have been based on an indicative schedule of costs for the overall estate. These estimated costs, prepared by the Parks Service, equate to $125,661.80 per hectare. Similarly, the estimate for maintenance have been amended and equate to $109,724.60 per hectare.

In order to account for likely increases in development and maintenance costs, this amount has been adjusted by 2.97% per annum (based on the 10 year average CPI for Perth).

On this basis, the current estimates are:

<table>
<thead>
<tr>
<th></th>
<th>Actual</th>
<th>Estimate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of POS</td>
<td>$662,483.43</td>
<td>$790,687.83</td>
<td>$1,453,171.26</td>
</tr>
<tr>
<td>Maintenance of POS</td>
<td>$419,345.20</td>
<td>$932,570.47</td>
<td>$1,351,915.67</td>
</tr>
</tbody>
</table>

Stormwater Drainage Pipework & Earthworks

These items have previously been deleted and no longer apply.

Anstey Road & Warnbro Sound Avenue

These items are a set cost and are not amended.
Administration & Ongoing Management

When previously reviewed in April 2010, the City’s actual expenditure for Administration was estimated at $234,794.65, with actual expenditure on Ongoing Management estimated at $133,029.64.

Since April 2010, a further $35,044.98 has been expended on Ongoing Management, bringing the total actual expenditure to $168,074.62.

An amount of $20,000 per annum is estimated for Administration and Ongoing Management for the remaining life of the Development Contribution Plan, to June 2013.

Accordingly, it is recommended that the following estimates be adopted:

<table>
<thead>
<tr>
<th></th>
<th>Actual</th>
<th>Estimate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$234,794.65</td>
<td></td>
<td>$234,794.65</td>
</tr>
<tr>
<td>Ongoing Management</td>
<td>$168,074.62</td>
<td>$20,000</td>
<td>$188,074.62</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$402,869.27</strong></td>
<td><strong>$20,000</strong></td>
<td><strong>$422,869.27</strong></td>
</tr>
</tbody>
</table>

Conclusion

In accordance with the above, the cost estimates for Development Contribution Plan No.1 have been revised as follows:-

(a) Land Acquisition - $10,227,835.68
(b) Public Open Space Development - $1,453,171.26
(c) Public Open Space Maintenance - $1,351,915.67
(d) Stormwater Drainage Pipework - $0.00
(e) Stormwater Drainage Earthworks - $0.00
(f) Anstey Road - $248,252.00
(g) Warnbro Sound Avenue - $637,977.00
(h) Administration - $234,794.65
(i) Ongoing Management - $188,074.62

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council **ADOPT** the revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park, as follows:-

(a) Land Acquisition - $10,227,835.68
(b) Public Open Space Development - $1,453,171.26
(c) Public Open Space Maintenance - $1,351,915.67
(d) Stormwater Drainage Pipework - $0.00
(e) Stormwater Drainage Earthworks - $0.00
(f) Anstey Road - $248,252.00
(g) Warnbro Sound Avenue - $637,977.00
(h) Administration - $234,794.65
(i) Ongoing Management - $188,074.62
8. Committee Recommendation

That Council ADOPT the revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park, as follows:-

(a) Land Acquisition - $10,227,835.68
(b) Public Open Space Development - $1,453,171.26
(c) Public Open Space Maintenance - $1,351,915.67
(d) Stormwater Drainage Pipework - $0.00
(e) Stormwater Drainage Earthworks - $0.00
(f) Anstey Road - $248,252.00
(g) Warnbro Sound Avenue - $637,977.00
(h) Administration - $234,794.65
(i) Ongoing Management - $188,074.62

Committee Voting – 4/0

9. The Committee's Reason for Varying the Officer's Recommendation

Not applicable

10. Implications of the Changes to the Officer's Recommendation

Not applicable
## Planning Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-030/12 Proposed Rural Pursuit (Keeping of Wildlife)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/6288</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Darrol Mullany</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
</tbody>
</table>

| Site:                   | Lot 341 (No.65) Cassia Drive, Karnup                  |
| Lot Area:               | 2ha                                                   |
| LA Zoning:              | Special Rural                                         |
| MRS Zoning:             | Rural                                                 |
| Attachments:            | Letter of Objection (No. 47 Cassia Drive)             |
| Maps/Diagrams:         | 1. Location Plan                                      |
|                        | 2. Aerial Map of Enclosures                           |
|                        | 3. Consultation Plan                                  |
|                        | 4. Photo - Wombat Enclosure                           |
|                        | 5. Photo - Koala Enclosure                             |
|                        | 6. Photo - Dingo Enclosure                             |
|                        | 7. Photo - Greyhound Enclosure                        |
1. **Purpose of Report**

To consider an application seeking Planning Approval for a Rural Pursuit (Keeping of Wildlife) at Lot 341 (No.65) Cassia Drive, Karnup.

2. **Background**

In early May 2011, the City received an application for planning approval seeking to relocate 9 Koalas, 3 wombats and 2 dingoes to Lot 341 (No.65) Cassia Drive, Karnup, until such time as a suitable premises could be acquired due to the closure of the Marapana Wildlife Park.

On 23rd May 2011, the City granted Planning Approval for a Rural Pursuit (Temporary Wildlife Housing) at the subject site for a period of 12 months. This included the keeping of 11 Koalas, 4 Wombats and two Dingos. This Planning Approval expired on the 23rd May 2012.

In April 2012, the City received a letter from an adjacent property owner (Ms Seabrook) seeking to withdraw support for development.

On 31st May 2012, City Officers met with Ms Seabrook and the proponent on-site to discuss the application the subject of this report. Ms Seabrook raised several concerns regarding the keeping of greyhounds as being contrary to the Special Rural use of the land, noise from barking dogs, visual impact, smell and that the keeping of wildlife was only supposed to be temporary pending a permanent location being secured by now.

3. **Details**

The proponent seeks Council's approval to house 7 Koalas, 4 Wombats, 2 Dingoes and 6 pythons at the subject site. The animals are housed in existing enclosures that were approved as part of the 2011 Planning Approval.

The proponent has been unable to secure an alternative premise to house the animals, and is seeking planning approval to apply to the land, without a restriction on the approval timeframe.

The proponent has established a mobile petting zoo whereby animals will be taken to schools and community events. Accordingly, the public will not be attending the premises and there is no advertising signage erected on-site.
2. Aerial Map of Enclosures

4. Implications to Consider

a. Consultation with the Community

In accordance with clause 6.3.3 of Town Planning Scheme No.2 (TPS2), the application was referred to seven nearby owners for comment, for a period of 14 days, as shown on the Consultation Plan. At the completion of the public comment period, one submission was received objecting the proposal due to noise from animals and the temporary nature of Planning Approval.
b. **Consultation with Government Agencies**

Consultation with Government Agencies is not required, however, the Department of Environment & Conservation was informed of the proposal and advised that should Planning Approval be granted, the applicant will be required to update its licence for the keeping of native wildlife.

c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 11:** *Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.*

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

Under TPS2 a ‘Rural Pursuit’ is interpreted as follows:

“Rural Pursuit: means any premises used for:-

(a) the rearing or agistment of animals;

(b) the stabling, agistment or training of horses;

(c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or Industrial gardens; or

(d) the sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture – intensive.”

A ‘Rural Pursuit’ is a land use that is not permitted unless the Council has exercised its discretion by granting planning approval.

The proposal is consistent with the objective of the Special Rural zone under the TPS2, which is for the effective management of land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment.
4. Wombat Enclosure

5. Koala Enclosure
6. Dingo Enclosure

5. Comments

Response to Submissions

With respect to the issues raised in the submissions, the following comments are made:-

Noise:

The proponent acknowledges that Dingos sometimes emit a howl, however, it only occurs infrequently and they have a low pitch sound. The Dingos, Koalas and Wombats are passive animals and were not noisy when City Officer's inspected the premises.

Upon discussion with the submissioner, it was evident that the basis of the objection was due in particular to the six greyhounds. The submissioner was particularly concerned about the dogs barking when they were fed early in the morning and later in the afternoon. There is a risk of the greyhounds barking and the Dingo's reacting by howling.

The proponent has already received approval from the City's Ranger Services to keep six greyhounds at the premises. Noise from these dogs is controlled by the Dog Act 1976, which is enforceable by the City's Ranger Services. Section 38(2b) of the Dog Act 1976 states that a dog shall be taken to be a nuisance if –

"...it creates a noise, by barking or otherwise, which persistently occurs or continues to a degree or extent not normally habitual in dogs and has a disturbing effect on the state of reasonable physical, mental or social well-being of a person."

Formal complaint can be made to the City's Ranger Services for persistent barking. The proponent has also recently fitted nozzles on some dogs, in an attempt to mitigate barking.

The keeping of greyhounds is considered to be a separate issue to the proponent's application for the keeping of wildlife. There was no evidence that the native wildlife on the site caused any noise that would be considered a nuisance. The greyhounds are the occupier's pets and are not being boarded on the premises. On this basis, the keeping of greyhounds are not classified as a kennel and therefore Planning Approval is not required pursuant to Town Planning Scheme No.2.
7. Greyhound Enclosure

Temporary Nature of Approval:
The proponent intends to eventually sell his rural property and rehouse the animals. Whilst no clear timeframe has been provided in this regard, the proposed rural pursuit is a land use that the Council has the discretion to approve in the Special Rural zone. The impact of the keeping of wildlife is considered to be consistent with the rural amenity of the area.

Conclusion
It is recommended that the Council grant Planning Approval to the keeping of wildlife on the property. The submissioner’s concerns regarding noise from barking dogs is the main concern, which is not an aspect of this application. The property appears to be well managed and there are no objections from a planning point of view to the Council granting a Planning Approval, without a timeframe restricting the approval.

DEPUTATION
4.35pm - Mr Darrol Mullany attended the Planning Services Committee meeting.
The Chairman welcomed Mr Mullany and invited him to address the Committee, as the proponent for the proposed Rural Pursuit (Keeping of Wildlife). Mr Mullany advised he had kept the animals on the property for a year without incident. Six (6) greyhounds were also kept on the property, for approximately one month without complaint. He advised there were strict licensing requirements by the DEC for the keeping of fauna. He also stated that he had previously been offered the ‘Mead Property’ in the Town of Kwinana, but it was cost prohibitive due to the need to upgrade access. The business had changed to a mobile petting zoo and the animals were also used to help people in therapy.
The Chief Executive Officer advised Committee members that the issue of keeping greyhounds on the property was a separate matter which needed to be dealt with by Council via the Community Safety Committee. The Planning Committee was required to consider the Planning Application on the merits of the application and on the basis of the information presented in support of such application. The keeping of greyhounds was not a matter relevant to the consideration of the Planning Application.

The Chairman thanked Mr Mullany for his presentation.

4.45pm - Mr Mullany left the Planning Services Committee meeting.

6. Voting Requirements

Simply Majority

7. Officer Recommendation

That Council APPROVE an Application for Planning Approval for a Rural Pursuit (Keeping of Wildlife) at Lot 341 (No.65) Cassia Drive, Karnup, subject to the following conditions:-

1. Development must be carried out in accordance with the terms of the application as approved herein and any approved plan.
2. This approval includes the keeping of Koalas, Wombats, Dingos and Snakes in accordance with the submitted application.

8. Committee Recommendation

That Council APPROVE an Application for Planning Approval for a Rural Pursuit (Keeping of Wildlife) at Lot 341 (No.65) Cassia Drive, Karnup, subject to the following conditions:-

1. Development must be carried out in accordance with the terms of the application as approved herein and any approved plan.
2. This approval includes the keeping of Koalas, Wombats, Dingos and Snakes in accordance with the submitted application.

Committee Voting – 4/0

9. The Committee’s Reason for Varying the Officer’s Recommendation

Not applicable

10. Implications of the Changes to the Officer’s Recommendation

Not applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-031/12 Proposed Sea Container (Shoalwater Oval)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/5268</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<tr>
<td>Date of Committee Meeting:</td>
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</tr>
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<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in</td>
<td></td>
</tr>
<tr>
<td>this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Reserve 24280, Lot 1742 Fourth Avenue, Shoalwater (Shoalwater Oval)</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>3.18ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Container Location Plan</td>
</tr>
<tr>
<td></td>
<td>3. Existing Club Rooms</td>
</tr>
<tr>
<td></td>
<td>4. View of neighbouring properties</td>
</tr>
<tr>
<td></td>
<td>5. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

1. Purpose of Report

To consider an application for a proposed sea container at Reserve 24280, Lot 1742 Fourth Avenue, Shoalwater (Shoalwater Oval).

2. Background

Nil

3. Details

The Hillman Cricket Club (HCC) seeks Council approval to locate a sea container at Shoalwater Oval. The sea container is 6m x 2.4m with a height of 2.59m and is proposed near the south western corner of the existing Club Room building. The sea container is needed by the HCC to store equipment which includes a bowling machine, fridge/freezer, line marker and cricket gear bags. The HCC has advised that the sea container is needed for storage until funds are available to build a permanent structure, and will be painted to match the existing building.
2. Container Location

3. Existing Club Rooms
4. Implications to Consider

a. Consultation with the Community

In accordance with clause 6.3.3 of Town Planning Scheme No.2 (‘TPS2’) and Planning Procedure 1.3 - Community Consultation, the application was referred to six nearby owners and occupiers for comment, for a period of 14 days.

At the close of the advertising period, three submissions from adjacent residents were received objecting to the proposal, on the following basis:-

(i) Temporary Nature of Development
   Concerns were raised that the sea container would become a permanent structure.

(ii) Impacts on Residential Amenity
    Concerns were raised that the sea container would impact the amenity of the Residential zone, as it would be a different colour to the existing clubroom.

(iii) Impact on views
     The sea container impacts on views of the reserve from adjacent properties.

(iv) Vandalism
     Submissioners were concerned the sea container would become a target for vandalism and graffiti.

This report should be read in conjunction with the attached detailed Schedule of Submissions.
5. Consultation Plan

b. Consultation with Government Agencies
Not applicable

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
Nil

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**5. Comments**

**Response to Submissions**

With respect to the issues raised in the submissions, the following comments are made:-

**Temporary Nature of Development**

Concerns have been raised that the sea container would become a permanent structure on the oval. This is would not be a desirable outcome, but due to the rapid growth of the HCC and its associated storage needs, a sea container on the oval is required as a short term solution.
A condition of Planning Approval can be included that limits the use of the sea container to three years, after which time the sea container would need to be removed. This would alleviate concerns by submissioners that the structure would be permanent, whilst also allowing the HCC time to fundraise for alternative storage arrangements.

**Impacts on Residential Amenity**

The HCC has advised that the sea container will be coloured to match the existing building and is prepared to plant vegetation to screen the sea container from Fourth Avenue. These measures are considered appropriate to reduce the visual impact the sea container on the residential amenity of the area. Furthermore, the residential properties that overlook the Clubrooms are elevated above the proposed location for the sea container.

**Impact on views**

Submissioners have raised concerns that the sea container will impact the views of the reserve from adjacent properties. By locating the sea container in a nook of the existing building, it is considered that there will be minimal impact on views.

**Vandalism**

One submission was concerned that the sea container would become a target for vandalism and graffiti. A condition of planning approval can be imposed to require the proponent to remove any graffiti.

**Conclusion**

It is recommended that the sea container be approved for a period of three years, subject to the structure being screened and it being painted to match the existing building.

### 6. Voting Requirements

**Simple Majority**

**7. Officer Recommendation**

That Council **APPROVE** the application seeking Planning approval for a sea container at Lot 1742 Fourth Avenue, Shoalwater, subject to the following conditions:-

1. The sea container must be removed off-site by the Hillman Cricket Club by 30th June 2015.
2. The sea container must be painted to match the existing Clubrooms within 30 days of the container being located on-site.
3. Vegetation must be planted to screen view of the sea container from properties on Fourth Avenue within 30 days of it being located on-site. The plant species must approved by the City.
4. Any graffiti on the sea container must be removed within 48 hours.

**8. Committee Recommendation**

That Council **APPROVE** the application seeking Planning approval for a sea container at Lot 1742 Fourth Avenue, Shoalwater, subject to the following conditions:-

1. The sea container must be removed off-site by the Hillman Cricket Club by 30th June 2015.
2. The sea container must be painted to match the existing Clubrooms within 30 days of the container being located on-site.
3. Vegetation must be planted to screen view of the sea container from properties on Fourth Avenue within 30 days of it being located on-site. The plant species must approved by the City.
4. Any graffiti on the sea container must be removed within 48 hours.

Committee Voting – 3/1

(Cr Elliott voted against)
<table>
<thead>
<tr>
<th></th>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
Planning Services Advisory & Occasional Committee Minutes Statutory Planning Services

**Reference No. & Subject:** SP-032/12 Minutes of the Heritage Reference Group

**File No:** LUP/449-22

**Author:** Mr Ross Underwood, Senior Planning Officer

**Other Contributors:** Mr Mike Ross, Manager, Statutory Planning

**Date of Committee Meeting:** 18th June 2012

**Terms of Reference:** To provide a Forum to discuss the conservation and preservation of natural and culturally significant heritage sites within the Rockingham district.

**Composition:** 1 Councillor, 2 representatives from the Rockingham District Historical Society

**Disclosure of Interest:**

**Nature of Council’s Role in this Matter:** Executive Function

**Attachments:** Minutes of the Heritage Reference Group meeting held on the 10th May 2012

**Maps/Diagrams:**

1. **Receipt of Minutes**
   
   That Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 10th May 2012.

2. **Recommendations to Standing Committee**
   
   There are no recommendations to the Standing Committee.

3. **Committee Recommendation**
   
   That Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 10th May 2012.

   Committee Voting – 4/0

4. **The Committee’s Reason for Varying the Officer’s Recommendation**
   
   Not applicable

5. **Implications of the Changes to the Officer’s Recommendation**
   
   Not applicable

CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 16 JULY 2012

PRESIDING MEMBER
## Purpose of Report

To consider an amendment to Planning Policy 3.1.7 - *Heritage Conservation and Development Policy* (the Policy) to provide incentives to encourage the retention of heritage places.

## Background

In February 2012, the Council endorsed the publishing of a notice that amendments have been prepared for Planning Policy 3.1.7 - *Heritage Conservation and Development Policy*, summarised as follows:
The current Policy is proposed to be amended by making reference to the availability of grants for heritage and conservation incentive purposes of up to $20,000 under the City’s Community Grants Program, where individual owners of heritage-listed properties could be sponsored for conservation works by a not-for-profit community organisation (such as the Rockingham District Historical Society).

The Policy is also proposed to be amended by deleting reference to the CEO waiving planning and building fees for conservation works, and instead including reference to the availability of sundry donations of up to $500 under the City’s Community Grants Program, where individual owners of heritage-listed properties could be sponsored for the refund of planning and building fees by a not-for-profit community organisation (such as the Rockingham District Historical Society).

No changes to the existing development incentives under Town Planning Scheme No.2 (TPS2), including variations to site area, open space and plot ratio concessions, are proposed.

The Policy is proposed to be amended to remove reference to the discontinued Regional Heritage Advisory Service.

