City of Rockingham

MINUTES

Planning Services Committee Meeting

Held on

Monday 5 December 2011

4:00pm

Council Boardroom
Council Administration Building
Civic Boulevard, Rockingham
# City of Rockingham Planning Services Committee Meeting

4:00pm Monday 5 December 2011

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# City of Rockingham Planning Services Committee Meeting

**4:00pm Monday 5 December 2011**

## MINUTES

### 1. Declaration of Opening

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

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

#### 2.1 Councillors

- Cr Richard Smith, Chairperson
- Cr Chris Elliott
- Cr Leigh Liley (until 5.45pm)
- Cr Allan Hill
- Cr Deb Hamblin, Observer (arrived at 4.35pm until 5.25pm)
- Cr Joy Stewart, Observer (arrived at 4.40pm until 5.35pm)

#### 2.2 Executive

- Mr Robert Jeans, A/Chief Executive Officer
- Mr Brett Ashby, Manager, Strategic Planning & Environment
- Mr Mike Ross, Manager, Statutory Planning
- Mr Richard Rodgers, Manager, Building Services (until 4.10pm)
- Mr Rod Fielding, Manager, Health Services (until 4.09pm)
- Mr Tristan Fernandes, Senior Strategic Planning Officer
- Ms Melinda Wellburn, Personal Assistant to Director, Planning & Development Services

**Members of the Public:** 5

**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 Committee Meeting**
   Moved Cr Elliot, seconded Cr Hill:
   That Council **CONFIRM** the Minutes of the Planning Services Committee Meeting held on 14 November 2011, as a true and accurate record.

   Committee Voting – 4/0

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

7. **Announcement by the Presiding Person without Discussion**
   The Chairman announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

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

9. **Petitions/Deputations/Presentations/Submissions**
   9.1 4.45pm **Mr Pat Moran, Secret Harbour Residents Association** attended the Planning Services Standing Committee meeting to give a deputation on Item SPE-035/11.

   9.2 4.55pm **Mr Brian Warner, Golden Bay Progress Association** attended the Planning Services Standing Committee meeting to give a deputation on Items SPE-035/11 and SP-062/11.

   9.3 5.15pm **Mr Tony Debarro, Department of Housing and Mrs Jane Bennett, CLE** attended the Planning Services Standing Committee meeting to give a deputation on the Item SPE-035/11.

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

11. **Bulletin Items**
    Planning Services Information Bulletin - December 2011
    Health Services
    1. Health Services Team Overview
### 2. Human Resource Update

### 3. Project Status Reports

#### 3.1 FoodSafe
#### 3.2 Industrial and Commercial Waste Monitoring
#### 3.3 Community Health & Wellbeing Plan
#### 3.4 Health Promotion
#### 3.5 North Rockingham Industrial Noise
#### 3.6 Ocean Water Sampling

### 4. Information Items

#### 4.1 Mosquito-Borne Disease Notifications - November 2011
#### 4.2 Food Recalls - November 2011
#### 4.3 Statistical Health Information - November 2011
  - 4.3.1 Food Premises Inspections
  - 4.3.2 Public Building Inspections
  - 4.3.3 Outdoor Public Event Approvals - November 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

### Building Services

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items

#### 4.1 Legislation Update
#### 4.2 Certificates of Classification
#### 4.3 Permanent Sign Licence
#### 4.4 Community Sign Approvals
#### 4.5 Strata Title Certificates
#### 4.6 Building Approval Certificates for Unauthorised Building Works
#### 4.7 Monthly Caravan Park Site Approvals

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports

#### 3.1 Policy Manual Review (LUP/1265)
#### 3.2 Local Planning Strategy (LUP/1352)
#### 3.3 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)
#### 3.9 Water Campaign (EVM/56-02)

### 4. Information Items
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**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
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   4.9 Subdivision/Amalgamation Supported
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   4.11 Development Assessment Panel - Development Applications
   4.12 Extensions to the Baldivis Shopping Centre

**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
   3.5 Keralup
   3.6 Karnup Station Transit Oriented Development
4. Information Items
   4.1 Progress Report - Proposed Metropolitan Region Scheme Amendment - Rockingham Strategic Metropolitan Centre (LUP/1416-04)

**Appendices**

**Committee Recommendation:**

That Councillors acknowledge having read the Planning Services Information Bulletin - December 2011 and the contents be accepted.

Committee Voting - 4/0

**12. Agenda Items**

4.09pm - Mr Rod Fielding, Manager, Health Services left the Planning Services Standing Committee meeting.
Planning Services
Building Services

Reference No & Subject: BS-003/11 Building Act 2011: Fee Structure for Provision of Certificates, Permits Information and Services Rendered

File No:
Proponent/s:
Author: Mr Richard Rodgers, Manager, Building Services
Other Contributors:
Date of Committee Meeting: 5th December 2011
Previously before Council: September 2011 (BS-002/11)
Disclosure of Interest:
Nature of Council’s Role in this Matter: Executive Function

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments:
Maps/Diagrams:

1. Purpose of Report

To set fees to be charged for services rendered by Building Services pursuant to the proposed Building Act 2011 (the “Act”).
2. **Background**

As previously reiterated in Reports to Council (both July 2011 and September 2011) significant change to Western Australian building legislation and procedures is to be implemented with the introduction of the Act.

To date, the only provisions of the Act that are operational are Sections 1 & 2 (ie. the name of the Act, and that other Sections of the Act will come into operation on a day fixed by proclamation, and that different days may be fixed for different provisions).

(Note: Sections 1 & 2 of the Act came into operation on the 23rd June 2011 not 11th July 2011, as stated in the September 2011 Report).

Uncertainty exists as to when the balance of the Act will be operational - the date now being entertained by the Building Commission is the 1st January 2012 (media statement Building Commission dated October 2011), replacing the previous date of 31st October 2011. The delay has been as a consequence of the lack of regulations and some revised process matters that are, by necessity, to be included in the new system (ie. planning matters and ownership issues are the recent issues flagged). It has been stated that the provisions are to be phased-in over a 12 month period, once implemented in January 2012.

With no regulations for guidance and certainty, decisions are being made on "Drafting Instructions" and the like to ensure that, by implementation date, the City is able to continue to operate by having fees set and processes created. Some of the fees mentioned in this Report may be required to be amended or added to as a consequence of adoption of these future regulations.

Changes may occur as the regulations are developed and feedback received from various parties (consultation process), and it is apparent that the core duties of the local governments will change to some degree in line with the broader philosophy of the Act.

3. **Details**

At the September Council Meeting, fees were adopted for the processing of "Certificates of Design Compliance" for Class 2-9 Buildings; further information to hand indicates a number of other fees and charges are required for performance of responsibilities under the Act.

Some fees and charges already exist in regulations and some are to be set by amendments to Building Regulations 1989 - all fees have been listed so as to inform the Council of the complete fee set (including statutory). Statutory fees do not require determination by Council; they are listed for advice only and they generally do not attract a GST component.

It should also be noted that some of the processes and procedures revolving around those fees and charges may not necessarily be performed by the local government - the fee creating exercise is to ensure that all opportunities are covered by the adoption of fees. This course of action is borne of the requirement to have fees and charges in place by the expected implementation date of the Act (January 2012).

The following are the statutory fees (and are put for information only and are GST free):-

1. Application for Building Permit (Class 1 & 10)
   - Uncertified application - 0.32% of estimated value of building work but not less than $90.
   - Certified application - 0.19% of the estimated value of building work but not less than $90.

2. Application for Building Permit (Class 2-9) (within the City of Rockingham)
   - Certified application - 0.09% of estimated value of building work but not less than $90.

3. Application to amend a Building Permit - same calculation as for an application for Building Permit based on change in contract value but not less than $90.

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5. Application for Demolition Permit for Class 2-9 building - $100 per storey.
6. Application for an Occupancy Permit for completed Class 2-9 building - $90.
8. Application for modification of Occupancy Permit for additional use of building on a temporary basis - $90.
9. Application for replacement Occupancy Permit for a permanent change of building use or classification - $90.
10. Application for Occupancy Permit or Building Approval Certificate for the registration of the strata scheme, plan of subdivision - $100 or $10 per unit whichever the greater.
11. Application for Occupancy Permit for an unauthorised Class 2-9 building - 0.18% of the estimated value of building work but not less than $90.
12. Building Approval Certificate for an Unauthorised Certified Class 1 & 10 building - 0.38% of the estimated value of building work but less than $90.
13. Application for an Occupancy Permit for building with an existing authorisation - $90.

The following fees and charges are recommended for adoption, pursuant to the s 6.16 Local Government Act 1995 (and are subject to GST of 10%):-

1. Certificate of Construction Compliance - certificate issued by a registered building surveyor certifying that the building has been constructed in accordance the certificate of design compliance, the Building Permit and that the building is fit for occupation - proposed fee of $180 based on 2 hours officer time.
2. Certificate of Building Compliance - a certificate signed by a registered building surveyor certifies that an existing building complies with the relevant building standards (i.e. for older building issued under older legislation, for buildings that are constructed without the necessary approvals and for strata titled buildings - to replace the Form 7 Strata Titles Regulations) - proposed fee of $180 based on 2 hours of officer time.
3. Certificate of Design Compliance for a building that is of any Class (2 fee categories - Class 1 & 10 and Class 2-9) (S 16 Act) and in an area outside the district of the City of Rockingham, such as to perform certification of say, another local government’s proposed building work:-
   - Class 1 & 10 Buildings - 0.13% of the estimated value of building work but not less than $90.
   - Class 2-9 Buildings - 0.09% of the estimated value of building work but not less than $90.
4. Fees for the provision of information and advice from Building Services regarding building matters - $90 per hour for both clerical and technical officers.
5. Fees for Codes Approval pursuant to the Residential Design Codes:-
   - Where an application requires the assessment of 2 variations, or that impact on 2 adjoining allotments, to the Acceptable Development provisions - $90, or
   - Where an application requires assessment of 3 or more variations, or that impact on 3 or more allotments, to the Acceptable Development provisions - $180, and
   - Application for a retrospective Residential Design Code variation - 2 x the application for a variation fee as specified above.
   - Where confirmation is sought that the proposal complies with the “acceptable development” criteria - $90.
6. Fee for Extension of time for a (temporary) Occupancy Permit or (limited time) Building Approval Certificate (S 65 Act) - $90.
7. Provision of copies of building records (S 129, S 131 Act) - $90, plus copying charges.
8. Certification Service - Occupancy Permit for an Unauthorised Class 2-9 Building 0.10% of estimated value of building work but not less than $90.

4. Implications to Consider

a. Consultation with the Community

Local Government Act 1995 S 6.19 - If the local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local notice of-

a) Its intention to do so; and
b) The date from which it is proposed the fees or charges will be imposed.

The proposed fees and charges will require advertising (ie. give local notice) prior to inception in the local paper, the City's webpage and official noticeboards.

b. Consultation with Government Agencies

There is no requirement to consult with the Government, however, consultation has been ongoing with the Building Commission and various other local governments, particularly the City of Mandurah.

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 and legally and ethically compliant.

d. Policy

Nil

e. Financial

Fees will be required to be set by local government pursuant to S 6.16 Local Government Act 1995 "imposition of fees and charges", for those as set out in this report, however, other fees are to be set by statute (regulations are only at the "Drafting Instruction" stage as at November 2011) and will come into operation when determined by the Building Commission - expected to be 1st January 2012.

The fees set will be subject to a Goods and Services Tax (GST) of 10%.

f. Legal and Statutory

S 6.16 LGAct 1995 allows for fees to be charged for a service provided, providing information or receiving an application, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate. (Section 6.16(2) (b), (c) & (d)).

In determining the fee to be set consideration needs be given to the "cost of providing the service or goods", (S 6.17(2)(a) LGAct 1995) and the "price at which the service or goods could be provided by an alternative provider" (S 6.17(2)(c) LGAct 1995).

Information provided by the Building Commission indicates that the document “Building Act 2011: proposed fee modelling for permit authorities” researched a number of areas to arrive at fee structure proposed and that process informed the officers at the City of Mandurah when fee setting was undertaken. It is noted within the "Details" portion of this Report that approximations of time taken to perform certain functions was used to determine the fees.

It should be noted that some of the matters for which fees are raised may, upon review by the Building Commission, no longer fit within the province of local government duties in which case those fees and charges will be removed from the Budget.
5. Comments

The Building Act 2011 has, in name only, been adopted to date and it is expected that the rest of the provisions will be implemented by 1st January 2012, however, this is subject to the Minister, the Building Commissioner and others to determine and may be subject to change. Hence the fees and charges may also be subject to change or addition/deletion.

Modifications will be tabled as and when required should that occur and the general review will be undertaken on an annual basis as required by the Local Government Act 1995.

6. Voting Requirements

Absolute Majority

7. Officer Recommendation

That Council ADOPT, pursuant to section 6.16 of the Local Government Act 1995, the following Building Services fees and charges required as a consequence of, and to be implemented by the proclamation date of the Building Act 2011:-

1. **Certificate of Construction Compliance** - certificate issued by a registered building surveyor certifying that the building has been constructed in accordance the certificate of design compliance, the Building Permit and that the building is fit for occupation - proposed fee of $180 based on 2 hours officer time.

2. **Certificate of Building Compliance** - a certificate signed by a registered building surveyor certifies that an existing building complies with the relevant building standards (i.e. for older building issued under older legislation, for buildings that are constructed without the necessary approvals and for strata titled buildings- to replace the Form 7 Strata Titles Regulations)- proposed fee of $180 based on 2 hours of officer time.

3. **Certificate of Design Compliance** for a building that is of any Class (2 fee categories - Class 1 & 10, and Class 2-9) (S 16 Act) and in an area outside the district of the City of Rockingham - such as to perform certification of, say, another local government’s proposed building work:-
   - Class 1 & 10 Buildings - 0.13% of the estimated value of building work but not less than $90.
   - Class 2-9 Buildings - 0.09% of the estimated value of building work but not less than $90.

4. **Fees for the provision of information and advice from Building Services regarding building matters** - $90 per hour for both clerical and technical officers.

5. **Fees for R-Codes Approval** pursuant to the Residential Design Codes:-
   - Where an application requires the assessment of 2 variations, or that impact on 2 adjoining allotments, to the Acceptable Development provisions - $90, or
   - Where an application requires assessment of 3 or more variations, or that impact on 3 or more allotments, to the Acceptable Development provisions - $180, and
   - Application for a retrospective Residential Design Code variation - 2 x the application for a variation fee as specified above.
   - Where confirmation is sought that the proposal complies with the “acceptable development” criteria - $90.

6. **Fee for Extension of time** for a (temporary) Occupancy Permit or (limited time) Building Approval Certificate (S 65 Act) - $90.

7. **Provision of copies of building records** (S 129, S 131 Act) - $90, plus copying charges.

8. **Certification Service** - Occupancy Permit for an Unauthorised Class 2-9 Building 0.10% of estimated value of building work but not less than $90.

Note:- All the above fees are subject to GST of 10% except *
8. Committee Recommendation

That consideration of this item be DEFERRED pending Officer assessment of the Draft Building Regulations 2011, released by the Building Commission on the 25th November 2011.

Committee Voting – 4/0

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

At the time of preparing the Report, the Draft Building Regulations 2011 had not been released by the Building Commission, and the City was working towards an implementation date of the 1st January 2012. This date has now been shifted to the 2nd April 2012.

With the release of the Draft Regulations, City Officer assessment will be necessary to identify if any further changes are required to the new Fee Structure.

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

Not applicable

4.10pm - Mr Richard Rodgers, Manager, Building Services left the Planning Services Standing Committee meeting.
1. **Purpose of Report**

To consider adopting the Specific Purpose Strategy for the ‘Local Water Action Plan’.

2. **Background**

The City of Rockingham ‘Community Plan’ was adopted by the Council in March 2011 and launched by the Minister for Local Government in May 2011.

The Community Plan was prepared following an extensive research and consultation process.
To create the basis for the Plan, more than 4000 households were invited to participate in a series of five community workshops during August and September 2010. The workshops identified five Key Focus Areas for local residents of ‘Community’, ‘Infrastructure and Services’, ‘Environment and Land Use’ and ‘Civic Leadership’.

Each Key Focus Area covers four related Aspirations (16 in total), as follows:-

- **Community**
  - Specific or Special Needs (Youth, Seniors, People with Disabilities etc)
  - Safety
  - Culture, Arts & Education
  - Health & Recreation

- **Infrastructure and Services**
  - Infrastructure Construction & Maintenance
  - Facilities & Services
  - Infrastructure Planning
  - Alternative Transport Systems

- **Environment and Land Use**
  - Climate Change
  - Coastal & Bushland Reserves
  - Land Use & Development Control
  - Carbon Footprint & Waste Reduction

- **Civic Leadership**
  - Image & Self Esteem
  - Economic Development
  - Governance
  - Community Engagement

The Aspirations are then supported by a range of activities, identified in Specific Purpose strategies. Specific Purpose Strategies are key to the achievement of the Aspirations in the Community Plan, and drive the content of the Team Plans, Asset Management Plan and Infrastructure Projects Plan.
All implementation actions identified in Specific Purpose Strategies are represented in Team Plans.

3. Details

This Specific Purpose Strategy deals with the ‘Local Water Action Plan’ activity, listed under ‘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’.

The relationship between the Community Plan Aspiration, the purpose of the Strategy and the Key Elements (which are required to successfully implement the Strategy) is shown below.

The purpose of the ‘Local Water Action Plan’ Specific Purpose Strategy is to provide a framework to manage, in a sustainable manner, the water resources used and influenced by Council and the community.
Once implemented, there will be a range of positive outcomes including:
- reduced operating costs
- increased water quality; and
- reduce water consumption.

A copy of the Specific Purpose Strategy ‘Local Water Action Plan’ is attached.

### 4. Implications to Consider

a. **Consultation with the Community**

   Nil

b. **Consultation with Government Agencies**

   The Local Water Action Plan was prepared in consultation with the International Council for Local Government Environmental Initiatives (ICLEI).

c. **Strategic Community Plan**

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

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

d. **Policy**

   Nil

e. **Financial**

   Costs of implementation are contained within the Specific Purpose Strategy.

f. **Legal and Statutory**

   Nil

### 5. Comments

The Specific Purpose Strategy details the required actions of implementing the adopted Local Water Action Plan for the City of Rockingham.

It sets out the expected timeframes and costs that the City is likely to incur in implementing the approved Local Water Action Plan.

It is recommended that Council adopt the Specific Purpose Strategy ‘Local Water Action Plan’.

### 6. Voting Requirements

Simple Majority.

### 7. Officer Recommendation


### 8. Committee Recommendation


Committee Voting - 4/0
9. The Committee’s Reason for Varying the Officer’s Recommendation

Not applicable

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

Not applicable
1. **Purpose of Report**

To consider adopting the Specific Purpose Strategy for the 'Corporate Local Action Plan on Greenhouse Gas Emissions'.

2. **Background**

The City of Rockingham 'Community Plan' was adopted by the Council in March 2011 and launched by the Minister for Local Government in May 2011. The Community Plan was prepared following an extensive research and consultation process.
To create the basis for the Plan, more than 4000 households were invited to participate in a series of five community workshops during August and September 2010. The workshops identified five Key Focus Areas for local residents of ‘Community’, ‘Infrastructure and Services’, ‘Environment and Land Use’ and ‘Civic Leadership’.

Each Key Focus Area covers four related Aspirations (16 in total), as follows:-

The Aspirations are then supported by a range of activities, identified in Specific Purpose Strategies. Specific Purpose Strategies are key to the achievement of the Aspirations in the Community Plan, and drive the content of the Team Plans, Asset Management Plan and Infrastructure Projects Plan.
3. Details

This Specific Purpose Strategy deals with the 'Corporate Local Action Plan on Greenhouse Gas Emissions' activity, listed under 'Aspiration 9 - Planning systems, infrastructure standards and community awareness programs that serve to acknowledge and mitigate the impacts of climate change'.

The relationship between the Community Plan Aspiration, the purpose of the Strategy and the Key Elements (which are required to successfully implement the Strategy) is shown below.

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**Aspiration 9**
Planning systems, infrastructure standards and community awareness programs that serve to acknowledge and mitigate the impacts of climate change

**To reduce greenhouse gas emissions at both corporate and community levels**

**Key Element 1**
Greenhouse Gas Emission Targets and Strategies Centre Plan Statutory Framework
The purpose of the 'Corporate Local Action Plan on Greenhouse Gas Emissions' Specific Purpose Strategy is to set targets for greenhouse gas emissions reduction, and to implement strategies and actions to help achieve those targets as set out in the Corporate Local Action Plan.

The Plan is regularly reviewed to ensure that it is current and to enable actions to be modified and priorities to be re-set.

In time, the Corporate Local Action Plan will be incorporated and aligned with the Climate Change Response Plan.

A copy of the Specific Purpose Strategy 'Corporate Local Action Plan on Greenhouse Gas Emissions' is attached.

4. Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

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 9:** Planning systems, infrastructure standards and community awareness programs that serve to acknowledge and mitigate the impacts of climate change.

d. Policy
   Nil

e. Financial
   Costs of implementation are contained within the Specific Purpose Strategy.

f. Legal and Statutory
   Nil

5. Comments

The Specific Purpose Strategy details the required actions of implementing the adopted Corporate Local Action Plan for the City of Rockingham.

It sets out the expected time frames and costs that the City is likely to incur in implementing the approved Corporate Local Action Plan.

It is recommended that Council adopt the Specific Purpose Strategy 'Corporate Local Action Plan on Greenhouse Gas Emissions'.

6. Voting Requirements

Simple Majority.

7. Officer Recommendation

### 8. Committee Recommendation


Committee Voting - 4/0

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

Not applicable

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

Not applicable
1. **Purpose of Report**

To consider adopting Scheme Amendment No.114 for Final Approval, introducing a Development Contribution Plan ('DCP') to assist in the funding of community infrastructure in accordance with State Planning Policy 3.6 - Development Contributions for Infrastructure ('SPP3.6').

2. **Background**

SPP3.6 was gazetted on the 20th November 2009. The objectives of the SPP3.6 are to:-
- promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
Planning Services Committee Minutes
Monday 5 December 2011

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 20 FEBRUARY 2012

- ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- ensure consistency and transparency in the system for apportioning, collecting and spending the development contributions; and
- ensure the social well-being of communities arising from, or affected by, development.

SPP3.6 contains draft Model Scheme Text provisions which are to be incorporated in Town Planning Schemes to facilitate the implementation of development contributions for infrastructure.

In June 2010, the Council resolved to initiate Amendment No.101 to Town Planning Scheme No.2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure, as set out in SPP3.6.

Amendment No.101 was adopted by the Council in October 2010 and, following approval by the Minister, gazetted on the 12th April 2011.

In May 2011, the Council resolved to adopt (initiate) Amendment No.114 to Town Planning Scheme No.2 (TPS2) to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure through the introduction of Development Contribution Plan No.2.

3. **Details**

The proposed Scheme Amendment essentially comprises two parts:

(i) Modifications to the provisions of clause 5.6; and

(ii) Introduction of a DCP under clause 5.6.

The Scheme Amendment seeks to fund the provision of the following community infrastructure (as identified in the Community Infrastructure Plan):

- Lark Hill Sportsplex Stage 2
- Secret Harbour Surf Club Redevelopment
- Rockingham Youth Recreation Space Redevelopment
- Baldivis District Sporting Complex
- Kent Street Community Arts Centre
- Rockingham Youth Venue
- Baldivis Indoor Recreation Centre
- Rockingham Aquatic Centre Redevelopment/Relocation
- Aqua Jetty Stage 2
- Baldivis Library and Community Centre
- Secret Harbour Community Library
- Baldivis Youth Recreation Space
- Stan Twight Reserve Active POS Clubroom Redevelopment
- Lawrie Stanford Reserve Active POS Master Plan
- Lot 1507 Active POS Development
- Baldivis South Youth Recreation Space
- Waikiki / Warnbro Youth Recreation Space
- Port Kennedy Outdoor Sport and Recreation Hardcourts
- Rhonda Scarrott Reserve Active POS Masterplan
- Baldivis South Active POS Development
- Baldivis South Multipurpose Community Centre
- Baldivis South HS Outdoor Sport and Recreation Hardcourts
- Baldivis Primary School Shared Use Reserve

The draft DCP can be summarised as follows:-

- The infrastructure to be funded through the DCP, as set out above, has been identified in the City’s Community Infrastructure Plan and incorporated in the draft Business Plan.

- The Development Contribution Area (ie. the land to which the Plan applies) includes all land where the Scheme provides for the development of dwellings or the subdivision of land that can be developed with a dwelling or dwellings. This primarily includes land zoned Residential, Rural, Special Rural, Special Residential, Development, Primary Centre City Centre and Baldivis Town Centre, although it can include other zones where the development of dwellings is proposed.

- The Keralup area is not currently included in the Development Contribution Area, as the land is not yet zoned for urban development. The inclusion of Keralup into the Development Contribution Area will need to be considered if or when the land is zoned appropriately.

- In accordance with SPP3.6, contributions are demand based under the Plan, meaning that Owner's are only required to contribute an amount that is proportional to the overall demand generated by its development. The effect of this arrangement is that the City is responsible for funding, through Municipal Funds, an amount proportional to the demand generated by existing development at the time the Plan is gazetted. The proportion of the City's contribution varies according to the amount of existing development (ie. the City must make a higher contribution in established areas than developing areas). A detailed breakdown of the estimated Municipal contribution, and the anticipated revenue from contributions under the DCP, is set out in the Cost Apportionment Schedule (Section 6 of the DCP Report).

- The calculations utilised to determine contributions are set out in sections 8, 9 and 10 of the DCP.

- In order to apply to both development and subdivision, the calculations in the DCP are based on the number of "Dwelling Units" being created. "Dwelling Units" is defined in the DCP and generally includes lots being created through subdivision and dwellings being created through development.

- In accordance with SPP3.6, the DCP requires, where practicable, for the City to return any excess funds to the Owner's in the event of excess funds being available when all contributions have been accounted.

- By adopting the DCP, the City is committing to the provision of infrastructure identified.

4. Implications to Consider

a. Consultation with the Community

The Scheme Amendment was advertised for public comment in the following manner:-

(i) Publishing a notice in the Weekend Courier on two occasions (15th and 22nd July 2011);

(ii) Displaying a notice in the City's offices;

(iii) Including a notice and details of the proposal on the City's website;

(iv) Advising relevant industry groups (the Urban Development Institute of Australia, Housing Industry Association, and Property Council of Australia) in writing; and

(v) Advising owners of substantial undeveloped urban land.

The public comment period closed on the 31st August 2011, following a period of 47 days. At the conclusion of the advertising period, fifteen (15) submissions were received. The key issues raised in the submissions are summarised as follows:

- community infrastructure should be funded through rates and the City is double dipping as owners already pay rates;
- the 20 year timeframe is not supported as it is inconsistent with SPP3.6 and infrastructure requirements may change over such a long time;
- consultation has been inadequate;
- the City does not have the legal ability to enforce cost contributions or apply cost contributions without subdivision conditions;
- contributions should not be required for aspects of infrastructure that can produce income;
- contributions shouldn’t be payable until the WAPC issues final approval of subdivision;
- timing for provision of infrastructure should be fixed and timing should be linked to development;
- pre-indexing of cost estimates is not supported and will result in early developers effectively paying more than later developers in real terms;
- the inclusion of borrowing costs is not supported;
- the inclusion of legal representation and arbitration costs is not supported;
- the Development Contribution Plan should be split into smaller Plans with shorter timeframes;
- applying contributions as a cost per dwelling is not supported and a cost per hectare should be applied;
- contributions should factor in the size of dwellings;
- including costs already incurred is not supported;
- the Scheme should recognise the discharge of obligations so as to confirm that payment is final;
- suggested change to dwelling unit definition to exclude lots being created for public and non-residential purposes;
- refunds should occur when each infrastructure item is completed, if it is lower than what was charged;
- the City has not demonstrated demand/need for infrastructure and there is unnecessary duplication of facilities;
- the City needs to demonstrate that it can deliver and manage the facilities;
- the Community Infrastructure Plan should be reviewed when the DCP is reviewed (at least every 5 years);
- there is insufficient nexus between development and infrastructure (primarily in terms of distance from infrastructure) and contributions should be proportioned according to expected usage;
- some facilities perform both local and district functions and the rate of contributions should reflect this;
- interest accrued has not been factored in;
- credit should be given for previous contributions to community infrastructure;
- population forecasts utilised by the City over estimate growth and are higher than state forecasts;
- an assumption/estimate of grants and external funding should be applied; and
- clarification is required as to what occurs if grants are received or costs change.

In response to the matters raised in submissions, the following comment is provided:
**Submission:** Community infrastructure should be funded through rates and the City is double dipping as owners already pay rates.

Comment: SPP3.6 allows the City to require contributions from developers towards the provision of infrastructure. It is anticipated that the City will receive approximately $48 million in contributions over 20 years of the DCP is introduced. If the City was to choose not to proceed with the DCP, it would need to either:

(i) introduce a substantial immediate increase over and above the City’s normal rate increases; or
(ii) significantly delay or reduce the provision of community infrastructure.

**Submission:** The 20 year timeframe is not supported as it is inconsistent with SPP3.6 and infrastructure requirements may change over such a long time.

SPP3.6 does not restrict DCP’s to a maximum period of operation, and the notes in the associated draft Model Scheme Text state that a longer period may be appropriate depending on the particular circumstances of the development contribution area. It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for the development of existing urban growth areas in the City.

Given the City is prefunding infrastructure, a 20 year timeframe is considered appropriate to give the City certainty that the DCP will operate until development is complete.

It is noted that a 20 year timeframe has been approved by the Hon Minister for Planning for a similar DCP within the City of Cockburn.

**Submission:** Consultation has been inadequate.

Full and proper consultation has been undertaken in accordance with the requirements of the Town Planning Regulations 1967, as outlined in section 4(a) above. It is also noted that the Community Infrastructure Plan was advertised for public comment prior to the DCP being initiated. In the circumstances, it is considered that appropriate opportunity has been provided for public consideration and comment on the Amendment.

**Submission:** The City does not have the legal ability to enforce cost contributions or apply cost contributions without subdivision conditions.

Amendment No. 114 is being made by the City in response to SPP 3.6 (Development Contributions for Infrastructure). More specifically, TPS2 and Amendment No. 114 are consistent with the draft model text provisions for incorporation into local planning schemes set out in Appendix 2 of SPP 3.6. The City is one of a number of local governments implementing SPP 3.6 by making scheme provisions consistent with those set out in SPP 3.6.

Under the existing provisions of clause 5.6 of TPS2, liability for “Cost Contributions” can arise when the WAPC endorses its approval on a plan of subdivision. This is so regardless of when approval to subdivide was granted and regardless of whether such an approval was granted prior to Amendment No. 114 coming into operation. Liability to meet the Cost Contributions arises under the Scheme itself and not by reason of any conditions of subdivision approval. The provisions to this effect are consistent with the model text provisions set out in SPP 3.6.
Submission: Contributions should not be required for aspects of infrastructure that can produce income.

It is not appropriate to require development contributions towards commercial operations that may be operated on a profit making basis, and Amendment No.114 to does not propose to require contributions for such.

Submission: Contributions shouldn’t be payable until the WAPC issues final approval of subdivision.

SPP3.6 clearly states, under section 5.3.3, that development contributions become due and payable as part of the subdivision clearance process or prior to the commencement of development, and that the clearance of deposited plans should not occur until full payment has been finalised. This is consistent with current WAPC practice.

It is also considered that deferring payment of contributions until the WAPC issues final approval is impractical, as payment is made to the Local Government which must certify that the relevant condition of subdivision approval has been satisfied.

It is noted that there is an inconsistency between SPP3.6 and the draft Model Scheme Text, which is proposed to be addressed through Amendment No.114. In this regard, SPP3.6 holds greater weight than the draft Model Scheme Text.

Submission: Timing for provision of infrastructure should be fixed and timing should be linked to development.

It is appropriate that the DCP provide flexibility to defer or bring forward the provision of infrastructure according to the timing of development. Specifying a set threshold for the provision of infrastructure is not supported, as such an approach is likely to require the provision of infrastructure within the same timeframe, which is not realistic to deliver.

In any event, the City has demonstrated that it can deliver the early provision of infrastructure, with the majority to be provided within the first 10 years, through pre-funding.

It is noted that the Hon Minister for Planning did not require the timing of infrastructure to be set in a similar DCP within the City of Cockburn. In this regard, the City of Cockburn referred to timing set out in the Community Infrastructure Plan which, appropriately, is capable of being reviewed on a regular basis.

Submission: Pre-indexing of cost estimates is not supported and will result in early developers effectively paying more than later developers in real terms.

The inclusion of adjusted estimates in the Development Contribution Plan Report, indexed to take into account forecast inflation, is considered appropriate and consistent with the intent of SPP3.6 and the Scheme.

Basing contributions on a non-indexed estimate would result in a shortfall, given the provision of infrastructure is being brought forward as much as possible and expenditure is planned to precede income, resulting in no interest being accrued.

In any event, it is a reality of DCPs prepared under SPP3.6 that later developers will ultimately pay less in real terms, as the cost contributions must be based on actual costs once infrastructure has been completed. Given the City is bringing forward the provision of infrastructure, cost contributions will gradually be fixed over the first ten years, with the result that later developers will likely pay a fixed contribution that can not be adjusted for inflation.
**Submission: The inclusion of borrowing costs is not supported.**

In order to deliver infrastructure as early as possible, consistent with the expectations of the development industry, it may be necessary for the City to borrow funds that would be repaid through development contributions.

The inclusion of borrowing costs, as they relate to the pre-funding of development contributions, is a legitimate cost that may be recovered through development contributions and is consistent with the intent of SPP3.6.

Notwithstanding, it is not the City's intention to seek the recovering of borrowing costs at this stage, and the City has not factored such into the preparation of its Business Plan. Should the City's proposed approach to the calculation of contributions be modified, particularly with respect to the indexing of cost estimates, the City may need to reconsider its position and it is therefore considered appropriate to retain the ability to include borrowing costs at this stage.

**Submission: The inclusion of legal representation and arbitration costs is not supported.**

Costs for legal representation and arbitration are a legitimate cost of implementing the DCP, are consistent with the intent of SPP3.6, and should be included.

**Submission: The Development Contribution Plan should be split into smaller Plans with shorter timeframes.**

Splitting the DCP into smaller DCP's will not deliver any improvement in functionality and will increase the cost of administering the Scheme.

**Submission: Applying contributions as a cost per dwelling is not supported and a cost per hectare should be applied.**

It is considered that calculating cost contributions on a per dwelling basis provides the closest possible relationship between the development and its contribution to facilities. Calculating contributions on a per hectare approach basis cannot be reasonably applied to infill development, and will result in inequitable outcomes for owners of larger greenfield sites as development yields are likely to vary considerably.

**Submission: Contributions should factor in the size of dwellings.**

The calculation of contributions based on the size of dwellings is not appropriate or feasible, as there is no basis for forecasting the size of dwellings.

**Submission: Including costs already incurred is not supported.**

Section 5.1 of SPP3.6 clearly provides for costs incurred in the preparation of the DCP to be included.
<table>
<thead>
<tr>
<th>Submission: The Scheme should recognise the discharge of obligations so as to confirm that payment is final.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under clause 5.6.12 of TPS2, it is not mandatory that cost contributions be treated as final if they are based on estimated costs (i.e., in circumstances where all infrastructure has not been completed and the final cost is not known). Clause 5.6.12.4(b) states, however, that the City may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the Owner accordingly. It is the City's intention to treat contributions as final, with the agreement of Owners. It is appropriate that such an agreement confirm and recognise that an Owners contribution discharges its obligation with respect to the relevant development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission: Suggested change to dwelling unit definition to exclude lots being created for public and non-residential purposes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is the intent of the DCP that owners not be required to make contributions for lots that are being created for public and non-residential purposes. It is considered that the Amendment can be modified to further clarify where contributions are not required, by amended the definition of ‘Dwelling Unit’ in section 4(1) of the DCP as follows:</td>
</tr>
<tr>
<td>“Dwelling Unit”</td>
</tr>
<tr>
<td>(a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;</td>
</tr>
<tr>
<td>(b) in the case of the proposed development, means a dwelling which is the subject of the proposed development,</td>
</tr>
<tr>
<td>but excludes:</td>
</tr>
<tr>
<td>(i) any lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which is used or approved for use in accordance with a development approval, for any purpose other than a dwelling;</td>
</tr>
<tr>
<td>(ii) any lot referred to in paragraph (a) which is shown on an approved plan of the subdivision for any of the purposes specified in section 152(1) of the Act; or</td>
</tr>
<tr>
<td>(iii) any common property as that term is defined in the Strata Titles Act 1985.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission: Refunds should occur when each infrastructure item is completed, if it is lower than what was charged.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 5.6.18.2 of TPS2 requires the City, in the event that excess funds are available upon completion of the DCP, to refund the excess funds to contributing Owners. Where it is not reasonably practical to identify Owners and the entitled amount, TPS2 requires the excess funds to be applied for the provision of additional facilities or improvements in the area. The request to consider refunds upon completion of each infrastructure item is inconsistent with TPS2 and SPP3.6. In any event, it should be noted that, where contributions are based on estimated costs, it is likely that the actual cost for each item of infrastructure may prove to be either above or below the estimated costs that were applied when an Owners contribution was calculated. As such, it is not considered appropriate to review final contributions when each individual item of infrastructure is completed.</td>
</tr>
</tbody>
</table>
**Submission: the City has not demonstrated demand/need for infrastructure and there is unnecessary duplication of facilities.**

The Community Infrastructure Plan has demonstrated need based on analysis of current and future community profile, existing facilities and appropriate standards of provision. It is in the City's interest to avoid any unnecessary duplication given a substantial portion of costs for providing infrastructure, along with the full cost of management and maintenance, is funded by the City.

**Submission: the City needs to demonstrate that it can deliver and manage the facilities.**

The infrastructure identified in the Community Infrastructure Plan has been incorporated in the City's Business Plan 2012/13 - 2021/22, which demonstrates the City's capacity to deliver and manage the facilities into the future.

**Submission: the Community Infrastructure Plan should be reviewed when the DCP is reviewed (at least every 5 years).**

Substantial review of the DCP, which is required at least every 5 years, will need to incorporate a review of supporting documentation, including the Community Infrastructure Plan and Business Plan.

**Submission: there is insufficient nexus between development and infrastructure (primarily in terms of distance from infrastructure) and contributions should be proportioned according to expected usage**

The catchments are based on standards for the provision of infrastructure, which provide a ratio of facilities per head of population. It is not possible to quantify a detailed breakdown of usage from within the catchment.

**Submission: Some facilities perform both local and district functions and the rate of contributions should reflect this.**

The function of the facilities varies according to its status, with higher order facilities providing greater amenity and a broader range of services.

**Submission: Interest accrued has not been factored in.**

Given the City is pre-funding infrastructure to deliver such as early as possible, expenditure is expected to exceed income and substantial interest is not expected to be accrued.

**Submission: Credit should be given for previous contributions to community infrastructure.**

TPS2 allows an Owner, with agreement of the City, to pay by transferring land or developing physical infrastructure. Credit can only be given, however, for community infrastructure identified in the DCP.
**Submission: Population forecasts utilised by the City over estimate growth and are higher than state forecasts.**

Population projections prepared by forecast.id are more conservative than those released by the ABS and generally reflect long term growth rates for the City.

**Submission: An assumption/estimate of grants and external funding should be applied.**

Grants and external funding should not be assumed, as it will likely result in a shortfall in funds. The scheme provides for the return of monies in the event that the securing of grants or external funding results in an excess of funds upon the conclusion of the DCP.

**Submission: Clarification is required as to what occurs if grants are received or costs change.**

If parties agree that payment is final, in accordance with clause 5.6.12.4(b) discussed earlier, there will be no adjustment unless there is a surplus upon completion.

A full copy of all submissions received is included in the Schedule of Submissions.

b. **Consultation with Government Agencies**

Consultation with Government Agencies was not considered necessary for the proposed Amendment.

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 5:** Community facilities delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods.

d. **Policy**

Nil

e. **Financial**

The financial implications of the proposed DCP have been considered in the preparation of the Business Plan 2012/13 - 2021/22 adopted by Council in November 2011.

f. **Legal and Statutory**

State Planning Policy 3.6 - Development Contributions for Infrastructure, as adopted by the Western Australian Planning Commission under Section 26 of the Planning and Development Act 2005 ("the Act"), provides the statutory framework for the preparation of Development Contribution Plans. Section 77 of the Act requires a local government to have due regard to any State Planning Policy in preparing or amending a local planning scheme.

In accordance with the Town Planning Regulations 1967, the Council is required to consider all submissions made within 42 days of the publication of the advertisement and submit to the WAPC, for recommendation to the Minister for Planning, its decision to proceed or not to proceed with the Amendment.
5. Comments

Amendment No.114

The proposed Development Contribution Plan No.2, and associated modifications to Town Planning Scheme No.2, are consistent with the intent of State Planning Policy 3.6. The DCP represents an effective and relatively affordable mechanism to facilitate the early provision of essential community infrastructure for the City's growing population.

Consideration of the submissions received during public consultation has identified a need to further clarify the definition of 'Dwelling Unit', to ensure that the intent of the Scheme Amendment, to only apply contributions to the creation of lots capable of being developed with dwellings, is satisfied.

It has also been identified that the catchment for Rhonda Scarrott reserve was incorrectly identified as only including the Golden Bay Sub-Area, when the Community Infrastructure Plan identifies the catchment as also including the Singleton Sub-Area. It is recommended that this discrepancy be addressed by modifying Development Contribution Plan No.2 to identify the catchment for the Rhonda Scarrott Reserve as being both the Golden Bay and Singleton Sub-Areas.

In this regard, it is recommended that the Amendment be adopted for Final Approval subject to the following modifications:-

(i) Modifying Clause 4(1) of Development Contribution Plan No.2 as follows:

“Dwelling Unit”

(a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;

(b) in the case of the proposed development, means a dwelling which is the subject of the proposed development, but excludes:

(i) any lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which is used or approved for use in accordance with a development approval, for any purpose other than a dwelling;

(ii) any lot referred to in paragraph (a) which is shown on an approved plan of the subdivision for any of the purposes specified in section 152(1) of the Act; or

(iii) any common property as that term is defined in the Strata Titles Act 1985.

(ii) Development Contribution Plan No.2 to identify the catchment for the Rhonda Scarrott Reserve as being both the Golden Bay and Singleton Sub-Areas.

Development Contribution Plan Report

Submissions received during the public consultation period raised the following matters of relevance to the Development Contribution Plan Report, and particularly with respect to the calculation of cost estimates:

- pre-indexing of cost estimates is not supported and will result in early developers effectively paying more than later developers in real terms;
- the inclusion of borrowing costs is not supported;
- the inclusion of legal representation and arbitration costs is not supported;
- including costs already incurred is not supported; and
- an assumption/estimate of grants and external funding should be applied.
These matters are addressed in section 4a of this report.
Since initiation of the Amendment in May 2011, the content of the Development Contribution Plan Report has been further reviewed as follows:-

(i) more detailed concept plans for the various infrastructure items has been prepared;
(ii) the cost estimates have been reviewed by a Quantity Surveyor;
(iii) additional grants have been secured for the Baldivis Library; and
(iii) the timing of infrastructure has been reviewed in association with review of the City's Business Plan, with the timing for the Baldivis District Sporting Complex (Works) brought forward two years to 2021/22.

As a result of the above, the Development Contribution Plan Report has been updated and the estimated contributions per 'Dwelling Unit' revised as follows:-

<table>
<thead>
<tr>
<th>Sub-Area</th>
<th>Contribution ($ per Dwelling Unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>July 2011 (as advertised)</td>
</tr>
<tr>
<td>Baldivis North</td>
<td>$2,579</td>
</tr>
<tr>
<td>Baldivis South</td>
<td>$3,282</td>
</tr>
<tr>
<td>Cooeeongup</td>
<td>$1,926</td>
</tr>
<tr>
<td>Golden Bay</td>
<td>$2,916</td>
</tr>
<tr>
<td>Hillman</td>
<td>$1,926</td>
</tr>
<tr>
<td>Karnup</td>
<td>$1,768</td>
</tr>
<tr>
<td>Port Kennedy</td>
<td>$1,811</td>
</tr>
<tr>
<td>Rockingham</td>
<td>$1,926</td>
</tr>
<tr>
<td>Safety Bay</td>
<td>$1,926</td>
</tr>
<tr>
<td>Secret Harbour</td>
<td>$2,513</td>
</tr>
<tr>
<td>Shoalwater</td>
<td>$1,926</td>
</tr>
<tr>
<td>Singleton</td>
<td>$2,513</td>
</tr>
<tr>
<td>Waikiki</td>
<td>$1,800</td>
</tr>
<tr>
<td>Warnbro</td>
<td>$1,800</td>
</tr>
</tbody>
</table>

The table below outlines the amended priority and timing of infrastructure:

<table>
<thead>
<tr>
<th>Priority</th>
<th>Project</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>Lark Hill Stage 2</td>
<td>2026/27</td>
</tr>
<tr>
<td>3</td>
<td>Secret Harbour Surf Life Saving Club Redevelopment</td>
<td>2013/14</td>
</tr>
<tr>
<td>17</td>
<td>Rockingham Youth Recreation Space Redevelopment</td>
<td>2020/21</td>
</tr>
<tr>
<td></td>
<td>Project Description</td>
<td>Year</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>5</td>
<td>Baldivis District Sporting Complex (Land Acquisition)</td>
<td>2014/15</td>
</tr>
<tr>
<td>22</td>
<td>Baldivis District Sporting Complex (Works)</td>
<td>2021/22</td>
</tr>
<tr>
<td></td>
<td>Kent Street Community Arts Centre</td>
<td>2011/12</td>
</tr>
<tr>
<td></td>
<td>Rockingham Youth Venue</td>
<td>2016/17</td>
</tr>
<tr>
<td>14</td>
<td>Baldivis Indoor Recreation Centre</td>
<td>2019/20</td>
</tr>
<tr>
<td>13</td>
<td>Rockingham Aquatic Centre Redevelopment/Relocation</td>
<td>2018/19</td>
</tr>
<tr>
<td>3</td>
<td>Aqua Jetty Stage 2</td>
<td>2025/26</td>
</tr>
<tr>
<td>2</td>
<td>Baldivis Library &amp; Community Centre</td>
<td>2012/13</td>
</tr>
<tr>
<td>10</td>
<td>Secret Harbour Community Library</td>
<td>2016/17</td>
</tr>
<tr>
<td>15</td>
<td>Baldivis Youth Recreation Space</td>
<td>2020/21</td>
</tr>
<tr>
<td>6</td>
<td>Stan Twilight Reserve Active POS Clubroom Redevelopment</td>
<td>2020/21</td>
</tr>
<tr>
<td>7</td>
<td>Lawrie Stanford Reserve Active POS Master Plan</td>
<td>2015/16</td>
</tr>
<tr>
<td>18</td>
<td>Baldivis South Youth Recreation Space</td>
<td>2020/21</td>
</tr>
<tr>
<td>19</td>
<td>Waikiki / Warnbro Youth Recreation Space</td>
<td>2020/21</td>
</tr>
<tr>
<td>20</td>
<td>Port Kennedy Outdoor Sport and Recreation Hardcourts</td>
<td>2020/21</td>
</tr>
<tr>
<td>8</td>
<td>Rhonda Scarrott Reserve Active POS Master Plan</td>
<td>2015/16</td>
</tr>
<tr>
<td>11</td>
<td>Baldivis South Active POS Development</td>
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</tr>
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<td>12</td>
<td>Baldivis South Multipurpose Community Centre</td>
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<td>21</td>
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</tr>
<tr>
<td>4</td>
<td>Baldivis Primary Shared Use Reserve</td>
<td>2013/14</td>
</tr>
</tbody>
</table>

A copy of the revised Development Contribution Report is attached.
It is recommended that the updated Development Contribution Plan Report, dated November 2011, be adopted.

### 6. Voting Requirements

Simple Majority
7. **Officer Recommendation**

That Council:

1. **ADOPT** for Final Approval Amendment No.97 to Town Planning Scheme No.2, subject to the following modifications (in bold):

   (i) Modifying Clause 4(1) of Development Contribution Plan No.2 as follows:

   In this Plan:

   “Dwelling Unit”

   (a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;

   (b) in the case of the proposed development, means a dwelling which is the subject of the proposed development,

   but excludes:

   (i) any lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which is used or approved for use in accordance with a development approval, for any purpose other than a dwelling;

   (ii) any lot referred to in paragraph (a) which is shown on an approved plan of the subdivision for any of the purposes specified in section 152(1) of the Act; or

   (iii) any common property as that term is defined in the Strata Titles Act 1985.

(ii) Modifying the Table under Clause 7 of Development Contribution Plan No.2 as follows:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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</thead>
<tbody>
<tr>
<td>Items of Infrastructure</td>
<td>Catchment Area to which the item applies</td>
</tr>
<tr>
<td>REGIONAL</td>
<td></td>
</tr>
<tr>
<td>(1) Lark Hill Sportsplex Stage 2</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>DISTRICT</td>
<td></td>
</tr>
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<td>(2) Secret Harbour Surf Club Redevelopment</td>
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<tr>
<td>SUB DISTRICT</td>
<td></td>
</tr>
<tr>
<td>(10) Baldivis Library and Community Centre</td>
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(14) Lawrie Stanford Reserve Active POS Master Plan  Secret Harbour Sub-Area, Golden Bay Sub-Area and Singleton Sub-Area
(15) Lot 1507 Active POS Development  Baldivis North Sub-Area and Baldivis South Sub-Area

NEIGHBOURHOOD
(16) Baldivis South Youth Recreation Space  Baldivis South Sub-Area
(17) Waikiki/Warnbro Youth Recreation Space  Waikiki Sub-Area and Warnbro Sub-Area
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(19) Rhonda Scarrott Reserve Active POS Masterplan  Golden Bay Sub-Area and Singleton Sub-Area
(20) Baldivis South Active POS Development  Baldivis South Sub-Area
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(22) Baldivis South HS Outdoor Sport and Recreation Hardcourts  Baldivis South Sub-Area
(23) Baldivis Primary School Shared Use Reserve  Baldivis North Sub-Area

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

8. **Committee Recommendation**

That Council:

1. **ADOPT** for Final Approval Amendment No.97 to Town Planning Scheme No.2, subject to the following modifications (in bold):
   (i) Modifying Clause 4(1) of Development Contribution Plan No.2 as follows:
      In this Plan:-
      "Dwelling Unit"
      (a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;
      (b) in the case of the proposed development, means a dwelling which is the subject of the proposed development,

      **but excludes:**
      (i) any lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which is used or approved for use in accordance with a development approval, for any purpose other than a dwelling;
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2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:-
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<td><strong>No. 1 Ms Mavis Pike for Estate T Smirk - 93 Rockingham Road, Rockingham WA 6168</strong>&lt;br&gt;This is a very unfair tax on owners of land who already pay one lot of rates and taxes for the property. This extra amount of contribution (tax) is for the benefit of the entire community, not just the current property owner. In fact Council is adding an extra cost to the developed land which in turn will be paid by the people who purchase the land. Generally speaking young people. I cannot see that developers will wear the cost of this. I am of the opinion that we can't always have everything we want immediately, sometimes we have to wait until we can afford it. This is no different, the community has to wait for the infrastructure until they can afford it (the council).&lt;br&gt;SPP3.6 was prepared to ensure the efficient provision of infrastructure and facilities to new urban areas, along with existing areas undergoing redevelopment. It acknowledges the increasing pressures on local government for the delivery of services, and that the capacity of local government to fund new infrastructure for future growth is limited.&lt;br&gt;It is anticipated that the City will receive approximately $48 million in contributions over 20 years of the DCP is introduced. If the City was to choose not to proceed with the DCP, it would need to either:&lt;br&gt;(i) Introduce an immediate and permanent 5% increase over and above the City's normal rate increases; or&lt;br&gt;(ii) Significantly delay or reduce the provision of community infrastructure.&lt;br&gt;That the submission be rejected.</td>
<td></td>
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<tr>
<td><strong>No. 2 - Debra Goostrey, The Urban Development Institute of Australia, Level 5, 150 St Georges Terrace, Perth WA 6000</strong>&lt;br&gt;The Urban Development Institute of Australia (UDIA WA) is pleased to provide comment on the draft Amendment No.114 to Town Planning Scheme No.2 - Development Contribution Plan No.2. UDIA (WA) is the peak body representing the urban land development industry in Western Australia. UDIA is a membership organisation with members drawn from the development, planning, valuation, engineering, environmental, market research and urban design professions.&lt;br&gt;Our membership also includes a number of key State Government agencies and Local Government Authorities from 1. SPP3.6 clearly states, under section 5.3.3, that development contributions become due and payable as part of the subdivision clearance process or prior to the commencement of development, and that the clearance of deposited plans should not occur until full payment has been finalised. This is consistent with current WAPC practice.&lt;br&gt;It is also considered that deferring payment of contributions until the WAPC issues final approval is impractical, as&lt;br&gt;That the submission be rejected.</td>
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</table>
| across the state. Nationally, UDIA represents the interests of thousands of members and includes all the major land development companies, both public and private, and specialist consultancy firms. UDIA recently met with Mr. Brett Ashby and Mr. Michael Quirk of the City of Rockingham to discuss the draft development contribution plan. While the methodology to determine the contributions for the various development contribution sub-areas appears to be rigorous there are departures from State Planning Policy 3.6 - Development Contributions for Community Infrastructure and the model scheme text that UDIA does not support. UDIA was closely involved with development of State Planning Policy 3.6 and we support the adoption of development contribution plans by local government where they are consistent with and comply with the principles of SPP 3.6. The principles are core to development contribution plans and should be included given the requirement for a DCP to demonstrate need and nexus, transparency and certainty amongst others. SPP 3.6 contains model text provisions with the intention that these be incorporated into Town Planning Schemes where a DCP is being implemented. The approach of the City of Rockingham to deviate from this is not supported by UDIA. Following are the key issues UDIA wishes to raise in response to the DCP. **Key Issues**

**1. Changes to the timing for payment of contributions**

The draft DCP proposes that payment is to be made once the City recommends to WAPC that conditions be cleared. Generally, payment is made when WAPC issues the final clearance on the DCP with the contribution payment being closely related to the creation of titles. We do not support the City’s approach to bring forward payment as there could be significant lead times between the when the local authority recommends to payment is made to the Local Government which must certify that the relevant condition of subdivision approval has been satisfied.

It is noted that there is an inconsistency between SPP3.6 and the draft Model Scheme Text, which is proposed to be addressed through Amendment No.114. In this regard, SPP3.6 holds greater weight than the draft Model Scheme Text.

2. SPP3.6 does not restrict DCP's to a maximum period of operation, and the notes in the associated draft Model Scheme Text state that a longer period may be appropriate depending on the particular circumstances of the development contribution area. It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for the development of existing urban growth areas in the City. Given the City is prefunding infrastructure, a 20 year timeframe is considered appropriate to give the City certainty that the DCP will operate until development is complete.

