City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on

Monday 15 August 2011

4:00pm

Council Boardroom
Council Administration Building
Civic Boulevard, Rockingham
# City of Rockingham
## Planning Services Standing Committee Meeting
### 4:00pm Monday 15 August 2011

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# Minutes

## City of Rockingham
Planning Services Standing Committee Meeting
4:00pm Monday 15 August 2011

## MINUTES

### 1. Declaration of Opening

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

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

#### 2.1 Councillors

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Cr Richard Smith</td>
<td>Chairperson</td>
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<tr>
<td>Cr Brian Warner</td>
<td></td>
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<tr>
<td>Cr Ann Prince</td>
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<td>Cr Les Dodd</td>
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#### 2.2 Executive

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tr>
<td>Mr Chris Thompson</td>
<td>A/Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Robert Jeans</td>
<td>Director, Planning &amp; Development Services</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Co-ordinator, Strategic Planning</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
<td>Manager, Building Services (until 4.15pm)</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager, Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager, Health Services (until 4.15pm)</td>
</tr>
<tr>
<td>Mrs Sharon Peacock</td>
<td>Senior Planning Administration Officer</td>
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</table>

**Observers:** Cr Joy Stewart  

**Members of the Public:** 2  

**Press:** Nil  

#### 2.3 Apologies:

Mr Andrew Hammond, Chief Executive Officer

#### 2.4 Approved Leave of Absence:

Nil
3. **Responses to Previous Public Questions Taken on Notice**

   Nil

4. **Public Question Time**

   Nil

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

   Moved Cr Dodd, seconded Cr Warner:

   That Council **CONFIRM** the Minutes of the Planning Services Standing Committee Meeting held on 18 July 2011, as a true and accurate record.

   Committee Voting – 4/0

6. **Matters Arising from the Previous Planning Services Standing 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**

<table>
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<tr>
<th>8.1</th>
<th>Item SP-045/11</th>
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<td>Proximity Interest</td>
<td></td>
</tr>
<tr>
<td>Nature of Interest</td>
<td>As the house next door is an 'unofficial' holiday home (No.60 Arcadia Drive, Shoalwater)</td>
<td></td>
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<tr>
<td>Extent of Interest</td>
<td>N/A</td>
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<th>8.2</th>
<th>Item SP-046/11</th>
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9. **Petitions/ Deputations/ Presentations/ Submissions**

9.1 **Deputations**

4.30pm Mr George Hajigabriel (Greg Rowe & Associates) attended the meeting to give a deputation on the proposal for Filling of Land (SP-049/11).

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

Nil

11. **Bulletin Items**

**Planning Services Information Bulletin - August 2011**

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Foodsafe
   3.2 Industrial Audits
   3.3 Community Health & Wellbeing Plan
   3.4 Health Promotion
   3.5 North Rockingham Industrial Noise
   3.6 Ocean Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications - July 2011
   4.2 Food Recalls - July 2011
   4.3 Statistical Health Information - July 2011
      4.3.1 Food Premises Inspections
      4.3.2 Public Building Inspections
      4.3.3 Outdoor Public Event Approvals - July 2011
      4.3.4 After Hours Noise & Smoke Nuisance Complaint Service
      4.3.5 Complaint - Information
      4.3.6 Building Plan Assessments
      4.3.7 Septic Tank Applications
      4.3.8 Demolitions
      4.3.9 Swimming Pool Sampling
      4.3.10 Rabbit Processing
      4.3.11 Hairdressing & Skin Penetration Premises
      4.3.12 Family Day Care
      4.3.13 Prosecutions

**Building Services**

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

**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 Visual Landscape Study (LUP/1419)  
   3.4 Dixon Road Area Assistance Grant (LUP/516)  
   3.5 Developer Contribution Scheme (LUP/909)  
   3.6 Local Biodiversity Strategy Review (EVM/22)  
   3.7 Karnup District Water Management Strategy (EVM/136)  
   3.8 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)  
   3.10 Water Campaign (EVM/56-02)  
4. Information Items  
   4.1 Proposed Lifting of Urban Deferment - Lots 805 and 806 Mandurah Road, Karnup  
   4.2 Public Consultation Period for Proposed Structure Plan and Associated Proposals - Golden Bay (Department of Housing) (LUP/246-10)  
   In conjunction with this Item, Cr Prince tabled three emails received from residents.  

**Statutory Planning**

1. Statutory Planning Team Overview  
2. Human Resource Update  
3. Project Status Reports  
   3.1 eDA (Planning Products via the Web)  
4. Information Items  
   4.1 Land Use - Planning Enforcement  
   4.2 Subdivision/Development Approvals and Refusals by the WAPC  
   4.3 Notifications & 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 Supported  
   4.10 Subdivision/Amalgamation Refused  
   4.11 Port Rockingham Marina Assessment update  

**Director Planning & Development Services**

1. Director Planning & Development Services Team Overview  
2. Human Resource Update  
3. Project Status Report  
   3.1 Administration Building Refurbishment/Fitout  
   3.2 Rockingham Strategic Metropolitan Centre – Infrastructure Development Strategy
3.3 Rockingham Primary Centre Infrastructure - Business Case
3.4 Smart Village 1 Masterplan

Committee Recommendation:
That Councillors acknowledge having read the Planning Services Information Bulletin - August 2011 and the contents be accepted.

Committee Voting - 4/0

12. Agenda Items

4.15pm - Mr Rod Fielding, Manager, Health Services and Mr Richard Rodgers, Manager, Building Services left the Planning Services Standing Committee meeting.
### 1. Purpose of Report

To consider a proposed Structure Plan over Lots 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis and determine whether the proposal is suitable for advertising.
2. Background

MRS Zoning

The site is currently zoned ‘Urban Deferred’ in the Metropolitan Region Scheme (MRS) and development cannot be progressed until the land is zoned ‘Urban’ in the MRS.

On the 28th September 2010, written advice was provided to the Western Australian Planning Commission (WAPC) advising that the City supports the lifting of the Urban Deferment (rezoning the land from ‘Urban Deferred’ to ‘Urban’ in the MRS) as planning was considered to be sufficiently advanced, given that a District Structure Plan was in place. The City noted that it was currently considering a Structure Plan over the subject land which required the preparation of a Pipeline Risk Management Plan (PRMP) prior to advertising. The City also advised of its understanding that the land will be serviced by the proposed East Rockingham Waste Water Treatment Plan, which at the time had not been approved.
Land Use
The City issued Planning Approval on the 28th November 1991 for sand excavation over Lot 569 and 1263 Baldivis Road. Subsequently, the application was approved by the Department of Planning and Urban Development on the 3rd April 1992, valid for a period of 19 months until November 1993. Extractive Industries Licences were transferred to new landowners in March 2004.

On the 10th January 2005, the Department of Environment referred an application to clear native vegetation for sand extraction to the City for comment. The City's response noted previous approvals and advised that the land was part of the South Baldivis District Structure Plan, a non-statutory document endorsed by Council to guide future development in the district.

An Extractive Industries Licence was issued for Lot 569 on the 16th August 2006 for the period 1st January 2006 – 31st December 2006.

In May 2007, Council resolved to grant an Extractive Industries Licence for a period of five years, expiring on the 31st December 2011, for the purpose of quarrying sand on Lot 1263 Baldivis Road.

A Planning Application was received in September 2007 seeking approval to extend the sand extraction area to incorporate Lot 21 Sixty Eight Road, Baldivis which was not progressed. A Planning Application seeking Bulk Earthworks approval to extract sand and re-grade the site in preparation for residential development was received on the 17th March 2011 and is being considered by the City, with further information to be provided by the applicant.

3. Details
The subject land is zoned ‘Development’ under Town Planning Scheme No.2 (TPS2) and is located at the corner of Baldivis and Sixty Eight Roads, Baldivis, approximately 10km south east of Rockingham and 40km south of the Perth CBD.

The landholding is 44.2853ha and the proposed Structure Plan incorporates the following elements:-
- 403 Residential ‘R20’ lots;
- 77 Residential ‘R30’ lots;
- 1 Residential ‘R40’ lot with the potential to create 58 dwellings;
- Portion of 1 High School (3.5058ha); and
- 5 areas of Public Open Space (POS) totalling 4.07ha, including a 1.37ha linear POS reserve accommodating a high pressure gas pipeline and other easements and associated buffers.

Site Analysis
The land is bounded to the east and south by Special Rural lots, and to the north and west by land identified for future urban development.

The existing surface levels of the land range from approximately 7m AHD to 38m AHD. Due to its past use as a sand quarry, significant earthworks will be required to re-grade the site so it is suitable for residential development.

The landholding has a subsurface profile consisting of fine to course grained yellow sand (of increasing density below 6.0m) with topsoil (approximately 0.2m thick) overlying. Regional geology indicates that the site is underlain by sand derived from Tamala Limestone.

The landholding contains an existing house and ancillary buildings. It is also an operational sand mine which has resulted in significant vegetation removal across lots 569 and 1263 Baldivis Road.

Given that the landholding has been substantially earthworked, it is considered unlikely that any contamination exists.

Lot 21 Sixty Eight Road has not been affected by sand mining activities and as a result, remnant vegetation is present.
The Parmelia High Pressure Gas Pipeline traverses the north eastern corner of the landholding and as a result the proposed Structure Plan is subject to the requirements of WAPC Planning Bulletin 87 - *High Pressure Gas Pipelines in the Perth Metropolitan Region*. Adjoining the Parmelia Pipeline easement are the Stirling Harvey Trunk Main easement (10m wide) and an Alcoa easement (6m wide).

### 4. Implications to Consider

#### a. Consultation with the Community

Where the Council determines that a proposed Structure Plan is satisfactory for advertising, clause 4.2.6.5 of TPS2 requires the proposal to be advertised for public inspection by one or more of the methods set out in clause 6.3.3 of TPS2, which include:

(a) notice of the proposal being served on nearby owners and occupiers who, in the opinion of Council, are likely to be affected by the proposal, and stating that submissions may be made on the proposal by a specified date.

(b) notice of the proposal being published in a newspaper circulating in the Scheme Area stating that submissions may be made on the proposal by a specified date.

(c) a sign or signs displaying a notice of the proposal is to be erected in a conspicuous position on the land.

The specified date is required to be at least 21 days from the date of the notice and advertisement, however it is the City's practice to undertake advertising for at least 28 days where the proposal has not been previously advertised. With respect to point (a), it is intended that letters be sent to owners and occupiers of land depicted on the plan below:

![Map 3 - Proposed Extent of Consultation](image)

#### b. Consultation with Government Agencies

In addition to the above, clause 4.2.6.5(b.ii) of the Scheme requires that the Council give notice to relevant public authorities. In this regard, it is normal to refer proposed Structure Plans to the following agencies:

- FESA;
- Department of Environment and Conservation;
- Alinta;
- Department of Health;
- Department of Education;
- Department of Indigenous Affairs;
- Department of Water;
- Water Corporation;
- Western Power;
- Main Roads Western Australia;
- Public Transport Authority;
- Telstra;
- Alcoa; and
- APA Group (owner of the Parmelia Pipeline).

c. **Strategic**

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration/s 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 & Procedure**

Implementation

TPS2 sets out the details that are required to be addressed in a proposed Structure Plan. These requirements are set out in more detail in Planning Procedure 1.6. In this regard, Planning Procedure 1.6 – Preparation and Assessment of Structure Plans – notes in Section 3.1.1 (i) that information such as the timeframe and staging of subdivision and development may be reasonably required to enable the Structure Plan application to be determined. No details have been provided regarding staging of development. The Proponent has advised that the provision of a staging plan is premature given that changes to the Structure Plan may occur post advertising.

A Staging Plan is considered necessary to inform the Fire Management Plan. Given that it is only indicative, the City does not consider its request to be premature.

Public Open Space

The City’s Planning Policy 3.4.1 – Public Open Space noted in section 4.1.4 that the Council’s Local Biodiversity Strategy encourages the retention of native vegetation in future urban areas. This is supported in Element 4, R3 of Liveable Neighbourhoods which notes that Public Parkland should provide a balance between conservation and active and passive recreational uses in district, neighbourhood and local open space.

Concern is raised that the plan does not provide for the retention of existing remnant vegetation throughout Lot 21 Sixty Eight Road, given that the majority of Lots 569 & 1263 Baldivis Road have already been cleared due to sand mining activities. Whilst Lot 21 features a highly disturbed understorey, significant Tuart trees are evident on site, which may serve as habitat and feeding for native birds including the protected Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-Tailed Black Cockatoo.

The applicant has advised that due to water servicing levels set by the Water Corporation, no vegetation can be retained above 28m AHD.
The indicative earthworks plan submitted with the proposed Structure Plan does not reflect the servicing limitations of the land and should be revised. In doing so, consideration should be given to whether the earthworks can be undertaken in a manner which allows the retention of remnant vegetation in areas below the maximum servicing level. In this regard, it may be possible to facilitate the retention of existing vegetation within Lot 21 by relocating POS 1 further south towards the High School site at a lower contour, where there may not be a significant change in levels.

It is also recommended that a Tree Hollow Survey be undertaken by a fauna specialist to determine possible use by Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-Tailed Black Cockatoo or other native fauna.

Schools

Element 8, R1 of Liveable Neighbourhoods advises that written confirmation of acceptance by the appropriate school provider as to the location and configuration of a school site should be provided when submitting a structure plan with the local government. Whilst the Proponent has not provided written confirmation from the Department of Education, the proposed portion of the High School site is generally in accordance with the South Baldivis District Structure Plan (SBDSP).

In any event, the Department of Education will be invited to comment during the public consultation process.

Bush Fire

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 substantially vegetated land to the south, the Baldivis Tramway Reserve immediately east of Baldivis Road, as well as undeveloped land to the west and north. The City’s Coordinator of Emergency Services has advised that a Fire Management Plan, incorporating a Bush Fire Hazard Assessment will be required due to the threat posed to the High School and residential dwellings.

It is recommended that the requirements of the Guidelines be addressed prior to the Structure Plan being advertised for comment.

e. Financial

Nil

f. Legal and Statutory

Clause 4.2.6.2 of the TPS2 states that the Council is to either:

(a) determine that the proposed Structure Plan is satisfactory for advertising;
(b) determine that the proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
(c) determine that the proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.
5. Comments

Structure Plan Assessment

Community Design

The Structure Plan design is generally consistent with the intent of the SBDSP, incorporating the High School, major road connections and residential dwellings. The SBDSP indicates a POS area within Lot 1263 Baldivis Road encompassing two high points. These high points have been lost due to sand mining activities and instead, POS has been spread evenly across the landholding, providing easy access for the majority of dwellings, as well as drainage functions.

The Structure Plan has been designed to integrate with the surrounding development framework. The movement network is highly permeable and has been designed to accommodate future bus routes, traffic to the school site and further urban development to the south of the landholding. The movement network provides direct pedestrian and cyclist linkages to the High School site, Neighbourhood Centre and Community Use site to the north.

A mix of ‘R20’ and ‘R30’ single residential lots comprise the bulk of the Structure Plan area. All ‘R30’ lots front onto POS areas, increasing density in close proximity to areas of high amenity as well as providing passive surveillance. An ‘R40’ development site is located between the linear POS corridor (containing the three easements and associated buffer) and the Baldivis Road reserve which provides similar benefits to the abovementioned ‘R30’ lots.

Under Liveable Neighbourhoods, the Structure Plan is required to achieve a target density of 12-20 dwellings per hectare outside the 400m radius of a Neighbourhood Centre. The lot yield depicted on the Structure Plan is 12.1 dwellings per site hectare which satisfies the requirements of Liveable Neighbourhoods.