The number of the Policy is to be changed from “3.1.7” to “3.3.21” to reflect the nature of the policy as a statutory policy document, rather than strategic.

The title of the Policy is to be altered to remove the final word “Policy” which is unnecessary.

Change the reference to plot ratio concessions in section 4.4 from “Table 1” to “Table 4”, to reflect recent amendments to State Planning Policy 3.1 - Residential Design Codes which moved the plot ratio requirements.

Appendix 1, being the Management Categories Table, is to be deleted and the Table moved to Section 4.3 of the Policy, as it forms part of the Policy. Appendix 2 (Heritage List) is to be renumbered as Appendix 1.

Remove reference to the proposed Planning Policy for the East Rockingham Heritage Area, which was not proceeded with by the City.

3. Details

The proposed amendments to the Policy were advertised for public comment, as indicated below.

4. Implications to Consider

a. Consultation with the Community

The proposed amendments to the Policy were advertised for public comment for a total of 25 days in the following manner:

• Notice was published in the ‘Public Notices’ section of the Weekend Courier on the 16th March and 23rd March 2012;

• Information about the proposal was made available on the City’s website;

• Notice was given to the owners of all places entered on the Heritage List under Town Planning Scheme No.2; and

• Notice was given to the Rockingham District Historical Society.

At the conclusion of the comment period on the 10th April 2012, one public submission was received from the Rockingham District Historical Society. The Society objected to the requirement for individuals to apply for a grant via an auspice not-for-profit association, such as the Rockingham District Historical Society, on the basis that it has limited resources, and individuals should be able to apply directly.

Upon review, the proposal for private owners to apply for grants via an auspice not-for-profit association, such as the Rockingham District Historical Society, is not considered suitable as such organisations may not have the resources to supervise the grant process.
b. Consultation with Government Agencies

Notice of the proposed amendments to the Policy was provided to the State Heritage Office. A submission was received from the State Heritage Office objecting to the proposal to require applicants to apply to the City for the donation of application fees for conservation works rather than the current Policy position where fees for conservation works can be waived by the CEO.

Upon review, the proposal for owners to apply for a refund of planning and building fees via an application for sundry grants is unnecessarily complex.

Reverting to the current policy provision is not considered appropriate either. The current provision which states the CEO has delegated authority to waive planning and building fees is not supported by a delegation arrangement by the Council, and the provision of City to individuals where that individual could derive a financial benefit through an increase in property value, upon review, is not considered appropriate.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:

Aspiration 14: Economic development opportunities that make visiting, living, working and investing in the City of Rockingham an attractive proposition

Aspiration 15: Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant

d. Policy

State Planning Policy 3.5 – Historic Heritage Conservation (SPP3.5) notes that effective heritage protection requires an integrated approach involving not only regulation, but also promotion and incentives. The proposed amendments to the Policy provide owners with information on available incentives, and are therefore consistent with the intent of SPP3.5.

e. Financial

Not applicable

f. Legal and Statutory

Under Town Planning Scheme No.2, after the expiry of the period within which submissions may be made, the Council is to review the proposed Policy in the light of any submissions made and resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

5. Comments

Upon review of the comments made by the Rockingham District Historical Society and the State Heritage Office, it will be necessary to modify the advertised Policy to delete reference to the City’s Community Grant Program being available to owners of private places, except for community and sporting groups who can still apply for funding for conservation works associated with places owned by that group or the City. The Policy will also need to be modified to delete reference to the donation or waiving of planning and building fees, given only community and sporting groups can apply for sundry donations under the Community Grants Program.

The other minor changes proposed to the Policy should, however, be retained.

It is recommended that the Council adopt the Policy in accordance with the following modifications:

- The references to grants and sundry donations available under the Community Grants Program being modified to clarify that funds are only available for not-for-profit community organisations;

- Reference in the current Policy to the CEO waiving planning and building fees being deleted; and
Amending reference to the various grants available, including reference to the new grants offered by the Federal Department of Sustainability, Environment, Water, Population and Communities, deleting reference to the defunct grant program of the Australian Heritage Council, and deleting reference to the Heritage Council of Western Australia's Guide to Heritage Agencies and Assistance which is no longer published.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADOPT amendments to Planning Policy 3.1.7 - Heritage Conservation and Development Policy, as modified, with the additions shown in red and underline text and the deletions shown in red and strikethrough text.

8. Committee Recommendation

That Council ADOPT amendments to Planning Policy 3.1.7 - Heritage Conservation and Development Policy, as modified, with the additions shown in red and underline text and the deletions shown in red and strikethrough text below:

PLANNING POLICY 3.1.7-3.3.21
HERITAGE CONSERVATION AND DEVELOPMENT POLICY

1. Introduction

The City of Rockingham contains a significant collection of heritage places as identified in its Municipal Heritage Inventory. Heritage places are identified as places having cultural heritage significance to the local community.

Places considered worthy of protection are identified on the Heritage List established under Town Planning Scheme No.2. A copy of the Heritage List is attached as Appendix 21.

This Policy:
- Applies the development control principles contained in the State Planning Policy 3.5 - Historic Heritage Conservation;
- Provides development and design guidance for development of places in the Heritage List established pursuant to the City of Rockingham Town Planning Scheme No.2; and
- Details procedures for making applications for approval of heritage-related development.

2. Policy Application

This Policy applies to all places entered in the Heritage List pursuant to Town Planning Scheme No.2.

This Policy should also be read in conjunction with Planning Policy No.3.1.8 - East Rockingham Heritage Conservation and Development Policy (draft) for development affecting places on the Heritage List along Mandurah and Day Roads in East Rockingham.

Aboriginal heritage is protected by the Aboriginal Heritage Act 1972. This Policy does not apply to the conservation of aboriginal heritage, except in cases where aboriginal heritage places are entered into the Heritage List or a designated Heritage Area.

3. Policy Objectives

The objectives of the policy are:

(i) To conserve and protect places of cultural heritage significance within the City of Rockingham;

(ii) To ensure that development does not adversely affect the significance of heritage places;
(iii) To ensure that heritage significance is given due weight in decision making for applications for planning approval; and

(iv) To provide greater certainty to landowners and the community about the planning processes for heritage identification and protection in the City of Rockingham.

4. Policy Statement

4.1 Relevant Considerations for Development Assessment

In considering any planning applications in relation to a place entered in the Heritage List, the City will apply and have regard to:

(i) the conservation and protection of any place or area that has been registered in the State Register of Heritage Places under the *Heritage of Western Australia Act 1990*, or is the subject of a Conservation Order under the Act;

(ii) the conservation and protection of any place which is included in the Heritage List under clause 5.4.2 of the City of Rockingham *Town Planning Scheme No.2*;

(iii) whether the proposed development will adversely affect the significance of any heritage place, including adverse affect resulting from the location, bulk, form or appearance of the proposed development;

(iv) the level of heritage significance of the place, based on a relevant heritage assessment;

(v) measures proposed to conserve the heritage significance of the place and its setting;

(vi) the structural condition of a place, and whether a place is reasonably capable of conservation;

(vii) whether the place is capable of adaptation to a new use which will enable its retention and conservation; and

(viii) State Planning Policy 3.5 - *Historic Heritage Conservation*.

4.2 Development Control Principles

The following ‘development control principles’ must be applied in considering applications for planning approval in relation to a place entered in the Heritage List under the City of Rockingham *Town Planning Scheme No.2*. The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.

Alterations, extensions or change of use affecting a heritage place

(i) Development should conserve and protect the cultural heritage significance of a heritage place based on respect for the existing building or structure, and the least possible change to the significant fabric.

(ii) Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to work with the original fabric rather than simply copying or mimicking it.

(iii) In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use should be supported in such cases.

(iv) Development should be in accordance with any Planning Policies relating to heritage.

(v) Where a Conservation Plan has been prepared for a place, development must be in accordance with the conservation policies under the Conservation Plan.
Demolition of a heritage place (including a place within a heritage area)

(i) Demolition of a heritage place with exceptional or considerable significance is rarely appropriate and should require the strongest justification. Demolition of a heritage place with moderate or low significance should be avoided wherever possible, although there may be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification.

(ii) Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; and the extent to which the community would benefit from the proposed redevelopment.

Any person or organisation who is considering or proposing to develop or alter a heritage place should seek advice from a qualified heritage architect or heritage consultant prior to progressing any application. The City's Regional Heritage Advisor may also be contacted to provide advice on appropriate development of heritage places; the Regional Heritage Advisor can be sought by contacting the City's Planning Services.

4.3 Levels of Significance

The level of heritage significance of a place is one of the matters considered in determining an application.

A level of significance, based on the Management Categories of the Municipal Heritage Inventory, has been applied to each place on the Heritage List. The requirements for each Management Category is included at Appendix 1 to this Policy in the following table.

<table>
<thead>
<tr>
<th>Management Category</th>
<th>Level of Significance</th>
<th>Description</th>
<th>Required outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>State significance</td>
<td>Already recognised at the highest level - the State Register of Heritage Places.</td>
<td>The place should be retained and conserved unless in the Heritage Council’s opinion there is no feasible and prudent alternative to doing otherwise. Development requires consultation with both the Heritage Council and the City of Rockingham. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).</td>
</tr>
<tr>
<td>Management Category</td>
<td>Level of Significance</td>
<td>Description</td>
<td>Required outcome</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------</td>
<td>-------------</td>
<td>------------------</td>
</tr>
<tr>
<td>A</td>
<td>Exceptional significance</td>
<td>Worthy of the highest level of protection - recommended for entry into the State Register of Heritage Places.</td>
<td>The place should be retained and conserved unless in Council's opinion there is no feasible and prudent alternative to doing otherwise. Development requires consultation with the City of Rockingham. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment.</td>
</tr>
<tr>
<td>B</td>
<td>Considerable significance</td>
<td>Worthy of a high level of protection.</td>
<td>Conservation of the place is highly desirable. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment or demolition.</td>
</tr>
<tr>
<td>C</td>
<td>Some/Moderate significance</td>
<td>Retain and conserve if possible.</td>
<td>Conservation of the place is desirable. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment or demolition. If demolition or major redevelopment is approved, an archival record will be required, in accordance with Heritage Council standards. If demolished, the place should be recognised, for example, with a plaque, place name, or acknowledged in new urban or architectural design.</td>
</tr>
<tr>
<td>D</td>
<td>Little significance</td>
<td>Significant, but not essential to an understanding of the history of the district.</td>
<td>If demolition or major redevelopment is approved by Council, an archival record will be required, in accordance with Heritage Council standards. If demolished, the place should be recognised, for example, with a plaque, place name, or acknowledged in new urban or architectural design.</td>
</tr>
</tbody>
</table>
### Management Category | Level of Significance | Description | Required outcome
--- | --- | --- | ---
E | Site of significance | Historic site. Not included in Heritage List. | Recognise/interpret heritage values - for example, with a plaque, place name, or acknowledged in new urban or architectural design.

#### 4.4 Variation to Site and Development Standards

Clause 5.4.6 of *Town Planning Scheme No.2* provides the Council with the ability to vary any site or development requirement specified in the Scheme or the *Residential Design Codes* to facilitate the conservation of a place listed in the Heritage List.

Council may consider varying one or more of the following site or development requirements set out in the Scheme and *Residential Design Codes* where it involves the conservation of a building on the Heritage List:-

(i) Supporting the creation of a lot of a lesser area or approving a minimum site area of a grouped dwelling on a site area lesser than that specified on Table 1 of the *Residential Design Codes* provided the proposed variation is no more than 25% less in area than that specified on Table 1;

(ii) Approving a variation to open space provision under the *Residential Design Codes*;

(iii) Approving variations to plot ratio; provided the proposed variation is no more than 25% than that specified in Table 14 of the *Residential Design Codes*.

The Council may consider variations to other development requirements to the Scheme or *Residential Design Codes* not listed above.

Any proposed variation to site and development standards will only be permitted where the proposed variation is consistent with the general and specific objectives of the Scheme and the objectives of the zone. Furthermore, variations will only be considered where there is a beneficial conservation outcome for the heritage place.

For any variation to site and development requirements under clause 5.4.6, the Council shall give notice to nearby owners and occupiers who, in the opinion of the Council, are likely to be affected by the proposal, shall be notified of the proposal in writing, and provided with an opportunity to comment on the proposed variations to the site and development requirements.

#### 4.5 Other Incentives for Heritage Conservation

Not-for-profit clubs, groups and organisations that are providing economic, social, community or environmental services may be eligible for minor grants and sundry donations for heritage and conservation incentives under the City’s *Community Grants Program Policy*. For further information about applying for a Minor Grant or a Sundry Donation under the *Community Grants Program Policy*, contact the City’s Community Capacity Building Services.

Where an application for development has been submitted, the City will consider waiving the following application fees for conservation works:-

- Planning Services fee for development proposals; and
- Building Licence fee.

Authority is delegated to the Chief Executive Officer to approve the waiving of such fees for any application that proposes development, where there is a beneficial conservation outcome for the heritage place. Fees will only be waived on the proportion of the proposal relating to conservation works. Where both development and conservation are proposed, the fee will be based on the total cost of development minus the cost of conservation works.
Other incentives provided by other organisations, such as grants and tax rebates, may apply for proposals to conserve heritage places. These are offered by the Heritage Council of Western Australia, the Federal Department of Sustainability, Environment, Water, Population and Communities, Lotterywest, and The National Trust of Australia (WA), and Australian Heritage Council. The Heritage Council of Western Australia's Guide to Heritage Agencies and Assistance provides advice on the various agencies and assistance programs that may be applicable to any project. Contact the City's Planning Services and the State Heritage Office for assistance in determining what grants may be available.

4.6 Heritage Agreements

Clause 5.4.4 of Town Planning Scheme No.2 allows the Council to enter into a Heritage Agreement with an owner or occupier of land or building, pertaining to a heritage place.

Heritage Agreements will be required where a development proposal seeks to improve a heritage place, particularly where a site or development standard is varied under section 2.5 of this Policy.

Where a caveatable agreement is proposed, it shall be prepared by the Council's solicitors at no cost to the applicant. The agreement is usually binding to successors in Title.

4.7 Procedure for Adding, Deleting or Amending Entries in the Local Heritage List

The procedures for adding places to the Heritage List are set out in clause 5.4.2 of the Town Planning Scheme No.2. The City may consider amending the Heritage List over time in the following circumstances:

<table>
<thead>
<tr>
<th>Event</th>
<th>Council Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>A place is found to be significant in a new or reviewed Municipal Heritage Inventory</td>
<td>The City will consider inclusion of a place in the Heritage List if the findings of a new or reviewed Municipal Heritage Inventory supports it.</td>
</tr>
<tr>
<td>A place is nominated for inclusion in the Municipal Heritage Inventory by the owner or a member of the public</td>
<td>The City will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator. If not, consideration will be deferred until a review of the Heritage List is scheduled.</td>
</tr>
</tbody>
</table>
| A Heritage Impact Statement is prepared in conjunction with a development proposal | The City may consider inclusion of a place in the Heritage List if a Heritage Impact Statement is prepared:  
- As part of a Heritage Impact Statement submitted by an applicant, or  
- By the City at its own expense.  
Even the most thorough Inventory will have some gaps in it, and over time the need will arise to assess non-listed places that appear potentially significant. |
| A place is demolished, or substantially damaged or destroyed | The City will consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is lost. |

The City will retain a record of all places destroyed, demolished and/or removed from the Heritage List to monitor the outcomes of this Policy.

5. Application Procedure

Applications for planning approval for the development or demolition of places entered on the Heritage List under Town Planning Scheme No.2, shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

(a) A written submission describing the nature of the proposal, and which includes confirmation that the requirements of this Planning Policy can be achieved;
(b) A break-up of the cost of the development, itemising a schedule of conservation works;

(c) Such plans and other information that the City may reasonably require to enable the application to be determined. Refer to clauses 6.2.2 and 5.4.8 of Town Planning Scheme No.2;

(d) In addition to the above information, the City may require an applicant to provide one or more of the following to assist Council in the determination of an application.

Heritage Impact Statement

A Heritage Impact Statement is a brief, independent evaluation by a heritage architect or heritage consultant. It is not to be confused with a Heritage Council Heritage Assessment or a Conservation Plan, which are more extensive and detailed documents.

If a proposal is likely to have a substantial impact on the exterior fabric of a place in the Heritage List, the City may require a Heritage Impact Statement to be submitted addressing three main questions:

- How will the proposed works affect the significance of the place?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

Conservation Plan

If a proposal affects a place that is entered in the State Register of Heritage Places, or a large or complex place of exceptional significance, the City may require a Conservation Plan to be prepared. Such cases will be rare.

A Conservation Plan is a guiding document for the conservation and future use of a place, and is prepared in accordance with the Heritage Council's Conservation Plan Study Brief: Introduction to Conservation Plans.

Structural condition assessment in the case of demolition

If structural failure is cited as a justification for the demolition of a place in the Heritage List, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.

Archival recording in the case of demolition

If a proposal is for the demolition of a place entered in the Heritage List, or entered in the Municipal Heritage Inventory, the Council may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the Heritage Council’s standard for archival recording, and lodged with the City and the Rockingham District Historical Society.

(e) The payment of an Administration Fee as detailed in the Council’s Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services. Council may decide to waive the Administration Fee in accordance with point 4.5 of this Policy.

6. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, 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:-

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 JULY 2012

PRESIDING MEMBER
Conservation means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will:-

(a) enable the cultural heritage significance of that place or precinct to be retained; and

(b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct,

and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct having due regard to relevant professional standards and the provision of an appropriate visual setting.

Council means the Council of the City of Rockingham.

Cultural Heritage Significance means the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generation.

Heritage List means a list of those places which, in the opinion of the Council, are of such cultural heritage significance to the Council that conservation and protection under the provisions of this Scheme is warranted.

Place means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertained and includes:-

(a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;

(b) any works or buildings situated there, their contents relevant to the purpose of this Scheme and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and

(c) as much of the land beneath the place as is required for the purposes of its conservation.

For the purposes of this Planning Policy, the following terms shall have the same meaning as in the Heritage of Western Australia Act 1990:-

Conservation Order means an Order made under section 59 of the Heritage of Western Australia Act 1990.

Heritage Council means the Heritage Council of Western Australia established pursuant to section 5 of the Heritage of Western Australia Act 1990.

State Register means the Register of Heritage Places compiled pursuant to section 46 of the Heritage of Western Australia Act 1990.

8. Delegation

Unless otherwise determined by the Manager of Statutory Planning, applications for planning approval for development of a place on a Heritage List under the Scheme with a Management Category of "B", "C" or "D" and demolition of a place with a Management Category of "D", which comply in all respects with the objectives and provisions of this Planning Policy will be dealt with under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority.

All other applications for planning approval for the development or demolition of a place on a Heritage List will be referred to the Council for determination.

9. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 25th March 2008, and modified by Council on the 26th June 2012.