It is noted that a 20 year timeframe has been approved by the Hon Minister for Planning for a similar DCP within the City.
<table>
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<td>WAPC that conditions be cleared and WAPC receiving recommended clearances from other agencies.</td>
<td>of Cockburn.</td>
<td></td>
</tr>
<tr>
<td>(2) Proposed timeframe of the DCP</td>
<td>3. It is appropriate that the DCP provide flexibility to defer or bring forward provision of infrastructure according to timing of development. Specifying a set threshold for the provision of infrastructure is not supported, as such an approach is likely to require the provision of infrastructure within the same timeframe, which is not realistic to deliver.</td>
<td></td>
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<tr>
<td>The draft DCP proposal for a 20 year period of operation is in conflict with SPP 3.6 which stipulates a 10 year time horizon. It is unreasonable to include a 20 year timeframe as infrastructure requirements may change over time and the longer period provides little certainty to the developer that the infrastructure will be provided. The community inevitably pays twice, through the initial contribution included in the purchase price of land and thereafter through rates. The DCP should include only those items of infrastructure that are required within a 10 year timeframe.</td>
<td>In any event, the City has demonstrated that it can deliver the early provision of infrastructure, with the majority to be provided within the first 10 years, through pre-funding.</td>
<td></td>
</tr>
<tr>
<td>(3) Timing of the provision of infrastructure</td>
<td>It is noted that the Hon Minister for Planning did not require the timing of infrastructure to be set in a similar DCP within the City of Cockburn. In this regard, the City of Cockburn referred to timing set out in the Community Infrastructure Plan which, appropriately, is capable of being reviewed on a regular basis.</td>
<td></td>
</tr>
<tr>
<td>The City needs to have a clear timeframe for the delivery of infrastructure yet the discussion UDIA recently held with the City suggested that the timing for provision of infrastructure is flexible insofar as the delivery could be delayed where the City is unable to prefund the infrastructure. This is in conflict with SPP 3.6 which seeks to provide certainty that the infrastructure for which a contribution has been collected from developers will be provided in the timeframe stipulated in the DCP.</td>
<td>4. In order to deliver infrastructure as early as possible, consistent with the expectations of the development industry, it may be necessary for the City to borrow funds that would be repaid through development contributions.</td>
<td></td>
</tr>
<tr>
<td>(4) Costs of finance</td>
<td>The inclusion of borrowing costs, as they relate to the pre-funding of development contributions, is a legitimate cost that may be recovered through</td>
<td></td>
</tr>
</tbody>
</table>
| The DCP infrastructure costs include the costs of interest and fees payable by the City on finance. This is unreasonable and in conflict with SPP 3.6. The City’s contribution is on behalf of the existing community and the developer’s contribution is on behalf of the future community. It is inequitable that the City can recover interest and fees from the DCP and not the developer when in fact it is likely that the developer is paying interest and fees on their portion of the contribution. We recommend that the costs of finance and fees be removed from the costs calculations of the DCP. | }
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<td><strong>(5) Cost calculation</strong></td>
<td>UDIA believes the methodology applied to the calculation of costs is flawed. The draft DCP indicates that the costs are indexed for up to 20 years and then apportioned to each precinct on a cost per dwelling basis. This is inequitable as it means that those who pay early pay are penalised by paying a future cost and not today's cost. Costs are reviewed and adjusted annually which makes it redundant to charge future costs when these are already adequately accounted for.</td>
<td>development contributions and is consistent with the intent of SPP3.6. Notwithstanding, it is not the City's intention to seek the recovering of borrowing costs at this stage, and the City has not factored such into the preparation of its Business Plan. Should the City's proposed approach to the calculation of contributions be modified, particularly with respect to the indexing of cost estimates, the City may need to reconsider its position and it is therefore considered appropriate to retain the ability to include borrowing costs at this stage.</td>
</tr>
<tr>
<td><strong>(6) Legal representation and arbitration costs</strong></td>
<td>The proposal to include the costs of legal representation and arbitration in the DCP is opposed by UDIA. We interpret this to mean that where a developer disputes the City's proposal, the developer is effectively paying for the City's defence.</td>
<td>5. The inclusion of adjusted estimates in the Development Contribution Plan Report, indexed to take into account forecast inflation, is considered appropriate and consistent with the intent of SPP3.6 and the Scheme. Basing contributions on a non-indexed estimate would result in a shortfall, given the provision of infrastructure is being brought forward as much as possible and expenditure is planned to precede income, resulting in no interest being accrued.</td>
</tr>
</tbody>
</table>

**Summary**

UDIA is unable to support the City of Rockingham's Proposed Amendment 114 to Town Planning Scheme No.2 in its current format and we recommend that further consideration be given to the issues raised in this submission. We appreciate that DCP's are complex documents and that the careful planning and coordination of infrastructure is difficult but fundamental to the economic and social well-being of any community. A DCP has to provide certainty to developers, infrastructure providers and the community about the charges that apply and how funds will be spent and it is our view that Amendment 114 does not achieve this.

Thank you for the opportunity to comment and we anticipate that this feedback will be given due consideration in finalisation of the amendment.
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<td>infrastructure, cost contributions will gradually be fixed over the first ten years, with the result that later developers will likely pay a fixed contribution that can not be adjusted for inflation.</td>
<td></td>
<td></td>
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<tr>
<td>6. Costs for legal representation and arbitration are a legitimate cost of implementing the DCP, are consistent with the intent of SPP3.6, and should be included.</td>
<td></td>
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<td>In reference to the matter, Amex Corporation, the landowner and developer of the Tuart Ridge Estate wishes to make the following comments:</td>
</tr>
<tr>
<td>1) The CoR have gone outside the standard principles of the model text.</td>
</tr>
<tr>
<td>2) There has been a lack of consultation during the process and the proposal has been rushed through Council without adequate discussion with Developers who will ultimately be paying the contribution.</td>
</tr>
<tr>
<td>3) The CoR has provided a whish list of possible infrastructure without clearly illustrating the demand for each. In addition this infrastructure has not been adequately assessed by the public.</td>
</tr>
<tr>
<td>4) The development Contribution Plan is too broad. Smaller Development Contribution Area's based on local catchments (that mirror development fronts) with shorter timeframes are preferable. This ensures that the 'new' resident receives full benefit and allows Council to finalise works relevant to the local community they apply to.</td>
</tr>
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<td>5) The CoR need to demonstrate that they can deliver and manage these facilities as part of their day to day appropriate resourcing to bring the</td>
</tr>
</tbody>
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| 1. As articulated in the Scheme Amendment document, the Amendment is consistent with the purpose and intent of SPP3.6. |
| 2. Full and proper consultation has been undertaken in accordance with the requirements of the Town Planning Regulations 1967, as outlined in section 4(a) above. |
| It is also noted that the Community Infrastructure Plan was advertised for public comment prior to the DCP being initiated. |
| In the circumstances, it is considered that appropriate opportunity has been provided for public consideration and comment on the Amendment. |
| 3. The 24 facilities included within Development Contribution Plan are indeed based upon analysis of the current community profile, future community profile, existing community facilities and appropriate standards of provision. |

That the submission be rejected.
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<td>projects onto line and then run the operations.</td>
<td>The needs analysis section of the City’s Community Infrastructure Plan uses this data, in accordance with the State Planning policy 3.6 Local Government Guidelines (Draft), to specifically identify the demand for each element of community infrastructure.</td>
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<td>6) The CoR are using the future escalated estimates for infrastructure then charging developers the escalated price today. There will therefore be a penalty for going early.</td>
<td>Many of the facilities included within the Community Infrastructure Plan have been previously subject to public consultation including but not limited to the Baldivis Library &amp; Community Centre, Rockingham Youth Venue, Secret Harbour Surf Life Saving Club, Kent Street Community Arts Centre and Lawrie Stanford Reserve Master Plan. Notably, many of the proposed facilities within the Baldivis sub-district were identified within the ‘Community Mapping &amp; Plan for the Future Baldivis Area’ that was prepared in 2007, and was subject to two community workshops and one-on-one meetings with developers and other relevant stakeholders.</td>
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<td>7) There needs to be a clear timeframe for the delivery of infrastructure. The Development Contribution Plan should not allow Council the flexibility to provide infrastructure late if they are unable to prefund it. There is nothing that binds Council to prefund infrastructure within a set time frame as per capital expenditure plans. In addition infrastructure should be provided in cells where the money was collected from without the ability to move spend to larger ‘voting’ areas.</td>
<td>The Community Infrastructure Plan itself was advertised for public comment throughout March and April 2011.</td>
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<td>8) The CoR have not built interest into the contribution calculations which could translate into a major increase in future DCP requests from Council once the plan is under way.</td>
<td>4. Splitting the DCP into smaller DCP’s will not deliver any improvement in functionality and will increase the cost of administering the Scheme.</td>
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<td>Business Plan 2012/13 - 2021/22, which demonstrates the City's capacity to deliver and manage the facilities into the future.</td>
<td>6. The inclusion of adjusted estimates in the Development Contribution Plan Report, indexed to take into account forecast inflation, is considered appropriate and consistent with the intent of SPP3.6 and the Scheme. Basing contributions on a non-indexed estimate would result in a shortfall, given the provision of infrastructure is being brought forward as much as possible and expenditure is planned to precede income, resulting in no interest being accrued. In any event, it is a reality of DCP's prepared under SPP3.6 that later developers will ultimately pay less in real terms, as the cost contributions must be based on actual costs once infrastructure has been completed. Given the City is bringing forward the provision of infrastructure, cost contributions will gradually be fixed over the first ten years, with the result that later developers will likely pay a fixed contribution that can not be adjusted for inflation.</td>
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<td>an approach is likely to require the provision of infrastructure within the same timeframe, which is not realistic to deliver. In any event, the City has demonstrated that it can deliver the early provision of infrastructure, with the majority to be provided within the first 10 years, through pre-funding. It is noted that the Hon Minister for Planning did not require the timing of infrastructure to be set in a similar DCP within the City of Cockburn. In this regard, the City of Cockburn referred to timing set out in the Community Infrastructure Plan which, appropriately, is capable of being reviewed on a regular basis. Given the intention to deliver infrastructure as early as possible, it is considered appropriate that funds from contributions, held in a dedicated Reserve account, be allocated according to the priority and timing set out in the Development Contribution Plan Report. 8. Given the City is pre-funding infrastructure to deliver such as early as possible, expenditure is expected to exceed income and substantial interest is not expected to be accrued.</td>
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| No.4 Mr Damien Giudice, ABN Group - PO Box 389 Osborne Park WA 6017 |
| We act on behalf of various owners of land in the south Baldivis area being Yellenday |

1. SPP3.6 does not restrict DCP's to a maximum period of operation, and the notes in the associated draft Model Scheme Text state that a longer period may

That the submission be rejected.
Pty Ltd (Lot 21 Sixty Eight Road), Jacaranda Springs Private Estate Pty Ltd (Lot 569 Baldivis Road), Caversham Land Co Pty Ltd (Lot 1263 Baldivis Road) and Tennyson Nominees Pty Ltd (Lot 21 Smirk Road) who are developing their respective land over the coming years.

In regard to the request for comment to the proposed Amendment No.114 we have the following comments to make:

(1) **Timeframe**

Amendment No.114 seeks to include a period for its operation of 20 years. While there are reviews of every 5 years proposed to be included in Schedule No. 12 the necessity for a review of the Community Infrastructure Plan (prepared for up to 2021) is not embedded in the Scheme and so theoretically in the 10th year review the City is not compelled to undertake a thorough review of its Community Infrastructure Plan for the next 10 years (i.e. to 2031).

As demonstrated by the review in the 2010/2011 Community Infrastructure Plan there are a number of community sites identified in District and Local Structure Plans that are now surplus to requirements. As such what may happen in the next 10 years with the changes in demographics, community needs, access, etc. are likely to influence infrastructure requirements and thus it is imperative that a new and considered preparation of the Community Infrastructure Plan for the 2020/21- 2030/2031 period be completed.

In summary, if the period of the operation of the Developer contributions is going to be for 20 years, recognition in the scheme that at the 10th year, the Community Infrastructure Plan must be replaced should be Inserted.

(2) **Equity**

There are two matters specific to the Baldivis South Sub-Area that are of concern in regards to the equitability of the contributions:

- It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for the development of existing urban growth areas in the City.

- It is noted that a 20 year timeframe has been approved by the Hon Minister for Planning for a similar DCP within the City of Cockburn.

Substantial review of the DCP, which is required at least every 5 years, will need to incorporate a review of supporting documentation, including the Community Infrastructure Plan and Business Plan.

2. It should be noted that outdoor sport and recreation hardcourts at the future Baldivis South High School are not being fully funded through municipal and development contribution funds. Whilst detailed planning of the high school site is yet to occur consultation with the Department of Education would be appropriate depending on the particular circumstances of the development contribution area.
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| Item of Infrastructure 22 - Baldivis South HS Outdoor Sport and Recreation Hardcourts. The Baldivis South HS Outdoor Sport and Recreation Hardcourts are to be shared between the future High School and the community. While this is an efficient approach to the provision of facilities in this instance why is it that the cost of the facilities is being solely borne by the Developer? Further what access does the public have to these facilities given that the courts - we assume - will be used for the schools purposes for a significant period of time? It is recommended that in addition to Developers, the Department of Education and Training make a contribution given the significant benefit it will derive from the facility and the fact that the facility will not be open to the public for substantial periods of time. Infrastructure Provision / Contribution Review of the Community Infrastructure proposed for the Baldivis South locality at a Neighbourhood Community Infrastructure level identifies the need for 4 types of Infrastructure. In this regard two key infrastructure in Baldivis South - (Item of Infrastructure 21) Baldivis South Youth Recreation Space and (Item of Infrastructure 23) Baldivis South Multipurpose Community Centre are considered to be more beneficial to a larger area than just Baldivis South. As Baldivis North (albeit a smaller population) does not have such facilities now or proposed in the foreseeable future (as per the Community Infrastructure Plan), these two facilities will be of benefit to residents in both sub-areas (Baldivis North and South) given their close proximity and the likelihood that the services will be desirable to Baldivis North residents as well as Baldivis South. It is on this basis that we recommended that for both these infrastructure a proportion of the contribution toward identified that up to eight outdoor sport and recreation hardcourts will be provided. On this basis, the cost of the courts has been notionally split 50/50 given that they will be utilised for both community and school usage. For the purposes of the City’s Community Infrastructure Plan and Development Contributions Plan No.2 the cost of four courts has been included. Shared-use agreements generally work on the basis that the Department of Education has priority usage during school hours and the community has priority usage outside of school hours. Such arrangements remain subject to the establishment of future shared-use agreement between the City and the Department. Whilst the proposed community infrastructure within the Baldivis South Sub-Area may attract some usage from outside the catchment it is difficult to quantify the level of such usage for the purposes of proportionate development contributions. In any event, construction of the Baldivis South Multipurpose Community Centre is proposed in 2017/18 whereas the Baldivis Library & Community Centre is proposed in 2012/13. It is considered that those residents within the Baldivis North Sub-Area will generally access the community centre within the Baldivis Town Centre.
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<td>these facilities is provided by the Baldivis North sub-area.</td>
<td>rather than within Baldivis South. Similarly, the Baldivis Youth Recreation Space and the Baldivis South Youth Recreation Space are both proposed in 2020/21. It is considered that those residents within the Baldivis North Sub-Area will generally access the more centrally located Baldivis Youth Recreation Space. Upon progression of the Baldivis East District Structure Plan subsequent versions of the City’s Community Infrastructure Plan will address community facility demand within the Baldivis North Sub-Area.</td>
<td>That the submission be rejected.</td>
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<tr>
<td><strong>Conclusion</strong></td>
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<tr>
<td>In summary, thank you for the opportunity to comment on Amendment No. 114 and we trust the above comments will be given due consideration in finalising the amendment.</td>
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**No. 5 Ms Sarah Davies, Taylor Burrell Barnett - 187 Roberts Road, Subiaco**

This submission has been prepared by Taylor Burrell Barnett on behalf of Stockland WA Developments Pty Ltd (Stockland), in response to the advertising of Amendment 114 to the City of Rockingham Town Planning Scheme No.2 to introduce development contributions for community infrastructure.

Stockland is the developer of the Baldivis Town Centre and Settlers Hill East developments, which are located within the proposed development contribution area (Baldivis North and Baldivis South subareas, respectively). In the development of these estates Stockland has already made various contributions to community infrastructure including provision of public open spaces and a community use site which is the proposed location of the future Baldivis library and Community Centre.

The purpose of this submission is to provide input into the proposed development contribution arrangements proposed in the advertised documents.

1. SPP3.6 does not restrict DCP’s to a maximum period of operation, and the notes in the associated draft Model Scheme Text state that a longer period may be appropriate depending on the particular circumstances of the development contribution area. It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for the development of existing urban growth areas in the City.

Given the City is prefunding infrastructure, a 20 year timeframe is considered appropriate to give the City certainty that
**PROPOSED INFRASTRUCTURE**

**Operation Timeframe**

Amendment 114 proposes that the Development Contribution Plan operate for a period of 20 years. This is inconsistent with SPP 3.6 which recommends a development contribution plan be prepared for a maximum period of 5 to 10 years. The proposed extension to the timeframe of the development contribution plan is not supported.

The extension proposed to the operation timeframe of the Development Contribution Plan is significant and allows for unreasonable delays between payment of the levy and delivery of the community infrastructure. We believe it is not reasonable to collect payment for items that the community will not receive within a reasonable timeframe - in other words, a 20 year timeframe will mean that for some items, the community that 'pays' for the infrastructure (as it will become a cost of development reflected in lot price) is not necessarily the community that will enjoy it. The 5-10 year operation period provided by SPP 3.6 is considered a more appropriate timeframe.

We also note some conflict within the DCP report and the proposed timing schedules regarding whether or not the infrastructure is actually intended to be constructed within 10 years of the DCP commencing (see Section 1.4 of the DCP Report).

**Population Forecasts**

The City has used Forecast 10 as the basis for population projections, which is a reasonably high growth scenario when compared to the Western Australian Planning Commission (WAPC) projections. The impact of using a higher growth model is that there is no certainty that the demand for identified facilities will actually be generated within the DCP period, and whether the City will be able to expend the collect funds in a reasonable timeframe. Some Infrastructure items may not be required immediately under less aggressive population growth scenarios, the DCP will operate until development is complete.

It is noted that a 20 year timeframe has been approved by the Hon Minister for Planning for a similar DCP within the City of Cockburn.

2. Population projections prepared by forecast.id are more conservative than those released by the ABS and generally reflect long term growth rates for the City.

3. The land costs for the Baldivis Library have not been included as the land was provided free of cost to the City as part of the developers public open space obligations. As such, the City cannot give credit for providing the land in this instance.

4. Whilst it is inevitable that the proposed facilities within the City’s Community Infrastructure Plan may attract usage from beyond the identified catchments areas and/or more usage from within certain sub-areas it is difficult to quantify the level of such usage for the purposes of establishing proportionate development contributions. As per the City’s Community Infrastructure Plan the Aqua Jetty has been identified as a ‘district’ level facility serving residents throughout the Local Government Area.

5. Conceptual plans are available upon request. Cost estimates have been reviewed by a qualified Quantity Surveyor.

6. It is considered that...
and it may therefore be unreasonable to charge the developers at this time. It is therefore suggested that the infrastructure program be reviewed to ensure that all costs collected are for infrastructure that is certain to be required and can be constructed within the 10 year time frame (based on the WAPC population projections).

Infrastructure Items

(3) As mentioned above, Stockland has previously contributed the land which is the proposed location of the ‘future Baldivis library and Community Centre. Whilst it is acknowledged that the land costs have not been included for other items, the land cost for the Baldivis District Sporting Complex is included. The future Baldivis library in particular will serve a district function (and beyond given that use of libraries is allowed across municipalities). On the basis that the district sporting complex land component is included, it is requested that the value of the Baldivis library land be credited against the cost liability for the Baldivis Town Centre and Settlers Hills East developments.

(4) It is noted that the proposed Aqua Jetty will also provide a local recreation centre function for the Coastal Central sub-district (a function which other sub-districts such as Baldivis South are required to fund independently) and it is requested that cost apportionment reflects this to ensure equity. It is therefore suggested that Waikiki, Warnbro and Port Kennedy Sub Areas should pay a higher proportion of the costs for the Aqua Jetty Stage 2 works (given that it serves multiple functions for that portion of the catchment).

Technical Detail

(5) It is noted that the advertised documents did not include the full concept plans and costing methodology for the proposed community Infrastructure (appendices 10-14). It is therefore difficult to comment on the appropriateness and reasonableness of the costs without full design details. It is requested that such details be made available for scrutiny so the reality of calculating cost contributions on a per dwelling basis provides the closest possible relationship between the development and its contribution to facilities.

Calculating contributions on a per hectare approach basis cannot be reasonably applied to infill development, and will result in inequitable outcomes for owners of larger greenfield sites as development yields are likely to vary considerably.

The calculation of contributions based on the size of dwellings is not appropriate or feasible, as there is no basis for forecasting the size of dwellings.

7. Dwelling projections prepared by forecast.id take into account additional 'infill' development and it is therefore appropriate that such development contribute to infrastructure.

8. Grants and external funding should not be assumed, as it will likely result in a shortfall in funds.

The scheme provides for the return of monies in the event that the securing of grants or external funding results in an excess of funds upon the conclusion of the DCP.

9. Section 5.1 of SPP3.6 clearly provides for costs incurred in the preparation of the DCP to be included.

10. Under clause 5.6.12 of TPS2, it is not mandatory that cost contributions be treated

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<td>the applied costs can be assessed - this is important in order to gauge whether the per dwelling rate suggested (which will be used by developers in calculation of development costs going forward) is a realistic amount or whether there is potential for it to significantly increase due to flawed costing methodology.</td>
<td>as final if they are based on estimated costs (i.e. in circumstances where all infrastructure has not been completed and the final cost is not known). Clause 5.6.12.4(b) states, however, that the City may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the Owner accordingly.</td>
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<td><strong>COST APPORTIONMENT METHODOLOGY</strong></td>
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<td><strong>(6) Costs per Dwelling</strong></td>
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<td>Amendment 114 proposes that cost contributions for community infrastructure be calculated per dwelling. This approach to cost apportionment is problematic given the tendency for dwelling yields to fluctuate in response to changing market conditions. Such fluctuations may potentially result in earlier landowners having to incur a greater cost than later landowners given the propensity for dwelling yields to increase over time. Administratively, this method also requires the City to continually revise its apportionment of costs and further complicates budgeting for developers.</td>
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<td>It is the City's intention to treat contributions as final, with the agreement of Owners. It is appropriate that such an agreement confirm and recognise that an Owners contribution discharges its obligation with respect to the relevant development.</td>
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<td>The DCP is also considered to lack equity as it does not compensate for any variation in dwelling type and requires the same contribution per dwelling regardless of size and density. The size of dwelling and residing population will vary in terms of generated demand, and this aspect should be accounted for in the DCP. It is submitted that the DCP needs to be modified to ensure smaller dwellings contribute a lesser cost contribution compared to that of traditional detached family dwellings.</td>
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<td>Cost apportionment based on a rate per developable hectare of land provides a more stable and constant basis as this factor tends to display little or no variation over time.</td>
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<td><strong>(7) Additional Development</strong></td>
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<td>The DCP identifies that any future lots which are in addition to the current projections should be charged a development contribution so as to ensure collection of costs related to population increase. While it is accepted</td>
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<td>The calculations in the Development Contribution Plan Report have been reviewed and minor corrections made.</td>
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<td>that additional lots/dwellings should be charged, this should be to provide for additional infrastructure (i.e. outside of the current DCP scope), rather than supplement the existing cost sharing arrangement (which has already been apportioned based on a number of expected dwellings). This would reflect the fact that the identified infrastructure is to meet the existing population projections only (except where otherwise acknowledged).</td>
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**(8) External Funding**

Traditionally funding for community facilities is provided by local governments assisted through state government partnerships and capital funding programs (i.e. Department of Sport and Recreation, Lotterywest, Department of Culture and the Arts). While the availability of external funding has been acknowledged, it is considered that external funding grants should be expected and factored into the costs to be recovered, minimising required developer contributions and the subsequent impact on housing affordability.

It appears that the opportunity to obtain grants has not been maximised. The City should take full advantage of all funding grants available to promote housing affordability. Omitting potential funding grants from the costs to be recovered acts as a disincentive for the City to apply for grant funding and for funding organisations to provide grants for community infrastructure.

On this basis, it is suggested that an assumed percentage of external and grant funding should be included into the model to offset the development contribution costs.

**GENERAL**

**(9) Administration Costs**

The administration costs appear to include costs which have already been incurred. The DCP should only include future costs, and on this basis those costs identified for the 2010/2011 year should be removed.
(10) Discharge of Obligations

It is considered appropriate for the Scheme to recognise the discharge of obligation following the payment of scheme costs (limited to that particular lot/dwelling proposal). The discharge clauses within the Scheme are intended to provide clarity regarding the finality of payment (i.e. regardless of the final cost of infrastructure, the figure charged at the time of payment discharges any further liability to make contributions).

(11) Corrections

It is noted that there appear to be several errors in the calculations and totals for the tables in the following sections:

- Sections 4.1 (Column 3 should be consistent with the sum of Columns 2 and 24)
- Section 4.3 (Column 4 should reflect the East Baldivis area as per Section 4.2 of the Report)
- Section 5.2 (Column 3 should be consistent with the valuations included under Section 2 of the document)
- Section 5.3 (Columns do not total correctly, and Row 1 is un-totalled)

CONCLUSION

We trust the above comments will be reflected in Amendment 114 to the City of Rockingham Town Planning Scheme No.2.

No. 6 Mr Bruce Young, Spatial Property Group - 1/896 Canning Highway, Applecross WA 6153

Spatial Property Group Pty Ltd represents the following developer landowners in the City of Rockingham:

- Estates 77 Pty Ltd ATF The Paramount Unit Trust
- Novalee Nominees Pty Ltd
- High Ride Pty Ltd
- Norfolk Holdings Pty Ltd
- Arrowest Pty Ltd
- Piperpoint Pty Ltd
- Mondial Group Pty Ltd

1. The City’s Community Infrastructure Plan was advertised for public comment throughout March and April 2011. It should also be noted that many of the facilities included within the Plan have been subject to public consultation including but not limited to the Baldivis Library & Community Centre, Rockingham Youth Venue, Secret Harbour Surf Life Saving Club, Kent Street Community Arts Centre and Lawrie Stanford

That the submission be rejected.
The above companies will yield in excess of 3500 dwellings that are planned to be developed in an orderly fashion over the coming years. The focus of our developments is to provide a diverse choice of high quality product that is market responsive both now and into the future.

In developing our projects we carefully assess the appropriate level of infrastructure required in an area and ensure it is delivered in accordance with the expectations of the communities that we are creating.

We provide the below comments in response to the public advertising of Amendment No. 114 to Town Planning Scheme No.2 - Developer Contribution Plan No.2.

Our comments can generally be put into 5 categories:
1) Consultation
2) Costings
3) Allocations
4) Certainty of Infrastructure
5) Duplication

**Overview**

Spatial Property Group supports the principle of Developer Contribution Plans to assist with the equitable and timely provision of community infrastructure. We believe that these plans assist in ensuring that developers of all sizes along with existing residents equally contribute to a growing area and the community's infrastructure needs.

This support is contingent on the principles of need and nexus being clearly established and appropriate of what is to the 'appropriate' community infrastructure along with the correct specifications for the infrastructure identified.

Reserve Master Plan. Notably, many of the proposed facilities within Baldivis were previously identified within the ‘Community Mapping & Plan for the Future Baldivis Area’ that was subject to two community workshops, and one-on-one meetings with developers and other relevant stakeholders in 2007.

In accordance with SPP 3.6 the Community Infrastructure Plan is supported by demand analysis and identification of service catchments. The need for the infrastructure has been clearly demonstrated through analysis of the current and future community profile, and the connection between the development and the demand created has been clearly established. Given that population, demographic and urban growth data are the basis for the demand analysis component of the Plan additional community consultation would not have impacted the proposed model.

2. The inclusion of adjusted estimates in the Development Contribution Plan Report, indexed to take into account forecast inflation, is considered appropriate and consistent with the intent of SPP3.6 and the Scheme.

Basing contributions on a non-indexed estimate would result in a shortfall, given the provision of infrastructure is being brought forward as much.
Notwithstanding the comments below we would like to congratulate the City of Rockingham on the majority of the Developer Contribution Scheme. We believe that as a first revision it is far superior to many of the others produced by local governments in Western Australia.

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<td>(1) Consultation</td>
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<tr>
<td>Spatial Property Group is disappointed with the level of consultation entered into by the City of Rockingham during the production of the Developer Contribution Plan. We acknowledge that notification inviting comment on the advertised amendment (No. 114) was received, however we believe that appropriate public consultation was entered into during the establishment, identification, needs, nexus and specification stages was entered into.</td>
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<td>We recommend that on this basis alone the City of Rockingham should defer the amendment and appropriately engage with the development industry to review the underlying fundamentals of the particular items identified in the Developer Contribution Plan.</td>
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<td>Rather than addressing specifics in this submission we believe that this consultation form would assist in improving the proposed model.</td>
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<p>| (2) Costings |
| Spatial Property Group believes that through an improved consultation process detailed explanations of the costings could be given. As such we have not focussed on the specifics in this submission. |
| Notwithstanding the above we have noted that the City of Rockingham has used a formula that includes costing items of infrastructure based on the time at which they are to be provided. The City has taken the current costs and escalated them to establish a proposed cost at the time at which they are to be built, then apportioned that cost over the contribution area. In essence this is charging early developers with the projected future cost of infrastructure and thus penalising developers who as possible and expenditure is planned to precede income, resulting in no interest being accrued. |
| In any event, it is a reality of DCP's prepared under SPP3.6 that later developers will ultimately pay less in real terms, as the cost contributions must be based on actual costs once infrastructure has been completed. |
| Given the City is bringing forward the provision of infrastructure, cost contributions will gradually be fixed over the first ten years, with the result that later developers will likely pay a fixed contribution that cannot be adjusted for inflation. |
| 3. Whilst it is inevitable that the proposed facilities within the City's Community Infrastructure Plan may attract usage from beyond the identified catchments areas and/or more usage from within certain sub-areas it is difficult to quantify the level of such usage for the purposes of establishing proportionate development contributions. It is not considered that additional community consultation would effectively resolve this perceived issue. |
| Given that the Secret Harbour Surf Life Saving Club is the City's only such facility located at the only patrolled beach within the Local Government Area it is considered appropriate to establish apply a 'district level' catchment. |
| It is evident that catchment areas for... |</p>
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<td>develop 'early'. We do not support the above method and believe that in addition to penalising the early developers it adds an extra layer of uncertainty relating to the projected costings of infrastructure. We believe that the City of Rockingham should be using 'today's cost of each item of infrastructure and apportioning that out to contribution areas. Thus developers wishing to clear lots/dwellings today will pay today's price. Under this system there is appropriate opportunity for the City of Rockingham to review both the specifications and costings of the infrastructure as necessary under the proposed plan. There is also an improved level of certainty for the developer contributing the funds as it is in the interests of the City to spend the money collected to ensure that it does not devalue over time.</td>
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<td><strong>(3) Allocations</strong> We believe that a number of the items of infrastructure have been incorrectly allocated having due regard to the community segment that will utilise them. An example of this is the Secret Harbour Surf Club. We believe that the Baldivis community will not particularly use this item or at least will utilise it to a significantly lesser extent than other precincts. This issue would be resolved via an appropriate community consultation process. In instances such as the above it may be appropriate for the infrastructure item to be 'weighted' towards particular precincts. For example the Baldivis cells may pay only 50% of the contribution of the coastal precincts.</td>
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<td><strong>(4) Certainty of Infrastructure</strong> The proposed Developer Contribution Scheme contains an 'order of priority' for infrastructure items. We understand that as funds are contributed, the infrastructure will be developed in accordance with the 'order'. This methodology allows for the possibility that if one particular precinct develops and thus contributes funds to the beaches are highly dispersed with more than 70% of beach users using private vehicle as the preferred mode of transport. Indeed, beach user research has identified that the main concentration of the Secret Harbour beach catchment is the coastal strip from Rockingham south to Singleton and east to Baldivis/Karnup. Given the intention to deliver infrastructure as early as possible, it is considered appropriate that funds from contributions, held in a dedicated Reserve account, be allocated according to the priority and timing set out in the Development Contribution Plan Report.</td>
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<td>4. Given the intention to deliver infrastructure as early as possible, it is considered appropriate that funds from contributions, held in a dedicated Reserve account, be allocated according to the priority and timing set out in the Development Contribution Plan Report.</td>
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<td>5. The Community Infrastructure Plan is based on the equitable provision of facilities in response to projected population growth and community profiles. The Plan specifically takes into consideration existing facilities and shared-use opportunities to avoid unnecessary duplication. The high number of facilities within the Baldivis area is directly linked to high levels of population growth combined with limited existing community infrastructure. In accordance with SPP 3.6, the Plan promotes the efficient and effective provision of infrastructure and facilities to meet the demands arising from new growth and development. Given the significant</td>
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<td>scheme, infrastructure in other precincts will be implemented ahead of the</td>
<td>infrastructure from the contributing cell. This is particularly likely in</td>
<td>capital, lifecycle and ongoing management implications of each facility</td>
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<td>infrastructure from the contributing cell. This is particularly likely in</td>
<td>areas held by major developers such as Baldivis. We believe that a</td>
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<td>relative quality of the Developer Contribution Plan produced. We do</td>
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<td>however recommend that the areas we have identified are addressed</td>
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<td>appropriately as they are fundamental to the operation of the scheme</td>
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CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 20 FEBRUARY 2012

PRESIDING MEMBER
how developers will view the growth of the City.

Priority must be given to an appropriate consultation process with developers to ensure that the details of the Developer Contribution Plan are ironed out and supported prior to implementation.

We have been open with all agencies and stakeholders to highlight that the City of Rockingham has been the best local government to deal with over a long time and look forward to this remaining the case in years to come.

I would be pleased to discuss the details behind any of the points in our submission or the Developer Contribution Plan.

No. 7 Anthony Debarro, Department of Housing - 99 Plain Street, East Perth WA 6004

I refer to the recent advertising of the above amendment to enable the City of Rockingham to implement a Developer Contribution Plan.

The Department of Housing acknowledges the significant amount of work undertaken by the City in preparing the documentation for the draft Plan and supports the general principle of a Development Contributions Plan prepared in accordance with SPP 3.6.

This submission relates to the Department of Housing’s interest in Golden Bay and identifies relevant issues and actions that the Department considers will ensure equity in the application of the proposed Developer Contribution Plan.

The Department of Housing recognises the positive intent of the City of Rockingham to develop a Developer Contribution Plan that aims to:

a) Enable the applying of development contributions for the development of new, and the upgrade of existing infrastructure, which is required as a result of increased demand generated in the development contribution area;

b) Provide for the equitable sharing of the costs of infrastructure and

1. The community infrastructure hierarchy and standards of provision, as identified within the City’s Community Infrastructure Plan, are consistent with industry benchmarks including the SPP 3.6 Local Government Guidelines (draft). Community facilities have been planned within a hierarchy of provision with different scales of infrastructure servicing varying sized catchments. For example, a proposed sub-district community centre provides far greater amenity and therefore shall accommodate a far broader range of services than a neighbourhood level community centre. This represents an effective approach to the delivery of infrastructure to ensure both localised needs as well as the more complex needs of broader population catchments are equally met.

2. SPP3.6 does not restrict DCP’s to a maximum period of

That the submission be upheld in part, and the Development Contribution Plan amended to identify that the Rhonda Scarrott Reserve catchment consists of both the Golden Bay and Singleton Sub-Areas.
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<td>administrative items between owners;</td>
<td>operation, and the notes in the associated draft Model Scheme Text state that a longer period may be appropriate depending on the particular circumstances of the development contribution area. It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for the development of existing urban growth areas in the City.</td>
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<td>c) Ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and</td>
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<td>d) Coordinate the timely provision of infrastructure.</td>
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<td>The Department of Housing acknowledges the significant amount of work undertaken by the City in preparing the documentation for the draft Plan and supports the general principle of a Development Contributions Plan prepared in accordance with SPP 3.6. However the Department of Housing is not willing to support any significant departures from the content, principles or model scheme text provisions and definitions, set out by SPP3.6.</td>
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<td>This submission relates the Department of Housing's role as a developer, in particular in relation to the development of its land holdings in Golden Bay. The submission identifies relevant issues and recommends actions that will ensure equity in the application of the proposed Developer Contribution Plan.</td>
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<tr>
<td><strong>1. Demand Standards and Facility Hierarchy</strong></td>
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<td>The City of Rockingham Community Infrastructure Plan provides the rationale and justification for the community infrastructure items included within the Development Contribution Plan (DCP). The needs assessment for each proposed facility is largely based on the City of Rockingham's Facility Planning Standards, existing infrastructure provision and existing and projected facility usage. While the standards are generally acceptable, and the Department of Housing acknowledges that the demand is estimated, the Department is concerned with the inclusion of some similar types of facilities at different levels of the facility hierarchy within the standards (i.e. youth recreation space, active sporting reserves, multipurpose community centres), and the degree to which this may result in duplication of provision, particularly where sub-district operation, and the notes in the associated draft Model Scheme Text state that a longer period may be appropriate depending on the particular circumstances of the development contribution area. It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for the development of existing urban growth areas in the City.</td>
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<td>Given the City is prefunding infrastructure, a 20 year timeframe is considered appropriate to give the City certainty that the DCP will operate until development is complete.</td>
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<td>It is noted that a 20 year timeframe has been approved by the Hon Minister for Planning for a similar DCP within the City of Cockburn.</td>
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<td>It is considered appropriate for items outside of 10 years to be included, as was approved for the DCP within the City of Cockburn, however, the City has endeavoured to minimise such, and to deliver infrastructure as soon as possible.</td>
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<td>3. Development contributions are being utilised for the purposes of 'district' level infrastructure based on the catchment they serve and not based on their geographical location (i.e.</td>
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facilities may accommodate both sub-district and neighbourhood demand. The Department of Housing is concerned that this approach could result in the proposed developer contributions for Golden Bay being potentially too high. Recommendation: Provide detailed clarification in the Developer Contribution Plan as to the rationale and validity of similar types of facilities being listed at different levels of the facility hierarchy within the standards.

2. Timing of Infrastructure Provision

The City of Rockingham DCP states that its purpose is 'to guide the provision of community facilities over the next 10 years and provide a framework for community infrastructure planning within urban growth areas for the next 10-20 years and beyond'. SPP 3.6 requires community infrastructure plans to have a 5-10 year horizon and recommends a maximum period of 5 years for Development Contribution Plans. The policy also states that if the period of the Developer Contribution Plan is 10 years or longer, reviews should occur at 5 year intervals.

The timing of three of the infrastructure items which affect Department of Housing's Golden Bay development contributions are beyond a 10-year horizon:

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<td>Lark Hill Sportsplex Stage 2</td>
<td>2026/27</td>
<td>'Baldivis facilities'). Therefore, the same catchment principle that applies for the Kent Street Community Arts Centre and Rockingham Youth Venue equally apply to the Baldivis District Sporting Complex and Baldivis Indoor Recreation Centre.</td>
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<td>Baldvis District Sporting Complex (works)</td>
<td>2023/24</td>
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<td>Aqua Jetty Stage 2</td>
<td>2025/26</td>
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The protracted timing of these items potentially creates a high level of uncertainty in relation to their design and cost and it would seem inappropriate to include such a significant future period when infrastructure requirements may change as a result of growth within each sub catchments that could potentially

4. The intensity of infrastructure, and subsequent level of amenity, provided at Lawrie Stanford Reserve has been utilised as the basis for classifying it as a 'sub district' facility. Whilst both sites provide active POS and a community building Lawrie Stanford Reserve also provides multiple tennis courts, a lawn bowling club and greater number of cricket nets. On this basis, it considered that the classification of Rhonda Scarrott Reserve as a 'neighbourhood' level facility remains appropriate.

It is noted, however, that the catchment for Rhonda Scarrott Reserve is identified in the Community Infrastructure Plan as being both the Golden Bay and Singleton Sub-Areas, whereas the Development Contribution Plan only identifies the Golden Bay Sub-Area. It is recommended that the Development Contribution Plan be amended to identify that the Rhonda Scarrott Reserve catchment consists of both the Golden Bay and Singleton Sub-Areas.

5. Given the proximity of Secret Harbour Surf Life Saving Club it is not
support additional future provision. The Department of Housing is concerned that as the developer of Golden Bay it will be required to contribute to funds to City for the provision of the above listed facilities, however the utilisation of these funds will not be realised for over 10 years.

Recommendation: The City of Rockingham to confirm if elements of these infrastructure items are to be completed within the 5/10 year timeframe and if so which items. If development is not to occur at these locations within the 5/10 year timeframe, then remove these items from the Developer Contribution Plan, and include as part of a future review of the Plan.

### 3. Developer Contributions from Golden Bay to the Baldivis Recreation Facilities

The Department of Housing supports providing Contributions to infrastructure that will be utilised by current and future residents of Golden Bay. The Department of Housing has concerns about the inclusion of contributions from Golden Bay towards the development of the Baldivis Recreation facilities.

The Community Infrastructure Plan defines district level facilities as having a catchment radius in excess of 10km. The proposed site for the Baldivis District Sporting Complex and the Baldivis Indoor Recreation Centre, both classified as district level facilities, located in Folly Road Baldivis, approximately 13km from Golden Bay and adjacent to the Kwinana Freeway.

The Department of Housing believes it is reasonable to expect Golden Bay residents to travel 18km to Rockingham City Centre - a major shopping, cultural and entertainment hub - to utilise specialised district-level community facilities such as the proposed Kent Street Community Arts Centre and the Rockingham Youth Venue. However it is unlikely that many Golden Bay residents will travel to Baldivis to use district active open space and indoor recreation facilities, especially when there are considered appropriate to deliver another similar facility within such close proximity in Golden Bay. Rather than developing another surf club it is deemed appropriate to investigate the design of a multipurpose foreshore building that may integrate a café/kiosk and toilet/changeroom whilst providing some surf lifesaving functionality. The ‘surf club’ elements may simply include first aid and storage amenities for equipment such as a portable patrol tower. As a ‘local’ level facility this has not been included within the Community Infrastructure Plan but must be further investigated by the Department and the City.

With the completion of the City's Community Infrastructure Plan it is now considered appropriate to further investigate to need for a 3,000 and/or 5,000 sqm community purpose site within the Golden Bay Local Structure Plan Area.

6. It is not appropriate or feasible for the DCP to specify how contributions will be altered following future reviews.

7. In accordance with TPS2, an Owner can seek agreement from the City to undertake works and received a credit for such towards its contribution. Credit can only be given, however, for works specified in the DCP.

8. The discrepancy between the Council Report and advertised documents was a result of
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<td>similar facilities closer to Golden Bay (i.e. Lark Hill Sportsplex in Port Kennedy, Aqua Jetty in Warnbro and Lawrie Stanford Reserve in Singleton). On this basis it would seem unreasonable for Golden Bay developers to pay development contributions to facilities in Baldivis. Recommendation: Remove the recommended contribution from Golden Bay to the Baldivis Recreation facilities in the Developer Contribution Plan.</td>
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<td>Further review of the cost estimates. 9. In order to deliver infrastructure as early as possible, consistent with the expectations of the development industry, it may be necessary for the City to borrow funds that would be repaid through development contributions. The inclusion of borrowing costs, as they relate to the pre-funding of development contributions, is a legitimate cost that may be recovered through development contributions and is consistent with the intent of SPP3.6. Notwithstanding, it is not the City’s intention to seek the recovering of borrowing costs at this stage, and the City has not factored such into the preparation of its Business Plan. Should the City’s proposed approach to the calculation of contributions be modified, particularly with respect to the indexing of cost estimates, the City may need to reconsider its position and it is therefore considered appropriate to retain the ability to include borrowing costs at this stage.</td>
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<td>4. Active Open Space Classification and Contributions - Lawrie Stanford Reserve and Rhonda Scarrott Reserve The Community Infrastructure plan confirms the catchment population for Rhonda Scarrott Reserve as including both Golden Bay and Singleton; however the Developer Contribution Plan does not include Singleton’s dwelling estimates in the cost apportionment schedule. The City of Rockingham Community Infrastructure Plan classifies the Lawrie Stanford Reserve in Singleton as Sub-District Active Open Space and is proposed to cater for the Coastal South Sub District Catchment area of Secret Harbour, Golden Bay and Singleton. However the Rhonda Scarrott Reserve in Golden Bay is classified as a Neighbourhood Active Open Space within the Community Infrastructure Plan. (4b) When investigating the Community Infrastructure Plan definitions for sub-district and neighbourhood level active open space it seems reasonable to assess both Lawrie Stanford Reserve and Rhonda Scarrott Reserve similarly as neighbourhood level active open space, with equality in the developer contribution requirements to each facility from within their respective areas. Recommendation: Either include the dwelling estimates in the cost apportionment schedule for Singleton and apply to Rhonda Scarrott Reserve or review the classification of Lawrie Stanford Reserve and Rhonda Scarrott</td>
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<td>10. Section 5.1 of SPP3.6 clearly provides for costs incurred in the preparation of the DCP to be included. 11. Costs for legal representation and arbitration are a legitimate cost of implementing the DCP, are consistent with the intent of SPP3.6, and should be included.</td>
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5. Proposed Golden Bay Surf Life Saving Club

The Golden Bay Comprehensive Development Plan includes the proposed provision of a community/surf life saving club facility within the foreshore reserve. However section 6.2.2 of the Community Infrastructure Plan indicates that the City of Rockingham instead proposes the provision of a 3,000sqm site and a 5,000sqm site. Council has requested that these sites be considered with the proposed Golden Bay Neighbourhood Centre.

Department of Housing is concerned that the lack of a key attraction facility, such as Community / surf life saving club in this strategic location, may impinge on success of the development of connection and activation between Golden Bay's residential developments and the beach / foreshore.

Recommendation: City of Rockingham to undertake further discussions with Department of Housing to review the proposed community use of the Golden Bay foreshore site to determine the most appropriate community facility / amenity development to effectively attract and connect the community with the beach and foreshore.

6. Future Karnup Development

The Coastal South Sub District catchment includes the future development area around Karnup station. Clarification is required on how developer contributions will be adjusted if / when more dwellings are developed in the catchment area.

Recommendation: The Developer Contribution Plan to specify how contributions will be adjusted if / when more dwellings are developed in the catchment area.

7. Provision of Credits

Department of Housing will contribute to the provision of amenities prior to the

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12. SPP3.6 clearly states, under section 5.3.3, that development contributions become due and payable as part of the subdivision clearance process or prior to the commencement of development, and that the clearance of deposited plans should not occur until full payment has been finalised. This is consistent with current WAPC practice.

It is also considered that deferring payment of contributions until the WAPC issues final approval is impractical, as payment is made to the Local Government which must certify that the relevant condition of subdivision approval has been satisfied.

It is noted that there is an inconsistency between SPP3.6 and the draft Model Scheme Text, which is proposed to be addressed through Amendment No.114. In this regard, SPP3.6 holds greater weight than the draft Model Scheme Text.

13. The Development Contribution Plan Report is required to be updated at least annually in accordance with the provisions of TPS2.

14. The City actively pursue additional external funding to reduce the overall cost of the Infrastructure. This is in the City's interest given a substantial portion of costs for providing infrastructure, along with the full cost of management and maintenance, is funded by the City.
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<td>Implementation of the Developer Contribution Plan, such as the landscape development at Rhonda Scarrott Reserve. It may be appropriate for the Department to prefund a community facility/life saving club in the Golden Bay foreshore to enable its timely provision. These contributions should be recognised such that credits are provided from the total developer contribution. Recommendation: The Department of Housing to confirm with the City of Rockingham the contributions to the development of Rhonda Scarrott Reserve and any other relevant contributions in Golden Bay, prior to the implementation of the Developer Contribution Plan. The City of Rockingham to recognise this contribution via credits from the total developer contribution requirements. The Developer Contribution Plan should also incorporate sufficient flexibility to enable developers to prefund community facilities and receive credits for doing so.</td>
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8. Per Dwelling Cost Discrepancy

There is a discrepancy in the per dwelling estimate for Golden Bay, with the Council Report estimating $2715 and the Developer Contribution Plan Report estimating $2916.

Recommendation: A confirmed per dwelling amount be determined and communicated to Department of Housing upon revision of the proposed Developer Contribution Plan.

9. City of Rockingham Borrowing Costs

It is proposed in the amendment that Developer Contribution Infrastructure costs include costs associated with financial borrowings incurred by the City of Rockingham such as interest and fees.

Department of Housing does not believe this to be reasonable as the City makes its contribution on behalf of the existing community and the developer makes a contribution for the future community. Just as developers have no way of passing on borrowing costs generated
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<td>by meeting the responsibilities of the Developer Contribution Plan, nor should the City be able to pass on its costs to developers for meeting its own responsibilities.</td>
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<td>Recommendation: Remove the provision from the Developer Contribution Plan for inclusion of financial borrowings costs undertaken the City of Rockingham to be considered as developer contribution costs.</td>
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<td>10. Administration Costs - Retrospectivity</td>
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<td>The definition of administrative costs in SPP 3.6 has been modified so that City of Rockingham costs incurred in initially preparing the Developer Contribution Plan can be retrospectively charged to developers. The Department of Housing do not believe that this is the intent under SPP 3.6 and therefore the Developer Contribution Plan should be amended.</td>
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<td>Recommendation: That the intent of SPP 3.6 is adhered to and that administration costs are not to be retrospectively charged to developers.</td>
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<td>11. Administrative Items - Legal/Arbitrary Representation</td>
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<td>The Department of Housing asserts that the administrative item definition that proposes to allow the City of Rockingham's legal representation and arbitration costs to be covered by the Developer Contribution Plan is not in keeping with the intent of the definitions of SPP 3.6. This proposed amendment would affectively result in the developer paying for the City's defence if the developer was in dispute with the City.</td>
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<td>Recommendation: That the administration definition be revised to align with the intent of SPP3.6, including removal of any reference for the City's legal representation and arbitration costs being covered by the Developer Contribution Plan.</td>
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<td>The proposed timing for payment of contributions is once the City of Rockingham recommends conditions to</td>
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be cleared to WA Planning Commission (WAPC), rather than as per the current practice of contributions being paid when WAPC issue final clearance on the Development Plan/s. The City's proposed approach in the Developer Contribution Plan would result in payments being made when titles are created and potentially place the developer at financial risk, as there could be significant lead time between City of Rockingham clearances and the WAPC receiving recommended clearance from other agencies.

Recommendation: Amend the Developer Contribution plan to require developer contributions payments to be paid when WAPC issue final clearance on the Development Plans, as per SPP3.6.

13. Timing of Report Reviews

Greater clarity is required in regards to the Developer Contribution Plan reporting timing and priority commitments. The Department of Housing understands the complexities with providing detailed priorities and associated delivery timelines, however, the proposed wording of Clause (1) needs to be more specific as it currently states "Contemporaneously with its adoption and subsequent review, from time to time of a Development Contribution Plan Report under clauses 5.6.10 and 5.6.11 of the Scheme, the City is to consider and determine the City's desired timing and priority for the provision of the Items of Infrastructure."

This lack of specificity doesn't provide surety and direction for all parties in regards to when infrastructure is to be delivered.

Recommendation: City of Rockingham to provide clear reporting timing and priority commitments (e.g. 2 or 5 years) in the Developer Contribution Plan to ensure infrastructure is delivered on time.

14. Seeking External Funding Sources

The City of Rockingham rightly identifies secured external funding sources in the Developer Contribution Plan Report and Community Infrastructure Plan. The
Department of Housing encourages the City to continue to seek external funding to reduce the overall cost of the infrastructure.

Recommendation: City of Rockingham to continue to seek external funding to reduce the overall cost of the infrastructure.

**No. 8 Mr Adam Brown, Urban Endeavour - PO Box 7679 Cloisters Square WA 6850**

On behalf of Avon Capital Estates (Australia) Limited, the developer of Highbury Park Estate in Baldivis, I wish to raise the following questions and offer the following comments in opposition to the proposed development contributions under the above draft amendment.

**1. Does The City Have The Legal Ability To Apply The Proposed Costs?**

The proposed Amendment seeks to introduce cost obligations under Town Planning Scheme No.2 with the intent of equitably funding the upgrading and construction of various community facilities. The timing for payments is proposed to be prior to "clearance" of subdivision conditions and the amendment proposes to give Council the power to apply caveats where costs are unpaid.

As town planning schemes are empowered by the Planning and Development Act 2005, and that Act does not specifically confer the power to levy costs, or apply caveats, we question whether these aspects of the proposal would be legally enforceable? Similarly, we question the legal ability to apply costs prior to Council clearing subdivision conditions where the relevant approval does not require this?

**Additional Revenue**

The undeveloped land held by Avon Estates in South Baldivis presently totals approximately 35.6ha. This represents approximately 9% of the undeveloped land that is zoned Urban or Urban Deferred in the area bounded by Safety Bay Road, Baldivis Road, Sixty Eight

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<td>Department of Housing encourages the City to continue to seek external funding to reduce the overall cost of the infrastructure.</td>
<td>1. Amendment No. 114 is being made by the City in response to SPP 3.6 (Development Contributions for Infrastructure). More specifically, TPS2 and Amendment No. 114 are consistent with the draft model text provisions for incorporation into local planning schemes set out in Appendix 2 of SPP 3.6. The City is one of a number of local governments implementing SPP 3.6 by making scheme provisions consistent with those set out in SPP 3.6. 2. Comment: SPP3.6 allows the City to require contributions from developers towards the provision of infrastructure. It is anticipated that the City will receive approximately $48million in contributions over 20 years of the DCP is introduced. If the City was to choose not to proceed with the DCP, it would need to either: (i) introduce an immediate and permanent substantial increase over and above the City's normal rate increases; or (ii) Significantly delay or reduce the provision of community infrastructure.</td>
<td>That the submission be rejected.</td>
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| Road and Eighty Road (being approximately half of the Baldivis South Catchment). Since 2003 Avon has paid nearly $700,000 in rates to the City of Rockingham. Based on the area of Avon's land in relation to the other undeveloped parcels it is clear that Council has collected many many millions of dollars in rates revenue from this locality over recent years, and will continue to do so as the area develops. Based on this we submit that the entire cost of providing community facilities should be funded via municipal revenue. | and standards of provision, as identified within the City's Community Infrastructure Plan, are consistent with industry benchmarks including the SPP 3.6 Local Government Guidelines (draft). Community facilities have been planned within a hierarchy of provision with different scales of infrastructure servicing varying sized catchments. Those facilities deemed to service a larger regional and/or district population catchment, such as the Lark Hill Sportsplex and Rockingham Youth Venue, are therefore subject to development contributions from a broader area. Given the significant urban growth within Baldivis South it is reasonable to expect an increasingly large proportion of the population will indeed access major community facilities throughout the Local Government Area.  
3b. SPP3.6 allows the City to require contributions from developers towards the provision of infrastructure.  
3c. Section 5.1 of SPP3.6 clearly provides for costs incurred in the preparation of the DCP to be included. Furthermore, SPP3.6 anticipates a DCP being applied based on estimated costs and for those costs to be independently certified by appropriately qualified persons. |  |

**Equity**

A key principle of the proposal is to collect development contributions for the equitable sharing of costs associated with the upgrading and provision of community infrastructure. The proposal is said to be consistent with State Planning Policy 3.6, which stipulates that development contributions are to be necessary and relevant to the proposed development.