Lot Layout

The lot layout focuses on increasing density and interest around features of the site, particularly the areas of POS. The majority of the site is set out in a grid layout providing for regular lot shapes, with the exception of the ‘R40’ development site; this irregular lot shape has been influenced by the location of easements.

The indicative lot layout depicted on the Structure Plan is considered generally acceptable. Detailed Area Plans (DAP) will be required for all ‘R30’ lots and the ‘R40’ lot, in order to adequately control development and achieve an appropriate streetscape to all road frontages. Access arrangements to Baldivis Road for the ‘R40’ lot will also be explained within a DAP.

Movement Network

The Structure Plan generally provides for a permeable network. Whilst the number of vehicle crossings over the Parmelia Gas Pipeline Easement in the north-eastern corner of the landholding are limited, it does not significantly impact on permeability within the subdivision.

Footpaths and shared paths have been provided in accordance with Liveable Neighbourhoods, with shared paths along both sides of the north-south connector and footpaths on at least one side of every other street.

The City’s Engineering Services has conducted an assessment of the Traffic Modelling Report and in accordance with revised information received from the Proponent on the 30th June 2011, is satisfied with the Structure Plan.

Activity Centres and Employment

The Structure Plan does not propose any commercial land, consistent with the SBDSP and the City’s Local Commercial Strategy.

Public Open Space

There are five (5) areas of POS with two key areas as follows:-
- a 1.37ha linear POS reserve accommodating a high pressure gas pipeline and other easements and associated buffers;
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 19 SEPTEMBER 2011

- a 1.22ha linear POS reserve abutting Baldivis Road, intended to provide for the retention of remnant trees; and
- Three smaller POS areas dispersed throughout the landholding ranging from 5,044m² to 6,041m² in size.

The proposed distribution of POS is considered to be generally acceptable and in accordance with the requirements of Liveable Neighbourhoods, with all proposed lots located within 400m of POS. As noted above, concern is raised that remnant vegetation is not proposed to be retained within Lot 21 (which has not been the subject of sand extraction).

It is recommended that the Proponent revise its indicative earthworks plans to reflect the servicing limitations of the site, and in doing so, consideration can be given to the potential retention of vegetation within Lot 21, possibly through the relocation of POS 1. This matter should be addressed prior to the proposal being advertised for public comment.

Urban Water Management

A Local Water Management Strategy (LWMS) has been provided with the Structure Plan. It is noted that the site does not offer an opportunity to maintain natural drainage networks given the sand mining activities.

The area has a vertical separation of 2.7 metres to 3.5 metres from the surface to groundwater level that will allow for good infiltration on site. There is also a low risk of Acid Sulphate Soils (ASS) on the site.

The LWMS addresses the City's requirements in accordance with Planning Procedure 1.8 – Water Sensitive Urban Design.

The Structure Plan will be forwarded to the Department of Water for comment during the advertising period.

Utilities

The Proponent has identified that connections to all utilities can be achieved and this matter will be confirmed when servicing authorities provide comment during the advertising period.

Relevant servicing authorities will be notified of the proposal and invited to comment.

Conflicting Land Use/Buffers

Market Garden

A market garden is currently operating from Lot 19 Sixty Eight Road. The Environmental Protection Authority’s (EPA’s) Guidance Statement No.3 identifies a default setback of 300-500m depending on size, to protect future residents from the potential impacts of the market garden operations. The City’s Environmental Health Services has advised that the current 150m separation distance is considered acceptable and is consistent with the buffer provided for developments further west.

Parmelia Gas Pipeline

WAPC Planning Bulletin No.87 provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia Gas Pipeline. Table 1 of the Bulletin provides for a 65m setback between residential development and the gas pipeline easement ‘as of right’. For proposals within the specified setback distance, Proponents are required to demonstrate that the risk from the pipeline is within acceptable risk levels, with agreement to be reached with the pipeline owner on the need for a Risk Assessment.

The Proponent has submitted a Pipeline Risk Management Plan indicating mitigation measures to allow for the reduced 30m residential setback shown on the Structure Plan. The City contacted the pipeline operator (APA Group) which advised (verbally) that due to the area of POS around the easement it was satisfied with the Structure Plan. Formal comment will be sought from APA Group during the advertising period.

Conclusion

In light of the above, it is considered that the proposed Structure Plan is suitable for advertising, subject to the following matters being addressed:
(i) The indicative earthworks plan being amended to reflect the intended finished levels, in light of the maximum servicing level;

(ii) In preparing the amended earthworks plan in accordance with point (i), consideration being given to relocating POS 1 to a contour level which facilitates the retention of remnant native vegetation;

(iii) A Fire Management Plan, including a Bush Fire Hazard Assessment, being undertaken in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), to the satisfaction of the City's Emergency Services; and

(iv) A Staging Plan being provided.

It is further recommended that a Tree Hollow Survey should be undertaken by a fauna specialist to determine possible use by Carnaby's and Baudin's Black Cockatoo, and Forest Red-Tailed Black Cockatoo or other native fauna, prior to the proposed Structure Plan being considered for adoption.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **APPROVE** advertising of the proposed Structure Plan for Lots 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road in accordance with clause 4.2.6.5 of Town Planning Scheme No.2, subject to the following matters being addressed:

   (i) The indicative earthworks plan being amended to reflect the intended finished levels, in light of the maximum servicing level;

   (ii) In preparing the amended earthworks plan in accordance with point (i), consideration being given to relocating POS 1 to a contour level which facilitates the retention of remnant native vegetation;

   (iii) A Fire Management Plan, including a Bush Fire Hazard Assessment, being undertaken in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), to the satisfaction of the City's Emergency Services; and

   (iv) A Staging Plan being provided.

2. **REQUIRE** that a Tree Hollow Survey be undertaken by a fauna specialist to determine possible use by Carnaby's and Baudin's Black Cockatoo, and Forest Red-Tailed Black Cockatoo or other native fauna, prior to the proposed Structure Plan being considered for adoption.

8. Committee Recommendation

That Council:

1. **APPROVE** advertising of the proposed Structure Plan for Lots 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road in accordance with clause 4.2.6.5 of Town Planning Scheme No.2, subject to the following matters being addressed:

   (i) The indicative earthworks plan being amended to reflect the intended finished levels, in light of the maximum servicing level;

   (ii) In preparing the amended earthworks plan in accordance with point (i), consideration being given to relocating POS 1 to a contour level which facilitates the retention of remnant native vegetation;

   (iii) A Fire Management Plan, including a Bush Fire Hazard Assessment, being undertaken in accordance with the Planning for Bush Fire Protection Guidelines (Edition 2), to the satisfaction of the City's Emergency Services; and

   (iv) A Staging Plan being provided.
2. **REQUIRE** that a Tree Hollow Survey be undertaken by a fauna specialist to determine possible use by Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-Tailed Black Cockatoo or other native fauna, prior to the proposed Structure Plan being considered for adoption.

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
Advisory & Occasional Committee Minutes
Strategic Planning & Environment Services

**Reference No. & Subject:** SPE-024/11  Minutes of the Heritage Reference Group

**File No:** LUP/449-21

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

**Other Contributors:**
- Mr Brett Ashby, A/Manager, Strategic Planning & Environment
- Mr David Waller, A/Manager, Statutory Planning

**Date of Committee Meeting:** 15th August 2011

**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,
- Rockingham Regional Heritage Advisor
- Executive Support - Planning Services

**Disclosure of Interest:**

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

**Attachments:** Minutes of the Heritage Reference Group dated 26th July 2011

**Maps/Diagrams:**

---

**1. Receipt of Minutes**

That Council receive the Minutes of the Heritage Reference Group meeting held on the 26th July 2011 for information.

---

**2. Recommendations to Standing Committee**

**2.1 Recommendation 1: Resignation of Mrs Wendy Durant and appointment of a new representative of the Rockingham District Historical Society**

**Advisory Committee Recommendation:**

That Council **APPOINT** Mr Terry Craig of the Rockingham District Historical Society to the Heritage Reference Group.
Implications to Consider

a. **Strategic**
   
   Community Plan
   
   This item addresses the Community's Vision for the future and specifically the following Aspiration/s contained in the Community Plan 2011:
   
   **Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative, legally and ethically compliant.

b. **Policy**
   
   In accordance with the City's *Governance & Meeting Framework*, should a community member resign mid term then the committee may recommend to Council the name of a replacement or alternatively advertise the position.

c. **Financial**
   
   Nil

d. **Legal and Statutory**
   
   Committee members must be appointed by Council pursuant to section 5.10(1) of the *Local Government Act 1995*.

e. **Voting Requirements**
   
   Absolute Majority

Officer Comments & Recommendation if Different to Committee Recommendation

Nil

2.2 **Recommendation 2: Changes to Regional Heritage Advisory Service**

Advisory Committee Recommendation:

That Council **AMEND** the City's *Governance and Meeting Framework* Policy to modify the composition of the Heritage Reference Group by removing the 'Rockingham Regional Heritage Advisor'.

Implications to Consider

a. **Strategic**
   
   Community Plan
   
   This item addresses the Community's Vision for the future and specifically the following Aspiration/s contained in the Community Plan 2011:
   
   **Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative, legally and ethically compliant.

b. **Policy**
   
   In accordance with the City's *Governance & Meeting Framework*, Council reserves the right to cancel a committee membership at any time for any reason.

c. **Financial**
   
   Nil

d. **Legal and Statutory**
   
   The Council can remove a person from the office of committee member pursuant to section 5.11(2)(b) of the *Local Government Act 1995*. 
e. Voting Requirements

Simple Majority

**Officer Comments & Recommendation if Different to Committee Recommendation**

Nil

**3. Committee Recommendation**

1. That Council:–
   (i) RECEIVE the Minutes of the Heritage Reference Group meeting held on the 26th July 2011 for information.
   (ii) APPOINT Mr Terry Craig of the Rockingham District Historical Society to the Heritage Reference Group.

   Committee Voting – 4/0

2. That Council AMEND the City’s Governance and Meeting Framework Policy to modify the composition of the Heritage Reference Group by removing the ‘Rockingham Regional Heritage Advisor’.

   Committee Voting – 3/1
   (Cr Prince voted against)

**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
### Statutory Planning

<table>
<thead>
<tr>
<th>Reference No. &amp; Subject:</th>
<th>SP-044/11 Proposed Street Naming Theme - Lots 8, 801 &amp; 803 Baldivis Road &amp; 9020 Rivergums Boulevard, Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/411-05</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cedar Woods Properties Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Nicole D'Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, A/Manager Statutory Planning&lt;br&gt;Mr Tristan Fernandes, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15th August 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>April 2009 (PDS46/4/09); March 2010 (PDS39/3/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 8, 801, 803 Baldivis Road and Lot 9020 Rivergums Boulevard, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>75.0557ha</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>Attachment 1 - Street Name Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Figure 1 - Location Plan</td>
</tr>
</tbody>
</table>
Figure 1 - Location Plan
(Lots proposed for street naming theme shown in colour)
1. **Purpose of Report**

To consider an application seeking approval for a street naming theme based on ‘Australian Lakes and Bodies of Water’ for the balance of ‘The Rivergums’ Estate.

2. **Background**

In March 2010, the Council adopted The Rivergums Structure Plan prepared over the balance of land between the existing Rivergums Estate, Baldi Vis Road and the Kwinana Freeway.

The Western Australian Planning Commission (WAPC) approved the Local Structure Plan on the 25th October 2010.

The street names currently approved within ‘The Rivergums’ Estate is based on native or water wise plants.

3. **Details**

It is proposed that the street names within the future stages of ‘The Rivergums’ Estate be based on the theme of ‘Australian Lakes and Bodies of Water’, or words associated with such lakes and water bodies.

The Proponent seeks approval to utilise a new Street Name Theme for the Rivergums Estate on the basis that the existing Theme has become too restrictive and poses too many constraints to allow a sufficient number of new street names to be approved for the balance of the development.

The theme of ‘Australian Lakes and Bodies of Water’ draws its meaning from the centrally located lake parkland and the northern extension of this lake, proposed in future staging, which will act as a focal point of the Estate.

An example of the proposed street names are as follows:-

<table>
<thead>
<tr>
<th>Altham</th>
<th>Dora</th>
<th>Lockhart</th>
<th>Tabourie</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrow smith</td>
<td>Garagan</td>
<td>Magenta</td>
<td>Tarrabool</td>
</tr>
<tr>
<td>Bindi</td>
<td>Gravity</td>
<td>Medcalf Myall</td>
<td>Tuggerah</td>
</tr>
<tr>
<td>Blakers</td>
<td>Halbert</td>
<td>Qualeup</td>
<td>Wallaga</td>
</tr>
<tr>
<td>Bonney</td>
<td>Indoor</td>
<td>Rowles</td>
<td>Weybal</td>
</tr>
<tr>
<td>Como</td>
<td>Lakeshore</td>
<td>Rupert</td>
<td></td>
</tr>
<tr>
<td>Doman</td>
<td>Liddelow</td>
<td>Spade</td>
<td></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**

In accordance with *Planning Procedure 1.4 - Street Names and Their Themes* the preferred source of names include names identified with the general area, pioneers of the state 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 which outlines names that are 'descriptive names appropriate to the features' as one of the preferred sources of street names.

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**5. Comments**

It is considered that the current street naming theme for 'The Rivergums' Estate has become too restrictive and the number of appropriate road names within other 'traditional' and 'local heritage' theme has become more limited due to their already wide usage throughout the immediate vicinity and wider metropolitan area.

The theme of 'Australian Lakes and Bodies of Water' in the context of the lake located in Rivergums Estate is considered an appropriate basis for a street name theme.

It is recommended that the Council support the street naming theme based on 'Australian Lakes and Bodies of Water' or words associated with such lakes for the balance of undeveloped land within 'The Rivergums' Estate, Baldivis.

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**6. Voting Requirements**

Simply Majority

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**7. Officer Recommendation**

That Council **ENDORSE** the proposed street naming theme of 'Australian Lakes and Bodies of Water' or words associated with such lakes for use within the balance of undeveloped land at 'The Rivergums' Estate being Lots 8, 801 & 803 Baldivis Road and 9020 Rivergums Boulevard, Baldivis.

---

**8. Committee Recommendation**

That Council **ENDORSE** the proposed street naming theme of 'Australian Lakes and Bodies of Water' or words associated with such lakes for use within the balance of undeveloped land at 'The Rivergums' Estate being Lots 8, 801 & 803 Baldivis Road and 9020 Rivergums Boulevard, Baldivis.

Committee Voting - 4/0

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

Not applicable

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

Not applicable

---

4.28pm - Cr Les Dodd left the Planning Services Standing Committee meeting.
### Planning Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-045/11 Final Approval of Scheme Amendment No.110 - Holiday Homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1334-03</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15th August 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2010 (SP-009/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Cr Les Dodd declared a Proximity Interest, as per Section 5.60B of the Local Government Act 1995, as the house next door is an 'unofficial' holiday home (No.60 Arcadia Drive, Shoalwater)</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td>Whole of City of Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

#### 1. Purpose of Report

To consider Final Approval of Amendment No.110 to Town Planning Scheme No.2 (TPS2'), to include new ‘Holiday Home’ (large), and ‘Holiday Home’ (standard) uses in Table No.1 – Zoning Table, together with interpretations for each Use Class.

#### 2. Background

In November 2010 the Council resolved to initiate an amendment to TPS2 seeking to introduce provisions to provide for Holiday Accommodation. The Council also resolved to endorse the publishing of a notice that it has prepared Planning Policy No.3.3.21 – Holiday Homes to identify matters that need to be considered in assessing applications for Holiday Homes.
3. **Details**

The Amendment seeks to include new ‘Holiday Home’ (large), and ‘Holiday Home’ (standard) uses in Table No.1 - Zoning Table, together with interpretations for each Use Class in accordance with Western Australian Planning Commission Planning (WAPC) Bulletin 99 - Holiday Homes Guidelines.