Appendices

1. Management Categories and Levels of Significance

2. Heritage List

APPENDIX 1

MANAGEMENT CATEGORIES AND LEVELS OF SIGNIFICANCE

(under section 4.3 of this Policy)
<table>
<thead>
<tr>
<th>Management Category</th>
<th>Level of Significance</th>
<th>Description</th>
<th>Required outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>State-significance</td>
<td>Already recognised at the highest level—the State Register of Heritage Places.</td>
<td>The place should be retained and conserved unless in the Heritage Council’s opinion there is no feasible and prudent alternative to doing otherwise. Development requires consultation with both the Heritage Council of Western Australia and the City of Rockingham. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).</td>
</tr>
<tr>
<td>A</td>
<td>Exceptional significance</td>
<td>Worthy of the highest level of protection—recommended for entry into the State Register of Heritage Places.</td>
<td>The place should be retained and conserved unless in Council’s opinion there is no feasible and prudent alternative to doing otherwise. Development requires consultation with the City of Rockingham. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment.</td>
</tr>
<tr>
<td>B</td>
<td>Considerable significance</td>
<td>Worthy of a high level of protection.</td>
<td>Conservation of the place is highly desirable. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment or demolition.</td>
</tr>
<tr>
<td>Management Category</td>
<td>Level of Significance</td>
<td>Description</td>
<td>Required outcome</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------</td>
<td>--------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>C</td>
<td>Some/Moderate significance</td>
<td>Retain and conserve if possible.</td>
<td>Conservation of the place is desirable. A detailed Heritage Impact Statement should be undertaken before Council determines an application for any major redevelopment or demolition. If demolition or major redevelopment is approved, an archival record will be required, in accordance with Heritage Council of Western Australia standards. If demolished, the place should be recognised, for example, with a plaque, place name, or acknowledged in new urban or architectural design.</td>
</tr>
<tr>
<td>D</td>
<td>Little significance</td>
<td>Significant, but not essential to an understanding of the history of the district.</td>
<td>If demolition or major redevelopment is approved by Council, an archival record will be required, in accordance with Heritage Council of Western Australia standards. If demolished, the place should be recognised, for example, with a plaque, place name, or acknowledged in new urban or architectural design.</td>
</tr>
<tr>
<td>E</td>
<td>Site of significance</td>
<td>Historic site. Not included in Heritage List.</td>
<td>Recognise/interpret heritage values - for example, with a plaque, place name, or acknowledged in new urban or architectural design.</td>
</tr>
</tbody>
</table>

**APPENDIX 21**

**Heritage List**
(under clause 5.4.2 of Town Planning Scheme No.2)

<table>
<thead>
<tr>
<th>Place No.</th>
<th>Name</th>
<th>Address</th>
<th>Owner/Manager</th>
<th>Management Category</th>
<th>Reason for entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>Abattoir and Stables</td>
<td>Lot 902 Dixon Road, Hillman</td>
<td>Western Australian Planning Commission</td>
<td>B</td>
<td>The place has aesthetic, historic, scientific and social value, is representative and is rare.</td>
</tr>
<tr>
<td>No.</td>
<td>Place Name</td>
<td>Address Details</td>
<td>Authority</td>
<td>Rating</td>
<td>Comments</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>--------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>002</td>
<td>Baldivis Primary School</td>
<td>Reserve 23952, Lot 1376 (No.342) Baldivis Road, Baldivis</td>
<td>City of Rockingham</td>
<td>A</td>
<td>The place has aesthetic, historic and social value, is representative and is rare.</td>
</tr>
<tr>
<td>003</td>
<td>Bell and Churchill Parks</td>
<td>Reserve 22568, Lots 148 and 149 Rockingham Beach Road, Rockingham</td>
<td>City of Rockingham</td>
<td>B</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>004</td>
<td>Bell Cottage (ruin) *</td>
<td>Lot 64 Mandurah Road, East Rockingham</td>
<td>Trecap Pty Ltd</td>
<td>A+</td>
<td>The place has aesthetic, historic and social value, and is representative</td>
</tr>
<tr>
<td></td>
<td>* Also known as Woodbine</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>006</td>
<td>East Rockingham Cemetery *</td>
<td>Reserve 841, Lot 3095 Mandurah Road, East Rockingham</td>
<td>City of Rockingham</td>
<td>A</td>
<td>The place has aesthetic and historic value, and is rare.</td>
</tr>
<tr>
<td>008</td>
<td>Day Cottage *</td>
<td>Lot 1 Day Road, East Rockingham</td>
<td>L J &amp; M E Pike</td>
<td>A+</td>
<td>The place has aesthetic, historic, scientific and social value, and is rare.</td>
</tr>
<tr>
<td></td>
<td>* Also known as Ellendale</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>012</td>
<td>Group Settler’s Home</td>
<td>Lot 100 (No.118) Fifty Road, Baldivis</td>
<td>A O Dixon-Pugh</td>
<td>C</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>013</td>
<td>Hymus House *</td>
<td>Lot 801 Mandurah Road, East Rockingham</td>
<td>Gallway Investments Pty Lty &amp; Tilley Properties (Qld) Pty Ltd</td>
<td>A+</td>
<td>The place has aesthetic, historic and social value, and is representative</td>
</tr>
<tr>
<td>014</td>
<td>Iluka</td>
<td>Lot 27 (No.13) Esplanade, Rockingham</td>
<td>D W &amp; E S Treloar</td>
<td>B</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>015</td>
<td>Anglican Church</td>
<td>Lots 2 &amp; 201 (No.63-65) Kent Street, Rockingham</td>
<td>Rockdentspec Pty Ltd &amp; Searipple Administrative Services Pty Ltd</td>
<td>A</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td></td>
<td>* Also known as St Nicholas Church</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>019</td>
<td>Cape Peron Battery Complex</td>
<td>Reserve 48968 Point Peron Road, Peron</td>
<td>Conservation Commission of WA</td>
<td>A</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>021</td>
<td>Rockingham Hotel</td>
<td>Lot 99 (No.26-40) Kent Street, Rockingham</td>
<td>Mirco Bros Pty Ltd</td>
<td>A</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td></td>
<td>* Also known as Port Hotel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name of Place</td>
<td>Address</td>
<td>Owner</td>
<td>Rating</td>
<td>Description</td>
</tr>
<tr>
<td>-----</td>
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<td>-------------</td>
</tr>
<tr>
<td>022</td>
<td>Rockingham Hotel Trees and Walls</td>
<td>Lot 99 (No.26-40) Kent Street, Rockingham</td>
<td>Mirco Bros Pty Ltd</td>
<td>A</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
</tbody>
</table>
| 024 | Chesterfield House *  
*Also known as Chesterfield Inn and Rockingham Arms* | Lot 2 Chesterfield Road, East Rockingham | Landcorp | A+ | The place has aesthetic, historic and social value. |
| 025 | Rockingham Beach Primary School | Reserve 21181, Lot 321 Bay View Street, Rockingham | Department of Education and Training | A | The place has aesthetic, historic and social value, and is representative. |
| 026 | Rockingham Oval | Reserve 2595, Lot 1571 Kent Street, Rockingham | City of Rockingham | C | The place has historic and social value. |
| 027 | Rockingham Park Kindergarten | Lot 716 Centaurus Street, Rockingham | City of Rockingham | C | The place has aesthetic and historic value. |
| 028 | Rockingham Park Underpasses | Centaurus Street, Rockingham | City of Rockingham | C | The places have historic and social value. |
| 029 | Safety Bay Butcher's Shop | Lot 1 (No.44) Penguin Rd, Shoalwater | G N Burns | B | The place has aesthetic, historic and social value. |
| 031 | Lucy Saw Home | Lot 16 (No.65) Parkin Street, Rockingham | W Howard & L Thomas | A | The place has aesthetic and historic value. |
| 032 | Second Road Board Office  
*Also known as Rockingham Districts Historical Society and Rockingham Museum* | Reserve 20292, Lot 1237 Kent Street, Rockingham | City of Rockingham | B | The place has aesthetic, historic and social value. |
| 033 | Peelhurst (ruins)  
*Also known as Thomas Peel Jnr's Homestead* | Lot 40 Dampier Drive, Golden Bay | D M Coxon, G H Robbins, and F & G Nominees | A | The place has aesthetic, historic and social value, and is representative. |
<p>| 035 | Turtle Factory | Lot 3 Point Peron Road, Peron | Department for Planning and Infrastructure | C | The place has historic and social value. |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Authority/Owner</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>040</td>
<td>Port Kennedy Scientific Park</td>
<td>Reserve 44077, Lots 138 and 216 Port Kennedy Drive, Port Kennedy</td>
<td>Department of Environment and Conservation</td>
<td>The place has aesthetic and scientific value.</td>
</tr>
<tr>
<td>041</td>
<td>Point Peron Recreational Camp</td>
<td>Reserve 48968 Point Peron Road, Peron</td>
<td>Conservation Commission of WA</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>043</td>
<td>Kwinana Grain Terminal, Granary Museum and Jetty</td>
<td>Lots 1304 and 1585 Rockingham Beach Road, East Rockingham</td>
<td>Co-operative Bulk Handling Pty Ltd</td>
<td>The place has aesthetic and historic value.</td>
</tr>
<tr>
<td>045</td>
<td>Z-Force Memorial, Rockingham</td>
<td>Reserve 22779, Lot 444 Esplanade, Rockingham</td>
<td>City of Rockingham</td>
<td>The place has aesthetic and social value.</td>
</tr>
<tr>
<td>046</td>
<td>Uniting Church</td>
<td>Lots 127 &amp; 128 (No.127-129) Parkin Street, Rockingham</td>
<td>R L Saggers</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>047</td>
<td>Lake Richmond</td>
<td>Reserve 9458, Lots 18 and 1596 and Reserve 47145, Lot 8001 Safety Bay Road, East Rockingham</td>
<td>City of Rockingham</td>
<td>The place has aesthetic, social, scientific and historic value.</td>
</tr>
<tr>
<td>053</td>
<td>&quot;Rockingham&quot; Cairn</td>
<td>Reserve 22618, Lot 439 Rockingham Beach Road, East Rockingham</td>
<td>City of Rockingham</td>
<td>The place has social value.</td>
</tr>
<tr>
<td>054</td>
<td>Founder's Memorial</td>
<td>Railway Terrace, Rockingham</td>
<td>City of Rockingham</td>
<td>The place has aesthetic and social value.</td>
</tr>
<tr>
<td>055</td>
<td>Chesterfield Inn Dairy * Also known as Chesterfield Inn Stables</td>
<td>Lot 1 Chesterfield Road, East Rockingham</td>
<td>Landcorp</td>
<td>The place has aesthetic, historic and social value, and is representative</td>
</tr>
<tr>
<td>058</td>
<td>Masonic Hall</td>
<td>Lot 643 corner Emma and Wanliss Streets, Rockingham</td>
<td>Rockingham Masonic Lodge</td>
<td>The place has aesthetic, historic and social value.</td>
</tr>
<tr>
<td>#</td>
<td>Address</td>
<td>Lot/Lot Numbers/Address</td>
<td>Applicant</td>
<td>Value</td>
</tr>
<tr>
<td>----</td>
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<td>-----------------------------------------------</td>
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<td>------------------------------------</td>
</tr>
<tr>
<td>059</td>
<td>Alfred Hines, Seaside Home</td>
<td>Lot 700 Hymus Street, Peron</td>
<td>Crippled Children Seaside Homes</td>
<td>B</td>
</tr>
<tr>
<td>060</td>
<td>Glenway Realty</td>
<td>Lot 123 (No.229) Safety Bay Road, Safety Bay</td>
<td>A J Mason</td>
<td>B</td>
</tr>
<tr>
<td>071</td>
<td>Residence, 5 Martell Street</td>
<td>Lot 550 (No.5) Martell Street, Warnbro</td>
<td>J Ashton</td>
<td>D</td>
</tr>
<tr>
<td>073</td>
<td>Residence, 118 Arcadia Drive</td>
<td>Lot 2 (No.118) Arcadia Drive, Shoalwater</td>
<td>M A Goodman</td>
<td>C</td>
</tr>
<tr>
<td>074</td>
<td>Residence, 250 Safety Bay Road</td>
<td>Lot 10 (No.250) Safety Bay Road, Safety Bay</td>
<td>S M &amp; T Pass</td>
<td>C</td>
</tr>
<tr>
<td>076</td>
<td>Residence, 505 Safety Bay Road</td>
<td>Lot 24 (No.505) Safety Bay Road, Safety Bay</td>
<td>S D Nall</td>
<td>C</td>
</tr>
<tr>
<td>077</td>
<td>Residence, 623 Safety Bay Road</td>
<td>Lot 261 (No.623) Safety Bay Road, Waikiki</td>
<td>M O Shailer</td>
<td>C</td>
</tr>
<tr>
<td>079</td>
<td>Carinya Court</td>
<td>Lot 1 (No.153) Esplanade, Rockingham</td>
<td>Various owners</td>
<td>B</td>
</tr>
<tr>
<td>080</td>
<td>Residence, 72A Penguin Road</td>
<td>Strata Lot 1 (No.72A) Penguin Road, Safety Bay</td>
<td>J McCracken</td>
<td>C</td>
</tr>
<tr>
<td>081</td>
<td>Residence, 188 Safety Bay Road</td>
<td>Lot 10 (No.188) Safety Bay Road, Safety Bay</td>
<td>S J Milne</td>
<td>D</td>
</tr>
<tr>
<td>082</td>
<td>Residence, 218 Safety Bay Road</td>
<td>Lot 81 (No.218) Safety Bay Road, Safety Bay</td>
<td>G T &amp; D L Clark</td>
<td>C</td>
</tr>
<tr>
<td>084</td>
<td>Residence, 3 Chalwell Street</td>
<td>Lot 10 (No.3) Chalwell Street, Rockingham</td>
<td>Ten Tangents Investments Pty Ltd</td>
<td>C</td>
</tr>
<tr>
<td>086</td>
<td>Residence, 21 Waimea Road</td>
<td>Lot 257 (No.21) Waimea Road, Safety Bay</td>
<td>G &amp; H Flader</td>
<td>D</td>
</tr>
<tr>
<td>089</td>
<td>Residence, 124 Arcadia Drive</td>
<td>Lot 11 (No.124) Arcadia Drive, Shoalwater</td>
<td>Olisch Holdings Pty Ltd</td>
<td>C</td>
</tr>
<tr>
<td>090</td>
<td>Residence, 274 Safety Bay Road</td>
<td>Lot 22 (No.274) Safety Bay Road, Safety Bay</td>
<td>V &amp; C Galbraith</td>
<td>C</td>
</tr>
<tr>
<td>091</td>
<td>CWA Hall</td>
<td>Lot 174 (No.12) Watts Road, Shoalwater</td>
<td>Country Women's Association of WA Inc.</td>
<td>B</td>
</tr>
<tr>
<td>092</td>
<td>Aloha &amp; Oahu</td>
<td>Lots 31 and 42 (No.166-168) Arcadia Drive, Shoalwater</td>
<td>Various Owners</td>
<td>D</td>
</tr>
</tbody>
</table>

*Heritage places marked with an asterisk are to be conserved on the basis of either incorporation as part of future industrial development or for removal and relocation elsewhere in the municipality [see clause 5.4.2(g) of the Scheme].

This Heritage List was adopted by the Council under clause 5.4.2 of *Town Planning Scheme No.2* at its ordinary Meeting held on the 25th March 2008, and modified by Council at ordinary Meetings held on the 14th December 2010, 27th April 2011 and 28th June 2011.

Committee Voting – 4/0

9. **The Committee's Reason for Varying the Officer's Recommendation**

   Not applicable

10. **Implications of the Changes to the Officer's Recommendation**

   Not applicable
### 1. Purpose of Report

To consider updating the City’s Municipal Heritage Inventory (MHI) and Heritage List under Town Planning Scheme No.2 (TPS2), to include two new heritage places and updates to existing entries.

### 2. Background

Under the Heritage of Western Australia Act 1990 (Act), each local authority is required to prepare and maintain an inventory of buildings which in Council’s opinion are, or may become, of cultural heritage significance - this is commonly called a ‘Municipal Heritage Inventory’.

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**Planning Services Committee Minutes**  
**Monday 18 June 2012**

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### Planning Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-034/12 Municipal Heritage Inventory and Heritage List Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/518-08 and LUP/641-02</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive Function</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executing Function</td>
</tr>
</tbody>
</table>

### Site:

<table>
<thead>
<tr>
<th>Lot Area:</th>
<th>LA Zoning:</th>
<th>MRS Zoning:</th>
</tr>
</thead>
</table>

### Attachments:

- Vuggy Lacustrine Limestone
- Location Plan - Limestone Quarry
- Aerial Photo of Quarry Site (1953)
- Stepped Edge of Limestone
- Limestone Crust
- Location Plan - 18 Florence Street
- Residence - 18 Florence Street

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**CONFIRMED AT A PLANNING SERVICES MEETING**  
**HELD ON MONDAY, 16 JULY 2012**

---

**PRESIDING MEMBER**
MHIs provide recognition of a place's importance to the local community, however, the places on the MHI are not afforded statutory protection.

The City’s MHI was initially compiled and adopted in October 1995 and later reviewed with minor changes adopted in December 1998. In 2003, the Council commenced a review of its MHI, which was adopted in two stages. The first stage of the review updated the existing MHI and was adopted by Council in March 2008, and the second stage included a major review which was adopted by Council in December 2010. Two minor amendments were adopted by Council in April 2011.

The City’s Heritage List, compiled under TPS2, has been prepared and updated concurrently with the MHI.

3. Details

The City has prepared an update to its MHI. The update includes the addition of two new places and updates to existing entries, as follows:

Limestone Quarry

The City’s 1995 MHI included a listing for a ‘Freshwater Coral Site’, which was described as the site of quarry of East Rockingham building stone, located around a swamp off Day Road near Mandurah Road. The site was unable to be verified, and it was deleted from the MHI in March 2008.

The stone, known variously as vuggy lacustrine limestone, swamp stone, coral stone, honeycomb limestone and Rockingham stone, is a soft stone which hardens with exposure to air.

1. Vuggy Lacustrine Limestone

In 2011, the Rockingham District Historical Society identified the site of a quarry on Lot 500 Chesterfield Road, East Rockingham. The City subsequently engaged Hocking Heritage Studio (Hocking) to investigate the site and prepare a Place Record Form for inclusion in the MHI. Hocking provided the following historical information and Statement of Significance:

Historical Notes:

“This quarry is believed to be the source of building materials for local buildings constructed from the mid-19th century. It is likely that given the proximity of Chesterfield House that this quarry was the source of the stone for that building. However little direct documentary evidence has been found to substantiate direct linkages between this quarry and the adjacent properties ‘Chesterfield House’, ‘Woodbine’, ‘Hymus House’ and ‘Leaholm’ amongst others. James Bell who built his own cottage ‘Woodbine’ is believed to have built ‘Chesterfield House’ and he may have quarried the stone himself from the quarry.

Aerial photographs of the area indicate that the quarry was being used until the mid 1950s.”