In this case however many infrastructure items have been identified in areas geographically remote from the areas where costs are proposed to be applied. For example, Stage 2 of the Lark Hill Sportsplex, the Secret Harbour Surf Club redevelopment, Rockingham Youth Venue, Rockingham Aquatic Centre redevelopment and Aqua Jetty Stage 2 (together estimated at over $43,000,000) have been applied as costs to all areas. This does not mean that the costs would be evenly applied to all ratepayers in those areas, but rather those who subdivide and undertake developments would be required to cover a large part of the cost, as well as paying rates.

It is difficult to see why subdividers and developers in a particular catchment should be required to fund much of the upgrading and construction of major new facilities in areas well removed from the relevant subdivision or development when in fact the whole community should contribute to the infrastructure it will benefit from. This
would seem to be at odds with State Planning Policy 3.6 as the upgrading of the examples above is clearly not necessary for or relevant to the development of land in South Baldivis.

(3b) It must be noted also that residential land developers are required to transfer 10% of their property to the Government free of cost for public open space (parklands). Most developers landscape and maintain the parks they provide to the community for several years as well. In addition to this, one primary school site (4.0ha) is required to be transferred to the Government free of cost for every 1500-1800 residential lots developed. Based on these long standing requirements it seems highly inequitable that developers will now also be required to contribute to community infrastructure that is not even located near their development or subdivision. This appears to amount to "double dipping" that would no doubt further reduce affordability as developers will be forced to pass these costs on to buyers.

(3c) It is noted as well that the proposed amendment seeks to recover costs already expended by Council in the preparation of this proposal. The application of retrospective costs is not considered equitable, and again, these costs are not relevant to the development of a particular proposal and therefore can not be applied under State Planning Policy 3.6.

Finally, in respect of equity, we note that the proposal seeks to calculate costs based on estimates rather than actual expenses. In some cases the land needed for a particular facility (Baldivis District Sporting Complex for example) has not even been identified yet. How therefore can costs be accurately determined and applied equitably?

**Summary**

Under the Local Government Act the general function of a local government is to provide for the good government of persons in its district. In our opinion, the proposed amendment would not fulfil this function as it would inequitably apply very significant costs to
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<td>developers (who are also ratepayers) when the benefits will flow to all ratepayers (and others using facilities from outside the municipality). The proposal is in effect a form of increasing rates for some but not all. This is clearly not equitable and would have the affect of reducing the affordability of new lots, as developers will have to increase the price to cover costs. If Council does see a need to secure additional funds for the upgrading and construction of community infrastructure that funding should be procured under the powers afforded to Council by the Local Government Act i.e.: Council should increase rates across the board as necessary rather than applying additional costs unevenly to the development industry, particularly when the legal ability to apply such costs is suspect. In the event that Council and the relevant approval authorities do decide to proceed with the proposal then the principles of State Planning Policy 3.6 must be properly applied to ensure that cost contributions only relate to infrastructure that is necessary and relevant for a particular development and that costs are charged equitably between those benefiting from the infrastructure i.e.: contributions must only apply to infrastructure needed in a particular catchment. Failure to so do would inevitably encourage our client to consider its legal alternatives.</td>
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No. 9 Mr Roman Zagwocki, Cedar Woods - P.O. Box 788, West Perth, WA 6872

Reference is made to your letter of 15 July 2011 advising of Council's intention to introduce a Development Contribution Plan for community infrastructure. Our comments on the proposal are outlined below:

1. We disagree with the methodology of calculating costs where today's costs have been indexed until when the infrastructure is to be built (up to 20 years) and then apportioned to each precinct on a cost per dwelling basis. This is floored as it penalises those that |

1. The inclusion of adjusted estimates in the Development Contribution Plan Report, indexed to take into account forecast inflation, is considered appropriate and consistent with the intent of SPP3.6 and the Scheme. Basing contributions on a non-indexed estimate would result in a shortfall, given the provision of infrastructure is being brought forward as much as possible and |

That the submission be rejected.
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<th>Submission</th>
<th>Comment</th>
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<td>have to pay earlier as they are paying a future value today. As costs are reviewed and escalated each year then there is no reason to charge the future cost today. Any charges collected are invested and interest earned.</td>
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<td>expenditure is planned to precede income, resulting in no interest being accrued.</td>
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<td>2. The inclusion of infrastructure over a 20 year period provides little certainty and benefit for developers paying these charges. The SPP specifies it should be a 5 -10 yr time horizon.</td>
<td>In any event, it is a reality of DCP's prepared under SPP3.6 that later developers will ultimately pay less in real terms, as the cost contributions must be based on actual costs once infrastructure has been completed.</td>
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<td>3. Council is not committed to provide the infrastructure as indicated in its plan and has kept its options open by indicating that the infrastructure could be delayed if adequate funding is not available. Therefore it intends to collect charges for infrastructure based on a proposed timing when there is no commitment that the infrastructure will be provided. Developers are unlikely to be able to seek a return of their costs.</td>
<td>Given the City is bringing forward the provision of infrastructure, cost contributions will gradually be fixed over the first ten years, with the result that later developers will likely pay a fixed contribution that can not be adjusted for inflation.</td>
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<td>4. Where alternative funding (i.e. grants) is obtained it is unclear as to how this will affect charges given that payments may have already been made by developers towards the infrastructure.</td>
<td>2. SPP3.6 does not restrict DCP's to a maximum period of operation, and the notes in the associated draft Model Scheme Text state that a longer period may be appropriate depending on the particular circumstances of the development contribution area. It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for the development of existing urban growth areas in the City.</td>
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<td>5. The charges are payable at subdivision clearance stage however I understand that Council is retaining the right to levy any additional charges (i.e. if there is a review/recalculation etc) subsequent to clearance of the subdivision. This is unacceptable.</td>
<td>Given the City is prefunding infrastructure, a 20 year timeframe is considered appropriate to give the City certainty that</td>
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<td>7. During the recent presentation officers also stated that timing for provision of infrastructure was flexible, ie could be delayed if determined by Council. This is contrary to the intent of the SPP. The Policy specifies that the whole basis for being able to charge developers is the certainty that infrastructure will be provided in the timeframes specified, ie the Council takes on the risk that if it's going to charge, then it must deliver the infrastructure when the plan states. We would be interested to receive Council’s response to our concerns listed above.</td>
<td>the DCP will operate until development is complete. It is noted that a 20 year timeframe has been approved by the Hon Minister for Planning for a similar DCP within the City of Cockburn.</td>
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<td>3. It is appropriate that the DCP provide flexibility to defer or bring forward provision of infrastructure according to timing of development. Specifying a set threshold for the provision of infrastructure is not supported, as such an approach is likely to require the provision of infrastructure within the same timeframe, which is not realistic to deliver. In any event, the City has demonstrated that it can deliver the early provision of infrastructure, with the majority to be provided within the first 10 years, through pre-funding.</td>
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<td>It is noted that the Hon Minister for Planning did not require the timing of infrastructure to be set in a similar DCP within the City of Cockburn. In this regard, the City of Cockburn referred to timing set out in the Community Infrastructure Plan which, appropriately, is capable of being reviewed on a regular basis.</td>
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<td>4. Assuming the overall cost of infrastructure is unchanged, contributions would reduce if additional external funding is identified.</td>
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<td>5. Under clause 5.6.12 of TPS2, it is not mandatory that cost contributions be treated as final if they are</td>
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<td>based on estimated costs (ie. in circumstances where all infrastructure has not been completed and the final cost is not known). Clause 5.6.12.4(b) states, however, that the City may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the Owner accordingly. It is the City's intention to treat contributions as final, with the agreement of Owners. It is appropriate that such an agreement confirm and recognise that an Owners contribution discharges its obligation with respect to the relevant development. 6. The City's Business plan provides a comprehensive overview of the City's planned expenditure and demonstrates its capacity to deliver the identified infrastructure.</td>
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| No. 10 Mr Ryan Darby, Roberts Day - GPO Box 6369 East Perth WA 6892          | Roberts Day, on behalf of Perron Developments Pty Ltd, hereby provides the following submission in respect to the above amendment regarding developer contributions for community infrastructure (DCP). Perron Developments Pty Ltd owns a landholding in the locality of Singleton (Lot 1002 Singleton Beach Road) which has structure plan and subdivision approval. The proposed amendment and subsequent contribution requirements will therefore impact upon this landholding.  

(1) Equitable Contributions  
Whilst the need for developer contributions as part of the development infrastructure hierarchy and standards of provision, as identified within the City's Community Infrastructure Plan, are consistent with industry benchmarks including the SPP 3.6 Local Government Guidelines (draft). Community facilities have been planned within a hierarchy of provision with different scales of infrastructure servicing varying sized catchments. Those facilities deemed to service a larger regional and/or district population catchment, such as the Lark Hill Sportsplex and  |
|                                                                          | That the submission be rejected.                                                                                                                                     |                                     |
process to provide for facilities which service new residents’ is acknowledged, we wish to raise an issue in respect to a number of the proposed infrastructure items which are located a large distance away from the aforementioned Singleton landholding.

The following is a list of these infrastructure Items and their distance from the Singleton landholding:

<table>
<thead>
<tr>
<th>Infrastructure Item</th>
<th>Distance</th>
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<tbody>
<tr>
<td>Rockingham Youth Recreation Space Redevelopment</td>
<td>24 Kilometres</td>
</tr>
<tr>
<td>Baldivis District Sporting Complex</td>
<td>20 Kilometres</td>
</tr>
<tr>
<td>Kent Street Community Arts Centre</td>
<td>24 Kilometres</td>
</tr>
<tr>
<td>Rockingham Youth Venue</td>
<td>22 Kilometres</td>
</tr>
<tr>
<td>Baldivis Indoor Recreation Centre</td>
<td>20 Kilometres</td>
</tr>
<tr>
<td>Rockingham Aquatic Centre Redevelopment</td>
<td>21 Kilometres</td>
</tr>
<tr>
<td>Aqua Jetty Stage 2</td>
<td>15 Kilometres</td>
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Due to the location and type of these infrastructure items it is considered likely that only a small percentage of residents within Singleton will utilise them and therefore it is not considered equitable for developers within this Sub-Area to provide a full contribution. For example, for teenagers from Singleton to access the Rockingham Youth Venue via public transport on a Saturday it would take them approximately 1 hour and 10 minutes to arrive. Whereas it would take them approximately 30 minutes to access the Billy Dower Youth Centre in Mandurah.

The WAPC’s SPP3.6 Developer Contributions for Infrastructure lists a number of principles which underlie development contributions. The Rockingham Youth Venue, are therefore subject to development contributions from a broader area. Given the significant urban growth anticipated within the southern coastal suburbs it is reasonable to expect that an increasingly large proportion of the population will indeed access major community facilities.

Whilst the proposed district level facilities may attract differing levels of usage from throughout the Local Government Area it is difficult to quantify such varying levels of usage per sub-area for the purposes of proportionate development contributions.

1b. Splitting the DCP into smaller DCP’s will not deliver any improvement in functionality and will increase the cost of administering the Scheme.

2. Under the existing provisions of clause 5.6 of TPS2, liability for “Cost Contributions” can arise when the WAPC endorses its approval on a plan of subdivision. This is so regardless of when approval to subdivide was granted and regardless of whether such an approval was granted prior to Amendment No. 114 coming into operation. Liability to meet the Cost Contributions arises under the Scheme itself and not by reason of any conditions of subdivision approval. The provisions to this effect are consistent with the model.
Following are two of these principles and how they relate to the draft DCP.

1. Need and the nexus
The need for the Infrastructure included in the development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

3. Equity
Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

The draft DCP does not appear to adequately address the connection between the infrastructure items listed in the table above and demand created by, the potential use by or the need created by the residents of Singleton for these items. If the only a small percentage of future Singleton residents utilise these items due to their location it is considered unreasonable for developers to contribute the same as developers closer to the infrastructure item.

(1b) In light of the above it is recommended that the City be split into three Developer Contribution Areas in order for the infrastructure items contributions to be obtained from residents who will actually benefit from the item. For example, the City can be split into three DCP areas:

<table>
<thead>
<tr>
<th>NORTH-WEST DISTRICT</th>
<th>ROCKINGHAM, HILLMAN, SHOALWATER, SAFETY BAY, COOLOONGUP, WAIKIKI, WARNBRO AND PORT KENNEDY</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH-EAST DISTRICT</td>
<td>BALDIVIS NORTH, BALDIVIS SOUTH</td>
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<tr>
<td>SOUTH DISTRICT</td>
<td>KARNUP, SECRET HARBOUR, GOLDEN BAY, SINGLETON</td>
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Contributions for infrastructure items that only service particular DCP areas

3. It should be noted that development contributions only fund a portion of those facilities included within the Community Infrastructure with a large proportion of capital funding coming from municipal funds, external grants and other contributions. The Local Government Authority has the responsibility to design the community facilities in an appropriate manner that will maximise functionality, service delivery and efficiency. Many facilities within the Community Infrastructure Plan will be subject to entrance fees, membership charges and other potential sources of revenue. However, this is far outweighed by the capital costs, lifecycle costs and ongoing management costs that will be incurred by the City over the life of the assets.
should be sourced from those areas. For larger infrastructure items the City could look at a sliding scale of contributions depending on the distance of the sub-areas from the proposed infrastructure items. A catchment analysis should also be undertaken to determine the use of the infrastructure items by the sub-areas listed in the draft DCP.

(2) Requirement for Contributions

City of Rockingham officers have advised that for existing subdivision approvals that there will be no contribution required for lots created prior to the DCP amendment being gazetted, however once the amendment is gazetted and forms part of the TPS the City can require a contribution for each lot created. However, this doesn't appear to be in accordance with SPP3.6, which states:

5.3.2. Development contributions are calculated and applied.

Development contributions are generally calculated and applied by way of conditions of subdivision, strata subdivision or development, particularly in greenfield areas. Development contributions may also be sought in infill and redevelopment areas at the time of subdivision, strata subdivision or development.

They may be calculated and applied as:

• standard conditions of subdivision or strata subdivision;
• conditions of development.

Alternatively, contributions can be implemented through voluntary legal agreements.

The subdivision approval for the subject Singleton landholding (WAPC ref: 143106) does not include any condition requiring a developer contribution there doesn't appear to be any statutory mechanism for the City to require a contribution when creating the current approved lots. Can the City provide justification that contributions can be required for existing subdivision approvals which don't have conditions relating to contributions for...
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<td>infrastructure.</td>
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<tr>
<td>It is considered unreasonable for developers with existing approvals to be retrospectively required to contribute to infrastructure items. We are seeking independent legal advice from the State Solicitors office in respect to this issue and we will forward this to the City for their consideration when it is received.</td>
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<td>(3) Contributions to Infrastructure Items Which Can Produce Revenue</td>
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<td>A number of the infrastructure items include revenue raising components which are not considered community items and should not require contributions. These items include kiosks, clothing/merchandise shop and cafes. The capital cost estimates for the each of the infrastructure items should be reviewed and the revenue raising components removed from these estimates.</td>
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<td><strong>No. 11 Mr George Hajigabriel, Greg Rowe and Associates - Level 3/369 Newcastle Street, Northbridge WA 6003</strong></td>
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<tr>
<td>Greg Rowe and Associates acts on behalf of Mr Len Buckeridge in respect of his land holdings that are located in the northern section of the BEST Group District Structure Plan area. Our Clients land comprises Lots 447, 459 and 709 Baldivis Road, Baldivis. This documentation forms a submission in relation to the proposed City of Rockingham Town Planning Scheme Number 2 (TPS2) Amendment 114. Subject to the finalisation of Amendment 114, our Client's land will be included within the Baldivis North Sub-Area. We provide the following comments in relation to the proposed Amendment and request that the City alters the Amendment in accordance with the suggestions contained within this submission.</td>
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<td>(1) DEVELOPER CONTRIBUTION PLAN - TIMEFRAMES</td>
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<td>It is understood from our review of Amendment 114 that the City is seeking a variation to the provisions of</td>
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<td>1. SPP3.6 does not restrict DCP's to a maximum period of operation, and the notes in the associated draft Model Scheme Text state that a longer period may be appropriate depending on the particular circumstances of the development contribution area. It is essential that the timeframe for the DCP reflects the likely timeframe for development of the area, to ensure that contributions are equitably applied to all developers in the area. In this regard, the 20 year timeframe proposed for DCP2 reflects the anticipated timeframe for development of existing urban growth areas in the City. Given the City is prefunding infrastructure, a 20 year timeframe is considered appropriate to give the City certainty that the submission be upheld in part, and the proposed definition of 'Dwelling Unit' be modified as follows:</td>
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<td>&quot;Dwelling Unit&quot;</td>
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<td>(a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;</td>
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<td>(b) in the case of the proposed development, means a dwelling which is the subject of the proposed development, but excludes:</td>
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<tr>
<td>(i) any lot in relation to a strata scheme or a lot in relation to a survey-</td>
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CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 20 FEBRUARY 2012

PRESIDING MEMBER
Statement of Planning Policy 3.6 (SPP 3.6) Development Contributions for Infrastructure in regard to the recommended 5 to 10 year horizon for contribution plans and that a number of the infrastructure items are not proposed to be provided until after 2022.

The City's desire to cohesively plan for the provision of Community infrastructure within the municipality has resulted in the application of a generic 20 year horizon to the Development Contribution Plan (DCP), however this does not provide a suitable timeframe for the provision of facilities to new residents, nor does it allow developers to finalise their interests once a development is concluded.

It is suggested that whilst a 20 year horizon may be appropriate to identify and strategically plan for the provision of facilities in an overall Community Infrastructure Plan, a 5 to 10 year timeframe in accordance with SPP 3.6 is appropriate and should be applied to the DCP.

If the delivery timeframes for facilities remain as per the amendment, the new residents within the DCP area will firstly, not benefit from those facilities proposed within a reasonable timeframe and secondly, will likely be existing residents, contributing to the Town's infrastructure via rates for some 5 to 15 years prior to the delivery of some of the Community facilities.

Whilst it is acknowledged that the above situation will occur within any greenfield development that is to say, the initial stages of development will invariably be without Community infrastructure until a critical mass is achieved, the proposed DCP should be structured to maximise any potential benefit to new residents.

We therefore request either of the following modifications to ensure the contributions to Community infrastructure is relevant and reasonable to each Sub-Area:

1. Apply a 5 to 10 year timeframe for each Sub-Area and bring forward the delivery of Community infrastructure, so the DCP will operate until development is complete. It is noted that a 20 year timeframe has been approved by the Hon Minister for Planning for a similar DCP within the City of Cockburn.

2. Keralup has not been included at this stage given it is not zoned for urban development under the Metropolitan Region Scheme. The Baldivis East area is zoned ‘Urban Deferred’ and is therefore likely to proceed to development in the short term. A Community Needs Assessment is currently being undertaken for the proposed Keralup development which will ultimately inform a review of the DCP.

3. Clause 5.6.18.2 of TPS2 requires the City, in the event that excess funds are available upon completion of the DCP, to refund the excess funds to contributing Owners. Where it is not reasonably practical to identify Owners and there entitled amount, TPS2 requires the excess funds to be applied for the provision of additional facilities or improvements in the area.

The request to consider refunds upon completion of each infrastructure item is inconsistent with TPS2 and SPP3.6.

In any event, it should be noted that, where contributions are based on estimated costs, it is likely that the actual cost for each item of infrastructure may prove to be either strata plan, as those terms are defined in the Strata Titles Act 1985, and which is used or approved for use in accordance with a development approval, for any purpose other than a dwelling;

(ii) any lot referred to in paragraph (a) which is shown on an approved plan of the subdivision for any of the purposes specified in section 152(1) of the Act; or

(iii) any common property as that term is defined in the Strata Titles Act 1985.
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<td>that new residents will receive a direct benefit from the facilities which are being contributed to, or</td>
<td>above or below the estimated costs that were applied when an Owners contribution was calculated. As such, it is not considered appropriate to review final contributions when each individual item of infrastructure is completed.</td>
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<td>2. If the proposed timeframes are maintained, apportion contributions appropriately so that contributions for long term infrastructure (i.e. beyond a 10 year horizon) are not applied until the DCP is reviewed closer to the date of the actual provision of the infrastructure. At the appropriate review date the municipal contribution would need to be proportionately increased to allow for the progressive increase in resident numbers. The effect of this approach would be removal of the Baldivis District Sporting Complex Development, the Aqua Jetty Stage 2, and the Larkhill Sportsplex Stage 2 facility from the DCP.</td>
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<td>(2) EXCLUSION OF KERALUP DEVELOPMENT AREA</td>
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<td>It is noted that the future development area in Keralup has been excluded from the DCP. It is understood this area has been excluded on the basis that it is considered unlikely confirmation of this area being zoned for development will occur within the next 5 to 10 years. It is agreed that this approach is reasonable, however this approach appears to be at odds with the City's intent to include infrastructure items that are not proposed to be provided until after 2022. Whilst there is no guarantee that the Keralup area will indeed proceed to development, the same could said of many of the other areas in the DCP, including the BEST Group DSP area which is currently zoned &quot;Urban Deferred&quot;. This further reinforces the difficulties associated with imposing a DCP that has an extended life cycle and reinforces the need to limit the DCP to a 5 to 10 year horizon.</td>
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<td>(3) MECHANISM FOR RETURNING FUNDS</td>
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<td>Clause 5.6.18.2 of TPS 2 stipulates that if there are any excess funds available to the DCP area when all cost contributions have been made, then a refund is to be paid to the contributing land owners. Whilst this approach may</td>
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<td>4. It is appropriate that the DCP provide flexibility to defer or bring forward provision of infrastructure according to timing of development. Specifying a set threshold for the provision of infrastructure is not supported, as such an approach is likely to require the provision of infrastructure within the same timeframe, which is not realistic to deliver.</td>
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<tr>
<td>In any event, the City has demonstrated that it can deliver the early provision of infrastructure, with the majority to be provided within the first 10 years, through pre-funding.</td>
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<td>It is noted that the Hon Minister for Planning did not require the timing of infrastructure to be set in a similar DCP within the City of Cockburn. In this regard, the City of Cockburn referred to timing set out in the Community Infrastructure Plan which, appropriately, is capable of being reviewed on a regular basis.</td>
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<td>5. It is the intent of the DCP that owners not be required to make contributions for lots that are being created for public and non-residential purposes. It is considered that the</td>
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be considered reasonable in the context of a smaller DCP areas, given the current proposal relates to an area that includes the entire municipality and given Council’s proposal to include items that are not intended to be provided potentially for another 20 years, it is clearly evident that the likelihood of refunds will be low, particularly given it would be very difficult for the City to locate owners after 20 years have passed. Furthermore subsequent reviews of the DCP will include new areas of land zoned for development hence necessitating a restructuring of the contribution schedule, potentially with a reduction in the per lot contribution amount. Land owners who develop their land later will be paying less and would effectively be subsidised by land owners who develop earlier.

A more equitable method would be to consider refunds on the basis of the provision of specific infrastructure items. That is to say that once an infrastructure item has been provided, the costs for that item should be reviewed and if the costs for the provision of that item are less than the estimates included within the Cost Apportionment Schedule, then refunds should be payable. Given that the Cost Apportionment Schedule is to be reviewed on a regular basis (annually), adjustments in this regard should be relatively minor. This approach will however assist in situations whereby Council is successful in obtaining government grants for the provision of facilities which may result in significant reductions to the contribution of a particular infrastructure item.

Some of the longer term District Infrastructure will likely attract Government grants hence reducing the cost contribution requirement for that item. The benefit of the cost reduction should be passed on to the early developers rather than allowing that benefit to be absorbed into the DCP and hence capitalised upon only by Council and by landowners who do not develop their land in the short to medium term.

(4) TRIGGER FOR DELIVERY OF

Amendment can be modified to further clarify where contributions are not required, by amended the definition of ‘Dwelling Unit’ in section 4(1) of the DCP as follows:

“Dwelling Unit”
(a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;
(b) in the case of the proposed development, means a dwelling which is the subject of the proposed development, but excludes any lot referred to in paragraph (a) which is:
(i) used or approved for use, in accordance with a development approval, for any purpose other than as a dwelling; or
(ii) shown on an approved plan of subdivision for any of the purposes specified in section 152(1) of the Act.

6. The community infrastructure hierarchy and standards of provision, as identified within the City’s Community Infrastructure Plan, are consistent with industry benchmarks including the SPP 3.6 Local Government Guidelines (draft). Community facilities have been planned within a hierarchy of provision with different scales of infrastructure servicing...
**CONFIRMED AT A PLANNING SERVICES MEETING**
**HELD ON MONDAY, 20 FEBRUARY 2012**

**SUBMISSION**
The Scheme Amendment proposal seeks to delete existing Clause 5.6.8(d) from TPS 2. This Clause requires that the DCP is to clearly specify the priority and timing for the provision of infrastructure. The deletion of this requirement is not consistent with the requirements of SPP 3.6 which stipulates that there is to be a "commitment to providing the infrastructure in a reasonable period." It is considered unreasonable for the City to collect funds from landowners and hold those funds without any guarantee in respect to the timing for the delivery of the applicable infrastructure. Land owners are effectively entering into a partnership with Council for the sharing of costs associated with the provisional of infrastructure. It is appropriate and reasonable for land owners to be in a position whereby they can advise prospective purchases of land within new development areas that certain infrastructure that has been part funded by the land owner will be provided within certain time frames.

It is acknowledged the City could encounter significant financial difficulties if it was to commit to the provision of infrastructure items within a certain time frame however for various reasons beyond the City's control, the required funds are not received (likely through a slower than anticipated roll out of development). Therefore it is suggested that the DCP links the priority and timing for the provision of infrastructure with the collection of funds.

The Scheme Amendment should include a provision requiring that the City stipulates a trigger for infrastructure to be provided once sufficient funds from land owners have been collected for a particular item.

The City should be required to include a regularly updated schedule identifying the proportionate funds obtained and held relative to the Sub-Areas. A land owner within a particular Sub-Area who makes a contribution can then track that contribution value. A running tally should be maintained to identify in a clear and transparent manner, the funds varying sized catchments. Those facilities deemed to service a larger regional and/or district population catchment, such as the Secret Harbour Surf Life Saving Club and Rockingham Youth Venue, are therefore subject to development contributions from a broader area. Given the significant urban growth anticipated within the southern coastal suburbs it is indeed reasonable to expect that an increasingly large proportion of the population will indeed access such major community facilities.

Specifically, given that the Secret Harbour Surf Life Saving Club is the City's only such facility located at the only patrolled beach within the Local Government Area it is considered appropriate to establish apply a 'district level' catchment. It is evident that catchment areas for beaches are highly dispersed with more than 70% of beach users using private vehicle as the preferred mode of transport. Indeed, beach user research has identified that the main concentration of the Secret Harbour beach catchment is the coastal strip from Rockingham south to Singleton and east to Baldivis/Karnup.

6. The catchments are based on standards for the provision of infrastructure, which provide a ratio of facilities per head of population. It is not possible to quantify a detailed breakdown of...
CONFIRMED AT A PLANNING SERVICES MEETING  
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<td>that are being held by the City for the various Sub-Areas.</td>
<td>usage from within the catchment.</td>
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<td>Clearly the City could elect to bring forward the provision of an infrastructure item if a particular need is identified. Once the required funds are received for a particular infrastructure item within a Sub-Area, it must be provided by the City irrespective of whether the City feels that other infrastructure items should have a greater priority. This would ensure that infrastructure items are provided in areas where the greatest amount of development is occurring and hence the greatest the amount of need is being experienced. It would also provide land owners with an indication of a worst case scenario in terms of when the infrastructure item will be provided.</td>
<td>7. The Baldivis East District Structure Plan remains 'draft' and therefore the proposed public open space allocations have not been considered during preparation of the City's current Community Infrastructure Plan.</td>
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(5) DEFINITION OF DWELLING UNIT

The Scheme Amendment proposal seeks to adopt a definition for dwelling unit which, in the case of land subdivision, would relate to any lot that is the subject of the proposed subdivision. The definition does not appropriately exclude lots which do not have residential development potential. Specifically it is common for subdivisions to include the creation of allotments that contain infrastructure such as, for example, sewer pumping stations or Western Power padmount sites. A strict interpretation of the definition under the amendment proposal would also include any allotments created for the purposes of commercial development, including individual strata titled non-residential tenancies. It is therefore suggested that the definition of a "lot" requires further clarification.

(6) REMOTE FACILITIES

It is noted under Section 9 of proposed Schedule 12 in the DCP that, there is ability for the reduction in the proportionate contribution towards certain items of infrastructure. It is understood that this is applied only in circumstances where an item of infrastructure is considered to have a catchment beyond the area that is covered by the DCP. The same principle...
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<td>however should be applied to the consideration of infrastructure items within the DCP area. This is a requirement in SPP 3.6 which states that development contributions within a development contribution area should be based on their relative contribution to need.</td>
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<td>In this regard it is contended that, for example, future residents within the Baldivis locality would have a much lower likelihood of utilising the Secret Harbour Surf Lifesaving Club than would future residents living within the Secret Harbour locality. Contributions towards that particular infrastructure item should have a greater proportionate contribution from the locality surrounding the infrastructure item or facility. This approach should be adopted for all of the district infrastructure items.</td>
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<td>This approach would be consistent with SPP 3.6 which states: &quot;The key principle is that the ‘beneficiary’ pays. Sometimes benefits will be largely confined to the residents of a new development. Sometimes, the benefits will accrue to existing as well as new residents. Consistent with this principle, new residents will only fund the infrastructure and facilities which are reasonable and necessary for the development and to the extent that the infrastructure and facilities are necessary to service the developments.&quot;</td>
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<td>It is noted that the Baldivis District Sporting Complex Development, the Aqua Jetty Stage 2, and the Larkhill Sportsplex Stage 2 facility, which would otherwise be considered as appropriate for a more weighted distribution of contribution allocation, should in any event be removed from the Cost Apportionment Schedule given the expectation is that they will not be provided within the next 10 years.</td>
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<td>(7) BALDIVIS PRIMARY SHARED USE RESERVE</td>
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<td>The Cost Apportionment Schedule includes an allowance for the Baldivis North Sub-Area to contribute towards the Baldivis Primary Shared Use Reserve</td>
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which is located on the corner of Fifty Road and Kerosene Lane. It is noted that this contribution has been justified on the basis that the City has already committed to contributing towards the cost of establishing the shared use reserve which will “provide an additional local-level playing field”.

It is considered inappropriate that the entire Baldivis North Sub-Area should be contributing towards this local reserve. As is evident in the BEST Group District Structure Plan, there are three proposed shared use reserves adjacent to primary schools identified within the Structure Plan area. If it is considered appropriate and justified that contributions towards the establishment of a local reserve is to be included within the Cost Apportionment Schedule, then all of the reserves should be included.

Not all existing and future residents within the Baldivis North area will benefit from or use the Kerosene Lane local reserve area. Council could elect to pursue a contribution from those landowners immediately adjoining and benefiting from the local reserve, however that should be undertaken as a separate approach and should not be included within the currently advertised DCP.

CONCLUSION

Through this submission it is requested that City alters proposed Amendment 114 and the DCP in accordance with the following.

- Any infrastructure item that is not proposed to be provided within the next 10 years should be removed from the Cost Apportionment Schedule.
- A mechanism for returning funds should be included whereby funds are returned progressively if particular infrastructure items cost less than anticipated or alternate funding sources are secured.
- Clause 5.6.8 (d) should remain in TPS2 and the City should be required to nominate the priority for infrastructure provision and to set a financial trigger when the items must be provided.
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| • The definition of a lot should be expanded to exclude lots created to contain service infrastructure.  
• The cost contributions for District Infrastructure should be weighted in accordance with the distance from the infrastructure item.  
• The Baldivis Shared Use Reserve should be removed from the Cost Apportionment Schedule.  
We trust the above is of assistance in the City's deliberation on the proposed Amendment and DCP. | 1. TPS2 requires valuations and cost estimates to be reviewed at least annually.  
2. The inclusion of adjusted estimates in the Development Contribution Plan Report, indexed to take into account forecast inflation, is considered appropriate and consistent with the intent of SPP3.6 and the Scheme.  
Basing contributions on a non-indexed estimate would result in a shortfall, given the provision of infrastructure is being brought forward as much as possible and expenditure is planned to precede income, resulting in no interest being accrued.  
In any event, it is a reality of DCP's prepared under SPP3.6 that later developers will ultimately pay less in real terms, as the cost contributions must be based on actual costs once infrastructure has been completed.  
Given the City is bringing forward the provision of infrastructure, cost contributions will gradually be fixed over the first ten years, with the result that | That the submission be rejected. |

**No. 12 Mr Frank Arangio,**  
**Development Planning Strategies - Suite 2/257 Your Street, Subiaco WA 6008**  
I refer to the City of Rockingham's recent advertising of the above for public comment. On behalf of our client, Golden Group, who has interest in land in Karnup locality, we would like to make comments on the following selective segments of the proposed Development Contribution Plan (DCP) based on the suite of supporting documents reviewed:  
**Submission 1**  
**Recommended annual review of Contribution Item valuations and per lot contribution rates.**  
Item 17 of Amendment No. 114 of Town Planning Scheme No. 2 prescribes that a review of the DCP No.2 be undertaken every 5 years.  
Using existing and operating DCP's throughout WA as case studies, it is considered that the proposal to review the DCP No.2 every 5 years is somewhat precarious. As demonstrated under the City of Armadale's North Forrestdale DCP No.3, there are several factors that can cause valuations (and subsequent contribution cost per lot rates) to fluctuate on an annual basis - in this case a change in rate of in the order of +$2,400 per/at between 2009 - 2011.  
The review of the DCP No.2 every 5 years is considered tenuous in that:  
1. It does not take into consideration  

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<td>the fluctuations in market land values and construction costs over such a long period.</td>
<td>later developers will likely pay a fixed contribution that can not be adjusted for inflation.</td>
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<td>The fluctuation in land values and construction costs between 2006 - 2011 alone clearly demonstrates the challenges the City would experience by undertaking 5-year periodic reviews.</td>
<td>3. Land acquisition costs have not been included where the land required has either been ceded to the City free of cost, or the City is certain that the land will be ceded as part of normal POS contributions.</td>
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<td>Fluctuations may lead to the short term overpayment (or perhaps long term underpayment) of contributions on a per lot basis which may be to the burden of the developer or City. An annual review will rectify this issue.</td>
<td>4. The community infrastructure hierarchy and standards of provision, as identified within the City's Community Infrastructure Plan, are consistent with industry benchmarks including the SPP 3.6 Local Government Guidelines (draft).</td>
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<td>2. It fails to quantify potential or new development that may take place prior to the 5-year review. Moreover, development of areas such as East Baldivis or Karnup has yet to progress (adopt) District or Local Structure Planning. However, does not imply that the first stages of development in these will not occur within the next 5 years. In this case, should the actual lot yields be higher than anticipated over the next 5 years, then current developments are paying higher per lot contribution rates than they should primarily due to inaccurate 5-year lot forecasts. Again, an annual review will rectify this issue.</td>
<td>Community facilities have been planned within a hierarchy of provision with different scales of infrastructure servicing varying sized catchments. For example, a proposed sub-district community centre provides far great amenity and therefore shall accommodate a far broader range of services than a neighbourhood level community centre. This represents an effective approach to the delivery of infrastructure to ensure both localised needs as well as the more complex needs of broader population catchments are equally met.</td>
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<td>3. It is based on acquisition and development of sites that have yet to be determined. A case in point is the future 'Baldivis District Sporting Complex' is to be located &quot;somewhere in the locality of Folly Road&quot;. Suggested sites on the west side of the Kwinana Freeway have an 'Urban Deferred' zoning, with 'Urban' zoning expected within the next 1 - 2 years. In this case the projected $5,000,000 acquisition cost for a 30ha site with an imminent 'Urban' zoning is optimistic on the City's behalf.</td>
<td>It should be noted that each facility within the Community Infrastructure Plan remains subject to further detailed planning, and any opportunities to consolidate facilities to achieve improved outcomes will be duly</td>
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<td>soon as possible following relevant planning studies.</td>
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<td>considered.</td>
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<td>4. It fails to justify the expenditure of the City’s DCP ‘Co-ordinator role with base salary of $100,000 commencing in 2010 and incrementally rising on an annual basis. An employee on this salary would assume to be working on the DCP on a fulltime (or thereabouts) basis, therefore should be expected to produce an annual review of the DCP.</td>
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<td><strong>RECOMMENDATION:</strong></td>
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<td>• That the proposed DCP review period occur annually and NOT every 5 years.</td>
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<td>Submission 2</td>
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<td><strong>Contribution Levies to based on Current Valuations</strong></td>
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<td>DCP No. 2 depicts the cost of developing various items of community infrastructure not in ‘2011 dollars’ but projects these costs forward to the time when the various items are scheduled for delivery in the future. These future (inflated) costs are then used to determine actual contribution costs (ie the ‘per lot costs) payable by contributors today. It is submitted that the use of projected costs for long term development should also be based on current land and construction valuations and reviewed annually, thereby minimising inevitable discrepancies between 2011 costs projections and the actual cost of projects 10 - 20 years away from completion. Clearly, the proposed approach places an unwarranted cost burden on existing developers, whereby these developers will pay the same contribution rate as landowners developing 5+ years from now; albeit the latter developer will be subject to 2016 inflation rates, land values and construction costs.</td>
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<td><strong>RECOMMENDATION:</strong></td>
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<td>• That the DCP utilises 2011 dollars as the basis for determining per lot contribution levies in 2011 and that these costs (ie both the projected development costs and the per lot</td>
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levies) be reviewed annually.

**Submission 3**

**Land Acquisition Component of Community Infrastructure Items**

The DCP only incorporates a 'land acquisition' component for selective major items of community infrastructure. It is uncertain as to whether the land component for all of the remaining sites has already been acquired or is to be ceded in the future by developers as part of the standard 10% Public Open Space requirement. In the latter instance, it should be noted that for District community infrastructure items, it cannot be necessarily assumed that land owners will cede their land in this way; it is our experience that land required for district facilities has often been required to be purchased by the development contribution scheme. Accordingly, this likely scenario should be investigated for all district (or sub-district) items which form part of the DCP.

**RECOMMENDATION:**

- That the land components for all district and sub-district items of community infrastructure be reviewed and accounted for prior to the finalisation of the DCP

**Submission 4**

**Apparent Duplication of Community Infrastructure Items**

It is apparent that there may be some duplication within the suite of community infrastructure items proposed by the DCP. Of note are the various levels of 'community centres' and 'youth recreation spaces'. There may be opportunities to further consolidate or co-locate these with active sport/POS developments and in so doing, not only ensure cost savings but also speedier delivery to the community.

**RECOMMENDATION:**

- That opportunities for consolidation or co-location of some of the proposed items of community infrastructure be | COMMENT | RECOMMENDATION |
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levies) be reviewed annually. |  |  |
Submission 3 |  |  |
Land Acquisition Component of Community Infrastructure Items |  |  |
The DCP only incorporates a 'land acquisition' component for selective major items of community infrastructure. It is uncertain as to whether the land component for all of the remaining sites has already been acquired or is to be ceded in the future by developers as part of the standard 10% Public Open Space requirement. In the latter instance, it should be noted that for District community infrastructure items, it cannot be necessarily assumed that land owners will cede their land in this way; it is our experience that land required for district facilities has often been required to be purchased by the development contribution scheme. Accordingly, this likely scenario should be investigated for all district (or sub-district) items which form part of the DCP. |  | RECOMMENDATION: |
--- | --- | --- |
• That the land components for all district and sub-district items of community infrastructure be reviewed and accounted for prior to the finalisation of the DCP |  |  |
Submission 4 |  |  |
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It is apparent that there may be some duplication within the suite of community infrastructure items proposed by the DCP. Of note are the various levels of 'community centres' and 'youth recreation spaces'. There may be opportunities to further consolidate or co-locate these with active sport/POS developments and in so doing, not only ensure cost savings but also speedier delivery to the community. |  | RECOMMENDATION: |
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• That opportunities for consolidation or co-location of some of the proposed items of community infrastructure be |  |  |
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<td>explored. We now look forward to our submission being favourably considered land values and construction costs.</td>
<td>1. Whilst it is inevitable that the proposed facilities within the City's Community Infrastructure Plan may attract usage from beyond the identified catchments areas and/or more usage from within certain sub-areas it is difficult to quantify the level of such usage for the purposes of establishing proportionate development contributions. Given that the Secret Harbour Surf Life Saving Club is the City's only such facility located at the only patrolled beach within the Local Government Area it is considered appropriate to establish apply a 'district level' catchment. It is evident that catchment areas for beaches are highly dispersed with more than 70% of beach users using private vehicle as the preferred mode of transport. Indeed, beach user research has identified that the main concentration of the Secret Harbour beach catchment is the coastal strip from Rockingham south to Singleton and east to Baldivis/Karnup.</td>
<td>That the submission be rejected.</td>
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No. 13 Mr Frank Arangio, Development Planning Strategies - Suite 2/257 Your Street, Subiaco WA 6008

Development Planning Strategies on behalf of Australand Property Group, substantial landowners within the proposed Development Contribution Area No.2, welcomes the opportunity to make a public submission in response to the City of Rockingham's proposed Amendment No 114 to Town Planning Scheme No.2. As stakeholders in the development of residential estates throughout the City, our clients have a strong interest in the City's proposed Development Contribution Plan (DCP) for Community Infrastructure.

On the basis that the DCP is proposed to be used as a long term planning instrument for the City, and given the potential that it may be used as a framework for other Local Government Areas, there is a strong emphasis in ensuring that the proposed DCP demonstrates a clear connection between community need for infrastructure and the development levy, methodology of fee calculation and transparency of process prior to adoption by the City.

Consequently, this submission seeks further clarification and amendment of a number of proposed DCP provisions. This is to ensure a fair and equitable outcome is reached for all stakeholders; in this case by ensuring that the City of Rockingham's expectations through the proposed DCP are able to be practically and viably fulfilled by landowners/developers who are required to participate in the DCP for community infrastructure.

Specific items within the proposed DCP requiring review and amendment are identified below.

1) ISSUE 1: EQUITABLE ADJUSTMENT OF DEVELOPER LEVIES TO REFLECT PROXIMITY TO DISTRICT / REGIONAL
## Submission
Under the provisions of State Planning Policy 3.6 - Development Contributions for Infrastructure, one of the eight (8) underlying principles that form the basis of all DCPs throughout Western Australia is equity. SPP 3.6 states:

"Development contributions should be levied from all developments within a Development Contribution Area, based on their relative contribution to need".

The City is supported for its foresight in undertaking the Community Infrastructure Plan 2011/12 - 2020/21 exercise which predicts the need for items of regional community infrastructure based on an increasing population; however the Community Infrastructure Plan and the proposed DCP fail to identify that areas in close proximity to items of regional infrastructure will generate a greater usage than areas remote from the DISTRICT infrastructure proposed.

A specific example of this concerns the proposed surf life saving facility at Secret Harbour.

Our client has a fundamental difficulty with developers in the North and South Baldivis sub areas being required to contribute to the proposed surf life saving club at the same rate as developers within the various coastal precincts included in proposed Development Contribution Area No 2. Moreover, it is submitted that future residents of the coastal precincts will, due to the relative proximity, be more inclined to utilise the surf life saving facility than those living in the eastern cells.

Accordingly, the proposed $76 per lot levy should be appropriately discounted (we suggest by at least 50%) in recognition of this disparity in perceived usage.

Similarly, the proposed DCP cost apportionments should be generally amended to reflect the proximity of certain cells and the non proximity of other cells to proposed items of 'district' and 'regional' infrastructure. This, although requiring more work, will

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<td>INFRASTRUCTURE</td>
<td>Guidelines (draft). Community facilities have been planned within a hierarchy of provision with different scales of infrastructure servicing varying sized catchments.</td>
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<td>The Baldivis Youth Recreation Space is proposed to be located within the Baldivis District Sporting Complex that shall be within close proximity to both Baldivis South and Baldivis North. It is anticipated that this facility will provide a higher level of amenity for the broader Baldivis Sub-District that cannot be delivered within more localised public open space. Therefore, it is contended that the hierarchical approach to youth recreation spaces within the Baldivis area be maintained within the City's Community Infrastructure Plan.</td>
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<td>3. The City's Community Infrastructure Plan specifically takes into consideration existing facilities and shared-use opportunities to avoid unnecessary duplication. The high number of facilities within the Baldivis area is directly linked to high levels of population growth combined with limited existing community infrastructure.</td>
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<td>Whilst co-location and consolidation outcomes have been included within the Plan where appropriate it remains essential that community facilities are delivered within a hierarchy of provision with different</td>
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<td>provide for a fairer and more 'fine tuned' apportionment of 'per lot levies' and will be less prone to community and developer angst.</td>
<td>scales of infrastructure servicing varying sized catchments. For example, a proposed sub-district community centre provides far great amenity and therefore shall accommodate a far broader range of services than a neighbourhood level community centre. Given the significant capital, lifecycle and ongoing management implications of each facility identified within the Plan it is has been in the City's best interests to avoid any unnecessary duplication.</td>
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<td>2) ISSUE 2: LACK OF DIREG BENEFIT OF SOME PROPOSED FACILITIES TO CONTRIBUTING SUB-AREAS</td>
<td>4. Alternative methods of payment are specified in TPS2.</td>
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<td>In a similar view to Issue 1 above, some proposed lower order facilities demonstrate limited relationship and/or prospective levels of usership to warrant contributions from certain contributing sub-areas. Specific to the South Baldivis sub area, there is concern that the proposed 'Baldivis Youth Recreation Space' (a Sub-District item proposed within the North Baldivis sub-area) will be too remote and of little benefit to residents in the South Baldivis sub-area, particularly as there is a proposed Baldivis South Recreation Space (a Neighbourhood item) which will be solely levied to the South Baldivis sub area. Accordingly, it is requested that the levy apportionment for the Baldivis South sub area towards the Baldivis Youth Recreation space ($22 per lot) be deleted and levied wholly to the Baldivis North sub area.</td>
<td>5. Dwelling yield projections for the 'East Baldivis' area will be reviewed upon finalisation of the relevant draft District Structure Plan.</td>
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<td>3) ISSUE 3: NEED TO EXPLORE OPTIONS FOR CONSOLIDATING FACILITIES</td>
<td>6. Whilst the potential population yields, and subsequent demands for community infrastructure, within the Baldivis East District Structure Plan area are noted they were not considered within the City's Community Infrastructure Plan given that the land remains urban deferred. On this basis, it was considered appropriate to resolve issues related to the draft district structure plan prior to planning community infrastructure within this area.</td>
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<td>Several community infrastructure items proposed by the DCP in the Baldivis North and South cells appear 'duplicated' and may well be capable of being combined in order to reduce capital expenditure and ultimately the per lot cost impost. An appropriate example is the proposed 'Baldivis Library and Community Centre' (proposed Sub-District facility to be located in the North Baldivis sub-area) and the separate 'Baldivis South Multipurpose Community Centre' (proposed Neighbourhood facility). The former is proposed to be levied at $572 per lot and the latter at $395 per lot for developers in the South and North Baldivis sub areas. From an efficiency perspective, there appears to be some degree of</td>
<td>It should be noted that future iterations of the City's Community Infrastructure Plan will take into account the areas of Baldivis East,</td>
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<td>duplication with these items and a case may exist for combining those into one consolidated facility. Thus, opportunities for further consolidation/amalgamation of proposed facilities (such as in the case highlighted) should be seriously explored prior to the finalisation of the overall DCP.</td>
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<td>4) ISSUE 4: LACK OF FLEXIBILITY FOR TERMS OF PAYMENT</td>
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<td>In its current draft form, the DCP does not stipulate any alternative methods of payment for contributing parties. Contributions are currently limited to monetary settlement of levies. It is submitted that other forms of contributions should be permitted, for example, 'works in kind', such as the undertaking of physical development of DCP items on behalf of the City, or ceding land required for community facilities, are alternative ways in which developers could choose to meet obligations. It is submitted that in lieu of payment of a per lot levy, the proposed DCP should stipulate that landowners/developers may undertake 'works in kind'. Such works will qualify as direct credits against the per lot levy otherwise payable.</td>
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<td>5) ISSUE 5: CONSERVATIVE CALCULATION OF LOT PROJECTIONS - EAST BALDIVIS LOCALITY</td>
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<td>The proposed 'East Baldivis' urban cell (located in the Baldivis North sub-area) is generally bounded by Baldivis Road, Safety Bay Road, the Kwinana Freeway and Miller Road. The 400 hectare cell is subject of a recently lodged District Structure Plan. Pursuant to this draft East Baldivis District Structure Plan (July 2011), the projected lot yields in this future urban cell is in the order of 4,300 lots. The 'footnote' projection in Draft DCP No. 2 indicate some 3,455 lots. The 'footnote' projection in Draft DCP No. 2 indicate some 3,455 lots. Given the progress of the EBDSP, this should now be considered as an accurate yield projection and included in the 'Baldivis North' projections of the adopted DCP No. 2 and in so doing, reducing the current prescribed</td>
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<td>duplication with these items and a case may exist for combining those into one consolidated facility. Thus, opportunities for further consolidation/amalgamation of proposed facilities (such as in the case highlighted) should be seriously explored prior to the finalisation of the overall DCP.</td>
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<td>Karnup and Keralup.</td>
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<td>contribution rate per lot across the North Baldivis sub-area and broader DCP area.</td>
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<td>6) ISSUE 6: LACK OF PROPOSED ITEMS WITHIN THE EAST BALDIVIS LOCALITY</td>
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<td>For the proposed East Baldivis urban cell, the draft EBDSP proposed a 'district level' open space area incorporating a full sized adult oval, a high school and 2 primary schools.</td>
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<td>Disappointingly, the proposed DCP does not propose the funding of any facilities within the East Baldivis urban cell. Given the scale of this new major development cell (4300 lots) and the significant level of development contributions to be generated (in excess of $10 million), there are strong grounds for some of the DCP funds to be expended in the East Baldivis Cell. Expenditure could include development of change rooms, sports pavilion and associated facilities within the proposed District Open Space site. Council is therefore requested to review the scope of items and consider the development of some facilities in the East Baldivis Cell and re-allocate funds accordingly.</td>
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<td>We trust our comments and recommendations can be favourably considered by Council. We look forward to further discourse with Council Officers in relation to the issues raised and offer our availability at short notice in this regard.</td>
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**No. 14 Mr John and Betty Davies - 256 Baldivis Road, Baldivis**

We as owners of undeveloped land in North Baldivis object to the introduction of the proposed scheme. This proposed development contributions scheme transfers the cost of future infrastructure onto the current owners of land now providing a benefit to people in the future. This happens because developers will reduce land values by what ever the cost imposed by this scheme, a cost which is not defined and could be without an additional cost burned being imposed. Why not continue with the present system, fund infrastructure from rate after the lots are developed by people

SPP3.6 was prepared to ensure the efficient provision of infrastructure and facilities to new urban areas, along with existing areas undergoing redevelopment. It acknowledges the increasing pressures on local government for the delivery of services, and that the capacity of local government to fund new infrastructure for future growth is limited.

It is anticipated that the City will receive approximately $48million

That the submission be rejected.
that will use the infrastructure, this is an unfair impost on current land owners.

in contributions over 20 years of the DCP is introduced. If the City was to choose not to proceed with the DCP, it would need to either:

(i) introduce an immediate and permanent 5% increase over and above the City's normal rate increases; or
(ii) significantly delay or reduce the provision of community infrastructure.

No. 15 Mr Richard Bloor, Department of Education - 151 Royal Street, East Perth WA 6004

The Department of Education has reviewed the Amendment and wishes to make the following points and seek clarification regarding point 5 Description of Items of Infrastructure.

- "Baldivis South HS Outdoor Sport and Recreation Hardcourts." The Department seeks further information as to the City of Rockingham's intention to develop district open space abutting the proposed South Baldivis High School site or is it intended that these hardcourts will be a shared facility on the school site?
- "Baldivis Primary School Shared Use Reserve." The Department notes the use of shared use facilities at the Baldivis Primary School.

The Department has no other comment regarding this Amendment.

1. The City does not intend to develop district open space abutting the proposed South Baldivis High School site, and it is intended that the hardcourts be developed as a shared facility on the school site.

That the submission be noted.


Committee Voting - 4/0

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

Not applicable

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

Not applicable
1. **Purpose of Report**

To consider the nomination of a Councillor to the Board of the Peel-Harvey Catchment Council.

2. **Background**

The Peel-Harvey Catchment Council (PHCC) is a not-for-profit, community based natural resource management (NRM) organisation, that promotes an integrated approach to catchment management and the way the environment is protected and restored within the Peel-Harvey Catchment.

With a strong emphasis on partnerships, the PHCC works with landholders, community groups, industry, the Australian Government, Government of Western Australia and Local Governments to affect change ‘on-ground’ and in environmental management.
PHCC activities address sustainable NRM including climate change, river and wetland restoration, biodiversity protection, sustainable agriculture and building community capacity. The past ecological collapse of the Peel-Harvey Estuarine System demands a continued emphasis on water quality issues.

The PHCC board membership is comprised of 10 community members, 2 Local Government representatives and representatives of the Departments of Agriculture and Food, Department of Planning, Department of Environment and Conservation, Department of Water, and the Peel Development Commission. The PHCC board is skills based, with members selected by an independent panel based on their experience and understanding of NRM.

There are two seats on the PHCC for members representing Local Government. One seat represents the Local Governments covering the coastal catchment and one to represent Local Governments covering the inland catchment.

The City of Rockingham received a letter from PHCC on 9th November informing the City, along with the five other Local Governments covering the coastal catchment (City of Mandurah, Shire of Murray, Shire of Serpentine-Jarrahdale, Shire of Waroona and Shire of Harvey) that the representative for the coastal catchment has not been re-elected, and that nominations are being sought for a replacement Local Government representative on the PHCC board.

3. Details

The successful nominee would be required to attend the PHCC meetings on a monthly basis at 9:00am on the third Thursday of every month. The meetings are generally held at the Marine Operations Centre at Mandurah Ocean Marina. The majority of meetings are open to the public and members of the community are encouraged to attend. The meetings include briefings on relevant NRM initiatives from industry and from state government agencies.

Nominations must be in writing setting out the reasons for nominating and the knowledge and experience in relation to NRM, Local Government and/or board governance that the nominee can bring to the PHCC.

4. Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

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

   **Aspiration 9:** Planning systems, infrastructure standards and community awareness programs that serve to acknowledge and mitigate the impacts of climate change.