Now that the submission period has closed, the Council must now consider whether or not to adopt the Amendment (and Policy).

This report should be read in conjunction with the draft Planning Policy – Holiday Homes, which is listed as a separate item on this Agenda (Item SP-046/11).

4. **Implications to Consider**

a. **Consultation with the Community**

The Amendment was advertised for public comment in accordance with the requirements of the *Town Planning Regulations 1967* for a period 44 days, ending on the 11th March 2011, with advertising being undertaken in the following manner:-

(i) Thirteen (13) existing holiday home operators were notified in writing of the proposal. The holiday home operators were identified after consulting with the Rockingham Visitors Centre;

(ii) An advertisement placed in the Public Notices section of the Sound Telegraph newspaper on the 26th January 2011;

(iii) An advertisement placed in the Public Notices section of the Weekend Courier newspaper on the 4th February 2011;

(iv) Details of the Amendment were made available on the City’s website;

At the conclusion of the advertising period, thirteen submissions had been received as follows:-

(i) Two submissioners raised no objection to the proposal but recommended changes to the draft Holiday Homes Policy.

(ii) 11 submissions raised concerns related directly to the proposed Scheme Amendment (several submissions were received from owners within the Aria apartments complex).

The following concerns were raised in submissions:-

(i) Aria Apartment owners identified that units within the complex were purchased on basis that only four units on the first floor were identified for short stay accommodation.

(ii) There is no clarity on the fees proposed for applications for short stay accommodation. In this regard, it was also proposed that planning application fees should be waived for existing short stay accommodation operators.

(iii) Granting ‘as of right’ approval is contradictory to WAPC Bulletin 99 – Holiday Homes, which recommends holidays homes be made a ‘D’ use (i.e. discretionary use) or ‘SA’ use (i.e. discretionary use requiring advertising) within the Scheme.

(iv) There are minimal complaints about existing short stay accommodation and thus regulation should not occur.

(v) The responsibility to provide adequate facilities in short stay accommodation should be with the owner and not controlled by the City.

(vi) Short stay accommodation is currently treated like rentals and thus do not attract GST. Regulating short stay accommodation may have tax implications.

(vii) The nightclubs and long term rentals cause anti-social behaviour, not short stay accommodation. Nightclubs within the Waterfront Village should be removed.

(viii) To have a parking bay for every bedroom would be impractical and unnecessary.
Submissions:
The following Officer comments are provided in response to the concerns raised that relate directly to the proposed Scheme Amendment:-

Aria Apartments/Competing Land-uses

The Aria Apartment building, comprising of two commercial tenancies, four short stay accommodation apartments and twenty eight residential apartments, was approved by Council in January 2003. The four short stay accommodation apartments are located on the first floor, and approval was issued by the City. In July 2003 the four short stay accommodation apartments were granted approval to be used for permanent residential purposes. The latest Planning Approval does not supersede the original Planning Approval, and thus these four apartments can be used for short stay accommodation. All other apartments within the complex are currently only permitted as permanent residential.

Whilst it is acknowledged that permanent residents and short term visitors have competing objectives, this needs to be balanced against the Council’s objectives to foster tourism and facilitate tourist accommodation within the Waterfront Village. To address the concerns raised by the submissions, changes to the Scheme Amendment would require Planning Approval for ‘Holiday Homes (standard)’ and ‘Holiday Home (Large)’ within the Waterfront.

Application Fees

Proposed fees were not mentioned within the Scheme Amendment documentation and draft Policy, as the fee for Holiday Homes was yet to be determined. As Holiday Homes are considered to be a similar use as a Bed and Breakfast, which attracts a minimum one-off planning application fee of $139, this fee is considered appropriate for applications for Holiday Homes. It is not considered appropriate to waive the planning application fee for existing Holiday Home operators, as assessment of these businesses against the draft Planning Policy will be required.

As of Right Approvals - Waterfront Village

The Scheme Amendment was premised on the basis of an ‘as of right’ approval for ‘Holiday Home’ (standard) within the Waterfront Village zone. Upon further consideration of the issues raised in the submissions, the deletion of the ‘as of right’ approval and its replacement this with the requirement of Planning Approval is appropriate. This would ensure that a development application must be submitted and thus an assessment of proposals would occur by the City of all applications for Holiday Homes.

Anti-social behaviour

The draft Policy acknowledges that in some instances there have been impacts on neighbourhood amenity caused by anti-social behaviour and overcrowding of Holiday Homes. The City investigated the operation of Holiday Homes and found that in comparison with the number of places offered for Holiday Home accommodation, it had only received a few complaints.

The emergence of short stay accommodation has meant that this type of tourist accommodation have so far operated with minimum regulation, resulting in an uncertain legal environment and sometimes with land use conflicts. It is considered that planning controls are needed to ensure that detrimental impacts to neighbourhood amenity do not occur.

Health and Building standards

Whilst it is acknowledged that the responsibility of maintaining holiday homes should be with the owner, planning controls are needed to ensure the development of holiday homes within the City are to an appropriate health and building standard and do not adversely impact the amenity of neighbouring properties.
Tax Implications
Holiday Homes do not operate like rentals because they are based on short term accommodation for periods of less than three months. Rental agreements are for larger periods of 6-12 months. Holiday Homes also attract clientele having differing needs to rentals. Tax implications are not a relevant planning consideration.

Anti-social Behaviour from Nightclub
The impacts from nightclubs are not relevant to the consideration of the Amendment.

Car Parking
Given that car parking requirements are set out under the R-Codes, it is recommended that the same requirements should apply. Modification to Tables No.2, 3 and 4 (car parking tables) to include new car parking requirements for Holiday Homes would be required.

b. Consultation with Government Agencies
The Scheme Amendment was referred to the Environmental Protection Authority for assessment under section 48A of the Environmental Protection Act 1986. On the 13th September 2010, the EPA advised that the Scheme Amendment that formal assessment 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 provided for a genuinely desirable lifestyle.

d. Policy
A draft Planning Policy 3.3.21 (Holiday Homes) has been prepared, to outline the planning requirements and conditions by which Holiday Homes should operate.

e. Financial
Nil

f. Legal and Statutory
The procedures for considering submissions made to and adopting an amendment to TPS2 are set out in the Town Planning Regulations 1967, which requires the City to consider all submissions to the amendment and in respect of each submission shall consider whether the amendment should be modified accordingly or whether that submission should be rejected.

After considering the submissions made the City is required to pass a resolution either:-

(a) that the amendment be adopted with or without modification; or
(b) that it does not wish to proceed with the amendment.

In making such a decision, the City must provide the WAPC with a 'schedule of submissions', together with the Council's recommendations made in respect to those submissions, to the WAPC.

If the City resolves not to proceed with the amendment, the Minister for Planning may, notwithstanding the City's decision, approve the amendment with or without modifications.

5. Comments
The concerns raised in the submissions are considered valid and would involve significant modifications to the Scheme Amendment that was advertised for public comment.
As the necessary changes would materially alter the intent of the Scheme Amendment that was advertised, it is recommended that Council Not Proceed with the Amendment and seek to consider a new Amendment, should the Minister for Planning refuse to grant Final Approval to Amendment No.110.

This would enable the City to prepare a fresh Scheme Amendment which takes into consideration the concerns raised and would allow for public comment to be sought on a new proposal.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:-

1. NOT PROCEED with Amendment No.110 to Town Planning Scheme No.2 to include new ‘Holiday Home’ (large), and ‘Holiday Home’ (standard) uses in Table No.1 – Zoning Table, together with interpretations for each Use Class, for the following reasons:
   
   (i) The necessary changes to the Scheme Amendment to address valid concerns raised in submissions would represent a significant departure from the Amendment advertised for public comment.
   
   (ii) The recommended changes to the Scheme Amendment contained in the Schedule of Submissions are significant and therefore should be re-advertised for public comment as a new Scheme Amendment.

2. ADOPT the recommendations contained within the Schedule of Submissions.

8. Committee Recommendation

That Council:-

1. NOT PROCEED with Amendment No.110 to Town Planning Scheme No.2 to include new ‘Holiday Home’ (large), and ‘Holiday Home’ (standard) uses in Table No.1 – Zoning Table, together with interpretations for each Use Class, for the following reasons:

   (i) The necessary changes to the Scheme Amendment to address valid concerns raised in submissions would represent a significant departure from the Amendment advertised for public comment.

   (ii) The recommended changes to the Scheme Amendment contained in the Schedule of Submissions are significant and therefore should be re-advertised for public comment as a new Scheme Amendment.

2. ADOPT the recommendations contained within the following Schedule of Submissions:-

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENTS</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.1 – Mr O &amp; Mrs G Bryden, Apartment 5 Aria Apartments, 43 Rockingham Beach Road, Rockingham</td>
<td>The comment is noted.</td>
<td>That this comment be noted.</td>
</tr>
<tr>
<td>As permanent residents of Apartment 5 within the Aria Complex we wish to lodge our objections to the proposed changes to the above Town Planning Scheme with specific reference to the Aria Complex.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>We purchased our apartment with the understanding that only the four 1st floor one bedroom apartments were able to be let on a short term basis. We believe that the proposed changes to the Town Planning Scheme could result in any or all of the apartments in the Aria Complex being designated “Short Term Rental”. Our complex is mainly owner/occupied and we would not like to see this demography change.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>The Aria Apartments has received Planning Approval for Multiple Dwellings (i.e. Permanent Residency and for Short Stay Accommodation for the first floor). The proposed Scheme Amendment will classify ‘Holiday Homes (Standard)’ as a permitted use that does not require planning approval under TPS2. It is considered appropriate to modify the Scheme Amendment to require Planning Approval in the Waterfront Village zone.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>That the City not proceed with the Amendment for the following reasons:-</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1. The Scheme Amendment would need to be substantially modified to require Planning Approval for ‘Holiday Homes’ (standard) and ‘Holiday Home’ (Large) within the Waterfront Village zone. This would enable the City to assess planning applications for Holiday Homes against the requirements of TPS2 and the draft Policy, as opposed to an ‘as of right’ approval.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2. A new Scheme Amendment is required in this circumstance as it is a significant departure from what was advertised for public comment.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No changes will be made to the Scheme Amendment; however, changes are recommended to draft Planning Policy No.3.3.21 – Holiday Homes (‘draft policy’), in response to submissioners concerns regarding anti-social behaviour from occupies of Holiday Homes.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>In addition to provision 5.2 (Amenity) of the draft Policy, this provision would need to be amended to include the requirement of a Complaints Management Procedure, use and on-going maintenance of all common property and common facilities and control of anti-social behaviour within the required ‘House Rules’ for Holiday Homes.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tenant non-compliance is already addressed under provision 5.12 of the draft Policy. It is agreed that changes to the draft Policy outlined above are in response to the concerns raised are needed.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>At least two of the policy statements are clearly unworkable as already shown within our complex.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>That this comment be noted. Amenity issues will be addressed under draft Planning Policy No.3.3.21 – Holiday Homes should a future Scheme Amendment proceed.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5.2 Amenity states that the operator shall establish "house rules". These are already in place within our complex, however, often ignored by the tenants.

5.3 - ‘Nomination of a local manager...etc’. The nature of our complex does not lend itself to having a manager/caretaker within the vicinity of the property. All but one of the owners of the short term units within our complex live more than 30 kilometres from the complex.

Our major concerns are:-
- That the Aria Apartment complex will receive a general classification as ‘Short Term Rental Accommodation’, allowing more than the already approved 4 apartments.
- Council’s inability to effectively police the regulations being put into place when noisy, unruly short term (weekend) tenants are in residence within an apartment complex and specifically the Aria Apartment Complex.

The existing four short term apartments are suitably contained and separated from the permanent residents within the building, however, if more apartments were classified 'short term' there would be no containment. From experience this would severely impact on the residential amenity of the permanent residents. We would like to see the Aria Apartments exempted from the proposed changes and remain as currently designated.

In response to the concern regarding the potential proliferation of Holiday Homes, the Scheme Amendment would need to be modified to clearly state which owners are required to sign the application form. For example, for a strata lot developed and used for ‘multiple dwellings’, an application for Holiday Home (Standard) is to be accompanied by the written approval of all the owners of other strata lots which are on the same floor as the main entrance to the multiple dwelling.

This would ensure greater control in a similar way as the four Aria ‘Short Term Rental Apartments’ are controlled in their location.

That the City not proceed with the Amendment for the following reasons:-
1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.

2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.
<table>
<thead>
<tr>
<th><strong>No.2 - Mr David Spencer, PO Box 615, Rockingham WA 6168</strong></th>
<th><strong>The comment is noted</strong></th>
<th><strong>That this comment be noted.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Since there weren’t any forms included with the pamphlets I received; I am forwarding a concern with having to register for casual accommodation for holiday homes. Secondly, within the policy requirements; a smoke alarm is being requested for every bedroom. Recently, we have complied with the state’s legal requirements &amp; installed a hard wired smoke alarm for each story. It was recommended that these be installed in passage ways close to bedrooms. This has been done &amp; at considerable expense. Therefore, to now increase the number of alarms to include EVERY bedroom is unnecessary, &amp; beyond the state’s legal requirements.</td>
<td>The comment is noted</td>
<td>That this comment be noted.</td>
</tr>
<tr>
<td>No changes to the Scheme Amendment are proposed. The provision of Smoke Alarms has been expanded upon to clarify the requirements of the Building Code of Australia in the draft Policy. Holiday Homes are a Class 1b building under the Building Code of Australia, which is the same class given to backpackers accommodation, which includes a premises less than 300sqm in area and 12 or less people accommodated. Clause 3.7.2.4 of the Building Code of Australia states as follows:- “In a Class 1b building, smoke alarms must be installed on or near the ceiling - (a) In every bedroom; and (b) in every corridor or hallway associated with a bedroom, of if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and (c) on each other storey.”</td>
<td>That this comment be noted. Smoke Alarms and other BCA requirements would be addressed under Planning Policy No.3.3.21 – Holiday Homes should a future Scheme Amendment proceed.</td>
<td></td>
</tr>
<tr>
<td>Applications for Planning Approval must be consistent with the requirements of the Building Code of Australia, and thus this proposed clause in the draft policy must be retained. The draft Policy is also proposed to be amended to reflect all of the above BCA requirements applying to corridors, halls and storeys.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning Services Standing Committee Minutes</td>
<td>Monday 15 August 2011 PAGE 34</td>
<td></td>
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<td>---------------------------------------------</td>
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<tr>
<td>Thirdly, to have a car bay for every bedroom would in most cases be impractical &amp; unnecessary.</td>
<td>The City Officers have reviewed the car parking requirements in response to the concerns raised by the submittioner. It is agreed that Council change the Scheme Amendment would need to be modified to require Holiday Home (standard) car parking in accordance with the Residential Design Codes and for Holiday Home (Large), a minimum of two car parking bays per 12 people accommodated.</td>
<td></td>
</tr>
</tbody>
</table>
| Fourthly, the administration & any other fees haven't been included. I trust these comments will receive due consideration & be amended accordingly. | That the City not proceed with the Amendment for the following reasons:-
1. The Scheme Amendment would need to be modified to provide for car parking requirements specific to these types of uses. |
| No.3 - Mr Tony Paduano, Director, TPG, PO Box 7375 Cloisters Square, Perth WA 6850
TPG Town Planning and Urban Design, on behalf of the Owners of Aria Apartments [the Owners at 43 Rockingham Beach Road, Rockingham [the subject site] provides the following comments on the proposed amendment to the City of Rockingham Town Planning Scheme No.2 (the Scheme) known as Amendment No. 110 (Holiday Homes). | That this submission be rejected. |

The comment is noted. That this comment be noted.
### Appreciation

We understand that it is an objective of the City of Rockingham [the City] to foster tourism and facilitate tourist accommodation throughout the City and particularly in the ‘Waterfront Village’ zone.