Statement of Significance:

“Historic Value the place is a source of a rare building material within the state and appears to be localised to the East Rockingham area with many of the older houses being constructed from the stone.”
Social Value  the place is associated with the early settlers in the area and demonstrates the tough physical conditions faced in the construction of the first substantial homes.

Scientific Value  the material sourced from this quarry is a localised stone with unique characteristics which could provide valuable information for students of geology.

The techniques used to extract the stone were employed at this site until the 1950s and the remains in the landscape may reveal information on the methods of quarrying used in the 19th and early 20th century.

On the basis of its investigations, Hocking recommended the place be afforded a Management Category of 'B', meaning 'worthy of a high level of protection'. The City's Heritage Reference Group (HRG) considered the draft Place Record Form and recommended that the Management Category be upgraded to 'A', meaning 'worthy of the highest level of protection, recommended for entry into the State Register of Heritage Places', to reflect its significant historical and scientific value being the source of building materials for Rockingham's early buildings and rarity of the material.
Residence, 18 Florence Street

In 2011 the owner of Lot 131 (No.18) Florence Street, Rockingham provided the City with historical information in support of having the place included on the MHI and Heritage List. Hocking prepared a Place Record Form for this new place which includes the following historical information and Statement of Significance:

Historical Notes:

“The land on which this property is located was subdivided in 1935 however it was not until the post world war II years that the area was densely settled. This coincides with the growth in popularity of the town of Rockingham as a holiday destination.

This cottage was originally located in the wheat belt town of Bruce Rock. Farmer, William Arnold lived in Bruce Rock and purchased this parcel of land in Rockingham in 1949 presumably for a family holiday home. On the Bruce Rock farming property was a vacant cottage which William Arnold transported to Rockingham by truck in four pieces. The four pieces were reconstructed by a local carpenter and the stumps for the house were sourced from the Bruce Rock area. Information from the current [2012] owner indicates that the timber for the stumps were Acacia acuminate which is referred to as ‘Jam Wattle’, ‘Jam Wood’ or ‘Raspberry Jam Wood’. This timber is particularly resistant to attack from insects.

The date of the relocation has not been definitively determined however it is likely to be between 1949 when the lot was purchased and 1953 when it is evident on an aerial photograph of the site.

The Arnold family owned the property until 1974 when it was transferred to Bethwyn Veitch and Leonie Whittome who immediately transferred it to Gwendoline Dagg. Gwendoline Dagg owned the property until 1993 and it is likely that the house was leased during this period.

In 1993, the house was briefly transferred to Julie Trenfield and then to Mark and Deborah Lawrence who lived in the property until 2001 when it was transferred to the current owner, Rodney Speight.

The relocation of houses to the area was apparently common as building materials were hard to come by in the post World War II era, and any house had the potential to be a holiday house.”

Statement of Significance:

“Historic Value  The house demonstrates the close association that existed between the farming community of the ‘wheat belt’ and the holiday destination of Rockingham.

Social Value  The house demonstrates the practice of building relocation that has been a common strategy in Western Australia.”
Scientific Value  The structure of the house may reveal some elements of interest in regard to the methods of dividing and relocating buildings.

The stumps of the house which are believed to originate from the area around the town of Bruce Rock may provide some data on the decay of timber in a seaside location compared to its original location.”

On the basis of its investigations, Hocking recommended the place be afforded a Management Category of 'C', meaning 'retain and conserve if possible'. The City’s Heritage Reference Group (HRG) considered the draft Place Record Form and recommended that the Management Category be upgraded to ‘B’, meaning ‘worthy of a high level of protection’, to reflect the significant social value of the relocation of buildings in Western Australia.

6. Location Plan - 18 Florence Street

7. Residence - 18 Florence Street
Abattoir and Stables
The Abattoir and Stables, also known as the Old Abattoir, is a former abattoir constructed in the early 1940s near the corner of Dixon Road and Darile Street, Hillman. It is included in the MHI with a Management Category of ‘B’.

In 1999 the City prepared a Conservation Plan for the Old Abattoir; the Conservation Plan recommended the Old Abattoir for entry on the State Register of Heritage Places. This position was confirmed in a review of the Conservation Plan undertaken by the City in 2009.

In accordance with the Conservation Plan and recommendation from the HRG, it is recommended that Management Category for the Old Abattoir be upgraded from ‘B’ to ‘A’, meaning ‘worthy of the highest level of protection, recommended for entry into the State Register of Heritage Places’.

Rockingham Museum
The Second Roads Board Office, located on the corner of Kent Street and Flinders Lane, Rockingham, was constructed in 1946 as offices for the Rockingham Roads Board. The (then) Shire of Rockingham moved to new offices in 1971, and the building was taken over by Rockingham District Historical Society and the Rockingham Museum. It is included in the MHI with a Management Category of ‘B’.

The HRG recommended that Management Category for the Rockingham Museum be upgraded to ‘A’, meaning ‘worthy of the highest level of protection, recommended for entry into the State Register of Heritage Places’ to reflect its significant social value to the Rockingham district.

Residence, 124 Arcadia Drive
The residence of Lot 11 (No.124) Arcadia Drive, Shoalwater was included on the MHI in December 2010 with a Management Category of ‘C’. The decision of the Council to enter the place was made based on the advice of the City’s heritage consultant, after the owner’s heritage consultant provided a submission objecting to the listing.

The owner subsequently wrote to the City expressing the following concerns:
- The area no longer shows a consistency of beach shacks and therefore the place is no longer located in a historical streetscape;
- The cost of replacing asbestos sheeting is high and presents a health risk;
- The Management Category of ‘C’; does not reflect the opinions of the owner or his heritage consultant; and
- The Place Record Form incorrectly states that the place is located on a large corner block.

The entry of the place onto the MHI was subject to a thorough consideration by the City at the time, and the comments made by the owner do not alter the heritage significance of the place as described in the MHI. The place is not, however, located on a corner block and it is recommended that the MHI be updated to remove the word “corner” from the description notes.

Rockingham
The City was contacted by the Rockingham District Historical Society regarding the "Thematic Framework" of the Municipal Heritage Inventory, which states:

"In 1830, a group of twelve families from the Rockingham had settled in the area now known as East Rockingham, on fertile land some 2-3 km from the coast at Mangles Bay. By August of that year, the group addressed a petition from ‘Rockingham Town’ to Lt-Governor Stirling, complaining of their neglect at the hands of Peel. It seems that within a short time, the settlement was abandoned, with no trace remaining at the present time." (p.13)

The Society advised that the use of the word "settled" has caused some confusion with researchers, as the twelve families, indentured workers of Thomas Peel Snr, only worked in the area at Peel’s direction, and were released or were sent elsewhere shortly after. The HRG agreed that the Municipal Heritage Inventory be amended to remove the confusion.

The recommended wording is as follows (with no change to reference #19 – Taggart 1984):
"In 1830, a group of twelve families from the Rockingham were directed by Peel to build houses and farmland in the area now known as East Rockingham, on fertile land some 2-3 km from the coast at Mangles Bay.

By August of that year, the group addressed a petition from ‘Rockingham Town’ to Lt-Governor Stirling, complaining of their neglect at the hands of Peel. It seems that within a short time, the settlement was abandoned as Peel’s workers were sent elsewhere, with no trace of the ‘Rockingham Town’ remaining at the present time."

Other Changes
If adopted, the place index needs to be amended to include any new places as well as changes to Management Categories. In addition, the adoption dates of the amended Place Record Forms will need updating as will the amendment dates on page 1.

Heritage List
The proposed updates to the MHI will necessitate amendments to the Heritage List under TPS2 to introduce the proposed new places and update the Management Categories of the existing places.

4. Implications to Consider

a. Consultation with the Community
The proposed changes to the MHI were considered by the HRG on the 10th May 2012. The HRG’s recommended that the City proceed with the proposed updates to the MHI subject to changes being made to Management Categories of the Limestone Quarry, Residence, 18 Florence Street, Old Abattoir and Rockingham Museum. These changes have been incorporated into the propose updates in the ‘Details’ section above.

The proposed changes to the MHI and Heritage List will be advertised for comment prior to adoption, as required by clause 5.4.2(c) of TPS2.

b. Consultation with Government Agencies
The City will consult with the State Heritage Office on the proposed updates to the MHI.

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 3:** A vibrant community, enjoying access to a wide range of educational, cultural and artistic activities and a wide range of other social opportunities.

d. Policy
Planning Policy 3.1.7 – **Heritage Conservation and Development** states that the City may consider amending the Heritage List over time in the following circumstances:

<table>
<thead>
<tr>
<th>Event</th>
<th>Council Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>A place is found to be significant in a new or reviewed Municipal Heritage Inventory.</td>
<td>The City will consider inclusion of a place in the Heritage List if the findings of a new or reviewed Municipal Heritage Inventory supports it.</td>
</tr>
<tr>
<td>A place is nominated for inclusion in the Municipal Heritage Inventory by the owner or a member of the public.</td>
<td>The City will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator. If not, consideration will be deferred until a review of the Heritage List is scheduled.</td>
</tr>
</tbody>
</table>

The update to the MHI and Heritage List has been progressed in accordance with the above Policy requirements.

e. Financial
Not applicable
1. **Legal and Statutory**

Section 45 of the *Heritage of Western Australia Act 1990* requires the City to compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance (a MHI); to update the MHI annually and reviewed every four years; and ensure that the MHI is compiled with proper public consultation.

Clause 5.4.2(c) of TPS2 requires that in considering a proposal to include a place on the Heritage List, the Council is to:

- (i) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used and the reasons for the proposed entry;
- (ii) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (iii) carry out such other consultations as it thinks fit; and
- (iv) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

5. **Comments**

The proposed update to the MHI and amendments to the Heritage List are consistent with the Act and TPS2, and are supported by the HRG. It is recommended that Council proceed to advertise the proposal for comment prior to considering the proposal for adoption.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council:

1. **ENDORSE** the following updates to the City’s Municipal Heritage Inventory, for the purposes of consultation with affected owners and occupiers, as follows:

   - (i) Replacing the first paragraph on page 13 (Thematic Framework and Historical Overview) with the following:
     
     “In 1830, a group of twelve families from the Rockingham were directed by Peel to build houses and farmland in the area now known as East Rockingham, on fertile land some 2-3 km from the coast at Mangles Bay. By August of that year, the group addressed a petition from ‘Rockingham Town’ to Lt-Governor Stirling, complaining of their neglect at the hands of Peel. It seems that within a short time, the settlement was abandoned as Peel’s workers were sent elsewhere, with no trace of the ‘Rockingham Town’ remaining at the present time.”

   - (ii) Modifying the Management Category of Place 001 – Old Abattoir from ‘B’ to ‘A’.

   - (iii) Modifying the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.

   - (iv) Modifying the Description Notes of Place 089 – Residence, 124 Arcadia Drive by deleting the word “corner” from the first sentence.

   - (v) Introducing a Place Record Form for new Place 093 – Limestone Quarry.

   - (vi) Modifying the Place Indexes to reflect the new Place Record Forms and changes to Management Categories, and updating page 1 to reflect the new amendment date.

2. **ENDORSE** the following modifications to the Heritage List, pursuant to clause 5.4.2(c) of Town Planning Scheme No.2, for the purposes of consultation with affected owners and occupiers:

   - (i) Modify the Management Category of Place 001 – Abattoir and Stables from ‘B’ to ‘A’.
(ii) Modify the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.

(iii) Include the following new places:

<table>
<thead>
<tr>
<th>Place No.</th>
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<th>Address</th>
<th>Owner/Manager</th>
<th>Management Category</th>
<th>Reason for entry</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Limestone Quarry</td>
<td>Lot 500 Chesterfield Road, East Rockingham</td>
<td>Landcorp</td>
<td>A</td>
<td>The place has historic, social and scientific value.</td>
</tr>
<tr>
<td>094</td>
<td>Residence, 18 Florence Street</td>
<td>Lot 131 (No.18) Florence Street, Rockingham</td>
<td>R L Speight</td>
<td>B</td>
<td>The place has historic, social and scientific value.</td>
</tr>
</tbody>
</table>

8. Committee Recommendation

That Council:

1. **ENDORSE** the following updates to the City’s Municipal Heritage Inventory, for the purposes of consultation with affected owners and occupiers, as follows:

   (i) Replacing the first paragraph on page 13 (Thematic Framework and Historical Overview) with the following:

   "In 1830, a group of twelve families from the Rockingham were directed by Peel to build houses and farmland in the area a known as East Rockingham, on fertile land some 2-3 km from the coast at Mangles Bay. By August of that year, the group addressed a petition from 'Rockingham Town' to Lt-Governor Stirling, complaining of their neglect at the hands of Peel. It seems that within a short time, the settlement was abandoned as Peel’s workers were sent elsewhere, with no trace of the 'Rockingham Town' remaining at the present time. 19"

   (ii) Modifying the Management Category of Place 001 – Old Abattoir from ‘B’ to ‘A’.

   (iii) Modifying the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.

   (iv) Modifying the Description Notes of Place 089 – Residence, 124 Arcadia Drive by deleting the word "corner" from the first sentence.

   (v) Introducing a Place Record Form for new Place 093 – Limestone Quarry as follows:-

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 JULY 2012

PRESIDING MEMBER
**LGA Place No:** 093  
**PLACE NAME:** Limestone Quarry  
**Date of Assessment:** March 2012  

| Address: | Chesterfield Road  
East Rockingham |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot No:</td>
<td>500</td>
</tr>
<tr>
<td>Property Key:</td>
<td></td>
</tr>
<tr>
<td>Plan Diagram:</td>
<td>DP61819</td>
</tr>
<tr>
<td>Vol Folio:</td>
<td>1549/228</td>
</tr>
<tr>
<td>Assess No:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Locality:</th>
<th>East Rockingham</th>
</tr>
</thead>
</table>
| GPS: | 0384495  
13570444 |

<table>
<thead>
<tr>
<th>Current Use:</th>
<th>unused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Use:</td>
<td>Quarry</td>
</tr>
</tbody>
</table>

**HERITAGE LISTINGS**

<table>
<thead>
<tr>
<th>HCWA Number:</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listings:</td>
<td>None</td>
</tr>
</tbody>
</table>

**Local Planning Policy:**

**CONSTRUCTION**

<table>
<thead>
<tr>
<th>Place Type:</th>
<th>Other structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Construction:</td>
<td>mid 1800s</td>
</tr>
<tr>
<td>Architect:</td>
<td>--</td>
</tr>
<tr>
<td>Builder:</td>
<td>--</td>
</tr>
<tr>
<td>Architectural Style:  --</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td></td>
</tr>
<tr>
<td>Physical Description: The limestone quarry lies within an ecological conservation area off Mandurah Road within East Rockingham. The site is inland and cannot be seen from the main road, being accessed via a sandy track known as Chesterfield Road. The area has become bushland following the cessation of quarrying which obscures much of the evidence of the quarry. Small areas of rocky outcrops are scattered through the site. The main evidence of the quarry is a crusted edge of approximately 300mm in a clearing which shows evidence of stone being cut leaving a stepped or jagged edge. The limestone is known as a vuggy lacustrine limestone, more commonly known as swampstone, coral stone or honeycomb limestone. The term 'vuggy' refers to the network of chambers that creates the honeycomb appearance. It is a softer material that tends to harden with exposure to air.</td>
<td></td>
</tr>
<tr>
<td>Method of Construction:  --</td>
<td></td>
</tr>
<tr>
<td>SIGNIFICANCE</td>
<td></td>
</tr>
<tr>
<td>Condition</td>
<td>poor</td>
</tr>
<tr>
<td>Integrity:</td>
<td>high</td>
</tr>
<tr>
<td>Authenticity:</td>
<td>high</td>
</tr>
<tr>
<td>Statement of Significance:</td>
<td></td>
</tr>
<tr>
<td>Historic Value</td>
<td>the place is a source of a rare building material within the state and appears to be localized to the East Rockingham area with many of the older houses being constructed from the stone.</td>
</tr>
<tr>
<td>Social Value</td>
<td>the place is associated with the early settlers in the area and demonstrates the tough physical conditions faced in the construction of the first substantial homes.</td>
</tr>
<tr>
<td>Scientific Value</td>
<td>the material sourced from this quarry is a localized stone with unique characteristics which could provide valuable information for students of geology. The techniques used to extract the stone were employed at this site until the 1950s and the remains in the landscape may reveal information on the methods of quarrying used in the 19(^{th}) and early 20(^{th}) century.</td>
</tr>
<tr>
<td>Management Category:</td>
<td>A</td>
</tr>
<tr>
<td>HISTORICAL NOTES:</td>
<td></td>
</tr>
<tr>
<td>This quarry is believed to be the source of building materials for local buildings constructed from the mid 19(^{th}) century. It is likely that given the proximity of Chesterfield House that this quarry was the source of the stone for that building. However little direct documentary evidence has been found to substantiate direct linkages between this quarry and the adjacent properties 'Chesterfield House',</td>
<td></td>
</tr>
</tbody>
</table>
‘Woodbine’, ‘Hymus House’ and ‘Leaholm’ amongst others. James Bell who built his own cottage ‘Woodbine’ is believed to have built ‘Chesterfield House’ and he may have quarried the stone himself from the quarry. Aerial photographs of the area indicate that the quarry was being used until the mid 1950s.

References:
City of Rockingham Municipal Heritage Inventory Thematic Framework and Historical Overview, Palassis Architects, 2011, p. 15.
Aerial photographs, Landgate, 1953-2012.
Chesterfield House, Chesterfield Road, East Rockingham, Conservation Plan for City of Rockingham, November 1999, p. 19.

Theme: 

| 303 – Mining |
| 602 – Early Settlers |

Associations: 

| Bell Family |
| Hymus Family |
| Keys Family |
| Herbert Family |
| Thorpe Family |
| Chester Family |

Association Type: 
Quarried stone used in these early settlers buildings

Public Access: No
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 JULY 2012

PRESIDING MEMBER
The stepped crust, showing evidence of carved stone blocks

‘Vuggy’ lacustrine limestone

Limestone crust
(vi) Introducing a Place Record Form for new Place 094 – Residence, 18 Florence Street as follows:

<table>
<thead>
<tr>
<th>LGA Place No:</th>
<th>094</th>
<th>PLACE NAME:</th>
<th>Residence, 18 Florence Street, Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Assessment:</td>
<td>March 2012</td>
<td>Other Names:</td>
<td></td>
</tr>
</tbody>
</table>

| Address: | 18 Florence Street Rockingham |
| Lot No: | 131 |
| Property Key: | |
| Plan Diagram: | P5742 |
| Vol Folio: | 1123/296 |
| Assess No: | |
| Locality: | Rockingham |
| GPS: | |
| Current Use: | Residence |
| Original Use: | Residence |

**HERITAGE LISTINGS**

| Heritage Council Reference: | none |
| Listings: | none |
| Local Planning Policy: | |

**CONSTRUCTION**

| Date of Construction: | unknown, relocated 1950s |
| Architect: | |
| Builder: | |
Architectural Style:

Physical Description: The house is set back from the road behind a high brick wall and area of garden. The house is situated on a sloping site and is raised above the front garden, with limestone retaining walls supporting the verandah.

