MINUTES
Planning Services Committee Meeting

Held on Monday, 14 May 2012 at 4:00pm
City of Rockingham Boardroom
City of Rockingham
Planning Services Committee Meeting Minutes
Monday 14 May 2012

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### Proposed Building Envelope Modification (Golden Bay)

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### Motions of which Previous Notice has been given

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

### Urgent Business Approved by the Person Presiding or by Decision of the Committee

### Matters Behind Closed Doors

### Date and Time of Next Meeting

### Closure
### 1. Declaration of Opening

The Chairman declared the Planning Services Committee Meeting open at 4.01pm 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 (arrived 4.05pm)
- Cr Allan Hill
- Cr Joy Stewart, Observer

#### 2.2 Executive
- Mr Andrew Hammond, Chief Executive Officer
- Mr Bob Jeans, Director Planning and Development Services
- Mr Peter Ricci, Project Manager Keralup
- Mr Brett Ashby, Manager Strategic Planning and Environment
- Mr Richard Rodgers, Manager Building Services (until 4.07pm)
- Mr Mike Ross, Manager Statutory Planning
- Mr Rod Fielding, Manager Health Services (until 4.04pm)
- Ms Melinda Wellburn, PA to Director Planning and Development Services

**Members of the Public:** 3

**Press:** 1

#### 2.3 Apologies:

Nil

#### 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 Hill, seconded Cr Elliott: 
That Council **CONFIRM** the Minutes of the Planning Services Committee Meeting held on 16 April 2012, as a true and accurate record.

Committee Voting – 4/0

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

Nil

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

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

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

Nil

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

Nil

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

Nil

11. **Bulletin Items**

**Planning Services Information Bulletin – May 2012**

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Foodsafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health & Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 North Rockingham Industrial Noise
   3.7 Ocean Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls - April 2012
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals - April 2012
   4.6 After Hours Noise & Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Building Plan Assessments
   4.9 Septic Tank Applications
   4.10 Demolitions
### Building Services

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

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Policy Manual Review (LUP/1265)
   - 3.2 Local Planning Strategy (LUP/1352)
   - 3.3 Amendment No.114 - Developer Contribution Plan No.2 (LUP/909)
   - 3.4 Local Biodiversity Strategy Review (EVM/22)
   - 3.5 Karnup District Water Management Strategy (EVM/136)
   - 3.6 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)
   - 3.7 Water Campaign (EVM/56-02)
4. Information Items
   - 4.1 Delegated Final Adoption of Structure Plan
   - 4.2 Delegated Minor Change to Structure Plan
   - 4.3 Proposed Lifting of Urban Deferment – Lots 3 and 806 Mandurah Road, Karnup (LUP/1593-05)
   - 4.4 Churchill Park Energy Efficient Lighting Retrofit Project – CEEP funding application
   - 4.5 Future Operation of the Point Peron Wastewater Treatment Plant (LUP/1426)
   - 4.6 Lake Richmond Water Quality Monitoring Program and Integrated Catchment Management Plan

### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 CouncilsOnline (Planning Products via the Web) formerly eDA
4. Information Items
   - 4.1 Land Use - Planning Enforcement
   - 4.2 Subdivision/Development Approvals and Refusals by the WAPC
   - 4.3 Notifications and Gazettals
   - 4.4 Subdivision Clearances
4.5 Subdivision Survey Approvals
4.6 Delegated Development Approvals
4.7 Delegated Development Refusals
4.8 Delegated Building Envelope Variations
4.9 Subdivision/Amalgamation Approved
4.10 Subdivision/Amalgamation Refused
4.11 Development Assessment Panels – Development Applications
4.12 Latitude 32 - Draft Local Structure Plan
4.13 Planning and Development Act Prosecution - Lorian Nominees Pty Ltd.

**Director Planning and Development**

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

**Committee Recommendation**

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

Committee Voting – 4/0

4.04pm - Mr Rod Fielding, Manager Health Services left the Planning Services Committee meeting.

4.05pm - Cr Leigh Liley arrived at the Planning Services Committee meeting.
12. Agenda Items

Building Services

Reference No & Subject: BS-001/12
File No: DBC/546
Proponent/s: Mr Colin Reguero, Senior Building Surveyor
Author: Mr Colin Reguero, Senior Building Surveyor
Other Contributors:
Date of Committee Meeting: 14th May 2012
Previously before Council:
Disclosure of Interest: Executive Function
Nature of Council’s Role in this Matter:
Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments: Delegations for Building Services 2012
Maps/Diagrams:

1. Purpose of Report

To adopt new Delegations of Authority due to the new Building Act 2011 and relevant legislation which commenced on the 2nd April 2012.

2. Background

Various Sections and Regulations have become operational on the following legislation since June 2011 with the predominant provisions being in force on the 2nd April 2012:-

- Building Act 2011
- Building Regulations 2012
- Building Services (Registration) Act 2011
- Building Services (Registration) Regulations 2011
Certain Sections of the following legislation have also been repealed or deleted:-

- Strata Titles Act 1985
- Local Government (Building Surveyors) Regulations 2008

### 3. Details

Due to change in legislation it was necessary to review the City of Rockingham Delegated Authority Register (2011 - 2012) to enable appropriate delegations to be in place.

As such, it is required to:-

   - 6.2 Demolition Licenses
   - 6.3 Certificates of Classification
   - 6.4 Building Licence – Permit Materials to be Deposited on Street
   - 6.5 Building Notices – Alterations, Unlawful Works, Dangerous, Uncompleted and Neglected Buildings
   - 6.6 Fire Escapes – Building Notices
   - 6.7 Swimming Pools
   - 6.8 Sand Drift Prevention and Abatement
   - 6.9 Street Verandahs
   - 6.10 Fencing
   - 6.11 Building Enforcement
   - 6.12 State Administrative Tribunal Proceedings

   - 6.1 Building and Demolition Permits
   - 6.13 Strata Titles

3. Adopt the revised Delegations from the Local Government to specific employee positions and the Local Government to the Chief Executive Officer under the Building Act 2011, the Building Regulations 2012, the Building Services (Registration) Act 2011 and the Building Services (Registration) Regulations 2011.

### 4. Implications to Consider

**a. Consultation with the Community**

Not applicable

**b. Consultation with Government Agencies**

Not applicable

**c. Strategic**

**Community Plan**

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

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

**d. Policy**

Nil
e. Financial
   Nil

f. Legal and Statutory

5. Comments
   It is to be noted that the new delegations contained within “6.8 Transitional Provisions Relating to Local Government” expire on the day that is one year after the day the Building Act 2011 comes into operation ie 2nd April 2013. These provisions relate to works and activities within the road reserve which were still required to be applicable when Part XV of the Local Government (Miscellaneous Provisions) Act 1960 was repealed. It is understood that work is being done on these provisions by the legislators and they are likely to be introduced into legislation in the appropriate format within the next 12 months.

6. Voting Requirements
   Absolute Majority

7. Officer Recommendation
   That Council:

   1. **REVOKE** the current Delegations from the Local Government to the Chief Executive Officer under the Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1960 and the Local Government (Building Surveyors) Regulations 2008 for:-
      - 6.2 Demolition Licenses
      - 6.3 Certificates of Classification
      - 6.4 Building Licence - Permit Materials to be Deposited on Street
      - 6.5 Building Notices - Alterations, Unlawful Works, Dangerous, Uncompleted and Neglected Buildings
      - 6.6 Fire Escapes - Building Notices
      - 6.7 Swimming Pools
      - 6.8 Sand Drift Prevention and Abatement
      - 6.9 Street Verandahs
      - 6.10 Fencing
      - 6.11 Building Enforcement
      - 6.12 State Administrative Tribunal Proceedings

   2. **REVOKE** the current Delegations from the Local Government to the other officers under the Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1960 and the Local Government (Building Surveyors) Regulations 2008 for:-
      - 6.1 Building and Demolition Permits
      - 6.13 Strata Titles

   3. **ADOPT** the new Delegations, as attached, from the Local Government to specific employee positions under the Building Act 2011, Building Regulations 2012, Building Services (Registration) Act 2011 and Building Services (Registration) Regulations 2011 as follows:-
      - 6.1 Building and Demolition Permits
      - 6.2 Occupancy Permits and Building Approval Certificates
      - 6.3 Enforcement - Authorised Persons
      - 6.4 Building Orders
      - 6.5 Building Information
8. Committee Recommendation

That Council:

1. **REVOKE** the current Delegations from the Local Government to the Chief Executive Officer under the Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1960 and the Local Government (Building Surveyors) Regulations 2008 for:-

   - 6.2 Demolition Licenses
   - 6.3 Certificates of Classification
   - 6.4 Building Licence - Permit Materials to be Deposited on Street
   - 6.5 Building Notices - Alterations, Unlawful Works, Dangerous, Uncompleted and Neglected Buildings
   - 6.6 Fire Escapes - Building Notices
   - 6.7 Swimming Pools
   - 6.8 Sand Drift Prevention and Abatement
   - 6.9 Street Verandahs
   - 6.10 Fencing
   - 6.11 Building Enforcement
   - 6.12 State Administrative Tribunal Proceedings

2. **REVOKE** the current Delegations from the Local Government to the other officers under the Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1960 and the Local Government (Building Surveyors) Regulations 2008 for:-

   - 6.1 Building and Demolition Permits
   - 6.13 Strata Titles

3. **ADOPT** the new Delegations, as attached, from the Local Government to specific employee positions under the Building Act 2011, Building Regulations 2012, Building Services (Registration) Act 2011 and Building Services (Registration) Regulations 2011 as follows:-

   - 6.1 Building and Demolition Permits
   - 6.2 Occupancy Permits and Building Approval Certificates
   - 6.3 Enforcement - Authorised Persons
   - 6.4 Building Orders
   - 6.5 Building Information
   - 6.6 Private Swimming Pools
   - 6.7 Smoke Alarms
   - 6.8 Transitional Provisions Relating to Local Government
   - 6.9 Sand Drift Prevention and Abatement
   - 6.10 Street Verandahs
   - 6.11 Fencing
- 6.12 Building Enforcement
- 6.13 State Administrative Tribunal Proceedings

Committee Voting – 4/0

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

Not applicable

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

Not applicable

4.07pm - Mr Richard Rodgers, Manager Building Services left the Planning Services Committee meeting.
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-007/12</th>
<th>Proposed Structure Plan - Golden Bay (Adoption)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Proposed Modification to Planning Policy 6.3 - Local Commercial Strategy (Adoption)</td>
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<tr>
<td></td>
<td></td>
<td>Proposed Modifications to Foreshore Management Plan (Adoption)</td>
</tr>
<tr>
<td>File No:</td>
<td>LUP/246-24</td>
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<tr>
<td>Proponent/s:</td>
<td>Chappell Lambert Everett (on behalf of the Department of Housing)</td>
<td></td>
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<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, A/Co-ordinator Strategic Planning</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th May 2012</td>
<td></td>
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<tr>
<td>Previously before Council:</td>
<td>December 2011 (SPE-035/11); October 2010 (SPE-003/10); August 1994</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>legislative (Proposed Structure Plan)</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive Function (Modification to Planning Policy 6.3 - Local Commercial Strategy)</td>
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<tr>
<td></td>
<td>Advocacy (Foreshore Management Plan)</td>
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<tr>
<td>Site:</td>
<td>Lots 9000 (Previously Lot 2) and Lot 3 Warnbro Sound Avenue, Golden Bay</td>
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<tr>
<td>Lot Area:</td>
<td>156.7223 hectares</td>
<td></td>
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<tr>
<td>LA Zoning:</td>
<td>Development</td>
<td></td>
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<tr>
<td>MRS Zoning:</td>
<td>Urban, Parks and Recreation</td>
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<tr>
<td>Attachments:</td>
<td>1. Endorsed Structure Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Spatial Plan submitted to WAPC</td>
<td></td>
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<tr>
<td></td>
<td>3. Letter from WAPC approving the Golden Bay Structure Plan</td>
<td></td>
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<td></td>
<td>4. Department of Planning Report to WAPC Statutory Planning Committee</td>
<td></td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
<td></td>
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<tr>
<td></td>
<td>2. Adopted Structure Plan</td>
<td></td>
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<tr>
<td></td>
<td>3. Indicative Layout of Neighbourhood Centre</td>
<td></td>
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</tbody>
</table>
1. **Purpose of Report**

The purpose of this Report is to:

1. Adopt the Structure Plan following the Western Australian Planning Commission's (WAPC's) consideration and decision to approve the Golden Bay Structure Plan.

2. Consider the adoption of the proposed modifications to Planning Policy 6.3 - Local Commercial Strategy following the completion of the advertising period; and

3. Advise the Council of the minor modifications requested to the Foreshore Management Plan by the Department of Planning.

2. **Background**

**Proposed Structure Plan**

In December 2011, the Council refused to adopt the proposed Golden Bay Structure Plan on the basis that it was not consistent with the intent of Liveable Neighbourhoods, in that:

(i) The proposed density and interface of the development was inconsistent with the existing urban character and local identity of Golden Bay and Secret Harbour.

(ii) The proposed broad scale application of medium density did not appropriately integrate with the prevailing context of the locality.

The Council invited the Proponent to submit a revised Structure Plan which addressed the issues identified in points (i) and (ii) above and the other issues raised within the Officer report. The Proponent did not respond to this invitation.
In accordance with the provisions of Town Planning Scheme No.2 (TPS2), the City forwarded the Council’s decision, the Proposed Structure Plan, its supporting documentation and all submissions and comments to the WAPC. The WAPC was required to make a determination within 60 days from its receipt of this information.

The 21st February 2012 marked the 60 day period in which the WAPC was required to make a determination pursuant to the provisions of TPS2, however, the Proponent agreed to extend this period until the 31st March 2012.