   **Aspiration 10:** Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for future generations to enjoy.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   Nil
5. **Comments**

There are a number of advantages in participating in the PHCC such as:–
- providing strategic direction for NRM within the catchment;
- identification of resource opportunities for environmental improvement of the catchment and for organisations who undertake this role;
- supporting communication and information sharing to improve the coordination of NRM activities within the catchment; and
- co-ordination of the efficient allocation of resources for NRM across the catchment.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council *NOMINATE* Cr __________ as a Local Government representative to the Board of the Peel Harvey Catchment Council.

8. **Committee Recommendation**

That Council *NOMINATE* Cr Richard Smith as a Local Government representative to the Board of the Peel Harvey Catchment Council.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
# Planning Services

## Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-061/11 Final Approval of Amendment No.97 to Town Planning Scheme No.2 - Rural to Special Residential</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1445</td>
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<tr>
<td>Proponent/s:</td>
<td>Planscape</td>
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<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Dave Waller, Co-ordinator, Statutory Planning  
                          | Mr Mike Ross, Manager, Statutory Planning                          |
| Date of Committee Meeting: | 5th December 2011                                                   |
| Previously before Council: | February 2011 (SP-003/11)                                            |
| Disclosure of Interest: | Legislative                                                          |
| Nature of Council’s Role in this Matter: | Legislative                                                         |

| Site:                   | Lot 3 (No.34) Fifty Road, Baldivis                                    |
| Lot Area:               | 2.8115ha                                                              |
| LA Zoning:              | Rural                                                                 |
| MRS Zoning:             | Rural                                                                 |
| Attachments:            | Figure 1 - Location Plan  
                          | Figure 2 - Subdivision Guide Plan  
                          | Figure 3 - Rural Concept Plan  
                          | Figure 4 - Advertising Plan |
| Maps/Diagrams:         | Figure 1 - Location Plan  
                          | Figure 2 - Subdivision Guide Plan  
                          | Figure 3 - Rural Concept Plan  
                          | Figure 4 - Advertising Plan |
1. **Purpose of Report**

To consider granting Final Approval to Scheme Amendment No.97 to rezone Lot 3 (No.34) Fifty Road, Baldivis from 'Rural' to 'Special Residential'.

2. **Background**

In February 2011, the Council resolved to adopt (initiate) Amendment No.97 to Town Planning Scheme No.2 (TPS2) to rezone Lot 3 (No.34) Fifty Road, Baldivis from 'Rural' to 'Special Residential', to facilitate subdivision of the land into five (5) lots between 5,049m² and 6,299m², as shown in the Subdivision Guide Plan (Figure 2).
Figure 2 - Subdivision Guide Plan

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 20 FEBRUARY 2012

PRESIDING MEMBER
A Rural Concept Plan was also considered by the Council in February 2011 (see Figure 3).

![Figure 3 - Rural Concept Plan](image)

### 3. Details

Now that the submission period has closed, the Council must consider whether or not to adopt the Amendment.

### 4. Implications to Consider

#### a. Consultation with the Community

The Scheme Amendment was advertised for public comment in following manner:-

- A notice was published in the "Public Notices" section of the Weekend Courier on the 30th September 2011;
- A sign was erected on the property and remained on-site for the duration of the advertising period;
- Nine (9) adjoining owners were notified of the proposal in writing; and
- Details of the proposed Amendment were published on the City's website and were available for inspection at the City's Administration Office for the duration of the advertising period.

The public comment period closed on the 14th November 2011, following a period of 42 days. At the conclusion of the advertising period, seven submissions were received. Submissions were received from the owners of Lot 9 (No.26) Fifty Road, Baldivis and Lot 33 (No.45) Cudliss Close, Baldivis, and five submissions were received from service authorities.

The submission from the owner of Lot 9 (No.26) Fifty Road, Baldivis offered support for the proposed rezoning on the basis that there is demand for large block sizes and that the area is suited to this type of development.
The submission from the owner of Lot 33 (No.45) Cudliss Close, Baldivis expressed strong objections to the Rural Concept Plan over the ‘Future Link Road’ and its impact on their property. Other concerns were raised regarding the interruption to services when they are upgraded and the location of Building Envelopes not protecting major vegetation on site.

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Authority (EPA) for consideration of the need for assessment under Division 3 of the Environmental Protection Act 1986. The EPA advised that the overall impact of the proposal would not be severe enough to warrant assessment under the Environmental Protection Act.

The following Government Agencies were also consulted:-

- Department of Water;
- Water Corporation;
- Department of Environment and Conservation;
- Western Power;
- Telstra;
- Main Roads WA;
- Alinta Gas;
- Fire and Emergency Services (FESA);
- Department of Agriculture and Food;
- Department of Planning; and
- Bush Forever (Department of Planning)

Following completion of the advertising period, five submissions were received from Government Agencies.

Bush Forever

State Strategic Policy (Bush Forever) noted that the site is adjacent to Bush Forever area 356 and advised that the rezoning was unlikely to have any direct or indirect impacts on Bush Forever Area 356 and offered no objection to the proposal.
Department of Water

The Department of Water advised that the area is within the Stakehill Groundwater Area, noting that any groundwater extraction in this area for purposes other than those covered by the rights in Water and Irrigation Exemption (Section 26C) Order 2010, is subject to licensing by the Department of Water. The Department of Water also noted that a high proportion of groundwater in the Stakehill Groundwater Area is currently allocated, thus there may be limited groundwater resources available to new developments. Landowners requiring groundwater should secure ‘fit-for-purpose’ water early in the planning process by consulting with the Department of Water.

Main Roads WA

Main Roads WA advised that the proposed rezoning is considered acceptable.

Western Power

Western Power raised no objections to the proposal, however, noted requirements for development resulting from the proposed Scheme Amendment.

Water Corporation

The Water Corporation advised of reticulated water, wastewater and general requirements which would apply should the land be developed in the future.

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

The application was assessed against Planning Policy 5.2 – Rural Land Strategy, as part of the initial consideration to adopt (initiate) Amendment No.97. The subject site is located within Planning Unit 4 of the Rural Land Strategy, which recommends a minimum lot size of 1ha west of the ridgeline and 5000m² east of the ridgeline. The intent of this Planning Unit is to provide a transition between the extensive lake systems to the west and future higher density urban development to the east.

e. Financial

Nil

f. Legal and Statutory

In accordance with the Town Planning Regulations 1967, the Council is required to consider all submissions made within 42 days of the publication of the advertisement and submit to the Western Australian Planning Commission, for recommendation to the Minister for Planning, its decision to proceed or not proceed with the Amendment.

5. Comments

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

Government Agencies

The submissions from State Government Agencies are relevant to the future development and subdivision facilitated by the Amendment. The City will advise the current landowner of their obligations, in accordance with the submissions received from servicing authorities.
Rural Concept Plan – Road Link

The Rural Land Strategy requires proposals for Special Residential development that incorporates appropriate standards to meet the Precinct objectives. The Rural Concept Plan sets out an appropriate layout and incorporates management measures consistent with the purpose of the subdivision, land capability and environmental factors based upon the Rural Land Strategy.

The Rural Concept Plan includes a subdivision layout, lots sizes, a proposed road linking Cudliss Close to Fifty Road and other features as a basis for staged development. The Rural Concept Plan is conceptual only and will be subject to refinement with future Subdivision Guide Plans prepared by adjoining landowners when they make separate Scheme Amendments in future. The road pattern shown on the Rural Concept Plan is indicative only, and shows how the future subdivision of Lot 3 will occur. It will not prejudice the future planning and development of the surrounding land.

Servicing

The Scheme Amendment report notes that the proposed lots can be connected via a reticulated water supply to be extended from the scheme water system from Cudliss Close. TPS2 requires that all Special Residential lots be connected to a reticulated water supply. The developer will be required to liaise with the Water Corporation upon subdivision of the land.

Building Envelopes

The Building Envelope locations shown on the Subdivision Guide Plan are considered acceptable as they have been positioned where possible, in areas which are already cleared, or that contain sparse or degraded vegetation. The Building Envelope locations shown on the Rural Concept Plan are indicative only and are subject to further refinement at the subdivision stage.

Conclusion

As the proposal is consistent with the City's Rural Land Strategy and submissions have been appropriately addressed, it is recommended that Council adopt the Scheme Amendment for Final Approval.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:
1. **ADOPT** for Final Approval Amendment No.97 to Town Planning Scheme No.2, without modification.
2. **ADOPT** the recommendations contained within the Schedule of Submissions.

8. Committee Recommendation

That Council:
1. **ADOPT** for Final Approval Amendment No.97 to Town Planning Scheme No.2, without modification.
2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:-

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<th>SUBMISSION</th>
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<tr>
<td>No.1 Department of Planning (State Strategic Policy), Locked Bag 2506, Perth WA 6001 Bush Forever identifies regionally significant bushland for protection. Assessment of any proposal that may</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
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<td>Submission</td>
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<td>affect a Bush Forever area should recognise and show due consideration of the high conservation values of the site. Lot 3 Fifty Road, Baldivis is adjacent to Bush Forever area 356 - Lake Cooloongup, Lake Walyungup and adjacent Bushland, Hillman to Port Kennedy. Fifty Road separates Lot 3 and Bush Forever area 356 to the south and Lot 3 is approximately 300 metres east of Lake Cooloongup. The proposed rezoning is unlikely to have any direct and/or indirect impacts on Bush Forever area 356. As such, State Strategic Policy has not objections to the proposed rezoning of Lot 3 Fifty Road, Baldivis from rural to special residential in Town Planning Scheme No.2 Please note this correspondence is not a WAPC Approval and State Strategic Policy has only assessed this proposal against the Bush Forever Policy and State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region. The proposal should be sent to the Metropolitan South West Statutory Planning Team at the Department of Planning when WAPC Approval is required, or for any other advice.</td>
<td>Given these do not apply directly to the amendment, no comment is provided. That the applicant be advised of the recommendations in the submission.</td>
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**No.2 Department of Water, PO Box 332, Mandurah WA 6210**

**Groundwater:** The subject area is located within the Stakehill Groundwater Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction in this area for purposes other than those covered by the rights in Water and Irrigation Exemption (Section 26C) Order 2010, is subject to Licensing requirements in the area, please contact the Mandurah office on 9550 4224.

Please note, a high proportion of groundwater in the Stakehill Groundwater Area is currently allocated this there may be limited resources available to new developments. Proposed land uses requiring groundwater should identify and
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<td>potentially secure fir-for-purpose water early in the planning process by consulting with the DoW.</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
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<tr>
<td><strong>No.3 Main Roads, PO Box 6202, East Perth WA 6902</strong>&lt;br&gt;The proposed rezoning of Lot 3 Fifty Road, Baldivis is acceptable to Main Roads.</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
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<tr>
<td><strong>No.4 Western Power, Locked Bag 2520, Perth WA 6001</strong>&lt;br&gt;To the best of my knowledge, we have no objections, but Western Power wished to advise the following, in respect to any development due to the above-mentioned proposal. <strong>Working in proximity to Western Power Distribution Lines</strong>&lt;br&gt;All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work Near Underground and Overhead Power Lines form must be submitted.</td>
<td>Comments in support of the Scheme Amendment.</td>
<td>That the submission be upheld.</td>
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<tr>
<td><strong>No.5 Mr Stanley &amp; Mrs Susan Carter, 26 Watts Road, Shoalwater WA 6169</strong>&lt;br&gt;The Fifty Road area already has residential development including retirement villages. Close to freeway and train station, beaches and Baldivis Shopping Centre. Any subdivision should include block sizes from 1000m² - 1500m² which are in demand for home owners who need a shed to house a boat and vehicles without spilling onto the road. This land is ideally situated for this type of development.</td>
<td>Reticulated water is a requirement applying to this Special Residential rezoning as required by WAPC Development Control Policy 3.4 - Subdivision of Rural Land.</td>
<td>That the submission be noted.</td>
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<td><strong>Wastewater</strong>&lt;br&gt;The subject area falls outside a planned sewerage catchment. If reticulated sewerage is required to serve the development the developer should arrange for Sewerage Planning to be undertaken.</td>
<td>This requirement is noted.</td>
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<td><strong>Urban Water Management</strong>&lt;br&gt;Water strategy and management issues should be addressed in accordance with the State Water Strategy 2003, State Water Plan 2007, and Department of Water document Better Urban Water Management.</td>
<td>This requirement is noted.</td>
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<td><strong>General Comments</strong>&lt;br&gt;The principle followed by the Water Corporation for the funding of subdivision on development is one of user pays. The developers are expected to provide all water reticulation if required. A contribution for Water headworks may also be required. In addition the developers may be required to fund new works or the upgrading of existing works and protection of all Water Corporation works. Any temporary works needed are required to be fully funded by developers. The Water Corporation may also require land being ceded free of cost for works.&lt;br&gt;The information provided above is subject to review and may change. If the development has not proceeded within the next 6 months, the developer is required to contact the Corporation in writing to confirm if the information is still valid.</td>
<td>This advice is noted.</td>
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**No.7 Ms Joanne Dunstan, 45 Cudliss Close, Baldivis WA 6171**

3.1 Rural Concept Plan<br>“3) The provision of a future link road that connects Cudliss Close to Fifty Road. This is considered a critical component of the future subdivision of most of this precinct for the following reasons:"

Our decision to purchase land in Baldivis (2003) was carefully researched and chose our Cudliss Close property due mainly to its seclusion, cul-de-sac

That the submission be rejected.

The introduction of a road link demonstrates how existing lots, if subdivided in the future, can be provided sufficient
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<td>location and no through traffic. Months of checking with council for future development was undertaken prior to the purchase. We were fully aware of the possibility of future development/subdivision to special rural/residential blocks in our immediate area. However NO link road has ever been planned! The suggestion by PLANSCAPE for a link road infuriates me. Should this proceed; its entrance onto Cudliss Close will be directly opposite our property at (Lot 33) 45 Cudliss Close. Such a link road will impact severely on our quality of life and the value of our property. I strongly urge council to reject this suggestion by PLANSCAPE.</td>
<td>frontage or access to a road reserve. The road link will be required in future to ensure the coordinated subdivision and development of the land.</td>
<td>The purpose of the road link shown on the Rural Concept Plan is to demonstrate that the lots can be serviced, should they be developed. The Rural Concept Plan is a guide only, and is intended to inform and assist with consideration of the Scheme Amendment. The design and location of the road, if it is to be constructed, will be determined at subdivision stage. The Scheme Amendment report notes that the lot will be serviced by a connection from the north. The exact location for service provision has not been determined. This detail is more appropriately considered by the service provider at the time of subdivision.</td>
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<td>Servicing &amp; Land Capability</td>
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<td>&quot;All the proposed lots will be connected via a reticulated water supply to be extended from the scheme system to the north. It is proposed that this be a special condition attached to the proposed zonings for the land.&quot;</td>
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<td>The City is aware that there is significant existing vegetation on-site. The specific location of Building Envelopes will be determined at subdivision stage.</td>
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<td>I am confused as to how these lots will be serviced via a reticulated water supply? Extension from the scheme system to the north? Does this mean that PLANSCAPE are intending for Cudliss Close to be used as the access to the subdivision for scheme water piping? Meaning disruption to Cudliss Close residents?</td>
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<td>The Subject Land</td>
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<tr>
<td>2.2 Site Description</td>
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<td>&quot;The site also contains a number of established trees particularly in the southern and western areas. This vegetation is of a parkland cleared nature with no understorey and mainly comprises marri and peppermint trees.&quot;</td>
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<td>Council should be aware that Lot 3 Fifty Road is vegetated with numerous advanced Tuart trees (Eucalyptus gomphocephala), particularly in the north eastern area and their protection is critical in the Baldivis area. PLANSCAPE neglected to include them in their proposal. Unfortunately the</td>
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<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
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<tr>
<td>proposal does not give a clear, measured indication of the new Lot locations/building envelopes and whether these environmentally sensitive trees will remain.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Committee Voting – 4/0

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

Not applicable

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

Not applicable
## Planning Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-063/11 Reconsideration - Final Approval of Amendment No.111 to Town Planning Scheme No.2 - Modifications to Development Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1519</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, Senior Planning Officer, Mr Dave Waller, Co-ordinator, Statutory Planning, Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>5th December 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>March 2011 (SP-013/11), October 2011 (SP-053/11)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
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<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>Amendment to Scheme Maps</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

### 1. Purpose of Report

To reconsider granting Final Approval to Amendment No.111 to delete the Residential Design Code (‘R-Code) designations from ‘Development' zones and rationalise ‘Development Areas' to exclude Golden Bay (DA14).
2. Background

Amendment No.106

In September 2010, Council resolved to initiate Amendment No.106 to TPS.2 to ensure that the Scheme Maps did not prejudice the Structure Plan being considered for Golden Bay. Amendment No.106 was restricted to Lots 2 and 3 Warnbro Sound, Golden Bay so that it would not be held up by a future Amendment which considered all other Development Zones and Development Areas (ie. Amendment No.111).

Amendment No.106, which seeks to remove the Residential Density Codings for Golden Bay, is being considered for Final Approval under separate report on this Agenda (see SP-062/11).

Amendment No.111

In March 2011, Council resolved to initiate Amendment No.111 to Town Planning Scheme No.2. Amendment No.111 was initiated on the basis that Amendment 106, which preceded it, would be gazetted first and hence was not required to be excluded from Amendment No.106. Due to the delays in the City being able to consider the Golden Bay Structure Plan, however, Amendment No.111 proceeded to be considered for Final Approval in October 2011, two months earlier than Amendment No.106.

In October 2011, Council resolved to adopt Amendment No.111 for Final Approval, with minor modifications, but included Golden Bay.

3. Details

The Council’s decision to grant Final Approval to Amendment No.111 at its ordinary Meeting held on the 25th October 2011 cannot be implemented as the resolution did not exclude Lots 2 and 3 Warnbro Sound Avenue, Golden Bay (Development Area ‘DA14’).

It is important that Council specifically exclude Golden Bay (DA14) from Amendment No.111, given that the Department of Housing was not notified of Amendment No.111, because the matter was being addressed via separate Amendment No.106. Furthermore over 200 public submissions were received in relation to Amendment No.106 and no submissions were received for Amendment No.111 in relation to Golden Bay.

4. Implications to Consider

a. Consultation with the Community

The Amendment was advertised for public comment in the following manner:-

(i) Sixty-seven (67) affected landowners (which consisted of developers/landowners affected by the Amendment), were advertised in writing of the proposal.

(ii) A notice was placed in the Weekend Courier on the 19th August 2011.

(iii) Copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices and placed on the City’s website.

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Authority (‘EPA’) for consideration of the need for assessment under Division 3 of the Environmental Protection Act 1986. The EPA advised that the overall impact of the proposal would not be severe enough to warrant assessment under the Environmental Protection Act.

The following service authorities were notified in writing of the proposal:-

- Water Corporation;
- Department of Environment and Conservation;
- Western Power;
Six submissions were received from Government Agencies, summarised as follows:-
- Western Power provided no objection to the Amendment, and noted its requirements for future development;
- Main Roads Western Australia provided support for the Amendment;
- The Department of Education and Training raised no objections to the Amendment;
- The Department of Health provided no objection to the Amendment, subject to development complying with the provisions of the Government Sewerage Policy – Perth Metropolitan Region;
- The Water Corporation advised that it did not object in principle to the proposed Amendment, however, the proposed changes would impact on service planning and capital investment scheduling which are based on the R-Code designations; and
- Landcorp provided support for the Amendment.

A Schedule of Submissions is included in the Recommendation.

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 the Town Planning Regulations 1967, the Council is required to consider all submissions made within 42 days of the publication of the advertisement and submit to the Western Australian Planning Commission, for recommendation to the Minister for Planning, its decision to proceed or not proceed with the Amendment.

5. Comments

In relation to Golden Bay (DA14), it is recommended that Amendment No.111 be modified to specifically exclude it from this Amendment. This will ensure that Golden Bay (DA14) is considered separately from Amendment No.111, and the issues associated with it are appropriately addressed via Amendment No.106.

It is recommended that Council re-adopt the Scheme Amendment for Final Approval, subject to it being modified to specifically exclude Golden Bay (DA14), in addition to the modifications that were endorsed by Council in October 2011. It is also necessary to modify the Scheme Amendment Maps so that Golden Bay (DA14) is excluded from Amendment No.111.
6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:-

1. **ADOPT** for Final Approval Amendment No.111 to Town Planning Scheme No.2, to delete the Residential Design Code (‘R-Code’) designations from ‘Development Areas’ and rationalise ‘Development Areas’ to ensure they apply to all land zoned ‘Development’, subject to the following modifications (in bold):-

   (i) **Delete** all R-Code notations from land zoned ‘Development’ on the Scheme Map, with the exception of R-Code notations applying to Development Area DA14 for Golden Bay;

   (ii) Modify the Scheme Map by creating new Development Areas No. DA30, DA31, DA32, DA33, DA34, DA35, DA36, DA37, DA38 and DA39 as shown on the attached Scheme Amendment Maps;

   (iii) Modify the Scheme Map by amending the boundaries of existing Development Area’s DA13, DA22 and DA25 as shown on the attached Scheme Amendment Maps;

   (iv) Modify the legend of the Scheme Map by including the label ‘Development Area’ with a symbol with black line border, white interior and designation of ‘DA1’;

   (v) Modify Schedule No.9 ‘Area’ column of DA25 to refer to ‘The Rivergums’;

   (vi) **Amend** Schedule No.9 to include new Development Areas DA30, DA31, DA32, DA33, DA34, DA35, DA36, DA37, DA38 and DA39 as set out below: -

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA30</td>
<td>Lifestyle Village</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
<tr>
<td>DA31</td>
<td>The Chase</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
<tr>
<td>DA32</td>
<td>Evermore Heights</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
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<tr>
<td>DA33</td>
<td>Lot 22 Smirk Road, Baldivis</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
<tr>
<td>DA34</td>
<td>Avalon and The Dales</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
<tr>
<td>DA35</td>
<td>Lots 18, 19, 20, 21 Sixty Eight Road and Lots 22, 739 and 740 Baldivis Road</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
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<td>-----------------------------------------------------------------------</td>
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<tr>
<td>DA36</td>
<td>Lots 877 and 878 Stakehill Road, Karnup</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
<tr>
<td>DA37</td>
<td>Lot 300 and 1340 Stakehill Road, Karnup</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
<tr>
<td>DA38</td>
<td>Lot 3 and 806 Mandurah Road, <strong>Karnup</strong></td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
<tr>
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<td>Lot 1002 Singleton Beach Road, Singleton</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
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(vii)  Modify clause 4.2.2 (a) and (b) to delete reference to ‘Plan No.1’ and replace with ‘the Scheme Map’;

(viii) Delete Plan No.1; and

(ix)   Modify the Scheme Map as follows:-
2. **ADOPT** the Recommendations contained within the Schedule of Submissions.

### 8. Committee Recommendation

That Council:-

1. **ADOPT** for Final Approval Amendment No.111 to Town Planning Scheme No.2, to delete the Residential Design Code (‘R-Code’) designations from ‘Development Areas’ and rationalise ‘Development Areas’ to ensure they apply to all land zoned ‘Development’, subject to the following modifications (in bold):

   (i) **Delete** all R-Code notations from land zoned ‘Development’ on the Scheme Map, with the exception of R-Code notations applying to Development Area DA14 for Golden Bay;

   (ii) Modify the Scheme Map by creating new Development Areas No. DA30, DA31, DA32, DA33, DA34, DA35, DA36, DA37, DA38 and DA39 as shown on the attached Scheme Amendment Maps;

   (iii) Modify the Scheme Map by amending the boundaries of existing Development Area’s DA13, DA22 and DA25 as shown on the attached Scheme Amendment Maps;

   (iv) **Modify** the legend of the Scheme Map by including the label ‘Development Area’ with a symbol with black line border, white interior and designation of ‘DA1’;

   (v) **Modify** Schedule No.9 ‘Area’ column of DA25 to refer to ‘The Rivergums’;

   (vi) **Amend** Schedule No.9 to include new Development Areas DA30, DA31, DA32, DA33, DA34, DA35, DA36, DA37, DA38 and DA39 as set out below:

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(vii) Modify clause 4.2.2 (a) and (b) to delete reference to ‘Plan No.1’ and replace with ‘the Scheme Map’;

(viii) Delete Plan No.1; and

(ix) Modify the Scheme Map as follows:-
2. **ADOPT** the Recommendations contained within the Schedule of Submissions as follows:-

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENTS</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| 1 Mr Richard Bloor, Principal Consultant, Strategic Asset Planning - Department of Education - 151 Royal Street, East Perth WA 6004  
Thank you for your letter dated 19 August 2011 regarding Amendment No.111 to Town Planning Scheme No.2.  
The Department of Education has reviewed the document and advises that it has no objection to the proposed Amendment. | The submission is noted. | That the submission be noted. |
| 2 Ms Lynn Walker - Western Power - Locked Bag 2520, Perth WA 6001  
To the best of my knowledge, we have no objections, but Western Power wishes to advise the following, in respect to any future development due to the above-mentioned project.  
**Working in proximity to Western Power Distribution Lines**  
All work must comply with WorkSafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work Near Underground and Overhead Power Lines form must be submitted. For more information on this please visit the Western Power Website:  
**Working in proximity to Western Power Transmission Lines**  
All work must comply with WorkSafe Regulation 3.64 - Guidelines for work in the vicinity of overhead power lines. For more information on this please visit the Western Power Website:  
**Please note:**  
A) Perth One Call Service (Freecall 1100 or visit dialbeforeyoudig.com.au) must be contacted and location details (of Western Power underground cabling) obtained prior to any excavation commencing.  
B) Work Safe requirements must also be | The advice can be addressed through the Structure Planning and subdivision processes and is noted. | That the submission be noted. |
<p>| | | |</p>
<table>
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<tbody>
<tr>
<td>observed when excavation work is being undertaken in the vicinity of any Western Power assets.</td>
<td><strong>Western Power is obliged to point out that any change to the existing (power) system, if required, is the responsibility of the individual developer.</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>3 Ms Assunta Dinardo - Main Roads Western Australia - PO Box 6202, East Perth WA 6892</strong></td>
<td><strong>The submission is noted. That the submission be noted.</strong></td>
</tr>
<tr>
<td>Thank you for your letter dated 18 August 2011 requesting Main Roads comments on the above proposal. Main Roads supports Amendment No.111 to Town Planning Scheme No.2 which links the new Development Areas to the requirement to prepare a structure plan for the subject area.</td>
<td></td>
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<td></td>
<td><strong>4 Mr Frank Kroll, Senior Development Planner, Development Services - Water Corporation - PO Box 100, Leederville WA 6902</strong></td>
<td><strong>The density codings that are currently designated for Development Zones on the Scheme Maps neither accurately reflect resultant development nor provide any certainty to indicate what the maximum development potential will be.</strong> <strong>The Corporation does not object in principle to the amendment, but comment is made on the potential impact on service planning and capital investment scheduling.</strong> <strong>The Corporation currently has computer planning models that rely on zoning information. This has previously been located in one instrument, the Town Planning Scheme. These models rely on the densities being kept consistent,</strong></td>
</tr>
<tr>
<td>Thank you for your letter of 19 August 2011 regarding the proposed modifications to Development Areas. It is noted that the amendment is for the following purposes:- Remove the density coding on the Scheme maps for Development zoned land, which currently restricts the density that can be provided for through the Structure Planning Process. Inhibits the Council's ability to provide for densities greater than those shown on the Scheme Maps. If a Development Area is not identified under TPS2, a Structure Plan may not have legal effect under TPS2 and therefore land-use and residential density controls become ineffective. The Corporation does not object in principle to the amendment, but comment is made on the potential impact on service planning and capital investment scheduling. The Corporation currently has computer planning models that rely on zoning information. This has previously been located in one instrument, the Town Planning Scheme. These models rely on the densities being kept consistent,**</td>
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</table>
otherwise planning would need constant review with possible servicing inefficiencies.

Under the revised arrangement, the instruments would be the Town Planning Scheme and Structure Plans or Comprehensive Development Plans. These appear to allow flexibility in gaining higher densities where desired.

If it is unclear what the development density will be at the Town Planning Scheme stage. There is a risk the Water Corporation will be reluctant to plan the provision of infrastructure at this earlier stage, as it will have to estimate, and the revise or replan when further information is available. This may delay identification of infrastructure for inclusion in the Corporation's planning and capital works program, which may in turn constrain development timing.

In summary, the Corporation requires reasonably consistent information to be able to plan and schedule servicing on its capital investment program. The City of Rockingham should take these factors into consideration in administering its land planning instruments.

Should you have any further queries please do not hesitate to contact the undersigned.

<table>
<thead>
<tr>
<th>Ms Michelle Vojtisek - Department of Health - PO Box 8172, Perth BC WA 6849</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thank you for your letter of 19 August 2011 seeking the Department of Health's (DoH) comment on the above amendment. The Department of Health has no objection to the proposed amendment subject to development complying with the provisions of the Government Sewerage Policy - Perth Metropolitan Region.</td>
</tr>
</tbody>
</table>

5. The advice can be addressed through the Structure Planning and subdivision processes and is noted.

That the submission be noted.

<table>
<thead>
<tr>
<th>Mr Mario Claudio – Landcorp – Locked Bag 5, Perth Business Centre, WA 6849</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thank you for your letter dated the 19 August 2011 advising of the above Amendment. As you would be aware, LandCorp is a landowners within the City and is currently involved in a number of major projects including:</td>
</tr>
</tbody>
</table>

6. The submission is noted.

That the submission be noted.
As the housing market continues to change, it is important that flexibility be maintained within the planning system to quickly respond to market demands as well as overriding planning policies.

As proposed by Amendment No.111, the ability to modify residential densities within the City's Development Areas without having to undertake a full Scheme Amendment will save considerable time in the approvals process, and will remove duplication from the process by ensuring that structure plans alone will guide the densities of new development areas.

On this basis, LandCorp fully supports Amendment No.111. Thankyou for the opportunity to provide comment on this proposal.

Committee Voting - 4/0

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

Not applicable

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

Not applicable
### Planning Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-064/10 Development Assessment Panel - Councillor Nomination for Alternate Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1385</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>5th December 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>April 2011(SP-019-11), October 2011 (ES-033/11)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive Function</td>
</tr>
</tbody>
</table>

### 1. Purpose of Report
To consider nominating one additional Councillor, as the Council's alternate member on the South-West Joint Development Assessment Panel, to the Minister for Planning.

### 2. Background
In 2010/2011 the State Government introduced legislation to introduce Development Assessment Panels ('DAPs') in Western Australia. DAPs came into effect on the 1st July 2011.

A DAP is an independent decision-making body that determines certain types of development instead of Council and/or the WAPC. DAPs are comprised of independent technical experts and elected local government representatives.
Development Applications received by the City are determined by the Metropolitan South-West Joint Development Assessment Panel ('JDAP'). The South-West JDAP includes the following local governments:-
- Rockingham
- Cockburn
- East Fremantle
- Fremantle
- Kwinana

Local Government members will rotate on and off meetings of the South-West JDAP, so that the JDAP application within each Local Government is represented by the relevant Local Government member.

In October 2011, Council appointed Cr Allan Hill and Cr Richard Smith as its representatives on the Development Assessment Panel. Alternate members were not considered. Cr Joy Stewart retains her position as an alternative member (via the Council's original nomination in April 2011), however, a replacement is required for the position held formerly by Cr Les Dodd.

3. **Details**

Council is required to nominate one additional alternate member for appointment by the Minister for Planning, as the Council's proxy together with Cr Joy Stewart on the South-West JDAP, in the event that Cr Allan Hill and Cr Richard Smith are unavailable.

4. **Implications to consider**

a. **Consultation with the Community**

Nil.

b. **Consultation with Government agencies**

Nil.

c. **Strategic**

This matter addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan March 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**

The *Planning and Development (Development Assessment Panels) Regulations 2011* (Regulations), which establish the operation framework for Development Assessment Panels invites relevant local government to nominate four elected members of the Council, comprising two local members and two alternate members to sit on a JDAP.

Councillors are appointed by the Minister for Planning for a two year term.

Local Government elections may result in a change to a Local DAP membership if current nominated Councillors, who are DAP members, are not re-elected. In this instance the deputy local DAP members will take the place of the former local DAP members. If both the local and alternative (deputy) local members are not re-elected, the local government would need to renominate and the Minister to reappoint.
Training of DAP Members

The DAP regulations prevent a JDAP member from attending a meeting without first completing mandatory training. Any JDAP member who successfully completes training is entitled to the payment of $400 from the Department.

Fees and Allowances for DAP members

A JDAP member who attends a JDAP meeting is entitled to be paid the fee set out in Schedule 2 item 1 and 2 of the Regulations, as follows:-

Schedule 2 – Fees for DAP Members

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fee for presiding member per meeting to determine development applications</td>
<td>$500</td>
</tr>
<tr>
<td>2</td>
<td>Fee for any other member per meeting to determine development applications</td>
<td>$400</td>
</tr>
<tr>
<td>3</td>
<td>Fee per meeting for presiding member to determine applications to amend or cancel determination</td>
<td>$100</td>
</tr>
<tr>
<td>4</td>
<td>Fee per meeting for any other member to determine applications to amend or cancel determination</td>
<td>$50</td>
</tr>
<tr>
<td>5</td>
<td>Fee for presiding member attending proceeding in State Administrative Tribunal</td>
<td>$500</td>
</tr>
<tr>
<td>6</td>
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<tr>
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<td>Fee for training</td>
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Appeals

An applicant who is aggrieved by a determination of a JDAP to refuse an application; or any conditions imposed by a DAP in the determination of the application; or a deemed refused JDAP application may apply to the State Administrative Tribunal for a review of the decision. The JDAP will be required to defend their decision at the State Administrative Tribunal. Therefore the DAP will be the respondent in SAT proceedings regarding their determinations. The local government JDAP member fee is $400 to attend SAT.

5. Comments

To ensure City representation on the South-West JDAP, an additional proxy to Cr Joy Stewart must be appointed should both Cr Allan Hill and Cr Richard Smith be unavailable to attend a meeting.

The recommendation leaves one Councillor nominee blank, to enable Council to make its recommendation to the Minister for Planning.

6. Voting requirements

Simple Majority.

7. Officer recommendation

That Council NOMINATE Cr __________ as the City of Rockingham alternate member on the South-West Joint Development Assessment Panel, to the Minister for Planning.
8. **Committee Recommendation**

That Council *NOMINATE* Cr Chris Elliott as the City of Rockingham alternate member on the South-West Joint Development Assessment Panel, to the Minister for Planning.

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
### Reference No & Subject:

**DPD-012/11**  
Offer to Purchase City owned Land

### File No:
LUP/227

### Proponent/s:
Rock Garden Pty Ltd ATF Rock Garden Unit Trust

### Author:
Ms Tamara Vreeken, Special Projects Officer

### Other Contributors:
Mr Bob Jeans, Director, Planning & Development Services

### Date of Committee Meeting:
5th December 2011

### Previously before Council:

### Disclosure of Interest:

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

### Site:
Lot 404 Cnr Civic Boulevard and Chalgrove Avenue, Rockingham

### Lot Area:
2,506m²

### LA Zoning:
Primary Centre City Centre

### MRS Zoning:
Central City Area

### Attachments:

### Maps/Diagrams:
1. Figure 1 – Location Plan
1. Purpose of Report

To consider accepting, in principle, an Offer to Purchase Lot 404 corner Civic Boulevard and Chalgrove Avenue, Rockingham, which is owned by the City.

2. Background

In early 2006 the City undertook a public tender process for the sale of the three development sites created from its Lot 80 Civic Boulevard landholding, being:-
- Lot 401 cnr Civic Boulevard and Central Promenade (southern site; 1254sqm)
- Lot 403 Civic Boulevard (central site; 2303sqm)
- Lot 404 cnr Civic Boulevard and Chalgrove Avenue (northern site; 2506sqm)

Three tenders were received, but rejected by Council in April 2006 as unacceptable.

3. Details

In June 2011, the City received an Expression of Interest from the Property Matrix on behalf of Rock Garden Pty Ltd ATF Rock Garden Unit Trust to purchase Lot 404 Civic Boulevard. Property Matrix intends to construct a mixed use development.

Property Matrix/Rock Garden wishes to undertake a proposed mixed use development and has advised that it will liaise closely with City Officers in terms of design and land use mix.

In November 2011, Rock Garden Pty Ltd ATF Rock Garden Unit Trust submitted a written Offer to purchase Lot 404. The details of the Offer are as follows:-

1. Purchaser's name and address: Rock Garden Pty Ltd ATF Rock Garden Unit Trust
   Suite 22, 18 Stirling Hwy
   Nedlands WA 6009
   ACN 137 012 901

2. Property: Lot 404 on Deposited Plan 43452

3. Purchase Price: $1,315,000 ex GST

4. Deposit: $65,750 ex GST
4. Implications to Consider

a. Consultation with the Community

Under section 3.58(3) and (4) section 3.58 of the Local Government Act 1995, the Council is to give local public notice of the proposed disposition for a minimum period of 14 days.

b. Consultation with Government Agencies

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 provide for a genuinely desirable lifestyle.

d. Policy

The sale of the land will be subject to any Development Application being consistent with the requirements of Planning Policy No.3.2.1 – Development Policy Plan City Centre Sector. In particular, the requirements of the Core Precinct and the Civic Piazza Sub Precinct.

e. Financial

Proceeds from the sale, less costs and commissions are proposed to be allocated to Sub Account No.6108 - City Centre Development Reserve.

f. Legal and Statutory

The Local Government Act 1995 states the following:-

3.58. Disposing of property

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:-

(a) it gives local public notice of the proposed disposition:-

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:-

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition:-

(i) as ascertained by a valuation carried out not more than six months before the proposed disposition; or
(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than six months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

5. **Comments**

The land was valued in January 2010 at $1,315,000.00 (ex GST). Under section 3.58(4)(c)(i), the valuation needs to be carried out not more than 6 months before the proposed disposition (in terms of signing of the contract, not the settlement date).

In this regard, the City sought an updated valuation in August 2011, where the value of the subject land is $1,200,000.00 (ex GST). Rock Garden has confirmed that its Offer will remain at $1,315,000.00 (ex GST).

A draft Contract is currently being prepared which sets out the terms of the proposed sale, including the submitting of Development Plans which are to be consistent with the requirements of Planning Policy No.3.2.1 – Development Policy Plan - City Centre Sector and in particular, the requirements of the Core Precinct.

6. **Voting Requirements**

**Absolute Majority**

7. **Officer Recommendation**

That Council:-

1. **APROVE** of the sale of Lot 404 Civic Boulevard, Rockingham, by way of private treaty to the Rock Garden Pty Ltd ATF Rock Garden Unit Trust.

2. **ACCEPT** the offer from the Rock Garden Pty Ltd ATF Rock Garden Unit Trust to purchase Lot 404 Civic Boulevard, Rockingham for the consideration of $1,315,000.0 (ex GST), subject to compliance with the provisions of Section 3.58 of the Local Government Act 1995.

3. **DELEGATE** to the CEO the authority to approve of any other conditions of contract relating to the sale.

8. **Committee Recommendation**

That Council:-

1. **APROVE** of the sale of Lot 404 Civic Boulevard, Rockingham, by way of private treaty to the Rock Garden Pty Ltd ATF Rock Garden Unit Trust.

2. **ACCEPT** the offer from the Rock Garden Pty Ltd ATF Rock Garden Unit Trust to purchase Lot 404 Civic Boulevard, Rockingham for the consideration of $1,315,000.0 (ex GST), subject to compliance with the provisions of Section 3.58 of the Local Government Act 1995.

3. **DELEGATE** to the CEO the authority to approve of any other conditions of contract relating to the sale.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
# Planning Services Committee Minutes

Mond 

ay 5 December 2011 PAGE 138

CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 20 FEBRUARY 2012

PRESIDING MEMBER

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## Planning & Development Services

### Strategic Planning & Environment

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>DPD-013/11 Proposed Amendment to Metropolitan Region Scheme - 'Rural' to 'Urban Deferred' - Keralup Stage One</th>
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</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/1480</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Department of Housing/Taylor Burrell Barnett</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Peter Ricci, Project Manager, Keralup</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of Committee meeting:</strong></td>
<td>5th December 2011</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>September 2010 (PD91/9/10); October 2010 (SPE-004/10); February 2011 (SPE-001/11)</td>
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<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Advocate</td>
</tr>
<tr>
<td><strong>Nature of Council's Role in this Matter:</strong></td>
<td>Advocate</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Part Lot 551, Keralup</td>
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<tr>
<td><strong>Lot Area:</strong></td>
<td>Approximately 102ha</td>
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<tr>
<td><strong>LA Zoning:</strong></td>
<td></td>
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<tr>
<td><strong>MRS Zoning:</strong></td>
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</table>
| **Attachments:**        | 1. Draft District Structure Plan  
| | 2. Proposed MRS Amendment Rezoning Plan |
| **Maps/Diagrams:**      | 1. Draft District Structure Plan  
| | 2. Proposed MRS Amendment Rezoning Plan |

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## Purpose of Report

To provide comments to the Western Australian Planning Commission (WAPC) on proposals to amend the Metropolitan Region Scheme, by zoning Keralup Stage One from 'Rural' to 'Urban Deferred' and other supplementary amendments.
2. **Background**

In July 2010, the City received a copy of a proposal made on behalf of the Department of Housing (being the landowner) to the WAPC to initiate amendments to the Metropolitan Region Scheme and Peel Region Scheme (within the Shire of Murray) pertaining to the Keralup development.

The proposal was in three parts, as follows:

(i) Portion west of the Serpentine River (approximately 102ha) - ‘Rural’ to Urban' through a Minor Amendment to the MRS (Stage One),

(ii) Portion east of the Serpentine River, within the City of Rockingham - ‘Rural' to 'Urban' and 'Parks & Recreation' through a Major Amendment to the MRS (Stage Two), and

(iii) Portion east of the Serpentine River, within the Shire of Murray - 'Rural' to 'Urban Deferred' through a Major Amendment to the PRS (Stage Three).

The MRS Amendment request to the WAPC was supported by a comprehensive submission, including a proposed District Structure Plan (‘DSP’), an Environmental Assessment Report, Integrated Transport Plan and Economic Development Strategy. The documents were prepared under the guidance of Technical Advisory Groups (‘TAGs’) convened by the Department of Housing (‘Housing’) which comprised the primary stakeholders, including the City. The documents and recommendations established through the TAGs were prepared with input from the City representatives, however, the documents were not formally submitted to the City or endorsed by the Council.

The DSP is the latest in a number of broad landuse plans prepared for Keralup in the twenty years that the land has been held by Housing. The DSP was not formally submitted for approval (it is understood that it is currently being reviewed prior to lodgment with the City and others in early 2012).

The MRS Amendment submission was considered by the Council in September 2010 when it resolved to advise Housing that it will not be in a position to respond to the matter until the WAPC's regional planning framework is in place. In this regard, the Council was concerned that there was an insufficient planning context around Keralup within which to make informed decisions. At that time, sub-regional planning for the south-west Metropolitan Corridor, south-east Corridor and Peel had commenced, following the adoption of Directions 2031 and Beyond, however, significant progress had not been made.

The WAPC subsequently invited the Council’s comment on a request to initiate the Stage One MRS Amendment only from ‘Rural’ to ‘Urban’. Stage One comprises an area of approximately 102ha, and based on the draft District Structure Plan, is proposed to accommodate about 1,000 dwellings, an Activity Corridor (comprising a mix of retail, commercial and residential uses) along the eastern extension of Paganoni Road, a Primary School and local Public Open Space (POS). Stage One is an isolation cell that is located between the Kwinana Freeway and the Serpentine River, as shown below.
The matter was considered by the Council in October 2010, when it resolved that consideration of the proposed MRS Amendment be deferred to allow the proponent the opportunity to address matters relating to:

- A lack of ‘Political Direction’ and ‘Governance Structures’ to the Keralup project,
- A lack of a ‘Regional Planning Framework’,
- The status of Keralup within a ‘State Government Policy Context’,
- The ability of Stage One to be ‘Sustainable’ in the event that the subsequent stages are not developed,
- ‘Environmental Management’ enquiries,
- ‘Mosquito Management’ concerns, and
- Suitable ‘Emergency Access and Egress’ for Stage One.

The proponent subsequently provided a submission responding to the matters raised above which was tabled before the Council in February 2011. The Council resolved to advise the WAPC that it did not support the initiation of the proposed MRS Amendment, on the following grounds:

(i) the land does not represent a logical extension of urban development, and the State Government has not committed to the necessary provision of infrastructure to support the development;

(ii) the governance structure, to allow for the planning parameters at Keralup to have statutory effect and there to be a suitable statutory approval regime, remains unresolved; and

(iii) a sub-regional planning framework has not been adopted which will provide context for consideration of the proposal.
The Council also resolved to support the initiation of a MRS Amendment to rezone Stage One to 'Urban Deferred' as an interim measure until such time as the matters detailed above have been addressed.

3. Details

In July 2011, the WAPC decided to initiate the Stage One rezoning to 'Urban Deferred' and have it proceed as a Major Amendment, contrary to the request from Housing which sought for it to proceed as a Minor Amendment. By distinction, a Major Amendment process is more consultative and the decision is ultimately made by Parliament, as opposed to the Minister for Planning.

The proposed MRS Amendment was subsequently referred to the Office of the Environmental Protection Authority which concluded that the proposal did not warrant formally environmental assessment. The EPA stated that the Environmental Assessment Report, submitted with the MRS Amendment application, addressed the key environmental impacts to its satisfaction, and that the impacts can be adequately managed through the planning process, in consultation with the Department of Environment and Conservation (DEC), Department of Water (DoW) and other relevant agencies. The EPA recommended that the corresponding amendment to the City's Town Planning Scheme to rezone the subject land (following the land being zoned 'Urban' under the MRS) include Scheme Provisions requiring the preparation of the following management plans, to the satisfaction of the DEC and DoW, where appropriate:

- Outline Development Plan,
- Local Water Management Strategy,
- Flora and Fauna Management Plan,
- Serpentine River Foreshore Management Plan,
- Mosquito Management Plan, and
- Acid Sulphate Soils Management Plan.

Subsequently, in late September 2011, the Minister for Planning granted consent to advertise the Major Amendment for a period ceasing on the 20th January 2012.

The proposed MRS Amendment, as shown below, involves the following:

- Approximately 109ha being rezoned from 'Rural' to 'Urban Deferred',
- The creation of an 'Other Regional Road Reservation' as an eastern extension of Paganoni Road to service the Stage One development (and other proposed stages east of the Serpentine River); and
- Other amendments to the Primary Regional Road and Parks and Recreation Reservations in proximity to the Kwinana Freeway and Paganoni Road interchange to reflect changes in the alignment which were required prior to its construction.
4. Implications to Consider

a. Consultation with the Community

Consultation is being undertaken by the WAPC in accordance with the Planning and Development Act 2005.

The process associated with a MRS Major Amendment involves the following:

(i) Those that make a submission will be invited to personally present their submission to a Sub-Committee of the WAPC. The transcripts from the hearings will become a public document and be presented to both Houses of Parliament.

(ii) The WAPC will then consider the matter, upon recommendations from the Sub-Committee, and submit the Amendment plans, together with a Report on Submissions and copy of all written submissions, to the Minister for presentation to the Governor.

(iii) If the Governor approves, a copy of the Amendment plans, together with the Report on Submissions, will be laid before each House of Parliament for twelve sitting days.

(iv) Each House may disallow an amendment within that time.

As soon as the Amendment is no longer subject to disallowance, it becomes legally effective in the MRS.
b. **Consultation with Government agencies**
Consultation is undertaken by the WAPC in accordance with the Planning and Development Act 2005.

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

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

d. **Policy**
Nil

e. **Financial**
Nil

f. **Legal and Statutory**
**Lifting of Urban Deferment**
The process to lift Urban Deferment (to achieve an ‘Urban’ zoning) is governed clause 27 of the Metropolitan Region Scheme.

The decision is ultimately made by resolution of the WAPC. The ‘Guidelines for the Lifting of Urban Deferment’ provide the WAPC with a basis upon which to considered requests to lift the Urban Deferment. The Local Authority is invited to comment on any such request.

**Consistency with the Metropolitan Region Scheme**
Under clause 123 of the Planning & Development Act 2005, the local authority Town Planning Scheme is required to be consistent with the content of the Metropolitan Region Scheme within a 90 day period of the MRS Amendment being gazetted.

5. **Comments**
The decision of the WAPC to initiate an ‘Urban Deferred’ rezoning is consistent with the Council’s position from February 2011. At that time, the Council acknowledged that the ‘Urban Deferred’ zoning would be an appropriate interim measure until various matters were addressed. These matters related to:

(i) a lack of commitment to the necessary infrastructure to support development, given that the land does not represent a logical extension to urban development,

(ii) the local statutory governance structure (within the Town Planning Scheme) and a suitable approval regime (to determine the DSP, for example) remains unresolved, and

(iii) a sub-regional planning framework has not been adopted which will provide context for consideration of the proposal.

It has also been established that various State Government agencies objected to the initiation of the proposed ‘Urban’ zoning for servicing reasons (primarily associated with wastewater infrastructure), health concerns associated with mosquito nuisance and the potential for traffic generated from Keralup impacting on the function of the Kwinana Freeway.

**Assessment of Proposed MRS Amendment**

**Extent of ‘Urban Deferred’ Zoning**
The development footprint, as defined by the boundary of the ‘Urban Deferred’ zoning, has been established after applying the extent of the Floodway to the Serpentine River (as defined by the Department of Water) which is generally commensurate with the extent of Bush Forever Site 394 which protects the Serpentine River and its immediate environs.
The City's Environmental Planning Team has assessed this matter and accept that there is sufficient basis to the development footprint.

It is assumed that the EPA reached a similar conclusion in its assessment of the proposal.

The Environmental Planning Team also identified various matters, through its consideration of the Environmental Assessment Report, which will require attention as the planning process proceeds. The majority of issues are relevant to the Local Structure Plan and subdivision phases and include Acid Sulphate Soil investigations, wetland management and noise mitigation.

The proposal to increase the size of the Paganoni Swamp Parks and Recreation reservation, and realign the Freeway reservation accordingly, responds to the need to build the Freeway outside of the reservation to avoid a Threatened Ecological Community that was discovered during the construction of the Freeway. This MRS Amendment process provides for the Freeway carriageway and interchange to contained in the 'Primary Regional Road' reservation and the Paganoni Swamp reservation to be expanded.

Paganoni Road Reservation

The proposed eastern extension of Paganoni Road is proposed to be classified as an ‘Other Regional Road’ reservation, consistent with the classification of the existing portion between Mandurah Road and the Kwinana Freeway. The proposed road will carry a significant amount of traffic from within (and possibly beyond) Keralup and effectively sever the Stage One urban cell.

The proposed reservation is approximately 47m in width and increases at the approach to the Kwinana Freeway interchange.

The draft DSP shows Paganoni Road as being the primary connecting road between the proposed Keralup Regional Centre, the Kwinana Freeway and the future Karnup Station. The traffic modelling conducted through the Integrated Transport Strategy (ITS) forecasts that Paganoni Road could ultimately carry up to 50,000 vehicles per day. This traffic modelling, however, will require updating when the WAPC’s Sub-Regional Structure Plan emerges and a planning context for Keralup is achieved.

To put this traffic forecasts into context, Mandurah Road at Golden Bay presently carries about 27,000vpd and Safety Bay Road at Baldivis carries about 25,000vpd.

The ITS recommends that high volume distributor roads (or ‘Integrator A’ roads) have a profile that provides for dedicated transit lanes in the median, to cater for priority bus services or light rail, along with two lanes of traffic each way, a cycle way and verge within which pedestrian facilities will be provided. It also states that the reservation will provide for ‘kerbside parking in centres’. The width of the road reservation, with kerbside parking was shown to be 48.8m and 43.8m without parking. As detailed above, the information from the ITS has been transferred the MRS Amendment application.

The draft DSP identifies that the subject section of Paganoni Road will be an ‘Activity Corridor’ which is intended to offer mixed use and high residential densities as a link between major commercial destination; in this case between the proposed Keralup Regional Centre and the Karnup Station. It is explained that the primary function of the ‘Activity Corridor’ is to provide support to the proposed evolving public transport network and to promote ‘densification and mixed-use’ that will make the best use of the infrastructure.

Engineering Services has advised that kerbside parking would not be appropriate for the subject section of Paganoni Road given that it would negatively impact the function of this high capacity road. It seems that urban design rigor has not been given to the ‘Activity Corridor’ and the interface to Paganoni Road is not known. It is expected, however, that there may be intermediate service roads and/or all traffic will be required to access the properties from the rear. Also, Paganoni Road is not a ‘centre location’ where the MRS Amendment application (and ITS) suggests that kerbside parking is warranted.

In any event, the proposed width of the road reservation does not match with either profile shown in the MRS Amendment application. As such, it is recommended that the width of the Paganoni Road reservation not be supported without sufficient justification.
Aligned to the proposed extension of Paganoni Road is the need to increase the width of the existing portion between Mandurah Road and the Freeway. The current reservation width is approximately 30m with the existing carriageway being in the northern section. The southern section of the road reservation includes vegetation which forms part of the greater Paganoni Swamp Reserve, being Bush Forever Site 395.

The manner in which the increased reservation width is accommodated (either to the north or south) is currently being investigated through the Department of Planning in consultation with City Officers. Notwithstanding that the subject MRS Amendment process is seeking to add a portion of ‘Other Regional Road’ reservation to the north west of the existing Freeway interchange, this may require additional modification when the Paganoni Road reservation is expanded.

**Project Implementation**

As detailed above, the Council identified various matters that it will seek resolution to prior to the land being zoned ‘Urban’ (or the ‘Urban Deferment’ being lifted). These matters can broadly be described as Infrastructure Delivery, Governance and Planning Context. It is important that the WAPC and proponent again be made aware of the issues so that the Council’s position is clear.

These implementation matters have been discussed with the other Local Government stakeholders, being the Shire of Murray and the City of Mandurah. It was evident that the three parties share the same implementation imperatives and it is likely that ongoing collaboration will occur such that a consistent position is taken to implementing the project.

**Infrastructure Delivery**

Housing and its consultants have recognised that Keralup is unique given its isolation and it being a substantial landholding in one ownership. The fact that it is also held in public ownership has been recognised as a rare opportunity to deliver a best-practice, integrated development. The rationale and basis for the broad master planning of Keralup has been focussed around a number of key development principles that are intended to deliver Keralup in a sustainable manner. The City has supported the intent of the principles.

The ‘key principles’, which are published in the MRS Amendment application, include the following:

- Transit Orientated Development
- Compactness and Diversity
- Early Community Formation
- Mixed Use Town and Villages
- Site Sensitive and Environmentally Responsive Design

The City has consistently expressed the view that Keralup’s circumstances demand the appropriate delivery of infrastructure to support its population in its formative stages and through the life of the development. Infrastructure in this sense does not relate to the standard subdivisional servicing infrastructure (power, water, sewer etc), but to other elements that will assist in delivering the above key principles.

In this regard, it relates to transport and transit infrastructure, the most notable being the early construction of Karnup Station and transit (preferably light rail) that links Keralup to the Station. It also relates to ‘soft’ infrastructure which enables community facilities to be provided at key times. There will be other infrastructure requirements across other aspects of the project which will seek to ensure that Keralup is suitably delivered.