We understand that proposed Amendment No. 110 to the Scheme has been prepared for the purpose of including new ‘Holiday Home’ (large) and ‘Holiday Home’ (standard) land uses in Table No. 1 - Zoning Table, together with interpretations for each Land Use Class.

The City agrees with the submissioner’s request for the ‘as of right’ allowance for Holiday Homes to be changed.

The Aria Apartments has received Planning Approval for Multiple Dwellings i.e. Permanent Residency and for Short Stay Accommodation for the first floor. The proposed Scheme Amendment will classify ‘Holiday Homes (Standard)’ as a permitted use that does not require planning approval under TPS2. In response to this submission and others raising similar concerns, it is recommended that Council will need the Scheme Amendment modified to require Planning Approval for ‘Holiday Homes’ (standard) and ‘Holiday Home’ (Large) within the Waterfront Village zone.

That the City not proceed with the Amendment for the following reasons:-

1. The Scheme Amendment would need to be substantially modified to clarify Planning Approval requirements in the Waterfront Village Zone and clarify ownership requirements.

2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.

Additionally, it is our understanding that the proposed scheme amendment seeks to give Council the ability to grant Planning Approval to Holiday Homes within zones, including but not limited to the ‘Residential’ zone, ‘Special Residential’ zone and ‘Special Rural’ zone, and to permit Holiday Homes (standard) ‘as of right’ within the Waterfront Village zone.

### Background

The Aria Apartments are located on Rockingham Beach road, overlooking Bell Park and the Rockingham Beach foreshore, in the Waterfront Village zone. The apartments were developed for a mix of short stay accommodation and permanent residential living. The separation of these uses has been carefully controlled to mitigate any potential conflict arising from the competing objectives of tourists and permanent residents.

This will enable the City to assess planning applications for Holiday Homes against the requirements of TPS2 and the draft Policy, as opposed to an ‘as of right’ approval.
The Apartments were granted planning approval by the City of Rockingham for the controlled arrangement of short-stay and permanent residential units, and were subsequently purchased with this understanding. Allowing holiday homes 'as of right' in this development would constitute a poor planning outcome for a number of reasons, including the conflict likely to arise from the uncontrolled mix of tourist and permanent accommodation, inconsistency with the existing planning approval, contradiction with recommendations of the State Planning Bulletin on Holiday Homes, and inconsistency with the Holiday Home Policy provisions common in other Local Governments.

Apart from the existing units approved for short stay accommodation on the ground floor, the Owners do not wish for an 'as of right' allowance for short stay accommodation to occur within the building. As a result of the reasons outlined to follow, we request that Aria Apartments be excluded from the area within which Holiday Homes (standard) are exempt from planning approval.

**Planning Approval for Aria Apartments**

The Aria Apartments development was specifically designed and approved to separate short stay and permanent residential development. This intention is clearly reflected in the separation of uses in the planning approval granted for Aria Apartments by the City, and reflects orderly planning in the amelioration of potential land use conflicts.

A 'blanket approach' to Holiday Homes requiring planning approval should be applied throughout the City and therefore the Aria apartments should not be excluded from the area where Holiday Homes may be approved by the Council.

This matter has been responded to above.

**That the City not proceed with the Amendment for the following reasons:-**

1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.
The apartments were consequently sold with the understanding that these potentially discordant uses would be separated from the owners’ place of residence, providing certainty of a level of amenity.

Permitting 'as of right' allowance with short stay accommodation will impact on the amenity and lifestyle of the permanent residents and is likely to create ongoing conflict.

Evidence would suggest that despite separation of different uses on different floors of an apartment building, residents often experience significant problems associated with the different expectations of the owners and occupiers of short-term apartments and permanent residential apartments. These problems can include anti-social behaviour, litter, parking issues and overcrowding of short stay units. These issues will only be exacerbated by permitting uncontrolled use of other apartments in the building for short stay.

The existing issues can be somewhat controlled through the separation of uses on different floors, though noise and anti-social behaviour, as well as litter in communal areas and parking problems do have a significant impact on the amenity of permanent residents despite the separation.

In response to the concern regarding the potential proliferation of Holiday Homes, it is recommended that the Scheme Amendment be changed to clearly state which owners are required to sign the application form. For example, for a strata lot developed and used for ‘multiple dwellings’, an application for Holiday Home (Standard) is to be accompanied by the written approval of all the owners of other strata lots which are on the same floor as the main entrance to the multiple dwelling. This ensures greater control in a similar way as the four Aria ‘Short Term Rental Apartments’ are controlled in their location.

No changes will be made to the Scheme Amendment; however, changes will be made to the draft Policy. In addition to provision 5.2 (Amenity) of the draft Policy, this provision has been amended to include the requirement of a complaints management procedure, use and ongoing maintenance of all common property and common facilities and control of anti-social behaviour within the required ‘House Rules’ for Holiday Homes. Car parking requirements are also proposed to be included in the Scheme Amendment, in response to submissions.

That this comment be noted.

The issues raised would be addressed under Planning Policy No.3.3.21 – Holiday Homes should a future Scheme Amendment proceed.

2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.

That the City not proceed with the Amendment for the following reasons:-

1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.
However, permitting apartments to be used for short stay 'as of right' anywhere in a building would likely intensify the issues exponentially, given residents' homes would directly abut short stay units, and they would share all common areas including hallways to their front door, providing no separation at all.


The Western Australian Planning Commission (WAPC) has prepared a Planning Bulletin on Holiday Home Guidelines in response to the growing number of holiday homes being made commercially available in Western Australia.

It recognises that the informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation resulting in an uncertain legal environment, issues of inequity with other service providers and land use conflict. The bulletin specifically identifies that the issue of impact on neighbouring residential amenity has caused particular concern in the community.

A key objective of Planning Bulletin 99 is, "to encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents" (emphasis added).

<table>
<thead>
<tr>
<th>2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.</th>
<th>The Scheme Amendment would need to be modified to make Holiday Home (Standard) and Holiday Home (Large) 'P' (permitted) uses within the Waterfront Village zone and remove the proposed 'as of right' permissibility.</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the City not proceed with the Amendment for the following reasons:-</td>
<td>1. The Scheme Amendment would need to be substantially modified to clarify permissibility of Holiday Homes in the Waterfront Village Zone ownership requirements in the circumstances of strata titled developments.</td>
</tr>
<tr>
<td>2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.</td>
<td>The City considered WAPC Planning Bulletin 99 and the Holiday Home Guidelines in the preparation of both the Scheme Amendment and draft Policy. Holiday Homes in the Waterfront Village zone were, however; being considered differently due to the planning objectives of contained in Planning Policy 3.2.5 - Rockingham Beach Waterfront Village, which where short stay accommodation is a preferred land use. In response to the objections raised by this submission and others the 'as of right' approval for holiday homes has been reviewed and changes are proposed to require planning approvals in the Waterfront Village zone. These changes are in accordance with the WAPC Planning Bulletin 99.</td>
</tr>
</tbody>
</table>
In particular, the Policy recommends that that holiday homes be made a D or SA use (discretionary or discretionary subject to advertising). This City's proposal to permit 'as of right' policy provisions in LPS2 is considered to be contrary to the Planning Bulletin's recommendation.

Local Short Stay Accommodation Policies
Several Local Governments in the Perth Metropolitan Area have adopted policies in relation to short stay or tourist accommodation, recognising the need to effectively manage the provision of short stay accommodation in residential areas.

In particular, managing the interface between tourist and permanent residential accommodation is a common theme, especially ensuring the separation of use on different floors of apartment buildings. By establishing 'as of right' policy provisions, the City of Rockingham is relinquishing any control over the effective management of the competing interests of these groups, and is acting contrary to current trends in local short stay accommodation policy. Examples of other local governments' short stay accommodation policy provisions are outlined below.

The City has examined the approaches taken by other Local Governments in regulating short stay accommodation. The issue of separation between tourists and permanent residential accommodation between floors was considered as a way of reconciling potential land use conflicts, and a 'hybrid approach' was derived that achieves similar objectives. Changes to the Scheme Amendment and draft Policy are proposed as discussed in the City's response to this submission above.

City officers have discussed the City of Perth Draft Special Residential Policy with officers from the City of Perth and have derived an approach which is similar, that requires the consent to Holiday Homes from all landowners on the same floor as the entrance to the multiple dwelling. This ensures that the opinions and amenity of nearby residents is considered by the City in determining acceptable locations for holiday homes and maintaining the amenity of residents.

That the City not proceed with the Amendment for the following reasons:
1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.
2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.
Like the City of Rockingham, the City of Perth recognises the trend towards the diversification of the Special Residential market and the change of use of existing residential buildings from permanent residential apartments to short term serviced accommodation. However, in their Special Residential Policy the City of Perth recognises the need to ensure that within mixed use developments the amenity of permanent residents and short-term residents are protected, and that the issues of security and privacy are appropriately addressed.

In particular, the City of Perth Policy advocates for the separation of uses, stipulating that,

“To ensure the amenity and security of permanent and long term residents; [sic] special residential uses will be required to be separated from residential uses by being located on separate floors of a building”.

In addition, all applications for special residential uses within an existing building are required to provide evidence demonstrating the uses of all other dwellings on the same floor of the building. This is required to ensure compliance with the separation of uses between floors.

Where a combination of permanent residential and special residential uses is proposed within a complex, applications need to demonstrate how the amenity and security of all residents will be protected through the design and management of the development.
These requirements protect the competing needs of both the tourists and residents and provide certainty to those investing in or living in tourist areas.

City of Joondalup Draft Short Stay Accommodation Policy [2009]

The objective of the City of Joondalup’s Short Stay Accommodation Policy is to specify standards of development and use for sites proposed to be used as short stay accommodation. The policy aims to protect the residential amenity of permanent residents and minimise the negative impacts that may be caused by the transient nature of the occupation, such as excessive noise and/or anti-social behaviour, potential increased demand for car parking, sense of loss of security, poor property appearance and maintenance.

To ensure the above amenity impacts are minimised, the Policy stipulates a number of requirements, including:

- Short stay accommodation must be separated from permanent dwellings that may be located on the same site or building.
- A management plan is required to be submitted at the time of lodging an application for short term accommodation.
- A register of all persons occupying the accommodation is required to be kept.

This comment is noted.

Time limits on planning approvals for a period of 12 months are not considered necessary, in a similar way that Home Businesses within the City don't require renewal of planning approvals. Planning approvals, in order to remain valid, must be complied with at all times.

That this comment be noted. These matters will addressed under a separate Policy.
- Where short stay accommodation abuts the Residential Zone, or where short stay accommodation is located on the same site or building as dwelling/s, the time limit for any approval granted will be not more than 12 months.

<table>
<thead>
<tr>
<th>Shire of Denmark Policy 19.3 - Holiday Homes</th>
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<tbody>
<tr>
<td>A key objective of the Shire of Denmark's Holiday Homes Policy is &quot;to minimise negative impacts of holiday homes on the amenity of adjoining residents&quot;. The Policy requires that in all zones where Holiday Homes are permitted they require Council to exercise their discretion in granting planning approval, and/or community consultation. Additionally, Holiday Homes require a property management plan to be submitted as part of the planning application. These provisions enable the Local Government to control Holiday Home development so that residents are not adversely impacted.</td>
</tr>
</tbody>
</table>

| This comment is noted. |
| The Shire of Denmark Policy is noted. Similar planning controls are proposed and changes to the Scheme Amendment are required to ensure all Holiday Homes require planning approval in response to submissions. |

| That this comment be noted. These matters will addressed under a separate Policy No.3.3.21 - Holiday Homes, should a future Scheme Amendment proceed. |

<table>
<thead>
<tr>
<th>City of Rockingham Proposed Scheme Amendment 110 - Holiday Homes</th>
</tr>
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<tbody>
<tr>
<td>Unlike the trend in Holiday Homes policy provisions outlined in the examples above, the proposed City of Rockingham Scheme Amendment No. 110 - Holiday Homes does not provide the necessary certainty to residents of the Aria Apartments that the level of amenity currently afforded to them will be maintained.</td>
</tr>
</tbody>
</table>

| The comment is noted. |
| The Scheme Amendment should be modified to provide for planning approval of Holiday Homes consistently and the potential land use conflicts will be addressed by the new provisions proposed, together with changes to the draft Policy. |

| That the comment be noted. These matters will addressed under a separate Policy No.3.3.21 - Holiday Homes, should the Scheme Amendment proceed. |
The City acknowledges that permanent residents and short term visitors have competing objectives, however it does not establish any means to effectively mitigate or manage the likely conflict arising from this.

In light of the above comments, it is respectfully requested that Aria Apartments be removed from Holiday Home 'as of right' policy provisions for the following reasons:

- Exempting Holiday Homes from the requirement of planning approval removes the necessary control of a sensitive land use and would likely result in significant and ongoing conflict between permanent residents and short-term holiday-makers;

- The development is already playing its role by providing short stay accommodation separated from permanent residential apartments; an

- Permitting 'as of right' policy provisions for short stay uses on the subject site is contradictory to the recommendations of WAPC Planning Bulletin 99 - Holiday Homes and inconsistent with common practice for Holiday Homes provisions in other Local Government Areas.

Alternatively, the 'as of right' scenario could be removed and a planning application be required should an owner wish to consider short-term accommodation.

<table>
<thead>
<tr>
<th>The comment is noted</th>
<th>The Scheme Amendment would need to be modified to remove the 'as of right' approach to Holiday Homes in the Waterfront Village zone.</th>
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<tbody>
<tr>
<td>Refer to Officer Recommendation above.</td>
<td>The application for planning approval requirements of TPS2 are proposed to be expanded to clearly state which owners are required to sign on applications for planning approval for an existing multiple dwelling. For multiple dwellings an application for Holiday Homes is to be accompanied by the written approval of all of the owners of the strata lots which are on the same floor as the main entrance to the multiple dwelling.</td>
</tr>
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</table>
This would then necessitate the strata company signing the development application form, hereby requiring a majority consensus from the unit owners of the strata company.

If the City is adamant in progressing this amendment, we would welcome the opportunity to discuss the matter further with the Council, with respect to options that may assist in retaining a degree of certainty in the level of amenity that the residents of the Aria Apartments are currently afforded.

No.4 - Mr B & Mrs D Johnson, GPO Box 5206, Rockingham Beach WA 6969

We are the owners of Apartment 13 in the Aria building and have lived here since the building was completed in 2005. The building comprises 32 residential apartments of 1, 2 and 3 bedrooms, there are also 2 commercial premises.

When the building was approved by Council there were only 4 single bedroom apartments approved for short stay accommodation with the remainder to be either owner occupied or long term tenancies. Historically there have been more than 4 apartments used for short stay accommodation.

We recently became aware of the Proposed Amendment No.110 which we noted would establish two new definitions of short stay holiday homes and which would be subject to control and regulation to operate with clearly defined management responsibilities, in particular to ensure the peaceful enjoyment of adjoining property owners.

The comment is noted.

That this comment be noted.