A Report on the proposal was considered by the WAPC's Statutory Planning Committee on the 13th March 2012, which recommended that the Structure Plan be approved. The City's Manager, Strategic Planning & Environment presented a deputation to the Committee challenging the Report's recommendation. The Committee subsequently deferred consideration to the 27th March 2012 "to allow the parties to have further discussions on the density issues regarding the Structure Plan".

In response to the Committee's decision, the Department of Planning requested the City to submit a spatial plan illustrating the locations in the Structure Plan area which it considered appropriate to provide medium and high density land, as cited in the Council Report (attached).

The City submitted a spatial plan identified the removal of medium density areas outside strategic locations outlined in the report to Council in December 2012. These being:
- Land located within 400m of the proposed Neighbourhood Centre;
- Land within close vicinity to Warnbro Sound Avenue;
- Land directly abutting the central Coastal Boulevard; and
- Adjacent to Local and Regional Parks.

The City submitted a request to address the Committee and discuss its suggested changes to the Plan, however the request was denied.

**Modification to the Planning Policy 6.3 - Local Commercial Strategy (LCS)**

In December 2011, the Council resolved to defer consideration of the proposed amendment of Planning Policy 6.3 - Local Commercial Strategy until such time as the Structure Plan was modified in accordance with the Council resolution that any floor space implications be addressed within an amended Retail Assessment Report.

Under the LCS endorsed in 2004, the Policy makes provision for 2,800m² of retail floor space for a Neighbourhood Centre to an area known as 'Golden Bay East'.

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. In this regard, an amendment to the LCS was required to increase the maximum shop/retail floor space of the 'Golden Bay East' Neighbourhood Centre from 2,800m² NLA to 3,540m² NLA.

**Amendment No.106 - Removal of Residential Density Coding from the Scheme Maps**

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 Lot 9000 and 3 Warnbro Sound Avenue, 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). The Council's reason for its decision was to allow the Council to amend the Town Planning Scheme No.2 once the Golden Bay Structure Plan has been adopted.

In December 2011, the Council considered 248 public submissions of which 238 submissions objected to the proposal. The Council resolved not to proceed with Scheme Amendment No.106, which proposed 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.

On the 2nd February 2012, the Western Australian Planning Commission advised that the Minister for Planning had dismissed the submissions of objection, noted the remaining submissions, and had approved the Amendment without modification.
The Minister for Planning’s decision means that the densities adopted as part of the Golden Bay Structure Plan do not conflict R-Code densities prescribed by the Scheme Maps.

Foreshore Management Plan

In December 2011, the Council resolved to support the Foreshore Management Plan submitted pursuant to the requirements of the 1993 Ministerial Statement 297 issued by the Minister of Environment.

As part for the consideration of the Foreshore Management Plan by the Environmental Protection Authority, the Department of Planning is also required to review the proposed Foreshore Management Plan and determine if the plan is prepared to its satisfaction.

3. Details

Proposed Structure Plan

The Proposed Structure Plan was considered by the WAPC Statutory Planning Committee at its meeting held on the 27th March 2012 when it resolved to approve the Structure Plan without modification (attached).

The Council is now required to adopt the Structure Plan pursuant to the requirements of TPS2.

![Figure 2 - Structure Plan Adopted by the WAPC](image)

Modification to the Local Commercial Strategy

Following the WAPC's decision to adopt the Structure Plan without modification, the Golden Bay Structure Plan provides for retail floor space inconsistent with that approved in the LCS. The Council can now make a determination with respect to the proposed variation to the LCS in accordance with TPS2.

Foreshore Management Plan

The Proponent has advised that the Department of Planning has requested the following minor changes to the Foreshore Management Plan:

- Provide the correct address for the Structure Plan throughout the document;
- Change the terminology for State Coastal Planning Policy 2.6 (SCPP) to State Planning Policy (SPP) 2.6;
- Section 7.4.2 paragraph 6 incorrectly states '(see section 6.9)' and should refer to '(see section 7.11)'
- In Section 7.6 the sentence above the dot points is missing a space between '1' and 'in' (e.g. 1 in 5); and
- The scale has been removed from Figures 4 and 5.

4. Implications to Consider

a. Consultation with the Community

A summary of written submissions received during the advertising period for the modification to the LCS is contained within Table 1 below:

<table>
<thead>
<tr>
<th>Table 1 - 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; and
- Not opposed to a neighbourhood corner store type of facility as depicted on the original Comprehensive Development Plan.

b. Consultation with Government Agencies

Consultation with Government agencies with respect to the proposed modification to the LCS is not required.

c. Strategic

Community Plan

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

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

d. Policy

Planning Policy 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 LCS 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.

e. Financial

Nil

f. Legal and Statutory

Adoption of Structure Plan by the Council

Clause 4.2.6.15 of TPS2 states as soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the Council is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to:-
(a) The Proponent;
(b) The Commission; and
(c) Any other appropriate person or public authority which the Council thinks fit.

The City sought legal advice with respect to the Council’s options for the adoption of the Structure Plan. The advice outlined that there is no discretion for the Council to not adopt the Structure Plan and this action is mandatory pursuant to the Scheme.

If the Council resolves to not meet its statutory obligation to adopt the Structure Plan, the Commission or Proponent may engage in legal proceedings against the Council for a mandatory injunction to require this action be carried out.

There is no right of appeal against the decision of the Commission.

Modification to Planning Policy 6.3 - Local Commercial Strategy

Under the provisions of section 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 WAPC, forward a copy of the Policy to the WAPC. A Policy has effect on publication of a notice.

5. Comments

Proposed Structure Plan

In accordance with the provisions of the City’s Town Planning Scheme No.2 and legal advice received to clarify the Council’s options, the Council has a legal obligation to adopt the Structure Plan, as approved by the WAPC.

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; and
3. Not opposed to a neighbourhood corner store type of facility as depicted on the original Comprehensive Development Plan.

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 Comprehensive Development Plan (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 could 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 previously 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.

Figure 3 - Indicative Layout of Proposed Golden Bay Neighbourhood Centre

Officer Assessment of modification of Local Commercial Strategy

The Structure Plan makes provision for the identified 'Golden Bay East' Neighbourhood Centre which the LCS makes provision for 2,800m² retail floor area.

The justification provided by the Proponent in Retail Assessment Report in support of the increase in retail floor space concluded that based on the revised population projections (as provided for on the adopted Structure Plan), the impact of the increased floor space was unlikely to impact existing centres.

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 and concluded the proposed Neighbourhood Centre is unlikely to have an adverse impact.
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; and

(iii) The proposed configuration and location of the Neighbourhood Centre shown on the adopted Structure Plan is supported.

Following the assessment of the submissions received, advice received from the City’s Retail Consultant and assessment of the Neighbourhoods Centre against Liveable Neighbourhoods and the LCS, the proposed 740m² increase in retail floor space is supported.

Foreshore Management Plan

The changes requested by the Department of Planning provide only for grammatical, spelling and reference corrections to the document and no changes with respect to the substance of the report. In this regard, there is no requirement to provide further comments to the Environmental Protection Authority to aid in its determination of the Foreshore Management Plan.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **ADOPT** the Golden Bay Structure Plan as adopted by the Western Australian Planning Commission as required by Clause 4.2.6.15 of Town Planning Scheme No.2.

2. **ADOPT** the following amendments to Planning Policy 6.3 - Local Commercial Strategy:

   (i) Modify reference in Table 1.4 Recommended Centres Sizes - Shop/Retail m² NLA, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.

   (ii) Modify Table 2.7 Recommendations for Neighbourhood and Local Shopping Centres in the South Coastal Precinct, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.

   (iii) Modify the Figure 1 - City of Rockingham Local Commercial Strategy Precinct 3, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.

   (iv) Modify the Figure 5.1 - City of Rockingham Local Commercial Strategy Precinct 3, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.

3. **DISMISS** the submissions of objection against the proposed modifications to retail floor space in Planning Policy 6.3 - Local Commercial Strategy.

4. **SUPPORT** the minor modifications requested by the Department of Planning to the Foreshore Management Plan.

8. Committee Recommendation

That Council:

1. **ADOPT** the Golden Bay Structure Plan as adopted by the Western Australian Planning Commission as required by Clause 4.2.6.15 of Town Planning Scheme No.2.

2. **ADOPT** the following amendments to Planning Policy 6.3 - Local Commercial Strategy:

   (i) Modify reference in Table 1.4 Recommended Centres Sizes - Shop/Retail m² NLA, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.

   (ii) Modify Table 2.7 Recommendations for Neighbourhood and Local Shopping Centres in the South Coastal Precinct, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.

   (iii) Modify the Figure 1 - City of Rockingham Local Commercial Strategy Precinct 3, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.
(iv) Modify the Figure 5.1 - City of Rockingham Local Commercial Strategy Precinct 3, Recommended PLUC5 NLA (m²) column for Golden Bay East from 2,800 to 3,540.

3. DISMISS the submissions of objection against the proposed modifications to retail floor space in Planning Policy 6.3 - Local Commercial Strategy.

4. SUPPORT the minor modifications requested by the Department of Planning to the Foreshore Management Plan.

**Committee Voting – 3/2**

| Councillors having voted for the motion: | Cr Smith (2) |
| Councillors having voted against the motion: | Cr Elliott  
| | Cr Hill |

**NOTE:** Due to an equality of votes at the Planning Services Committee meeting, the Chairman exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).

**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
### Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-008/12 Public Environmental Review - Mangles Bay Marina Based Tourist Precinct</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1526</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cedar Woods Properties Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Katherine Callaway, Environmental Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th May 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>March, April, May, June, July, August, September and November 2005, February 2006 (PD1/2/06), April 2009</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Area located on the northern side of the Cape Peron Peninsula, immediately to the east of the Garden Island Causeway</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Parks and Recreation, Other Regional Roads, Special uses, Waterways, Public Purposes, Port Installations</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Parks and Recreation, Other Regional Roads, Special uses, Waterways, Public Purposes, Port Installations</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Worley Parsons Review Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Indicative Land Development Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Indicative Land Development Plan

1. **Purpose of Report**

To seek the Council's endorsement of the City's submission to the Environmental Protection Authority on the Public Environmental Review for the proposed 'Mangles Bay Marina Based Tourist Precinct'.
2. Background

In May 2005, the Minister for the Environment initiated a Strategic Environmental Review (SER) process to assess three options for the Mangles Bay area of Cape Peron, prepared under the supervision of the Cape Peron Tourist Precinct Project Steering Committee, of which the City was a member.

The advice released by the Environmental Protection Authority (EPA), on 23rd October 2006 (Bulletin 1237), identified that one proposal was deemed to be unlikely to be environmentally acceptable given its proximity to Lake Richmond while the two other options were deemed to be inherently environmentally unacceptable; however, the EPA advised that further investigation and project modification may result in the options being environmentally acceptable.

The primary environmental issues identified by the EPA in 2006 were:

- Seagrass and water quality - direct loss of seagrass through construction of the Project footprint and indirect loss through changes in water quality, sand bypassing activities and coastal processes;
- Lake Richmond – indirect impact on the lake and its key attributes (two Threatened Ecological Communities (TEC)) through potential changes in hydrogeology modifying the Lake’s water quality and water level, potentially threatening the TECs; and
- Terrestrial vegetation – direct loss of vegetation and additional indirect loss through fragmentation, edge effects and changes in hydrology of the site.

Other environmental issues identified by the EPA in 2006 were:

- Coastal Processes;
- Geoheritage;
- Terrestrial Fauna; and
- Natural Value/Wilderness Value of Cape Peron.

In September 2009, the State Government announced that it would fund the next phase of the Mangles Bay Marina Based Tourist Precinct Proposal (‘Proposal’) (previously known as the Cape Peron Tourist Precinct Project) to seek the necessary approvals, and in early 2010 Cedar Woods Properties Limited was announced as the private sector partner to LandCorp to seek the approvals and develop the Proposal.

The Proposal was referred to the EPA under section 38 of the Environmental Protection Act 1986 on 25th August 2010. The level of assessment for the Proposal was advertised on 20th September 2010 as a Public Environmental Review (PER) with a ten week public review period.

The PER process requires the Proponent to prepare an Environmental Scoping Document (ESD), with the purpose of providing the EPA, stakeholders and the public with information to: understand the Proposal, confirm the environmental issues and their significance, and outline the scope and direction of the PER.

The ESD for the Proposal was released by the EPA on the 7th February 2011 for a two week public review period. The City engaged WorleyParsons Pty Ltd to review the ESD document with the objective of advising on whether the environmental issues, identified in the advice given by the EPA in 2006, had been addressed, as well as identifying any inadequacies and suggesting alternative management measures.

Following input from WorleyParsons Pty Ltd and consideration of other matters by City Officers, a submission was lodged with the EPA on the 21st February 2011.

The EPA provided a summary of submissions to the Proponent and the Proponent responded to the submissions and submitted a final revised ESD to the EPA. The final ESD was approved by the EPA on 16th June 2011, with the main amendment to the ESD relating to the Proposal boundary, which was increased by 2 hectares to accommodate the following:

- Water Corporation current and future wastewater and desalination infrastructure (including a pump station);
- Department of Defence future traffic volumes with provision made for a dual lane road; and
- Retention of the Returned Servicemen’s League, RSL Rockingham Hall.
The subsequent impact of the extension of the Proposal boundary will result in an additional 2.5 hectares of vegetation clearing within Bush forever Area 355, and an additional 2 hectares to be annexed from the Rockingham Lakes Regional Park.

The final revised ESD stated that no further environmental investigations or studies will be undertaken as a result of these changes, as flora, fauna and Graceful Sun Moth surveys have been undertaken within this extended Proposal boundary area, providing sufficient information to undertake the environmental impact assessment for the clearing of the additional vegetation.

There were no further changes to the draft ESD to reflect the recommendations in the City's submission.