Due to the presence of the verandah the front aspect of the property presents as an asymmetrical plan form with the verandah forming the projecting bay.

The front façade is symmetrical with a centrally placed door with 1-over-1 sash windows to either side of the door and larger three-segment openings towards the outer edges of the elevation. Windows are a combination of sash and casement openings and are timber and aluminium framed.

The building is of brick construction to the lower half and fibro boarding to the upper sections, all of which has been painted pale blue. The hipped and gablet roof is zincalume and appears to be a recent replacement.

The verandah incorporates a hipped roof to the projecting section and the continuation of the main house roof to the recessed section, supported on slender square timber columns. Lattice fretwork extends between each timber column.

The rear of the house was not accessed.

Method of Construction: Limestone base, fibro and brick walls, zincalume roof

SIGNIFICANCE

Condition: Fair to good

Integrity: Moderate

Authenticity: Moderate

Statement of Significance:

Historic Value: The house demonstrates the close association that existed between the farming community of the ‘wheat belt’ and the holiday destination of Rockingham.

Social Value: The house demonstrates the practice of building relocation that has been a common strategy in Western Australia.

Scientific Value: The structure of the house may reveal some elements of interest in regard to the methods of dividing and relocating buildings.

The stumps of the house which are believed to originate from the area around the town of Bruce Rock may provide some data on the decay of timber in a seaside location compared to its original location.

Management Category: B
HISTORICAL NOTES:

The land on which this property is located was subdivided in 1935 however it was not until the post world war II years that the area was densely settled. This coincides with the growth in popularity of the town of Rockingham as a holiday destination.

This cottage was originally located in the wheat belt town of Bruce Rock. Farmer, William Arnold lived in Bruce Rock and purchased this parcel of land in Rockingham in 1949 presumably for a family holiday home. On the Bruce Rock farming property was a vacant cottage which William Arnold transported to Rockingham by truck in four pieces. The four pieces were reconstructed by a local carpenter and the stumps for the house were sourced from the Bruce Rock area. Information from the current [2012] owner indicates that the timber for the stumps were Acacia acuminata which is referred to as ‘Jam Wattle’, ‘Jam Wood’ or ‘Raspberry Jam Wood’. This timber is particularly resistant to attack from insects.

The date of the relocation has not been definitively determined however it is likely to be between 1949 when the lot was purchased and 1953 when it is evident on an aerial photograph of the site.

The Arnold family owned the property until 1974 when it was transferred to Bethwyn Veitch and Leonie Whittome who immediately transferred it to Gwendoline Dagg. Gwendoline Dagg owned the property until 1993 and it is likely that the house was leased during this period.

In 1993, the house was briefly transferred to Julie Trenfield and then to Mark and Deborah Lawrence who lived in the property until 2001 when it was transferred to the current owner, Rodney Speight.

The relocation of houses to the area was apparently common as building materials were hard to come by in the post World War II era, and any house had the potential to be a holiday house.

References:

Information from daughter of William Arnold provided to the current [2012] owner of the property, Ronald Speight in October 2011.


Certificate of Title 1123/296
Aerial photographs 1953 and 1965, Landgate https://www.landgate.wa.gov.au

Theme: 311 – Hospitality industry and tourism
301 – Grazing, pastoralism and dairying
203 – Road Transport

Associations: Arnold family

Association Type: Previous Occupants

Public Access: No
(vii) Modifying the Place Indexes to reflect the new Place Record Forms and changes to Management Categories, and updating page 1 to reflect the new amendment date.
2. **ENDORSE** the following modifications to the Heritage List, pursuant to clause 5.4.2(c) of Town Planning Scheme No.2, for the purposes of consultation with affected owners and occupiers:

(i) Modify the Management Category of Place 001 – Abattoir and Stables from ‘B’ to ‘A’.

(ii) Modify the Management Category of Place 032 – Second Roads Board Office from ‘B’ to ‘A’.

(iii) Include the following new places:

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<td>Landcorp</td>
<td>A</td>
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<tr>
<td>094</td>
<td>Residence, 18 Florence Street</td>
<td>Lot 131 (No.18) Florence Street, Rockingham</td>
<td>R L Speight</td>
<td>B</td>
<td>The place has historic, social and scientific value.</td>
</tr>
</tbody>
</table>

Committee Voting – 4/0

9. **The Committee’s Reason for Varying the Officer’s Recommendation**

Not applicable

10. **Implications of the Changes to the Officer’s Recommendation**

Not applicable
## Planning Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-035/12 Modification to Section 40 Liquor Licence Application - Stan Twight Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/2995</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Shoalwater Bay Cricket Club</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive Function</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 4239 Dargin Way (Stan Twight Reserve), Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>5.971ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Existing and Proposed Licence Areas</td>
</tr>
<tr>
<td></td>
<td>3. Consultation Plan</td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

To consider extending the licensed area for the Shoalwater Bay Cricket Club (SBCC) at Lot 4239 (Reserve No.28646) Dargin Way, Rockingham (Stan Twight Reserve).

2. **Background**

In February 2009, the City granted Approval for a Certificate of Local Planning Authority – Section 40 (Section 40 Certificate) for a Club Restricted Licence for Shoalwater Bay Cricket Club to operate from the existing clubhouse during the cricket season.

In June 2011, a patio was approved by the City to the front of the existing clubhouse.

3. **Details**

The subject land is a ‘C’ Class Reserve vested in the City of Rockingham for ‘Public Recreation’ purposes.

The SBCC seeks to extend the area covered by the Liquor Licence to incorporate the new patio.

There would be no change to the existing Liquor Licence hours, which are:

- Tuesday, Thursday and Friday: 5pm to 10pm;
- Saturday: 1pm to 11pm;
- Sunday: 1pm to 8pm;
- No trading on Christmas or Good Friday; and
- No trading before noon on Anzac Day.
4. Implications to Consider

a. Consultation with the Community

The proposal was advertised to the owners and occupiers of properties adjacent to Stan Twight Reserve, for a comment period of 14 days from 2nd May 2012.

At the completion of the advertising period, three submissions had been received. One raised objections, one provided conditional support, and one raised no objection or comment. The concerns raised are summarised as follows:

- Increased parking required;
- Increased noise levels;
- Request for noise monitoring;
- Opposed to any increase in the hours of operation of the licence;
- Children not be allowed in the extended licence area or in accordance with licensing laws; and
- Rubbish.
3. Consultation Plan

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:-

   **Aspiration 1:** An involved and engaged community enjoying a lifestyle that caters for all residents, including those with specific or special needs.

   **Aspiration 11:** Planning for population growth to ensure that future developments and land-uses that contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. Policy
   Planning Policy 3.3.19 - Licensed Premises (PP3.3.19) applies to the application. The application has been assessed against the assessment criteria in clause 4.2.3 of PP3.3.19 as outlined below:

   (a) **Consistency with Planning Approval**
   The cricket club is a land use that does not require planning approval under Town Planning Scheme No.2, however, the liquor licence should be consistent with the existing Section 40 Approval issued for the cricket club.

   (b) **Consultation**
   The application was advertised to adjoining neighbours as outlined above.
The proposal is considered to satisfy the Policy requirements given the extension is not expected to result in any changes to the operation of the club and there have been no recorded complaints regarding the operation of the club to date.

e. Financial

Nil

f. Legal and Statutory

Lease Agreement

There is no lease agreement in existence for the club, nor any other club at Stan Twight Reserve. The City is currently in discussions with the Club (and other clubs operating from the site) to establish a lease agreement for the site.

5. Comments

Response to Submissions

With respect to the concerns raised in the submissions, the following comments are made:-

(i) Increased parking

This application does not encompass any extensions to the internal floor area of the building or increased patronage and necessitate an increased provision for car parking. It is considered there is sufficient parking within the existing car park which is located in close proximity to the Club Rooms.

(ii) Increased noise levels

The extension of the Liquor Licence over the new patio is not expected to result in an increase in noise levels as it is already an area currently being utilised. The application simply seeks to extend the “legal” area in which alcohol can be consumed to encompass the patio and it is not expected that it would generate additional patronage above those who already attend.

To maintain the amenity for neighbours, it is recommended that conditions be imposed requiring any music to be non-amplified, limited to being played within the building, and to be ceased at 9pm and 10pm respectively for weekdays and weekend days. All patrons must arrive and depart from the premises in a responsible manner. A further condition is required to enable the Department of Racing, Gaming, and Liquor to change the licence hours, if substantiated complaints are received relating to noise or antisocial behaviour. These requirements are consistent with other conditions that the City has imposed recently on similar Section 40 Certificates.

(iii) Noise monitoring

Based on the above, and there being no history of noise complaints for the site, it is considered be unnecessary to require monitoring of the noise emanating from the premises.

(iv) Opposed to any increase in the hours of operation of the licence

There are no changes to the existing Liquor Licence hours proposed as part of this application.

(v) Children not be allowed in the extended licence area or in accordance with licensing laws

The Club will be required to operate in accordance with the Liquor Control Act 1988.

(vi) Rubbish

A condition of the City’s Section 40 Certificate should require all rubbish being disposed of to a bin receptacle, at the end of each day.

Conclusion

The proposed extension to the Section 40 Certificate of Local Government is consistent with PP3.3.19 and the City has not received any formal complaints regarding the operation of the Shoalwater Bay Cricket Club. To maintain residential amenity, conditions limiting the playing of music, rubbish removal and general behaviour should be imposed.
It is recommended that Council approve the application for Extension of a Section 40 Certificate of Local Government.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council APPROVE the Section 40 Certificate of Local Government on Lot 4239 Dargin Way, Rockingham (Reserve 38646) for the Shoalwater Bay Cricket Club, in accordance with the submitted plans and subject to the following conditions:

1. All music must comply with the assigned noise levels of the Environmental Protection (Noise) Regulations 1997.
2. The playing of music must be non-amplified and low key, and cease by 9pm weekdays and 10pm on weekends.
3. The playing of music must be confined within the clubrooms (i.e. not outside).
4. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of neighbours is maintained at all times.
5. At the end of each day, all rubbish must be disposed of in a bin receptacle.
6. In the event that the City receives substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing, Gaming and Liquor.

8. Committee Recommendation

That Council APPROVE the Section 40 Certificate of Local Government on Lot 4239 Dargin Way, Rockingham (Reserve 38646) for the Shoalwater Bay Cricket Club, in accordance with the submitted plans and subject to the following conditions:

1. All music must comply with the assigned noise levels of the Environmental Protection (Noise) Regulations 1997.
2. The playing of music must be non-amplified and low key, and cease by 9pm weekdays and 10pm on weekends.
3. The playing of music must be confined within the clubrooms (i.e. not outside).
4. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of neighbours is maintained at all times.
5. At the end of each day, all rubbish must be disposed of in a bin receptacle.
6. In the event that the City receives substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing, Gaming and Liquor.

Committee Voting – 4/0

9. The Committee's Reason for Varying the Officer's Recommendation

Not applicable

10. Implications of the Changes to the Officer's Recommendation

Not applicable
Planning Services
Statutory Planning Services

Reference No & Subject: SP-036/12
Proposed Scheme Amendment – Extinguishment of Restrictive Covenant

File No: LUP/1645
Proponent/s: TPG, Planning Consultant
Author: Ms Erika Barton, Senior Planning Officer
Other Contributors: Mr Dave Waller, Coordinator Statutory Planning
Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 18th June 2012
Previously before Council: 18th June 2012

Disclosure of Interest: Legislative
Nature of Council’s Role in this Matter: Legislative

Site: Former Lot 5 in DP 52498, Baldivis Road, Baldivis
Lot Area: LA Zoning: Development
MRS Zoning: Urban

Attachments:
Maps/Diagrams:
1. Location Plan
2. Former Lots
3. Former Lot 800 Land
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 JULY 2012

PRESIDING MEMBER

1. Purpose of Report

To consider a request to initiate a Scheme Amendment to *Town Planning Scheme No.2 (TPS2)* to extinguish a Restrictive Covenant affecting properties located in former Lot 800 Baldivis Road, Baldivis, east of the Rivergums Estate, which is shown in Figure 1.

2. Background

In 1978, a Restrictive Covenant (B458844) was registered against former Lot 5 for the purposes of ensuring maintaining the battle-axe access way for the benefit of former Lot 4.

In 2008, former Lot 5 was subdivided to excise the battle-axe access leg to create Claret Ash Boulevard, with the balance of the lot becoming Lot 800.
The 1978 Restrictive Covenant became redundant when Claret Ash Boulevard was constructed and provided access. The 1978 Restrictive Covenant has also been automatically included on the title of the new residential lots on former Lot 5.

3. Details

Former Lot 800 has been subdivided and now comprises 62 lots as shown in Figure 3.

The proponent considers it impractical to obtain the relevant consents from the numerous landowners in order to remove the Restrictive Covenant from 62 land titles. To achieve the same outcome of extinguishing the Restrictive Covenant, it is proposed to instead insert a Clause into TPS2 that provides the power and the effect of extinguishing the Restrictive Covenant.

In this regard, the proponent requests insertion of a new clause 4.19.3 to read:

“4.19.3 A right of way, easement or restrictive covenant affecting any land within the Scheme Area may be extinguished or varied pursuant to this subclause. Land burdened by such right of ways, easements and/or restrictive covenants which are to be extinguished or varied pursuant to this subclause are detailed in Schedule 13”.

A new Schedule 13 is also to be inserted, to read:

**“SCHEDULE 13 – EXTINGUISHED OR VARIED RESTRICTIVE COVENANTS”**

<table>
<thead>
<tr>
<th>1 Land burdened by the Right of Way, Easement or Restrictive Covenant</th>
<th>2 Description of the Covenant</th>
<th>3 Extinguishment or Variation of the Covenant</th>
<th>4 Description of Land benefitted by the covenant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lots 1-5 and 20-32 on Deposited Plan 64543 And Lot 6-15 and 33-38 on Deposited Plan 68643</td>
<td>Covenant relating to construction and maintenance of access.</td>
<td>Extinguishment.</td>
<td>Lot 4 on Deposited Plan 52498, including any lots created from Lot 4.</td>
</tr>
</tbody>
</table>
And
Lots 39-60 on Deposited Plan 69752
And
Lots 16-19, 108 and 9503 on Deposited Plan 72507"

4. Implications to Consider

a. Consultation with the Community

If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the Town Planning Regulations 1967 for a minimum period of 42 days from the date of publication of an advertisement in a newspaper circulating in the area.

b. Consultation with Government Agencies

Consultation with relevant Government Agencies will only occur if the Scheme Amendment is initiated by the Council. Referrals will then be undertaken in accordance with the Town Planning Regulations 1967.

c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Restrictive Covenants may be extinguished by either of the following methods:
- agreement between the parties having an interest in the covenant;
- by an order of the Court; or
- by the implementation of a Town Planning, as follows;

Planning and Development Act 2005

Section 69 (1) of the Planning and Development Act 2005 (the Act) states:

“(1) A local planning scheme may be made under this Act with respect to any land —
(a) …
(b) making provision for all or any of the purposes, provisions, powers or works referred to in Schedule 7”.

Schedule 7 of the Act sets out the matters which may be dealt with by a Town Planning Scheme. Section 11 of Schedule 7 includes:

“11. Powers
(1) The extinguishment or variation of any restrictive covenant, easement or right of way.”

The proposed Clause and associated Schedule to be inserted into TPS2 are consistent with the Act.
5. Comments

Given the number of properties involved, the proposed changes to TPS2 are considered to be a suitable method for extinguishing a redundant Restrictive Covenant, rather than seeking the agreement of 62 separate land owners.

It is recommended that the Council initiate a Scheme Amendment accordingly.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADOPT (initiate) Amendment No.124 to Town Planning Scheme No.2 to extinguish the Restrictive Covenant applying to former lot 5 Baldivis Road, Baldivis, as follows:

1. Modify the Scheme Text by inserting new subclause 4.19.3, as follows:

   “4.19.3 A right of way, easement or restrictive covenant affecting any land within the Scheme Area may be extinguished or varied pursuant to this subclause. Land burdened by such right of ways, easements and/or restrictive covenants which are to be extinguished or varied pursuant to this subclause are detailed in Schedule 13.”

2. Modify the Schedule of the Scheme Text to include new Schedule No.13 as follows:

   “SCHEDULE 13 – EXTINGUISHED OR VARIED RESTRICTIVE COVENANTS

<table>
<thead>
<tr>
<th>1</th>
<th>Land burdened by the Right of Way, Easement or Restrictive Covenant</th>
<th>2</th>
<th>Description of the Covenant</th>
<th>3</th>
<th>Extinguishment or Variation of the Covenant</th>
<th>4</th>
<th>Description of Land benefitted by the covenant</th>
</tr>
</thead>
</table>
   |   | Lots 1-5 and 20-32 on Deposited Plan 64543 And Lot 6-15 and 33-38 on Deposited Plan 68643 And Lots 39-60 on Deposited Plan 69752 And Lots 16-19, 108 and 9503 on Deposited Plan 72507 | Covenant relating to construction and maintenance of access. | Extinguishment. | Lot 4 on Deposited Plan 52498, including any lots created from Lot 4.

3. Amend the contents page of the Scheme Text to include Schedule 13 Extinguished or Varied Restrictive Covenants.

8. Committee Recommendation

That Council ADOPT (initiate) Amendment No.124 to Town Planning Scheme No.2 to extinguish the Restrictive Covenant applying to former lot 5 Baldivis Road, Baldivis, as follows:

1. Modify the Scheme Text by inserting new subclause 4.19.3, as follows:
A right of way, easement or restrictive covenant affecting any land within the Scheme Area may be extinguished or varied pursuant to this subclause. Land burdened by such right of ways, easements and/or restrictive covenants which are to be extinguished or varied pursuant to this subclause are detailed in Schedule 13.”

2. Modify the Schedule of the Scheme Text to include new Schedule No.13 as follows:-

**SCHEDULE 13 – EXTINGUISHED OR VARIED RESTRICTIVE COVENANTS**

<table>
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<th>2</th>
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</table>

3. Amend the contents page of the Scheme Text to include Schedule 13 Extinguished or Varied Restrictive Covenants.

Committee Voting – 4/0

9. **The Committee’s Reason for Varying the Officer’s Recommendation**

Not applicable

10. **Implications of the Changes to the Officer’s Recommendation**

Not applicable
## Planning Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Proposed Street Naming Theme – Lot 22 Smirk Road, Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1409</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Alcock Brown-Neaves Group</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                  | Lot 22 Smirk Road, Baldivis                               |
| Lot Area:              | 22.5896ha                                                 |
| LA Zoning:             | Development                                               |
| MRS Zoning:            | Urban                                                     |
| Attachments:           |                                                           |
| Maps/Diagrams:        | 1. Location Plan                                          |

1. Location Plan
1. **Purpose of Report**

To consider an application seeking approval for a street naming theme for the subdivision at Lot 22 Smirk Road, Baldivis, based on ‘Places, Locations and Landmarks from towns in the United Kingdom where the ships Balranald, Diogennes and the Jervis Bay’ were built.