The Aria Apartments has received Planning Approval for Permanent Residency and short stay accommodation for the first floor. It is proposed to change the Scheme Amendment to require Planning Approval for ‘Holiday Homes’ (standard) and ‘Holiday Home’ (Large) within the Waterfront Village zone, rather than being an exempt land use from Planning Approval. This will enable Holiday Homes to be assessed against the requirements of the draft Policy, as opposed to an ‘as of right’ approval.

Refer to Officer Recommendation above.
At first we were somewhat disturbed to believe that the Waterfront Village would be exempted from such controls. We have since been assured by Miss Shaw of your Statutory Planning Department that the Waterfront Village properties are to be subject to the regulation of the proposed amendment.

Such is the demographic nature of the owners of the 32 apartments that there is a potential for some 20 Holiday Homes (standard) in our building.

Over the past five and a half years of the life of this building there has developed a mix of approved short stay apartments and 'illegal' short stay apartments resulting in an unacceptable level of antisocial behaviour as outlined below:-

- Backpackers arriving with rolled up mattresses to sleep on apartment floors.
- Cigarette butts, glass, food waste and other rubbish dropped onto lower terraces.
- Vomit discharged onto lower terraces.
- During a Police Drug Squad raid on an apartment, involving battering rams to break down the door, the tenant clambered over the balustrade and dropped onto the terrace of the apartment below to avoid arrest.
- Fire alarm activated causing evacuation of building on two occasions in the middle of the night.

The proposed Scheme Amendment together with the recommended changes in response to submissioner comments seek to regulate Holiday Homes which to date have operated in an uncertain legal framework, and consequential anti-social behaviour.

The proposed definition of Holiday Home (Standard) and Holiday Home (Large), which require a maximum accommodation of six (e.g. one family) and twelve persons (e.g. two families) respectively.

Refer to Officer Recommendation and Comments above.
- Fire hoses discharged in lobbies on two occasions, requiring carpet replacement.
- Glass broken in main entrance door to building on a number of occasions.
- Insufficient parking bays for excessive guests in short stay rentals results in illegal use of owners’ strata parking bays.
- Prostitution.
- Security breaches have required upgrades of security system and installation of CCTB.
- Shouting and fighting by short stay tenants.
- Single bedroom apartments holding parties for excessive numbers of visitors. One particular single bed unit advertises accommodation to sleep ten persons.
- Tenant’s vehicle rammed gate at entrance to carpark and disabled security system.

We are most unhappy with the prospect of a significant increase in such episodes of antisocial behaviour that must be anticipated from a large increase in short stay revellers.
The building was never designed to be a hotel. It has a security system to protect the peaceful enjoyment of all residents which requires a strict control over the issue of only two electronic key tags for each apartment. We do not see that multiple property managers and their cleaners will maintain the security that we need.

The Aria Apartments has received Planning Approval for Multiple Dwellings i.e. Permanent Residency and for Short Stay Accommodation for the first floor. The proposed Scheme Amendment will classify ‘Holiday Homes (Standard)’ as a permitted use that does not require planning approval under TPS2. In response to this submission and others raising similar concerns, it is recommended that Council change the Scheme Amendment to require Planning Approval for ‘Holiday Homes’ (standard) and ‘Holiday Home’ (Large) within the Waterfront Village zone.

Refer to Officer Recommendation and Comments above.
We hope our concerns will be considered and addressed before the Proposed Policy is adopted by Council.

<table>
<thead>
<tr>
<th>No.5 - Ms B Sewell, 32 Mantua Crescent, Churchlands WA 6018</th>
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<tr>
<td>In response to your circular regarding the recommended preparation of a Planning Policy to provide guidance in dealing with issues associated with holiday homes, may I express the following views:- Given that the City of Rockingham has received only a few complaints (six complaints have been indicated by Ms Donna Shaw) I am somewhat astonished to think that the City of Rockingham is seeking to propose such an amendment to its Town Planning Scheme in this regard. The minimal number of complaints should seem to me to indicated that deregulation is working successfully in respect to such accommodation.</td>
</tr>
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<table>
<thead>
<tr>
<th>This will enable the City to assess planning applications for Holiday Homes against the requirements of TPS2 and the draft Policy, as opposed to an ‘as of right’ approval.</th>
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| The draft Policy acknowledges that in some instances there have been impacts on neighbourhood amenity caused by anti-social behaviour and overcrowding of Holiday Homes. The City investigated the operation of Holiday Homes and found that in comparison with the number of places offered for Holiday Home accommodation, it had only received a few complaints. Tourism Western Australia and the WAPC - Planning Bulletin 99 recommend the preparation of a Planning Policy to provide guidance in dealing with issues associated with Holiday Homes. The emergence of short stay accommodation has meant that this type of tourist accommodation have so far operated with minimum regulation, resulting in an uncertain legal environment and sometimes with land use conflicts. It is considered that planning controls are needed to ensure that detrimental impacts to neighbourhood amenity do not occur. |

| Refer to Officer Recommendation and Comments above. |
| Any successful enterprise relies on return custom and clients will only return to a venue that has given them a pleasurable and comfortable experience. This may be in respect to location, the quality and cleanliness of the residence (both inside and out) available to them, the provision of adequate facilities and amenities within the residence and comfortable dealings with the owner or manager. I would suggest that accommodation which has operated successfully over a period of a number of years and which attracts positive feedback from guests fits into this category.  |
|---|---|---|
| The Rockingham Visitor Centre inspects all of its accommodation rentals for suitability and it is my understanding that, although they need to cover a range of accommodation types and budgets, that they do not deal with substandard properties. |
| The comment is noted. |
| That the comment be noted. |
| There is a multiplicity of internet sites advertising Rockingham accommodation. I hope and trust that you have contacted the owners/managers of all of these properties in respect to your proposal otherwise those affiliated with the Rockingham Visitor Centre and doing the right thing by customers may be at a disadvantage by Council's proposed scheme. |
| The comment is noted. |
| That the comment be noted. |
| The City has only been able to contact known operators registered with the Rockingham Visitors Centre and via advertising methods outlined in Town Planning Scheme No.2 |
| The provision of one carparking bay per bedroom is excessive. It would however be necessary in the case of a boarding house or bed and breakfast establishment. Trailers, caravans and boats are not, in my view, suitable for parking on strata properties. |
| The provision of one carparking bay per bedroom seems to me to be excessive. It would however be necessary in the case of a boarding house or bed and breakfast establishment. Trailers, caravans and boats are not, in my view, suitable for parking on strata properties. |
| The comment is noted. |
| That the comment be noted. |
| That the City not proceed with the Amendment for the following reasons:- 1. The Scheme Amendment would need to be substantially modified to insert car parking requirements into TSP2. |

**CONFIRMED AT A PLANNING SERVICES MEETING**
**HELD ON MONDAY, 19 SEPTEMBER 2011**

**PRESIDING MEMBER**
| Hard wired smoke alarms fitted to each bedroom would be deemed necessary in a boarding house and bed and breakfast establishment otherwise I believe the current legislation is adequate in respect to other residential property types. | The comment is noted. No changes to the Scheme Amendment are proposed. The provision of Smoke Alarms has been expanded upon to clarify the requirements of the Building Code of Australia in the draft Policy. Holiday Homes are a Class 1b building under the Building Code of Australia, which is the same class given to backpackers accommodation, which includes a premises less than 300sqm in area and 12 or less people accommodated. Clause 3.7.2.4 of the Building Code of Australia states as follows:-

"In a Class 1b building, smoke alarms must be installed on or near the ceiling -
(a) in every bedroom; and
(b) in every corridor or hallway associated with a bedroom, of if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
(c) on each other storey."

Applications for Planning Approval must be consistent with the requirements of the Building Code of Australia, and thus this proposed clause in the draft policy must be retained. The draft Policy is also proposed to be amended to reflect all of the above BCA requirements applying to corridors, halls and storeys. | That the comment be noted. This matter can more appropriately be addressed under a separate policy should the Amendment proceed. |

| As most properties currently on offer in Rockingham for short term accommodation are treated as rentals they do not attract GST and are treated in similar fashion to periodic tenancies. | Tax implications are not a relevant consideration to the proposed Scheme Amendment. Long term rental properties are not the subject of this Scheme Amendment, unless by definition they are classed as ‘Holiday Home’ (Standard) or ‘Holiday Home’ (Large). | That the submission be rejected. |
It has been my experience that the short term stay units in the complex where I own property are presented and maintained in a more superior manner than the long term tenancy properties. In fact in my eleven years association we have received more complaints regarding long term tenants or the appearance of their accommodation than that of other guests. I would think that if you are planning on regulating rental properties then both long and short term venues should come under the same planning policies, particularly as the rental schedules are treated no differently by accountants.

I attended a meeting some years ago presented by the Tourism Council of WA and hosted by the Rockingham Visitor Centre at which the Tourism Council was promoting affiliation with them at considerable cost to owners for periodic inspection and accreditation. Ultimately I chose not to join up as I believed I would be offering no better amenity than I currently do and yet I would need to substantially increase the cost to tenants to cover visitation and accreditation costs. I feel, given the minimal number of complaints Council has received in this respect, the same will result from the Council’s plan. We will incur greater costs and necessarily have to pass these on the paying tenants.

| Holiday Home Accreditation is voluntary, with reference made in the draft Planning Policy. |
| That the comment be noted. This matter can more appropriately be addressed under a separate policy should the Amendment proceed. |
**No.6 - Mr C & Mrs D Grogan, Apartment 6, 43 Rockingham Beach Road, Rockingham WA 6168**

In regard to Short Stay Holiday Homes in the 'Waterfront Village Zones' we oppose the granting of Short Stay Accommodation in the 'Aria' complex situated at 43 Rockingham Beach Road, Rockingham Strata Plan No.46245.

We purchased our apartment in good faith as a residential unit as owner occupiers in May/June 2005. Not as a potential business opportunity to let out short stay rentals.

In the event of any antisocial behaviour our Strata By-Laws under Section 42 of the Strata Titles Act 1985 gives us the right to complain to the owners, Manager or Letting Agent and the Rockingham City Council through our Council of Owners.

This is due to the fact that at our Inaugural Annual General Meeting of our Strata Plan 46245 Amendment to Section 42 was adopted which then made it compulsory for owners to provide the name of the proprietor/s' managing agent and the name of the lessee of the lot to the strata company for recording. (By-Laws Schedule 1 clause number 32. Leasing of Lots).

In your DPP 3.3.21 '2 background' - The City investigated the operation of Holiday Homes and found that in comparison with the number of places offered for Holiday Home Accommodation it had only received a few complaints.

The comment is noted.

The ability of the strata owners to pass a Strata By-Law is under the Strata Titles Act 1985.

That the comment be noted.

The draft Policy acknowledges that in some instances there have been impacts on neighbourhood amenity caused by anti-social behaviour and overcrowding of Holiday Homes.

That the comment be noted.

This matter can more appropriately be addressed under a separate policy should the Amendment proceed.
The City investigated the operation of Holiday Homes and found that in comparison with the number of places offered for Holiday Home accommodation, it had only received a few complaints. Tourism Western Australia and the WAPC - Planning Bulletin 99 recommend the preparation of a Planning Policy to provide guidance in dealing with issues associated with Holiday Homes.

We have to disagree with that observation as we have had personal experience from antisocial behaviour from tenants in the Area complex:

- Loud shouting.
- Foul language.
- Very loud music into the early hours of the morning.
- Fire hoses with water discharged into the lobbies and stair wells.
- Visitors’ illegal use of carbays.
- Police attendance on many occasions for antisocial behaviour, drug use, malicious damage to our complex by tenants.
- No doubt more complaints that can’t be presently brought to mind.

We believe that the Aria complex at 43 Rockingham Beach Road, Rockingham should be void of short stay rentals therefore giving the owners the right to live peacefully and to enjoy their homes which is what our apartment is to us.

The emergence of short stay accommodation has meant that this type of tourist accommodation have so far operated with minimum regulation, resulting in an uncertain legal environment and sometimes with land use conflicts. It is considered that planning controls are needed to ensure that detrimental impacts to neighbourhood amenity do not occur.

No changes are recommended to the Scheme Amendment; however, changes are proposed to the draft Policy. In addition to provision 5.2 (Amenity) of the draft Policy, this provision has been amended to include the requirement of a Complaints Management Procedure, use and ongoing maintenance of all common property and common facilities and control of anti-social behaviour within the required ‘House Rules’ for Holiday Homes.

The City acknowledges that drug use and damage to property is a matter for the WA Police rather than the City.

That the comment be noted. This matter can more appropriately be addressed under a separate policy should the Amendment proceed.
<table>
<thead>
<tr>
<th><strong>No.7 - Mr J &amp; Mrs H Della Maddalena, 81 Harrison Street, Rockingham WA 6168</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>We have operated a holiday home in the Palm Beach area for the past eight years and are members of the Rockingham Tourist Centre so I can only comment on the holiday homes in a 300 metre radius of our property. We have found that the short term visitors, mostly middle age to elderly, who visit our area do not cause any antisocial behaviour.</td>
</tr>
<tr>
<td>The comment be noted.</td>
</tr>
<tr>
<td>The submission raises issues relating to nightclubs that are outside of the scope of this Scheme Amendment to deal with. No changes to the Scheme Amendment are proposed.</td>
</tr>
<tr>
<td>That the submission be rejected.</td>
</tr>
</tbody>
</table>

Patrons from the Night Clubs cause most of the antisocial behaviour in the area between the hours of 1.00am-6.00am. We have pedestrian traffic creating disturbances plus vehicles with loud exhausts going passed at regular intervals. Railway Terrace and Kent Street, between the hours of 4.00am-6.00am, does not give a good impression to visitors of Rockingham.

The antisocial behaviour that has come to our attention is often created from long term rental homes, the majority of which are badly in need of repair. At times, these houses are tenanted by up to 6 youths at a time and cause disruption to the community (e.g. noise and cars parked on footpaths and grass verges).

If we are to promote tourism in the Waterfront Village zone, the first move, we think, would be to transfer Night Clubs from this area to a non residential area, or perhaps to vacant land opposite the Court House. Council is well aware of the problems generated from the Night Clubs by the number of petitions presented to them over the past 20 years, with no result.
If this written submission is placed on the public record, could you also attach your response?

<table>
<thead>
<tr>
<th>No.8 - Mr P Reale, 6 Wungong Close, Wungong WA 6122</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am the owner of Unit 11/43 Rockingham Beach Road and offer my full support to the proposed amendment.</td>
</tr>
<tr>
<td>I believe the City lacks suitable high end accommodation and that apartments like Aria are an attraction both to the holiday and business people alike.</td>
</tr>
<tr>
<td>I would also like to bring to Council's attention that like many owners of these apartments, I purchased my apartment for the purpose of short term accommodation. I did this through the Rockingham Tourist Bureau very successfully without incident or complain for a period of approximately 3 years.</td>
</tr>
<tr>
<td>In the past 12 months there has been a hold put on this due to a Mr Ray Mathews who lives in the apartments initiating a drive to stop short term accommodation by using the strata rules and original Council Planning.</td>
</tr>
<tr>
<td>This drive I believe is self-serving. Mr Matthews has an apartment in Aria which uses for short term accommodation. This apartment has planning approval.</td>
</tr>
<tr>
<td>I encourage Council to amend the Town Planning to allow short term accommodation on the Rockingham foreshore.</td>
</tr>
</tbody>
</table>

The proposed Scheme Amendment together with the recommended changes and draft Policy seek to facilitate Holiday Homes within the City, including within the Waterfront Village zone, as a desirable destination for tourism.

That the comment be noted.
No.9 - Mr J Blackburne, "Craemore", 57 The Esplanade, Mount Pleasant WA 6153

I write to you in opposition to the above scheme as proposed. My wife and I purchased one of the seven large apartments in the Aria project some 5 years ago.