The Proposal was also referred to the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) on 21st September 2010 for consideration under the *Environmental Protection and Conservation Act 1999* (EPBC Act). On the 27 October 2010, DSEWPaC advised that the action was considered to be a ‘controlled action’ under the EPBC Act.

As the proposal has been deemed a ‘controlled action’, it will be assessed through the Bilateral Agreement. The Bilateral Agreement between the Commonwealth of Australia and the State of Western Australia provides for the accreditation of the Western Australian Environmental Impact Assessment process to ensure an integrated and coordinated approach to actions requiring approval under both the EPBC Act and the EP Act.

### 3. Details

The PER for the Proposal was released on the 12th February 2012 for a 10 week comment period, closing on the 23rd April 2012. The purpose of the PER is to provide to the EPA and community information on the Proposal within the local and regional framework, with the aim of emphasising how the proposal may impact key environmental factors and how those impacts may be mitigated and managed so as to be environmentally acceptable.

A full copy of the PER can be made available to Councillors upon request or it can be downloaded from the Proponent's website at [www.manglesbaymarina.com.au](http://www.manglesbaymarina.com.au).

It was determined that the assessment of the various technical aspects of the PER was beyond the expertise of City's staff, and therefore, an environmental consultant was commissioned to assess the PER.

Worley Parsons Pty Ltd was subsequently appointed to undertake a review of the PER associated with the Proposal, to determine whether the environmental issues identified by the EPA in 2006 had been addressed and the extent to which the proposal satisfied the PER requirements of the EPA. If the PER was deemed to have shortcomings, Worley Parsons Pty Ltd was to suggest alternative management strategies to address the environmental factors raised by the EPA in 2006.

Worley Parsons provided its opinion on whether the environmental issues identified by the EPA in 2006 had been addressed in the PER and suggested additional management strategies where applicable, as summarised in the Table below:

<table>
<thead>
<tr>
<th>Primary and Other Environmental Issues</th>
<th>PER Review Summary</th>
<th>Suggested Additional Management Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seagrass and Water Quality</td>
<td>The measures proposed in the PER have attempted to reduce the impacts to seagrass through various design considerations and the transplantation of seagrass and development of a Seagrass Rehabilitation Plan to offset the proposed loss of seagrass. The transplantation of seagrass will require careful monitoring as it has had limited success in trials undertaken as part of the PER.</td>
<td>The Seagrass Rehabilitation Plan will require careful consideration of a suite of factors if the offset is to be successful. No further management strategies are proposed for inclusion in the PER.</td>
</tr>
<tr>
<td>Primary and Other Environmental Issues</td>
<td>PER Review Summary</td>
<td>Suggested Additional Management Strategies</td>
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<td></td>
<td>The work undertaken in the modelling strategy by APASA (2011) in the PER, has addressed the water quality issues raised by the EPA. Sediment plumes and turbidly, generated during construction is unlikely to be significant.</td>
<td>To address the uncertainties surrounding the modeling used, it is recommended that during construction and into the long term (not as part of the PER), appropriate groundwater level and quality monitoring be undertaken in the area between the proposed development and Lake Richmond. Any significant changes to groundwater parameters should be flagged and appropriate remediation and/or water quality will need to be established prior to development.</td>
</tr>
<tr>
<td>Lake Richmond</td>
<td>Investigation undertaken since early 2011 have, in general, adequately addressed the issues raised by the EPA in 2006. There is some uncertainty regarding the groundwater modeling undertaken and included in the PER and it is thought that any modelling is an approximate to reality.</td>
<td></td>
</tr>
<tr>
<td>Terrestrial Vegetation</td>
<td>The PER consolidates the information addressing terrestrial flora and vegetation issues related to potential impacts form the Proposal and concerns raised by the EPA in 2006.</td>
<td>No further management strategies are proposed for inclusion in the PER.</td>
</tr>
<tr>
<td>Geoheritage</td>
<td>The PER addresses elements relating to Geoheritage, however, no specific Geoheritage assessment has been performed at the proposal site.</td>
<td>It is recommended that a specific assessment be undertaken to assess the impact of the Proposal on Geoheritage.</td>
</tr>
<tr>
<td>Terrestrial Fauna</td>
<td>The PER consolidates information addressing terrestrial fauna issues related to potential impacts from the Proposal. The PER outlines the findings of on-ground surveys and investigations as well as potential impacts and possible mitigation and management strategies. The only exception is the lack of detail on fauna relocation programs and the fact that only a single season field investigation was undertaken.</td>
<td>No further management strategies are proposed for inclusion in the PER.</td>
</tr>
<tr>
<td>Primary and Other Environmental Issues</td>
<td>PER Review Summary</td>
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</tr>
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<tr>
<td>Marine Fauna</td>
<td>Some minor disturbance to marine fauna is possible during construction activities however; mitigation and management strategies proposed will be effective in limiting any potential impacts. Operation of the marina may also result in increased potential for interaction with marine fauna species, however significant impacts are considered unlikely.</td>
<td>No further management strategies are proposed for inclusion in the PER</td>
</tr>
<tr>
<td>Coastal Processes</td>
<td>The PER has referenced concerns listed by the EPA in 2006, however it does not include evidence of detailed modelling having been undertaken, nor are results presented of sediment fluxes, or ambient wave climate impact on the development.</td>
<td>It is recommended that the following information and/or studies be undertaken and included in the PER:</td>
</tr>
<tr>
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<td></td>
<td>- A long term current measurement or recent measured data is required for flow model validation. This data will be beneficial to predict the seasonal variation of the tidal water circulation within Cockburn Sound and Mangles Bay;</td>
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<td></td>
<td></td>
<td>- A detailed longshore sediment transport modelling study is required to be carried out to address the development impact on ambient wave climate and beach evaluation. A long term beach evaluation (at least once yearly) is required to be assess through the study;</td>
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<tr>
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<td>- An efficient sediment bypass system should be investigated in association with the detailed longshore sediment transport assessment results and existing sand nourishment plan; and</td>
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<tr>
<td></td>
<td></td>
<td>- A technical review of the coastal processes study and its outcomes is recommended.</td>
</tr>
<tr>
<td>Natural Value/Wilderness Value</td>
<td>The PER consolidates the information addressing conservation areas somewhat similar to natural/wilderness areas and relates this to potential impacts from the Proposal.</td>
<td>No further management strategies are proposed for inclusion in the PER</td>
</tr>
</tbody>
</table>
In addition to the information provided by Worley Parsons, Engineering Services provided comments on the road traffic impact assessment section of the PER.

By letter dated 23rd April 2012, the City provided its submission to the Office of the Environmental Protection Authority (OEPA), the key elements of which are detailed below:

**Seagrass and Water Quality**
- Sections 10 and 12 of the PER generally consolidate the information addressing seagrass and water quality issues related to potential impacts from the proposal. These sections cover the main concerns from the EPA Bulletin 1237, including pertinent findings of surveys and investigations as well as potential impacts and possible mitigation and management strategies.
- The measures proposed in the PER have attempted to reduce the impacts on seagrass through various design considerations, the development of a suitable dredging program and through other management measures detailed in Section 12.6 of the PER.
- As the direct loss of seagrass cannot be avoided, the transplantation of 6ha of seagrass in Cockburn Sound has been proposed in the PER as a measure to offset the loss. Seagrass transplantation, at a smaller scale than that projected as part of the Proposal, has been successful at Albany, but trials elsewhere have had limited success. It will therefore be important that a monitoring program be implemented to assess the survival of rehabilitated plants.
- The Seagrass Rehabilitation Plan that will be developed for the Proposal will require careful consideration of a suite of factors if the offset is to be effective. This will be particularly relevant given that natural recovery of Posidonia in areas directly impacted by dredging is unlikely or at best, will be very slow. In this regard, the success of this management measure cannot be guaranteed.

**Lake Richmond**
- Section 6 of the PER consolidates the information addressing the potential impacts from the Proposal to Lake Richmond and adequately addresses the main concerns from the EPA Bulletin 1237.
- An exception is the lack of documented evidence that the hydraulic characteristics of the substrate of Lake Richmond have been investigated. In the overall context of water level and/or salinity impact on the lake this is not seen to be a limiting factor to the conclusions reached.
- To address these uncertainties, however, it is recommended that during construction, and into the long term, appropriate groundwater level and quality monitoring be undertaken in the area between the proposed development and Lake Richmond. Any significant changes to groundwater parameters should be flagged and appropriate remediation undertaken. Trigger levels to quantify ‘significant changes’ to groundwater/lake levels and/or water quality will need to be established prior to development.
- Should significant divergence from predicted groundwater level or water quality be observed during monitoring, the numerical groundwater model may require updating, with subsequent re-evaluation of its predictions.

**Terrestrial Vegetation**
- Section 8 of the PER consolidates the information addressing terrestrial flora and vegetation issues related to potential impacts from the Proposal. This section covers the main concerns from the EPA Bulletin 1237, including pertinent findings of surveys and investigations as well as potential impacts and possible mitigation and management strategies.

**Geoheritage**
- The term Geoheritage has not been used in the PER documentation, however, elements that could be considered Geoheritage, addressed within the PER include the Thrombolites at Lake Richmond and the Quindalup Dunes and associated Sedgelands of the proposal site.
- There were no specific primary concerns regarding Geoheritage outlined in EPA Bulletin 1237, rather that it be included in consideration of other environmental matters relevant to the development.
The PER addresses elements relating to Geoheritage, however no specific Geoheritage assessment has been performed at the proposal site.

It is recommended that a specific study be undertaken to assess the Geoheritage impacts of the Proposal and this information be provided in the PER.

**Terrestrial Fauna**

- Section 8 of the PER generally consolidates the information addressing terrestrial fauna issues related to potential impacts from the proposal and covers the main concerns from the EPA Bulletin 1237. This section outlines the findings of on-ground surveys and investigations as well as potential impacts and possible mitigation and management strategies.

- It is recommended that further detail be provided in the PER on conservation significant relocation programs, specifically for species such as the ground-dwelling Quenda and Lined Skink.

- It is noted that the PER does not mention seasonality of faunal assemblages and therefore potential variability of biodiversity in the Proposal area. The level 2 field survey that occurred within the Proposal area was a single season (spring) investigation.

- It is recommended that further investigations are undertaken and details provided in the PER on seasonality of faunal assemblages.

**Marine Fauna**

- Section 13 of the PER consolidated the information addressing marine fauna issues related to potential impacts from the Proposal. This section outlined the findings of surveys and investigations as well as potential impacts and possible mitigation and management strategies.

**Coastal Processes**

- The coastal processes assessment undertaken by JFA (2011) in Section 11 of the PER, has referenced concerns outlined by the EPA Bulletin 1237 and the Draft ESD, however, in the assessment report there is no evidence of detailed modeling having been undertaken, nor are results presented of sediment fluxes, or ambient wave climate impact on the development. It is therefore recommended that the following information and/or studies be undertaken and included in the PER:

  (i) A long term current measurement or recent measured data, especially during the winter season, is required for flow model (hydrodynamic model) validation. This data will be beneficial to predict the seasonal variation of the tidal water circulation within Cockburn Sound and Mangles Bay.

  (ii) A ‘detailed’ longshore sediment transport modeling study is required to be carried out to address the development impact on ambient wave climate and beach evaluation. A long term beach evaluation (at least one year) in quantity is required to be assessed through the study.

  (iii) An efficient sediment bypass system should be investigated in association with the detailed longshore sediment transport assessment results and existing sand renourishment management plan.

  (iv) A technical review of the coastal processes study and its outcomes is recommended.

**Natural Value/Wilderness Value**

- Section 17 of the PER consolidates the information addressing conservation areas somewhat similar to natural/wilderness areas and relates this to potential impacts from the Proposal. The EPA’s concerns relating to natural/wilderness values included in Section 5 of EPA Bulletin 1237 are generally covered in the PER.

**Traffic**

- The Traffic Report (Construction) (‘Traffic Report’) compiled by Transcore (2011) fails to demonstrate that construction traffic will not have a significant impact on local roads, and that the regional and local traffic implications of the proposal have been adequately considered. Various issues have been identified in the Traffic Report which should be addressed, as outlined below.
Page 3 of the Traffic Report discusses traffic counts for Point Peron Road, which were recorded 7 years ago. The PER should be updated with current peak hour counts at key locations along Point Peron Road, in order to confirm the current traffic conditions.

Page 4 of the Traffic Report discusses traffic counts, provided by HMAS Stirling, of around 2,700-3,000 vehicles per day coming and leaving the Navy Base, however a 2007 traffic count undertaken by the City, on behalf of HMAS Stirling, recorded between 4,110 and 4,243 vehicles coming and leaving the Navy Base per day in 2007. This raises questions over the accuracy of the projected increase to 4,000 vpd by 2018 as stated in the report.

Pages 9 and 11 of the Traffic Report state that Parkin Street and Rae Road have sealed shoulders. This is not the case, with no shoulders marked along the length of Parkin Street or Rae Road. The PER should be updated to reflect this.

Page 11 of the Traffic Report discusses traffic count figures for Rae Road from 2006, which do not take into account some significant residential development that has since occurred in the area. Counts undertaken by the City in 2007 recorded 5, 500 vpd east of Waimea Road (an increase of around 12%) and 11060 vpd West of Read Street (an increase of around 125%), which should be reflected in the PER.

Page 18 of the Traffic Report states that there will be two 18 month periods when 1,000,000m$^3$ of spoil will be transported from the Proposal site. This does not match the statement on page 27 of the PER document which states that earth works will be conducted over a 7-9 year period and only 800,000m$^3$ of spoil will be removed. A more accurate time table for the construction traffic should be provided in the PER, along with the quantity of material to be removed from the Proposal site. A calculation breakdown showing how the volume estimate was devised would also be beneficial to the City, and should be included in the PER.

Page 18 of the Traffic Report does not provide the likely start time of the 18 month period (time of year) or the expected lag time between the periods. This should be included in the PER.