2. **Background**

The Structure Plan for Lot 22 Smirk Road, Baldivis was adopted by the Council and approved by the Western Australian Planning Commission (WAPC) in October 2006.

In July 2010, a minor Structure Plan modification was approved by the City.

The land has been granted Subdivision Approval by the WAPC creating 268 lots within the estate.

3. **Details**

The proponent seeks the Council’s approval for the theme of ‘Places, Locations and Landmarks from the towns that built the ships the Balranald, Diogennes and the Jervis Bay’ to be used.

The name Baldivis is derived from the three passenger ships that arrived in Western Australia in the 1920’s that brought a number of settlers to Perth and its surrounds. As described above, the letters from these ships, the Balranald, Diogennes and Jervis Bay formed the locality “Baldivis” and the street naming theme seeks to recall the ship building townships in the United Kingdom that built these boats.

The Balranald and Diogenes were both built in the shipyards of Greenock, Scotland and the Jervis Bay was built in Barrow-in-Furness in the north west of England. The road names are drawn from major points of interest, localities and suburbs of these towns.

Examples of the proposed street names to be applied are as follows:

<table>
<thead>
<tr>
<th>Greenock</th>
<th>Braeside</th>
<th>Vickers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wolf</td>
<td>Branchton</td>
<td>Ramsden</td>
</tr>
<tr>
<td>Dunrod</td>
<td>Larkfield</td>
<td>Strone</td>
</tr>
</tbody>
</table>

4. **Implications to Consider**

a. **Consultation with the Community**

Nil

b. **Consultation with Government Agencies**

Consultation with the Geographic Names Committee is required following the Council’s decision.

c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

**Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative, legally and ethically compliant.

d. **Policy**

The proposed street naming theme is consistent with Planning Procedure 1.4 – Street Names and Their Themes. The preferred source of names includes names identified with the general area, pioneers of the estate or citizens, who have made a significant community contribution.

e. **Financial**

Nil
f. Legal and Statutory
The responsibility for approving street names rests with the Geographic Names Committee. The proposed theme is in accordance with Geographic Names Committee principles, procedures and guidelines.

5. Comments
It is recommended that the Council support the proposed theme based on ‘Places, Locations and Landmarks from the towns that built the ships the Balranald, Diogennes and the Jervis Bay’, as it reflects the historical development of Baldivis.

6. Voting Requirements
Simple Majority

7. Officer Recommendation
That Council ENDORSE the proposed street naming theme of ‘Places, Locations and Landmarks from the towns that built the ships the Balranald, Diogennes and the Jervis Bay’ for the subdivision located at Lot 22 Smirk Road, Baldivis.

8. Committee Recommendation
That Council ENDORSE the proposed street naming theme of ‘Places, Locations and Landmarks from the towns that built the ships the Balranald, Diogennes and the Jervis Bay’ for the subdivision located at Lot 22 Smirk Road, Baldivis.

Committee Voting – 4/0

9. The Committee’s Reason for Varying the Officer’s Recommendation
Not applicable

10. Implications of the Changes to the Officer’s Recommendation
Not applicable
## Planning Services Committee Minutes

Monday 18 June 2012

### Reference No & Subject:
- **SP-038/12**
- **Proposed Building Envelope Variation - Golden Bay**

### File No:
- 28/5863

### Proponent/s:
- Mr W Lilleyman

### Author:
- Mr Regan Travers, Planning Officer

### Other Contributors:
- Mr David Waller, Coordinator Statutory Planning
- Mr Mike Ross, Manager Statutory Planning

### Date of Committee Meeting:
- 18th June 2012

### Previously before Council:
- February 2012 (SP-003/12), April 2012 (SP-020/12)

### Disclosure of Interest:
- Tribunal

### Site:
- Lot 804 (No.16) Figtree Lane, Golden Bay

### Lot Area:
- 5,993m²

### LA Zoning:
- Special Residential

### MRS Zoning:
- Rural

### Attachments:

### Maps/Diagrams:
1. Location Plan
2. Building Envelope Plan
3. Cross Section Plan – Looking West
4. Cross Section Plan – Looking East
5. Existing Vegetation and Landform – Looking East
6. Existing Vegetation and Landform – Looking North

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**CONFIRMED AT A PLANNING SERVICES MEETING**

**HELD ON MONDAY, 16 JULY 2012**

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**PRESIDING MEMBER**
1. Purpose of Report

To consider an application seeking Planning Approval to vary the location of the Approved Building Envelope for Lot 804 (No.16) Figtree Lane, Golden Bay.

2. Background

In October 2007, Amendment No.4 to Town Planning Scheme No.2 was gazetted rezoning Lots 200 and 300 Dampier Drive, Golden Bay from 'Special Rural' to 'Special Residential', which facilitated the creation of the subject site and the introduction of a Building Envelope.

In November 2011, the Council resolved to make a number modifications to Planning Policy 3.3.17 - Variations to Building Envelopes, including the delegation to City Officer’s.

At a meeting held on the 31st August 2011, the Proponent advised that other than providing the cross section and elevations plans, the information requirements were onerous. In November 2011, the City received a building cross section and building elevation, however, no further information was received.

On the 16th November 2011, the City commenced advertising of the proposal to adjoining neighbours. Advertising closed on the 1st December 2011.

In February 2012, the Council resolved to defer consideration of the Building Envelope to allow the Proponent the opportunity to submit a revised Building Envelope plan, in consultation with City Officers.

In April 2012, the Council resolved to defer the proposed Building Envelope to allow for a full assessment of revised plans received on the 29th March 2012.

3. Details

A site visit was conducted by City officers on the 27th April 2012, with the Proponent to discuss an alternative Building Envelope location which would reduce the amount of cut to fill and impact on the dune. At the meeting the Proponent advised that he was prepared to make further changes to the location of the Building Envelope to move it to a lower contour level. Revised plans incorporating changes discussed on site were received by the City on the 9th May 2012.
The proponent seeks approval to relocate the Building Envelope from the south west of the property towards the western boundary. The subject lot is on the southern side of a large dune. The size of the Building Envelope will increase from 928m² to 936m².

The current Building Envelope is located in the south western section of the property on contours ranging from 2.5m to 8.5m, while the proposed Building Envelope location is further west on near identical contours. The proposal is supported by an indicative house design for a split two level building, with driveway access following the eastern boundary.

2. Existing and Proposed Building Envelopes
4. Implications to Consider

a. Consultation with the Community

The revised plans have not been advertised for public comment. The original plans were advertised to neighbouring landowners and no submissions were received. The revised plans are considered to have a reduced impact on adjoining landowners and therefore did not warrant re-advertising.

b. Consultation with Government Agencies

Consultation with Government Agencies was not required.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. Policy

**Planning Policy 3.3.17 – Variations to Building Envelopes**

Planning Policy 3.3.17 – Variations to Building Envelopes (BE Policy) applies to the application. The BE Policy requires Building Envelopes to be located based upon environmental conditions, landform and vegetation characteristics, the possible form of residential development and the impact of future development on the visual amenity of the locality.

In the Assessment Criteria of the BE Policy it notes that:

“The Council will consider variations to existing Building Envelopes only where it can be demonstrated by the Proponent that there is no adverse environmental impact and where then Council’s objectives for the locality are realised; and

The Council may also require a report from a qualified and experienced Environmental Consultant substantiating that there is no adverse environmental impact.”

The proposal is not supported by an Environmental Report or supplementary letter prepared by an Environmental Consultant demonstrating that the relocation of the Building Envelope is unlikely to result in any adverse environmental impact.

**Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones**

Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones (SR Policy) also applies to the application. The SR Policy guides development of lots with the Special Residential zones that are affected by steep topography by the implementation of special housing design requirements, which are necessary to minimise the amount of site earthworks to protect the landscape character of each lot.

The indicative house design generally complies with the following SR Policy objectives:-

- “The need to seek a balance between cutting and filling in attaining the proposed finished levels of the property; and
- “The need to retain significant stands of native vegetation.”

Clause 4.1(d) of the SR Policy states:-

- “Avoid cutting into natural soil where possible, and retain as much of the natural vegetation as possible.”

The extent of cutting has been significantly reduced because the amended Building Envelope is similar to the current Building Envelope location.
e. **Financial**
   Nil

f. **Legal and Statutory**
   The proposed Building Envelope variation was assessed against the provisions applying to the Golden Bay Special Residential zone in TPS2. The proposal complies with the TPS2 objective which is to ensure that the rural landscape and amenity is conserved. The proposed Building Envelope is also consistent with protecting the landform because its siting is on the lower slopes of the dune and preserves the dune ridgeline.

5. **Comments**

**Landscape Character**

The proposed Building Envelope location needs to be considered in the context of a house being built in this location and its potential impact on the landscape character of the dune system and rural viewshe. In the case of Golden Bay the location of the Building Envelopes was specifically intended to maintain the rural attributes and appearance of the land, looking westward from Mandurah Road and looking to the east from the townsite of Golden Bay.

![3. Cross-section – View looking West](image)

![4. Cross-section – View looking East](image)

It is acknowledged that there would be no impacts on views from Mandurah Road or the Golden Bay townsite to the west, given the site is surrounded by dunes and its modified location below the top of the dune, as demonstrated by figures No.3, No.4 and No.5.
5. Existing Vegetation and Landform - View looking East

Due to efforts made to limit the visual impact of the proposal by restricting development height to below the dune ridge, the location of the modified Building Envelope is considered acceptable.

Environmental Impacts

The vegetation within the proposed Building Envelope is similar in composition and condition to the existing Building Envelope and is located at a similar height on the side of the dune. One mature tree within the proposed Building Envelope will be removed when a dwelling is built, however, this tree is included in the original Building Envelope.

The proponent has advised verbally that he is willing to revegetate and manage erosion areas of the dune which are likely to be affected by earthworks associated with the construction of the dwelling.

To ensure appropriate environmental management practices are undertaken during construction of the dwelling the following measures should be implemented by the proponent:-

1. Disturbance of the existing native vegetation is to be kept to a minimum;
2. Retaining walls are to be constructed immediately after any excavation occurs;
3. Excavation is not to occur during strong winds;
4. Matting is to be placed on bare areas of sand to avoid sand movement;
5. Areas of exposed sand are to be revegetated to the satisfaction of the City, utilising endemic plant species as determined by the City's Conservation Officer prior to occupation of the dwelling.
6. Existing Vegetation and Landform - View looking North

The City’s discussion with South Metropolitan Coastcare indicate that the major environmental risk would be erosion associated with cutting into the steep dune. This cutting could cause a sand blow out associated with wind mobilising sand that has been exposed through clearing and other degradation, which may smother other vegetation as well as cause a nuisance to the owner and neighbours.

The relocated Building Envelope does not present a case for less clearing of remnant vegetation, however, revegetation of areas affected by construction of a future dwelling will provide for an environmental benefit. Given the proposed Building Envelope is to be located on a similar elevation to the existing Building Envelope; it is considered that similar impacts would occur. The key to ensuring the landform and vegetation are not adversely affected is through effective management methods, along with ensuring that development occurs in accordance with the City’s SR Policy. Accordingly, it is considered that the proposal satisfies the Policy requirements for the Building Envelope variation by demonstrating that no adverse environmental impact will occur subject to appropriate conditions being imposed.

Conclusions

The City considers that the proposed Building Envelope variation satisfies the key Policy requirement, which is to demonstrate that there will be no adverse environmental impact. The proposal complies with the TPS2 objectives for the Special Residential Zone, which is to ensure the natural environment is enhanced.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council APPROVE the application to vary the Building Envelope on Lot 804 (No.16) Figtree Lane, Golden Bay subject to the following conditions:-
1. No clearing of existing vegetation is to occur outside of the Building Envelope;
2. Retaining walls are to be constructed immediately after any excavation occurs;
3. Matting is to be placed on bare areas of sand to avoid sand movement;
4. Areas of exposed sand are to be revegetated using endemic plant species following consultation and agreement with the City’s Conservation Officer, prior to occupation of a future dwelling.
5. Future development of the site must comply with the objectives of Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones.
6. No earthworks or clearing of vegetation shall commence until a Building Permit – Certified has been issued by the City.

Advice Note:
(i) In relation to Condition No.4, the applicant is requested to liaise with the City’s Conservation Officer, Mr David Mort.

8. Committee Recommendation

That Council APPROVE the application to vary the Building Envelope on Lot 804 (No.16) Figtree Lane, Golden Bay subject to the following conditions:-
1. No clearing of existing vegetation is to occur outside of the Building Envelope;
2. Retaining walls are to be constructed immediately after any excavation occurs;
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Advice Note:
(i) In relation to Condition No.4, the applicant is requested to liaise with the City’s Conservation Officer, Mr David Mort.

Committee Voting – 4/0

9. The Committee’s Reason for Varying the Officer’s Recommendation

Not applicable

10. Implications of the Changes to the Officer’s Recommendation

Not applicable
### Purpose of Report

To consider a request from the Western Australian Local Government Association (WALGA) for the City to enter into a Member Services Agreement, for the supply of CouncilsOnline services for Building Applications and Planning Applications.

### Background

In November 2008, the City undertook a three day e-Planning workshop designed for officers involved in the e-Planning strategy and implementation. The workshop identified the e-Planning framework, terminology, change management issues and a business process review program.

In 2009, WALGA entered into an agreement with the Australian Government to deliver an electronic development assessment capability for 10 high growth WA Local Governments, which could ultimately be rolled out across other WA Local Governments. Funding for the program was provided under the Housing Affordability Fund (HAF eDA Program).
The City of Rockingham has been an interested participant on the eDA Project since its inception, along with the following other WA Local Governments at that time, Armadale, Serpentine/Jarrahdale, Mandurah, Kwinana, Cockburn, Melville, Stirling, Bunbury and Geraldton.

Through the National HAF eDA Program, the opportunity arose for WA Local Governments and WALGA to implement a leading-edge, integrated and sustainable local government system that caters for all stakeholders in development assessment including local government, the Department of Planning, the development industry, private developers, the public and other users of planning information.

The WA eDA Program was conducted in three stages:

1. Assessment of the feasibility of establishing a single eDA solution for WA Local Government;
2. Design and construction of the solution; and
3. Implementation into local governments.

Stage 1

In 2009 WALGA engaged consultants to undertake a Feasibility Study, to assess the feasibility of eDA in the WA environment. The study included the detailed scoping and development of a solution architecture which identified all of the elements that needed to be addressed during development, implementation and operation of a WA Local Government eDA Platform for a 5 year period. It was determined that a sustainable solution could be developed and the project progressed to stage 2.

Stage 2

In 2010, WALGA engaged development consultants Diversus Pty Ltd to finalise the functional and technical design requirements and to construct the eDA solution for WA Local Government.(i.e. the eDA portal and software adaptors). This work was to result in a single portal that enables users to enquire about a property, complete a development application and lodge and track the application online. The portal was also to enable statistical reporting functions by local governments.

Stage 3

Stage 3 involved the development of individual eDA Implementation Plans for each Local Government, and the roll-out of the eDA solution to all participating Councils at an agreed time.

CouncilsOnline was formed by WALGA several months ago and represents the amalgamation of the Electronic Lodgement System BALIP (ELS) – Building Applications, with the eDA – Planning Application Project. WALGA previously managed a portal for ELS and to reduce duplication it merged both ELS and eDA into CouncilsOnline. This is a single on-line portal for applicants to lodge both Planning Applications and Building Applications.

On the 7th May 2012, ELS was transferred by WALGA to the new CouncilsOnline portal. Prior to this, ELS had been successfully operating for over 6 years, in several high growth WA Local Governments, including the City of Rockingham. ELS allowed building companies the ability to lodge Building Applications online.

3. Details

The overall goal of the CouncilsOnline Program was to deliver benefits to the development industry, local government customers and local governments, by simplifying and improving the certainty and timeliness of planning and development processes through the introduction of an electronic Development Assessment system.

The CouncilsOnline Project deliverables are as follows:

- CouncilsOnline is a centralised online portal developed specifically for WA Local Governments with funding assistance from the Commonwealth Government.
- CouncilsOnline enables the online preparation, lodgement and processing of Planning and Building Applications.
CouncilsOnline provides a single access point for applicants, 24 hours a day and seven days a week.

CouncilsOnline delivers an integrated solution. It provides applicants with relevant information from the enquiry stage through to determination, including new development, change of use, home occupations and Certified and Uncertified Residential Class 1 and 10 Building Applications.

CouncilsOnline will ensure consistency in terms of:

(i) Online Applications (Building and Development);
(ii) Online Payments (catering for individual and monthly billing customers);
(iii) Application Tracking; and
(iv) Reporting

CouncilsOnline is a non-vendor specific solution which offers extensive system integration with core Local Government and State Government systems utilising eDAIS.

CouncilsOnline is accessible to the full spectrum of local government customers including:

(i) general public;
(ii) small businesses/private certifiers; and
(iii) registered organisations (builders/developers)

WALGA consider the benefits to the City include:

- Business improvements and financial savings through improved quality and consistency of applications.
- Delivering a highly flexible system which reflects statutory requirements but is configured to meet local requirements and to integrate with local government business requirements.
- Improving the quality and accuracy of information provided in applications.
- Increasing the number of valid and complete applications.
- Transparency over the entire approvals process through a complete audit trail of interactions between a local government and applicant.
- Having an automated system to assist with performance reporting.
- Tracking and reporting on the progress of an application through the referral process.
- Receiving electronic payments.
- Reducing the requirement for printing, scanning and hardcopies of applications.
- Providing local governments with the capacity to administer and configure online information in the portal as and when required. This will ensure greater flexibility and control is provided to the City.
- Supporting eDAIS transactions when core City systems are upgraded (via nationally ratified eDAIS Specification).
- Providing a system for all parties which is easily scalable to enable enhancements and provision of additional services relative to local government requirements.

4. Implications to Consider

a. Consultation with the Community

WALGA has undertaken consultation with major building companies and major users of ELS. Further marketing is being undertaken by WALGA to raise public awareness of the CouncilsOnline Project, to other local governments.

b. Consultation with Government Agencies

WALGA and Diversus have undertaken consultation with Landgate and the Department of Planning.
c. **Strategic**

*Community Plan*

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

**Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant.

Electronic Applications for Development and Subdivision are included as an activity within Aspiration 15.

d. **Policy**

Not Applicable

e. **Financial**

The WALGA Subscription cost for CouncilsOnline is $20,000 per annum (Building and Planning). This includes the ability for applicants to lodge Building and Planning Applications online, track applications, and for the City to undertake statistical reporting on applications. WALGA has waived the $10,000 establishment cost, as the City has been a member of CouncilsOnline, eDA and ELS since they were established.

The current ELS Operating cost is $9,500 (annual) and this cost is included in the $20,000 cost for CouncilsOnline.

An additional cost of $10,000 p.a. applies to a fully integrated solution via eDAIS, if this is offered by WALGA from 2013/14. These operating costs are included in the City’s Statutory Planning Team Plan 2012/13.