There are a number of ongoing processes that will inform the provision of infrastructure such as the Community Needs Assessment, that has recently been commissioned, which will ultimately inform a Community Development Strategy (or Framework).

The fact that the land is held in government ownership provides a rare opportunity for an innovative land delivery arrangement to be instituted where a dividend from the substantial project revenue is committed to fund the necessary key infrastructure.
The land delivery arrangements are key to clarifying a number of implementation issues. In this regard, it has not been confirmed whether the land will be developed and/or project managed by Housing, if it will be Joint Ventured with a private stakeholder, broken up and sold in large parcels or through another arrangements. It is also not clear whether consideration will be given to a Development Authority being established for project delivery. It is important to understand the land delivery arrangements in the early stages of the project so that implementation issues can be better resolved.

The Council should require an itemised Infrastructure Delivery Programme that is staged, costed and supported by the relevant service provider and responds to the key development principles. The manner in which the Programme is mandated also requires attention.

The proponent has indicated that implementation matters will be addressed within the DSP application when it is lodged in the new year. It is possible that the City will become proactive in this area and identify what infrastructure it considers necessary to support sustainable development and when it should be required.

It is also concerning that the State Government is yet to publicly acknowledge Keralup and announce its vision for the development. At this stage it appears to be considered as an affordable housing project that does not have the backing of all State Government interests.

Other significant government projects have been the subject of media events and/or statements that announce the project and provide an insight into the vision. In this instance, it would be reassuring if the published key development principles form the basis for State Government's vision. It would be an important step in demonstrating the ‘whole-of-government’ approach to Keralup.

Governance

As detailed above, a number of governance issues associated with land delivery remain unresolved. It is also the case that the local statutory governance arrangements are still to be determined.

The manner in which Keralup is guided and regulated in the City’s Town Planning Scheme (and that of Murray’s) is a critical governance matter where key implementation objectives can achieve statutory effect. Investigation into the appropriate model has commenced and it is necessary that the TPS structure be substantially progressed prior to the subsequent phases of the planning process being favourably considered. The arrangements should not only address Stage One but be equally applicable to the subsequent proposed stages of Keralup.

Planning Context

As mentioned above, the WAPC’s sub-regional planning process is currently being progressed and will seek to build on the recommendations from the adopted Directions 2031 and Beyond and the draft Outer Metropolitan and Peel Sub-Region Strategy. The Sub-Regional Structure Plan will define key elements such as regional transport infrastructure (such as roads), regional conservation and recreation requirements and major Activity Centres/Employment nodes. The Department of Planning has advised that the release of the draft Sub-Regional Structure Plan for public comment is scheduled for the second half of 2012.

As such, a planning framework within which to consider Keralup will not emerge within the short term and the integration of Keralup with the land in its vicinity cannot be defined. This matter should again be raised by the Council as an issue that requires resolution.

It was identified in the Officer Reports to Council in October 2010 and February 2011 that much needs to occur for Stages Two and Three to be realised, including the likelihood of formal environmental approval. As such, Stage One must be considered as a separate entity. In late 2010 the proponent provided justification that it could be a self-sufficient urban cell, however, some matters (such as emergency access/egress) require additional justification.

Guidelines for the Lifting of Urban Deferment

The WAPC’s ‘Guidelines for the Lifting of Urban Deferment’ outline those matters that should be addressed prior to an ‘Urban’ zoning being achieved. Many of the criteria within the Guidelines have a relationship to the issues raised above and will be referred to by the Council in responding to the request to lift the Urban Deferment.
CONCLUSION

In the light of the above, it is recommended that the Council support the ‘Urban Deferred’ zoning, subject to the proposed reservation width for the eastern extension of Paganoni Road being justified.

It is also recommended that the Council advise the WAPC and the proponent of the matters which it will seek resolution to prior to the subsequent phases in the planning process being supported. Other than the process to lift the Urban Deferment, the subsequent phases includes consideration of the DSP and Local Structure Plans. The matters that require resolution are as follows:

- The preparation of a binding Infrastructure Delivery Programme, that responds to the stated key development principles for Keralup, that is supported by the responsible stakeholders.
- Confirmation of the proposed land delivery and project governance arrangements such that the various implementation issues can be clarified.
- The preparation of a local statutory governance framework to guide and regulate the entire proposed Keralup development.
- A suitable sub-regional planning context within which to consider Keralup.
- It be demonstrated that Stage One can function as a self-contained entity.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **SUPPORT** the proposed ‘Urban Deferred’ zoning of Keralup Stage One within the Metropolitan Region Scheme subject to the proposed reservation width for Paganoni Road being satisfactorily justified.

2. **NOT SUPPORT** the subsequent planning phases for Keralup until the following matters are satisfactorily resolved:
   
   (i) The preparation of a binding Infrastructure Delivery Programme, that responds to the stated key development principles for Keralup, that is supported by the responsible stakeholders.
   
   (ii) Confirmation of the proposed land delivery and project governance arrangements such that the various implementation issues can be clarified.
   
   (iii) The preparation of a local statutory governance framework to guide and regulate the entire proposed Keralup development.
   
   (iv) A suitable sub-regional planning context within which to consider Keralup.
   
   (v) It be demonstrated that Stage One can function as a self-contained entity.

8. Committee Recommendation

That Council:

1. **SUPPORT** the proposed ‘Urban Deferred’ zoning of Keralup Stage One within the Metropolitan Region Scheme subject to the proposed reservation width for Paganoni Road being satisfactorily justified.

2. **NOT SUPPORT** the subsequent planning phases for Keralup until the following matters are satisfactorily resolved:

   (i) The preparation of a binding Infrastructure Delivery Programme, that responds to the stated key development principles for Keralup, that is supported by the responsible stakeholders.
(ii) Confirmation of the proposed land delivery and project governance arrangements such that the various implementation issues can be clarified.

(iii) The preparation of a local statutory governance framework to guide and regulate the entire proposed Keralup development.

(iv) A suitable sub-regional planning context within which to consider Keralup.

(v) It be demonstrated that Stage One can function as a self-contained entity.

Committee Voting - 4/0

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<th>9. The Committee’s Reason for Varying the Officer’s Recommendation</th>
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</thead>
<tbody>
<tr>
<td>Not applicable</td>
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<tr>
<th>10. Implications of the Changes to the Officer’s Recommendation</th>
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<tbody>
<tr>
<td>Not applicable</td>
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</tbody>
</table>
# Addendum Agenda

**Director, Planning & Development**

## Reports of Councillors

Nil

## Addendum Agenda

### Planning Services
Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>DPD-011/11</th>
<th>Offer to Purchase City owned Land</th>
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<tbody>
<tr>
<td>File No:</td>
<td></td>
<td>LUP/229</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td></td>
<td>Rockingham Kwinana Division of General Practice</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
<td>Ms Tamara Vreeken, Special Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
<td>Mr Bob Jeans, Director, Planning &amp; Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td></td>
<td>5th December 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
<td>October 2011 (DPD-009/11), July 2008 (PD132/7/08)</td>
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**Disclosure of Interest:**

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

Executive Function

**Site:**

Lot 401 Cnr Civic Boulevard & Central Promenade, Rockingham City Centre

**Lot Area:**

1,254m²

**LA Zoning:**

Primary Centre City Centre

**MRS Zoning:**

Central City Area

**Attachments:**

Maps/Diagrams: Figure 1 - Location Plan
1. **Purpose of Report**

To consider accepting an Offer to Purchase Lot 401 corner Civic Boulevard and Central Promenade, Rockingham, which is owned by the City.

2. **Background**

In December 2010, the City received an Expression of Interest from the Rockingham Kwinana Division of General Practice (RKDGP) in obtaining/purchasing Lot 401 Civic Boulevard. The RKDGP intends to construct a potential three story building as an 'Integrated Health Centre' to provide health services to the Rockingham and Kwinana communities.

The services which are proposed to be provided are:-

- an After Hours GP Clinic;
- intervention and prevention Psychological Services (not acute);
- lifestyle modification programs;
- chronic disease support services; and
- the Division’s administration headquarters.

The RKDGP has been negotiating with the Federal Government to secure grant funding to purchase and develop Lot 401.

In October 2011 the RKDGP submitted a written Offer to purchase Lot 401. The details of the Offer are as follows:-

1. Purchaser's name and address: Rockingham Kwinana Division of General Practice Ltd
2. Property: Lot 401 on Deposited Plan 43452
3. Purchase Price: $670,000 ex GST
4. Deposit: $67,000 ex GST

The Offer is subject to the RKDGP securing funding through the Commonwealth of Australia, which it has applied for through the Department of Health and Ageing (DOHA) Super Clinic program. The Offer is subject to receiving these funds and cannot proceed without contracted confirmation from the Commonwealth. A deposit will be paid once funding has been secured.

3. Details

In accordance with the Council's resolution and the provisions of section 3.58(3) and (4) of the Local Government Act 1995, the proposed Land sale was advertised for a period of two weeks, concluding on the Monday 29th November 2011, in Weekend Courier and in The West Australian. No submissions were received during the comment period.

The Council now is required to resolve by Absolute Majority to proceed with the land transaction as advertised, before entering into the contract documentation.

4. Implications to Consider

a. Consultation with the Community

Under section 3.58(3) and (4) section of the Local Government Act 1995, the Council is to give local public notice of the proposed disposition for a minimum period of 14 days.

b. Consultation with Government Agencies

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 provide for a genuinely desirable lifestyle.

d. Policy

The sale of the land will be subject to any Development Application being consistent with the requirements of Planning Policy No.3.2.1 – Development Policy Plan City Centre Sector. In particular, the requirements of the Core Precinct and the Civic Piazza Sub Precinct.

e. Financial

Proceeds from the sale (less costs and commissions) are proposed to be allocated to Sub Account No.6108 - City Centre Development Reserve.

f. Legal and Statutory

3.58. Disposing of property

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:-

(a) it gives local public notice of the proposed disposition:-

(i) describing the property concerned; and
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date
to be specified in the notice, being a date not less than two weeks
after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the
notice and, if its decision is made by the council or a committee, the decision
and the reasons for it are recorded in the minutes of the meeting at which
the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii)
include:-

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition;

and

(c) the market value of the disposition:-

(i) as ascertained by a valuation carried out not more than six months
before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a
valuation carried out more than six months before the proposed
disposition that the local government believes to be a true indication of
the value at the time of the proposed disposition.

5. Comments

Council’s solicitor has prepared the relevant Contract of Sale. The prospective purchaser has
advised that it is prepared to sign the required documentation. In this regard, on receipt of the
signed documents from the Purchasers, the Mayor and Chief Executive Officer sign the documents
on behalf of Council.

6. Voting Requirements

Absolute Majority

7. Officer Recommendation

That Council:-

1. **PROCEED** with the sale of Lot 401 Civic Boulevard, Rockingham, as advertised.

2. **ALLOCATE** the proceeds from the sale (less costs and commissions) to Sub Account
No.6108 - City Centre Development Reserve.

8. Committee Recommendation

That Council:-

1. **PROCEED** with the sale of Lot 401 Civic Boulevard, Rockingham, as advertised.

2. **ALLOCATE** the proceeds from the sale (less costs and commissions) to Sub Account
No.6108 - City Centre Development Reserve.

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
## 15. Motions of which Previous Notice has been given

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## 16. Notices of Motion for Consideration at the Following Meeting

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<td>Nil</td>
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## 17. Urgent Business Approved by the Person Presiding or by Decision of the Committee

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<td>Nil</td>
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## 18. Matters Behind Closed Doors

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### Strategic Planning and Environment

#### Planning Services

**Strategic Planning & Environment Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-035/11 Proposed Structure Plan - Golden Bay (Adoption)</th>
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<tr>
<td></td>
<td>Proposed Modification to Planning Policy 6.3 - Local Commercial Strategy (Adoption)</td>
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<td></td>
<td>Proposed Foreshore Management Plan (Adoption)</td>
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<tr>
<th>File No:</th>
<th>LUP/246-11</th>
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<tr>
<th>Proponent/s:</th>
<th>Chappell Lambert Everett on behalf of the Department of Housing</th>
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<table>
<thead>
<tr>
<th>Author:</th>
<th>Mr Tristan Fernandes, Senior Strategic Planning Officer</th>
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<tr>
<th>Other Contributors:</th>
<th>Mr Jeff Bradbury, Co-ordinator, Strategic Planning</th>
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<tbody>
<tr>
<td></td>
<td>Mr Brett Ashby, Manager, Strategic Planning and Environment</td>
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<tr>
<th>Date of Committee Meeting:</th>
<th>5th December 2011</th>
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<tr>
<th>Previously before Council:</th>
<th>SPE-003/10 26th October 2010; August 1994</th>
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| Disclosure of Interest: | |
|------------------------| |

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<thead>
<tr>
<th>Nature of Council's Role in this Matter:</th>
<th>Legislative (Proposed Structure Plan)</th>
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<tbody>
<tr>
<td></td>
<td>Executive Function (Modification to Planning Policy 6.3 - Local Commercial Strategy)</td>
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<td></td>
<td>Advocacy (Foreshore Management Plan)</td>
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<tr>
<th>Site:</th>
<th>Lots 9000 (Previously Lot 2) and Lot 3 Warnbro Sound Avenue, Golden Bay</th>
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<tr>
<th>Lot Area:</th>
<th>156.7223 hectares</th>
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<th>LA Zoning:</th>
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<tr>
<th>MRS Zoning:</th>
<th>Urban, Parks and Recreation</th>
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<tr>
<th>Attachments:</th>
<th>1. Endorsed 1994 Comprehensive Development Plan</th>
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<tr>
<td></td>
<td>2. Proposed Structure Plan</td>
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<td></td>
<td>3. Proposed Foreshore Management Plan</td>
</tr>
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<td></td>
<td>4. Indicative Street Block Layout and Staging Plan</td>
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<td></td>
<td>5. Landscape Master Plan</td>
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**CONFIRMED AT A PLANNING SERVICES MEETING**

**HELD ON MONDAY, 20 FEBRUARY 2012**

**PRESIDING MEMBER**
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<tr>
<td>6.</td>
<td>Adopted Minor Modification to Structure Plan (Stage 1)</td>
</tr>
<tr>
<td>7.</td>
<td>Location of Submissions (Structure Plan)</td>
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<tr>
<td>8.</td>
<td>Location of Submissions (Local Commercial Strategy)</td>
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<td>9.</td>
<td>Location of Submissions (Foreshore Management Plan)</td>
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<tr>
<td>10.</td>
<td>Schedule of Submissions (Structure Plan)</td>
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<td>11.</td>
<td>Schedule of Submissions (Local Commercial Strategy)</td>
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<td>12.</td>
<td>Schedule of Submissions (Foreshore Management Plan)</td>
</tr>
<tr>
<td>14.</td>
<td>Golden Bay Foreshore Management Plan Response to Public Submissions</td>
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**Maps/Diagrams:**

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.</td>
<td>Location Plan</td>
</tr>
<tr>
<td>2.</td>
<td>Endorsed Comprehensive Development Plan</td>
</tr>
<tr>
<td>3.</td>
<td>Proposed Structure Plan considered by Council in October 2010</td>
</tr>
<tr>
<td>4.</td>
<td>Advertised Structure Plan</td>
</tr>
<tr>
<td>5.</td>
<td>Location of advertising by letter drop</td>
</tr>
<tr>
<td>6.</td>
<td>Proposed Public Transport Route</td>
</tr>
<tr>
<td>7.</td>
<td>Proposed Road Hierarchy</td>
</tr>
<tr>
<td>8.</td>
<td>Endorsed Landscape Plan</td>
</tr>
<tr>
<td>9.</td>
<td>Location of Public Open Space</td>
</tr>
<tr>
<td>10.</td>
<td>Indicative Layout of Proposed Golden Bay Neighbourhood Centre</td>
</tr>
<tr>
<td>11.</td>
<td>Example of Interface to Foreshore Reserve</td>
</tr>
</tbody>
</table>

Figure 1 - Location Plan
Comprehensive Development Plans (CDP) approved under the former Town Planning Scheme No.1 are referred to as 'Structure Plans' under the provisions of Town Planning Scheme No.2 (TPS2). For ease of reference, the CDP adopted by the Council for Golden Bay in August 1994 will be referred to as the 'endorsed CDP', and the proposed modified Comprehensive Development Plan will be referred to as the 'proposed Structure Plan'.

1. **Purpose of Report**

The purpose of this Report is to:

1. Consider a proposed Structure Plan over Lot 9000 (previously Lot 2) and Lot 3 Warnbro Sound Avenue, Golden Bay following the completion of the advertising period and receipt of additional information;
2. Consider the adoption of modifications to Planning Policy 6.3 - Local Commercial Strategy following the completion of the advertising period; and
3. Determine the proposed Foreshore Management Plan for Lot 9000 (previously Lot 2) Warnbro Sound Avenue, Golden Bay following the completion of the advertising period and receipt of additional information.

2. **Background**

**Endorsed Comprehensive Development Plan**

In August 1994, the Council resolved to approve the Golden Bay Comprehensive Development Plan ('endorsed CDP') covering part of Lot 12 Dampier Drive, the original parent lot (see Figure 2), subject to the following conditions:

1. Amendment No. 248 to Town Planning Scheme No.1 being granted final approval by the Minister for Planning prior to the commencement of any works on site.
2. The Landscape Protection Area shall be clearly marked on the ground to the satisfaction of the City of Rockingham prior to the commencement of any on-site works.
3. The Landscape Protection Area shall not be disturbed, either for the disposal of drainage, the construction of the stone pitching for soil retention or in any other way. A Management Plan for this area shall be submitted for the approval of the City of Rockingham.
4. The Proponent shall comply with the Minister for the Environment's conditions of Environmental Approval.
5. Development of the two commercial sites shall comply with Council's Retail Development and Structure Plan which restricts retail floor space to a maximum of 2800m² GLA.
6. Final approval of the modification to the boundaries of Reserve 34664 from the Department of Land Administration.
7. The preparation and implementation of a Management Plan for the Landscape Protection Area and Foreshore Reserve.
8. 10% Public Open Space shall be provided for the estate (25.49ha). The current shortfall of 0.1146ha shall be addressed in detailed structure and subdivision planning for the balance of the estate.
9. Traffic management measures shall be installed for the intersection of Warnbro Sound Avenue and Dampier Drive to the satisfaction of the City of Rockingham and Department of Planning and Urban Development.
10. Satisfactory arrangements being made with the City of Rockingham for the upgrading of those existing roads in Golden Bay that abut and connect with the proposed development.
11. Dual use paths/cycleways as shown on the plan dated 5th August attached being constructed by the subdivider to the specifications and satisfaction of the City of Rockingham.
12. The service station site shall be deleted from the Comprehensive Development Plan pending further details of the environmental affect of the service station on the groundwater system being provided.

13. The approval of the State Planning Commission shall be granted for the Comprehensive Development Plan prior to the commencement of any on-site works.”

In September 1994, the then State Planning Commission granted Final Approval for the endorsed CDP.

Figure 2 - Endorsed Comprehensive Development Plan
(Approved September 1994)

Previous Approval Implications

As noted above, the endorsed CDP was approved by the Council subject to various conditions. The proposed Structure Plan has been prepared to comply with the commitments and requirements of the Ministerial Statement 297 ('Environmental Approval'), approved by the then Minister of Environment in January 1993.

Several of the conditions of the endorsed CDP and Environmental Approval remain relevant to the current proposal, as follows:-
- **Landscape Protection** - with respect to Condition No's.2 and 3, in December 1994, the Council resolved to generally support the proposed Management Plan for the Landscape Protection Area, subject to the following conditions:-

  1. Detailed plans for the proposal indicating finished ground levels, heights of retaining walls, fencing types and location, access path location, viewing deck details, rehabilitation of ‘blow out’ areas and landscaping details shall be submitted to Council in the form of a separate development application for approval prior to any works commencing.

  2. Two additional access paths shall be provided from Minderoo Crescent to the Western Interface Reserve and one additional access path shall be provided from the recreation area at the base of Mandurah Hill to the path proposed by Council on the Mandurah Hill reserve itself.

  3. The extent of the clearing on the eastern face of the 37m Central Dune shall be determined on-site at the time that the subdivision works are progressing in order to get a clearer understanding of the implications of the proposal.

  4. The works undertaken in the landscape protection area shall be maintained by the developer to the satisfaction of the Council for a period of three years from the time the works were undertaken.“

- **Environmental Approval** - with respect to Condition No.4, it is acknowledged all the Environmental Approval conditions have been met. Of the conditions within the Environmental approval, the following are relevant to the City:-

  1. A Foreshore Management Plan has been lodged with the City for consideration.

  2. The proposed Structure Plan reflects the Landscape Management Plan that was approved by the Council in December 1994.

- **Landowner Commitments** - Attached to the Minister’s Statement were a number of landowner commitments, as follows:-

  1. The Proponent will provide, in exchange for the development of the currently proposed System 6 Area M107, additional Regional and Public Open Space adjacent to the Coastal Reserve as shown in the Structure Plan, in excess to that which would normally be required by DPUD. This will be done to the satisfaction of the EPA, DPUD and the Local Authority at the rezoning stage.

Comment - The additional Public Open Space shown on the endorsed CDP has been zoned 'Parks and Recreation' under the Metropolitan Region Scheme.

  2. The Proponent will prepare a Management Plan for the Coastal Reserve at Golden Bay prior to development commencing. This will be done to the satisfaction of the Local Authority.

Comment - A Foreshore Management Plan has been lodged with the proposed Structure Plan.

  3. The Proponent will include an historic aboriginal camping site within the proposed Public Open Space for the development. This will be done to the satisfaction of the Local Authority.

Comment - The aboriginal heritage site is located within the Foreshore Reserve zoned 'Parks and Recreation'.

  4. The Proponent will continue to provide and maintain a network of firebreaks and access tracks to protect against bushfire until the Local Authority takes on this responsibility. This will be done to the satisfaction of the Local Authority.

Comment - Separate Fire Management Plans have been lodged with the proposed Structure Plan for Lot 9000 (previously Lot 2) Warnbro Sound Avenue encompassing the Foreshore Reserve and Lot 3 Warnbro Sound Avenue which encompasses the Landscape Protection Area.
5. The Proponent will provide reticulated sewerage and will design the development so that stormwater drainage is disposed of on site. This will be done to the satisfaction of DPUD and the Local Authority.

Comment - The development will be connected to reticulated sewerage. A Local Water Management Strategy has been lodged in accordance with the requirements of the Department of Water to address stormwater and drainage matters.

6. The Proponent will liaise with CALM regarding the presence of bandicoots at Golden Bay and if required by CALM will examine the feasibility of relocating any disturbance of the vegetation at Golden Bay and will be done to the satisfaction of both CALM and the EPA.”

Comment - The Proponent has been liaising with the Department of Environment and Conservation regarding the relocation of the Southern Brown Bandicoot.

Approved Subdivision Applications

In May 2006, a subdivision application, consistent with the endorsed CDP, was approved by the Western Australian Planning Commission (WAPC). This approval was not acted upon and subsequently expired. The WAPC then reissued the Subdivision Approval on the 18th March 2010 and is valid for a period of four years.

Minor Modification to Endorsed CDP

In March 2010, the City approved a minor modification to the endorsed CDP to create Stage 1. The minor modification was considered pursuant to Clause 4.2.7.1 of TPS2 which states: -

"The Council may adopt a minor change or departure from a Structure Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Structure Plan."

In this regard, the Stage 1 application was considered to be a minor change or departure from the endorsed CDP and was determined to not materially alter the intent of the Structure Plan. The main points of the minor modification included: -

- The creation of 150 residential lots;
- The creation of a 3.5ha Primary School site, co-located with an existing 8.1ha Public Open Space (POS) Reserve (Rhonda Scarrott Reserve);
- The creation of a new 4,647m² centrally located POS Reserve; and
- Some minor changes to the road layout in accordance with contemporary Liveable Neighbourhoods principles.

In April 2010, Stage 1 was granted Subdivision Approval by the WAPC.

Proposed Structure Plan

In October 2010, the Council considered a proposed Structure Plan consisting of the following elements: -

Residential Density and Population

- The creation of 1,700 lots (approximately 2,200 dwellings units);
- Residential density coding ranges from R5 to R80;
- R20 densities as a transition to the existing communities of Golden Bay and Secret Harbour, consistent with the endorsed CDP;
- A strip of R5 along the eastern boundary of Lot 3 adjacent to Special Residential No. 3, consistent with the endorsed CDP; and
- An ultimate population of approximately 5,700 (based on the average occupancy rate of 2.6 per household).
Neighbourhood Centre
- A Main Street based Neighbourhood Centre at the intersection of Warnbro Sound Avenue and a new 'Coastal Boulevard'. The Centre is proposed to extend both sides of Warnbro Sound Avenue;
- The Neighbourhood Centre proposes a retail floor space of 3,540m$^2$, comprising:
  (i) Medium sized supermarket: 1,800m$^2$ - 2,000m$^2$
  (ii) Specialty shops: 1,130m$^2$ - 1,330m$^2$
  (iii) Small retail showrooms: 370m$^2$
- A potential commercial node in close proximity to the Foreshore Reserve.

Road and Pedestrian Network
- Provision of a 'Coastal Boulevard' linking east and west of Warnbro Sound Avenue, consistent with the endorsed CDP;
- A road interface between the residential development and the Foreshore Reserve, consistent with the endorsed CDP;
- The key local road connections to Secret Harbour and the existing Golden Bay area are proposed to be retained;
- Additional connections to the land to the east;
- A signalised intersection at the corner of Warnbro Sound Avenue and 'Coastal Boulevard';
- Three north-south bus routes through the development;
- Construction of two additional 'legs' off the existing roundabout at the intersection of Warnbro Sound Avenue and Dampier Drive; and
- An un-signalised 'T' junction on the western side of Warnbro Sound Avenue, proposed north of the 'Coastal Boulevard'.

Community Facilities
- A Primary School site of 3.5ha co-located with the existing Rhonda Scarrott (formally Tangadee) Reserve. This was consistent with the minor modification to the endorsed CDP approved in March 2010 and the endorsed CDP; and
- 2.5ha POS adjoining the southern end of the existing Comet Bay High School and 0.8ha of land to accommodate the extension of the Comet Bay High School to meet the requirements of the Department of Education (DoE).

Public Open Space (POS)
- A total of 13.80ha of POS and 10.6ha of Foreshore Reserve area; and
- Retention of dunal landform on Lot 3 in accordance with the approved Landscape Protection Management Plan (as discussed below).

The Council resolved to grant consent to advertise the proposed Structure Plan for comment, in accordance with clause 4.2.6.5 of TPS2, subject to following matters being satisfactorily addressed:
(i) The Structure Plan Report being modified in the following manner prior to advertising:
  - Provide an indicative lot layout;
  - Provide information for the staging and timing of the development; and
- Amend the POS Schedule to remove the proposed 5,000m² Coastal Commercial Node being noted as a deduction.

(ii) The Proponent provide additional information regarding the intended development of selected Laneway precincts, to demonstrate that satisfactory surveillance can be achieved for consideration during the advertising of the Structure Plan;

(iii) Obtain 'in principle' support from Main Roads WA for the traffic lights at the intersection of Warnbro Sound Avenue and the new 'Coastal Boulevard', prior to advertising.

(iv) The POS Schedule being amended to provide information on each individual parcel of POS, including information on the proposed provision of drainage, particularly with respect to Public Open Space areas J, T, L, P and S, prior to advertising.

(v) The City's Officers liaise with the Department of Planning to confirm whether stormwater from 1 in 10 year and more frequent storm events can be directed into the Foreshore Reserve, prior to advertising.

(vi) Fire access arrangements into the Foreshore Reserve be satisfactorily resolved and incorporated into the Foreshore Management Plan, prior to advertising.

(vii) An Indicative Finished Levels Plan be submitted during the advertising period.

**Modification to the Local Commercial Strategy (LCS)**

In October 2010, the Council also endorsed the publishing of a notice that it has prepared an amendment to Planning Policy 6.3 – Local Commercial Strategy (LCS) to increase the maximum shop/retail floorspace of the Golden Bay East Neighbourhood Centre from 2,800m² NLA to 3,540m² NLA.

The purpose of the proposed modification to the LCS was to provide an additional 740m² of retail floor space within a proposed Neighbourhood Shopping Centre, configured to support a 'main street' design philosophy.

Under the LCS endorsed in 2004, the subject site is located within Precinct 3, comprising the localities of Golden Bay, Secret Harbour and Singleton. The Policy makes provision for 2,800m² of retail floor space for a Neighbourhood Centre to an area known as 'Golden Bay East'.

To justify a proposed increase in retail floor area, a Retail Assessment Report was lodged as part of the proposed Structure Plan. The City had its Retail Consultant assess the potential implications of the increased floor space to the nearby local centre located on Dampier Drive and the Secret Harbour Town Centre.

Advice from the Retail Consultant concluded that based on the revised population projections (as provided for on the proposed Structure Plan), the impact of the increased floor space was unlikely to impact existing centres.

**Foreshore Management Plan**

**Requirement as part of the Endorsed CDP**

In January 1993, the then Minister for the Environment issued Ministerial Statement 297 (‘Environmental Approval’) over Lots 2 and 3 Warnbro Sound Avenue, following a Public Environmental Review (PER).

Condition No.1 of the Environmental Approval outlines a commitment by the Proponent to prepare a Foreshore Management Plan for the Coastal Reserve as shown in the endorsed CDP. This Foreshore Management Plan is required to be prepared to the satisfaction of the City and the Department of Planning, with Final Approval being granted by the Environmental Protection Authority.

The entire Foreshore Reserve (as shown on the endorsed CDP) is reserved for 'Parks and Recreation' under the Metropolitan Region Scheme. The main elements that require management include an existing population of Southern Brown Bandicoot and a Threatened Ecological Community located within the reserve.
The other existing environmental and social matters addressed by the Foreshore Management Plan include the protection of an Aboriginal Heritage site, coastal accretion and protection of the dunes in their natural form. The PER made allowance for a Surf Life Savers Club Hall within the Foreshore Reserve, noting:

"Development proposals at Golden Bay will not affect the natural vegetation within the coastal reserve except for the provision of a Surf-Life Savers Club Hall..."

**Proposed Foreshore Management Plan**

To cater for the future local and potential regional increases in the numbers of beach users, a Foreshore Management Plan for the Foreshore Reserve has been prepared providing:

- Foreshore Reserve access roads;
- Carparks;
- Dual Use Paths with seated resting points, beach access tracks and lookouts;
- Educational signage;
- A site for a Surf Life Saving Club accommodating a café/kiosk, Shower and toilet block;
- 4,000m² – 5,000m² of POS; and
- Rehabilitation shrub planting and weed management.

In October 2010, the Council resolved to grant consent to advertise the proposed Foreshore Management Plan for comment.

**Proposed Amendment No.106 to Town Planning Scheme No.2**

In September 2010, the Council resolved to amend TPS2 by deleting the density codes shown on the Scheme Map for Golden Bay. The Amendment was initiated as it was considered more appropriate to determine residential density through the Structure Plan process, consistent with the intent of the 'Development' zone.

Consideration of Amendment No.106 is subject to a separate Report to Council, see Item SP-062/11 of this Agenda.

### 3. Details

**Modified Plan following Council Resolution**

The Proponent subsequently submitted a revised Structure Plan Report and updated technical appendices which satisfactorily addressed the matters raised in the Council's October 2010 resolution. In this regard, the following information was provided to the City: -

(i) The Proponent provided an amended Structure Plan Report containing the following information

- An indicative street block layout (see Attachment No.4);
- An indicative staging plan (see Attachment No.4); and
- The proposed 5,000m² Coastal Commercial Node was removed from the POS Schedule.

(ii) Justification and information regarding the intended development of selected Laneway precincts was incorporated into the Structure Plan Report. Discussion regarding the surveillance and appropriateness of the laneways are detailed within the 'Comments' section of this report.

(iii) The City received 'in principle' support from Main Roads WA for traffic signals at the intersection of Warnbro Sound Avenue and the proposed 'Coastal Boulevard'. The agreement was subject to an appropriate intersection and signal operation design, arrangements being made by the Proponent to install the signals and formal approval being obtained from Main Roads WA.
(iv) The Proponent provided clarification regarding how drainage was to be accommodated within all proposed POS reserves. Assessment of the drainage function within POS reserves is provided within the 'Comments' section of the report.

(v) Confirmation was obtained from the Department of Water that stormwater for rainfall events up to a 1 in 5 year occurrence could be conditionally accommodated within the Foreshore Reserve. The water discharge locations were also required to be sited at least 50m from the identified Threatened Ecological Communities.

The stormwater discharge was included into the Local Water Management Strategy which has been adopted by the Department of Water.

(vi) Fire access arrangements into the Foreshore Reserve have been addressed within a prepared Fire Management Plan and accounted for as part of the Foreshore Management Plan.

(vii) An Indicative Finished Levels Plan has been submitted.

In March 2011, the City reported in the Council Bulletin that, in addition to the matters raised above, several minor modifications were made to the proposed Structure Plan. These modifications were deemed to not materially alter the intent of the Structure Plan for the purposes of advertising between the Structure Plan presented to the Council in October 2010 and the plan advertised. The minor modifications are detailed below: -

- Minor expansion of the proposed Residential R40 area on the eastern side of Warnbro Sound Avenue;
- Alterations to Public Open Space configurations generally to address drainage requirements;
- Some minor road realignments;
- Removal of the proposed fifth leg from the existing round-about on Dampier and Warnbro Sound Avenue and an associated new 'T' intersection entry road off Dampier Drive (south into Lot 3) as a result of a Main Roads Traffic Safety Audit;
- Relocation of the proposed 'Main Street' to be running north-south off the proposed new Coastal Boulevard, rather than east-west on the Coastal Boulevard; and
- Refinement of the proposed 'Commercial' zone (Neighbourhood Centre Precinct) to reflect more detailed work undertaken for the Centre.

The Structure Plan considered by the Council in October 2010 is shown below as Figure 3 and the advertised Structure Plan is shown below in Figure 4: -
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 20 FEBRUARY 2012
**Description of the Proposal**

The main elements of the advertised Structure Plan that varied from the plan presented to the Council in October 2010 are as follows:

**Residential Density and Population**
- The creation of 1,800 lots (approximately 2,200 dwellings units); and
- Expansion of the proposed Residential R40 area on the eastern side of Warnbro Sound Avenue.

**Neighbourhood Centre**
- Relocation of the proposed 'Main Street' to be running north-south off the proposed new 'Coastal Boulevard', rather than east-west on the 'Coastal Boulevard'. The Centre extends both sides of Warnbro Sound Avenue;
- Refinement of the proposed 'Commercial' zone (Neighbourhood Centre Precinct) to reflect more detailed work undertaken for the Centre.

**Road and Pedestrian Network**
- Minor alterations and realignments to the Access Street road configuration; and
- Removal of the proposed fifth leg from the existing round-about on Dampier and Warnbro Sound Avenue and an associated new 'T' intersection entry road off Dampier Drive (south into Lot 3).

**Public Open Space (POS)**
- Alterations to POS configurations generally to address drainage requirements resulting in an increase of 1.8ha of POS for a new total of 15.6ha of POS.

---

**4. Implications to Consider**

**a. Consultation with the Community**

The proposed Structure Plan, Foreshore Management Plan, Modification to Planning Policy 6.3 - Local Commercial Strategy and Amendment No.106 were advertised concurrently for a period of 74 days commencing on the 1st July 2011, closing on the 12th September 2011.

These documents were initially advertised for public comment from the 1st July 2011 to the 15th August 2011 (a 6 week period). The Council was advised at its ordinary Meeting held on the 23rd August 2011, that following a request from the Golden Bay Progress Association, the Chief Executive Officer had extended the community consultation period for a further 4 weeks.

The manner in which Amendment No.106 was advertised is detailed in a separate Report to Council, see Item SP-062/11 of this Agenda.

**Advertising Methodology**

Advertising of the proposal was carried out in the following manner:

- The proposed Structure Plan, Foreshore Management Plan, Modification to Planning Policy 6.3 - Local Commercial Strategy were advertised by letter to 2,297 individual owners and occupiers (as shown in Figure 5), servicing agencies, the Golden Bay Progress Association and Secret Harbour Residents Association.
- The Proponent erected four signs on site in prominent locations advertising the Structure Plan;
- A notice was placed in the Weekend Courier for two consecutive weeks, appearing in the newspaper on the 1st and 8th July 2011, and again on the 19th August 2011;
- Copies of technical documents and plans of the proposal were made available for inspection at the City's Administration Offices and placed on the City's website.
Advertising was undertaken in accordance with the requirements of Clause 6.3.3 of TPS2.

Figure 5 - Location of advertising by letter drop
Summary of Submissions

Following the close of the submission period, the City had received written submissions for the proposed Structure Plan, Foreshore Management Plan and modification to Local Commercial Strategy as outlined in Table 1 below:

<table>
<thead>
<tr>
<th>Table 1 - Summary of Submissions Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Structure Plan</td>
</tr>
<tr>
<td>Local Commercial Strategy</td>
</tr>
<tr>
<td>Foreshore Management Plan</td>
</tr>
<tr>
<td>Comments from Service Authorities</td>
</tr>
<tr>
<td>Petition</td>
</tr>
<tr>
<td>Proforma letter dated between December 2010 and February 2011</td>
</tr>
</tbody>
</table>

The City received 500 signed pro-forma letters raising concerns against the proposal. It is noted that all of the pro-forma letters were signed between December 2010 and February 2011, prior to the formal advertising of the Golden Bay proposals which began in July 2011. During the advertising period, the City received a 582 signature petition raising concerns against the proposal.

The location of written submissions is visually represented in Attachments 7, 8 and 9. The Schedule of Submissions containing all comments received during the advertising period is contained within attachments 10, 11 and 12.

All matters raised during consultation are considered and addressed within this report.

Proposed Structure Plan

A summary of written submissions received during the advertising period is contained within Table 2 below:

<table>
<thead>
<tr>
<th>Table 2 - Summary of Written Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submissions in Support</td>
</tr>
<tr>
<td>Submissions in Opposition</td>
</tr>
<tr>
<td>Neutral Submission</td>
</tr>
</tbody>
</table>

Summary of Issues

The following dot-points generally summarise the issues of concern raised in submissions opposing the proposed Structure Plan:

1. Density
   - Proposed densities are too high and inconsistent with existing Golden Bay and Secret Harbour
   - Proposed densities incompatible with existing Special Residential Land to the east.
   - Multi-storey (high rise) development not supported.
2. *Infrastructure*
   - Lack of existing infrastructure and facilities (public transport, police, schools, community facilities).
   - Proposal will overload existing infrastructure and facilities.
   - More POS required.
   - Lack of employment opportunities.
   - Question when sewer will be connected to existing Golden Bay.

3. *Impacts on Amenity*
   - Proposed densities will have detrimental effect on amenity of existing community.
   - Laid back coastal lifestyle of Golden Bay will be detrimentally affected.
   - Increase crime rate, graffiti, vandalism associated with higher densities.
   - Social housing ratio too high.
   - Impact on property values.

4. *Traffic*
   - Increased congestion.
   - Impact of through traffic on existing communities.
   - Noise and pollution from increased traffic.

5. *Environmental*
   - Loss of flora and fauna.
   - Loss of habitat.
   - Impact on dunes.
   - Impacts on Foreshore reserve.

6. *Fire Management*
   - Concerns regarding the fire risk on the eastern boundary of Lot 2.
   - The Fire Management Plan is a contradiction of the Landscape Management Plan.

7. *Process*
   - Disappointed at the lack of community consultation undertaken with respect to Stage 1.

Proposed Amendment to Planning Policy 6.3 - Local Commercial Strategy

A summary of written submissions received during the advertising period is contained within Table 3 below:

<table>
<thead>
<tr>
<th>Table 3 - Summary of Written Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submissions in Support</td>
</tr>
<tr>
<td>Submissions in Opposition</td>
</tr>
</tbody>
</table>

**Summary of Submissions**

The following dot-points generally summarise the issues of concern raised in submissions opposing the proposed amendment to the Local Commercial Strategy:-

- Proposed Neighbourhood Centre not needed.
- Proposed Neighbourhood Centre would have an adverse impact on the existing Golden Bay Shopping Centre and being too close to the major centre at Secret Harbour.
- Not opposed to a neighbourhood corner store type of facility as depicted on the original CDP.

**Proposed Foreshore Management Plan**

A summary of written submissions received during the advertising period is contained within Table 3 below:

<table>
<thead>
<tr>
<th>Table 4 - Summary of Written Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submissions in Support</td>
</tr>
<tr>
<td>Submissions in Opposition</td>
</tr>
</tbody>
</table>

**Summary of Submissions**

The following dot-points generally summarise the issues of concern raised in submissions opposing the proposed Foreshore Management Plan:

- The proposed road is undesirable and an unnecessary encroachment on native vegetation.
- The proposed pathways are intrusive on the sand dunes and wetlands.
- The proposal will result in the destruction of the dunes and wetlands.
- The proposed Surf Life Saving Club (SLSC) is not needed due to its proximity to the existing SLSC at Secret Harbour.
- Foreshore Management Plan should be expanded to include the area from Dampier Drive to Crystaluna Drive.
- Request to review entire coast line facilities from San Remo to Secret Harbour.
- Potential vandalism of the proposed café/kiosk.
- Impact on fauna.
- Increased traffic and usage of the beach.
- Do not support the café/kiosk.
- Leave the foreshore as it is.

Discussion regarding the issues raised within the submissions for all the proposals can be found in the 'Comments' Section of this Report.

**b. Consultation with Government Agencies**

Pursuant to Clause 4.2.6.5(b)(ii) of TPS2, the proposed Structure Plan was advertised for comment. The proposed modification to Planning Policy 6.3 - Local Commercial Strategy and the Foreshore Management Plan were advertised concurrently pursuant to Clause 6.3 of TPS2.

In this regard, the City requested comments from the following agencies:

- Alinta Gas;
- Department of Education;
- Department of Environment and Conservation;
- Department of Health;
- Department of Indigenous Affairs;
- Department of Water;
- Fire and Emergency Services Agency;
- Main Road Western Australia;
- Public Transport Authority;
The Department supported the proposed Structure Plan as the plan was prepared to accommodate a planned Primary School in Golden Bay and the expansion of the Comet Bay High School.

The Department supported the proposal subject to the site being connected to reticulated sewer, pursuant to the requirements of the Government Sewerage Policy.

The Department confirmed that an Aboriginal Heritage site DIA 3459 Golden Bay Camp and Swamp is mapped on the register of Aboriginal Sites, which is contained within an existing vested reserve abutting the foreshore.

The Department advised that prior to development commencing it was recommended a suitably qualified consultant be engaged to conduct appropriate studies of the area to confirm no additional sites exist on the subject land.

A condition of Subdivision Approval is the most appropriate mechanism to ensure compliance in this regard.

The Department approved the Local Water Management Strategy on the 23rd May 2011 for the proposed Structure Plan.

The Department also advised that it is awaiting a revision of the Groundwater Allocation Plan for the Golden Bay site. Issues pertaining to groundwater allocation must be addressed prior to subdivision of the land.

The Water Corporation offered no objection in principle to the proposals, however, provided comments in relation to specific technical matters regarding water efficiency and servicing of the proposed development area with water supply and sewerage.

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

Aspiration 2: A safe community where residents feel secure, relaxed and comfortable within their home, work and social environments.

Aspiration 6: Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

Aspiration 10: Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for the future generations to enjoy.

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

**State Planning Policies**

**Directions 2031**

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

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

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

**Liveable Neighbourhoods**

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

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

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

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

Assessment of the Structure Plan against *Liveable Neighbourhoods* is detailed in the ‘Comments’ section of this report.

**Planning for Bushfire Protection Guidelines Edition 2**

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

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

A moderate fire hazard has been identified within Foreshore Reserve and Landscape Protection Area. In this regard, a Fire Management Plan has been prepared in accordance with the Planning Bush Fire Protection Guidelines.

**State Planning Policy No. 2.6 - State Coastal Planning Policy (2003)**

State Planning Policy 2.6 - State Coastal Planning (Coastal Policy) was gazetted in June 2003 to guide coastal development. The Coastal Policy seeks to ensure that the environment is appropriately considered where development is proposed abutting the coast.

The objectives of the Coastal Policy are:

- Protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;
- Provide for public foreshore areas and access to these on the coast;
- Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and
- Ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

The following key measures are specifically relevant to preparation of the Foreshore Management Plan:

**Public Interest**

- Maintain and enhance public enjoyment of the coast where this is consistent with the objectives of this Policy.
- Require the provision of public access to the coast that is consistent with the values and management objectives of the area including, the interests of security, safety and protection of coastal resources, as well as the recreational opportunities, both on and offshore, of that section of coast.
- Support public ownership of the coast, including where appropriate the provision of a coastal foreshore reserve and accommodation of regional and local recreational needs.

**Coastal Foreshore Reserve**

- Ensure that the identification of coastal foreshore reserves takes into account consideration of ecological values, landscape, seascape, visual amenity, indigenous and cultural heritage, public access, public recreation needs and safety to lives and property.
- Ensure that the coastal foreshore reserve is separated from adjacent development in a way that provides a clear demarcation between public and private land.

**Development and Settlement**

- Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.
- Require that Proponents demonstrate why their development should be located within the policy area. Valid proposals will generate a demonstrable net public benefit in both the short and long term.
- Ensure that land use and development, including roads, adjacent to the coast is sited and designed to complement and enhance the coastal environment in terms of its visual, amenity, social and ecological values.

- Support the use of water sensitive urban design best management practice for adjacent development to avoid discharge of waste and storm-water into the coastal foreshore reserve. The discharge of some storm water may be acceptable if there is no alternative disposal method and provision is made for pre-treatment to remove solids, reduce nutrients and other contaminants.

**Physical Processes Setback**

- The WAPC released a Position Statement in May 2010 adopting a 0.9m estimated sea level rise to 2110, which is based on the highest sea level rise scenario. The Foreshore Management Plan accounts for this sea level rise scenario.

- Ensure that new buildings and foreshore infrastructure on the coast are positioned to avoid risk of damage from coastal processes and, where possible, avoid the need for physical structures to protect development from potential damage caused by physical processes on the coast.

The Foreshore Management Plan has been prepared in accordance with the requirements of the Coastal Policy.

**State Planning Policy No.2 - Environment and Natural Resources Policy (2006)**

In recognition of the demands and pressures on the natural environment, this planning policy was introduced to guide co-ordinated decision making to ensure the environment was appropriately considered in planning decisions.

The objectives of this Policy are to:

- Integrate environment and natural resource management with broader land use planning and decision-making;

- Protect, conserve and enhance the natural environment; and

- Promote and assist in the wise and sustainable use and management of natural resources.

The principles of the Policy are relevant to the development of the Landscape Protection Area and Foreshore Reserve and have been incorporated into the Foreshore Management Plan and Landscape Master Plan. The Foreshore Management Plan recognises the requirements of the policy to ensure development is consistent and sensitive to biodiversity and heritage values and the character and quality of the landscape.

**Local Planning Policies**

**Planning Policy 3.4.1 - Public Open Space**

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

- To ensure that all residential development is complemented by well located areas of public open space that provide for the recreational and social needs of the community.

- To ensure that Public Open Space is designed, developed and maintained to an acceptable standard to enhance local amenity.

Variation has been sought with respect to the design considerations for drainage being accommodated within Public Open Space and the interface of development abutting Public Open Space.

Discussion regarding the variations sought to the City's Policy can be found in the 'Comments' section of this Report.
Planning Policy 6.3 - Local Commercial Strategy

Planning Policy 6.3 - Local Commercial Strategy provides guidance for the distribution and hierarchy of employment centres within the District. Golden Bay is located within Precinct 3 - South Coastal, which comprises the suburbs of Secret Harbour, Golden Bay and Singleton.

Part 2.4.3 of the Local Commercial Strategy identifies one District Centre for the Precinct being the Secret Harbour Town Centre, which is proposed to ultimately accommodate 15,000m² of retail floor space, four Neighbourhood Centres and four local (corner store) scale centres that identify a further 12,990m² retail floor space.

The proposed Structure Plan makes provision for the identified 'Golden Bay East' Neighbourhood Centre. The Policy makes provision for 2,800m² retail floor area for the Golden Bay East centre. The Proponent is seeking to increase this floor space to 3,540m². Discussion regarding the proposed variation to the City's Policy can be found in the 'Comments' section of this Report.

e. Financial

Nil.

f. Legal and Statutory

Proposed Structure Plan

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

(i) Adopt the Proposed Structure Plan with or without modifications; or
(ii) Refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent

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

(i) A summary of all submissions and comments received by the Council in respect to the of the Proposed Structure Plan, and the Council's decisions or comments in relation to these;
(ii) The Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
(iii) Any information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

Modification to Local Commercial Strategy

Under the provisions of Clause 8.9 of Town Planning Scheme No.2, the Council may prepare, modify or revoke a Planning Policy.

If the Council resolves to amend a Planning Policy, it is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:

(i) Where the draft Policy may be inspected;
(ii) The subject and nature of the draft Policy; and
(iii) In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.

The Council may also publish notice of the proposed Policy in such other manner and carry out such other consultation as it considers appropriate.
After the expiry of the period within which submissions may be made, the Council is to review the proposed Policy in the light of any submissions made and resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

If the Council resolves to adopt the Policy, the Council is to publish notice of the Policy once in a newspaper circulating in the Scheme area and if, in the opinion of the Council, the Policy affects the interests of the Western Australian Planning Commission (WAPC), forward a copy of the Policy to the WAPC. A Policy has effect on publication of a notice.

Foreshore Management Plan

Condition No.1 of the Environmental Approval outlines a commitment by the Proponent to prepare a Foreshore Management Plan for the Coastal Reserve as shown in the endorsed CDP. This Foreshore Management Plan is required to be prepared to the satisfaction of the City and the Department of Planning.

Pursuant to the requirements of Ministerial Statement 297, the Council must determine if the Foreshore Management Plan has been prepared to its satisfaction. The Council's decision for an 'in principle approval' must be provided to the Environmental Protection Authority.

Final approval of the Foreshore Management Plan rests with the Environmental Protection Authority.

5. Comments

Following the advertising period, as is its normal approach, the City provided the Proponent with a brief summary of the issues raised in submissions received. The Proponent has prepared a response to the issues raised for the proposed Structure Plan, modification to Local Commercial Strategy and Foreshore Management Plan. These responses have been paraphrased and summarised within the report and are provided in full in Attachments 12 and 13.

Proposed Structure Plan

The following concerns were raised by the submissions received during the advertising period: -

1. Density
   - Proposed densities are too high and inconsistent with existing Golden Bay and Secret Harbour
   - Proposed densities incompatible with existing Special Residential Land to the east.
   - Multi-storey (high rise) development not supported.

Proposed densities are too high and inconsistent with existing Golden Bay and Secret Harbour

Proponent's Response

The residential dwelling yield meets the WAPC residential density targets set out in Directions 2031 and Liveable Neighbourhoods. The R-Codes allocated to the land provide the statutory mechanism to achieve these targets.

The proposed Structure Plan achieves the residential density target of 15 dwellings per gross urban zoned hectare.

Liveable Neighbourhoods also sets minimum residential density targets for new development and the proposed Structure Plan delivers approximately 25 dwellings per site hectare across the Structure Plan area, meeting the minimum target of 20 dwellings (per site hectare).

Liveable Neighbourhoods sets a minimum target of 20 to 30 dwellings per site hectare for areas within a 400 metre catchment of a Neighbourhood Centre. The proposed Structure Plan achieves a yield of 33 dwellings per site hectare being achieved within 400m of the Neighbourhood Centre.
Consistent with Directions 2031, the location of the site makes it highly suitable for residential densities that achieve the 15 dwellings per gross urban hectare being supported by significant existing infrastructure and amenities. The development will be supported by:

- A Future train station at Karnup, approximately 1km to the east;
- Three planned bus routes;
- Providing catchment to the existing Secret Harbour District Centre;
- Being in close proximity to existing and growing commercial and industrial employment opportunities in Kwinana, Rockingham, Mandurah and Murray;
- Existing and expanding community and recreational facilities; and
- Managed access to the beach.

The proposed Structure Plan maintains a transition in the R-Codes from the low density at the edge adjoining the existing community, to medium to high densities at the core and along the central Coastal Boulevard.

The proposed Structure Plan transitions from R20 (as shown on the endorsed CDP) to R40-R60 within close vicinity of the Neighbourhood Centre and high density of R80 at the coastal precinct.

This ensures that densities at the edge are consistent and compatible with the existing adjoining subdivision pattern, while still allowing for a sustainable and vibrant new community based on current planning principles and State Government density requirements.

The majority of density proposed in the proposed Structure Plan remains within the R20/R40 code range. Of the proposed density, 94.5% is coded between Residential R20 and R40 in accordance with the provisions of TPS2.

**Policy Requirement**

The assessment of housing density is guided the provisions of TPS2, Directions 2031 and Liveable Neighbourhoods.

The TPS2 Scheme Maps currently provide a R5/R20/40 code over the 'Development' zoned land in Golden Bay (which prevail over the new R-Codes introduced through the adoption of a Structure Plan).

Amendment No.106 to TPS2 seeks to remove this code and is subject to a separate Report to Council, see Item SP-062/11 of this Agenda. The purpose is to delete the Residential Design Code ('R-Code') designations from Lot 9000 (previously Lot 2) and 3 Warnbro Sound Avenue (R20/R40 and R5), to allow for residential density to be applied through adopted Structure Plans rather than blanket R-Codings shown on the Scheme Map.

Amendment No.111 to TPS2 was granted Final Adoption to allow for residential density to be applied through adopted Structure Plans, rather than blanket R-Codings shown on the Scheme Maps. This Amendment is applicable to all Development zones within the City, with the exception of Golden Bay, as it was the subject of a separate Amendment No.106 as outlined above.

Directions 2031 sets a minimum residential density target of 15 dwellings per gross urban zoned hectare. The proposed Structure Plan achieves this target.

Liveable Neighbourhoods outlines criteria for the consideration of appropriate locations for residential density. Density is calculated per site hectare, which is a calculation based on the land proposed to be zoned for residential purposes and does not include roads, open space or other non-residential land components.

In this regard, Liveable Neighbourhoods recommends, as a guide, the following minimum residential densities be considered. Residential density proposed greater than the minimum range outlined in Liveable Neighbourhoods is considered to exceed the minimum requirement.
(i) A minimum of 12 to 20 dwellings per site hectare for standard lot layouts separated from high frequent public transport and activity centres; and

(ii) A minimum of 20 to 30 dwellings per site hectare for areas within 400m of a Neighbourhood Centre and 250m of a main bus route.

A summary of the density requirements is provided within Table 5 as follows:

<table>
<thead>
<tr>
<th>Table 5 - Proposed Density Summary</th>
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<tbody>
<tr>
<td>Policy</td>
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It is acknowledged the proposed Structure Plan achieves the minimum density required by Liveable Neighbourhoods and Directions 2031.

Context of Density

Liveable Neighbourhoods also requires that a Structure Plan layout should enhance local identity by responding to site context, site characteristics, setting, landmarks and views and incorporate key elements of natural and cultural significance.