The Traffic Report discusses the preferred route for construction traffic without providing details of a likely destination for spoil. There is also no reference to the fact that both Safety Bay Road and Parkin Street are currently used by trucks hauling sand from Point Peron, at certain times of the year.

Page 27 of the Traffic Report makes no mention of the likely performance issues at the intersection of Memorial Drive and Safety Bay Road. The current intersection of Point Peron Road and Safety Bay Road can have some noticeable levels of service issues during peak times and this is before an estimated additional 7,000 vpd are added to the network. The report does not consider the impact of an additional 7,000 vpd on the existing road network (Safety Bay Road, Lake Street and Parkin Streets in particular).

The proposed cross section of Memorial Drive (7m) on Page 28 of the Traffic Report, does not adequately cater for commuting cyclists who would prefer to ride on the carriageway. It should also be noted that the proposed cross section does not match the required road cross section for a Neighbourhood connector road A (over 3000 vpd) which requires a boulevard treated carriageway configuration. A 7m wide single carriageway width is not supported due to not meeting the Liveable Neighbourhood’s requirements for bus routes and AustRoad requirements for on-street cycling.

The OEPA will provide a summary of all the submissions on the PER document to the Proponent. The Proponent is then required to submit a response to the summary of submissions that is acceptable to the EPA.

The EPA then assesses the Proposal and seeks comment from the Proponent and key government agencies on the draft recommended conditions, before preparing a report to the Minister and publishing the report.

The Minister consults with Decision Making Authorities on whether or not the proposal should be implemented and either issues an implementation statement or notifies the Proponent that the proposal in unacceptable.
### 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 10:** Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for future generations to enjoy. |
| | **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contributes to a sustainable city that provides for a genuinely desirable lifestyle. |
| d. Policy | Nil |
| e. Financial | Nil |
| f. Legal and Statutory | Environmental Impact Assessment is governed by Section 40 of the Environmental Protection Act 1986. |

### 5. Comments

There were a number of issues and additional management strategies that were brought to the attention of the EPA for consideration.

The EPA was advised that the City’s submission should be taken as interim comments and that the Council reserves the right to supplement these comments following consideration at its May Ordinary Meeting.

It is therefore recommended that Council endorse the City’s submission on the PER for the proposed Mangles Bay Marina Based Tourist Precinct; the content of which is contained within the Details section above.

### 6. Voting Requirements

Simple Majority

### 7. Officer Recommendation

That Council **ENDORSE** the City’s submission to the Environmental Protection Authority (EPA) on the proposed ‘Mangles Bay Marina Based Tourist Precinct’.

### 8. Committee Recommendation

That Council **ENDORSE** the City’s submission to the Environmental Protection Authority (EPA) on the proposed ‘Mangles Bay Marina Based Tourist Precinct’ as follows:

- **Seagrass and Water Quality**
  - Sections 10 and 12 of the Public Environmental Review (PER) generally consolidate the information addressing seagrass and water quality issues related to potential impacts from the proposal. These sections cover the main concerns from the EPA Bulletin 1237, including pertinent findings of surveys and investigations as well as potential impacts and possible mitigation and management strategies.
Planning Services Committee Minutes
Monday, 14 May 2012

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 18 JUNE 2012

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The measures proposed in the PER have attempted to reduce the impacts on seagrass through various design considerations, the development of a suitable dredging program and through other management measures detailed in Section 12.6 of the PER.

As the direct loss of seagrass cannot be avoided, the transplantation of 6ha of seagrass in Cockburn Sound has been proposed in the PER as a measure to offset the loss. Seagrass transplantation, at a smaller scale than that projected as part of the Proposal, has been successful at Albany, but trials elsewhere have had limited success. It will therefore be important that a monitoring program be implemented to assess the survival of rehabilitated plants.

The Seagrass Rehabilitation Plan that will be developed for the Proposal will require careful consideration of a suite of factors if the offset is to be effective. This will be particularly relevant given that natural recovery of Posidonia in areas directly impacted by dredging is unlikely or at best, will be very slow. In this regard, the success of this management measure cannot be guaranteed.

Lake Richmond

- Section 6 of the PER consolidates the information addressing the potential impacts from the Proposal to Lake Richmond and adequately addresses the main concerns from the EPA Bulletin 1237.

- An exception is the lack of documented evidence that the hydraulic characteristics of the substrate of Lake Richmond have been investigated. In the overall context of water level and/or salinity impact on the lake this is not seen to be a limiting factor to the conclusions reached.

- To address these uncertainties, however, it is recommended that during construction, and into the long term, appropriate groundwater level and quality monitoring be undertaken in the area between the proposed development and Lake Richmond. Any significant changes to groundwater parameters should be flagged and appropriate remediation undertaken. Trigger levels to quantify ‘significant changes’ to groundwater/lake levels and/or water quality will need to be established prior to development.

- Should significant divergence from predicted groundwater level or water quality be observed during monitoring, the numerical groundwater model may require updating, with subsequent re-evaluation of its predictions.

Terrestrial Vegetation

- Section 8 of the PER consolidates the information addressing terrestrial flora and vegetation issues related to potential impacts from the Proposal. This section covers the main concerns from the EPA Bulletin 1237, including pertinent findings of surveys and investigations as well as potential impacts and possible mitigation and management strategies.

Geoheritage

- The term Geoheritage has not been used in the PER documentation, however, elements that could be considered Geoheritage, addressed within the PER include the Thrombolites at Lake Richmond and the Quindalup Dunes and associated Sedgelands of the proposal site.

- There were no specific primary concerns regarding Geoheritage outlined in EPA Bulletin 1237, rather that it be included in consideration of other environmental matters relevant to the development.

- The PER addresses elements relating to Geoheritage, however no specific Geoheritage assessment has been performed at the proposal site.

- It is recommended that a specific study be undertaken to assess the Geoheritage impacts of the Proposal and this information be provided in the PER.

Terrestrial Fauna

- Section 8 of the PER generally consolidates the information addressing terrestrial fauna issues related to potential impacts from the proposal and covers the main concerns from the EPA Bulletin 1237. This section outlines the findings of on-ground surveys and investigations as well as potential impacts and possible mitigation and management strategies.
- It is recommended that further detail be provided in the PER on conservation significant relocation programs, specifically for species such as the ground-dwelling Quenda and Lined Skink.

- It is noted that the PER does not mention seasonality of faunal assemblages and therefore potential variability of biodiversity in the Proposal area. The level 2 field survey that occurred within the Proposal area was a single season (spring) investigation.

- It is recommended that further investigations are undertaken and details provided in the PER on seasonality of faunal assemblages.

**Marine Fauna**

- Section 13 of the PER consolidated the information addressing marine fauna issues related to potential impacts from the Proposal. This section outlined the findings of surveys and investigations as well as potential impacts and possible mitigation and management strategies.

**Coastal Processes**

- The coastal processes assessment undertaken by JFA Consultants Pty Ltd (2011) in Section 11 of the PER, has referenced concerns outlined by the EPA Bulletin 1237 and the Draft ESD, however, in the assessment report there is no evidence of detailed modeling having been undertaken, nor are results presented of sediment fluxes, or ambient wave climate impact on the development. It is therefore recommended that the following information and/or studies be undertaken and included in the PER:
  
  (i) A long term current measurement or recent measured data, especially during the winter season, is required for flow model (hydrodynamic model) validation. This data will be beneficial to predict the seasonal variation of the tidal water circulation within Cockburn Sound and Mangles Bay.
  
  (ii) A ‘detailed’ longshore sediment transport modeling study is required to be carried out to address the development impact on ambient wave climate and beach evaluation. A long term beach evaluation (at least one year) in quantity is required to be assessed through the study.
  
  (iii) An efficient sediment bypass system should be investigated in association with the detailed longshore sediment transport assessment results and existing sand renourishment management plan.
  
  (iv) A technical review of the coastal processes study and its outcomes is recommended.

**Natural Value/Wilderness Value**

- Section 17 of the PER consolidates the information addressing conservation areas somewhat similar to natural/wilderness areas and relates this to potential impacts from the Proposal. The EPA’s concerns relating to natural/wilderness values included in Section 5 of EPA Bulletin 1237 are generally covered in the PER.

**Traffic**

- The Traffic Report (Construction) (‘Traffic Report’) compiled by Transcore (2011) fails to demonstrate that construction traffic will not have a significant impact on local roads, and that the regional and local traffic implications of the proposal have been adequately considered. Various issues have been identified in the Traffic Report which should be addressed, as outlined below.

- Page 3 of the Traffic Report discusses traffic counts for Point Peron Road, which were recorded 7 years ago. The PER should be updated with current peak hour counts at key locations along Point Peron Road, in order to confirm the current traffic conditions.

- Page 4 of the Traffic Report discusses traffic counts, provided by HMAS Stirling, of around 2,700-3,000 vehicles per day coming and leaving the Navy Base, however a 2007 traffic count undertaken by the City, on behalf of HMAS Stirling, recorded between 4,110 and 4,243 vehicles coming and leaving the Navy Base per day in 2007. This raises questions over the accuracy of the projected increase to 4,000 vpd by 2018 as stated in the report.
- Pages 9 and 11 of the Traffic Report state that Parkin Street and Rae Road have sealed shoulders. This is not the case, with no shoulders marked along the length of Parkin Street or Rae Road. The PER should be updated to reflect this.

- Page 11 of the Traffic Report discusses traffic count figures for Rae Road from 2006, which do not take into account some significant residential development that has since occurred in the area. Counts undertaken by the City in 2007 recorded 5,500 vpd east of Waimea Road (increase over the counts in the report of around 12%) and 11,060 vpd West of Read Street (an increase of around 125%), which should be reflected in the PER.

- Page 18 of the Traffic Report states that there will be two 18 month periods when 1,000,000m$^3$ of spoil will be transported from the Proposal site. This does not match the statement on page 27 of the PER document which states that earthworks will be conducted over a 7-9 year period and only 800,000m$^3$ of spoil will be removed. A more accurate time table for the construction traffic should be provided in the PER, along with the quantity of material to be removed from the Proposal site. A calculation breakdown showing how the volume estimate was devised would also be beneficial to the City, and should be included in the PER.

- Page 18 of the Traffic Report does not provide the likely start time of the 18 month period (time of year) or the expected lag time between the periods. This should be included in the PER.

- The Traffic Report discusses the preferred route for construction traffic without providing details of a likely destination for spoil. There is also no reference to the fact that both Safety Bay Road and Parkin Street are currently used by trucks hauling sand from Point Peron, at certain times of the year.

- Page 27 of the Traffic Report makes no mention of the likely performance issues at the intersection of Memorial Drive and Safety Bay Road. The current intersection of Point Peron Road and Safety Bay Road can have some noticeable levels of service issues during peak times and this is before an estimated additional 7,000 vpd are added to the network. The report does not consider the impact of an additional 7,000 vpd on the existing road network (Safety Bay Road, Lake Street and Parkin Streets in particular).

- The proposed cross section of Memorial Drive (7m) on Page 28 of the Traffic Report, does not adequately cater for commuting cyclists who would prefer to ride on the carriageway. It should also be noted that the proposed cross section does not match the required road cross section for a Neighbourhood connector road A (over 3000 vpd) which requires a boulevard treated carriageway configuration. A 7m wide single carriageway width is not supported due to not meeting the Liveable Neighbourhood’s requirements for bus routes and AustRoad requirements for on-street cycling.

**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-022/12</th>
<th>Proposed Closure of Pedestrian Access Way Between Manila Place and Balaka Reserve</th>
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<tr>
<td>File No:</td>
<td>LUP/1612</td>
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<tr>
<td>Proponent/s:</td>
<td>Ms K Swiecka</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>14th May 2012</td>
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<td>2 – Closure Report</td>
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<td>Figure 2 – Consultation Plan</td>
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<td>Figure 3 – The PAW as viewed from Manila Place</td>
<td>Figure 4 – The PAW as viewed from Balaka Reserve</td>
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<td></td>
<td>Figure 5 – Routes Between Manila Place and the playground at Balaka Reserve</td>
<td>Figure 6 – Routes Between Manila Place and Koorana Primary School</td>
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<tr>
<td></td>
<td>Figure 7 – Routes Between Manila Place and Centro Warnbro Shopping Centre</td>
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</table>
1. Purpose of Report

To consider a request to close a Pedestrian Access Way (PAW) between Manila Place and Balaka Reserve, Warnbro.

![Figure 1 – Location Plan]

2. Background

Manila Place, Balaka Reserve and the PAW linking the two were created in 1991. The PAW is a 3m wide reserve with a footpath constructed for its length. Chicane barriers are provided at the Manila Place end of the PAW. The footpath terminates where the PAW meets Balaka Reserve. The PAW is fenced on both sides.

In July 2006, the proponent wrote to the City requesting the closure of the PAW, citing antisocial behaviour affecting her property which adjoins the PAW (No.17 Manila Place) including motorcycles driving along the PAW and exiting onto her driveway at speed, rubbish left in the PAW and thrown over the dividing fence and graffiti. The proponent was advised of the City’s procedure for requests to close PAWs at that time.

In February 2010, the Council adopted a Pedestrian Access Way Strategy (the Strategy). The principal aim of the Strategy is to inform the Council in its decision-making with respect to applications to close PAWs, and provide the Council with recommendations on the manner in which PAWs could be upgraded and maintained in an effort to address the concerns which are commonly raised.

The Strategy classifies the subject PAW as ‘non-essential’, meaning that the PAW could be closed without significantly affecting the local and pedestrian cycle movement network. The Strategy includes the following additional comments:

“Because of the street pattern the main beneficiaries of the PAW are residents living at the eastern end of Manila Place. The PAW should therefore remain open so long as those residents want it to remain so.”