WALGA’s Subscription cost each year will be influenced by the take up of the service from other local governments.

f. **Legal and Statutory**

The City’s solicitor has reviewed the CouncilsOnline – Member Services Agreement (Agreement) and WALGA has amended the Agreement in response to various matters raised. The Agreement is now in a form acceptable to the City.

5. **Comments**

The City has been a participant of the CouncilsOnline project since it commenced over 3 years ago and has devoted significant officer resources into its development. This has involved regular project meetings, on-going discussions and creating the City’s platform for CouncilsOnline to allow applicants to source specific planning and application information unique to the City. The City can also customise CouncilsOnline in-house using existing staff resources.

The City’s Building Services was one of six participants in the ELS Project. Major WA building companies lodge a majority of Building Applications for single dwellings online and rely on this service. There are still operational matters for the City’s Building Services that need to be resolved to obtain the full benefit from the system. ELS has had the beneficial effect of reducing paper, as applications are submitted online, stored electronically and approvals emailed.

The CouncilsOnline Planning Applications “go live” date is 1st July 2012. The City’s operating systems can support CouncilsOnline because it is an externally hosted portal. It also has the potential to become an integrated solution when the City’s Authority operating system becomes eDAIS compliant. When this occurs, Building and Planning Applications (when entered into CouncilsOnline) will be automatically entered into the City’s operating system. To achieve this goal, the support of the City’s operating systems vendor Civica is required.

CouncilsOnline is considered to be a worthwhile project; it will improve the City’s application services to the development industry and offer applicants an attractive alternative to lodging applications via the mail or over the front counter. Applicants will have greater freedom to access the City’s Building and Planning Services 24/7, and track the progress of applications online. City Officers should be able to spend more time processing applications and potentially less time explaining the progress of applications to applicants.
It is recommended that the City enter into the Member Services Agreement for CouncilsOnline, which is administered by WALGA. The contract terms of the Agreement is for a period of 3 years (ie. until 1st July 2015).

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<tr>
<th>6. Voting Requirements</th>
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<tr>
<td>Simple Majority</td>
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<tr>
<th>7. Officer Recommendation</th>
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<tr>
<th>8. Committee Recommendation</th>
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</table>

Committee Voting – 4/0

<table>
<thead>
<tr>
<th>9. The Committee's Reason for Varying the Officer's Recommendation</th>
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<tbody>
<tr>
<td>Not applicable</td>
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<tr>
<th>10. Implications of the Changes to the Officer's Recommendation</th>
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<tbody>
<tr>
<td>Not applicable</td>
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</table>
## Planning Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-040/12 Proposed Office and Signage – Liberal Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/535</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Ben Morton, Liberal Party of Australia (WA Division) Inc.</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr John-Paul MacDonagh, Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 6 (No.180) Safety Bay Road (Cnr Scott Road), Safety Bay.</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1002m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Commercial</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
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<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
<tr>
<td>1. Location Plan</td>
<td></td>
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<tr>
<td>2. Signage of previous occupant</td>
<td></td>
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<td>3. Staggered T-Junctions</td>
<td></td>
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<tr>
<td>4. Wall sign facing north</td>
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<tr>
<td>5. Signage facing south</td>
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<tr>
<td>6. Sign facing west</td>
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<tr>
<td>7. Pylon sign</td>
<td></td>
</tr>
<tr>
<td>8. Locations of photos 1 &amp; 2 and their views toward the Wall Sign</td>
<td></td>
</tr>
<tr>
<td>9. Photo1: Obstructed view of wall sign</td>
<td></td>
</tr>
<tr>
<td>10. Photo 2: Unobstructed view of wall sign</td>
<td></td>
</tr>
<tr>
<td>11. Town Planning Scheme No.2 Zoning Map</td>
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</tr>
</tbody>
</table>
1. Purpose of Report

To consider an application seeking retrospective planning approval for an Office and Signage on Lot 6 (No.180) Safety Bay Road, Safety Bay.

2. Background

In 1976, the Council granted approval to establish a Real Estate Office on the subject site, based on the land being zoned “Local Business” under former Town Planning Scheme No.1.

In 1981, the Council granted Planning Approval for an Office for Tranquility Funerals Pty Ltd. No complaints were received regarding the Real Estate Agency signage depicted in Figure 2.

In March 2012, the City received two verbal complaints from residents objecting to the Liberal Party Signage relating to Ms Donna Gordin, on the basis of its impact on the visual amenity of the area.

The City investigated the matter and issued an Infringement Notice to Mr B Morton (State Director) of the Liberal Party of Australia (WA Division), for failing to obtain Planning Approval prior to erecting signage on the premises.

Mr Morton advised the City that he intended to obtain Planning Approval for the Professional Offices and Signs. The application was required for the Office tenancy and advertising in accordance with section 6.1 of Town Planning Scheme No.2 (TPS2).

In March 2012, the City advised Mr Morton that provided the application for Planning Approval was submitted to the City within 28 days, the City would withdraw the Infringement Notice.

In April 2012, the City acknowledged receipt of the application for Professional Offices and associated Signage. The Infringement Notice ($500) was subsequently withdrawn by the City’s Manager Statutory Planning, on the basis that the application was lodged in accordance with the City’s instructions.

The subject land includes an office development on a strata corner lot, with an attached house on a separate strata lot.
2. Signage of Previous Occupant

3. Details

The proponent seeks retrospective Planning Approval for an Office and six advertising devices (Signs). Upon further review, Planning Approval is not required for the Office tenancy given the Council’s previous approvals in 1976 for a Real Estate Office and 1981 for a Funeral Parlour Office.

The application signage details are as follows:

1. Wall Sign (Donna Gordin) 8.5 metres wide by 5.0 metres high – Figure 4
3. One window sign – Figure 5
4. One Pylon Sign (Liberal Party Logo) – Figure 7

The proponent has indicated that the advertisements are appropriate for the building’s zoning and there is no additional signage, other than has been displayed previously by other building users. The proponent also considers that the advertisements do not impact on traffic or the local environment. According to the proponent the advertisements relate to the use of the building, are constructed with quality materials, and will be maintained to a high standard. The proponent has also indicated that the signage (which includes references to Donna Gordin) are not Election Signs.

The Liberal Party building is situated on the inside bend of Safety Bay Road. The site is between two staggered T-junctions as depicted in Figure 3.
3. Staggered T-Junctions

3. Wall Sign Facing North
5. Signage Facing South

6. Sign Facing West
7. Pylon Sign

4. Implications to Consider

a. Consultation with the Community
   Not applicable

b. Consultation with Government Agencies
   Not applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

   **Aspiration 11:** Planning for population growth to ensure that future development and land uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy
   Applications for signage are considered in accordance with the requirements of Planning Policy 3.3.1 – Control of Advertisements (the Policy). The application is generally consistent with the Policy requirements, with the exception of the Wall Sign (Donna Gordin) and the Roof Sign (Donna Gordin), because these signs are considered to be Election Signs. The proponent has advised that the Donna Gordin signs are not Election Signs. The City does not agree with that position, as explained below.

   The signage advertises the premises as ‘Liberal House - Brand’ and includes Western Australian Senator (Michaelia Cash), and two Election Signs for Donna Gordin as the candidate for the seat of Brand.

   Ms Donna Gordin is expected to run as a Liberal Party candidate for the seat of Brand at the next Federal election.
Both the Wall Sign facing north, and the Roof Sign facing south (represented in Figures 4 and 5), depict Donna Gordin as the 'Liberal for Brand' and are promotional in nature. The two signs promoting Donna Gordin as 'Liberal for Brand' are considered to be Election Signs as defined by the City’s Planning Policy 3.3.1 – Control of Advertisements. The Roof Sign which includes Michaela Cash is not considered to be an Election Sign because it reflects her position as a WA Senator.

The Policy defines Election Signs (Local, State and Federal) as:-

“An Election Sign is a sign advertising, promoting or commenting on any particular candidate, party, group, or policy, but does not include a sign created by Local Government, State or Federal Government Agency.”

The Policy states that Election Signs are only permitted to be placed from the time an election is officially announced, or the issue of a writ for the election. As the election has not been announced, the Donna Gordin signs are considered to be Election Signs and in breach the Policy. The Council’s support for the Election Signs prior to an election being announced could encourage the proliferation of advertisements for other political candidates or more signage by the Liberal Party elsewhere within the district.

In regard to Election Signs, the Policy stipulates the following:-

(i) A maximum of one (1) Election Sign per lot (to a maximum of 0.6m2 on each face) is permitted on private land.

(ii) Election Signs are only permitted to be placed from the time the election is officially announced or the issue of the writ for the election, and up until the final day of the election (“Electoral Act”).

The Election (Wall) Sign has a facia area of 42.4m² (8.5m x 5m) and the south facing Roof Sign has a facia of 3.4m² (2.8m x 1.22) and would in any event fail to comply with the Policy.

The following photographs demonstrate the visibility of the Election Wall Sign when viewed from Safety Bay Road.
9. Obstructed View of Wall Sign

10. Unobstructed View of Wall Sign
Visual Amenity
The Election (Wall) Sign is out of context in this predominately residential location. In this regard, the City has responded to resident complaints regarding the Election (Wall) Sign, which asserted that the sign was not appropriate to the context of the area. This sign is also out of scale with the Office building and detracts from the visual amenity of Safety Bay Road. It is also larger than the Real Estate sign it replaced.

e. Financial
Nil

f. Legal and Statutory
The subject land is zoned ‘Commercial’ under TPS2, where an Office is a permitted land use. The Office use of the premises is in accordance with the requirements of TPS2.

![Legend: Subject Site, Commercial zoned land, Residential zoned land]

11. Town Planning Scheme Zones

5. Comments
The signage erected by the proponent was assessed for conformity with the City’s Policy requirements and is generally compliant, with the exception of the Election Signs, which refer to Donna Gordin.

It is recommended that Council approve the proposed signage, with the exception of the Election (Wall) and Election (Roof) Sign.

It is further recommended that the proponent be advised that the Election (Wall) Sign and Election (Roof) Sign must be removed within a period of 28 days, otherwise the development will be considered in breach of TPS2.

Mr Andrew Hammond, Chief Executive Officer advised of a potential Impartiality Interest if Committee members were a member of either major political party. Should this be the case, then they should strongly consider declaring an Impartiality Interest before discussing or voting on the Officer Recommendation.
6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council APPROVE application No.20.2012.76 for Signs at Lot 6 (No.180) Safety Bay Road Safety Bay, subject to the following condition:-

1. The Wall Sign (Donna Gordin) and Roof Sign (Donna Gordin) are not included in this planning approval because they are deemed to be Election Signs under the City's Planning Policy 3.3.1 – Control of Advertisements, whereby Election Signs are only permitted to be placed at the time the election is officially announced, or the issue of the writ for the election, and up until the final day of the election.

Advice to Applicant

(i) The applicant is advised that the Wall Sign (Donna Gordin) and Roof Sign (Donna Gordin) must be removed from the premises within 28 days from the date of notification from the City, otherwise the development will be considered in breach of Town Planning Scheme No.2.


8. Committee Recommendation

That Council APPROVE application No.20.2012.76 for Signs at Lot 6 (No.180) Safety Bay Road Safety Bay, subject to the following condition:-

1. The Wall Sign (Donna Gordin) and Roof Sign (Donna Gordin) are not included in this planning approval because they are deemed to be Election Signs under the City's Planning Policy 3.3.1 – Control of Advertisements, whereby Election Signs are only permitted to be placed at the time the election is officially announced, or the issue of the writ for the election, and up until the final day of the election.

Advice to Applicant

(i) The applicant is advised that the Wall Sign (Donna Gordin) and Roof Sign (Donna Gordin) must be removed from the premises within 28 days from the date of notification from the City, otherwise the development will be considered in breach of Town Planning Scheme No.2.


Committee Voting – 4/0

9. The Committee's Reason for Varying the Officer's Recommendation

Not applicable

10. Implications of the Changes to the Officer's Recommendation

Not applicable
## Purpose of Report

To consider amendments to the City’s Planning Procedure 1.5 – *Closure of Pedestrian Access Ways* (PAW Procedure) for alignment with the City’s Pedestrian Access Way Strategy (Strategy) and Planning Bulletin 57/2009A.

## Background

In March 2010, Council adopted the Strategy. The Council adopted the following approach to be applied when considering any requests for PAW closures:
“(i) All PAWs classified as Essential (‘E’) will not be closed by Council.

(ii) All PAWs classified as Retain (‘R’) subject to substantial justification and evidence of anti-social behaviour will be referred to the Council for further consideration.

(iii) All PAWs classified as Not Essential (‘NE’) where a closure request is made in accordance with Council’s Strategy and Planning Procedure 1.5 - Closure of Pedestrian Access Ways, the Director, Planning & Development is authorised to initiate PAW closure proceedings and seek the approval of the WAPC and Minister for Planning.”

In December 2010, the WAPC considered the Strategy and advised the City as follows:-

“1. The Commission commends the City for undertaking the study that constitutes an appropriate holistic approach to addressing the role and importance of the PAWs in the municipality;

2. The consultant’s study is considered to satisfy the general procedural and assessment requirements of Planning Bulletin 57/2009A and the associated Planning Guidelines relating to pedestrian access ways;

3. The Commission has no objection to the classification of the PAWs and closure of the PAWs classified as NE – Non Essential and No – No Path on the basis of the findings of the study if a specific request is received and its closure is supported by the local community;

4. The Commission will need to be consulted in the event of a proposal to close PAWs classified as Essential (E) and Retain (R).”

The aim of the Strategy was to streamline the assessment process for closure requests, and to have a common understanding with the Department of Planning, as to the relative importance of each PAW in terms of their access value, or otherwise, to local residents. The Strategy provides the Council with recommendations on which PAWs are ‘Essential’, should be ‘Retained’, and those that are ‘Not Essential’ and may be closed. While it was clear during the preparation of the Strategy that some PAWs and neighbouring properties are subjected to abuse and vandalism by some PAW users, this needed to be balanced against the retention of PAWs where they are well used and important to the pedestrian/cycle network.

The classification system identified under the Strategy:-

**E (Essential)**

The PAW/access way should be retained and kept open, as it forms an essential or important function in the local pedestrian and cycle movement network.

**R (Retain)**

The PAW/access way should preferably be kept open, as it has some significance in the local pedestrian and cycle movement network. Closure may be acceptable, however, if prompted by significant local community support and clear evidence of considerable anti-social and/or criminal behaviour associated with the PAW.

**NE (Non-essential)**

The PAW/access way could be closed without significantly affecting the local pedestrian and cycle movement network. Few residents would be disadvantaged.

Closure under any of these three classifications would still depend upon:

(i) adjoining landowners agreeing to purchase the closed PAW/access way;

(ii) relocation of existing services and/or the establishment of appropriate service easements, to the satisfaction of the affected service authorities, and at no cost to the affected service authorities;

(iii) reimbursement of specified Council costs;
(iv) general acceptance of the closure by the immediately affected community after appropriate public advertising has taken place; and
(v) final approval of the Department for Planning.

NP (No path) The PAW/access way does not contain a path. Therefore the PAW/access way could be ‘closed’ without any disruption to the local pedestrian and cycle movement network.

3. Details

The City’s current PAW Procedure was based on the process set out in WAPC Planning Bulletin 57/2003, which was superseded by Planning Bulletin 57/2009A.

The proposed amendments to the PAW Procedure are based upon Planning Bulletin 57/2009A and provides further guidance on:

(a) the matters that the City will take into consideration before an application is made to close a PAW.
(b) the process for the City to consider applications to close PAWs, based upon classifications.
(c) administration costs, direct closure costs and the creation of a ‘Public Utilities Services Reserve’ versus outright purchase by landowners.

4. Implications to Consider

a. Consultation with the Community

Given that the PAW Procedure deals with procedural matters, a process of community consultation is not considered necessary. A notice will be published in a local newspaper, upon the Council’s adoption of the Procedure.

b. Consultation with Government Agencies

Not Applicable

c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:-

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provide for a genuinely desirable lifestyle.

Aspiration 15: Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant

d. Policy

Planning Bulletin 57/2009A outlines two new planning guidelines:-

1. Procedure for the Closure of PAWs, and
2. Reducing Crime and Anti-social Behaviour in PAWs.

Both planning documents were endorsed by the WAPC in October 2009.

The WAPC’s Procedure for the Closure of PAWs, sets out a new procedure, as follows:-

- A new, simplified procedure for dealing with the closure of PAWs, based upon section 87 of the Land Administration Act 1997 rather than the subdivision provisions of the Planning and Development Act 2005;
- The closure procedure establishes a clear, timely and transparent decision making process for the closure or retention of PAWs;
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 JULY 2012
PRESIDING MEMBER

- The closure procedure is based on the premise that each local authority will develop a pedestrian and cycle access plan, and a suggested method for the preparation of such a plan is provided in the guidelines;
- Temporary PAW closures are provided to address serious emergent problems.

The WAPC’s Guidelines forms the basis of the changes to the PAW Procedure.

e. Financial

Nil

f. Legal and Statutory

The new, simplified procedure for dealing with the closure of PAWs is based on section 87 of the Land Administration Act 1997, which sets out a self-contained process by which an amalgamation of remnant Crown land may be achieved.

Amalgamation of Crown land under section 87 of the Land Administration Act 1997 is not considered a subdivision. For the purposes of section 87, Deposited Plans do not require the consent of the WAPC, because they are not created for the purpose of satisfying the requirements of the Planning and Development Act 2005.

5. Comments

The proposed amendments to the PAW Procedure are to establish a coordinated assessment tool based on the classification of PAWs included within the Strategy and the WAPC’s Planning Bulletin 57/2009A.

The revised PAW Procedure streamlines the assessment and processing of requests to close PAWs and provides more certainty in relation to which PAWs can be closed and those that should remain open.

It is recommended that Council adopt the revised PAW Procedure.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADOPT the revised Planning Procedure 1.5 – Closure of Pedestrian Access Ways.

8. Committee Recommendation

That Council ADOPT the following revised Planning Procedure 1.5 – Closure of Pedestrian Access Ways:

PLANNING PROCEDURE 1.5
CLOSURE OF PEDESTRIAN ACCESS WAYS

1. Introduction

Pedestrian Access Ways (PAWs) were originally established as part of land subdivision as a means of providing for the unimpeded movement of pedestrians and cyclists in and around residential neighbourhoods, following the change from traditional grid pattern road layouts to designs based on cul-de-sac and loop roads. PAWs are also often used to locate public infrastructure such as reticulated water, sewer and gas pipes, and electrical cables.

Although the purpose of PAWs is to provide safe pedestrian and cycle access to local facilities, they are also used for criminal activity, vandalism and other forms of anti-social behaviour and as such, the City receives requests for the closure of PAWs on security and amenity grounds.

In response to the growing number of PAW enquiries, the City undertook a Study to evaluate all PAWs within the City, to establish a coordinated assessment tool or guide to use in its consideration of applications to close PAWs which takes into account all relevant issues.
In February 2010, Council adopted a Pedestrian Access Way Strategy (Strategy) to provide recommendations on which PAWs are essential, should be retained, and those that are not essential and may be closed.