This requires the integration of new areas, as far as practical, with existing development. This is to be achieved by:

- The provision of frequent local street connections in order to gain the benefits of integrated urbanism;
- Design the movement network to balance the benefits of integration against any significant adverse effects (e.g., likelihood of heavy through traffic) that may occur in areas that were built under a different planning philosophy; and
- Ensure the interface and edge treatments of new areas generally transition into the existing urban character.

The integration and distribution of density as proposed on the Structure Plan is not considered to appropriately interface with the existing development and generally is provided out of context to the prevailing character of the area.

The rationale provided by the Proponent for staggered densities, which increase central to the Structure Plan area is supported, however, the densities provided to meet the Directions 2031 (i.e. substantial R30 and R40 coded land) provide for a different character of housing product.

In this regard, it is important to consider the context in which this density is being applied. The proposed Structure Plan does provide a limited transition of densities from the existing communities into the Structure Plan area, however, this transition is not considered to appropriately address the concern for integration.

As part of work completed through the City's Urban Growth Program, the change in density is broadly realised in Table 6 below. Please note that the original Golden Bay town site is not included in this calculation as the Urban Growth Program calculations are based from adopted Structure Plans.
The City’s submission to Directions 2031 considered the proposed density rate of 15 dwellings per gross hectare. It was concluded the application of this gross density target is ambitious and impacts upon housing diversity with the move to Transit Orientated Development (TOD), which is a principle that seeks to provide density in proximity to activity centres, amenities and transport links.

It is also considered that the principles of Directions 2031, as a high level strategic document, should not be applied in a literal sense to every proposal. Rather, the principles should be considered in the preparation of more detailed policies and strategies (including Sub-Regional Strategies and Local Planning Strategies) to determine the best manner in achieving the objectives of the more efficient use of urban land.

Whilst it is appropriate to make best of use of available land for development, this should not be at the expense of the existing character of adjoining established areas, and a strategic approach needs to be taken to the application of Directions 2031. This will occur through the preparation of the City’s Local Planning Strategy in the coming years.

In this regard, the subject site is not considered to be strategically located next to major public transport or regionally significant activity centres or employment nodes to warrant a broad scale application of medium density land.

Location of density

Liveable Neighbourhoods encourages smaller residential lots and higher density housing in areas close to a Town or Neighbourhood Centre, near public transport stops, and in areas with high amenity, such as parks. In this regard, the provision of medium and high density land within the proposed Structure Plan is considered appropriate in the following locations:

- Land located within 400m of the proposed Neighbourhood Centre;
- Boulevard Land directly abutting the central ‘Coastal Boulevard’ and abutting Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
- Adjacent to local parks; and
- The Coastal Precinct.

Land outside these locations should be reconsidered for a density appropriate to the prevailing context of the locality.

Density near Bus Routes

Liveable Neighbourhoods considers the provision of density to main bus routes. Bus routes are generally located on Integrator and Neighbourhood Connectors, which should provide direct and convenient routes through a neighbourhood. The nominated bus routes through Golden Bay are shown in Figure 6.

The Public Transport Authority Design and Planning Guidelines for Public Transport Infrastructure – Bus Route Planning and Transit Streets (October 2003) provides some guidance on Transperth current operating service level hierarchy; high frequency, inter-suburban and local feeders. These services categories are differentiated by their frequency and service hours.

- High frequency - high frequency, seven days a week (e.g. Rockingham City Centre Rapid Transit Service, the circle route). These routes provide a minimum 10-15 minute frequency on weekdays, increasing to five to seven and half minutes during peak periods; and 30 minutes on evenings and weekends.
- **Inter-Suburban** – High frequency on weekdays and Saturdays. These routes operate at 30-45 minute frequency during the day, with a 15 minute service during weekday peak periods. These routes have limited or no evening and Sunday services.

- **Local/Feeders** – Low frequency (30-90 minute frequencies) on weekdays only. These routes act as feeders to higher order routes and centres (including transit interchanges). A basic service sometimes incorporating modified routes is provided during evenings and weekends at low frequency.

It is noted the services currently being (and intended to be) provided to Golden Bay are low frequency local bus routes. The main existing bus service in the Structure Plan area consists of route 558, which connects to Rockingham station, Warnbro station and Mandurah station via Warnbro Sound Avenue and through the existing suburb of Golden Bay. This service operates generally at 30 minute headways throughout the weekday, with hourly service provided during the evening off peak period and on weekends.

The broad provision of medium density development to access these services is not considered to meet the intent of *Liveable Neighbourhoods* and it is considered inappropriate to broadly provide density within 250m of these low frequency services. This application of density is likely to impact the existing context of the area.

Provision of medium density development on Neighbourhood Connectors routes (such as the 'Coastal Boulevard' and the proposed north/south connections provided on the Structure Plan) intended to be serviced by a bus routes is considered a more logical approach, as it establishes a legible hierarchy of streets in the subdivision whilst providing a nexus with this service.

**Conclusion**

The concern raised that the proposed densities are too high and inconsistent with existing communities, has a valid planning merit. It is agreed the application of medium density in the proposed Structure Plan does not appropriately integrate with the prevailing context of the area.

While it is recognised the proposed Structure Plan achieves the minimum density requirements of State Policy, the broad scale application of medium densities across the site does not integrate with the prevailing context of the locality, in terms of proximity to any major public transport, key employment nodes, and the transition of density to the existing communities. In this regard, the proposed Structure Plan is not considered to meet the intent of *Liveable Neighbourhoods* and is not considered appropriate.

It is considered more important that the Structure Plan be robustly designed to respond to an increase in density and change in land uses over time, even if the intended densities outlined by Direction 2031 are not immediately realised. This way, development can appropriately integrate with the existing context of the area and absorb further development if deemed appropriate.

In this regard, the density proposed on the Structure Plan is not supported, and consequently should be redesigned in light of comments made above.

**Proposed Densities are Incompatible with Existing Special Residential Land to the East**

**Proponent’s Response**

*The proposed Structure Plan is consistent with the 1994 CDP, showing R20 to the eastern interface north of Warnbro Sound Avenue and R5 to the south on Lot 3.*

**Officer Comment**

As outlined in the Proponent’s response, the proposed Structure Plan provides an interface consistent with the endorsed CDP.

The transition between rural and urban is treated within Singleton through the use of R5, R10 and R12.5 coded land as a transition between the rural and urban environment. This transition has been considered appropriate.

The R20 coded land abutting existing ‘Special Residential’ zoned land is considered appropriate, given the long standing expectations provided by the endorsed CDP. It is also noted that existing R20 coded land is provided and developed upon in Secret Harbour abutting the ‘Special Residential’ zone.
In light of the above the interface proposed is supported.

Multi Storey (High-Rise) Development should not be supported

**Proponent's Response**

The endorsed CDP recognises having a “Tourist/Leisure Commercial” site located at the western edge of the development area, in close proximity to the Foreshore Reserve and the existing Golden Bay community.

The Structure Plan proposes residential densities that support building heights of 2-4 storeys at the coastal precinct and 2-3 storeys near the Neighbourhood Centre. A building height of 2-4 storeys reflects the predominately residential nature of the surrounding development and adjoining existing communities.

**Officer Comment**

*Liveable Neighbourhoods* encourages the lot layout to provide a mix of housing types, lot sizes and densities with higher density housing supported in areas of high amenity such as parks.

The location of the coastal R80 precinct is considered suitable as it is appropriately separated from the existing context of development in Golden Bay and Secret Harbour. This location also has an appropriate affinity with the Foreshore Reserve and provides increased opportunities for surveillance.

Under the provisions of the Residential Design Codes, development within R80 coded land can be built to a maximum of 4 storeys or 12m (15m if a pitched roof is provided). An example of the development form attributed to the R80 Code within the City is the Jetty Apartments, located on the Esplanade. It is considered that appropriate design controls can be employed through a Detailed Area Plan at subdivision stage to ensure the building bulk is managed and integrates into the existing and proposed residential area.

The context to other density sites approved within the nearby vicinity, Secret Harbour provides R80 development sites abutting the primary access to the beach. It is noted these sites are yet to be developed. Upon consideration of the Secret Harbour Structure Plan, the Council supported these density sites as a node of activity.

2. **Infrastructure**

- Lack of existing infrastructure and facilities (public transport, police, schools, community facilities).
- Proposal will overload existing infrastructure and facilities.
- More POS required.
- Lack of employment opportunities.
- Question when sewer will be connected to existing Golden Bay.

**Proposal will overload existing infrastructure and facilities**

**Proponent's Response**

*Public Transport*

The Proponent's Traffic Consultant, 'Transcore' has liaised with PTA in the preparation of the Proposed Structure Plan. The PTA has confirmed there will be three bus routes through the subject site as shown in Figure 6 below. These bus routes are new services and will connect to the future Karnup Train Station and support the residential densities proposed.
Police

While the provision of police infrastructure is not under the control or responsibility of the Department of Housing or Peet, the Proponents acknowledge the community comments and concerns that policing is an important consideration. The Proponents support the expansion of police infrastructure and are prepared to work with the community in this regard.

Schools

Existing and future residents have ready access to existing and future schools.

The proposed Structure Plan has been supported by Department of Education. The proposed development includes a primary school site adjoining the Rhonda Scarrott Reserve within Stage 1. Department of Education has confirmed the primary school is likely to open in the short term (potentially 2014 or 2015).

The Comet Bay High School adjoins the site's north eastern boundary. The proposed Structure Plan provides an additional 8000m² for expanded buildings and 2.6ha of additional open space for a square pitch, kick about and seating area. The provision of further land for high school buildings is in addition to what is shown on the endorsed CDP.

In addition to the school sites it is possible that a child care facility site will be made available in the neighbourhood centre for a private operator to establish. This would complement the school facilities.

Community Facilities

The site is well serviced by existing and proposed community facilities. The subject site is captured within the City of Rockingham Development Contribution Plan Area and the developer will be contributing to existing and future regional, district, sub-district and neighbourhood facilities, with the rate currently estimated to be $2,900 per dwelling.
In addition to the regional and district facilities there are a number of local community facilities within and adjoining the site. The existing Rhonda Scarrott Reserve and community building immediately adjoin Stage 1, there is also a planned surf lifesaving club with potential community use within the Foreshore Reserve, as well as local open space and community meeting opportunities at the Neighbourhood Centre.

**Officer Comment**

The City acknowledges the concerns of the community with respect to the lack of State Government facilities and services within the area and will advocate wherever possible for increased services to residents.

**Public Transport**

The City acknowledges the commitment from the PTA for additional bus services to service the area.

**Schools**

The provision of a Primary School site is approved within subdivision application for the Stage 1 development of Golden Bay abutting Rhonda Scarrott Reserve and an extension to Comet Bay High School is proposed pursuant to the requirements of the Department of Education. These sites are located in accordance with the requirements of Liveable Neighbourhoods.

**Community Facilities**

The City's adopted Community Infrastructure Plan makes provision for upgrades to facilities at Rhonda Scarrott Reserve. These upgrades to facilities will be provided from funds acquired as part of the City's Developer Contribution Scheme.

**More Public Open Space is required**

**Proponent's Response**

The proposed Structure Plan provides 27.3ha of open space, equating to 17.5% of the gross site area. This comprises:

- 15.6 hectares of local public open space within the urban zoned area, equating to 11.31% of the gross subdividable area based on the Liveable Neighbourhoods calculations. This exceeds the minimum 10% required by Liveable Neighbourhoods;
- The endorsed CDP provided 12.6ha of local open space, the proposed Structure Plan proposes an additional 3ha of open space;
- 10.6 hectares of Foreshore Reserve, and
- 1.1 hectares of open space for drainage reserves.

All future residents have easy access to usable areas of open space, with all lots less than 400m from public open space, as required by Liveable Neighbourhoods.

The proposed Structure Plan proposes large and usable recreational spaces for the local community, as well as opportunities for conservation, including:

- POS L (2.6 ha) a multipurpose grassed area, providing for both school activities and future residents.
- POS J and T (0.8 ha and 1.3ha respectively) that will provide local open space for kick about and play.
- POS U (0.6 ha) that provides a formalised open space with a grassed kick about area.
- POS M (6.58ha) allows for the retention of dunes on Lot 3 as required by the Environmental Approval.
- The Foreshore Reserve and beach also provide a valuable local recreational opportunity. The subject site has 800m of frontage. Access to the beach will be carefully managed through the Foreshore Reserve via paths, boardwalks and roads with designated parking areas.
**Officer Comment**

The concern raised in submissions regarding the lack of open space is directly linked to the density of development proposed and the ability of the proposed POS to serve the recreational needs for this proposed population.

**Liveable Neighbourhoods** does not account for the overall density proposed in its requirement for POS. A Structure Plan is required to provide a minimum of 10% POS to service the recreation requirements of future residents. This 10% requirement is for the provision of local open space and does not include Regional or District Open Space requirements of the community. The Foreshore Reserve is an example of Regional Open Space.

An assessment of the POS has determined the proposed Structure Plan satisfies the requirements of **Liveable Neighbourhoods**, providing 11.06% POS in the proposed Structure Plan area.

It is recognised the provision of local parks within the Structure Plan area is impacted by the Landscape Protection Area, which accommodates for approximately 40% of the overall open space. This open space provides for passive recreation opportunities and is intended to maintain the character of the parabolic dune system that runs through Golden Bay and Singleton.

Notwithstanding the provision adequate provision of POS is in accordance with **Liveable Neighbourhoods**, further assessment on the design of the proposed POS is provided in the ‘Assessment of the proposed Structure Plan’ section of this Report.

**Lack of Employment Opportunities**

**Proponent’s Response**

The subject site is located in close proximity to existing and future industrial, commercial and retail opportunities as identified in Directions 2031, the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy, SPP 4.2 and draft Industrial Land Strategy.

Golden Bay is located between the Rockingham and Mandurah Strategic Metropolitan Centres. In addition to this, there is also a number of District and Neighbourhood Activity Centres located within the region, with examples found at Secret Harbour, Warnbro and Meadow Springs.

Major existing and future strategic industrial centres are also found at Kwinana, Henderson, Nambeelup, Baldvis, Port Kennedy and Mandurah, all being strategic industrial centres identified in the State’s Industrial Land Strategy.

All these activity and industrial centres are significant employment generators within the region, offering substantially more employment than what is currently available in the north-west corridor. The draft Outer Metropolitan Perth and Peel Sub-Regional Strategy states that employment self-sufficiency in the south west corridor (including Rockingham) is 60%, compared to 40% in the North West corridor.

The proposed Neighbourhood Centre has been planned to complement rather than compete with outside centres such as Secret Harbour. Further local employment opportunities will be provided via home based businesses within the area.

It is important to note that one of the key contributions of Golden Bay is not to provide significant employment opportunities within the area, which would compete with other activity centres within the region, but instead to provide a residential catchment to support industrial and commercial centres already identified in Directions 2031, the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy, SPP 4.2 and draft Industrial Land Strategy.

**Officer Comment**

The proposed Structure Plan accommodates increased employment opportunities from that provided within the endorsed CDP.

The proposed Neighbourhood Centre facilitates local employment. The proposed movement network and lot layout is appropriately designed to accommodate for home based businesses.
Sewer to Existing Golden Bay

**Proponent’s Response**

As part of the construction works for the Stage 1 subdivision, a 600mm diameter main sewer line has been extended southwards in Warnbro Sound Avenue road reserve from the pump station that is located at the corner of Warnbro Sound Avenue and Bluestone Parkway in Secret Harbour.

This main makes provision for not only the development proposed, but also for future connection to existing Golden Bay which does not currently have access to reticulated sewerage. Future connection of the existing Golden Bay community to reticulated sewerage is the responsibility of the Water Corporation.

**Officer Comment**

Provision of sewer to the existing Golden Bay community is the responsibility of the Water Corporation through its sewer infill program.

### 3. Impacts on Amenity

- Proposed densities will have detrimental effect on amenity of existing community.
- Laid back coastal lifestyle of Golden Bay will be detrimentally affected.
- Increase crime rate, graffiti, vandalism associated with higher densities.
- Social housing ratio too high.
- Impact on property values.

**Proposed densities will have detrimental effect on amenity of existing community.**

**Proponent’s Response**

The proposed development will have a positive impact on the amenity of existing communities for a number of reasons:

(i) The proposed development will bring improved and upgraded services and infrastructure, including:

- 15.6ha of landscaped local open space for active and passive recreation as well as conservation purposes;
- 10.6ha Foreshore Reserve, beach access facilities and Surf Life Saving Club;
- Neighbourhood centre, including supermarket, speciality stores and mixed uses that could include childcare and church;
- Funding toward existing and future community facilities;
- Primary school;
- Expansion to the existing Comet Bay High School;
- Sewer and other upgraded service infrastructure;
- Upgrading to Warnbro Sound Avenue; and
- Three new bus routes connecting to Karnup Station.

(ii) The development will not result in significant increases in traffic on surrounding local residential streets. The majority of vehicle movements into and out of the development area will be via Warnbro Sound Avenue, which is being upgraded to a dual carriageway to accommodate traffic increases.

(iii) The quality of the housing will be controlled through Design Guidelines, administered by a Town Architect, to ensure built form reflects the coastal character of the area and addresses and surveys the street.
Officer Comment

The integration of density as proposed on the Structure Plan is not considered to appropriately interface with the existing development and is not consistent with the character of the area.

It is considered that if the Proponent addresses the distribution of density as part of a revised Structure Plan, the concern regarding the impact to existing residents' amenity will be satisfactorily addressed.

Impact to Laid Back Lifestyle of Golden Bay

Proponent's Response

The proposed development will complement the existing Golden Bay lifestyle. The following elements of the project integrate the existing and future Golden Bay communities and contribute to the Golden Bay lifestyle:

- Design guidelines to control housing design and character;
- Landscape treatments within the public realm;
- Access to new amenities such as the Neighbourhood Centre, beach access and local open space; and
- Primary access to the site will be gained via Warnbro Sound Avenue, minimising additional traffic to surrounding local roads.

Officer Comment

It is considered that if the Proponent addresses the distribution of density as part of a revised Structure Plan, the concern regarding this impact will be satisfactorily addressed.

Increase in Crime, Graffiti and Vandalism associated with higher densities

Proponent's Response

The Golden Bay project team have been involved in many projects that have delivered medium to high density residential development and there has been no evidence to suggest a direct link between this form of development and an increase in crime, graffiti and vandalism.

The WAPC “Designing Out Crime: Planning Guidelines” in June 2006, set out urban design standards to reduce the potential for crime. The principles of these Guidelines will be applied in the Golden Bay project, like all projects the developer and project team are involved in. Research quoted in the Guidelines has found that the application of Crime Prevention Through Environmental Design Principles can decrease security problems by up to 50%. In particular, the Guidelines state

“There is a growing body of research on activity support and mixed use neighbourhoods where it is found that opportunities for crime are reduced by increasing the range of activities in public spaces, in other words, by putting more eyes on the street.”

The proposed development will deliver these eyes on the street by:

- Housing addressing the street through major openings and verandas to the front of dwellings on key streets.
- Active frontages to streets, particularly around the neighbourhood centre.
- Encouraging shared use of facilities to increase activity and surveillance, for example an integrated cafe, community facility and surf club facilities in the Foreshore Reserve.
- Road frontage and houses addressing public open space.
- Footpaths on all streets to encourage walking and cycling.
- Bus routes along key local streets, encouraging activity and surveillance of the street.

- Landscape designs that prevent “screening” of areas to allow open surveillance of the space.

- Road and laneway layouts that maximise surveillance, avoiding the use of disconnected cul-de-sacs and ‘H’ laneways that are not surveyed from the laneway.

- Use of visually permeable fencing on cottage lots fronting the street.

- Encouraging, and in some cases mandating, studios over garages adjoining laneways to allow surveillance.

**Officer Comment**

The design of the proposed Structure Plan provides an improved road and street block layout from the endorsed CDP to encourage passive surveillance provided from habitable spaces within dwellings.

In light of the application of medium densities through a substantial portion of the Structure Plan area, the street layout plan (see attachment 4), indicates the provision of ‘H’ pattern ‘L’ pattern laneways to provide garage access to dwellings, contrary to the statement made by the Proponent, as outlined above. These laneway configurations are not supported by Liveable Neighbourhoods as they provide limited opportunity for passive surveillance of these spaces.

‘H’ pattern laneways work best in locations of high density development and high amenity such as Subiaco, however, in the context of this location and the Department of Housing’s goal to provide affordable housing, it is unlikely upper floor surveillance of this space can be appropriately achieved because development is likely to be single storey in nature. In this regard, the further provision for ‘H’ and ‘L’ pattern laneways is not supported.

**Social housing ratio too high**

**Proponent’s Response**

*While the ultimate housing tenants/occupants are not a planning issue relevant to the proposed Structure Plan, the following background is provided for information purposes.*

*One in nine dwellings at Golden Bay will be social housing. Tenants will include families, singles, couples and seniors who require housing support. Social housing is a core and critical function of the State Government and Department of Housing. There is a growing waiting list for these services from a broad spectrum of members of the community. Social housing is critical to assist some community members on a path to home ownership.*

**Officer Comment**

While it is acknowledged the community has concerns regarding the ratio of public housing, land tenure is not a valid planning consideration. The ratio of social housing is provided at the discretion of the Department of Housing.

**Impact on property values**

**Proponent’s Response**

*No comment was provided with respect to this issue.*

**Officer Comment**

The potential impact to property values is not a valid planning consideration in the City’s assessment of a proposed Structure Plan.

4. Traffic

- Increased congestion.

- Impact of through traffic on existing communities.

- Noise and pollution from increased traffic.

CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 20 FEBRUARY 2012

PRESIDING MEMBER
Increased Congestion

Proponent's Response

The proposed Structure Plan creates a legible and robust road network designed in accordance with Liveable Neighbourhoods, accommodating the private vehicle as well as pedestrian, cyclist and public transport movement (see Figure 7).

The Transcore traffic model indicates the proposed Structure Plan will not result in undesirable congestion at key intersections, particularly to Warnbro Sound Avenue, which is a main integrator arterial.

Warnbro Sound Avenue will also be upgraded by the Proponent to the same dual carriageway standards as the existing section to north in Secret Harbour to ensure the additional traffic can be accommodated with minimal congestion.

An independent Road Safety Audit has also been undertaken by Porter Consulting Engineers, assessing the road intersections along Warnbro Sound Avenue. This Audit found that these intersections will distribute the traffic in a safe and efficient manner.

Officer Comment

The Transcore Traffic Model and Road Safety Audit provided as part of the Structure Plan Report demonstrates that the proposed and existing road network can appropriately accommodate the traffic generated from the Structure Plan area. The Traffic Impact Report and Road Safety Audit have been assessed by the City's Engineering Services and are considered appropriate.

Impact of Through Traffic on Existing Communities

Proponent's Response

The impact of through traffic on existing Secret Harbour and Golden Bay local streets is limited. The modified grid layout disperses traffic access the network to avoid a significant impact in any one location.

The endorsed CDP shows the following connections:

- Seven connections into the existing Golden Bay community;
- Two connections north into Secret Harbour;
- Two connections east into Golden Bay.

The proposed Structure Plan is consistent with the endorsed CDP in this regard.

Officer Comment

The proposed Structure Plan varies from the endorsed CDP providing a through connection at Ivanhoe Street and Callawa Street in lieu of a cul-de-sac arrangement.

The proposed road network has been prepared in accordance with Element 2 - Movement Network of Liveable Neighbourhoods. In this regard, Liveable Neighbourhoods promotes a highly interconnected street system, which is aimed at reducing local travel distances, emissions and energy use. Interconnection between new and existing communities is required to be maximised where ever possible. Liveable Neighbourhoods also discourages cul-de-sac arrangements, as provided in the endorsed CDP, as this street format impedes overall interconnectivity.

As Ivanhoe Street and Callawa Street are not designed as through connections and are classified as access streets, traffic modelling prepared for the proposed Structure Plan indicates a negligible impact to existing community.

All remaining connections are provided consistent with the endorsed CDP and is consistent with the requirements of Liveable Neighbourhoods.

In light of the above, the road connections into the existing communities of Golden Bay and Secret Harbour are supported.
Noise and Pollution from Increased Traffic

Proponent's Response

The proposed Structure Plan will not create unacceptable levels of traffic noise or pollution. In accordance with Liveable Neighbourhoods the proposed Structure Plan minimises the use of the private car through the urban design, provision of footpaths, shared paths and on street cycle lanes and public transport provision, in addition the modified grid network disperses traffic to avoid significant concerns in a single location.

Officer Comment

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Consideration in Land Use Planning provides guidance for the placement of noise sensitive land uses within close proximity to major road and rail infrastructure. The criterion outlined by this Policy does not apply to the assessment of this proposal as the Structure Plan area does not abut a major freight transport route.

The movement network is designed as a modified grid to disperse traffic within local streets consistent with the requirements of Liveable Neighbourhoods. An assessment of traffic volumes proposed contained within the Traffic Impact Report and Road Safety Audit has been assessed by the City's Engineering Services and is considered appropriate.

Given predicted traffic volumes meet the requirements of Liveable Neighbourhoods, the potential impact of noise and pollution is not likely to adversely impact the locality.

5. Environmental

- Loss of flora and fauna.
- Loss of habitat.
- Impact on dunes.
- **Impacts on Foreshore reserve.**

**Loss of Flora and Fauna and Habitat**

**Proponent's Response**

The proposed Structure Plan retains and protects the significant flora and fauna of Golden Bay as identified and agreed in the Minister for Environment’s approval in 1993.

Overall the proposed Structure Plan allows for the retention of 17.18ha of Foreshore Reserve and Landscape Protection Areas, equating to 11% of the gross site area for landform and vegetation retention, in addition to approximately 10ha of local open space and drainage areas.

**Officer Comment**

The proposed Structure Plan has been prepared to be consistent with the endorsed CDP with respect to the requirements of the Environmental Approval for the conservation of the Landscape Protection Area.

The relocation of the Southern Brown Bandicoot has been conducted to the satisfaction of the Department of Environment and Conservation.

An assessment of the fauna relocation report identified that trapping was not conducted over a substantial portion of the subject land, and the trapping exercise was conducted concurrently was a test for unexploded ordinance. In this regard, the results of the trapping exercise are not considered to accurately account for the possible Southern Brown Bandicoots within the Structure Plan area.

A submission was received which identifies that the Southern Brown Bandicoot is known to have habitat behind properties within Minderoo Crescent, abutting the Landscape Protection Area.

It is recommended the Proponent conduct additional trapping to more accurately determine habitats of the Southern Brown Bandicoot within the Landscape Protection Area.

**Impact on Dunes**

**Proponent's Response**

Key dune features will be retained within the agreed boundaries of the Foreshore Reserve, 10.6ha, and Landscape Protection Area, 6.58ha.

The boundaries of the 6.58ha Landscape Protection Area within Lot 3 were established as part of the January 1993 Ministerial approval, with the purpose to:

> “Conserve the landscape character of the area and specifically the height of certain dune formations on the eastern edge of Golden Bay.”

The Minister subsequently established a committee (referred to as the Minson Committee) to provide advice on the final boundaries of the Landscape Protection Areas, with the Committee membership including a representative of the Golden Bay Progress Association, Department of Planning and Urban Development, the Proponent, Environmental Protection Authority and the City of Rockingham.

The Golden Bay Progress Association’s view was that the primary objective of the Landscape Protection Areas was to protect:

> “…what the community sees, and the aesthetic appeal that derives from that. These features are the high dunes visible on the perimeter of the H&B Development’s (now being referred to as the proposed Structure Plan area) land that is the high 36 metre feature in the north, and the western ridgeline extending to the very southern boundary of the land and the 38 metre feature within this.”

On the advice of the Committee, the Minister for the Environment confirmed in November 1993 that the boundaries were established, recognising the dunal ridgelines and peaks as agreed by the Committee.
The proposed Structure Plan is consistent with the Environmental Approval, incorporating the boundaries of both the Foreshore Reserve and Landscape Protection Areas as determined in 1993.

**Officer Comment**

A Landscape Protection Plan was endorsed by the City in 1994. This plan sets out the landscape treatments, access, levels and interface that are permitted within the proposed Landscape Protection Area to ensure the retention and management of the dunal landscape.

The proposed Structure Plan has been prepared to be consistent with the endorsed CDP and the approved Landscape Protection Plan (see Figure 8).

In light of the above, the treatment of the Landscape Protection Area and dunes is supported.

Figure 8 - Endorsed Landscape Plan
Impacts on Foreshore reserve

Proponent’s Response

A Foreshore Management Plan has been prepared to ensure that the natural state of the Foreshore Reserve is maintained while still recognising that the Beach is also a valuable local recreational opportunity. This Foreshore Management Plan provides for carefully managed access and recreational use within the Foreshore Reserve. All access roads, pathways and public infrastructure within the Foreshore reserve have been carefully designed so there will minimal disturbance to the natural state of the dunes and to avoid areas of environmental sensitivity and the habitat for the Southern Brown Bandicoots.

Officer Comment

Comments pertaining to the environmental factors of the Foreshore Reserve are considered as part of the discussion of the Foreshore Management Plan section of this Report.

6. Fire Management

- Concerns regarding the fire risk on the eastern boundary of Lot 2.
- The Fire Management Plan is a contradiction of the Landscape Management Plan.

Concerns regarding the fire risk on the eastern boundary of Lot 2

Proponent’s Response

A Fire Management Plan has been prepared in accordance with the Western Australian Planning Commission’s Planning for Bush Fire Protection Guidelines, and Australian Standard 3959-2009 (Building in Fire Prone Areas). The Fire Management Plan has identified some areas that pose a bushfire risk to development within the subject land. There are three areas of fire risk: -

- Special Residential land situated east of the subject site;
- Foreshore Reserve; and
- Landscape Protection Areas.

The proposed Structure Plan accommodates a minimum 20m wide building protection zone between the identified fire risk area and the nearest house, in which no construction can take place.

The Fire Management Plan also requires that any building constructed within 100m from any of the identified fire risk areas be built in accordance with Australian Standard AS3959-2009, which sets out a series of construction standards that provide additional protection for these structures for direct and indirect effects of a fire.

Officer Comment

The Fire Management Plan outlines a 20m Building Protection Zone (BPZ) abutting the eastern boundary of the Structure Plan area. No development can occur within this BPZ. As a result, it is unlikely lots abutting the eastern boundary of the Structure Plan area can be developed unless this situation changes.

The proposed land use and density in this location is consistent with the endorsed CDP. The Fire Management Plan is a contradiction of the Landscape Management Plan

Proponent’s Response

The Fire Management Plan is consistent with and does not compromise the objectives of the 1994 Landscape Management Plan.

The boundaries of the Landscape Protection Areas were confirmed as part of the Minister for Environment’s conditions of approval in January 1993. The Landscape Protection Areas “conserve the landscape character of the area and specifically the height of certain dune formations”. The key objective of the Landscape Protection Areas, in accordance with the conditions of approval, is the retention of landform.
Landscape Protection Management Plan was prepared by Mitchell Goff and Associates in 1994 and addressed:
- The physical retention of the Landscape Protection Areas; and
- The management of access and use of the Landscape Protection Areas.

This Landscape Protection Area Management Plan was endorsed by the City in December 1994.

In order to retain the dune formations the Landscape Protection Management Plan acknowledges the need to modify the lower sections of these dunes to adequately stabilise them and relate to adjacent roads. The modification of lower slopes reduces the need for large scale retaining and allows controlled access for (passive) recreational purposes, in accordance with Landscape Protection Management Plan. The ability to modify the lower slopes allows for the establishment of low fuel zones and necessary fire access to mitigate fire risk.

The Landscape Protection Management Plan also provides for the rehabilitation of the degraded upper levels of the dune formations and landscaping at the base of the dunes to provide local passive recreation facilities and managed access, which use plant species and materials that minimise the fuel load.

Officer Comment

The Environmental Approval makes provision for the protection of the landscape value of the parabolic dune ridge on the eastern edge of Golden Bay, and specifically, protection of landform and height of the dunal ridge.

As outlined by the Proponent, the City endorsed a Landscape Protection Area Management Plan in December 1994, which identifies locations within the Landscape Protection Area that can be modified and rehabilitated as part of the Proponent's mandate. The fire management measures proposed are consistent with the requirements and intent of this plan.

The Fire Management Plan designates the Landscape Protection Area as a moderate hazard risk. In this regard, the City's Fire and Emergency Services has determined that appropriate measures be incorporated into the Landscape Protection Area to mitigate the potential fire risk to existing and future residential properties.

The provision of fire access tracks, flame retardant native vegetation and dwellings being construction to an appropriate Bushfire Attack Level Standard (BAL) as outlined in Australian Standard 3959, are appropriately outlined within the Fire Management Plans submitted as a technical appendix to the Structure Plan.

7. Process

- Disappointed at the lack of community consultation undertaken with respect to Stage 1.

Proponent's Response

The Stage 1 land use, R-Coding and external road connections are generally consistent with the principles of the endorsed CDP, which was subject to extensive consultation and approval by the City and Western Australian Planning Commission. The R-Codes within Stage 1 are also consistent with the current R20/R40 coding under City’s Town Planning Scheme No.2, which was also subject to consultation as part of Amendment 248.

In 2010 Stage 1 was subject to a minor modification to the endorsed CDP and approved by the City, to bring the R-Code boundaries and road network into line with the proposed subdivision design. Subdivision approval was issued by the Western Australian Planning Commission in April 2010.

The Stage 1 area comprises residential development and a primary school site, consistent with the endorsed CDP. Current stage 1 area also includes approximately 6600m² of public open space that was not shown on the endorsed CDP.
The endorsed CDP shows a combination of R20 and R40 adjoining the existing Golden Bay community, the Stage 1 subdivision design and minor modification is consistent with this.

The stage 1 subdivision design creates road connections to existing Dampier Drive and Tangadee Street, in the same locations as on the approved 1994 Plan. The remaining interconnected local roads have been designed to reflect contemporary planning principles.

Stage 1 of Golden Bay was progressed as a priority, at the request of the Department of Education, to create the Golden Bay Primary School site as an option to alleviate pressure on the nearby Comet Bay Primary School.

It is important to note that Stage 1 subdivision could have been designed completely in accordance with the endorsed CDP, without any minor modifications. However, in accordance with Liveable Neighbourhoods, medium density housing was considered desirable within immediate proximity to the primary school site, Rhonda Scarrott Reserve and future Neighbourhood Centre, allowing crucial surveillance to these spaces. To facilitate this, a modification to the endorsed CDP was required to reallocate some of the R20 and R40 density codes within the Stage 1 area.

**Officer Comment**

Clause 4.2.7.1 of TPS2 states the Council may adopt a minor change or departure from a Structure Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Structure Plan. This function has been delegated to the Director, Planning and Development Services.

In this regard, the Stage 1 application was considered to be a minor change or departure from the endorsed CDP and was determined to not materially alter the intent of the Structure Plan and complied with the R-Coding under TPS2.

Following the City's approval, the minor modification to the Structure Plan was forwarded to the WAPC within 10 days of adopting the change, as required by TPS2. The WAPC raised no objection to the City's approval.

**Assessment of the proposed Structure Plan**

The following matters were identified from the City's assessment of the proposed Structure Plan following investigation.

**Community Design**

*Liveable Neighbourhoods* encourages smaller residential lots and higher density housing in areas close to a Town or Neighbourhood Centre, near public transport stops, and in areas with high amenity, such as parks. In this regard, the provision of medium and high density land within the proposed Structure Plan is considered appropriate in the following locations:

- Land located within 400m of the proposed Neighbourhood Centre;
- Land directly abutting the central 'Coastal Boulevard' and abutting Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
- Adjacent to local parks; and
- The Coastal Precinct.

Land outside these locations, in light of the prevailing context of the area should be reconsidered for a density appropriate to the context of the land.

While it is recognised the proposed Structure Plan achieves the minimum density requirements of State Policy, the broad scale application of medium densities across the site does not integrate with the prevailing context of the locality, in terms of proximity to any major public transport, key employment nodes, and the transition of density to the existing communities. In this regard, the proposed Structure Plan is not considered to meet the intent of *Liveable Neighbourhoods* and is not considered appropriate.
Movement Network

Traffic Lights
Main Roads WA has provided 'in principle' support for traffic lights at the intersection of Warnbro Sound Avenue and the Coastal Boulevard.

Left in left out connection abutting Comet Bay High School/Public Open Space
The City investigated the potential for a left in/left out connection abutting the Comet Bay High School. An engineering investigation determined that safe site distances could not be achieved for this connection.

Five Leg Roundabout
The proposed five leg roundabout provided in the report to Council in October 2010 was subject to an independent safety audit conducted with City Officers, Main Roads WA and an independent consultant. It was determined this configuration was unsafe and subsequently changed to a four leg roundabout and the access point into Lot 3 has been shifted to the east off Dampier Drive.

Lot Layout
Generally, the lot layout provides for a modified grid configuration that can accommodate appropriate solar orientation to dwellings. The lot layout generally accommodates for the landform, views, prevailing breezes, and environmental features.

Lots abutting the Landscape Protection Area
With respect to Lot 3 (south eastern portion of the Structure Plan area) three grouped housing sites are proposed abutting the Landscape Protection Area.

The Proponent has provided indicative concepts to demonstrate the interface of the grouped housing sites to the POS. The indicative plans were assessed by the City and it is considered they cannot appropriately take advantage of passive surveillance opportunities because these sites sit below the parabolic dune system. Notwithstanding this point, these sites are also impacted by a Fire Building Protection Zone which encroaches into these development sites.

Liveable Neighbourhoods requires streets to abut areas of high bushfire hazard and areas of conservation. It is considered a more appropriate interface to implement road treatment abutting the POS in lieu of providing 'Residential' zoned land and a requirement for a Detailed Area Plan through the subdivision process.

Public Open Space
The City also guides the development and location of Public Open Space within Planning Policy 3.4.1 - Public Open Space.

Drainage in Open Space
Clause 4.7.3 of the Policy permits a maximum of 25% of any parcel of POS for the purposes of drainage up to and including a 1 in 10 year frequency event. This requirement is to ensure that Public Open Space is useable by the community and open space reserves are not developed solely for the purpose of accommodating drainage.

The proposed POS's 'J', 'L', 'S1', 'T' and 'U' (as shown of the proposed Structure Plan) all exceed the 25% drainage requirement. Of particular concern, POS 'J' accommodates a 50% drainage component.

The City's Parks Services supports a variation to the proposed POS's 'L', 'S1' and 'U' as these are considered minor variations and the usability of these spaces is unlikely to be compromised. The Proponent has demonstrated the design of these spaces accommodate for both water sensitive urban design principles and usability.

POS's 'J' and 'T' are not supported in their proposed current configuration as it is considered the drainage function of these open spaces will compromise the usability of these parks. After ongoing consultation with the Proponent and assessment of the location and distribution of open space, it is recommended POS's 'J' and 'T' (as shown in Figure 9) be amalgamated to provide a larger and more robust Open Space. An amalgamation of these spaces will not impact the distribution of local parks, as all dwellings will still be within 300m of a local park.
Figure 9 - Proposed distribution of Public Open Space.

Interface of development abutting Open Space
The City's Planning Policy requires the design of a subdivision and development surrounding open space to promote visual surveillance and minimise personal safety and security problems. The Policy recommends POS be bounded by streets on all frontages such that adjacent lots overlook the street and POS. The City may consider lots with direct frontage to POS where development is elevated at least 0.5m above to provide an appropriate interface and surveillance.

With respect to Lot 3 (south eastern portion of the Structure Plan area) three grouped housing sites are proposed abutting the Landscape Protection Area. These sites cannot appropriately take advantage of passive surveillance opportunities because they sit below the parabolic dune system.

In light of the above, the configuration is not supported and they should be reconfigured accordingly.

Urban Water Management
The Local Water Management Strategy has been approved by the Department of Water with advice from the City.

Utilities
The Proponent has appropriately demonstrated the site can be serviced. Comments received from the Service Authorities will be forwarded to the Proponent for information.
Activity Centres and Employment

The proposed configuration and location of the Neighbourhood Centre shown on the proposed Structure Plan is supported and meets the requirements of Liveable Neighbourhoods. Further detail with respect to the Neighbourhood Centre is outlined as part of the consideration of the modification to the Local Commercial Strategy.

Schools

The Primary School site and extension to Comet Bay High School have been provided in accordance with the requirements of the Department of Education and Liveable Neighbourhoods. Provision for additional on-street and onsite carparking for Comet Bay High School has been recognised by the Proponent and the Department of Education.

Conclusion

In light of the response to submissions and Structure Plan assessment provided above it is recommended the Proponent take the following action with respect to the proposed Structure Plan:-

Community Design

(i) The proposed densities shown of the proposed Structure Plan are not supported as they are provided out of context to the existing adjacent development. Medium and high density development should only be supported where density has a direct relationship where:
   - Land is located within 400m of the proposed Neighbourhood Centre;
   - Land is within close vicinity to Warnbro Sound Avenue;
   - Land is directly abutting the central Coastal Boulevard; and
   - Adjacent to Local and Regional parks.

(ii) It is recommended the Proponent review the plan in light of the comments raised within this Report and submit a revised plan for the Council's consideration.

(iii) The Coastal Precinct is supported.

Lot Layout

(iv) Provision of a road interface between the Landscape Protection Area and the proposed grouped housing sites to provide a more appropriate separation from the bushfire hazard and interface of development to the Landscape Protection Area.

(v) ‘H’ and ‘L’ pattern laneways are not supported as they do not provide for appropriate surveillance.

Public Open Space

(vi) Amalgamate POS J and T to provide for a more robust and usable Public Open Space.

(vii) Support the minor variation to the City's Public Open Space policy to permit additional drainage in Public Open Spaces 'L', 'S1' and 'U'.

Environmental

(viii) An additional Fauna Survey over the Landscape Protection Area be conducted to accurately determine the presence of the Southern Brown Bandicoot prior to any development commencing.

Modification to Planning Policy 6.3 - Local Commercial Strategy

Issues raised by Submissions

1. Proposed Neighbourhood Centre not needed
2. Proposed Neighbourhood Centre would have an adverse impact on the existing Golden Bay Shopping Centre and being too close to the major centre at Secret Harbour
3. Not opposed to a neighbourhood corner store type of facility as depicted on the original CDP.
Response to Submissions

1. Requirement for a Neighbourhood Centre

Proponent's Response

The Proponent commissioned Shrapnel Urban Planning to prepare detailed retail modelling in consultation with the City's retail consultant. The additional residential densities proposed as part of the structure plan, generates a requirement for approximately 3500m² of retail floor space. The Proponent contends that no provision of a Neighbourhood Centre would adversely impact the level of service for existing and future residents gaining effective access to local retail facilities.

Officer Comment

As part of the original consideration of the endorsed CDP, the City assessed the provision of the commercial component in light of the then State Government’s Metropolitan Centres Policy Statement 1991. At this time, the provision for a Neighbourhood Centre was not realised in light of the existing policy framework.

In 2000, the State Government released a revised State Planning Policy 4.2 - Metropolitan Centres Policy, which provided a more comprehensive framework to determine the provision of commercial floor space in the Metropolitan Area. The State Government has subsequently released State Planning Policy 4.2 - Activity Centres for Perth and Peel (2010) to supersede State Planning Policy 4.2 - Metropolitan Centres Policy (2000).

In response to the release of the State Planning Policy 4.2 - Metropolitan Centres Policy 2000, the City prepared its Local Commercial Strategy (in 2004) to guide the location and provision of commercial floor space within the locality.

In this regard, retail modelling determined that a Neighbourhood Centre comprising 2,800m² retail floor area be accommodated broadly within eastern Golden Bay to service the local retail needs of residents. This retail floor area was determined based on the projected population targets anticipated from completed development of the endorsed CDP.

A corner store as proposed by the endorsed CDP is considered insufficient to cater for the local retail needs of residents. The Local Commercial Strategy outlines a Neighbourhood Centre is required and this is supported. The proposed location central to residents both east and west of Warnbro Sound Avenue and 'Main Street' design philosophy is also supported.

2. Impact to Existing Centres

Proponent's Response

The proposed neighbourhood centre will provide 3,500m² retail floor space for the local, day to day shopping needs of the future Golden Bay community. The residents will use the Secret Harbour District Centre for their larger weekly shopping needs and comparison goods. The proposed Golden Bay Neighbourhood centre will not be a direct competitor to the Secret Harbour District Centre. Neighbourhood Centre Potential Assessment Report (Appendix 9 to Proposed Structure Plan Report) states:

"The proposed centre size has due regard to the role and future complexity of Secret Harbour, and forms a useful complement to it. Secret Harbour will get an added boost from the additional population now proposed in Golden Bay"

The Report goes onto state:

"The proposed size for the Neighbourhood Centre should ensure that the existing Golden Bay local centre remains viable, and actually benefits from the increased population as well, notwithstanding development of a new neighbourhood centre. Accordingly should the owners of the existing Golden Bay local centre wish to expand their centre up to the 1220m² indicated in the Local Commercial Strategy, they can still be permitted to do so, as there would be enough capacity in the suburb to accommodate this eventuality".
Officer Comment

The City’s Retail consultant reviewed the potential impact of the proposed Neighbourhood Centre to the existing centres of Golden Bay and Secret Harbour and concluded the proposed Neighbourhood Centre is unlikely to have an adverse impact.

3. Not opposed to a neighbourhood corner store type of facility as depicted on the endorsed CDP

Proponent’s Response

The proposed Structure Plan showed two local centres:

- A 0.308ha site adjoining the beach for restaurant, cafe, sports equipment / clothes, and the sale of cool drinks, ice creams and take away food; and

- A 0.59ha site at the junction of Warnbro Sound Avenue and Dampier Drive, being primarily a service station and convenience store.

Investigation by Shrapnel Urban Planning suggests that a retail facility at the beach is unlikely to be commercially viable unless it is within the Foreshore Reserve and had direct views and access to the beach, retail demand could then be generated by beach goers. The Proposed Structure Plan maintains the flexibility for a cafe / deli type use adjoining and part of the surf club within the Foreshore Reserve.

The service station site proposed at the junction of Warnbro Sound Avenue and Dampier Drive would not be sufficient to accommodate the local shopping needs of the proposed Golden Bay community, would present vehicle access and parking issues and would directly compete with the existing service stations on Mandurah Road to the east and at Secret Harbour District Centre to the north. This centre also does not provide a local, main street based format, nor does it provide a community meeting place and an area of high amenity for use by residents. To rely solely on a service station type centre is inconsistent with contemporary planning principles of Liveable Neighbourhoods.

The proposed main street based neighbourhood centre (See Figure 10 below) will provide local retail, offices and community uses such as child care for the future community, in a location central to the development encouraging walking and cycling.

Officer Comment

See response to point 1 above.
Officer Assessment of modification of Local Commercial Strategy

The need for additional retail floor area, proposed as part of the modification to the Local Commercial Strategy is based on the population projections attributed from the increased density on the proposed Structure Plan.

Given the residential densities proposed in the same locations on the Structure Plan are considered to be out of context and inappropriate, it is likely that a modified plan proposing reduced densities will impact the demand for retail floor space.

A review of the density proposed on the Structure Plan may determine that the Neighbourhood Centre cannot absorb the retail floor space sought by the variation. As a result, no determination can be made with regard to the proposed modification to the Local Commercial Strategy until such time as the proposed Structure Plan is modified to reduce the density in context with the existing development.

Conclusion

Following the assessment of the submissions received and assessment of the Neighbourhoods Centre against Liveable Neighbourhoods and the City’s Local Commercial Strategy, it is recommended that the Council defer consideration of the proposed amendment to Planning Policy 6.3 - Local Commercial Strategy, pending resolution of a revised Structure Plan that addresses concerns pertaining to residential density to the satisfaction of the Council.

The Proponent must prepare a revised Retail Needs Assessment based on the revised population projections from modified residential densities to justify if any retail expansion is required.

Assessment of the Neighbourhood Centre is summarised as follows: -

(i) The provision of the Neighbourhood Centre within Golden Bay is consistent with the Local Commercial Strategy and is supported.
(ii) The retail impact of the proposed Neighbourhood Centre, based on the current population projections and population projections outlined in the Local Commercial Strategy is unlikely to have an adverse impact to existing centres.
(iii) The proposed configuration and location of the Neighbourhood Centre shown on the proposed Structure Plan is supported.

Notwithstanding the above points, given the residential densities proposed in the same locations on the Structure Plan are considered to be out of context and inappropriate, it is likely that a modified plan proposing reduced densities will impact the demand for retail floor space.

Foreshore Management Plan

Issues raised in Submissions

1. The proposed road is undesirable and an unnecessary encroachment on native vegetation.
2. The proposed pathways are intrusive on the sand dunes and wetlands.
3. The proposal will result in the destruction of the dunes and wetlands.
4. The proposed Surf Life Saving Club is not needed due to its proximity to the existing SLSC at Secret Harbour.
5. Foreshore Management Plan should be expanded to include the area from Dampier Drive to Crystaluna Drive.
6. Request to review entire coast line facilities from San Remo to Secret Harbour.
7. Potential vandalism of the proposed café/kiosk.
9. Increased traffic and usage of the beach.
10. Do not support the café/kiosk.
11. Leave the foreshore as it is.
Response to Submissions

1. The proposed road is undesirable and an unnecessary encroachment on native vegetation.

Proponent’s Response

The Proponent has identified that the width of the Foreshore Reserve is larger than many coastal locations in the metropolitan area. The difficult topography and width of the foreshore reserve between 150 and 300m will make it very difficult for existing and future residents to access the beach.

Provision of a formalised access is proposed to ensure current off road vehicle access will be managed and further damage to vegetation will not occur.

The road alignment was selected to avoid the significant environmental values of the Foreshore Reserve. The Proponent did note some removal of vegetation is required for the construction of the road, none of which was identified as significant vegetation.

Officer Comment

The Proponent’s rationale for the provision of formalised access within and to the Foreshore as a means of reducing overall degradation of the Threatened Ecological Communities and wetland is supported.

2. The proposed pathways are intrusive on the sand dunes and wetlands.

Proponent’s Response

The Proponent stipulates that a recognised form of coastal management is to provide formalised paths to guide people through sensitive environments. If there are no paths constructed, the Proponent contends that people will create their own paths, resulting in environmental damage.

The network of paths has been designed to not impact on the significant wetlands or Threatened Ecological Communities.

The path also provides a shared path connection from the existing Golden Bay Townsite to Secret Harbour.

Officer Comment

The Proponent’s rationale for the provision of formalised access within and to the Foreshore as a means of reducing overall degradation of the Threatened Ecological Communities and wetland is supported.

3. The proposal will result in the destruction of the dunes and wetlands.

Proponent’s Response

The Proponent contends the Foreshore Management Plan will not destroy any wetland or Threatened Ecological Community as they are located in the eastern portion of the Foreshore Reserve and retained in their natural state. The coastal node of development has been located to the west of the Threatened Ecological Communities to ensure that the ecological values are conserved.

There are some minor disturbances proposed when two paths are constructed through the sensitive area to provide passive recreation opportunities and the Foreshore Reserve generally will be rehabilitated post construction.

Groundwater quality and levels will be monitored on a regular program in the Foreshore Reserve to ensure that the ecological water levels are maintained during and post development.

The impact of urban development of threatened ecological communities has been identified as minimal in areas such as Secret Harbour and Port Kennedy.
Officer Comment

The Foreshore Management Plan appropriately recognises the environmental sensitivity of the Foreshore Reserve and is designed in accordance with the requirements of State Planning Policy No.2 - Environment and Natural Resources Policy (2006) and State Planning Policy No.2.6 - State Coastal Planning Policy (2003).

4. The proposed Surf Life Saving Club is not needed due to its proximity to the existing SLSC at Secret Harbour.

Proponent’s Response

The provision of a Surf Life Saving Club in the Golden Bay Foreshore reserve was approved by the Minister for Environment in Ministerial Statement 297.

Preliminary discussion by the Proponent with the Surf Life Saving Club Association have identified that currently a mobile service from Secret Harbour Surf Life Saving club is currently adequate.

The Foreshore Management Plan has accounted for the possible Surf Life Saving Club site to cater for potential regional beach users.

Officer Comment

The provision for a location of a Surf Life Saving Club was a requirement under Environmental Approval, and as such has been accounted for on the plan. It is acknowledged in the short to medium term there is no identified need to develop a facility. As such, this facility is not accounted for within the current adopted Community Infrastructure Plan.

Notwithstanding the mandate of the Environmental Approval to provide a Surf Life Saving Club, provision of a suitable location provides for a robust plan that can accommodate future use of the beach. It is also considered appropriate that facilities such as a kiosk be accommodated as proposed.

5. Foreshore Management Plan should be expanded to include the area from Dampier Drive to Crystaluna Drive

&

6. Request to review entire coast line facilities from San Remo to Secret Harbour

Proponent’s Response

The Proponent outlines the Foreshore Management Plan has been prepared to meet the environmental conditions relating to the Foreshore Reserve as identified in Ministerial Statement 297 and is required to be specific to the area of Foreshore Reserve that relates to this statement.

Officer Comment

The City has started a review of its Foreshore Management Strategy, which encompasses all beaches within the municipality. Beaches adjoining Golden Bay will be considered as part of this review.

As outlined by the Proponent, this Foreshore Management Plan is prepared to meet the requirement of the Environmental Approval and is not required to be expanded to include adjoining beaches.

7. Potential vandalism of the proposed café/kiosk

Proponent’s Response

The Proponent does not anticipate the coastal node including the café/kiosk component will be constructed until the subdivision adjacent to the Foreshore Reserve has been developed. Safety and vandalism were considered as part of the plan. Subject to final site levels, it is anticipated that the coastal node will provide passive surveillance opportunities, and it is expected the coastal node will be frequented by the community to provide active surveillance.
Planning Services Committee Minutes  
Monday 5 December 2011  

CONFIRMED AT A PLANNING SERVICES MEETING  
HELD ON MONDAY, 20 FEBRUARY 2012  
PRESIDING MEMBER

**Officer Comment**
The City acknowledges the potential for vandalism of facilities within the Foreshore Reserve, and recognises appropriate surveillance opportunities be mandated subject to detailed design consideration of the facility.

It is considered a valid planning rationale to make provision of beach facilities.

8. Impact on Fauna  

**Proponent's Response**
The subject land was surveyed to confirm the presence of Southern Bandicoots in March 2010. Following the survey, a management strategy was prepared and provided to the Department of Environment and Conservation for comment. The Department confirmed that the proposed management strategies were adequate to maintain the population of Southern Brown Bandicoots in the Foreshore Reserve.

**Officer Comment**
The Proponent has suitably demonstrated fauna will be protected in accordance with the requirements of the Environmental Approval and approval of the Department of Environment and Conservation within the Foreshore Reserve.

9. Increased traffic and usage of the beach  

**Proponent's Response**
The Proponent has outlined the Foreshore Management Plan has been prepared to cater for the beach usage of the future residents of the Golden Bay area, which has been recognised and approved as part of the Public Environmental Review.

It is anticipated by the Department of Housing that Golden Bay will become an important regional coastal destination and that beach users will come from inland areas. The Foreshore Management Plan has made provision for this potential outcome and is designed accordingly.