In June 2010, the proponent again requested that the PAW be closed, because of two home invasions where access was gained via the PAW and damage being caused to the dividing fence, as well as the original reasons from 2006. The proponent was advised of the recent adoption of the Strategy and advised that closure requests will be considered in accordance with it.

In December 2010 the Western Australian Planning Commission (WAPC) advised that it had no objection to the closure of the PAWs classified as ‘non-essential’ on the basis of the finding of the Strategy if a specific request for its closure is received and its closure is supported by the local community.
3. Details

In December 2011 the City received a formal request for the closure of the PAW. The application was accompanied by a letter from the owner of No.15 Manila Place, which also adjoins the PAW, advising that they have no objection to the closure and do not wish to contribute financially to the closure process.

The application has been progressed by the City in the manner outlined in the next section below.

4. Implications to Consider

a. Consultation with the Community

Notice was provided to all owners and occupiers within 400m of the subject PAW, and a notice was published in the Weekend Courier newspaper on the 27th January 2012, with comment invited for a 35 day period. By the close of the comment period on the 6th March 2012, a total of nine submissions were received, with the locations of the submissions shown on the following figure.

![Consultation Plan](image)

Figure 2 – Consultation Plan

A Schedule of Submissions is attached.

The three submissions received in support of the proposal cited the following reasons:
- It will stop antisocial behaviour near the PAW, including graffiti, motorbikes, vandalism and access for property theft;
- People that use it have other route options available; and
- It would be good to close all PAWs.

The five submissions received objecting to the proposal cited the following reasons:
- It will significantly increases the distance to walk to Koorana Primary School from the end of Manila Place;
- It will prevent access to Balaka Reserve by residents and children on Manila Place;
• Closure of the PAW increases the distance between Manila Place and Balaka Reserve which is dangerous because children will need to travel much further to get home for help in the event of an emergency; and
• It will limit access to the shopping centre.

One submission was received stating that the proposal has no impact to the submissioner.

Anti-social behaviour

Anti-social behaviour is cited as the primary reason for supporting the closure of the PAW. This includes the PAW being used to access properties for burglaries, people hanging out in the PAW or in Balaka Reserve, motorcycles using the PAW, graffiti and litter.

The WAPC’s Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways, Planning Guidelines provides some information in addressing crime and anti-social behaviour in PAWs, as an alternative to closure. Potential measures include:

• Defining ownership – regularly maintain the PAW and remove graffiti;
• Improving surveillance – installing lighting, clear shrubs, install permeable fencing;
• Setting rules – installing signage to define appropriate use and activities;
• Target hardening – install dense matting or climbing vegetation to make it difficult to obtain access to the adjoining properties;
• Controlling access – install bollards to prevent access by vehicles and limit bicycle speeds;
• Controlling significant crime – install CCTV and increase security patrols.

The PAW includes some of the above criteria. There are no shrubs or other things that provide entrapment spots, and street lighting is installed as the end of the PAW. At the time of inspection, all graffiti had been painted over. The PAW does suffer from a lack of passive surveillance – there is limited surveillance from Balaka Reserve, and at the Manila Place end vegetation obscures direct line of sight of the PAW from the opposite house.

There are further measures that could be undertaken to reduce crime and anti-social behaviour, including:

• extending the dividing fence to No.17 Manila Place past the bollards, to prevent motorcycles from accessing the driveway of No.17; and
• planting climbing vegetation to hinder access to properties adjoining the PAW.

These measures by themselves may not overcome anti-social behaviour, because of the limited of surveillance of Balaka Reserve near the PAW which promotes the Reserve being used as a place to hang out.
Figure 3 – The PAW as viewed from Manila Place

Figure 4 – The PAW as viewed from Balaka Reserve
Impact on travel distance to Balaka Reserve

The closure of the PAW will increase the distance that residents near the Manila Place cul-de-sac head will have to travel to the park. The distance to the playground is almost doubled from 149m to 294m when the PAW is closed. Balaka Reserve remains a walkable distance to Manila Place regardless of whether or not the PAW is closed.

![Figure 5 - Routes between Manila Place and the playground at Balaka Reserve](image)

The concern about the distance to home in the event of an emergency is negligible if children are adequately supervised. Closure to the PAW would also remove a potential place for criminal behaviour to occur within the PAW.

Impact on travel distance to Koorana Primary School

Koorana Primary School is located on Coronata Drive, in close walking distance to Manila Place. Should the PAW be closed, the alternative route via Balaka Gardens and the supervised crossing point on Coronata Drive is an additional 347m, a total of 611m. Using a slow walking speed of 2km/h, it would take 8 minutes to reach the School via the PAW and 18 minutes via Balaka Gardens. Whilst the distance to the School is more than doubled with the PAW closed, the closure of the PAW does not prevent access between Manila Place and the School, and the increased travel distance only affects the residents of Manila Place.
Figure 6 – Routes between Manila Place and Koorana Primary School

Impact on travel distance to Centro Warnbro Shopping Centre

The distance to walk to the Centro Warnbro Shopping Centre entrance via the PAW and Royal Palm Drive is approximately 50m longer than the route via Balaka Gardens and Cocos Court. The closure of the PAW will have negligible impact on travel distances to the Centro Warnbro Shopping Centre.

Figure 7 – Routes between Manila Place and Centro Warnbro Shopping Centre
Closure of other PAWs

The closure of other PAWs will be subject to separate proposals, assessed against the Strategy. The PAW that links Caffra Close with Jucara Mews (adjacent to the submissioner) is classified as ‘essential’ by the Strategy meaning it should be retained and kept open, as it forms an essential or important function in the local pedestrian and cycle network.

Conclusion

Based on the consideration of the comments raised by the community, the closure of the PAW will have an impact on access for the residents primarily at the eastern end of Manila Place, particularly in relation to travel to Koorana Primary School and Balaka Reserve. The impacts to access are localised to Manila Place only, and alternative routes are available for those affected by the closure, albeit at a greater distance. Closure of the PAW may help to address crime and anti-social behaviour in the vicinity of the PAW.

b. Consultation with Government Agencies

The City consulted with service providers including Western Power and Water Corporation in relation to impact that the closure of the PAW may have on infrastructure. The City has stormwater infrastructure located in the PAW and this is also considered below.

Western Power

Western Power has no objections to the closure of the PAW, but noted that there are overhead power lines and/or underground cables adjacent to or traversing the property. Any works in the vicinity must be undertaken in accordance with Western Power’s guidelines.

Water Corporation

Water Corporation noted that there is a water main within the PAW that will be affected by the closure of the PAW. The water main should be cut and capped at either end before the PAW is closed. The Water Corporation noted that there is a sewer main that runs parallel to the rear boundary of adjoining Lot 227, but this sewer will not be affected by the closure of the PAW.

City of Rockingham

The City has stormwater infrastructure within the PAW that is unable to be relocated, and will require an easement to protect the infrastructure.

The costs associated with relocating services and creating easements must be borne by the proponent.

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 2: A safe community where residents feel secure, relaxed and comfortable within their home, work and social environments

Aspiration 8: Transport systems that facilitate better use of public transport and promote non-car alternatives

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

d. Policy

The City’s Planning Procedure 1.5 – Closure of Pedestrian Access Ways (PP1.5) details the process to be followed by the City in processing applications to close PAWs and sets out the City’s position in respect of administrative costs, direct closure costs and the creation of a public utilities services reserve. PP1.5 states that applications should be processed as per the WAPC’s Planning Bulletin 57 – Closure of Pedestrian Access Ways, Planning Considerations (PB57).
In October 2009, the WAPC released its Procedure for the Closure of Pedestrian Access Ways, Planning Guidelines (the Guidelines), which supersedes PB57. It sets out a new, simplified procedure for the closure of PAWs, based on the concept of a pedestrian and cycle access plan. The City’s Strategy is considered to be a ‘pedestrian and cycle access plan’ for the purposes of these Guidelines. The City has progressed the application in accordance with the Guidelines.

If the Council resolves to proceed with the closure of the PAW, the application will be referred to the Department of Regional Development and Lands, for processing under section 87 of the Land Administration Act 1987, in accordance with the Guidelines.

e. Financial
Not applicable

f. Legal and Statutory

Subsection 87(2) of the Land Administration Act 1997 states that whenever the Minister for Lands (the Minister) considers that a parcel of Crown land is unsuitable for retention as a separate lot because of its geographical location, potential use, size, shape or any other reason based on good land use planning principles, the Minister may, with the consent of the adjoining owner and on payment to the Minister of the price agreed with that adjoining owner, amalgamate that parcel with the adjoining land.

5. Comments

The closure of the PAW will increase the walking distance to the Balaka Reserve and the Koorana Primary School for the residents at the eastern end of Manila Place, but may assist in mitigating crime and anti-social behaviour in and in the vicinity of the PAW. The PAW is classified as ‘non-essential’ in the Strategy, and it is recommended that the City request the PAW to be closed and amalgamated with adjoining Lot 228 (No.17) Manila Place.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council PROCEED with the closure of the pedestrian access way between Manila Place and Balaka Reserve, Warnbro.

8. Committee Recommendation

That Council PROCEED with the closure of the pedestrian access way between Manila Place and Balaka Reserve, Warnbro.

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

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

Not applicable

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

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

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<th>Reference No &amp; Subject:</th>
<th>SP-023/12 Proposed Shed and Commercial Vehicle Parking</th>
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<tr>
<td>File No:</td>
<td>28/6463</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr Steven Phillips</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
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<td>14th May 2012</td>
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<td>Tribunal</td>
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<td>4. Partially Constructed Shed</td>
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<td>5. Building Envelope Plan</td>
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1. Purpose of Report

To consider an application seeking planning approval for the erection of a shed for commercial vehicle parking at Lot 58 Horsfall Road, Baldivis.

2. Background

Nil

3. Details

The proponent seeks approval for the erection and use of a shed that is:
- 25m in length, 9m in width and 6m in height;
- constructed of freezer panel sheeting and a skillion roof; and
- painted “Jasper” (grey/brown) in colour.

The shed is proposed within the approved building envelope, with a setback of 55.3m from the front property boundary and 11m from the eastern site boundary.

The shed is proposed to garage the proponent’s private vehicles including a race car, prime mover, and a semi-trailer that is fitted out as a caravan. The proponent undertakes personal maintenance on his vehicles, however, only for his car. No spray painting or panel beating would be undertaken. The proponent will only be moving the vehicles on and off site to attend a race. This is likely to be no more than five times per year. Vehicle access would occur during day time hours only.

A new driveway at the eastern end of the property is proposed. This would only be used as an emergency escape route should a fire occur and will be locked at all other times.
4. Implications to Consider

a. Consultation with the Community

In accordance with clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation, the application was referred to 10 nearby owners and occupiers for comment, for a period of 21 days.

At the close of the advertising period, one submission had been received. The submission raised the following concerns:

(i) Restriction of views;
(ii) Questionable use; and
(iii) Noise impacts.
3. Consultation Plan

b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:-
   
   Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.


d. Policy
   Nil

e. Financial
   Not Applicable

f. Legal and Statutory
   Town Planning Scheme No.2
   The proposal is classified as ‘Commercial Vehicle Parking’, however, there is no land use definition of such in TPS2 and thus it is classified a “Use Not Listed”.

   Clause 3.2.4 of TPS2 applies to land uses that are not specifically listed within the Zoning Table. When it is determined that the proposed use is consistent with the zoning objectives, and after advertising (in accordance with clause 6.3), the Council can consider an application for planning approval.

   The objectives of the Special Rural Zone are:

   *(a) To identify areas within which co-ordinated subdivision can occur for the purposes of providing a rural lifestyle that is not associated with large scale, intensive rural activities, whilst also allowing for the effective management of the land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment.*
(b) To ensure that all development within Special Rural zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.4 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone”.

The proposal is considered to be consistent with the Special Rural Zone objectives. The shed is proposed within the approved Building Envelope for the site, the proposed colour is considered to be sympathetic to the surrounding landscape, and the building is sited to retain the rural landscape.

Whilst not being in a zone to which clause 4.17.1 of the TPS applies, clause 4.17.2 states:

“In assessing applications for planning approval, the Council shall take into account the objectives of the particular zone, any Policy pertaining to that zone which Council may from time to time adopt as well as specific issues including on-site parking location, potential impacts on neighbouring residents in terms of noise, emissions, visual appearance or any other nuisance, frequency and times of arrival/departure, parking duration, the use of the vehicle and whether such vehicle is to be used for business purposes operating out of the premises on a call-out basis.”

All vehicles are to be parked within the shed and not stored outside of the building. In this instance it is considered reasonable to permit the storage of both the race car and the associated prime mover, as they are utilised as part of the proponent’s car racing activities.

The shed would be used to store the proponent’s race car and truck prime mover, no operations of a commercial nature would be carried out on site. The parking/storage of these vehicles is purely for the personal use of the landowner. The proponent has advised that he would only undertake minor maintenance of the vehicles on site and within the shed. No spray painting, panel beating repairs, or the like would be undertaken on site.

The proposed development is not expected to adversely impact on the amenity of the locality.

5. Comments

Site Inspection

During a site inspection by City Officers, it was revealed that construction of the shed had commenced, but was not yet complete (see Figure 4). The proponent was subsequently contacted and advised there had been a misunderstanding with the obtaining of a planning approval. All work had ceased when he realised the planning approval had not yet been obtained, and he then lodged the subject application for planning approval.
Response to Submissions

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

(i) Restriction of views

The proposed shed, which has been partially constructed, is located within the approved Building Envelope for the site. As can be seen on Figure 5, the approved Building Envelope for the adjacent Lot 57 (the objector) is to the south of the approved Building Envelope for the subject site. This provides an offset between the Building Envelopes as suggested by the objector’s letter. The Building Envelopes were approved in these locations to provide a buffer to the macadamia farm located to the south.