In December 2010, the Western Australian Planning Commission (WAPC) endorsed the Strategy. Planning Bulletin No.57/2009A sets out the process to be followed by a Local Government in processing PAW closure requests. There are also certain matters not dealt with by this Planning Bulletin which has prompted the Council to establish its position. These matters can be summarised as follows:
- The City’s administrative costs;
- The costs associated with land purchase, creation of easements and/or relocation or removal of services; and
- The creation of a ‘Public Utilities Services Reserve’ versus purchase by landowners.

This Planning Procedure has been prepared based upon the Strategy and the PAW closure procedures in Planning Bulletin 57/2009A.

Note 1: Refer to Appendix 1 for a copy of WAPC Bulletin No.57/2009A – ‘Planning Guidelines for Pedestrian Access Ways’. The Pedestrian Access Way Strategy can be viewed on the City’s Website.

2. Statement of Intent

The purpose of this Planning Procedure is to detail the process to be followed by the City in processing applications to close PAWs. The City’s position is also provided in respect of administration costs, direct closure costs and the creation of a ‘Public Utilities Services Reserve’ versus outright purchase by landowners. This Planning Procedure also provides a guide to applicants on the matters that City will take into consideration, before an application is made to close a PAW.

3. Planning Procedure

3.1 Pedestrian Access Way Strategy

The Strategy emphasises the need to maintain good accessibility to facilities, schools, shops, parks and surrounding neighbourhoods for the community, which is of paramount importance when considering the merits or otherwise of PAW closures. While it is clear that some PAWs and neighbouring properties are subjected to abuse and vandalism by some PAW users, this needs to be balanced against the retention of PAWs where they are well used and important to the pedestrian/cycle network.

3.2 Classification

The Strategy applies a classification system which relates to connectivity only - to individually ‘classify’ each of the PAWs and the other access ways. This system has also been endorsed by the WAPC as follows:

E (Essential) The PAW should be retained and kept open, as it forms an essential or important function in the local pedestrian and cycle movement network.

R (Retain) The PAW should preferably be kept open, as it has some significance in the local pedestrian and cycle movement network. Closure may be acceptable, however, if prompted by significant local community support and clear evidence of considerable anti-social and/or criminal behaviour associated with the PAW.

NE (Non-essential) The PAW could be closed without significantly affecting the local pedestrian and cycle movement network. Few residents would be disadvantaged.

NP (No path) The PAW does not contain a path. Therefore the PAW could be ‘closed’ without any disruption to the local pedestrian and cycle movement network.

Note 2: Refer to Appendix 3 for a copy of the Council’s adopted Classification for each PAW.
3.3 Management Outcomes

In accordance with the Strategy, the following approach will be applied when considering an application to close a PAW:

(i) PAWs classified as Essential ('E') will not be closed by the City.

(ii) PAWs classified as Retain ('R') will only be considered for closure subject to substantial justification and evidence of anti-social behaviour. If the City is satisfied that the PAW contributes to anti-social behaviour, it will proceed to be advertised for public comment prior to being referred to the Council for determination.

(iii) PAWs classified as Not Essential ('NE') or No Path 'NP' will be considered for closure by the City upon request.

3.4 PAW Closure Procedure

Planning Bulletin No.57/2009A – ‘Planning Guidelines for Pedestrian Access Ways’ details the process to be followed by the City in processing PAW closure requests listed in ‘Option A: PAW closure request is in accordance with a WAPC endorsed Pedestrian and Cycle Access Plan’. The Strategy satisfies the general requirements of a WAPC endorsed pedestrian and cycle access plan.

The steps in seeking closure of PAWs classified 'NE', 'NP' or 'R', if supported, are as follows:-

Step 1 (Initial Request)

The City receives a request for closure of a PAW supported by one or more adjoining landowners and, after exploring all reasonable management options, outlined in WAPC’s Planning Guidelines - Reducing Crime and Anti-Social behaviour in Pedestrian Access Ways, progresses the request by preparing a closure report, which justifies the closure by referencing the Strategy.

For PAW's classified as Retain 'R' the City requires a request for closure to be supported by substantial justification and clear evidence of considerable anti-social and/or criminal behaviour associated with the PAW.

Step 2 (Adjoining Landowner Support)

The City will refer the request for closure, together with the closure report, to all abutting landowners seeking:

- written support for the closure request;
- written agreement as to how the land is to be divided; and
- written agreement from those wishing to purchase a portion of the PAW that they are prepared to meet all costs associated with the closure including the possible relocation of infrastructure and registration of easements, removal of improvements from the PAW, and cost of reinstatement of kerbing.

Step 3 (Advertising – Government Agencies)

The City will refer the request for PAW closure, together with the closure report, to all infrastructure providers that have an interest in the PAW, and request their comments and advice in writing.

Step 4 (Advertising - Public)

The City will advertise PAWs classified as 'R', 'NE' and 'NP' for a 35 day public comment period with a notice being provided in a local newspaper circulating in the area and notification letters being sent to owners and occupiers within 400m of the PAW.

Step 5 (Referral – Department of Planning)

The closure report and confirmation that the proposed closure is in accordance with the Strategy will be submitted by the City to the Department of Planning (DoP).

Step 6 (DoP Response)

The DoP receives the City’s request and confirms, in writing, that the proposed closure is in accordance with the Strategy.
Step 7 (Council Consideration)

If the Council formally resolves to proceed with the PAW closure, the matter will be referred to State Land Services (Department of Regional Development and Lands) for processing, under section 87 of the Land Administration Act 1987, together with:

- the closure report (amended to include an assessment of the responses received from the DoP, infrastructure providers and abutting landowners);
- a copy of the letter received from the DoP confirming that the proposed closure is in accordance with the Strategy;
- copies of all letters received from infrastructure providers;
- copies of all public submissions received during advertising for PAWs classified as 'R';
- copies of all letters received from abutting landowners; and
- a sketch showing the proposed disposition of the closed PAW among adjacent properties.

Step 8 (State Land Services)

State Land Services will then:

- assess the application to determine whether PAW closure and disposal, or any alternative arrangement, can proceed;
- arrange the offer and acceptance documentation;
- provide information regarding the requirements for the survey and plan preparation (in limited circumstances State Land Services will arrange for the preparation of survey and graphic); and
- close the PAW and effect disposal of the subject land.

3.5 Direct Closure Costs

When a PAW closure application is successful, it is normal practice that the closed PAW is amalgamated with the adjoining properties and the landowners are required to pay for the land cost and any associated transaction fees and charges.

The sale price for a closed PAW will normally be market value as assessed by the Valuer General’s Office and the associated transaction fees and charges are calculated and administered by State Land Services. Payment of these costs is the responsibility of the landowners, who have previously indicated agreement to have portion of the closed PAW amalgamated with their property.

Where the PAW accommodates service infrastructure, which is required to be relocated, removed or protected by way of easement, the affected landowners are also responsible for the costs involved which are determined by the servicing agencies.

3.6 Creation of a ‘Public Utilities Services Reserve’ versus Outright Purchase by Landowners

The reclassification of a PAW to a ‘Public Utilities Services Reserve’ is an alternative to formal closure. In such cases, access to the PAW is restricted by the placement of fencing and/or lockable gates at either end, thereby preventing community access, yet still providing access to servicing authorities, emergency services and for maintenance.

Where the creation of a ‘Public Utilities Services Reserve’ is the only method of closure, State Land Services will require the Council to accept a Management Order over the Reserve.

The reclassification of a PAW to a ‘Public Utilities Services Reserve’ is generally not favoured by the City for the following reasons:—

- whilst the creation of a ‘Public Utilities Services Reserve’ and the associated fencing/gates prevents movement through the PAW to the general community, there is no guarantee that this method of closure will prevent those individuals intent on vandalism and crime from accessing the Reserve;
- all costs associated with the creation of a ‘Public Utilities Services Reserve’ are borne by the City. That is, the initial costs of installing fencing and gates and the ongoing maintenance, which would include regular mowing; and
- the presence of the fencing and gates can have a negative impact on the residential streetscape.

Accordingly, the Council will only support the creation of a ‘Public Utilities Services Reserve’ when this is the only feasible way of closing a particular PAW.

3.7 State Land Services

The role of State Land Services is to give effect to the request for closure of a PAW under section 87 of the Land Administration Act 1987 and undertake formal sale and conveyance of the subject land. State Land Services has developed procedural guidelines to outline the process involved in the closure of a PAW and should be consulted for advice on the closure process through the Land Administration Act 1987.

3.8 Information Required at Lodgement

Prior to an application to close a PAW being lodged with the City, applicants must first identify the classification of the PAW in the Strategy.

If the PAW classification is (NP) No Path, (NE) Non-Essential or (R) Retain, residents seeking to have a PAW closed are required to provide the following information:

(i) Make a request in writing for the PAW to be closed. The request must be supported by justification for the closure (e.g. details of nuisance experienced) and signed by at least two of the owners or occupiers adjoining or abutting the PAW;

(ii) Provide written advice from the owners adjoining or abutting the PAW that should the proposal be agreed to by the Council, they will be prepared to purchase the land at a cost established by State Land Services, together with all costs associated with its closure, including an administration fee as set out in the City’s Fees and Charges.

(iii) For PAW's classified as Retain 'R' the City requires request for closure to be supported by substantial justification and clear evidence of considerable anti-social and/or criminal behaviour associated with the PAW. (refer to the WAPC Planning Guidelines - Reducing Crime and Anti-Social behaviour in Pedestrian Access Ways for a range of designing out crime strategies)

4. Interpretations

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

Council means the Council of the City of Rockingham

DoP means Department of Planning

State Land Services means Department of Regional Development and Lands

WAPC means the Western Australian Planning Commission constituted under the Planning and Development Act 2005

5. Administration Costs

The City charges an Administration Fee and an Advertising Fee in accordance with its Schedule of Fees which is to be paid by the landowner/s seeking the PAW closure, prior to the application being formally initiated.

6. Adoption

This Planning Procedure was adopted by the Council at its ordinary Meeting held on the 24 March 2009.

7. Amendment

This Planning Procedure was amended by the Council at its ordinary Meeting held on the 26th June 2012.
Appendices

Note1: The Appendices do not form part of this Planning Procedure and are included for information purposes only.
Note2: Refer to the City’s website www.rockingham.wa.gov.au for a copy of the City’s Pedestrian Access Way Strategy.

Committee Voting – 4/0

9. The Committee's Reason for Varying the Officer's Recommendation

Not applicable

10. Implications of the Changes to the Officer's Recommendation

Not applicable
## Planning Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-042/12 Proposed Bulk Earthworks (Golden Bay Stage 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/5631</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cossill and Webley</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18th June 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 9001 (formerly Lot 2) Warnbro Sound Avenue, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>65.43ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
<tr>
<td>1. Location Plan</td>
<td></td>
</tr>
<tr>
<td>2. Aerial Photo</td>
<td></td>
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<tr>
<td>3. Adopted Structure Plan (May 2012)</td>
<td></td>
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<tr>
<td>4. Subdivision Plan (Stage 2)</td>
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<td>5. Location Plan - Stage 3 Subdivision</td>
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<td>6. Bulk Earthworks Plan - Stage 3</td>
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<tr>
<td>7. Subdivision Plan indicating spoil stockpile to the west</td>
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</tbody>
</table>

### 1. Purpose of Report

To consider an application seeking planning approval for bulk earthworks (Stage 3) on Lot 9001 Warnbro Sound Avenue, Golden Bay.
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 16 JULY 2012

1. Location Plan

Subject Lot

2. Aerial Photo

General location of Bulk Earthworks
2. Background

In December 2011, the Council refused to adopt the proposed Golden Bay Structure Plan on the basis that it was not consistent with the intent of Liveable Neighbourhoods, in that:

“(i) The proposed density and interface of the development was inconsistent with the existing urban character and local identity of Golden Bay and Secret Harbour.

(ii) The proposed broad scale application of medium density did not appropriately integrate with the prevailing context of the locality.”

The Council invited the Proponent to submit a revised Structure Plan which addressed the issues identified in points (i) and (ii) above and other issues raised within the Officer report. The Proponent did not respond to this invitation.

The City forwarded the Council’s decision, the Proposed Structure Plan, its supporting documentation and all submissions and comments to the Western Australian Planning Commission (WAPC).

In March 2012 the WAPC Statutory Planning Committee resolved to approve the Golden Bay Structure Plan without modification.

In May 2012 the Council resolved to adopt the Golden Bay Structure Plan as approved by the WAPC (Figure 3).

In May 2012 the WAPC granted conditional Subdivision Approval to Stage 2 of Golden Bay (Figure 4).

In May 2012 the City received a subdivision referral from the WAPC seeking comments on Stage 3 of Golden Bay (Figure 5).
4. Subdivision Plan (Stage 2)

3. **Details**

In advance (and anticipation) of an approval from the WAPC to the subdivision application, the Proponent seeks Planning Approval to undertake clearing and earthworks for Stage 3 of Golden Bay (Figure 6). The current levels range from 4.2m AHD to 9.8m AHD, generally increasing in height to the western boundary of the development site.

The proposed finished level of the earthworks ranges from 4.9m AHD for the central Public Open Space to 6.5m AHD where it adjoins existing residential lots. Stages 3 includes approximately 130 lots and is proposed to be earthworked to ensure drainage runs to the central POS site.

The Proponent advises that Planning Approval will allow subdivision construction works to be undertaken during winter months, should Subdivision Approval from the WAPC take longer. The Proponent also advises that stockpiling of spoil (approx. 30,000 to 40,000 tonnes) is proposed to the west of the development area, to be used in future stages (Figure 7). No sand will be taken off-site.

5. Location Plan - Stage 3 Subdivision
6. Bulk Earthworks Plan - Stage 3

7. Subdivision Plan (Stage 3) indicating spoil stockpile to the west (in red)
4. **Implications to Consider**

a. **Consultation with the Community**
   Not Applicable

b. **Consultation with Government Agencies**
   Not Applicable

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-

   **Aspiration 11**: *Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle*

d. **Policy**
   Nil

e. **Financial**
   Nil

f. **Legal and Statutory**
   The clearing of vegetation and filling of land constitutes 'development' and requires Planning Approval pursuant to clause 6.1.1 of TPS2.

5. **Comments**

The proposed bulk earthworks are generally consistent with the layout of the approved Structure Plan for Golden Bay.

The undertaking of bulk earthworks prior to Subdivision Approval from the WAPC will enable the work to be undertaken in winter, so that the dust disturbance is minimised.

Based on the land being zoned Development, the existing approval of the Golden Bay Structure Plan and impending subdivision of the land, it is recommended that the bulk earthworks application be approved, subject to conditions that address the management of the earthworks.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **APPROVE** the application seeking Planning Approval for Bulk Earthworks on Lot 9001 Warnbro Sound Avenue, Golden Bay subject to the following conditions and advice notes:

1. The site and any stockpiling must be progressively stabilised to prevent sand drift, to the satisfaction of the City.

2. A Traffic Management Plan to be prepared to ensure that the movement of haulage vehicles on-site and on public roads can be managed in a safe manner prior to the commencement of any works and implemented for the duration of works to the satisfaction of the City.

3. A detailed Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation’s **DRAFT - A Guideline for the Development and Implementation of a Dust Management Program** to the satisfaction of the City, prior to the commencement of any work, and must be implemented for the duration of works.

4. This Planning Approval includes the spoil stockpile shown on the Subdivision Plan, west of the bulk earthworks area.
Advice Notes

(i) The earthworks levels approved as part of this application should not be construed as being the final design levels of the site which will be determined by a future subdivision application.

(ii) The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the proponent should liaise with the Department of Environment and Conservation in this regard.

(iii) The development must comply with the Environmental Protection (Noise) Regulations 1997; observance with this requires that work shall only be carried out between 7am and 7pm Monday to Saturday (excluding public holidays) and in accordance with control of noise practices set out in section 6 of AS2436-1981, Guide to Noise Control on Construction, Maintenance and Demolition Sites.

8. Committee Recommendation

That Council APPROVE the application seeking Planning Approval for Bulk Earthworks on Lot 9001 Warnbro Sound Avenue, Golden Bay subject to the following conditions and advice notes:

1. The site and any stockpiling must be progressively stabilised to prevent sand drift, to the satisfaction of the City.

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Committee Voting – 3/1
(Cr Elliott voted against)

9. The Committee's Reason for Varying the Officer's Recommendation

Not applicable

10. Implications of the Changes to the Officer's Recommendation

Not applicable
13. Reports of Councillors
Nil

14. Addendum Agenda
Nil

15. Motions of which Previous Notice has been given
Nil

16. Notices of Motion for Consideration at the Following Meeting
Nil

17. Urgent Business Approved by the Person Presiding or by Decision of the Committee
Nil

18. Matters Behind Closed Doors
Nil

DEPUTATION
[Item SPE-012/12; Proposed Scheme Amendment No.122 - Rezoning from 'Rural' & 'Special Rural' to 'Development' and introducing District Structure Plan Provisions (Initiation)]

5.15pm - Messrs Frank Arangio and Justin Hansen, Development Planning Strategies (DPS) and Mr Stuart Gardiner, Australand attended the Planning Services Committee meeting.

The Chairman welcomed Messrs Arangio, Hansen and Gardiner and invited them to make a presentation to the Committee.

Mr Arangio commenced by providing background on the previous activities of both Australand and DPS in the Rockingham and Baldivis areas, and the excellent working relationship that had been enjoyed between these companies and the City of Rockingham. Mr Arangio then provided a brief history, along with progress to date, on the preparation of a District Structure Plan for the East Baldivis precinct.

Mr Arangio made the following points in respect of proposed Scheme Amendment No 122:-

- DPS had not been consulted on the inclusion of the District Structure Plan provisions.
- Inclusion of the District Structure Plan provisions was unprecedented in WA and Australia, and contrary to established planning practice.
- the City of Rockingham was one of the leading LGA's for the processing of Structure Plans and had successfully implemented District Structure Plans in North Baldivis and South Baldivis without dedicated Scheme provisions.
- the District Structure Plan provisions should not be linked to the rezoning of Australand's landholding in East Baldivis, and should be progressed as separate Scheme Amendments.

Mr Hansen stated that in his opinion the proposed District Structure Plan Scheme Amendment provisions were inconsistent with the WAPC’s draft Structure Planning Guidelines which envisaged District Structure Plans as strategic (non-statutory) guiding documents. He further contended that the additional statutory provisions on District Structure Plans would add another layer of bureaucracy to the planning process.

Mr Hansen and Mr Arangio noted that the Officer Recommendations 1 to 4 were supported, however, Recommendation 5 (which dealt with the District Structure Plan provisions) was not supported and should be progressed as a separate Scheme Amendment.

The Chairman thanked Messrs Arangio, Hansen and Gardiner for their presentation.
5.25pm - Messrs Arangio, Hansen and Gardiner left the Planning Services Standing Committee meeting.

19. **Date and Time of Next Meeting**

   The next Planning Services Committee Meeting will be held on **Monday 16 July 2012** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**

   There being no further business, the Chairman thanked those persons present for attending the Planning Services Committee meeting, and declared the meeting closed at 5.26pm.