At the time the DA was for 4 only holiday apartments and we were accepting of this within the building.

Holiday makers as I am sure you are aware are completely different to permanent long term owners or owner occupiers. The mix of such occupants does and did not work in the Perth City area with the PCC having many disputes on their hands.

Under your proposal management would be very difficult to administer and would create friction between the Strata Company Management and the Council I would have thought.

Certainly in the case of Area, I could not support the Holiday Homes proposal as drafted.

The Aria Apartments has received Planning Approval for Multiple Dwellings i.e. Permanent Residency and for Short Stay Accommodation for the first floor. The proposed Scheme Amendment will classify ‘Holiday Homes (Standard)’ as a permitted use that does not require planning approval under TPS2.

In response to this submission and others raising similar concerns, it is recommended that Council change the Scheme Amendment to require Planning Approval for ‘Holiday Homes’ (standard) and ‘Holiday Home’ (Large) within the Waterfront Village zone. This will enable the City to assess planning applications for Holiday Homes against the requirements of TPS2 and the draft Policy, as opposed to an ‘as of right’ approval.

The City has examined the approaches taken by other Local Governments in regulating short stay accommodation. The issue of separation between tourists and permanent residential accommodation between floors was considered as a way of reconciling potential land use conflicts, and a ‘hybrid approach’ was derived that achieves similar objectives. Changes to the Scheme Amendment and draft Policy are proposed as discussed in the City’s response to this submission above. City officers have discussed the City of Perth Draft Special Residential Policy with officers from the City of Perth and have derived an approach which is similar, that requires the consent to Holiday Homes from all landowners on the same floor as the entrance to the multiple dwelling. This ensures that the opinions and amenity of nearby residents is considered by the City in determining acceptable locations for holiday homes and maintaining the amenity of residents.

That the City not proceed with the Amendment for the following reasons:-

1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.

2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.
No. 10 - Mr A & Mrs M Hulme, Apartment 19, 43 Rockingham Beach Road, Rockingham

My husband and I bought our apartment in Aria to spend the rest of our retirement in Rockingham.

Although we have had some good long term people in the rentals we are indeed against short term as we have had so much trouble with the ones that have been here with noise and bad language. If you check police records you will see how much damage and trouble they have caused also how many times they have been called out. Please keep our apartments safe and respectable.

The Aria Apartments has received Planning Approval for Multiple Dwellings i.e. Permanent Residency and for Short Stay Accommodation for the first floor. The proposed Scheme Amendment will classify ‘Holiday Homes (Standard)’ as a permitted use that does not require planning approval under TPS2.

In response to this submission and others raising similar concerns, it is recommended that Council change the Scheme Amendment to require Planning Approval for ‘Holiday Homes’ (standard) and ‘Holiday Home’ (Large) within the Waterfront Village zone. This will enable the City to assess planning applications for Holiday Homes against the requirements of TPS2 and the draft Policy, as opposed to an ‘as of right’ approval.

That the City not proceed with the Amendment for the following reasons:-

1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.

2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.

No. 11 - Mr V & Mrs G Slaven, Apartment 8, 43 Rockingham Beach Road, Rockingham

As owners and residents in the Aria Apartment complex we wish to voice our concerns re the proposed Amendment No.10 to Town Planning Scheme No.2.

We regret the exemption of homes within the Waterfront Village Zone from the planning approval process.

We, as owner occupier residents, are puzzled as to why the short stay apartments should be exempt from approvals and regulations. We purchased our apartment on the basis that it was for residential owners.

The Aria Apartments has received Planning Approval for Multiple Dwellings i.e. Permanent Residency and for Short Stay Accommodation for the first floor. The proposed Scheme Amendment will classify ‘Holiday Homes (Standard)’ as a permitted use that does not require planning approval under TPS2.

In response to this submission and others raising similar concerns, it is recommended that Council change the Scheme Amendment to require Planning Approval for ‘Holiday Homes’ (standard) and ‘Holiday Home’ (Large) within the Waterfront Village zone. This will enable the City to assess planning applications for Holiday Homes against the requirements of TPS2 and the draft Policy, as opposed to an ‘as of right’ approval.

That the City not proceed with the Amendment for the following reasons:-

1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.

2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.
Over the five years of occupancy the Aria Apartments have experienced a great many episodes of antisocial behaviour by tenants such as:-
- Backpackers arriving with rolled up mattresses to sleep on apartment floors.
- Cigarette butts, glass, food waste and other rubbish dropped onto lower terraces.
- Vomit discharged onto lower terraces.
- During a Police Drug Squad raid on an apartment, involving battering rams to break down the door, the tenant clambered over the balustrade and dropped onto the terrace of the apartment below to avoid arrest.
- Fire hoses discharged in lobbies on two occasions, requiring carpet replacement.
- Insufficient parking bays for excessive guests in short stay rentals results in illegal use of owners' strata parking bays.

The City is unable to confirm if the anti-social behaviour referred to is directly linked to holiday home tenants or permanent tenants, or renters or visitors.

The draft Policy acknowledges that in some instances there have been impacts on neighbourhood amenity caused by anti-social behaviour and overcrowding of Holiday Homes.

That the comment be noted.

The City investigated the operation of Holiday Homes and found that in comparison with the number of places offered for Holiday Home accommodation, it had only received a few complaints. Tourism Western Australia and the WAPC - Planning Bulletin 99 recommend the preparation of a Planning Policy to provide guidance in dealing with issues associated with Holiday Homes.

The emergence of short stay accommodation has meant that this type of tourist accommodation have so far operated with minimum regulation, resulting in an uncertain legal environment and sometimes with land use conflicts. It is considered that planning controls are needed to ensure that detrimental impacts to neighbourhood amenity do not occur.

That the City not proceed with the Amendment for the following reasons:-
1. The Scheme Amendment would need to be substantially modified to clarify ownership requirements in the circumstances of strata titled developments.
- **Prostitution.**
- Security breaches have required upgrades of security system and installation of CCTB.
- Shouting and fighting by short stay tenants.

Prostitution is a matter for the State Government through their current review of the Criminal Code. In the interim prostitution is regulated by Criminal Code which is enforced by the WA Police. No changes are required to the Scheme Amendment; however, changes are proposed to the draft Policy. In addition to provision 5.2 (Amenity) of the draft Policy, this provision has been amended to include the requirement of a Complaints Management Procedure, use and ongoing maintenance of all common property and common facilities and control of anti-social behaviour within the required ‘House Rules’ for Holiday Homes.

<table>
<thead>
<tr>
<th>2. A new Scheme Amendment is required in this circumstance as the Amendment differs substantially from what was advertised and affects numerous other unit owners within the Waterfront Village zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the comment be noted. This matter can more appropriately be addressed under a separate Policy No.3.3.21 - Holiday Homes should the Amendment proceed.</td>
</tr>
</tbody>
</table>

- **Single bedroom apartments holding parties for excessive numbers of visitors.** One particular single bed unit advertises accommodation to sleep ten persons.

This concern is already dealt with through the definition of Holiday Home (Standard) and Holiday Home (Large), which require a maximum accommodation of six (e.g. one family) and twelve persons (e.g. two families) respectively.

<table>
<thead>
<tr>
<th>That the comment be noted. This matter can more appropriately be addressed under a separate Policy No.3.3.21 - Holiday Homes should the Amendment proceed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the comment be noted.</td>
</tr>
</tbody>
</table>

- **Breaking of glass entry door.**
- **Setting off of fire alarm for no reason.**

We foresee a surge in such episodes if all tenancies become short stay opportunities. How can this be managed without the application of consistent approval and regulation of the City Council? Those future holiday homes outside of the exempt area that is Waterfront Village will have nominated managers.

The comment be noted.
At the first AGM of the Owners of Aria bylaws were adopted and signed under the Common Seal of the Owner of Area Strata Plan 42245. The included clause 32(a) Leasing of Lots in Form 21 Notification of Change of Bylaws Section 42 of the Strata Titles Act 1985 states: The proprietor shall inform the strata manager of the name of the proprietor’s managing agent and the name of the lessee.

It is imperative that this clause must be observed so that in the event of antisocial behaviour we shall be able to advise/complain to:-

1. the owner
2. the managing/letting agent, and
3. the Rockingham City Council.

**Strata By-Laws are not superseded by the proposed Scheme Amendment and remain operational and enforceable by the Strata Company. A complaints handling procedure will be included in the ‘House Rules’ for each application in accordance with the procedures outlined in the draft policy.**

<table>
<thead>
<tr>
<th>No.12 - Mr A &amp; Mrs A Dabala, 21 Churchill Avenue, Shoalwater WA 6169</th>
</tr>
</thead>
<tbody>
<tr>
<td>We would like to register our support for the proposed revision to the Holiday Home policy for City of Rockingham.</td>
</tr>
<tr>
<td>Our particular interest is for the Shoalwater area and strongly agree that there is a lack of quality holiday homes available to visitors and tourists to the Rockingham coastal region.</td>
</tr>
<tr>
<td>As residents of Shoalwater, we regularly meet tourists (both intra/inter-state and international) who fall in love with the Shoalwater Marine Park. We find the main comments from these visitors is they can’t believe the lack of accommodation available to them to enjoy such a pristine area of Western Australia.</td>
</tr>
<tr>
<td>We look forward to seeing positive changes to the Stage 2 policy as soon as possible.</td>
</tr>
</tbody>
</table>

**The submission be noted.**
**No.13 - Mr M Guthrie, 5 Grigo Close, Safety Bay WA 6169**

I have operated holiday accommodation from within the Waterfront Village Zone for a number of years. The accommodation consists of 1 x 2 bedroom strata unit with single carport attached. The maximum accommodation advertised is for 4 persons.

Most of my clients originate from overseas or interstate and hire a car at Perth airport. Of these clients most are couples visiting relatives and using Rockingham as a base to visit Perth and other S/W destinations.

These clients only require off street parking for 1 vehicle.

Clause 5.4 of the Proposed Policy states that "one carparking space for each bedroom within the facility shall be provided on the site...... This requirement is in addition to the on-site carparking bays required under the Residential Design Codes.

There is no opportunity for me to provide an extra 2 carparking bays at the Strata Complex where the holiday accommodation is situated. Effectively Clause 5.4 of the Proposed Policy will, unless amended, put me out of business.

Furthermore, before I commenced operating the holiday accommodation I was advised by the then Chief Executive Officer that there were no impediments to this property being used for the provision of holiday accommodation. I now have a considerable investment in setting up and running the accommodation.

The submission be noted.

The Scheme Amendment should be changed to require for Holiday Home (standard) car parking in accordance with the Residential Design Codes and for Holiday Home (Large).

No changes to the Scheme Amendment or draft Policy are proposed. A ‘grandfather clause’ is not proposed as part of the Scheme Amendment. The Council’s approach includes transitional arrangements for existing operators of holiday homes to seek and obtain planning approval within 12 months in accordance with WAPC guidelines. As Holiday Homes are considered to be a similar use as a Bed and Breakfast, which attracts the minimum planning application fee of $135, this fee is considered appropriate for applications for Holiday Homes.

That the City not proceed with the Amendment for the following reasons:-

1. The Scheme Amendment would need to be modified to provide car parking requirements specific to these types of uses.

That the submission be noted.
<table>
<thead>
<tr>
<th><strong>Recommendation</strong></th>
<th><strong>It is not considered appropriate to waive the planning application fee for existing Holiday Home operators, as assessment of these businesses against the draft Planning Policy will be required.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>That the Proposed Policy be amended to include a grandfather clause enabling existing operators of holiday accommodation to continue to operate, and that the proposed administration fee be waived for existing operators.</td>
<td></td>
</tr>
</tbody>
</table>

Committee Voting - 3/0

**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-046/11 Planning Policy No. 3.3.21 - Holiday Homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1334</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15th August 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2010 (SP-010/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Cr Les Dodd declared a Proximity Interest, as per Section 5.60B of the Local Government Act 1995, as the house next door is an 'unofficial' holiday home (No.60 Arcadia Drive, Shoalwater)</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive Function</td>
</tr>
</tbody>
</table>

## 1. Purpose of Report

To review draft Planning Policy No.3.3.21 - Holiday Homes (‘the Policy’), following conclusion of the advertising period.

## 2. Background

In September 2009, Planning Bulletin No.99 and the Holiday Homes Guidelines were released by the Western Australian Planning Commission (‘WAPC’) to guide Councils in the creation of Local Planning Policies to address Holiday Homes. Planning Bulletin 99 provides an interim position of the WAPC in relation to the regulation of Holiday Homes in WA. The Bulletin provided advice to the City in dealing with issues associated with Holiday Homes in the local government framework. As such, Policy No.3.3.21- Holiday Homes (the Policy) was drafted.
In November 2010, the Council endorsed the publishing of a notice that it had prepared Planning Policy No.3.3.21 - Holiday Homes for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2, for a period of 42 days, in conjunction with Scheme Amendment No.110 (Holiday Homes). This report should be read in conjunction with the Scheme Amendment No.110 Report, and detailed submissions, which is also on this Agenda (SP-045/11).

3. Details

The draft Policy together with the proposed Scheme Amendment is intended to provide the legal planning framework for consideration of Holiday Homes under TPS2. The purpose of the Planning Policy is specifically to set out policy provisions to guide the assessment and determination of applications for planning approval for the establishment of Holiday Homes.

Now that the submission period has closed, the Council must now consider whether or not to adopt the Policy (and the Scheme Amendment).

4. Implications to Consider

a. Consultation with the Community

The draft Policy (and associated Scheme Amendment) was advertised for 44 days, ending on the 11th March 2011, with advertising being undertaken in the following manner:-

(i) Thirteen (13) existing holiday home operators were notified in writing of the proposal. The holiday home operators were identified after consulting with the Rockingham Visitors Centre;

(ii) An advertisement placed in the Public Notices section of the Sound Telegraph newspaper on the 26th January 2011;

(iii) An advertisement placed in the Public Notices section of the Weekend Courier newspaper on the 4th February 2011;

(iv) Details of the Amendment were made available on the City's website;

It should be noted that both the Scheme Amendment and the draft Policy were advertised concurrently, and thus submissions received raised issues relating to both the Scheme Amendment and the Policy. A Schedule of Submissions is attached to item SP-045/11, and should be read together with this report.

Thirteen (13) submissions were received at the close of the advertising period. Eleven (11) submissioner's raised objections to the draft Policy and two submissions raised no objection, but recommended changes to the draft Policy. Seven (7) submissioners raised concerns with Holiday Homes within the Aria apartments.

The concerns raised by Submissioners relating to the draft Policy are summarised as follows:-

(i) The owners of the majority of apartments in the Aria Complex do not live in the apartments and thus could not effectively manage short stay accommodation;

(ii) The amenity of the Aria Apartments will be compromised as proposed ‘House Rules’ for short stay accommodation will not be followed. The City will not be able to effectively control and ensure compliance with proposed ‘House Rules’ for short stay accommodation outside of normal business hours;

(iii) Requiring a smoke alarm for every bedroom within short stay accommodation is excessive;

(iv) Requiring one car parking bay per bedroom within short stay accommodation is excessive;

(v) Anti social behaviour, litter, car parking and overcrowding issues will arise with short stay accommodation; and

(iv) The draft Policy is inconsistent with other Local Government approaches, which separate land uses. Conflicts will arise due to the mixing of land uses.
The concerns raised in the submissions are considered valid and would involve significant modifications to the Policy that was advertised for public comment. In order to resolve the concerns raised by submissioners, substantial changes would need to be made to the Policy in order to address these matters, which include residential amenity, land use conflicts, management requirements for holiday homes and application requirements for Planning Approval.

b. **Consultation with Government Agencies**

Tourism WA was provided a copy of the original draft Policy.