The primary outlook is to the west. The staggered Building Envelopes, between the subject land and the objector’s land, would mean that there would not be significant loss of views as a result of the development. Further, it is noted that the objector is yet to build a house on their land.

The height of the shed (6m) is no greater than a two storey dwelling. Given the large (1ha) lot size, the shed is considered to be an appropriate scale of the development for the site.

The shed is to be painted a grey/brown (Jasper) colour, which will provide for a more appropriate colour for the setting compared to the current white colour.

Due to the requirement for firebreaks, landscape screening along the boundary between the site and the adjacent Lot 87, is not an option.

There would not be a significant loss of views from the objector’s property.
(ii) Questionable Use
The proponent has advised that only minor maintenance of the vehicles will be undertaken on site and within the shed. No spray painting, panel beating repairs, or the like would be undertaken on site.

(iii) Noise impacts
The proposal is for the storage of the vehicles and minor maintenance of such. It is not expected that significant noise will be generated from the commercial vehicle parking. The openings to the shed are oriented away from the objector’s property and the materials used in the construction of the shed have acoustic properties, thus minimising sound transmission. The vehicles would only be moved on/off site approximately five times per year to attend races.

The proponent has advised that the proposed access along the northern boundary of the site would only be used for access during a bushfire.

The development is not expected to result in adverse noise impact for the adjacent Lot 87, nor any other adjacent properties. It is, however, recommended that a condition of planning approval be included, requiring that the commercial vehicle may only access the site during daytime hours.

Conclusion
The proposal is consistent with the requirements of TPS2. It is recommended that Council approve the application for the shed and Commercial Vehicle Parking.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council APPROVE the application for the erection of a shed and use for commercial vehicle storage at Lot 85 Horsfall Road, Baldivis, subject to the following conditions and advice note:-

1. The shed is to be used for domestic and rural purposes and commercial vehicle parking only and must not be used for human habitation.
2. Commercial Vehicle ingress and egress shall occur only during daytime hours between 7:00am and 7:00pm.

3. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

4. All stormwater must be contained and disposed of on-site.

5. Clearing of vegetation outside the approved Building Envelope must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.

6. The existing and proposed vehicular crossing shall be constructed to a commercial vehicle standard, to the satisfaction of the Manager of Engineering Services, prior to occupation of the shed.

7. The Commercial Vehicle must be parked entirely within the shed, whenever it is present on the property.

8. Major repairs must not be carried out at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.

---

**8. Committee Recommendation**

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1. The shed is to be used for domestic and rural purposes and commercial vehicle parking only and must not be used for human habitation.

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**Committee Voting – 4/0**

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

Not applicable

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

Not applicable
1. **Purpose of Report**

To consider the Western Australian Planning Commission’s (WAPC) proposed amendments to *State Planning Policy 2.6 – State Coastal Planning Policy* (SPP2.6).

2. **Background**

The Department of Planning (Department), on behalf of the WAPC, has undertaken a review of the current SPP2.6. The review took into account the latest coastal planning information locally, nationally and internationally; learning gained over 10 years of application of the Policy, and an extensive internal and targeted external consultation.

The review is believed to have been prompted by the Department’s recognition of nationally accepted and adopted increases in sea level rise projections, which has made it necessary to amend the sea level rise value in SPP. The Department no longer considers that the current factor for sea level rise of 0.38m satisfies the Policy guidance. In recognition of nationally accepted and adopted increases in sea level rise projections, the Department considers it necessary to amend the sea level rise value in SPP2.6. This is a major reason why the WAPC seeks to amend SPP2.6.

The draft SPP proposes revisions and additions that provide more robust guidance to the WAPC, State Government bodies and Local Governments for land use and development on or adjacent to the coastline.
The draft SPP has been placed on public exhibition until 31st May 2012, during which the Department is seeking public comment. The draft SPP and the associated guidelines can be downloaded from the following website:

3. **Details**

The objectives of the draft SPP are to:

1. *Ensure that the location of coastal facilities and development takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;*
2. *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;*
3. *Provide for public coastal foreshore reserves and access to them on the coast; and*
4. *Protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance.*

The draft SPP includes five new Policy measures and five amended Policy measures. The draft SPP is also accompanied by new guidelines, entitled *State Planning Policy 2006 – State Coastal Planning Policy Guidelines* (draft SPP Guidelines).

The new and amended SPP measures are as follows:-

**New Policy Measures**

**Water Resources and Management** (cl.5.3)
Coastal developments must be managed in accordance with Water Sensitive Urban Design principles (WSUD) and Integrated Water Cycle Management (IWCM). The SPP Guidelines require consideration of *State Planning Policy 2.9 – Water Resources*, the WAPC’s *Better Urban Water Management* document, and *Liveable Neighbourhoods*.

**Coastal Hazard Risk Management and Adaptation Planning** (c.5.5)
Adequate Coastal Hazard Risk Management and Adaptation Planning must be undertaken by the responsible management authority and/or the proponent, when existing or proposed development is in an area at risk of being affected by coastal hazards over the planning timeframe.

The draft SPP requires that, as a minimum, Coastal Hazard Risk Management and Adaptation Planning is a process that establishes the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring, and review.

If a Risk Assessment identifies a level of risk that is unacceptable, adaptation measures need to be prepared to reduce those risk to an acceptable level. New development should be avoided within an area identified to be affected by coastal hazards. Coastal protection works are considered as a last resort, when there is a need to preserve the foreshore, public access and public safety and infrastructure.

**Infill Development** (cl.5.6)
Risk management and adaptation planning measures must be implemented when development is likely to be subject to coastal hazards over the planning timeframe. This requires the management and planning measures to be implemented to reduce the risk from coastal hazards to an acceptable level.

**Coastal Project Works** (cl.5.7)
Coastal Project Works (CPW) are to be avoided in the first instance. CPW should form part of a comprehensive Coastal Hazard Risk Management process, and only after the full consideration of avoiding and adapting to coastal hazards should they be considered.

Existing CPW that require significant upgrade or maintenance, are to be considered as new CPW, so consideration must be given, as to whether or not the works are appropriate.
Precautionary Principle (cl.5.11)

The Precautionary Principle requires decision makers to act in response to the best available science, knowledge and understanding of the consequences or decisions.

“Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation”.

Amended Policy Measures

Building Height Limits (cl.5.4)

The current Coastal Building Height limits of five and eight storeys for development within 300 metres of the coastline are not included in the draft SPP. Building height limits are referred to in the draft SPP being based on the following development criteria:

“(a) development is consistent with the overall visual theme identified as part of land use planning for the locality or in an appropriate planning control instrument such as local planning strategy;
(b) development takes into account the built form, topography and landscape character of the surrounding area;
(c) the location is part of an identified activity node;
(d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and
(e) there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.”

Maximum height limits may be included in Town Planning Scheme No.2, in order to achieve outcomes, which respond to the desired character, built form and amenity of the locality.

Public Interest (cl.5.8)

Community consultation and engagement strategies are required to enable the community to participate in coastal planning management, including support and guidance of activities undertaken by voluntary coast care groups. Consultation and participation should raise community awareness, understanding and education of risks and appropriate responses.

The provision of public access to the coast consistent with the values of the area, security, safety and protection of coastal resources and recreational opportunities.

Coastal Foreshore Reserves (cl.5.9)

Coastal Foreshore Reserves are required to accommodate a range of functions and values.

The required Coastal Foreshore Reserve will vary according to the particular circumstances of the proposal, as opposed to having a nominal setback requirement. It requires that each proposal is to be assessed on its merits against the principles and guidelines of Schedule One and the associated draft SPP Guidelines.

The required Coastal Foreshore Reserves are to be set aside for public ownership and given up free of cost at the time of development, subdivision, or strata subdivision, over and above the required provision of public open space, which is a current Policy requirement.

Coastal Strategies and Management Plans (cl.5.10)

A Coastal Planning Strategy or Coastal Foreshore Management Plan must be prepared and implemented by the City and/or proponent for the coastal foreshore reserve and abutting freehold land with conservation values, at the time of rezoning, structure planning, subdivision, strata subdivision or development, whichever arises first.

Coastal Planning Strategies and Foreshore Management Plans prepared under this clause:

- Are developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and WAPC (if appropriate); and
- Should address as a minimum the matters set out in the draft SPP Guidelines.
Guidelines for determining physical process impacts on the coastal types within Western Australia (Schedule One)

Schedule One of draft SPP includes guidance on how to calculate development setbacks and foreshore reserve widths, based on coastal processes. The following changes to Schedule One are as follows:

- Sea Level Rise to 0.9m to 2110. The vertical sea level rise of 0.9m is considered appropriate as a setback distance to allow for the impact of coastal processes over the next 100 year planning timeframe;
- Cyclone impacts are to be treated as severe storm events; and
- Impacts of cyclonic events are to be used for calculations.

The Schedule now includes calculations based on a number of different coastline types (i.e. sandy coasts, rocky coasts, etc) as opposed to having a nominal setback requirement. This acknowledges that the impact of coastal processes will be different dependent on the coast type.

4. Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following 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
   
   **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
   Section 77 of the Planning and Development Act 2005 requires the Council to give due consideration of SPP’s in the preparation of a new Local Planning Scheme and the associated Local Planning Strategy.

5. Comments

Overall, the City generally supports the proposed changes to the SPP. The new and amended SPP measures provide improved guidance on coastal impacts. Further, the removal of the Coastal Height Limits from the SPP is supported, as it allows building heights to be addressed individually by Local Government authorities.

The following matters require further clarification and revision in the draft SPP:
Building Height Limits

(a) In light of the building height limits being removed from the SPP, the City questions whether the building height limits provided in a Local Planning Policy (adopted pursuant to TPS2) are enforceable under the draft SPP or whether the City needs to amend TPS2 to include new provisions relating to building height.

(b) The WAPC Clause 32 (No.63) Resolution under the Metropolitan Region Scheme (MRS), regarding call-in powers for buildings over certain heights, should be deleted upon the draft SPP being gazetted.

Coastal Hazard Risk Management and Adaptation Planning

The SPP explains in detail the coastal hazard risk management and adaptation planning, but falls short of outlining with certainty the Local Government roles, responsibilities and timing requirements for undertaking the risk assessment and associated adaptation planning.

The State needs to take a more proactive role in coastal vulnerability and adaptation planning. Coasts are not defined by local government boundaries and local governments do not typically have the expertise or the resources to progress effective coastal hazard risk management and adaptation planning. To provide a far more effective, efficient and consistent process of risk management and adaptation planning the following is recommended:

- State Government should be responsible for undertaking risk management and adaptation planning to guide Local Government decisions. As such, the State Government should be responsible for preparation of regional hazard risk management and adaptation planning which would inform the preparation of local level plans prepared by local authorities or developers.

- The State Government should establish a coastal planning unit, acting as a referral agency for applications within the coastal zone/vulnerable areas, with legislation introduced to ensure its recommendations are accounted for in any planning decisions.

Coastal Protection Works (CPW)

Prior to risk assessment and adaptation planning being undertaken, the Local Government’s rights and responsibilities for carrying out CPWs need to be established. Can they continue to be carried out as status quo or is justification required to be provided? For example, beach replenishment works are undertaken annually by the City and it should ensure that these coastal foreshore works can continue.

Coastal Foreshore Reserves

The implications for Local Government public works, both existing and proposed, within foreshore reserves need to be clearly explained in the draft SPP.

Coastal Strategies and Management Plans

The SPP needs to be amended to include triggers on the preparation of a Coastal Planning Strategy, as opposed to a Foreshore Management Plan. The Local Government roles and responsibilities in preparing such Strategies need to be established. It is recommended that a template, standard format or guidelines be provided for the Coastal Planning Strategy and Foreshore Management Plan.

Calculation of Coastal Processes

The current SPP has a worked example of how to calculate setbacks. An example should also be provided in Schedule 1 of the draft SPP.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council DIRECT the Chief Executive Officer to advise the Department of Planning that it generally supports the proposed amendments to State Planning Policy 2.6 - State Coastal Planning Policy (SPP), and in particular the removal of the ‘blanket’ building height limits, subject to the SPP being further revision to address the following matters:-
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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-025/12 Proposed Cattery</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/880</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>MKB Constructions on behalf of Mr &amp; Mrs Buxton</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th May 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                  | Lot 151 (No.1243) Mandurah Road, Baldivis |
| Lot Area:              | 2.86ha |
| LA Zoning:             | Rural |
| MRS Zoning:            | Rural |
| Attachments:           |  |
| Maps/Diagrams:        | 1. Location Plan |
|                       | 2. Aerial Location Plan |
|                       | 3. Consultation Plan |
1. Location Plan

2. Aerial Location Plan
1. Purpose of Report

To consider an application seeking planning approval for a Cattery at Lot 151 (No.1243) Mandurah Road, Baldivis.

2. Background

In 1983, planning approval was granted for Dog Kennels at Lot 151 (No.1243) Mandurah Road, Baldivis. The owner has also been operating a Cattery from the premises for a number of years, but has never received formal planning approval. The owner currently houses up to 27 cats. The existing cattery shed now requires replacing, and thus an application for planning approval has been received for a new shed.

3. Details

The proponent seeks approval to operate a Cattery business from the premises, in addition to the existing Dog Kennels. The proposal includes the following elements:

- The cats will be kept in a 9.9mm x 12.2m shed with a height of 3m, which will be constructed of Trimdek steel. The shed is to be internally divided into 27 cattery enclosures of various sizes;
- The shed will be setback approximately 80m from the primary street and 40m from the northern side boundary;
- Waste will be disposed of into the two existing effluent disposal systems on site; and
- All enclosures will have self-contained litter trays which are replaced daily.

4. Implications to Consider

a. Consultation with the Community

In accordance with clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation, the application was referred to 5 nearby owners and occupiers for comment, for a period of 14 days.