**Officer Comment**
It is anticipated that additional people will access the beach from the development of Golden Bay and the region generally. The Foreshore Management Plan makes provision for managed access to the foreshore and is supported in this regard.

10. Do not support the café/kiosk  

**Proponent’s Response**

The Foreshore Management Plan anticipates that the beach users will expect the opportunity to purchase food and beverages whilst enjoying their time at the beach as is the case in most designated coastal recreation areas.

The café/kiosk in the coastal node is unlikely to be constructed until a later stage in the development and is anticipated to become a focal point for the community using the beach.

**Officer Comment**
The City supports the location of a potential café/kiosk to service beach users.

11. Leave the foreshore as it is  

**Proponent’s Response**
The Proponent contends that leaving the beach in its current form will not be environmentally sustainable in the future due to the increased number of local and regional residents seeking access to the beach.

**Officer Comment**
The preparation and implementation of a Foreshore Management Plan is a requirement of the Environmental approval.
The undeveloped land at Golden Bay is zoned 'Urban' and will be developed for this purpose in time. The City also anticipates this beach could potentially service regional beach users in a medium to long term outlook. It is considered appropriate that the Foreshore Management Plan is robust and able to accommodate beach access and facilities in the long term.

**Officer Assessment of the Foreshore Management Plan**

**Matters to be addressed during advertising**

During the advertising period, City Officers investigated the following outstanding design matters as outlined in the Report to Council in October 2010:

- Fire access into the Foreshore Reserve;
- Location of the Sewer Pump Station and application of relevant environmental standard;
- Resolution of the proposed interface with the Foreshore Reserve, including treatment of height differences between the development and reserve; and
- Suitable protection of Threatened Ecological Communities and Conservation Category Wetland.

**Fire Access**

The Proponent has modified the Foreshore Management Plan to ensure appropriate fire access arrangements have been taken into consideration, in accordance with the requirements of the WAPC Planning for Bushfire Guidelines.

**Location of Sewer Pump Station**

The City sought clarification with the Proponent and the Water Corporation regarding the potential impact of a Waste Water Pump Station located within the Foreshore Reserve.

The Water Corporation clarified the locations were subject to a Section 38 Environmental Protection Authority review that will consider the potential impact to the Foreshore Reserve. The Water Corporation also noted the location of the Waste Water Pump Station was indicatively shown only, and was subject to change at detailed design stage prepared at subdivision stage.

**Drainage in the Foreshore Reserve**

The City received confirmation from the Department of Water that stormwater for rainfall events up to a 1 in 5 year occurrence could be conditionally accommodated within the Foreshore Reserve. The water discharge locations were also required to be sited at least 50m from the identified Threatened Ecological Communities and wetlands.

**Interface with the Foreshore Reserve**

The interface between the Foreshore Reserve and the development will include an emergency access track, masonry retaining walls, dual use paths, on-street carparking and the Foreshore Road Reserve.

The Foreshore Reserve is not proposed to be altered, however, land to be developed east of the foreshore is required to be significantly earthworked to support development. Retaining walls are proposed to be stepped in 1.2m intervals with Fire and Emergency Services access (see Figure 11). Each break in the wall is proposed to be planted with native species.

The interface satisfies the requirements for Fire and Emergency Service access and is designed to not adversely impact the Foreshore Reserve. In this regard, the arrangement proposed is supported.
The Foreshore Management Plan outlines measures for the suitable protection of the Threatened Ecological Communities and the Conservation Category Wetland. The measures proposed satisfy the requirements of the Environmental Approval and State Policy.

The Proponent is also committed to preparing a Construction and Environmental Management Plan during subdivision stage to ensure development does not impact the Foreshore Reserve.

**Conclusion**

The Foreshore Management Plan has been prepared in accordance with the requirements of Ministerial Statement 297 issued by the Minister for the Environment and is supported accordingly.

The plan satisfies the matters the City required to be addressed as follows:

(i) Provision of a location for a Surf Life Saving Club was required under Ministerial Statement 297. Provision for a Surf Life Saving Club is not identified in the current adopted Community Infrastructure Plan.

(ii) Fire access arrangements in the Foreshore Reserve have been addressed as part of the Fire Management Plan and Foreshore Management Plan.

(iii) Confirmation was received from the Department of Water that stormwater for rainfall events up to a 1 in 5 year occurrence can be accommodated within the Foreshore Reserve. The discharge locations are required to be located at least 50m from an identified Threatened Ecological Community or wetland.

(iv) The Proponent is committed to preparing a Construction and Environmental Management Plan during subdivision stage to ensure development does not adversely impact the Foreshore Reserve.

(v) The Water Corporation Waste Water Pump Station is subject to a Section 38 Referral to the Environmental Protection Authority to determine the final location at subdivision stage.

4.35pm - Cr Deb Hamblin arrived at the Planning Services Standing Committee meeting.

4.40pm - Cr Joy Stewart arrived at the Planning Services Standing Committee meeting.
DEPUTATION

4.45pm - Mr Pat Moran, Secret Harbour Residents Association attended the Planning Services Standing Committee meeting.

The Chairman welcomed Mr Moran and invited him to make his presentation to the Committee.

Mr Moran made the following points with respect to the proposal:

- density of development is inconsistent with the existing Golden Bay and Secret Harbour development;
- proposal doesn’t meet the requirements of Liveable Neighbourhoods;
- proposed development does not consider valuable wetlands and dunal systems;
- The Association is not opposed to social housing, but believes the proposed ratio of public housing is excessive and there is insufficient infrastructure in the area to support it;
- insufficient local input into the Foreshore Management Plan;
- The Association is concerned with proximity of the proposed local centre to the Secret Harbour District Centre;
- lack of infrastructure (police, hospitals and public transport); and
- the Council should insist on the provision of appropriate infrastructure before the development goes ahead.

The Chairman thanked Mr Moran for his presentation.

5.05pm - Mr Brian Warner, Golden Bay Progress Association attended the Planning Services Standing Committee meeting.

Mr Warner provided an extensive history of Golden Bay, from its initial settlement over 100 years ago, to development of the current townsite from the 1960's and establishment of the Golden Bay Progress Association.

With respect to Amendment 106 (Item SP-062/11), Mr Warner advised that the Association objects to the Amendment and believes the R-Codings should be retained on the Scheme map. Mr Warner referred to previous decisions of the Council which he contended supported the Association’s position.

Mr Warner objected to the Officer recommendation to grant Final Approval to Amendment No.106 to TPS2. He advised that the removal of the R-Codes from the Scheme Maps would enable the Department of Housing to create lots that were not in keeping with the established development in Golden Bay. Mr Warner referred to the Scheme Amendment as being adhoc. He emphasised the need for a Local Housing Strategy to guide residential development and to apply the R-Codes in TPS2.

With respect to the proposed Structure Plan (Item SPE-035/11), Mr Warner raised concern that the Council and community were not advised or consulted on Stage 1, and referred to a meeting at Parliament House with representatives of the Minister and Department of Housing. Mr Warner concluded that the officers recommendation on the Local Structure Plan was generally supported.

With respect to the proposed modification to the Local Commercial Strategy, Mr Warner advised that the Association did not support the modification and cited previous decision of Council which he contended supported the Association’s position. Mr Warner further noted that there were currently empty shops in Secret Harbour and disagreed with various aspects of the consultants report. Mr Warner suggested that the shopping centre should be located at the Karnup TOD with only convenience, corner store, type shops provided for the development.

With respect to the proposed Foreshore Management Plan, Mr Warner stated that there were no major concerns, however, aboriginal heritage should be preserved and there was no need for a surf life saving club.

The Chairman thanked Mr Warner for his presentation.
5.15pm - Mr Tony Debarro, Department of Housing and Ms Jane Bennet, CLE attended the Planning Services Standing Committee meeting.

The Chairman welcomed Mr Debarro and Mrs Bennett and invited them to make their presentation to the Committee.

Mr Debarro stated that the Officers recommendation was not supported and argued that the integrity of the proposed Structure Plan should be retained. Mr Debarro further stated that:

- the proposed Structure Plan met the requirements of relevant State Government Policy;
- the Department had previously undertaken similar high quality development elsewhere; and
- the proposal was not intended to “shoe-horn” as many lots into the area as possible, rather it is intended to provide a variety of housing to meet market demand.

Ms Bennett provided a presentation on the proposal, providing commentary with respect to the following aspects:

- Master Plan
- Local infrastructure
- Open Space
- Housing form

Mrs Bennett summarised by stating:

- the proposal meets the Directions 2031 density target and addresses the minimum requirements of Liveable Neighbourhoods;
- the proposed structure plan aims to provide for a diverse range of housing types; and
- similar development has been successfully undertaken in areas such as Brighton, where the provision of a broad range of housing types and prices was critical.

The Chairman thanked Mr Debarro and Ms Bennett for their presentation.

6. Voting Requirements

Simple Majority.

7. Officer Recommendation

That Council:

1. **REFUSE TO ADOPT** the proposed Golden Bay Structure Plan on the basis that it is not consistent with the intent of Liveable Neighbourhoods, in that:-

   (i) The proposed density and interface of the development is inconsistent with the existing urban character and local identity of Golden Bay and Secret Harbour.

   (ii) The proposed broad scale application of medium density does not appropriately integrate with the prevailing context of the locality.

2. **INVITE** the Proponent to submit a revised Structure Plan which addresses the issues identified in point 1 above and the other issues raised within this report.

3. **DEFER** consideration of the proposed amendment of Planning Policy 6.3 - Local Commercial Strategy until matters raised in point 1 above have been resolved and any floor space implications addressed within an amended Retail Assessment Report.

4. **SUPPORT** the Foreshore Management Plan submitted pursuant to the requirements of the 1993 Ministerial Statement 297 issued by the Minister of Environment.
8. **Committee Recommendation**

That Council:

1. **REFUSE TO ADOPT** the proposed Golden Bay Structure Plan on the basis that it is not consistent with the intent of Liveable Neighbourhoods, in that:-
   
   (i) The proposed density and interface of the development is inconsistent with the existing urban character and local identity of Golden Bay and Secret Harbour.
   
   (ii) The proposed broad scale application of medium density does not appropriately integrate with the prevailing context of the locality.

2. **INVITE** the Proponent to submit a revised Structure Plan which addresses the issues identified in point 1 above and the other issues raised within this report.

3. **DEFER** consideration of the proposed amendment of Planning Policy 6.3 - Local Commercial Strategy until matters raised in point 1 above have been resolved and any floor space implications addressed within an amended Retail Assessment Report.

4. **SUPPORT** the Foreshore Management Plan submitted pursuant to the requirements of the 1993 Ministerial Statement 297 issued by the Minister of Environment.

   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

   5.25pm - Cr Deb Hamblin left the Planning Services Standing Committee meeting.
## Statutory Planning

### Planning Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Final Approval of Amendment No.106 to Town Planning Scheme No.2 - Modifications to Golden Bay Development Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1479</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Ross Underwood, Senior Planning Officer, Mr Dave Waller, Co-ordinator, Statutory Planning, Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>5th December 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>March 2007 (PS43/3/07), March 2011 (SP-013/11), September 2010 (PD94/9/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 9000 and Lot 3 Warnbro Sound Avenue, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>156.7223ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>‘Development’ (R5), (R5/20) and (R20/40) Development Area No.14</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Figure 1 – Location Plan, Figure 2 - Advertised Area</td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

To consider adopting for Final Approval Amendment No.106 to Town Planning Scheme No.2 ('TPS2') to delete the Residential Design Code ('R-Code') designations on the Scheme Map, applying to Lots 9000 and 3 Warnbro Sound Avenue, Golden Bay.

2. **Background**

In August 1994, the Council approved the Golden Bay Comprehensive Development Plan ('1994 CDP') for Pt Lot 12 Dampier Drive, Golden Bay, the original parent lot.

Upon the gazettal of TPS2 in November 2004, the area covered by the 1994 CDP was rezoned 'Development', with Residential Density Codes ranging from R20/40, R5/R20 and R5, which reflected the densities shown on the 1994 CDP. The undeveloped portion of Golden Bay with its northern boundary to Secret Harbour was also included in Development Area 14 (DA14).

In March 2007, the Council adopted Amendment No.35 to TPS2 for Final Approval which recoded the eastern portion of Golden Bay from ‘R5/20’ to ‘R5’, consistent with the 1994 CDP.

In January 2010, the Department of Housing lodged a modified Structure Plan for the Golden Bay land, which proposed to supersede the 1994 CDP. The 'R-Codes' shown on the proposed Golden Bay Structure Plan include a broader range than those shown on the TPS2 Scheme Map.
The TPS2 Scheme Maps currently provide R-Codes over the Development zoned land generally in the City, which prevail over the R-Codes identified on an adopted Structure Plan.

The TPS2 framework for land where a Development Area applies requires the preparation of a Structure Plan. The Structure Plan provides the ‘blueprint’ for the future subdivision and development of the land. When a Structure Plan is adopted, the zones and R-Codings shown on a Structure Plan are interpreted as if they were Zones, R-Codes and Reserves in TPS2.

Structure Plans provide the basis for land use, residential density, road patterns and future provision of services and facilities.

Amendment No.106

In September 2010, Council resolved to initiate Amendment No.106 to TPS2 to ensure that residential density was applied through an adopted Structure Plan, rather than the range of Codes shown on the Scheme Map for Golden Bay. Amendment No.106 was restricted to Lots 9000 and 3 Warnbro Sound, Golden Bay so that it would not be delayed by a future Amendment which considered all other Development Zones and Development Areas (i.e. Amendment No.111).

Amendment No.111

In March 2011, Council resolved to initiate Amendment No.111 to TPS2. Amendment No.111 followed the same approach as Amendment No.106, which was to ensure that residential density is applied through an adopted Structure Plan, rather than the range of R-Codings shown on the Scheme Map. Amendment No.111 proposed deleting the R-Code notations from the Development Zones generally shown on the Scheme Maps. This report should be read in conjunction with item SP-063/11 on this agenda dealing with Amendment No.111.

3. Details

The purpose of this Amendment is to delete the Residential Design Code (‘R-Code’) designations from Lots 9000 and 3 Warnbro Sound Avenue (R20/R40, R5/R20 and R5), to allow for residential density to be applied through an adopted Structure Plan rather than the range of R-Codings shown on the Scheme Map.

Now that the submission period has closed, the Council must consider whether to adopt the Amendment, with or without modifications or not to adopt the Amendment.

4. Implications to Consider

a. Consultation with the Community

The Amendment, together with the proposed Golden Bay Structure Plan, Foreshore Management Plan and Modification to Planning Policy 6.3 - Local Commercial Strategy, were advertised for an extended period of 74 days, commencing from the 1st July 2011 until the 12th September 2011.

These documents were initially advertised for public comment from the 1st July 2011 to the 15th August 2011 (a 6 week period), however, a further four week extension was granted following a request of the community.

The Amendment together with the proposed Golden Bay Structure Plan, Foreshore Management Plan and Modification to Planning Policy 6.3 - Local Commercial Strategy, were advertised for public comment, as follows:

- Notification letters were sent to 2,297 individual owners and occupiers (as shown in Figure 2), servicing agencies, the Golden Bay Progress Association and Secret Harbour Residents Association.
- The Proponent erected four large signs on site in prominent locations advertising the Amendment;
- A notice was placed in the Weekend Courier for two consecutive weeks, appearing in the newspaper on the 1st and 8th July, and again on the 19th August; and
Copies of the Scheme Amendment documents were made available for inspection at the City’s Administration Offices and placed on the City’s website.

A total of 248 submissions were received, which included 244 submissions from the public and four (4) from service authorities. 235 submissions were received objecting to the proposal. 1 submission was received in support and 8 neutral submissions were received. There was four (4) late submissions. Two submissions were received from one address – No.1 Noreena Avenue, Golden Bay.

The issues raised in submissions opposing the proposed Amendment have been summarised as follows:-

1. Residential Density
   - Proposed densities are too high.
   - Proposed are densities inconsistent with existing Golden Bay and Secret Harbour densities.
   - Proposed are densities incompatible with existing ‘Special Residential’ Land to the east.
   - Multi-storey (high rise) development not supported.
2. **Infrastructure**
   - Lack of existing infrastructure and facilities (public transport, police, schools and community facilities).
   - Proposal will overload existing infrastructure and facilities.
   - More Public Open Space is required.
   - Lack of employment opportunities.
   - Question when the sewer will be connected to existing Golden Bay.

3. **Impacts on Amenity**
   - Proposed densities will have a detrimental effect on the amenity of the existing community.
   - Laidback coastal lifestyle of Golden Bay will be detrimentally affected.
   - Increase crime rate, graffiti and vandalism associated with higher densities.
   - Social housing ratio too high.
   - Impact on property values.

4. **Traffic**
   - Increased congestion.
   - Impact of through traffic on existing communities.
   - Noise and pollution from increased traffic.

5. **Environmental**
   - Loss of flora and fauna.
   - Loss of habitat.
   - Impact on dunes.
   - Impacts on Foreshore reserve.

6. **Process**
   - Disappointment at the lack of community consultation undertaken with respect to Stage 1.

The following Officer comments are provided on the main issues raised by submissions, as follows:-

**Residential Density**

The concerns over the deletion of the R-Codes proposed by the Amendment were based on objections to the R-Codings designated on the proposed Golden Bay Structure Plan. It is acknowledged that the Amendment will remove the upper limit of the R5, R20 and R40 Codes which apply to Golden Bay (DA14).

The Amendment allows for residential density to be determined by an adopted Structure Plan rather than apply the range of R-Codings shown on the Scheme Map. The Structure Plan process also enables the Council to consider a Structure Plan on its planning merits under TPS2.

To retain the R-Codings on the Scheme Map for Golden Bay (DA14), would be inconsistent with the operation of the Development zone provisions that apply in TPS2, which clearly require the preparation of Structure Plans, as a basis for the subdivision and development of land.
Infrastructure

Infrastructure impacts were linked by submissions to residential densities, which are detailed considerations for the proposed Golden Bay Structure Plan. The Amendment proposes to delete R-Codes designation only. Provision of servicing is more appropriately considered through the proposed Golden Bay Structure Plan and future subdivision applications.

Amenity

Amenity impacts were linked by submissions to residential densities which are detailed considerations for the proposed Golden Bay Structure Plan. Amenity impacts on the existing community should be considered separately by the Council in its assessment of the proposed Golden Bay Structure Plan, rather than the Amendment.

Traffic

Traffic impacts were linked by submissions to residential densities which are detailed considerations for the proposed Golden Bay Structure Plan. Traffic impacts on the existing community should be considered separately by the Council in its assessment of the proposed Golden Bay Structure Plan, rather than the Amendment. R-Code densities and their impact on the movement network are discussed as part of the proposed Golden Bay Structure Plan.

Environmental

Concerns regarding the impact on the environment are considerations for the proposed Golden Bay Structure Plan and are not considered relevant to the Amendment.

Process

Stage 1 of the Golden Bay development is not related to the Amendment to remove R-Code designations from the Scheme Map. The residential densities (‘R-Codes’) approved as part of the Stage 1 subdivision are consistent with the R-Code designations shown on the Scheme Maps.

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Authority (EPA) for consideration of the need for assessment under Division 3 of the Environmental Protection Act 1986. The EPA advised that the overall impact of the proposal would not be severe enough to warrant assessment under the Environmental Protection Act.

The following Government agencies were also consulted:-

- Alinta Gas;
- Department of Education;
- Department of Environment and Conservation;
- Department of Health;
- Department of Indigenous Affairs;
- Department of Water;
- Fire and Emergency Services Agency;
- Main Road Western Australia;
- Public Transport Authority;
- Telstra;
- Water Corporation; and
- Western Power.

At the completion of advertising, four submissions were received.
Department of Health
The Department of Health advised that it has no objection to the proposed Amendment but provided advice regarding future servicing.

Department of Indigenous Affairs
The Department of Indigenous Affairs (DIA) advised that Aboriginal Heritage sites are identified as falling within the subject land. The Department recommended that the sites be identified, surveyed and consultation be undertaken with relevant aboriginal interest groups, prior to works commencing.

Main Roads Western Australia
Main Roads Western Australia raised no objections to the proposal.

Water Corporation
The Water Corporation raised no objections to the Amendment but advised that density codings that are currently designated for Development Zones on the Scheme Maps are used for estimating future infrastructure needs.

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 the Town Planning Regulations 1967, the Council is required to consider all submissions made within 42 days of the publication of the advertisement and submit to the Western Australian Planning Commission, for recommendation to the Minister for Planning, its decision to proceed or not proceed with the Amendment.

5.35pm - Cr Joy Stewart left the Planning Services Standing Committee meeting.

5. Comments

All submissions received have been considered in this report, and are included in the Schedule of Submissions together with the 'Officer Recommendation'.

Public Submissions

The most significant issue from the submissions received on the Amendment, were objections to the deletion of the R-Codings on the Scheme Map. Submissioners were concerned that smaller lot sizes would be inconsistent with the residential character of Golden Bay and Secret Harbour. Whilst the submissioners concerns are noted, the issue of density is more appropriately considered through the Structure Plan process, which must consider a range of matters, including residential character.

It is recommended that the submissions not be upheld, because the deletion of R-Codings on the Scheme Map for Golden Bay is the basis of the Amendment. This is also the same approach adopted for Amendment No.111, which applies to 28 Development Areas. Residential density is a relevant component of Structure Plans, and it is not considered appropriate to retain R-Codings on the Scheme Map which would prevail over the R-Codings depicted on a Structure Plan.
A Structure Plan will also provide for more certainty to landowners and developers, instead of the split R-Codes shown on the Scheme Map, as questions arise regarding which R-Code applies.

The issues raised in submissions on the proposed Golden Bay Structure Plan, Foreshore Management Plan and Local Commercial Strategy are more applicable to the Council’s consideration of Item SPE-035/11.

Service Planning for Future Growth

It is noted that the Water Corporation rely on zoning information. Service planning for future development areas by the Corporation should be based on the Town Planning Scheme and adopted Structure Plans. Where Development Areas apply on Scheme Maps and no R-Codes are designated the Corporation should base service planning for future areas based on appropriate generic densities taking into account state strategies for projecting population growth.

The advice provided by Western Power and Department of Health regarding the provision of services and general development provisions for affected land can be addressed during relevant Structure Planning and the subdivision stages.

Conclusion

It is recommended that Council adopt the Scheme Amendment for Final Approval, without modification.

5.45pm - Cr Leigh Liley left the Planning Services Standing Committee meeting.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:-

1. **ADOPT** for Final Approval Amendment No.106 to Town Planning Scheme No.2, without modification.

2. **ADOPT** the Recommendations contained within the Schedule of Submissions.

8. Committee Recommendation

That Council:-

1. **ADOPT** for Final Approval Amendment No.106 to Town Planning Scheme No.2, without modification.

2. **ADOPT** the Recommendations contained within the Schedule of Submissions as follows:-

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1 - Mr Eric &amp; Mrs Yvonne Monks - 17 Three Bears Loop, Secret Harbour WA 6173</td>
<td>The TPS2 Scheme Map currently provides for a range of R-Codings between R5 and R40 over Lots 2 and 3 Warnbro Sound Avenue. Residential density is a relevant component of Structure Plans, and it is not considered appropriate to retain R-Codings on the Scheme Map which would...</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<tr>
<td><strong>prevail over the R-Codings depicted on a Structure Plan.</strong></td>
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<tr>
<td><strong>No. 2 - Mr Jason Hodnett &amp; Ms Cazna Henry - 10 Kingscliff Drive, Secret Harbour WA 6173</strong></td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>We agree with the enclosed planning schemes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.3 - Mr Tim &amp; Mrs Anita Ryan - 26 Anvils Circle, Secret Harbour WA 6173</strong></td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No comment</td>
<td></td>
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</tr>
<tr>
<td><strong>No.4 - Mr Girolamo Moschilla - 10D Holmfirth Street, Coolimba WA 6050</strong></td>
<td>The submission raises matters that are more relevant to the Council's consideration of the Structure Plan, rather than this Scheme Amendment.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>I am concerned with the plans to continue Ivanhoe Street into the new land development. At present Ivanhoe Street is a &quot;no through road&quot;. It is a quiet street - great for families with young children. The proposal has the potential to increase the traffic through this street quite markedly. I would prefer that access to Ivanhoe Street from the North be restricted.</td>
<td></td>
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</tr>
<tr>
<td><strong>No.5 - Mr Edward &amp; Mrs Linda Janczyk - 34 Marillana Drive, Golden Bay WA 6174</strong></td>
<td>Design and environmental impacts of the future development of Golden Bay will be considered by the Council in its assessment of the Golden Bay Structure Plan, rather than the Amendment.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>See comments on Structure Plan sheet. We enjoy peaceful, clean, pristine beaches, flora &amp; fauna this will be impacted as will the serenity of the region. We do not wish to become part of busy suburbia with its resulting crime statistics.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.6 - Mr Tim &amp; Lana Hunter - 5 Ivanhoe Street, Golden Bay WA 6174</strong></td>
<td>1. Refer to comments on Submission 1. 2 &amp; 3. Refer to comments on Submission 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>1. I do not agree on the zoning being any greater than R20. See attachment notes. 2. I do not wish for Ivanhoe Street to be a thoroughfare. It needs to be a cul-de-sac with no walkway connecting it to the proposed development. This predicted on safety for my children. 3. A number of land owning residents in my street will have their safety threatened through increased volumes of traffic in my street. These are retirees who have lived in the street for many years.</td>
<td></td>
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</tr>
<tr>
<td><strong>No.7 - Mr Ross &amp; Mrs Odette Gray - 7 Pitt Street, Woodbridge WA 6056</strong></td>
<td>The submission be noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<tr>
<td>No.8 - Mrs Vanessa Kettlewell - 4 Lowlands Crescent, Secret Harbour WA 6173</td>
<td>No comment.</td>
<td>Refer to comments on Submission 1.</td>
</tr>
<tr>
<td>No.9 - Mr David Broomfield - 38 Dampier Drive, Golden Bay WA 6174</td>
<td>No real comment to add.</td>
<td>The submission be noted.</td>
</tr>
<tr>
<td>No.10 - Mr Kenneth Douglas - 2342 Mandurah Road, Golden Bay WA 6174</td>
<td>No comment.</td>
<td>The submission be noted.</td>
</tr>
<tr>
<td>No.11 - Mr Colin Bevan - 11 Stern Close, Waikiki WA 6169</td>
<td>No comment.</td>
<td>The submission be noted.</td>
</tr>
<tr>
<td>No.12 - Mr John Dumbill - 16 Shivery Fairway, Secret Harbour WA 6173</td>
<td>Unnecessary development of dunes. Increased use of beach front. Increased noise. Increased traffic.</td>
<td>Refer to comments on Submission 1.</td>
</tr>
<tr>
<td>No.13 - Mr Frederick &amp; Mrs Jill Della-France - 331 Pickering Brook Road, Pickering Brook WA 6076</td>
<td>No comment.</td>
<td>The submission be noted.</td>
</tr>
<tr>
<td>No.14 - Ms Meridith Croot - 14 Tangadee Road, Golden Bay WA 6174</td>
<td>No comment.</td>
<td>The submission be noted.</td>
</tr>
<tr>
<td>No.15 - Ms Julia Mavric - 25 Blue Fin Drive, Golden Bay WA 6174</td>
<td>High density housing not suitable in this location R40/R60. Type of housing to be developed unknown</td>
<td>Refer to comments on Submission 1.</td>
</tr>
<tr>
<td>No.16 - Mr Peter &amp; Mrs Jenny Hayward - 15 Mileura Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>Submission</td>
<td>Comment</td>
<td>Recommendation</td>
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<tr>
<td>Increasing the density of the dwelling will change the character of Golden Bay into a suburb that we would not wish to live in, into a suburb that we did not choose to live in.</td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.17 - Mr Kevin Heppell - 7 Warrie Street, Golden Bay WA 6174</strong>&lt;br&gt;I think housing should be to R30 level only.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.18 - Mr Aaron &amp; Mrs Leigh Reddall - 5 Callawa Street, Golden Bay</strong>&lt;br&gt;Strongly opposed as this means R80 zoning would be considered along the foreshore, along with higher density zoning through the development. Locals do not want Golden Bay to become another Scarborough Beach - high density living encroaching on shoreline. People live in Golden Bay for the 'coastal &amp; rural' feel. Masses of cottage blocks and other smaller zones do not 'fit' with overall Golden Bay 'feel' and current development.</td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.19 - Mr Peter Carter - 1 Nanga Road, Golden Bay WA 6174</strong>&lt;br&gt;I do not support the rezoning of the area (DA14). The current zoning R20/40 is sufficient for the infrastructure and amenities available in the area. Greater population concentration cannot be supported without upgrading public transport and provision of childcare facilities, schools etc.</td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.20 - Mr Keith McNaught - 20 Dampier Drive, Golden Bay WA 6174</strong>&lt;br&gt;Have no understanding, from the information provided, how the codes at our home would be affected.</td>
<td>Refer to comments on Submission 4.</td>
<td>That the submission be noted</td>
</tr>
<tr>
<td><strong>No.21 - Mr Gary Green - 12 Yanrey Road, Golden Bay WA 6174</strong>&lt;br&gt;The proposed development will bring a lot more traffic into the area. The development will create a divide between the quality of the new proposed development and standard of existing Golden Bay, hence I’d prefer to see some investment in upgrading the streetscapes of existing Golden Bay.</td>
<td>Refer to comments on Submission 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.22 - Mr Marc Ryan &amp; Ms Natasha Pene - 21 Noreena Avenue, Golden Bay WA 6174</strong>&lt;br&gt;I think the best thing about living in Golden Bay is the clean beaches and the community spirit. People feel safe letting their children play</td>
<td>Refer to comments on Submission 4.</td>
<td>That the submissions be rejected.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<td>in the streets. It has a small town feel, where everyone looks out for each other and a re friendly. We've all worked hard to buy homes here with this lifestyle and I believe that over populating the area will take this away. Not to mention the environmental damage!</td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.23 - Mr Mark Vanderlist - 33 Wooleen Street, Golden Bay WA 6174</strong>&lt;br&gt; We will not support any less then R20 density dwelling. We do not want an over populated suburb which will add to the crime rate.</td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.24 - Mr Paul &amp; Mrs Linda Shippey - 29 Minderoo Crescent, Golden Bay WA 6174</strong>&lt;br&gt; I have no idea what &quot;Removal of Residential Density Code Notations&quot; means but if the rest of the proposals are anything to go by then I would have to say &quot;NO&quot;. I have lived in the bay for 9 years now and over the past 5 or so have been upset and annoyed at the destruction of so much land. Golden Bay was a lot nicer back then. Whoever is responsible should be HUNG - actually they should be made to live in the proposed shoe box and then hung.</td>
<td>Refer to comments on Submission 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.25 - Mr Dale &amp; Mrs Debra Abbott - 66 Turtles Bend, Secret Harbour WA 6173</strong>&lt;br&gt; We purchased this property 6 months ago for the main reason there is bush behind us - NO DWELLINGS - we were told from Ray White Rockingham whom we purchased off there would NEVER be a dwelling behind us and it would stay bush and dunes. We paid $1,000,000.00 for this property and now you want to build behind us - we were mislead by RAY WHITE and DO NOT support this proposal. This would devalue our house greatly and lose the privacy what we purchased it for.</td>
<td>The affect on property values is not a relevant planning consideration. Lots 2 and 3 Warnbro Sound Avenue have been earmarked for development prior to the 1994 CDP.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.26 - Mr Vernon Owen - 6 Barramundi Street, Golden Bay WA 6174</strong>&lt;br&gt; The plan for the foreshore management proposal looks good, so I support the proposal for the foreshore part of the development.</td>
<td>The submission be noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.27 - Mr Allen Tan, Department of Health - PO Box 8172, Perth BC WA 6849</strong>&lt;br&gt; The Department of Health has no objection to the proposed Structure Plan and Amendment No,106 subject to all developments being connected to reticulated water and sewerage in order to comply with the provisions of the Government Sewerage Policy - Perth</td>
<td>The requirement for the land to be connected to reticulated water and sewer will be required at the subdivision stage.</td>
<td>That the submission be noted.</td>
</tr>
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<td>Metropolitan Region.</td>
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<td><strong>No.28 - Ms Rebecca Bairnsfather-Scott, Department of Indigenous Affairs - PO Box 7770 Cloisters Square, Perth WA 6850</strong></td>
<td>The proposed Amendment does not have a direct impact on the development of the subject lots. Requirements relating to Aboriginal Heritage are addressed through the applicant complying with the Heritage Act 1972 requirements separate from the Council’s consideration of this amendment.</td>
<td>That the submission be noted.</td>
</tr>
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</table>

I write with reference to Proposed Structure Plan, Foreshore, Amendment to Planning Policy 6.3 and Amendment to Town Planning Scheme No.2 - 106.

The Department of Indigenous Affairs (DIA) has conducted a review of the Project area and I can confirm that there is one place that might meet the terms of section five of the *Aboriginal Heritage Act, 1972* (AHA) within the relevant area as currently mapped on the Register of Aboriginal Sites (the Register):

DIA 3459 Golden Bay Camp & Swamp

The ACMC assessed this location on the information available to them at the time and decided that this reported location did not meet the criteria of section 5 of the AHA and therefore is not a site under the AHA. The site is retained on the Register as stored data only. While it may not be defined as site within the terms of the AHA it may still have importance to Aboriginal people.

It is also possible that there are further sites within the Project area that have not yet been recorded. The AHA protects all Aboriginal sites in Western Australia whether they are known to the DIA or not.

Please not that the provision of this information is not to be considered as a clearance. The procedures to enable all relevant parties to follow the requirements of the AHA are outlined below.

Prior to any proposed development, so that no site is damaged or altered (which would result in an offence under section 17 of the AHA), it is recommended that suitable qualified consultants be engaged to conduct ethnographic and archaeological surveys of the area. This should ensure that all Aboriginal interest groups are consulted and that all sited on the designated land are identified and avoided. Such surveys would involve archival research, consultations and on the ground inspections. Development of the area includes and forward works involving ground or vegetation disturbance.

It is DIA’s preference that any development
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| plans are modified to avoid damaging or altering any site. If this is not possible, and in order to avoid committing an offence under the AHA, the landowner should seek the prior written consent of the Minister for Indigenous Affairs to use the land. This involved the submission of a notice in writing under section 18 of the AHA to the Aboriginal Cultural Material Committee. The DIA and the ACMC, whose responsibility is to advise the Minister for Indigenous Affairs on matters relating to Section 18 notices, have issued Guidelines for the submissions of Section 18 notices. These guidelines can be found at the DIA website: [http://www.dia.wa.gov.au/en/Section-18-Applications/Heritage-management/Applications/Application-to-use-land-s18/](http://www.dia.wa.gov.au/en/Section-18-Applications/Heritage-management/Applications/Application-to-use-land-s18/)
If you have any questions in regard to the above, please contact Rebecca Bairnsfather-Scott on 9235 8080. | Refer to comments on Submission 1. | That the submission be rejected. |

**No.29 - Mr Trevor Buckenara - 4 Nanga Road, Golden Bay WA 6174**
I would support the amendment to the area north of Dampier Drive, Golden Bay but I do not support the rezoning of the area south of Dampier Drive. This should remain large lots with minimal clearing of the dune system. Refer to comments on Submission 1. That the submission be rejected.

**No.30 - Mr Stan Bartosak - 19 Kingsfield Avenue, Swanview WA 6056**
I do not agree to the proposed Amendment No.106 to the Town Planning Scheme No.2 as the very high density and multi story development which would occur is not compatible with the existing housing in Secret Harbour or Golden Bay - any such multi story building should only be built on the other side of the rail line, however if this amendment is passed the existing Golden Bay should be included. Refer to comments on Submission 1. That the submission be rejected.

**No.31 - Mr Noel & Mrs Christine Facius - 2 Erlistoun Street, Golden Bay WA 6174**
We do not support either proposal on the basis that no infrastructure would appear to be accompanying the development other than a surf club and a few shops. The train stations at Warnbro and Mandurah have already reached capacity, it is almost impossible to get a parking space after 8.30 in the morning. Although we understand that a
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<td>train station is planned for Paganoni Road, we have no indication of a date to commence construction. The addition of several hundred passengers trying to get to Perth each day is going to make life difficult for all customers.</td>
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<td>On the introduction of the development to the community a school was included in the plans; we read in the paper that this is longer to be. Where will the kids to go school? What will they do around here in the evenings and at weekends? We are concerned they will end up roaming around the suburb causing problems. We have already had issues with this and have had little assistance from the authorities, including the police who told us they have insufficient number to police this area. Will we get more police? Where is the police station we were told would be built 3 years ago or so?</td>
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<tr>
<td>If the foreshore is to be the only form of entertainment for the number of people you plan to move into the are it will spoil the nature of the beaches around here. We have already successfully fought the introduction of surf ski's to Golden Bay twice, we are concerned that the surf club may temp these noisy, dangerous and intrusive vehicles back to our beautiful peaceful beach.</td>
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<td>The existing residents in Golden Bay do not yet have deep sewerage. It is very unfair that all around us will enjoy facilities we are denied. It is obvious that the new development will change the nature of this area and, while the local government will no doubt make money, without deep sewerage enabling us to subdivide and with the likelihood that it will be difficult to sell in this area while so many new houses are available we will be left with little choice other than to endure whatever is to come.</td>
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<td>We implore you to think about implementing the necessary facilities either prior to or in conjunction with the construction of new homes, this makes so much sense to us, why does it appear to be the policy to build without facilities and then spend vast amounts of tax payers money trying to correct the problems a lack of facilities inevitably brings.</td>
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| 1. Refer to comments on Submission 1. |
| 2. All new subdivisions on Residential Zoned land is required to be connected to reticulated |

No.32 - Ms Judith Bell & Ms Margaret Lucas - 25 Noreena Avenue, Golden Bay WA 6174

My concern is for this relatively small R5 zone in a metro area to not have access to sewerage lines laid. How will the planned development

That the submission be rejected.
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<td>affect the existing arrangements of septic tanks in a tighter density. We have had problems in this area which resulted in a water supply being provided.</td>
<td>sewer and water. These servicing arrangements are a matter for the Water Corporation and are outside the scope of this Scheme Amendment.</td>
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<tr>
<td><strong>No.33 - Ms Louise Farley - 1 Minderoo Crescent, Golden Bay WA 6174</strong></td>
<td>If you lived in Golden Bay you would not want this proposal to go ahead. Treat others as you would be treated. We do not need any more properties or people in this area. If I lose money on my property when I sell due to this development - which undoubtedly will go ahead - I would expect you to reimburse me and other residents in the same position.</td>
<td>1. Refer to comments on Submission 1 and 25. That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.34 - Mr Mark &amp; Mrs Bonnie Wood - 11 Marlin Way, Golden Bay WA 6174</strong></td>
<td>Refer to comments on Submission 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No.35 - Ms Julie Evas - 9 Stradbroke Road, Secret Harbour WA 6173</strong></td>
<td>Refer to comments on Submission 1 &amp; 4.</td>
<td>That the submission be rejected.</td>
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1. Waste of money, good sand dunes for a not needed surf club and car park - Secret Harbour - very near by - has all.
2. Proposed density is too high and very little "new" play-open area - supplied - "swamp" soak drains are called "open space?"
3. Blocks - housing are very small - cramped with (often) not off street parking available.
4. Why another Shopping Centre - Secret Harbour has one!!
5. Open space reserve and foreshore reserve already exist - double counting!!
P.S it is a bit rich to ask for comments since the subdivision had already been laid out - street, lights etc. If you were honest, we should have had the material to comment on
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| **No.36 - Mr Dave & Mrs Rae McLeish - 21 Woodlands Road, Golden Bay WA 6174**  
We do not support high density housing!! This is in contrast to the family values of Golden Bay, the quiet, safe neighbourhood we love. We are concerned it will bring crime, noise pollution and more anti-social behaviour. We want the new development to be in keeping with the structure of existing Golden Bay (Although we realise lots cannot these days be quite as big as what we have). We are concerned this may adversely affect our property's value, if it brings crime, anti social behaviour and noise.  
Refer to comments on Submission 4 and 25. | That the submission be rejected. |
| **No. 37 - Mr and Mrs Biggins - 93 Dampier Drive, Golden Bay WA 6174**  
We do not want the amendment changed as we feel the size blocks in Golden Bay as they are, are a good size and any smaller/denser lots would affect the character of Golden Bay. Also you have not elaborated on the specific sizes of each block; only giving people a R5/R20 zoning which could mean more R5 than R20 and we feel that would be a bad thing for the bay.  
Refer to comments on Submission 1. | That the submission be rejected. |
| **No. 38 - Mr Joseph Compagnone - PO Box 223, Cannington WA 6987**  
I acquired land in Golden Bay with the idea of building a retirement home in order to have a quite lifestyle.  
The comment is noted. | That the submission be noted. |
| **No. 39 - Mr Mark McCafferty and Ms Clare O'Donnell – 6 Radar Break, Secret Harbour WA 6173**  
We do not want the amendment changed as we feel the size blocks in Golden Bay as they are, are a good size and any smaller/denser lots would affect the character of Golden Bay. Also you have not elaborated on the specific sizes of each block; only giving people a R5/R20 zoning which could mean more R5 than R20 and we feel that would be a bad thing for the bay.  
Refer to comments on Submission 1. | That the submission be rejected. |
| **No. 40 – Mr Mat Russell – 9 Ellendale Street, Golden Bay WA  6174**  
I acquired land in Golden Bay with the idea of building a retirement home in order to have a quite lifestyle.  
The submission is noted. | That the submission be noted. |
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<td>No. 41 - Mr Michael O'Dwyer - 106 Bancoura Parkway, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 1, 4 and 31.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>1. A traffic plan needs to be updated to review the traffic flow along Bancoura Parkway. Already a long straight road leading to the beach, the higher density would increase volume along a residential street that already has speeding traffic.</td>
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<td>2. Density proposed does not match Liveable Neighbours policy.</td>
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<td>3. Increase density requires greater infrastructure – library, police station, medical centre. Developer should provide.</td>
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<td>No. 42 - Mr Paul and Mrs Lisa Lemin - 22 Pardoo Place, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 25.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>We believe this development is to “BIG” and will put many people into the area. As a result we believe property values will decrease due to over supply and the housing commission component. A scaled back plan utilising the foreshore development and larger residential blocks would increase the overall appeal of the area and maintain the uniqueness of the area.</td>
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<tr>
<td>No. 43 - Mr Mat Russell - 9 Ellendale Street, Golden Bay WA 6174</td>
<td>1. Refer to comments on Submission 1 &amp; 4.</td>
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<td>2. While it is acknowledged there are concerns regarding the ratio of public housing, land tenure is not a valid planning consideration. The ratio of social housing is not within the scope of the City to determine.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>Too many people for that area. You are looking at half the size of existing Golden Bay but double the people. Introducing state housing in past communities has proven decreased property prices also. We moved to Golden Bay for reasons such as large old time blocks, a slice or pristine blocks and room to move. If I wanted to live in a high density area I would be close to Perth.</td>
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<td>No. 44 - Mr Greg Donno - 57 Greeson Parkway, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 1 and 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>There are not enough facilities in the area for the amount of people to be living here by allowing the high density living in the area, crime will go up as not enough for kids to do. YOU KNOW ALL THIS. New high school - it is not going to be big enough with add on’s.</td>
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<td>No. 45 - Mr James Whiteside - 71 Three Bears Loop, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 1, 4, 27 &amp; 31.</td>
<td>That the submission be rejected.</td>
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<td>In my opinion too many new residents not enough infrastructure. Insufficient local law enforcement. Lower demographic affecting schooling, safety, crime, property prices.</td>
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<td>No. 46 - Mrs Jane Anderson - 20 Lowlands Crescent, Secret Harbour WA 6173</td>
<td>The Council should not increase densities to the zoning in place. The codes in existence fit with the existing residences and lifestyle choices that residents have made. It is not fair to impact residents that have made a choice previously. The impacts come from higher density bringing overcrowding and loss on environment. Refer to comments on Submission 1 &amp; 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 47 - Mr Glenn and Mrs Kay Davies - PO Box 222, York WA 6302</td>
<td>We do not believe that it is in the best interest of Golden Bay or its community to increase the density. I strongly oppose being asked to give retrospective endorsement to the removal of the Residential Density Notation. Refer to comments on Submission 1, 4 &amp; 37.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 48 - Mr Michael Spadanuda - 6 Bonito Place, Golden Bay WA 6174</td>
<td>Please advise if our property can be connected to the sewage system. The submissioner should raise this matter directly with the Water Corporation. This matter is not relevant to the Council’s consideration of this Scheme Amendment.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 49 - Ms Debbie Huntington - 13 Merimbwa Way, Secret Harbour WA 6173</td>
<td>We believe this development is to “BIG” and will put many people into the area. As a result we believe property values will decrease due to over supply and the housing commission component. A scaled back plan utilising the foreshore development and larger residential blocks would increase the overall appeal of the area and maintain the uniqueness of the area. Refer to comments on Submission 1, 25 &amp; 46.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 50 - Mr Ian and Mrs Margaret Jones - 36 Lowlands Crescent, Secret Harbour WA 6173</td>
<td>Density not in keeping with existing development of coastal strip - lot sizes are too small. Inadequate public open spaces and facilities for young people. Residential density codes exist to ensure appropriate development and should not be over-ridden. Inadequate public transport will add to traffic congestion. There should be no development without a train station at Karnup. Refer to comments on Submission 1 &amp; 4.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 51 - Ms Kerry Olds - 8 Callawa</td>
<td>Refer to comments on</td>
<td>That the submission be</td>
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<td><strong>Street, Golden Bay WA 6174</strong></td>
<td>Submission 1 &amp; 4. Crime rates cannot be directly linked to the removal of R-Codes on the Scheme Maps.</td>
<td>rejected.</td>
</tr>
<tr>
<td><strong>No. 52 - Mr Frank and Mrs Julie Pomfret - 19 Woodlands Road, Golden Bay WA 6174</strong></td>
<td>Refer to comments on Submission 1 &amp; 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 53 - Mr Malcolm and Mrs Mary Burnip - 2 Ivanhoe Street, Golden Bay WA 6174</strong></td>
<td>Refer to comments on Submission 1 &amp; 4. The transition of residential density is a matter relevant to the Council’s consideration of the proposed Golden Bay Structure Plan, rather than this Scheme Amendment.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 54 - Mr Nick Iustini - 40 Marillana Drive, Golden Bay WA 6174</strong></td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
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<tr>
<td><strong>No. 55 - Mr Nathan Peart - 147 Dampier Drive, Golden Bay WA 6174</strong></td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>No. 56 - Mr and Mrs Copeland - 12 Yucca Road, Secret Harbour WA 6173</strong></td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
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<tr>
<td><strong>No. 57 - Ms Justine Sparkman - 44 Dampier Drive, Golden Bay WA 6174</strong></td>
<td>Refer to comments on Submission 46.</td>
<td>That the submission be rejected.</td>
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<tr>
<td><strong>No. 58 - Ms Elizabeth Searle - 20 Bancoura Parkway, Secret Harbour WA</strong></td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
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<td><strong>6173</strong></td>
<td>I do not support any increase in population therefore don't support the submission.</td>
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<tr>
<td><strong>No. 59 – Mr Terry Ainge - 33 Bancoura Parkway, Secret Harbour WA 6173</strong></td>
<td>Refer to comments on Submission 1.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>Why remove the R code notations? Why no reason given? Seems dodgy? Leave the notations on the map so we can all see what's going on.</td>
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<td><strong>No. 60 – Ms Denise Cook – 12 Karunjie Road, Golden Bay WA 6174</strong></td>
<td>Refer to comments on Submission 37.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>I oppose being asked to give retrospective approval to the removal of the Residential Density Notation.</td>
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<td><strong>No. 61 – Mr Aiden Slinger - 12 Mileura Street, Golden Bay WA 6174</strong></td>
<td>Refer to comments on Submission 1 &amp; 37.</td>
<td>That the submission be rejected.</td>
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<td>I would like to be consulted as a resident and ratepayer each time the Council considers re-zoning, rather than give them a blanket permission to re-zone as they see fit with no consultation in the future.</td>
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<td><strong>No. 62 – Ricitans Affleul – 4 Dampier Drive, Golden Bay WA 6174</strong></td>
<td>1. Noted. 2. Refer to comments on Submission 4.</td>
<td>That the submission be noted.</td>
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<td>Increased density is supported. Additional surf club is nonsense. Increased commercial is detrimental to Secret Harbour and Golden Bay businesses.</td>
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<td><strong>No. 63 - Mrs Helen Redmond - 18 Mileura Street, Golden Bay WA 6174</strong></td>
<td>Changes to the R-Codings of existing residential areas did not form part of the Scheme Amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>If zoning is changed it should be over the whole area. Therefore R5 should go to higher densities in original Golden Bay Settlement subject to the provision of the underground power and sewer with the development.</td>
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<tr>
<td><strong>No. 64 - Ms Julie Furness - 26 Salton Street, Golden Bay WA 6173</strong></td>
<td>1. The matters raised are noted.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>The densities as proposed in the Structure Flan and Amendment 106 of the Rockingham Town Planning Scheme do not constitute good planning. The reasons for this statement are: 1. Failure of Keralup and recent changes to state policy: There seems to be little to suggest that the primary driver behind the increased density proposal is not as a result of a reaction to a problem that the State government and State departments have because of policy decisions, unfortunate</td>
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circumstances in Keralup and the inability of the State planning to get private developers to change the provision mechanisms of current housing typologies in the market.

The Department of Planning document Directions 2031: Planning for the Perth and Peel was opposed by developers due to its insistence on higher densities through infill within the urban area. Much pressure was put on the Department to revise this primary policy document to accommodate these pressures. The result of this was that it was left primarily to the Department of Housing to provide the higher density wherever land was available.

In addition the State has indicated that all departments should focus on a scenario that will be able to accommodate a population of 3.5 million people in Perth. This creates a further dilemma for the Department of Housing who ends up being the only real provider of diversity of housing (through affordable/lower income housing) within the State - an unenviable task indeed. However there were projects that could be used to facilitate this - south of Perth two at the areas are Keralup and Golden Bay.

Much hope was placed on Keralup (Amarillo) a housing estate of 90,000 people to the south east at Rockingham as this is a large State owned landholding that was to be a flagship project for sustainable living. Unfortunately this initiative has been delayed again due to the unfavourable environmental conditions and health conditions (for housing) on the site. The probable result of this is that Keralup, if developed, will be significantly smaller than anticipated and the number of people that could not be accommodated will be significantly reduced. This presents the Department of Housing with a significant problem in that they are now forced to find alternative areas to accommodate the required population targets.

It is understood that initially the Golden Bay development started off being a higher end of the market development that would assist the development of Keralup through being first and providing seed capital for the further development. A good quality lower density housing estate was envisaged. This money could then be used to facilitate the provision of the services for Keralup. Unfortunately for reasons mentioned above this has not

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<tr>
<td>The Department of Planning document Directions 2031: Planning for the Perth and Peel was opposed by developers due to its insistence on higher densities through infill within the urban area. Much pressure was put on the Department to revise this primary policy document to accommodate these pressures. The result of this was that it was left primarily to the Department of Housing to provide the higher density wherever land was available.</td>
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<td>In addition the State has indicated that all departments should focus on a scenario that will be able to accommodate a population of 3.5 million people in Perth. This creates a further dilemma for the Department of Housing who ends up being the only real provider of diversity of housing (through affordable/lower income housing) within the State - an unenviable task indeed. However there were projects that could be used to facilitate this - south of Perth two at the areas are Keralup and Golden Bay.</td>
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<td>Much hope was placed on Keralup (Amarillo) a housing estate of 90,000 people to the south east at Rockingham as this is a large State owned landholding that was to be a flagship project for sustainable living. Unfortunately this initiative has been delayed again due to the unfavourable environmental conditions and health conditions (for housing) on the site. The probable result of this is that Keralup, if developed, will be significantly smaller than anticipated and the number of people that could not be accommodated will be significantly reduced. This presents the Department of Housing with a significant problem in that they are now forced to find alternative areas to accommodate the required population targets.</td>
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<td>It is understood that initially the Golden Bay development started off being a higher end of the market development that would assist the development of Keralup through being first and providing seed capital for the further development. A good quality lower density housing estate was envisaged. This money could then be used to facilitate the provision of the services for Keralup. Unfortunately for reasons mentioned above this has not</td>
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<td>materialised and that is why the change in density in the Structure plan is required. It therefore seems that the Golden Bay Comprehensive Development Plan Update is a reaction to circumstances that have forced State government to implement revised state planning policies - implementation in this case without specific / proper consideration of the community and landowners in the Secret Harbour and Golden Bay areas. The timing is just too coincidental to have us believe otherwise.</td>
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<td>2. Refer to comments on submissions 1 and 37.</td>
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4. **Density and utilisation of available community services/centres:** Increasing densities is a generally accepted planning principle as this allows better utilisation infrastructure and services. It is unusually also generally accepted closer to areas of employment or where the facilities are available. In most cases this is close to the Town centre or Central business district.

This is not the case in Golden Bay. The proposed shopping centre cannot be classified as anything more than a neighbourhood node and although there would be no objection to some higher density development around the centre the current scale of densities is exaggerated to the extreme. Current planning proposals do not envisage Golden Bay as a Town centre or activity centre. This is borne out by the nature or the surrounding residential areas.

The Rockingham council has been criticised in the past for increasing densities near the coast in the Central business district. This however accords with good planning practice as this is where that kind of development should be focussed. The writer would not have an issue with a higher density development on the foreshore as this would increase the activity on the shore front, increase employment opportunities and maximise the use or an underutilised portion of beachfront. More R60 densities should also be provided around the Neighbourhood centre to the west of Warnbro Sound Avenue as this would in accordance with good planning practice.

However the overall residential densities proposed do not conform to good planning principles. The majority of densities are not in accordance with the surrounding areas. In many instances the higher densities are not near areas such as the foreshore (as argued above) or community facilities such as recreational areas which may justify some degree of higher density. Furthermore the case for the removal of the neighbourhood centre on the eastern side or Warnbro Sound Avenue

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<td>in a higher density development. Instead of allowing middle income people to make a lifestyle choice (which is the attraction of the area) the area will be flooded with lower income people who do not have the ability to make long commutes to employment areas due to the high cost. This is not good planning and does not increase sustainability.</td>
<td>4. Refer to comments on submission 1.</td>
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is made in point 6 as this seems to be placed there to be the justification to increase densities surrounding it. It is evident that densities in general and perhaps more specifically on the eastern side of Warnbro Sound avenue are between R10 and R20 too high.

The R30 density should be R20, the R40 either R20 or perhaps even R30 at a stretch and the R60 designation should be R40. The R60 designation not abutting open space or the Neighbourhood precinct to the east of Warnbro Sound Avenue should be removed and replaced with R30. These densities would be in accordance with planning in the surrounding suburbs and the previous structure plan. In some instances these densities proposed by the writer can be / and are higher than previously - but appropriately so. Higher densities are good planning practice but the location and scale should be appropriate.