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 provided for a genuinely desirable lifestyle.*

d. **Policy**

Nil.

e. **Financial**

Nil.

f. **Legal and Statutory**

In accordance with section 8.9.5 of TPS2, the Council, after the expiry of the period within which submissions were made, is to:-

(a) review the proposed Policy in light of any submissions made;

(b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

5. **Comments**

As it is recommended that Council Not Proceed with Scheme Amendment No.110, it is also recommended that the Council Not Proceed with draft Planning Policy No.3.3.21 – Holiday Homes.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **NOT PROCEED** with draft Planning Policy No.3.3.21 - Holiday Homes pursuant to clause 8.9.5 of Town Planning Scheme No.2 in the light of matters raised in submissions received during the advertising period.

8. **Committee Recommendation**

That Council **NOT PROCEED** with draft Planning Policy No.3.3.21 - Holiday Homes pursuant to clause 8.9.5 of Town Planning Scheme No.2 in the light of matters raised in submissions received during the advertising period.

   Committee Voting - 3/0

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

4.33pm - Cr Les Dodd returned to the Planning Services Standing Committee meeting.
<table>
<thead>
<tr>
<th>Reference No. &amp; Subject:</th>
<th>SP-047/11 Proposed Street Naming Theme - Baldivis Town Centre &amp; Settlers Hills Townside</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/915-03 &amp; LUP/862-07</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Stockland Development Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Nicole D'Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Tristan Fernandes, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15th August 2011</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>
<tr>
<td>Site:</td>
<td>Lots 9076 Clyde Avenue, Lot 416 Norwood Avenue; and Lots 9060 &amp; 9061 Baldivis Road &amp; 9071, 3, 9061 Safety Bay Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>61.1000ha</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>Figure 1 - Location Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Figure 1 - Location Plan</td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

To consider an application seeking approval for a street naming theme based on 'Surnames of Convicts who arrived on Ships to WA between 1829 and 1889' for the 'Settlers Hills East' (marketing brand Townside) Estate and Baldivis Town Centre.

2. **Background**

In August 2008, the Council adopted the 'Settlers Hills East' ('Townside') Structure Plan. Since that time, the City has adopted four minor amendments to the Structure Plan, the most recent approved on the 19th July 2011.

'Settlers Hills East' was granted conditional Subdivision Approval by the WAPC in August 2009 creating approximately 420 residential lots, one of which is being developed for the Settlers Hills East Retirement Village (approved for 220 aged persons dwellings).

Baldivis Town Centre has an approved Indicative Development Guide Plan which was revised and approved by the Council and the WAPC in March 2010.

The street names currently approved within 'Settlers Hills East' and the Baldivis Town Centre is based on the theme of 'Names of passenger ships that arrived in WA between 1829 and 1889'.

3. **Details**

The Settlers Hills community has been established for over 15 years and the current street naming theme has now become exhausted within the development.

It is proposed that a new theme based on 'Surnames of convicts who arrived on ships to WA between 1829 & 1889' be selected to be carried throughout the remaining areas of Settlers Hills East and Baldivis Town Centre to compliment the already approved names.

An example of the proposed street names who were on-board the ship 'Norwood' are as follows:-

<table>
<thead>
<tr>
<th>Addison</th>
<th>Farley</th>
<th>Olley</th>
<th>Torr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battersby</td>
<td>Garner</td>
<td>Parmenter</td>
<td>Vigo</td>
</tr>
<tr>
<td>Brice</td>
<td>Halloran</td>
<td>Pryme</td>
<td>Waterhouse</td>
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<tr>
<td>Burch</td>
<td>Loveridge</td>
<td>Reeve</td>
<td>Yardley</td>
</tr>
<tr>
<td>Craine</td>
<td>Malia</td>
<td>Sherry</td>
<td></td>
</tr>
<tr>
<td>Devine</td>
<td>Monaghan</td>
<td>Sumerfield</td>
<td></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
      In accordance with Planning Procedure 1.4 - Street Names and Their Themes the preferred source of names include names identified with the general area, pioneers of the state 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

Given the current street naming theme 'Names of Passenger Ships that arrived in WA between 1829 and 1889' has become exhausted, the new proposed theme based on 'Surnames of convicts who arrived on ships to WA between 1829 and 1889' is considered to compliment the already approved theme. It is therefore recommended that the Council support the street naming theme for use within the Settlers Hills East Estate and Baldivis Town Centre.

6. Voting Requirements

Simply Majority

7. Officer Recommendation

That Council ENDORSE the proposed street naming theme of 'Surnames of convicts who arrived on ships to WA between 1829 and 1889' for use within the Settlers Hills East Estate and Baldivis Town Centre.

8. Committee Recommendation

That Council ENDORSE the proposed street naming theme of 'Surnames of convicts who arrived on ships to WA between 1829 and 1889' for use within the Settlers Hills East Estate and Baldivis Town Centre.

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

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<thead>
<tr>
<th>Reference No &amp; Subject:</th>
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<td>File No:</td>
<td>28/3431-02</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr &amp; Mrs Maraldi</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
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<td>Date of Committee Meeting:</td>
<td>15th August 2011</td>
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<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 473 (No.576) Telephone Lane, Baldivis</td>
</tr>
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<td>Lot Area:</td>
<td>27.3451ha</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
<td>Rural</td>
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<td>Attachments:</td>
<td>Attachment 1 - Development Site Plan</td>
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<td>Attachment 2 - Operation of Wildlife Park</td>
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<td>Attachment 3 - Additional information for operation of Wildlife Park</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>Figure 1 - Location Plan</td>
</tr>
<tr>
<td></td>
<td>Figure 2 - Advertising Plan</td>
</tr>
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</table>
1. **Purpose of Report**

To consider an application seeking Planning Approval for a proposed Wildlife Park (Mini Moo Animal Farm) on Lot 473 (No.576) Telephone Lane, Baldivis.

2. **Background**

Nil

3. **Details**

The Proponent seeks approval to operate a Wildlife Park from the south-eastern corner of Lot 473 (No.576) Telephone Lane, Baldivis. The proposal comprises the following elements:

- A 'Restaurant' (kiosk) for patrons and shop selling items and souvenirs associated with the Wildlife Park;
- 48 Car bays (inclusive of 2 disabled bays and six staff bays)
- Opening hours - Wednesday to Sunday all year around (with the exception of Christmas Day) from 9.30am - 5.30pm. Trading on Mondays and Tuesdays may occur in future.
- The Proponent anticipates 200 guests will visit the premise per day.
Animals proposed to be kept in the Wildlife Park include 2 cows, 2 miniature horses, 2 ponies, 2 alpacas, 3 sheep, 1 ram, up to 13 goats (including 6 bottle fed), up to 20 ornamental chickens, 8 rabbits and 8 guinea pigs.

Animals are proposed to be housed in pens and birds in an Avery. Larger animals (such as sheep, horses, goats or cattle) will be permitted to roam a fenced paddock outside of opening hours.

Landscaping will include 15-20 fruit trees, permiculture style gardens, native gardens and 10-12 advanced deciduous trees.

Toilet facilities serviced by an ATU waste water system;

Signage at the entrance of the premises (which is to be clarified within a separate application to the City).

### 4. Implications to Consider

#### a. Consultation with the Community

The proposed Wildlife Park was advertised for a period of 14 days to adjoining landowners, as shown in Figure 2 below.

At the conclusion of the advertising period one submission was received from the owner of Lot 1000 (No.627) Telephone Lane, Baldivis raising the following objections:

- Impact on property values; and
- The proposal hinders future development potential for urban purposes.

Impact to property values is not a valid planning consideration.

The WAPC's Directions 2031 and Beyond and the Draft Outer Metropolitan Perth and Peel Subregional Strategy does not identify any urban development potential east of the Kwinana Freeway within the City. Urban potential is also not recognised within the City's Rural Land Strategy. Furthermore, the proposal is consistent with the objectives of the 'Rural' zoning of the land and is considered an appropriate land use as described under the heading Legal and Statutory below.

![Figure 2 - Advertising Plan](image)
b. **Consultation with Government Agencies**

For development proposed within the Peel-Harvey Coastal Plain Catchment, Clause 5.1.4(c) of TPS2 requires consultation with the Department of Water (DoW) and Department of Environment and Conservation (DEC).

The DEC requested a footnote to any approval, advising the Proponent that the keeping of Australian native parrots for public education purposes will require a Regulation 16 Licence from DEC under the Wildlife Conservation Regulations (1970).

No response was received from the DoW.

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 5.2 - Rural Land Strategy**

The subject land is located within Planning Precinct 6C of Council's Planning Policy 5.2 - Rural Land Strategy. An objective of Precinct 6C is to encourage Tourism related proposals provided that the following criterion is adhered to: -

- The suitability of the lot to accommodate the tourism activity;
- The scale of activity and its likely impact on surrounding amenity. Tourism proposals on or abutting future urban land are unlikely to be supported;
- Accessibility to the site;
- Environmental Impacts; and
- Public attitude to the proposal (is supportive).

The proposal is considered compatible with similar types of activities within proximity to the site, including Golden Ponds Reception Centre and the Water Ski Park, which are located within the same precinct. The chosen site for the development is considered a suitable location given the surrounding area has not been identified for urban development.

Access to the site is available from the Freeway via Mundijong Road and is therefore considered that the development is unlikely to impact surrounding residents' amenity in terms of traffic and noise, given its scale and location.

The Rural Land Strategy mandates development of buildings has a minimum level of 0.5 metres above the 1:100 year flood event. This requirement can be imposed as a condition of Planning Approval.

The proposal is considered to appropriately address the criteria stated above.

**State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment**

The property is located within the Peel-Harvey Catchment Area. **State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment** provides guiding principles for planning and management of land use and development within the Peel Harvey Catchment. The following matters outlined within the Policy specifically relate to the development:

- Management of effluent waste;
- Management of nutrients and fertilisers used onsite; and
- Limitations on existing animal stocking rates to prevent erosion of the topsoil and protection of groundwater.
Following an assessment of the proposed management practices, the City's Environmental Planning Officers considered that the number of animals to be kept on site can be adequately managed. To ensure compliance with the Policy, and to meet the requirements of the City's Health Local Laws, it is recommended the following conditions be imposed:

- Provision of a Waste Management Plan to ensure Animal enclosures are kept clean and free of offensive matter at all times can be imposed to ensure compliance;
- A maximum animal stocking rate of 58 Dry Sheep Equivalent (DSE) (which the proposal complies with) to ensure the Animal Farm is not overstocked; and
- A footnote advising the Proponent apply slow release fertiliser be applied at the break of season when there is green cover, preferably with the splitting of its application (i.e. 30% application at the start of season and 70% application at the end of season), and undertaking of routine soil testing to determine fertiliser requirements.

e. Financial
Nil

f. Legal and Statutory
The proposal was assessed against the statutory requirements outlined within TPS2 as follows:

Land-use Classification
The subject land is zoned 'Rural' under TPS2 and the Metropolitan Region Scheme ('MRS') which the proposed Mini Moo Animal Farm is interpreted as a 'Wildlife Park' under TPS2 which is a use that is not permitted unless the Council has exercised its discretion by granting Planning Approval after advertising the proposal for public comment.

Setbacks
The development setbacks are compliant with TPS2 and the RLS.

Parking
A 'Wildlife Park' is not listed as a Use Class under Car Parking Table of TPS2. In accordance with Clause 4.15.1.4, the number of required to be provided must have regard to the following:

(i) the nature of the proposed development;
(ii) the anticipated number of employees;
(iii) the anticipated demand for parking; and
(iv) the orderly and proper planning of the development.

Given the small scale of the proposal accommodating 200 persons per day, with the restaurant only being used for persons visiting the farm, it is considered that the provision of 48 parking bays for staff and customers is appropriate.

5. Comments
The Proponent has adequately demonstrated that the Wildlife Park is an appropriate land use that is compatible with its rural setting given it is location in relation to the Water Ski Park, Golden Ponds and proximity to Mundijong Road and the Freeway.

The land management practices proposed satisfy the environmental requirements of the Rural Land Strategy and TPS2.

It is recommended that Council grant conditional Planning Approval.

6. Voting Requirements
Simple Majority
7. **Officer Recommendation**

That Council **APPROVE** application 20.2011.106 seeking Planning Approval for a proposed Wildlife Park (Mini Moo Animal Farm) at Lot 473 (No.576) Telephone Lane, Baldivis 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. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.
3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the issue of a Building Licence:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.
4. The carpark must:
   (i) Be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to the issue of a Building Licence;
   (ii) Include 2 car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iii) Be constructed to the satisfaction of the City prior to the development being occupied and maintained thereafter;
   (iv) Have lighting installed, prior to the occupation of the development; and
   (v) Confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.
5. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Licence:
   (i) The location of bin storage areas and bin collection areas;
   (ii) The number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) Frequency of bin collections.
   All works must be carried out in accordance with the Waste Management Plan, for the duration of development.
6. Manure and feed receptacles are to be constructed and maintained so as to not create a nuisance or a breeding place for flies and other vectors of disease.
7. All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to the issue of a Building Licence.
8. All proposed buildings are to be built 0.5 metres above the 1:100 year flood level.

9. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Licence.

10. A maximum animal stocking rate of 58 Dry Sheep Equivalent is permitted on the property.

Footnotes:

(i) If the development the subject of this approval has not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.

(ii) This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Planning Approval must be submitted to the City.

(iii) It is recommended slow release fertiliser be applied at the break of season when there is green cover preferably with spit application (i.e. 30% application at the start of season and 70% application at the end of season) and undertake routine soil testing to determine fertiliser requirements.

(iv) The development must comply with the Health (Public Building) Regulations 1992; the applicant and owner should liaise with the City's Health Services in this regard.

(v) The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.

(vi) Stable construction must comply with the Health Local Laws 1996. The applicant and owner should liaise with the City's Health Services in this regard.

(vii) A Sign Licence must be obtained for any advertising associated with the development, the applicant and owner should liaise with the City's Building Services in this regard.

(viii) In relation to condition 10, any animals proposed in addition to the stocking rate of 58 Dry Sheep Equivalent will require further approval of the City, prior to being kept at the premises.

8. Committee Recommendation

That Council **APPROVE** application 20.2011.106 seeking Planning Approval for a proposed Wildlife Park (Mini Moo Animal Farm) at Lot 473 (No.576) Telephone Lane, Baldivis 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. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the issue of a Building Licence:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
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(iii) Be constructed to the satisfaction of the City prior to the development being occupied and maintained thereafter;

(iv) Have lighting installed, prior to the occupation of the development; and

(v) Confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

5. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Licence:-

(i) The location of bin storage areas and bin collection areas;

(ii) The number, volume and type of bins, and the type of waste to be placed in the bins;

(iii) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and

(iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

6. Manure and feed receptacles are to be constructed and maintained so as not to create a nuisance or a breeding place for flies and other vectors of disease.

7. All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to the issue of a Building Licence.

8. All proposed buildings are to be built 0.5metres above the 1:100 year flood level.

9. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Licence.

10. A maximum animal stocking rate of 58 Dry Sheep Equivalent is permitted on the property.

Footnotes: -

(i) If the development the subject of this approval has not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.

(ii) This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Planning Approval must be submitted to the City.

(iii) It is recommended slow release fertiliser be applied at the break of season when here is green cover preferably with spit application (i.e. 30% application at the start of season and 70% application at the end of season) and undertake routine soil testing to determine fertiliser requirements.