At the close of the advertising period, no submissions were received.
b. **Consultation with Government Agencies**
   Not applicable

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-
   
   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. **Policy**
   Planning Policy 5.2 – Rural Land Strategy (RLS) provides the basis for land use planning in the Rural zone. Precinct 4A, in which the subject site is located, serves as an interface between the future urban land to the east of the site and the lake system parallel to Mandurah Road. The intent of the precinct is to maintain a rural viewshed from Mandurah Road and protect the landscape value of the region. The proposal does not involve the removal of any vegetation, and maintains the rural viewshed and landscape value of the region.

e. **Financial**
   Not applicable

f. **Legal and Statutory**
   A Cattery is a (‘A’) use that is not permitted in the Rural Zone, unless the Council has exercised its discretion by granting planning approval after advertising the proposal. The objective of the Rural Zone under the TPS2 is to preserve land for farming and foster semi-rural development, which is sympathetic to the particular characteristics of the area in which it is located. The City considers that the proposed Cattery complies with the objectives of the Rural zone, and provides a service for the keeping of animals. The development setbacks are compliant with TPS2 and the RLS.

5. **Comments**
   The required community consultation was undertaken by the City and there were no objections raised to the proposal. The City’s Health Services has not raised any concerns with the proposal, but has advised that the premises must have a Cattery registration and comply with all provisions of the City’s Health Local Law 1997.
   
The location of the proposed cattery is central to the property and is within a location that is well screened by the existing house and mature trees. Accordingly, the proposal is consistent with the rural character of the locality.
   
The proposed cattery complies with the requirements of TPS2 and the RLS. It is recommended that the cattery be approved.

6. **Voting Requirements**
   Simple Majority

7. **Officer Recommendation**
   That Council **APPROVE** the application seeking planning approval for a Cattery at Lot 151 (No.1243) Mandurah Road, Baldivis, subject to the following conditions:-
   
   1. A maximum of 27 cats are permitted to board at the Cattery at any one time.
   2. A schedule of the colour and texture of the building materials, demonstrating that the proposed development compliments the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit – Certified.
3. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

ADVICE:

(i) The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City’s Health Services in this regard.

(ii) The owner/operator of the premises is to obtain a Cattery registration from the City’s Health Services, and comply with all provisions of the City’s Health Local Law 1997.

8. Committee Recommendation

That Council **APPROVE** the application seeking planning approval for a Cattery at Lot 151 (No.1243) Mandurah Road, Baldivis, subject to the following conditions:

1. A maximum of 27 cats are permitted to board at the Cattery at any one time.

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ADVICE:

(i) The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City’s Health Services in this regard.

(ii) The owner/operator of the premises is to obtain a Cattery registration from the City’s Health Services, and comply with all provisions of the City’s Health Local Law 1997.

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-026/12 Proposed Scheme Amendment – ‘Rural’ to ‘Residential (R5/20)’.</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1611</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>TPG, Planning Consultant</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th May 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2010 (PD89/9/10), February 2012 (SP-008/12)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
</tbody>
</table>

### Site:
- Lot 9000 Crystaluna Drive, Golden Bay
- Lot Area: 7,524m²
- LA Zoning: Rural
- MRS Zoning: Urban

### Attachments:
1. Location Plan
2. View of site looking west
3. View of site looking south
4. View of site looking east
5. Proposed Subdivision Guide Plan

### Maps/Diagrams:
1. Location Plan
2. View of site looking west
3. View of site looking south
4. View of site looking east
5. Proposed Subdivision Guide Plan
1. **Purpose of Report**

To consider a request to initiate a Scheme Amendment to Town Planning Scheme No.2 (TPS2) to rezone Lot 9000 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Residential (R5/20)’.

2. **Background**

In September 2010, Council considered Metropolitan Region Scheme (MRS) Omnibus Amendment No.1193/57, which in part sought to rezone Lot 9000 Crystaluna Drive, Golden Bay and Lot 501 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Urban’. Council resolved not to support the Amendment on the grounds that rezoning the land to facilitate urban development was inconsistent with Planning Policy No.5.2 - Rural Land Strategy (‘the Policy’), which required the proponent to demonstrate that the landscape values of the region would not be compromised. The land was also identified as a transition area between the existing and future urban land to the west and Mandurah Road to the east.

Contrary to Council’s resolution, in August 2011, the Minister for Planning granted Final Approval to Amendment 1193/57 to the MRS to rezone Lot 9000 and Lot 501 Crystaluna Drive, Golden Bay, from ‘Rural’ to ‘Urban’.

In February 2012, Council considered a Scheme Amendment to rezone the land from ‘Rural’ to ‘Residential (R5/20)’ and resolved to defer consideration of the proposed Scheme Amendment to enable the Proponent to submit further information and discuss the matter further with the City Officers, and for the matter to be presented to the ordinary Meeting of Council on the 24th April 2012.

3. **Details**

The proponent seeks Council approval to rezone Lot 9000 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Residential R5/20’. The Amendment seeks to facilitate the subdivision of the site into seven lots with direct access onto Crystaluna Drive. The proposed lots range in size from 889m² to 1,303m² (averaging 1068m²), as shown on the proposed Subdivision Guide Plan (‘SGP’) (Map 5).

The proponent has provided justification for the Amendment as follows:-

- “Lot 9000 is strategically located in close proximity to the Singleton and Golden Bay foreshores and the established R5/20 coded residential development to the west;
The site is located in close proximity to existing local retail services on Fitch Street. Community facilities include the Singleton Primary School on Navigator Drive. The addition of residential land use within this pocket will therefore be well serviced by the existing community facilities and the public transport infrastructure.

A review of the established lot sizes immediately to the west and the north confirms lot sizes are generally between 620m² to approximately 800m² which is similar to the intended lot sizes for this site.”

Lot 9000 ranges in height from 20m to 30m AHD, with a deep depression down to 20 in the middle of the property. The site also rises substantially over a short distance to its eastern boundary.

The subject site is currently vacant and contains some cleared areas including off-road vehicle access tracks and inter-dispersed patches of Cottesloe complex vegetation, as shown in photographs 2 and 3. The surface geology of the site is Safety Bay Sand (Leolian and Beach Lime sand), which are well drained sandy soils.
4. View of site looking east

5. Proposed Subdivision Guide Plan

4. Implications to Consider

a. Consultation with the Community

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

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

c. **Strategic**

**Community Plan**

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

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

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

**Planning and Development Act 2005**

Part 9 Clause 124 (2) of the Planning and Development Act 2005 states that:

“If a region planning scheme is inconsistent with a local planning scheme, the local government of the district in which the land directly affected is situated is to, not later than 90 days after the day on which the region planning scheme has effect, resolve to prepare —

(a) a local planning scheme which is consistent with the region planning scheme; or

(b) an amendment to the local planning scheme which renders the local planning scheme consistent with the region planning scheme, and which does not contain or removes, as the case requires, any provision which would be likely to impede the implementation of the region planning scheme.”

As such, the TPS2 is required to be updated to be consistent with the modified MRS.

**Town Planning Regulations 1967**

In accordance with Regulation 13 of the Town Planning Regulations 1967, the Council is required to resolve to either Adopt the Scheme Amendment or Not Proceed with a Scheme Amendment and notify the WAPC in writing of its decision.

5. **Comments**

The City previously recommended the site be rezoned to ‘Development’ as opposed to ‘Residential (R5/20)’, to require a Structure Plan which addresses lot access, visual landscape amenity, and fire management (refer to SP-008-12). The proponent maintains that these issues can be addressed through the provision of further information, and thus the proposal to rezone to ‘Residential R5/20’ should remain unchanged.

This information is required to adequately assess the proposal. The proponent has contacted the City and requested the proposed Scheme Amendment again be deferred to allow for such information to be provided.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **DEFER** consideration of the proposed Scheme Amendment to rezone Lot 9000 Crystaluna Drive, Golden Bay, to enable the Proponent to submit further information and discuss the matter further with the City Officers.
8. Committee Recommendation

That Council *DEFER* consideration of the proposed Scheme Amendment to rezone Lot 9000 Crystaluna Drive, Golden Bay, to enable the Proponent to submit further information and discuss the matter further with the City Officers.

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-027/12 Proposed Motor Cycle Detailing and Storage and Party Promotions Showroom</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/5446</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Malcolm J Ayoub (Barrister &amp; Solicitor)</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
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<td>14th May 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Site:</th>
<th>Lot 410, Strata Lot 2 (No.3) Toynbee Way, Port Kennedy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>1,678m²</td>
</tr>
<tr>
<td>LA Zoning</td>
<td>Port Kennedy Business Enterprise</td>
</tr>
<tr>
<td>MRS Zoning</td>
<td>Industry</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Site and Elevation Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Booths and front garage door access</td>
</tr>
<tr>
<td></td>
<td>3. Bar</td>
</tr>
<tr>
<td></td>
<td>4. Bar area</td>
</tr>
<tr>
<td></td>
<td>5. Fire place, toilets and rear garage door</td>
</tr>
</tbody>
</table>
1. Location Plan – Lot 410, Strata Lot 2 (No.3) Toynbee Way, Port Kennedy

1. **Purpose of Report**

To consider an application seeking Planning Approval for a Motor Cycle Detailing & Storage and Party Promotions Showroom at Lot 410, Strata Lot 2 (No.3) Toynbee Way, Port Kennedy.

2. **Background**

In April 2010, the City received a complaint from the WA Police that the Industrial Unit was being occupied by the Outlaw Motorcycle Club (Club).

In May 2010, the City wrote to the Club advising that Planning Approval pursuant to Town Planning Scheme No.2 (TPS.2) had not been granted to occupy the unit as a ‘Club Premises’ and instructed the operators to cease the activity.

In July 2010, the City's solicitors wrote to the owner of the property (A.C.N 069 744 823 Pty Ltd) advising that a prosecution would be commenced for undertaking a change of use without having obtained Planning Approval first.

In December 2010, City Officers, with support of the WA Police, conducted a site inspection of the property which revealed that it was being used as a ‘Club Premises’.

In March 2011, a Direction Notice pursuant to section 214 (2) of the Planning and Development Act (the Act) was issued to the owner, instructing it to immediately cease the Club use of the unit and not to recommence the use.

In April 2011, the owner’s solicitor advised that the Unit was no longer being used and that the activity had ceased. Information provided by the WA Police confirmed that the activity has not recommenced.

In May 2011, the City received an application seeking Planning Approval for a Motor Cycle Detailing & Storage and Party Promotions Showroom. The Application was held in abeyance pending the receipt of additional information required to clarify the nature of the proposal and its land use classification.

In February 2012, Council resolved to defer the application for Motor Cycle Detailing & Storage and Party Promotions Showroom, to allow Officers to consider late information received on the application and that it be presented to the ordinary Meeting of Council held on the 24th April 2012.
The additional details provided by the proponent via facsimile on the 28th February 2012 are as follows:-

“I have been instructed to provide the following information that you require:-

1. I confirm that the premises will not be occupied by the Outlaws Motorcycle Club. I also confirm that all club paraphernalia has been removed; and

2. The activity and or business that will be run from the site are Black and White Party Promotions and Black and White Motorcycle Derailing and Storage; and

3. The premises itself will not be hired out to host parties or functions; and

4. The business will hire out tables, chairs pool tables and jukeboxes; and

5. The detailing of motorcycles is polishing only, no maintenance will be undertaken from the site; and

6. The fridges have been removed from the premises; and

7. The business hours at the premises will be 10:30am – 1:30pm and by appointment only; and

8. Currently one employee at the premises with intentions to increase the number of staff; and

9. The goods that will be stored or displayed are aforementioned and will also include motorbikes and associated parts. Polishes will also be displayed.

I have been further instructed that a representative from the Council can make an appointment to view the premises to confirm what I outlined above.”

In April 2012, Council resolved to again defer the application, to allow City Officers to undertake a site inspection of the premises.

3. Details

On the 19th April 2012, City Officers undertook a further inspection of the unit which revealed the following:-

- The Club emblems have been removed from the walls (painted over);
- Various Club paraphernalia has been removed;
- The two door large fridge located behind the bar has been removed;
- The large bar, pool table, the two booths, two TV’s, lounges and donkey (fire place) remain,
- Various stools and seats are located in the unit; and
- Various other stored materials are stored throughout the unit.

Photographs taken during the inspection are shown below.
2. Photo of booths and front garage door access.

3. Photo of bar.
4. Photo of bar area.

5. Fire place, toilets and rear garage door.

4. **Implications to Consider**

a. **Consultation with the Community**
   
   Not Applicable

b. **Consultation with Government Agencies**
   
   Not Applicable
c. **Strategic**

**Community Plan**

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

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

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

The City’s original position in considering the application was that it was not a bona fide application and that it had only been submitted to obtain Planning Approval to allow the premises to be used as ‘Club Premises’ for the Outlaw Motorcycle Club.

The proponent has clarified that the premises will not be used as a ‘Club Premises’ and in response to the City’s concerns, works have been undertaken to remove associated Club paraphernalia and a fridge. The site inspection conducted by City Officers confirms that sufficient modifications have been undertaken to re-examine the proposal’s land use classification under TPS2.

**Club Premises**

Town Planning Scheme No.2 (TPS2) interprets a ‘Club Premises’ as “premises used or designed for use by a legally constituted club or association or other body of persons united by a common interest”. A ‘Club Premises’ is a (‘X’) use that is not permitted in the Port Kennedy Business Enterprise zone.

**Showroom and Light industry**

Having regard to the modification to the premises, the City considers that subject to further internal modifications there are sufficient grounds to apply the Showroom and Light Industry interpretations of Light Industry.

**Compliance**

If the proposal is approved, the proponent is legally required to comply with all of the conditions of Planning Approval. Failure to comply with any conditions of Planning Approval means that the business is in breach of TPS2, which may result in enforcement action being undertaken by the City.
5. Comments

In determining an application for Planning Approval, the Council must base its assessment on the information contained in the application. If further modifications to remove the bar and fridge placed under the bar were undertaken, it would be reasonable to consider that the proposed use would not be treated as a ‘Club Premises’ and would be defined as a ‘Showroom’ and ‘Light Industry’.