5. **Interface treatment:** Assuming that the densities can be justified in some way then the interface between the areas needs to be addressed. The new proposals show an interface of R20 that is nothing but a token gesture. The single row of R20 houses on the periphery seems to provide proof that the principle aim of the proposal is to maximise densities and the R20 row is to at least have something to placate the local community. For example the fragmented ownership of land to the east of the proposed development will most certainly mean that these lots will remain in their current format for many years. Providing a single row of R20 lots between these larger lots and the R30 and R40 lots cannot be seen as being good planning practice.

6. **Neighbourhood centre and safety concerns on Warnbro Sound Avenue:** The portion of the Neighbourhood centre and higher density development on the eastern side of Warnbro Sound Avenue are unjustified and should not be entertained. It will only serve to increase concerns from a pedestrian safety aspect. There is no doubt that the volume of vehicles on Warnbro Sound will increase dramatically once the densities currently being planned for are introduced. Providing higher density and a retail centre to the east forcing people to cross Warnbro Sound Ave to access the neighbourhood centre there does not make sense from a safety perspective. The sale

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<td>5. The interface of residential densities is a matter for the Council's consideration of the proposed Structure Plan rather than this Scheme Amendment.</td>
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<td>The R30 density should be R20, the R40 either R20 or perhaps even R30 at a stretch and the R60 designation should be R40. The R60 designation not abutting open space or the Neighbourhood precinct to the east of Warnbro Sound Avenue should be removed and replaced with R30. These densities would be in accordance with planning in the surrounding suburbs and the previous structure plan. In some instances these densities proposed by the writer can be / and are higher than previously - but appropriately so. Higher densities are good planning practice but the location and scale should be appropriate.</td>
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<td>6. Refer to comments on submission 4.</td>
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<td>purpose of this &quot;node&quot; seems to be to allow justification to increase densities surrounding it. There is no real planning rationale that justifies its existence - the activity centre is shown, and should be in its entirety, on the western side of Warnbro Sound Avenue.</td>
<td>7. Refer to comments on submission 55.</td>
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<td>7. <strong>Increased crime:</strong> Crime in Golden Bay and the southern part of Secret Harbour is very low - in fact the police statistics show that Golden Bay has the least crime in the Rockingham area. It is my submission that the reason for this is the type of people who have come to the southern regions of Rockingham. Whilst we are not rich by any definition we have made a lifestyle choice and have just enough to be satisfied with what we have. Most of us prefer to be away from the hustle and bustle of the city of Rockingham and Mandurah yet close enough to be able to drive where we need to be - close enough to use the train when we need to go to Perth. Crime is low because although we don't have much we have enough and respect each other. The residents would welcome new residents who have a similar outlook on life and an understanding of the qualities and values held dear. It is quite possible however that the increase in density will bring a different resident and this will quite possibly mean a rise in crime.</td>
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<td>8. <strong>Values of property:</strong> Whilst it is an established fact that property value is not a valid planning consideration a distinction could be made when a bad planning decision is made - i.e. one that overrides good planning practice with a blanket state policy regarding density without due consideration to the other economic and social factors. Then, it could be argued, a claim for compensation for the loss of property value would be justified.</td>
<td>8. Refer to comments on submission 25.</td>
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<td>9. <strong>Legacy of bad decisions:</strong> Elected members will leave after their term of office expires but the results of their decision will be their legacy to the next elected members and the community. A bad planning decision such as this will create a situation that will remain for many years affecting a number of residents and the office bearers that follow. Approving the proposal may seem like the easy option at present but will in all probability create a situation that will remain for many years to come.</td>
<td>9. The comments are noted.</td>
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<td>10. <strong>Access to public transport / airports:</strong> Increasing the density in Golden Bay &quot;because we need to accommodate the expected</td>
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<td>resource skills&quot; also cannot be considered a valid argument here. Just because the land belongs to the State does not mean that residents can easily access the airport For fly-in-fly-out. There are few if any compelling reasons for providing these high density apartments so far away from the airports and in fact any other transport facilities. Higher density at a place like Cockburn Central perhaps - but in Golden Bay?</td>
<td>10. Refer to comments on submission 1.</td>
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11. **Housing affordability**: The currently fashionable "Housing affordability" tag that is being used as a reason to increase densities should also not be accepted as a reason for increasing these densities. Affordable housing should be provided close to employment and facilities. This development is not - and for the foreseeable future will not be close to these. It is not an activity centre, an employment hub or anything approximating either. The current residents have accepted without much issue the fact that every 9th lot will be used for affordable housing. The issue is that the densities now being suggested have increased significantly, increasing lot yields, increasing numbers of residents, increasing the number of new residents, increasing the ratio between old and new residents and quite conceivably changing the nature of the adjacent residential areas (and the reason for current residents living in the area) significantly. The new residents also will probably not have the means at their disposal to access the employment opportunities that are far away - especially if fuel prices go up as is expected. It needs to be made very clear that the reason for the objection is not affordable housing per-se - it's the density involved and more specifically the contrast in densities between proposed and existing properties.

12. **Evidence to support higher densities specifically in Golden Bay**: The reports produced to provide the evidence for the increase in density unfortunately do not state clearly why the increases of density are required in this specific Golden Bay development. There are some statements about Directions 2031 and liveable Neighbourhoods but no specific reasons why Golden Bay has been chosen. No good reasons are given as to why Golden Bay specifically is a good place to increase the density. Discussion as to the staging of community infrastructure, | 11. Housing affordability is not a matter within the scope of the Council to influence through its consideration of this Scheme Amendment. Housing diversity however can assist in housing affordability. |

12. Refer to comments on submission 1. |
CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 20 FEBRUARY 2012

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<td>public transport Facilities or the like is also not addressed in enough detail to alleviate the fears of residents. Little acknowledgement in fact that these will be serious issues to be faced in the area soon. Similarly no good reasons why residents in the quiet sleepy low density dormitory suburb of Golden Bay and Secret Harbour should be provided with a medium to high density residential area between them.</td>
<td>13. The comments are noted.</td>
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<td>13. Examples of successful projects of a similar nature in Perth: It is also noted that no examples are provided of similar developments in Perth or in Western Australia that work well. One would expect that a report to increase densities would contain such examples - if not in Western Australia then elsewhere in Australia. The main criteria would obviously have to be a lower income / affordable housing medium to high density development 70 kilometres from the capital city centre/ airport. Successful similar developments would do much to allay the fears that the community currently have. Unfortunately social housing rarely provides high levels of confidence - this density increase seems to be more of a social policy statement than good planning rationale.</td>
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<td>Conclusion: The Golden Bay Comprehensive Development Plan Update, Amendment 106 and supporting documentation does not take the existing residents, current community profile or residential housing typology into consideration. It does not provide compelling arguments as to why the densities in the new development should be increased. It does not address the thirteen issues above comprehensively. It seems to be a reaction to new state policy for higher densities without much consideration for the local situation. It also does not compensate existing residents for good decisions made on previous planning that may be seriously affected by this bad decision. The only conclusion that can be drawn is that this increase in density is not good planning practice and should not be allowed without, at least, changes with specific reference to the densities on the eastern/northern side of Warnbro Sound Avenue as indicated in points 4 and 5, significant improved public transport (point 10) and a significant increase in employment self sufficiency (point 3). Other aspects that need to be considered: In terms of the administrative process there is</td>
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<td>Other aspects that need to be considered: In terms of the administrative process there is</td>
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<td>The submission raises philosophical matters that are outside of the scope of the Scheme Amendment. Other matters are more applicable to the Council’s consideration of the proposed Structure Plan.</td>
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<td>some confusion regarding when the submission needs to be lodged. The website states that the submissions need to be in by the 15th of August and the submission Forms state that submissions are required by the 12th September 2011. The public notice was not available on the website over the weekend of the 15th. It would therefore be improper for the Council to not allow further submissions until the 12th of September or at the very least accommodate late submissions. This submitter would like to reserve the right to address the Council in this regard and respectfully requests that we be kept updated regarding the process and any and all opportunities to provide input into the process. I also wish to reserve the right to add any further information to the process/submission up to the date of the Council decision in this regard. If Council is serious about listening to their residents it should accommodate any further facts up to the point of decision.</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
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**No. 65 Main Roads Western Australia - PO Box 6202, East Perth WA 6892**

Thank you for your letter dated 1 July 2011, requesting Main Roads comments on the above proposal. Main Roads has no objections to the proposal.

**No. 66 – Water Corporation – 629 Newcastle Street, Leederville WA 6007**

It is noted that the amendment is for the following purposes:-

- Remove the density coding on the Scheme Maps for Development zoned land, which currently restricts the density that can be provided for through the Structure Planning process.
- Inhibits the Council’s ability to provide for densities greater than those shown on the Scheme Maps.
- If a Development Area is not identified under TP2, a Structure Plan may not have legal effect under TP2 and therefore landuse and residential density controls become ineffective.

The Corporation does not object in principle to the amendment, but comment is made on the potential impact on service planning and capital investment scheduling.

The Corporation currently has computer

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<td>It is noted that the Water Corporation rely on zoning information. Service planning for future development areas by the Corporation should be based on the Town Planning Scheme and adopted Structure Plans. Where Development Areas apply on Scheme Maps and no R-Codes are designated the Corporation should base service planning for future areas based on appropriate generic densities taking into account state strategies for projecting population growth.</td>
<td>That the submission be rejected.</td>
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planning models that rely on zoning information. This has previously been located in one instrument, the Town Planning Scheme. These models rely on the densities being kept consistent, otherwise planning would need constant review with possible servicing inefficiencies.

Under the revise arrangement, the instruments would be the Town Planning Scheme and Structure Plans or Comprehensive Development Plans. These appear to allow flexibility in gaining higher densities where desired.

If it is unclear what the development density will be at the Town Planning Scheme stage. There is a risk the Water Corporation will be reluctant to plan the provision of infrastructure at this earlier stage, as it will have to estimate, and then revise or replan when further information is available. This may delay identification of infrastructure for inclusion in the Corporation’s planning and capital works programme, which may in turn constrain development timing.

In summary, the Corporation requires reasonably consistent land planning information to be able to plan and schedule servicing on its capital investment programme. The City of Rockingham should take these factors into consideration in administering its land planning instruments.

| No. 67 Ms Paula Silla - 62 Marillana Drive, Golden Bay WA 6174 |
| Re: Proposed Amendment to Planning No. 2 - Amendment No. 106 |
| As a resident in Golden Bay for close to 40 years, I hereby register my strongest objection to the above Amendment for the following reasons - |
| Having obtained a copy of the 1994 CDP and compared it with the Developer’s current proposal, I note the enormous difference between the two. |
| In addition, the proposed Structure Plan conflicts with Town Planning Scheme No 2 because the density required is much greater than the R-Codes currently shown in that Scheme. For this reason, I **strongly oppose** Scheme Amendment 106, on the basis that it proposes to take away any reference to R codes, therefore allowing the proposed, high- |

<p>| COMMENT | RECOMMENDATION |
| Refer to comments on Submission 1, 4 &amp; 37. |
| The advertising of a proposed Structure Plan should not be misconstrued that the Council approval will be granted. |
| Residential character is a relevant planning consideration on the Council’s assessment of the proposed Structure Plan rather than the Scheme Amendment. |
| That the submission be rejected. |</p>
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<td>density Structure Plan to be implemented.</td>
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<td>In my view, Amendment 106 should proceed as the housing densities of R20 and R40 currently shown in Town Planning Scheme No. 2 are more in keeping with the general area, but more particularly that of Secret Harbour. Any amendment made to remove the existing densities shown in the Scheme, so that developments with densities of up to R80 are enabled, is opposed in the strongest terms.</td>
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<td>In its deliberation of this proposal, I believe that it is incumbent upon Council to take into account the existing character and uniqueness of Golden Bay.</td>
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<td>Developed in the early-to-mid 1960s, Golden Bay is a classic example of an R10 zoning under the then, Metropolitan Regional Planning Scheme. It was the availability of a larger block, with its inherent privacy and lifestyle that it offered, that drew many to the area.</td>
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<td>Golden Bay retained this ‘uniqueness’ despite the shift in the 1980s to an ‘average’ zoning of R20, followed by yet another change to the current ‘average’ of R30.</td>
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<td>Understanding that Council is now operating under different guidelines and given that it is a decision of the Government to opt for higher density, as opposed to urban sprawl, this to me, is all the more reason why one should argue for the retention and indeed extension to, the character and uniqueness of the existing Golden Bay town site.</td>
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<td>The precedent for this has already been set by Council and I draw Council’s attention to the Shoalwater Housing Scheme. This Scheme made it impossible to subdivide existing blocks, with the trade-off being that medium density housing was allowed in the 500m radius from the Shoal water Shopping Centre and Penguin Road Commercial Centre.</td>
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<td>Council entered into extensive discussions and negotiations with the State Planning Commission at the time and was successful in brokering an outcome which ensured that the ‘character’ and ‘uniqueness’ of Shoalwater would not be compromised.</td>
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<td>I believe that any further development of Golden Bay deserves to be considered in the same light as that of the precedent which has been set and I would urge Council to especially argue for the retention of the character and uniqueness of the proposed development area</td>
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both in i.e. east of Minderoo Crescent (Stage 3) and that abutting Golden Bay i.e. north of Dampier Drive.

Furthermore, I find it particularly disturbing and alarming that an R80 zoning is proposed in close proximity to the northern end of Golden Bay. Noting that this is prime beach-front land and that a very small buffer of R20 and R40 zoning is proposed, nevertheless, my view is that all of these contribute to a far too dense development. This belief applies equally to that portion of the development which bounds the Rhonda Scarrott Reserve.

Additionally, quoting from a report to Council dated 28th September, 2010, Point 3 - 'DETAILS' which states -

" .......... To ensure the Scheme Maps are consistent with a future Structure Plan, a Scheme Amendment is required to delete the (R5), (R5120) and (R20140) Residential Code Notations from the Scheme Maps. "

The operative word for me in the above quote is 'future' and it seems to me that this is a classic case of putting the cart before the horse.

Appreciating that both in legal terms and by nature, Amendments must run their course, before final consideration and adoption or otherwise, the above seems to be a preemptive move which appears to provide the developer with open slather.

Also fully understanding the City of Rockingham's role, i.e. that legally it must vote on allowing or otherwise, for these Amendments to be advertised, I also believe that Council, if indeed it had had the best interests of existing ratepayers at heart, has been remiss in not undertaking prior negotiations with the developer, sending the developer back to the drawing board, on the basis that the proposed density was too high, before voting on the advertising period.

Further, I believe that in this, the City of Rockingham has failed in its 'duty of care' (if this is the right terminology) to existing residents. For many years, Golden Bay (and Singleton) residents have been the butt of jokes as being the 'fringe dwellers of the City of Rockingham' and perhaps, still today, that mentality continues to exist within Council, despite the fact that we are all ratepayers
within the Municipality and as such, should be considered on equal terms.

Please do not treat us as ‘country bumpkins,’ as there are many well-learned, knowledgeable and talented people within our community who will not have this wool (Amendment 106) pulled over their eyes!

In my view, the R-Coding proposed by the developer in the current CDP are, overall, far too high, especially if viewed in conjunction with the ‘uniqueness’ of Golden Bay, the lack of supporting infrastructure such as emergency services, educational, medical and hospital facilities and most especially, police presence. Each of these services is already stretched to the limit and the resultant growth in population in the area, will only exacerbate the situation.

Under current conditions, it is almost impossible to get a police response. This is not because they do not want to, but simply because of the vast areas that a handful of personnel have to cover and the need to assess the priority of calls. As a result, the incidence of home invasion, ‘hooning’ and general antisocial behaviour goes largely unresponded to, or at best, the response is too late to be effective.

Referring to the hooning and anti-social behaviour, those who choose to follow this path know quite well that they can do as they please, because the chances of being caught are less than negligible.

Given its somewhat isolated location, Golden Bay has been and continues to be, a haven for those with this propensity and for others with greater criminal intent, the latter being a well-documented fact.

Whilst I have no desire to be seen as being biased, given who the Developer is, the ration (1:9) for provision of social housing, the element that this tends to bring with it, the disturbing bad publicity that this element creates (for both the Minister and the Department) and which, of late, has become an almost every-day occurrence as reported by the media, does nothing to instil confidence in the need for this Amendment, or this project, at this particular point in time.

Furthermore, as Residential Coding ranges from R20 to R80, in my view, it really makes a mockery of the ‘assurances’ we are being given in relation to this aspect. Doesn't higher density equal more social housing? The ratio

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may remain the same, but is the incidence not
greater?

Not so long ago, there was a proposal to site a
Police Station in Secret Harbour, one which
was greeted with applause by the residents of
Golden Bay. In its wisdom, however, the
current Government chose to mothball this
idea.

I remain somewhat amused at the Developer's
offer of P.O.S (which we all know is mandatory
and really negates the gesture). At a recent
meeting of the combined Progress Associations
of Golden Bay, Singleton and Secret Harbour,
we were told by representatives of Peet and
Co. that these areas would be more than
adequate for children to play freely.

I have take a drive around the are since that
meeting and it appears to me that these areas
have wither been landscaped or left in their
original state (?) and are clearly NOT suitable
to be considered as 'playgrounds'.

I also have to question the need for yet
another Surf-Life Saving Club when one
already exists in Secret Harbour? Granted that
there are never enough of such facilities and
yet another should be viewed in a very positive
light, however, the existence of the site for a
future Life Saving Club can only be seen as a
'sweetener' and nothing more than a strategy
by the developer to attract buyers.

On the other-hand, if the Developer sees that
the potential exists for some 'spare cash' at the
end of this development, perhaps these funds
would be better directed to assisting the State
Government to build a well-manned Police
Station, added Emergency Services i.e. Fire
Brigade, S.E.S, Ambulance and additional
Water Rescue.

If and when an absolute and firm commitment
is made by the State Government to provide all
of these essential services and Council is able
to successfully broker an agreement for the
retention of the character and uniqueness of
Golden Bay, then support for this Amendment
might illicit and entirely different response.

In my view, Amendment No. 1060 is fraught
with too many dangers and unknowns and I
cannot stress, in much stronger terms, my total
objection.

Re: Proposed Amendment to Planning Policy
6.3 - Local Commercial Strategy

As a resident in Golden Bay for close to 40
years, I hereby register my objection to the above Amendment for the following reasons -

- I question the need for yet another Shopping Centre within the confines of this particular area.
- There is an existing Shopping Centre in Secret Harbour and as a designated Town Centre, allows room for further development to occur within that precinct.
- Of major concern for me particularly, is the impact that yet another Shopping precinct will have, on the existing local Shopping Centre in Golden Bay and the stand-alone commercial outlet on the Corner of Marillana and Crystaluna Drive. The proprietors if these shops have offered a much-needed service to Golden Bay for many years, as prior to the development of the Secret Harbour site, residents and holiday-home owners in Golden Bay, relied heavily on being able to obtain the staples of life, locally. The alternative was to travel either to Rockingham or Mandurah. The proprietors of the varied outlets at the Golden Bay Shopping Centre have eeked out a living for many years and continue to struggle to stay afloat. I commend them for their tenacity, stamina and for the valued service they provide to local residents and for those who choose to use Golden Bay as their weekend or holiday R & R.

It is a well established trade fact that, within in any shopping centre, each outlet serves to mutually enhance the 'attraction' and thereby contributes to the well-being of all traders within the precinct.

Should some proprietors be forced to close their doors, the Golden Bay community would be severely impacted upon, yet again. Residents could face the real prospect of losing local and readily accessible health services such as Medical, Dental, Chiropractic, and Pharmaceutical, which would impact quite severely on all residents, but most especially, the aged, who reside in the area. Losing these facilities would mean the difference between them being able to continue to enjoy the lifestyle they now do, or move - something which I have seen happening in the past, when no such facilities existed.

Another aspect to consider is the employment opportunities that these local outlets provide. Whilst some may be family run businesses, others (to use just one example) such as the

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| years, I hereby register my objection to the above Amendment for the following reasons -
- I question the need for yet another Shopping Centre within the confines of this particular area.
- There is an existing Shopping Centre in Secret Harbour and as a designated Town Centre, allows room for further development to occur within that precinct.
- Of major concern for me particularly, is the impact that yet another Shopping precinct will have, on the existing local Shopping Centre in Golden Bay and the stand-alone commercial outlet on the Corner of Marillana and Crystaluna Drive. The proprietors if these shops have offered a much-needed service to Golden Bay for many years, as prior to the development of the Secret Harbour site, residents and holiday-home owners in Golden Bay, relied heavily on being able to obtain the staples of life, locally. The alternative was to travel either to Rockingham or Mandurah. The proprietors of the varied outlets at the Golden Bay Shopping Centre have eeked out a living for many years and continue to struggle to stay afloat. I commend them for their tenacity, stamina and for the valued service they provide to local residents and for those who choose to use Golden Bay as their weekend or holiday R & R.

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Should some proprietors be forced to close their doors, the Golden Bay community would be severely impacted upon, yet again. Residents could face the real prospect of losing local and readily accessible health services such as Medical, Dental, Chiropractic, and Pharmaceutical, which would impact quite severely on all residents, but most especially, the aged, who reside in the area. Losing these facilities would mean the difference between them being able to continue to enjoy the lifestyle they now do, or move - something which I have seen happening in the past, when no such facilities existed.

Another aspect to consider is the employment opportunities that these local outlets provide. Whilst some may be family run businesses, others (to use just one example) such as the | RECOMMENDATION |
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<tr>
<td>Hair Salon, I <em>know</em> has been the source of numerous apprenticeships over the years. There is little doubt in my mind that the family-run businesses would be forced to close, thereby creating a domino affect on the others. It might be argued that this Amendment too could provide similar opportunities; however, if viewed in conjunction with Amendment 106 and the extremely high density of population that it proposes, competition would be greater for the positions that may be created. Has the Developer conducted impact studies on this aspect and if so, are the results of these studies open to public scrutiny? If no studies have been done, then why not? For the above reasons, I register my strongest objection to the Proposed Amendment to Planning Policy 6.3 - Local Commercial Strategy.</td>
<td></td>
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</tr>
<tr>
<td>No. 68 Mr Brian Seale - 10 Santona Boulevard, Ellenbrook WA 6069</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>Local authority is ideally placed to govern density issues.</td>
<td></td>
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</tr>
<tr>
<td>No. 69 - Mr Gordon Bukur - 93 Three Bears Loop, Secret Harbour WA 6173</td>
<td>The provision of Council services to existing residents will not be affected by the deletion of R-Codes on the Scheme Maps.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>I do not support the amendment to remove the R20/40 or R5/20 because it will impact on council services to the existing residents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 70 - Ms Janice Gilchrist - 20 Swanson Way, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 1 &amp; 57.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>The sizes of the lots over the development are not in sink with the surrounding properties and will deliver an unsustainable population to an area that is in need of more facilities before a venture of this proportion should be considered.</td>
<td></td>
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</tr>
<tr>
<td>No. 71 – Mr Robert de Waayer – 15 Boolardy Road, Golden Bay WA 6174</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No comment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 72 - Mr Shane Williams and Ms Karen Thielemann - 6 Tuckey Place, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 1 &amp; 37.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>There has been a lack of community consultation in regard to stage 1 of the development in regard to the increased density. This is both offensive and concerning.</td>
<td></td>
<td></td>
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</tbody>
</table>
The increased density will adversely affect our quality of life and does not integrate with the existing Golden Bay area.

**No. 73 - Ms Diane Carter - 33 Noreena Avenue, Golden Bay WA 6174**
I am deeply offended and disappointed at the total lack of community consultation in regard to Stage 1 of the development in regard to increased density. I strongly oppose being asked to give retrospective endorsement to the removal of the Residential Density Notation.

Stage 1 of the Golden Bay development is not related to the Amendment to remove R-Code designations from the Scheme Map. The residential densities ('R-Codes') approved as part of the Stage 1 subdivision are consistent with the R-Code designations shown on the Scheme Maps.

**No. 74 - Mr Mervyn Beresford - 1 Noreena Avenue, Golden Bay WA 6174**
As per Submission No.73

**No. 75 - Mrs Betty Lorraine Beresford - 1 Noreena Avenue, Golden Bay WA 6174**
As per Submission No.73

**No. 76 - Mr Ross Hedley - 15 Reilly Street, Singleton WA 6175**
As per Submission No.73

**No. 77 - Mr Terry Ball - 352 Safety Bay Road, Safety Bay WA 6169**
As per Submission No.73

**No. 78 - Mr Edward Laferla - 11 Erlistoun Street, Golden Bay WA 6174**
As per Submission No.73

**No. 79 - Mr Ricardo and Mrs Simone Neale - 25 Turtles Bend, Secret Harbour WA 6175**
As per Submission No.73

**No. 80 - Mr Derek and Mrs Melissa Abbey - 8 Ellendale Street, Golden Bay WA 6174**
As per Submission No.73

**No. 81 - Mrs Sandra Martinez - 11 Messina View, Secret Harbour WA 6173**
As per Submission No.73

**No. 82 - Mr Julio Martinez - 11 Messina**

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<td>No. 73</td>
<td>Stage 1 of the Golden Bay development is not related to the Amendment to remove R-Code designations from the Scheme Map. The residential densities ('R-Codes') approved as part of the Stage 1 subdivision are consistent with the R-Code designations shown on the Scheme Maps.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 74</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 75</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 76</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>View, Secret Harbour WA 6173</td>
<td>Submission 73.</td>
<td>rejected.</td>
</tr>
<tr>
<td>No. 83 - Mr Brad and Mrs Sandy Lamb - 3 Genoa Place, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 84 - Mr Paul Flannery - 3 Strelley Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 85 - Mr Lee and Mrs Julie McGovern - 27 Mileura Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 86 - Mrs Kylie Flannery - 3 Strelley Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 87 - Mrs Jane Gropp - 2 Tarwhine Place, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 88 - Mr Terry Gropp - 2 Tarwhine Place, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 89 - Mr Mark and Mrs Andrea Vanderlist - 33 Wooleen Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 90 - Ms Beverley Merenda - 8 Marlin Way, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 91 - Mr and Mrs Hayward - 15 Mileura Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 92 - Mr Kevin and Mrs Wendy - 7 Pardoo Place, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 93 - Mr Bruce Vernon - 44 Tangadee Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 94 - Mr Maurice and Mrs Elza Bassi - 1 Woodlands Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
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<tr>
<td>No. 95 - Mr Warren and Mrs Gillian Hewett - 12 Boolardy Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 96 - Mr Keith and Mrs Debbie Staniland - 81 Crystaluna Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 97 - Mr Damon Lukins - 5 Callawa Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 98 - Ms Derris Alexander - 32B Dampier Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 99 - Mr Carey and Mrs Jan McAllan - 7 Callawa Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 100 - Ms Cheryl Alexander - 48 Minderoo Crescent, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 101 - Mr Robert and Mrs Vicki Cooper - 5 Boolardy Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 102 - Ms Roslyn Oxwell - 8 Margaret Road, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 103 - Mr Robert Macintyre - 2 Munja Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 104 - Mrs Cockram - 7 Korong Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 105 - Mr David Townsend - 22 Yaringa Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 106 - Ms Diane Johnson - 53 Blue Fin Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 107 - Mr Aaron Reddall - 4 Callawa</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td><strong>Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Submission 73.</td>
<td>rejected.</td>
</tr>
<tr>
<td><strong>No. 108 - Mr Frank Calzoni - 53 Blue Fin Drive, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 109 - Ms Debbie Carroll - 17 Ivanhoe Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 110 - Mr Alan, Ms Joanne &amp; Ms Madison Hopkins - 41 Navigator Drive, Singleton WA 6175</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 111 - Mr Andrew Hoddinolt - 24 Karunjie Road, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 112 Ms Lana Hunter - 5 Ivanhoe Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 113 Mr Ian and Mrs Therese Spiers - 10 Woodlands Road, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 114 - Ms Lesley Hedley - 15 Reilly Street, Singleton WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 115 - Ms Margaret Grlosich - 352 Safety Bay Road, Safety Bay WA 6169</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 116 – Mr Douglas and Mrs Jenny Kitchingman</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 117 - Mr Richard and Mrs Sharon Barrett - 16 Lowlands Crescent, Secret Harbour WA 6173</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 118 - Mr Kevin Anderson - 20 Lowlands Crescent, Secret Harbour WA 6173</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 119 – Ms Michelle Boulton - 114</strong></td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>Wolfe Road, Banjup WA 6164</td>
<td>Submission 73.</td>
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<tr>
<td>No. 120 – Mr John and Mrs Derrell Boyce - 11</td>
<td>Refer to comments on</td>
<td>That the submission be</td>
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<tr>
<td>Dampier Drive, Golden Bay WA 6174</td>
<td>Submission 73.</td>
<td>rejected.</td>
</tr>
<tr>
<td>No. 121 – Ms Jade and Ms Sonia Hiller - 8</td>
<td>Refer to comments on</td>
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<tr>
<td>Strelley Road, Golden Bay WA 6174</td>
<td>Submission 73.</td>
<td>rejected.</td>
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<tr>
<td>No. 122 – Mr Herbert and Mrs Doris Ritz - 40</td>
<td>Refer to comments on</td>
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<tr>
<td>Yaringa Street, Golden Bay WA 6174</td>
<td>Submission 73.</td>
<td>rejected.</td>
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<tr>
<td>No. 123 – Mr Edward, Ms Linda and Ms Storm</td>
<td>Refer to comments on</td>
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<tr>
<td>Janczyk - 34 Marillana Drive, Golden Bay WA</td>
<td>Submission 73.</td>
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<tr>
<td>No. 124 - Mr Jeffrey Phillips - 11 Shivery</td>
<td>Refer to comments on</td>
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<tr>
<td>Fairway, Secret Harbour WA 6173</td>
<td>Submission 73.</td>
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<td>No. 125 - Mr Robert and Mrs Leona Hudson - 8</td>
<td>Refer to comments on</td>
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<tr>
<td>Salton Street, Secret Harbour WA 6173</td>
<td>Submission 73.</td>
<td>rejected.</td>
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<tr>
<td>No. 126 - Mr Terry Ainge - 33 Bancoura</td>
<td>Refer to comments on</td>
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<tr>
<td>Parkway, Secret Harbour WA 6173</td>
<td>Submission 73.</td>
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<td>No. 127 - Mr Martyn Bradbury - 68 Three Bears</td>
<td>Refer to comments on</td>
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<tr>
<td>Look, Secret Harbour WA 6173</td>
<td>Submission 73.</td>
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<tr>
<td>No. 128 - Mr Paul Shepherdosn - 26 Crystaluna</td>
<td>Refer to comments on</td>
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<tr>
<td>Drive, Golden Bay WA 6174</td>
<td>Submission 73.</td>
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<tr>
<td>No. 129 - Mr Aiden Slinger - 12 Mileura</td>
<td>Refer to comments on</td>
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<tr>
<td>Street, Golden Bay WA 6174</td>
<td>Submission 73.</td>
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<td>No. 130 - Ms Suzanne Corbett - 54 Three Beard</td>
<td>Refer to comments on</td>
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<tr>
<td>Loop, Secret Harbour WA 6173</td>
<td>Submission 73.</td>
<td>rejected.</td>
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<td>No. 131 - Ms Mary Egan - 53 Murdoch Drive,</td>
<td>Refer to comments on</td>
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<tr>
<td>Singleton WA 6175</td>
<td>Submission 73.</td>
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<tr>
<td>Submission</td>
<td>Comment</td>
<td>Recommendation</td>
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<tr>
<td>No. 132 - Ms Peta Mitton - 1 Margaret Road, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 133 - Ms Julie Furness - 26 Mileura Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 134 - Mr Matthew Colley - 215 Secret Harbour Blvd, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 135 - Mr Ricardo Neale - 25 Turtles Bend, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 136 - Ms Cheryl Phillips - 11 Shivery Fair Way, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 137 - Ms Claire Goodworth - 47 Bancoura Parkway, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 138 - Mr Peter Gunn - 1 Glenroy Avenue, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 139 - Mr Nellie Petrarich - 2 Korong Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 140 - Ms Suzie Curry - 9 Sawley Close, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 141 - Mr John Schaufele - 13 Pesaro Green, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 142 - Mr Wayne Payton - 3 Yeeda Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 143 - Mr Brian Preston - 38 Bight Reefs Road, Singleton WA 6175</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 144 - Mr Daniel Curry - 9 Sawley</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>SUBMISSION</td>
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<tr>
<td><strong>Close, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Submission 73.</td>
<td>rejected.</td>
</tr>
<tr>
<td><strong>No. 145 - Mr John and Mrs Melinda Hughes - 23 Karunjie Road, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 146 - Ms Lisa Inglis - 12 Villaret Terrace, Secret Harbour WA 6173</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 147 - Mr Robert Coopes - 5 Mileura Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 148 - Mrs Sandra Bomer- 21 Cobblestones Circuit, Secret Harbour WA 6173</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<td><strong>No. 149 - Mr Dider Bodmer - 21 Cobblestones Circuit, Secret Harbour WA 6173</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td><strong>No. 150 - Mrs Sharon Sime - 6 Margaret Road, Secret Harbour WA 6173</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 151 - Mr Matthew Dance - 46 Yanrey Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 152 - Mr David Manzoney - 45 Wooleen Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td><strong>No. 153 - Mr Roy Edwards - 104 Dampier Drive, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td><strong>No. 154 - Ms Judith Fordham - 104 Dampier Drive, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<td><strong>No. 155 - Mr Kevin Hutchinson - 102 Dampier Drive, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td><strong>No. 156 - Mr Paul and Mrs Megan Martinez - 4 San Javier Circle, Secret</strong>&lt;br&gt;As per Submission No.73</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<td>Harbour WA 6173</td>
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<td>No. 157 - Ms Julie Glover - 24 Camargue Green, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 158 - Mrs Marie Rose - 5 Twilight Ridge, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
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<td>No. 159 - Mr Jason Rose - 5 Twilight Ridge, Secret Harbour WA 6173</td>
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<td>No. 160 - Mr Cameron McCall - 7 Hassars Road, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
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<td>No. 161 - Mr Jeremy Wilkinson - 19 Champlain Road, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 162 - Ms Alison Brown - 22 Woodlands Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 163 - Mrs Kerry and Mr Gordon Hall - 9 Messina View, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 164 - Mr Gordon Hall - 9 Messina View, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
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<td>No. 165 - Mr Brett Samuels - 23 Messina View, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
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<td>No. 166 - Mr Patrick Moran - 21 Patman Road, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 167 - Ms Laurelle Coto - 20 Beacon Way, Singleton WA 6175</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 168 - Mr Andrew Warburton - 9 Glenroy Street, Golden Bay WA 6174</td>
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<td>No. 169 - Mr Marris Kenley - 1 Arbor Close, Singleton WA 6175</td>
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<td>No. 170 - Mrs Margaret Gunn - 1 Glenroy Avenue, Golden Bay WA 6174</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 171 - Mr Graham Garvey - 20 Stamford Crescent, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 172 - Mr Scott Goodworth - 47 Bancoura Parkway, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 173 - Ms Patricia Quinlan - 6 Navigator Drive, Singleton WA 6175</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 174 - Ms Annette Rolt - 4 Minderoo Crescent, Golden Bay WA 6174</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 175 - Ms Judith Baker - 20 Stamford Crescent, Secret Harbour WA 6175</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 176 - Ms Liz Kent - 25 Elwell Street, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission No.73.</td>
<td>That the submission be rejected.</td>
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<td>No. 177 - Ms Felicity Lukins - 5 Callawa Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 178 - Ms Jodie Lindsay - 111 Dampier Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 179 - Mr Dave Spaidine - 33 Miltona Drive, Secret Harbour WA 6173</td>
<td>Refer to comments on Submission No.73.</td>
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<td>No. 180 - Mr Matthew Taylor - 6 Trevally Place, Golden Bay WA 6174</td>
<td>Refer to comments on Submission No.73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 181 - Mrs Yvette Taylor - 6 Trevally</td>
<td>Refer to comments on</td>
<td>That the submission be rejected.</td>
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</tbody>
</table>

CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 20 FEBRUARY 2012

PRESIDING MEMBER
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<thead>
<tr>
<th>Submission</th>
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<tr>
<td>Place, Golden Bay WA 6174</td>
<td>As per Submission No.73</td>
<td>Submission 73. rejected.</td>
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<tr>
<td>No. 182 - Mr Robert McLaren and Ms Marissa Beever - 16 Ivanhoe Street, Golden Bay WA 6174</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
</tr>
<tr>
<td>No. 183 - Mr Mark Lee - 12 Korong Road, Golden Bay WA 6174</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 184 - Mr John Acland - 11 Callawa Street, Golden Bay WA 6174</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 185 - Mr Richard Kent - 25 Elwell Street, Secret Harbour WA 6173</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 186 - Mrs Juoy Payton - 3 Yeeda Road, Golden Bay WA 6174</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 187 - Ms Gail Ainge - 33 Bancoura Parkway, Secret Harbour WA 6173</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
</tr>
<tr>
<td>No. 188 - Mr Chris Elliott - 1 Treasure Road, Singleton WA 6175</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 189 - Ms June Payne - 13 Pesaro Green, Secret Harbour WA 6173</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 190 - Mrs Sarah Holdich - 34 Bandol Gardens, Secret Harbour WA 6173</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<td>No. 191 - Mr Joe Smink - Texoma Link, Secret Harbour WA 6173</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 192 - Mr Mark Corbett - 54 Three Bears Loop, Secret Harbour WA 6173</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 193 - Mr Alex Kelly - 33 Crystaluna Drive, Golden Bay WA 6174</td>
<td>As per Submission No.73</td>
<td>Refer to comments on Submission 73. That the submission be rejected.</td>
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<tr>
<td>No. 194 - Mr Terence and Mrs Norma Dwyer - 50 Marillana Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 195 - Ms Rona Craig - 39 Ellendale Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 196 - Mr Ronald Taylor - 30 Marillana Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 197 - Mrs Anne Taylor - 30 Marillana Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 198 - Ms Lisa Deverall - 31 Dampier Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 199 - Mrs Lauren Egan - 53 Murdoch Drive, Singleton WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 200 - Mr Aaron Fury - 53 Murdoch Drive, Singleton WA 6175</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 201 - Ms Belinda Egan - 53 Murdoch Drive, Singleton WA 6175</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>No. 202 - Mr Shane Craig and Ms Kym Thomas - 3 Weebo Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 203 - G. E. Forsyth - 9 Dampier Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
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<tr>
<td>No. 204 - Ms Valerie Boulton - 18 Forest Walk, Kardinya WA 6163</td>
<td>Refer to comments on Submission 73.</td>
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<tr>
<td>No. 205 - Mr Peter Boulton - Lot 114 Wolfe Road, Banjup WA 6164</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>No. 206 - Mr Gordon Pearce and Mrs Jane Pearce - 15 Ivanhoe Street, Golden Bay</td>
<td>Refer to comments on</td>
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<td><strong>No. 207 - Mr Lloyd Carter - 33 Noreena Avenue, Golden Bay WA 6174</strong></td>
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<td><strong>No. 208 - Mr Peter Egan - 53 Murdoch Drive, Singleton WA 6175</strong></td>
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<td><strong>No. 209 - G. E. Forsyth - 9 Dampier Drive, Golden Bay WA 6174</strong></td>
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<td><strong>No. 210 - Mr Kevin Anderson - 20 Lowlands Crescent, Secret Harbour WA 6017</strong></td>
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<td><strong>No. 211 - Mr Steve Doughty - 3 Chesney Court, Gladstone Park Victoria</strong></td>
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<td><strong>No. 212 - Mr Andrew Whittington - 43 Blue Fin Drive, Golden Bay WA 6174</strong></td>
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<td><strong>No. 213 - Mrs Doris Ritz - 40 Yaringa Street, Golden Bay WA 6174</strong></td>
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<td><strong>No. 214 - Mr Steve and Nerida Taylor - 23 Pardoo Place, Golden Bay WA 6174</strong></td>
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<td><strong>No. 215 - Mr and Mrs Smith - 27 Three Bears Loop, Secret Harbour WA 6173</strong></td>
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<td><strong>No. 216 - Ms Clare Quinn - 7 Cronulla Road, Secret Harbour WA 6173</strong></td>
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<td><strong>No. 217 - Ms Jennifer Leggoe - 40 Minderoo Crescent, Golden Bay WA 6174</strong></td>
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<td><strong>No. 218 - Mr Eric Eisenmann - 24 Noreena Avenue, Golden Bay WA 6174</strong></td>
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<td>No. 219 Ms Vanessa Macrin</td>
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<td>No. 220 - Ms Debbie De Araugo - 19 Alassio Parade, Secret Harbour WA 6173</td>
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<td>No. 221 - Mr D Armitage and D Kent - 11 Rathbun Street, Secret Harbour WA 6173</td>
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<td>No. 222 - Mr John Schaufele - 13 Pesaro Green, Secret Harbour WA 6173</td>
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<td>No. 223 - Mr Hayden and Mrs Caroline Brougham - 11 Chelan Way, Secret Harbour WA 6173</td>
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<td>No. 224 - Mr Patrick and Mrs Rachel Garrity - 101 Greenson Parkway, Secret Harbour WA 6173</td>
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<td>No. 225 - Mrs Jean Webb - 180 Dampier Drive, Golden Bay WA 6174</td>
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<td>No. 226 - Mr Robert O'Grady Smith - 24 Keystone Loop, Secret Harbour WA 6173</td>
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<td>No. 227 - Mr Paul and Mrs Ann Emslie - 9 Woodlands Road, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 1 &amp; 73.</td>
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<td>As per Submission No. 73</td>
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<td>Will Muccan Way be opened up as a through fare for traffic? We have a nice quite street. We are opposed to having R40, R60 a stones throw from our property. We moved from ‘fish density’ living in Canning Vale to Golden Bay 12 months ago. Strongly oppose R80 along foreshore.</td>
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<td>No. 228 - Raewyn Willisms - 24 Dampier Drive, Golden Bay WA 6174</td>
<td>Refer to comments on Submission No. 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>As per Submission No. 73</td>
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<td>What is happening with the school. Comet Bay Primary School is BURSTING and my son has learning difficulties. Too many kids not enough schools.</td>
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<td>SUBMISSION</td>
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<tr>
<td><strong>No. 229 – Mr Paul Peterson – 16 Dampier Drive, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73&lt;br&gt;Open up more vacant land around Rockingham area where they (the council) spend all the money (our money) possibly near the foreshore near your house.</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 230 – Mr John Clark – 33 Yanrey Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73&lt;br&gt;Open up more vacant land around Rockingham area where they (the council) spend all the money (our money) possibly near the foreshore near your house.&lt;br&gt;You - those involved (Government... Labour and Liberal.; State planning office, Homeswest, Rockingham City!! Have created a “fail example”. We should have been fully informed before the first sod of sand was moved. A pose on all of you. You are all parasites!!</td>
<td>Refer to comments on Submission 73. The submission doesn’t raise any valid planning arguments and the offensive remarks are an indication of how concerned the submissioner views this issue.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 231 – C. Poolie – Woodlands Road, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73.&lt;br&gt;The amount of sand and dust being blown over the local area from stage 1 is no acceptable.</td>
<td>Refer to comments on Submission 1 &amp; 73. Sand Drift from a subdivision site is a compliance matter by the City's Engineering Services.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 232 – Ms Kathy Taylor – 17 Messina View, Secret Harbour WA 6173</strong>&lt;br&gt;As per Submission No.73&lt;br&gt;Where are the funds coming from? We can't even get the funds for a much needed police station. The whole thing is ridiculous.</td>
<td>1. Refer to comments on Submission 73.&lt;br&gt;2. The removal of R-Code designations from the Scheme Map has no financial cost implications for the City.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 233 – Mr John Pearson and Ms Kerry Olds – No. 8 Callawa Street, Golden Bay WA 6174</strong>&lt;br&gt;As per Submission No.73&lt;br&gt;Save Golden Bay of its natural beauty, relaxed lifestyle. I oppose the squawler that you are about to turn this beautiful place into (ugliness).</td>
<td>1. Refer to comments on Submission 73.&lt;br&gt;2. Refer to comments on Submission 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td><strong>No. 234 – Mr Scott Martinez – 11 Messina</strong>&lt;br&gt;</td>
<td>1. Refer to comments</td>
<td>That the submission be</td>
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<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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| **View, Secret Harbour WA 6173** | As per Submission No.73  
To add to the above, my street links with a Golden Bay road, as a large park is across from my property which many kids use. Due to the increased density of housing in the new development, there will be a massive increase of traffic around that parl. I would have thought that the council has a duty of care to reduce the impact around this recreational area. Why have a link road from the new development to Secret Harbour, via Kingscliffe drive. Warnbro Sound Ave is adequate. | on Submission 73.  
2. Refer to comments on Submission 1 & 4. | rejected. |

**No. 235 - Ms Jennifer Welch - 5 Glenroy Avenue, Golden Bay WA 6174** | As per Submission No.73  
There was a police station land was sold. We do not live in London and the opportunity for work without travel is the only way people could live. It may be an easy answer for Troy Buswell, but let him have it in this suburb. | 1. Refer to comments on Submission 73.  
2. Refer to comments on Submission 1. | That the submission be rejected. |

**No. 236 - Mr Eric and Mrs Lynette Holland - 29 Blue Fin Drive, Golden Bay WA 6171** | As per Submission No.73  
Go Ahead and provide housing for those waiting, please. | 1. Refer to comments on Submission 73.  
2. Noted. | That the submission be rejected. |

**No. 237 - Mr Paul and Mrs Rachel Robinson - 24 Yanrey Street, Golden Bay WA 6174** | As per Submission No.73  
There are too many houses for such a small community. The increase of traffic will be mayhem and it should not be called Golden Bay! Comet Bay is a more appropriate name. | The design impacts of the future development of Golden Bay are not a relevant consideration to the proposed Scheme Amendment. Design issues are considered at the Structure Plan stage. | That the submission be noted. |

**No. 238 - Mr Redmond - 18 Mileura Street, Golden Bay WA 6174** | As per Submission No.73  
Is it legal to develop with these codes not already amended? | Refer to comments on Submission 73. | That the submission be rejected. |

**No. 239 - Mrs Helen Redmond - 18 Mileura Street, Golden Bay WA 6174** | As per Submission No.106 | Refer to comments on Submission 73. | That the submission be rejected. |

**No. 240 – Mr Paul and Mrs Lisa Lemin – 22 Pardoo Place, Golden Bay WA 6174** | As per Submission No.73 | Refer to comments on Submission 73. | That the submission be rejected. |
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<tr>
<th>SUBMISSION</th>
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<tr>
<td>R60/R80 is stupid and will put to many people in such a small area.</td>
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<tr>
<td>No. 241 - Mr and Mrs Sales - 21 Callawa Street, Golden Bay WA 6174</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>As per Submission No.73</td>
<td>I fully agree with all I have signed my name to.</td>
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<tr>
<td>No. 242 - Mr Michael Scriven - 3 Pardoo Place, Golden Bay WA 6174</td>
<td>1. Refer to comments on Submission 73. 2. Refer to comments on Submission 1 &amp; 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>As per Submission No.73</td>
<td>High density development should be more inland. Please don't cheapen our lovely area. Lets have one part of Rockingham that's not completely flattened to get as many houses fitted as possible.</td>
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<tr>
<td>No. 243 - Mr Vernon and Mrs Christine Owen - 6 Barramundi Street, Golden Bay WA 6174</td>
<td>1. Refer to comments on Submission 73. 2. Refer to comments on Submission 4.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>As per Submission No.73</td>
<td>We live on the busiest street in Golden Bay and if you go ahead with this proposal and you don't build a new primary school Barramundi Street will become intolerable with all the traffic going to Singleton Primary School. People drive so fast we have seen so many near misses.</td>
<td></td>
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<td>No. 244 - Mr Kevin Williams - 11 Rosebay Grove, Singleton WA 6175</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>As per Submission No.73</td>
<td>I strongly oppose being asked to give retrospective endorsement to the UK.</td>
<td></td>
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<tr>
<td>No. 245 - Mr Ray Martinez - 62 Three Bears Loop, Secret Harbour</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
</tr>
<tr>
<td>I wish to state my disappointment in the lack of community consultation in stage 1 regarding the increased density.</td>
<td>I oppose being asked to give retrospective approval and endorse the removal of the residential density notation.</td>
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<tr>
<td>No. 246 - Mrs Lisa Martinez - 62 Three Bears Loop, Secret Harbour</td>
<td>Refer to comments on Submission 73.</td>
<td>That the submission be rejected.</td>
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<tr>
<td>I am deeply offended and disappointed at the total lack of community consultation in</td>
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<tr>
<td>regard to Stage 1 of the development in regard to increased density. I oppose being asked to give retrospective endorsement to the removal of the Residential Density Notation.</td>
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**No. 247 - Sherridan Martinez - 62 Three Bears Loop, Secret Harbour**

I am deeply offended and disappointed at the total lack of community consultation in regard to Stage 1 of the development in regard to increased density. I oppose being asked to give retrospective endorsement to the removal of the Residential Density Notation.

Refer to comments on Submission 73.

That the submission be rejected.

**No. 248 - Ms Ashleigh Irwin - PO Box 7190, Secret Harbour WA 6173**

Response and arguments against Planning Proposals for Golden Bay Development.

I strongly oppose the Golden Bay development proposed density and social housing ratio of 1 in 9. The Golden Bay Development is approximately only a quarter of the area of neighbouring Secret Harbour, but there are plans to squeeze as many people into it. This will negatively impact local communities with regard to lifestyle, infrastructure, adequate policing, adequate medical attention, overcrowded schools, to name but a few.

This objection is based on the following concerns:

Structure Plan:

Residential Density

- I object to the small sizes of the blocks allocated. Some of the zones applied are those found in major metropolitan cities like London and not relevant to Golden Bay with it being located so far from regional resources. Nowhere else in the surrounding suburbs has this been allowed. In the past, there has been a consistent standard and size set which has attracted existing residents to the area based on the lifestyle it provides. We don't believe that the police, schools, local jobs (what about opportunities for the unemployed / social housing candidates?) or public transport (limited parking at Warnbro station park and ride) could cope with so

Refer to comments on Submission 1 & 4.

That the submission be rejected.
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<th>Submission</th>
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<td>many new dwellings packed into such a small area.</td>
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**Potential Negative Effect on our family’s Lifestyle**

- Our family have chosen to invest in living in Secret Harbour (The Breaks, adjacent to Golden Bay Development), so that we can enjoy a specific lifestyle that is free from overcrowding, even if it means commuting for up to 3 hours return journey to work each day. I believe that this high density development will have a negative impact on this lifestyle.

**Lack of Local Law Enforcement**

- The closest police station is almost 20 minutes away.
- There are numerous burglaries and vandalism in the area already. Further development and population increases to the proposed degree, would require a permanent local policing presence.

**Lack of infrastructure to support the number of people in this development.**

- Standing room only on trains during peak travel times from Rockingham onwards.
- The closest train station is almost 20 minutes away from Secret Harbour.
- There is no parking available at Warnbro station after 7:30am in the morning and Rockingham station parking is nearing capacity.
- This does not take into consideration the rapidly increasing population of Baldivis who also share the train services.

**Lack of local employment opportunities**

- You regularly read in the local newspaper of how companies based in Kwinana, such as Rio Tinto are moving more and more of their operations offshore at the cost of local jobs. I have many friends who are trades people and are currently battling to find work in the local area. Any form of industry is at least a 30 minute drive away.
- There is simply very limited work in the immediate area not only for local residents, but even less so for people that might have limited skills, training
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<td>and experience. The city is 55 kilometres away, which takes at least 1.25 hours (2.5 hours a day) to commute to via public transport and the Kwinana during rush hour.</td>
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<td>Hand Outs</td>
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<td>• From a social perspective I believe that people do need a 'helping hand', not a 'hand out' at the expense of other hard working Australians. I take issue with prime coastal property, in close proximity to the beach, that I have had to fund with a substantial 30 year mortgage and pay market rate for, being &quot;handed out&quot; as social housing at such a large ratio.</td>
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<td>Inadequate Schooling Facilities</td>
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<td>• While Secret Harbour has 2 primary schools and the Golden Bay development is proposing to build a 3rd, where are all these primary school children going to go to Senior school?</td>
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<td>• Our Primary and Senior Schools are already overcrowded. Comet Bay high school is currently at capacity and the proposed Golden Bay development is going to almost double the population in the immediate area.</td>
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<td>• It should be clear that simply expanding the current Comet Bay Senior School is simply not going to meet the proposed current or future requirement.</td>
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<td>Overcrowded Medical Facilities</td>
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<td>• Local medical centres are already extremely busy and we are mostly turned away for appointments, only to have to wait for up to three to four hours at the hospital to see a doctor.</td>
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<td>Potential Negative Equity Financial Impact</td>
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<td>• While I believe that social housing developments are necessary, there is no denying that they have a negative stigma attached to them. If not designed and managed correctly and if the property market continues to weaken, given global economic uncertainty this development could have a negative impact on all surrounding house property values.</td>
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<td>• One just needs to look at the number of houses for sale in close proximity to</td>
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<td>the development to realise that I am not the only resident concerned with this development having a negative equity impact on my property. Local residents are literally cutting their losses.</td>
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Risk Management
- I am not convinced that adequate risk management has been undertaken to mitigate the risks associated with this development. The current global market and flood of houses for sale could have an impact on the projected sales rate of blocks. If we assume a worst case scenario and a continuation of a “flat market” and the Department of Housing forges ahead with a one in nine social housing figure and continues to build and house people in these houses we might assume that the vast majority of the development will be filled with social housing. We could assume that this will have a negative branding on the development. Worst case scenario surrounding residential areas will have a fall in the value of their properties with the negative stigma attached to the social housing ratio. Although this is a worst case scenario, are these risks being considered and are decisions being made for mitigation?

Responsibility
- I have concerns that the Department of Housing and Peet will not be held to account should this project not be successful.
- From a worst case risk perspective, if this development has a negative impact on the surrounding suburbs' property prices, who will be financially held responsible?
- Disregard and Lack of Community Consultation
- I am disappointed that the Department of Housing have not engaged the local communities in any direct communications. If they believe in their product surely they would be standing behind this development and engaging the local community to instil confidence in them.
- No one from the department of housing and works was present at any
of the community meetings. Logic would say, given the substantial investment of this project that they would want to engage with the local community to ensure a transparent interaction and be able to answer public queries and concerns.

In conclusion, my family and I are very happy living in the City of Rockingham and we are excited to be a part of its bright future. This said, we believe that our chosen lifestyle, one we have paid premium prices to achieve, for which we are working extremely hard to maintain, will be negatively affected by this densely populated development and high ratio of social housing. Squeezing so many additional people into such a small area will put additional pressure on all local amenities and infrastructure will be put under further pressure and there does not seem to be adequate support for local policing and addressing commuting issues, especially where many of the unemployed are going to be housed so far away from the major work hub in Perth.

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Committee Voting – 2/1
(Cr Elliott voted against)

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

Not applicable

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

Not applicable
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<th>20.</th>
<th><strong>Date and Time of Next Meeting</strong></th>
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<td>The next Planning Services Committee Meeting will be held on <strong>Monday 20 February 2012</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<th>21.</th>
<th><strong>Closure</strong></th>
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<td>There being no further business, the Chairman of the Planning Services Standing Committee wished all Councillors, staff and their families compliments of the season and a Happy New Year, thanked them for their contribution over the past year and declared the meeting closed at 5.50pm.</td>
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