(iv) The development must comply with the Health (Public Building) Regulations 1992; the applicant and owner should liaise with the City's Health Services in this regard.

(v) The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.
(vi) Stable construction must comply with the *Health Local Laws 1996*. The applicant and owner should liaise with the City's Health Services in this regard.

(vii) A Sign Licence must be obtained for any advertising associated with the development, the applicant and owner should liaise with the City's Building Services in this regard.

(viii) In relation to condition 10, any animals proposed in addition to the stocking rate of 58 Dry Sheep Equivalent will require further approval of the City, prior to being kept at the premises.

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><strong>Reference No &amp; Subject:</strong></th>
<th><strong>SP-049/11 Proposed Filling of Land - Lot 447 Telephone Lane and Lots 459 and 709 Baldivis Road, Baldivis</strong></th>
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<tbody>
<tr>
<td>File No:</td>
<td>28/6310</td>
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<tr>
<td>Proponent/s:</td>
<td>Greg Rowe &amp; Associates (on behalf of L Buckeridge)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
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**Site:** Lot 447 Telephone Lane and Lots 709 and 459 (No.15-21) Baldivis Road, Baldivis

**Lot Area:** 50.7883ha

**LA Zoning:** Rural

**MRS Zoning:** Urban Deferred

**Attachments:**
- Fig 1. Location plan
- Fig 2. Aerial photo
- Fig 3. Plan of proposed fill
1. **Purpose of Report**

To consider an application seeking planning approval for the filling of Lot 447 Telephone Lane and Lots 709 and 459 (No.15-21) Baldivis Road, Baldivis.

2. **Background**

In June 2009, the Western Australian Planning Commission ("WAPC") rezoned the site from 'Rural' to 'Urban Deferred' under the Metropolitan Region Scheme ("MRS"). The City has since been progressing the preparation of a District Structure Plan ("DSP") over the site, which includes the land bound by Baldivis Road, Telephone Lane, Safety Bay Road and Kwinana Freeway. The DSP has yet to be considered by Council.
3. **Details**

The application seeks planning approval for the importation of 350,000m³ of clean fill, to raise the ground level of the site to RL 6.10m AHD. A significant portion of the site on the eastern side of Tramway Reserve is proposed to be filled to a depth of 1.6m.

Areas considered by the proponent to be of environmental significance or above the RL 6.10m AHD level are not proposed to be filled. The existing site levels and the extent of fill proposed is shown on the following plan:

![Fig 3. Plan of proposed fill](image)

The Proponent advises that the fill is to be obtained from an existing quarry located on Metropolitan Cemeteries Board land at Lot 1355 Baldivis Road, Baldivis (which is located diagonally south-west of the subject land, on the opposite side of Baldivis Road). The fill is intended to be removed from the quarry until the 31st December 2011, when the lease for the quarry expires.

The Proponent has advised that the intent of the proposal is to "provide an opportunity to prepare the subject land for future development".

The existing dwelling and outbuildings on the western portion of the site will be demolished.

4. **Implications to Consider**

a. **Consultation with the Community**

Under Town Planning Scheme No.2 ("TPS2"), consultation is not required if the City intends to refuse the application. Consultation has therefore not been undertaken for this proposal.
If, however, the Council considers that the proposed development might be consistent with the objectives and purpose of the 'Rural' zone, then the advertising procedures of TPS2 must be followed (as described under the Legal and Statutory subsection).

**b. Consultation with Government Agencies**

Consultation is required with several government agencies, as follows:

- Consultation with Main Roads Western Australia is required given the proposal involves earthworks adjacent to land reserved for 'Primary Regional Roads' under the MRS.
- Consultation with the Department of Environment and Conservation ("DEC") is required, given the potential environmental impacts and the nature of the landfill use.
- Consultation with the Department of Water is required given the potential impacts to the Serpentine River Floodplain and the Peel-Harvey Coastal Plain Catchment.
- Consultation with the Department of Planning is preferable given the site is opposite land north of Baldivis Road/Telephone Lane that is identified as Bush Forever.

Consultation has not been undertaken because the City intends to refuse the application. Should the Council consider it appropriate to approve the application, the City must undergo the required consultation prior to determining the application. The application must also be referred to the WAPC for determination under clause 32 of the MRS (unless the City intends to refuse the application).

The Proponent has made an application to the DEC for the clearing of native vegetation on the land, which was referred to the City for comment. The City has advised the DEC that planning approval is required for the proposed clearing, and recommended that the application be deferred pending the Council's determination of the application for the filling of the land.

**c. Strategic Community Plan**

This item addresses the Community's Vision for the future and specifically the following Aspiration/s 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**

The City's Planning Policy 5.2, *Rural Land Strategy* provides guidance in determining applications for development in rural areas. Proposals for development need to comply with the following:

- Development proposals need to include a Landscaping Plan detailing a proposed tree planting programme.
- Minimum building level 0.5m above 1:100 year flood level in areas on inundation as identified.
- Sand pads or the like shall be graded and landscaped to Council specifications.
- Development within the Peel-Harvey Catchment Area to comply with State Planning Policy No.2.1, *The Peel-Harvey Coastal Plain Catchment*.

There are no requirements in the *Rural Land Strategy* specific to proposals for landfill. State Planning Policy No.2.1, *The Peel-Harvey Coastal Plain Catchment* encourages the retention and rehabilitation of existing remnant vegetation. There are no provisions specific requirements relating to landfill proposals.
Although there is no local or state planning policy that explicitly forbids earthworks in advance of a subdivision approval, the planning framework is normally progressed as precursor to this type of development. The framework includes approval of a local structure plan, adoption of a district structure plan being adopted and the land being suitably zoned under either the local or regional planning scheme. The WAPC's Guidelines for the Lifting of Urban Deferment states:

"Land zoned urban deferred under a regional planning scheme should generally be zoned rural or, where appropriate provisions restrict development until urban deferment is lifted under the regional planning scheme, urban development in the [local] planning scheme."

This implies that no development for urban purposes should occur until the land has been transferred to the 'Urban' zone under the MRS.

e. Financial
Nil

f. Legal and Statutory
The filling of land constitutes 'development' and requires planning approval pursuant to TPS2. The proposed development is a use not specifically mentioned in the Zoning Table, and in this regard the Council may:

(a) determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted;

(b) determine that the proposed use may be consistent with the objectives and purpose of the particular zone and thereafter follow the advertising procedures of clause 6.3 in considering an application for planning approval; or

(c) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.

The objectives of the 'Rural' zone under TPS2 is "to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the City may adopt from time to time as a guide to future development in the zone."

The proposal is not considered to preserve land for farming nor does it foster semi-rural development, due to its intended purpose as urban land. The proposed development is not considered to be consistent with the objectives and purpose of the Rural zone, and therefore not permitted.

5. Comments

The subject site is zoned 'Rural' under TPS2, and the proposal is inconsistent with the purpose and intent of this zone, and for this reason the application should be refused.

Proposals to rezone the subject site and prepare a district structure plan to facilitate future urban development are not sufficiently advanced to allow for the current proposal to be considered, and the proposal is therefore inconsistent with the WAPC's Guidelines for the Lifting of Urban Deferment (as indicated in the "Policy" subsection above).

The Council's approval for the fill would prejudice the current work being undertaken to facilitate future urban development of the land by implying that urban development must occur. The proposal does not provide any opportunity for the identification and protection of existing remnant vegetation at the structure planning stage of development, and could also affect existing and future drainage schemes over this and adjoining land.

There is also a question over whether the site is suitable for urban development, given the land has been identified as a "priority industrial - investigation area" in the WAPC's draft Outer Metropolitan Perth and Peel Sub-Regional Strategy. To date, no investigation is known to have occurred to resolve whether or not the site is suitable for industrial, rather than urban, development.
In addition to the land use permissibility and strategic planning framework comments mentioned above, it is not considered that the technical aspects of the proposed development are adequately addressed. Issues yet to be addressed include:

- The geotechnical capability of the land to accommodate the proposed works. It is noted that soil was required to be removed from the site for the Baldivis High School on Rivergums Boulevard prior to fill being introduced in order to meet geotechnical requirements for development.

- Investigation into local site characteristics is needed to establish whether there is a risk of acid sulphate soils.

- A preliminary site investigation is required to determine whether there are any contaminated soils on site which need to be removed or treated.

- Implications for drainage should be addressed through the preparation of a local water management strategy, which has not occurred.

- The application seeks to remove approximately 50% of the remaining vegetation on-site, with the trees protected being based on "field investigation", the results of which have not been provided to the City. In any case, a flora and vegetation assessment must be undertaken for the site in accordance with the Environmental Protection Authority's Guidance Statement No.51, Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment for Western Australia.

- It has yet to be demonstrated by the Proponent that the 30m buffers to the Resource Enhancement wetlands on the site that have been identified using a methodology is acceptable to both the Department of Environment and Conservation and the Department of Planning, in accordance with the WAPC's draft Guideline for the Determination of Wetland Buffer Requirements. Furthermore, management plans should be prepared for the wetlands.

Whilst information that addresses the above could be provided, it is not considered appropriate to consider such information in the absence of a proposed structure plan for the land. This information should be considered in the context of other planning requirements for an urban (or industrial) area at the structure planning stage.

DEPUTATION:

4.34pm - Mr George Hajigabriel attended the Planning Services Standing Committee meeting.

The Chairman welcomed Mr George Hajigabriel and invited him to make a presentation to the Committee.

Mr Hajigabriel advised the Committee of the proposal to fill his client's land using soil from the adjacent Cemeteries Board land. He identified the planning framework for the land which was in transition and the intent for it to be developed for urban purposes. The filling represented a significant cost saving in sourcing fill and where environmentally sensitive areas on-site would be avoided and off-site impacts would be minimised. Mr Hajigabriel asked for the Committee's support to advertise the proposal.

The Chairman thanked Mr Hajigabriel for his deputation.

4.49pm - Mr George Hajigabriel left the Planning Services Standing Committee meeting.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council **REFUSE** application 20.2011.130.1 seeking planning approval for the filling of Lot 447 Telephone Lane and Lots 709 and 459 (No.15-21) Baldivis Road, Baldivis, for the following reasons:
1. The proposed development is not related to a farming or semi-rural development and is therefore not consistent with the objectives and purpose of the 'Rural' zone under Town Planning Scheme No.2.

2. The proposed development is not permitted pursuant to subclause 3.2.4(c) of Town Planning Scheme No.2.

3. Planning is not sufficiently advanced for the consideration of development for urban purposes on the land, given:
   
   (a) there has been no investigation to determine whether or not the land is suitable for industrial development pursuant to the Western Australian Planning Commission's draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*;
   
   (b) the land is not zoned 'Urban' under the Metropolitan Region Scheme;
   
   (c) the land is not zoned 'Development' under Town Planning Scheme No.2;
   
   (d) a District Structure Plan has not been adopted for the land;
   
   (e) a Structure Plan has not been prepared for the land pursuant section 4.2 of Town Planning Scheme No.2; and
   
   (f) the Western Australian Planning Commission has not approved subdivision of the land.

4. The proposed development has not addressed relevant planning consideration or the Environmental Protection Authority's advice and recommendations regarding environmental issues, including:
   
   (a) The geotechnical capability of the land should be addressed prior to works commencing;
   
   (b) Investigation into local site characteristics is needed to establish whether there is a risk of acid sulphate soils;
   
   (c) A preliminary site investigation is required to determine whether there are any contaminated soils on site;
   
   (d) Implications for drainage should be addressed by the preparation of a local water management strategy, prior to the commencement of any work on site;
   
   (e) A flora and vegetation assessment must be undertaken for the site in accordance with the Environmental Protection Authority's Guidance Statement No.51, *Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment for Western Australia*; and
   
   (f) It being demonstrated that the 30m buffers to the Resource Enhancement wetlands on the site have been identified using a methodology acceptable to both the Department of Environment and Conservation and the Department of Planning, in accordance with the Western Australian Planning Commission's draft *Guideline for the Determination of Wetland Buffer Requirements*. Furthermore, management plans should be prepared for the wetlands.

8. Committee Recommendation

That Council *REFUSE* application 20.2011.130.1 seeking planning approval for the filling of Lot 447 Telephone Lane and Lots 709 and 459 (No.15-21) Baldivis Road, Baldivis, for the following reasons:

1. The proposed development is not related to a farming or semi-rural development and is therefore not consistent with the objectives and purpose of the 'Rural' zone under Town Planning Scheme No.2.

2. The proposed development is not permitted pursuant to subclause 3.2.4(c) of Town Planning Scheme No.2.

3. Planning is not sufficiently advanced for the consideration of development for urban purposes on the land, given:
(a) there has been no investigation to determine whether or not the land is suitable for industrial development pursuant to the Western Australian Planning Commission's draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*;

(b) the land is not zoned 'Urban' under the Metropolitan Region Scheme;

(c) the land is not zoned ‘Development’ under Town Planning Scheme No.2;

(d) a District Structure Plan has not been adopted for the land;

(e) a Structure Plan has not been prepared for the land pursuant section 4.2 of Town Planning Scheme No.2; and

(f) the Western Australian Planning Commission has not approved subdivision of the land.

4. The proposed development has not addressed relevant planning consideration or the Environmental Protection Authority's advice and recommendations regarding environmental issues, including:

(a) The geotechnical capability of the land should be addressed prior to works commencing;

(b) Investigation into local site characteristics is needed to establish whether there is a risk of acid sulphate soils;

(c) A preliminary site investigation is required to determine whether there are any contaminated soils on site;

(d) Implications for drainage should be addressed by the preparation of a local water management strategy, prior to the commencement of any work on site;

(e) A flora and vegetation assessment must be undertaken for the site in accordance with the Environmental Protection Authority's Guidance Statement No.51, *Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment for Western Australia*; and

(f) It being demonstrated that the 30m buffers to the Resource Enhancement wetlands on the site have been identified using a methodology acceptable to both the Department of Environment and Conservation and the Department of Planning, in accordance with the Western Australian Planning Commission's draft *Guideline for the Determination of Wetland Buffer Requirements*. Furthermore, management plans should be prepared for the wetlands.

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
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**

Cr Brian Warner requested that the following Motion be given consideration at the ordinary Meeting of Council to be held on the 23rd August 2011:-

**Motion:**

“That Town Planning Policy No.3.3.17 - Variations to Building Envelopes be amended to reflect the townsites of Singleton and Golden Bay."

**Reason for Motion:**

On the 27th May 2008, Council resolved to revoke 16 Statements of Planning Policy and replace them with 18 alternatives in order to comply with the Town Planning Scheme No.2. Planning Policy 2.8 - Applications to Vary the Location of Building Envelopes was revoked and replaced with Planning Policy 3.3.17 - Variations to Building Envelopes.  

In the wording of Planning Policy 2.8 specific mention was made of the hills to the east of Singleton and Golden Bay and the viewshed from the townsites. This was (presumably) as a result of the CER and PER that was conducted in the area in 1992.  

When the planning policies were changed in May 2008, Council was faced with the enormous task of reading and absorbing the 34 policies in less than one weekend. As such, the wording specific to Singleton and Golden Bay was overlooked.  

Recently residents of Singleton have been made aware of the omission of the mention of Singleton and Golden Bay and the relationship with the eastern hills visual landscape as previously put in place in Planning Policy 2.8.  

This motion is proposed in order to rectify that omission.

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**

Nil

18. **Matters Behind Closed Doors**

Nil

19. **Date and Time of Next Meeting**

The next Planning Services Standing Committee Meeting will be held on **Monday 19 September 2011** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
## 20. Closure

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<td>There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 4.55pm.</td>
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