The main concern in supporting the proposal is that the unit could easily be converted back to its previous unlawful use as a ‘Club Premises’. It is recommended that conditions be imposed to ensure it is not used as a ‘Club Premises’ such as restricting operating hours and the display of paraphernalia and materials. If the premises was used by the Outlaw Motorcycle Club for its clubrooms, then that use would be unlawful whether the current application was approved or not and the City could take compliance action accordingly.

Upon further consideration of the proposal, it is recommended that Council grant Planning Approval to the proposal, subject to conditions.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council APPROVE the application seeking Planning Approval for a Motor Cycle Detailing and Storage and Party Promotions Showroom at Lot 410, Strata Lot 2 (No.3) Toynbee Way, Port Kennedy, subject to the following conditions and advice notes:-

1. The premises must not be used as a ‘Club Premises’ at any time.
2. The bar and fridge under the bar must be removed from the site prior to occupation.
3. Club paraphernalia and any materials which distinguish the property being used as a ‘Club Premises’ must not be displayed at any time.
4. The business hours are limited to 8.00am and 5.30pm daily.
5. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste can be carried out within the premises.

ADVICE

(i) This approval is granted based upon the proponent’s assurance that the premises will not be occupied by the Outlaw Motorcycle Club as its Club Premises.

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

(iii) A Building Permit – Certified is required for the internal walls of the booths and mezzanine area; the applicant and owner should liaise with the City’s Building Services in this regard.

8. Committee Recommendation

That Council APPROVE the application seeking Planning Approval for a Motor Cycle Detailing and Storage and Party Promotions Showroom at Lot 410, Strata Lot 2 (No.3) Toynbee Way, Port Kennedy, subject to the following conditions and advice notes:-

1. The premises must not be used as a ‘Club Premises’ at any time.
2. The bar and fridge under the bar must be removed from the site prior to occupation.
3. Club paraphernalia and any materials which distinguish the property being used as a ‘Club Premises’ must not be displayed at any time.
4. The business hours are limited to 8.00am and 5.30pm daily.
5. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste can be carried out within the premises.
ADVICE

(i) This approval is granted based upon the proponent’s assurance that the premises will not be occupied by the Outlaw Motorcycle Club as its Club Premises.

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

(iii) A Building Permit – Certified is required for the internal walls of the booths and mezzanine area; the applicant and owner should liaise with the City’s Building Services in this regard.

Committee Voting – 4/0

<table>
<thead>
<tr>
<th>9. The Committee's Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
</tr>
</tbody>
</table>
1. Purpose of Report

To seek the Council’s adoption of amendments to Planning Procedure 1.11 – *Conditions and Footnotes for Development Approvals*, which reflect changes to the Building Act 2011, the City’s Health Services requirements and Australian Standards.

2. Background


On the 2nd April 2012, the Building Act 2011 came into effect.
3. Details

The City has undertaken a review of standard conditions for development approvals, as currently set out in Planning Procedure 1.11 – Standard Conditions and Footnotes for Development Approvals. The conditions have been primarily reviewed in the context of the new Building Act 2011.

The word ‘standard’, in regards to standard conditions, has been removed from the procedure as the City no longer refers to ‘standard’ and ‘non-standard’ conditions in Planning Approvals, and thus this term no longer applies.

The proposed amendments to Planning Procedure 1.11 include both conditions and footnotes. Conditions are requirements placed upon Development Approvals, which are enforceable under the Planning and Development Act 2005, whereas footnotes provide advice or information not enforceable.

Several development conditions currently require certain matters being completed prior to the City issuing Building Licences. The following development conditions have been reviewed to require the conditions to be satisfied prior to applying for a Building Permit – Certified, which is in accordance with the Building Act 2011. The term Building Licence is replaced with Building Permit – Certified.

- Site Works and Dust Nuisance (D5);
- Landscaping (D10);
- Carparks, Bicycle Parking, Access and End of Trip Facilities (D13, D14, D15, D16, D18, D19, D21);
- Servicing (D25, D26, D27);
- Noise (D30);
- Aesthetics (D33, D34);
- Advertisements (D36);
- Fire Management (D38);
- Amalgamation (D40);
- Rural Development (D42, D43);
- Residential Development (D50, D51, D52, D53, D54, D55, D56); and
- Special Purpose Development (D59, D61, D62).

Footnotes F3, F23 and F25 were also reviewed for consistency with the term Building Permit – Certified.

Footnotes F9, F11, F12, F13, F15, F17 and F21 have also been changed at the request of the City’s Health Services to formally advise the licencee that they are required to obtain the relevant Health Approval prior to applying for a Building Permit – Certified.

This review resulted in the deletion of two conditions (D5 & D30). Also, two new conditions (D49 & D18) and one new footnote (F31) were included.

The revised Planning Procedure 1.11 includes a total of 81 conditions and 31 footnotes.

In addition to the above changes, the existing and proposed conditions and the reason for the change to other modified conditions are set out below.

General Conditions

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition - Deleted</th>
</tr>
</thead>
<tbody>
<tr>
<td>D5 The construction cost of the building must be confirmed to the City through the provision of a Report from a qualified quantity surveyor, prior to the issue of a Building Licence.</td>
<td>Deleted</td>
</tr>
</tbody>
</table>

Comment: This condition is rarely applied and if there is any reason to doubt the cost of development this should be resolved prior to issuing a Planning Approval.
## Carparks, Bicycle Parking, Access and End of Trip Facilities

### Existing Condition

**D19** &lt;&lt;number of short-term (customer) spaces&gt;&gt; short-term bicycle parking spaces and &lt;&lt;number of long-term (staff/resident) spaces&gt;&gt; long-term bicycle parking spaces must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End of Trip Facilities, prior to the issue of a Building Licence.

The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

### Proposed Condition

**D18** &lt;&lt;number of short-term (customer) spaces&gt;&gt; short-term bicycle parking spaces and &lt;&lt;number of long-term (staff/resident) spaces&gt;&gt; long-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit - Certified.

The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

**Comment:** This condition was modified to refer to the correct terminology for Building Permits, as per the Building Act 2011. The condition has also been modified to refer to the relevant Australian Standard for Bicycle Parking Facilities.

### Noise

#### Existing Condition

**D30** Activities causing noise and/or inconvenience to neighbours must not be carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

#### Proposed Condition – Deleted

**D18** &lt;&lt;number of short-term (customer) spaces&gt;&gt; short-term bicycle parking spaces and &lt;&lt;number of long-term (staff/resident) spaces&gt;&gt; long-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit - Certified.

The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

**Comment:** This condition was deleted as it is inconsistent with the Environmental Protection (Noise) Regulations 1997, which allow for construction noise outside of the hours prescribed.

#### Existing Condition

**D32** An Acoustic Report must be prepared which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City, prior to the issue of a Building Licence.

#### Proposed Condition

**D30** An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, must be approved by the Manager, Health Services prior to applying for a Building Permit - Certified.

**Comment:** This condition has been modified to require the conditions to be approved by the Manager of Health Services and also to refer to the correct terminology for Building Permits, as per the Building Act 2011.
### Design Elements - Commercial

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>D49 Public or customer access must be from the Retail Main Street &lt;&lt;insert name of street&gt;&gt;.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been added to ensure public access to tenancies occurs from the Retail Main Street and not the rear of the premises, to allow for an interactive main street.

### Commercial Vehicle Parking

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D79 All vehicle wash-down wastewater must be disposed of on-site at all times.</td>
<td>D79 All vehicle wash-down wastewater must be disposed of on-site, in accordance with the Unauthorised Discharge Regulations 2004, at all times.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been modified to refer to the Unauthorised Discharge Regulations 2004.

### Developer Contributions

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>D81 Arrangements being made to the satisfaction of the City for the payment of contributions towards the Administration and Infrastructure items identified in Amendment No.114 to the City of Rockingham Town Planning Scheme No.2, prior to applying for a Building Permit – Certified.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been added to acknowledge proposed Scheme Amendment No.114 – Developer Contributions, which was adopted by Council in December 2011 (SPE-036/11).

### Footnotes

<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>F19 The development must comply with section 400 of the Local Government (Miscellaneous Provisions) Act 1960 and the Street Verandahs Local law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City’s Building Services in this regard.</td>
<td>F22 The development must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City’s Building Services in this regard.</td>
</tr>
</tbody>
</table>

**Comment:** This footnote has been modified to delete referral to section 400 of the Local Government (miscellaneous Provisions) Act 1960, which is no longer applicable.
### Comment:
This footnote has been added to provide advice with regards to proposed condition D81.

### 4. Implications to Consider

<table>
<thead>
<tr>
<th>a.</th>
<th>Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b.</th>
<th>Consultation with Government Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>c.</th>
<th>Strategic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community Plan</td>
</tr>
<tr>
<td></td>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:--</td>
</tr>
<tr>
<td></td>
<td><strong>Aspiration 15:</strong> Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d.</th>
<th>Policy</th>
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### 5. Comments

The revised conditions and footnotes set out in Planning Procedure 1.11 are consistent with the Building Permit – Certified term applied in the Building Act 2011 and other legislation. The proposed modifications are self-explanatory.

It is recommended that Council adopt the draft Planning Procedure.

### 6. Voting Requirements

Simple Majority

### 7. Officer Recommendation

That Council **ADOPT** the revised (modification in bold) Planning Procedure 1.11 - Conditions and Footnotes for Development Approvals.
8. Committee Recommendation

That Council ADOPT the revised (modification in bold) Planning Procedure 1.11 - Conditions and Footnotes for Development Approvals, as follows:-

PLANNING PROCEDURE 1.11
CONDITIONS AND FOOTNOTES FOR DEVELOPMENT APPROVALS

1. Introduction
Clause 6.7.1 of Town Planning Scheme No.2 states that in determining an application for planning approval, the City may grant its approval with or without conditions or refuse to grant its approval, giving its reasons.

2. Statement of Intent
The City uses approval conditions and footnotes in respect of applications for planning approval on any land within the Scheme Area. The purpose of this Planning Procedure is to list the approval conditions and footnotes that may be applied in respect of applications for planning approval, as set out in Appendix 1.

Notwithstanding the approval conditions or footnotes listed in this Planning Procedure, the City may modify any approval condition or footnote or impose any alternative approval condition or footnote after considering the nature of the particular application.

This Planning Procedure should be read in conjunction with Planning Policy 7.3, Cockburn Sound Catchment, which contains additional standard conditions not included in this Procedure.

3. Planning Procedure
The approval conditions and footnotes for use in respect of applications for planning approval are set out in Appendix 1.

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

Council means the Council of the City of Rockingham.

Scheme Area covers the whole of the area of land and waterways of the local government district of the City of Rockingham as shown on the Scheme Map.

5. Adoption
This Planning Procedure was adopted by Council at its ordinary Meeting held on the 22nd May 2012.

Appendices
1. Conditions and Footnotes for Development Approvals.

________________________________________________________________________
Appendix 1 - Conditions and Footnotes for Development Approvals

GENERAL CONDITIONS

D1 This Approval shall be in accordance with the amended development application plans dated <<date amended plan received>> by the City on the _____________.

D2 This Approval (where development has substantially commenced) is only valid until <<date the approval expires>>. Planning Approval must be obtained for continuation of the development past this date.

D3 This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.

D4 The development must be designed and all works must be carried out in accordance with the <<name of Document or Management Plan>> prepared by <<author of Document or Management Plan>> and dated <<date of Document or Management Plan>>, for the duration of development.

SITE WORKS AND DUST NUISANCE

D5 Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit - Certified.

D6 Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

D7 A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation’s DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the City, prior to applying for a Building Permit - Certified.

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

WATER MANAGEMENT

D8A All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City. [Residential]

D8B All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit - Certified. [Commercial and Industrial development]

D9 All works must maintain a minimum vertical separation distance of 2m to the highest-known watertable level, for the duration of the development.

LANDSCAPING

D10 A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit – Certified.

(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

(ii) Any lawns to be established;

(iii) Any natural landscape areas to be retained;

(iv) Those areas to be reticulated or irrigated; and

(v) Verge treatments.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.
The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.

The <<landscape buffer/screen bund>> must be vegetated such that the development minimises visual impact from public spaces, to the satisfaction of the City, prior to the commencement of development and must be retained and maintained in good condition at all times.

CARPARKS, BICYCLE PARKING, ACCESS AND END-OF-TRIP FACILITIES

The carpark must:

(i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;

(ii) include <<number of accessible parking spaces>> car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

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

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

The car park must comply with the above requirements for the duration of the development.

<<number of visitor parking spaces>> visitor car parking spaces must be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit - Certified.

The visitor car parking spaces must be constructed, clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to occupation of the development, and must be retained and maintained in good condition at all times.

A cash contribution, in lieu of the shortfall of on-site car parking for the development of <<number of shortfall of parking spaces>> car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to applying for a Building Permit - Certified.

A cash contribution being provided for <<number of cash-in-lieu parking spaces required (Waterfront Village)>> car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit - Certified.

Materials, sea containers, goods or bins must not be stored within the carpark at any time.

<<number of short-term (customer) spaces>> short-term bicycle parking spaces and <<number of long-term (staff/resident) spaces>> long-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit - Certified.

The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
D19 <<half the number of showers required>> male and <<half the number of showers required>> female secure hot-water showers and change rooms and <<number of long-term (staff/resident) spaces>> clothing lockers must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, prior to applying for a Building Permit - Certified.

The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

WORKS IN ROAD RESERVE

D20 The existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

D21 <<number of on-street parking spaces>> on-street car parking spaces must be designed in accordance with the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior to applying for a Building Permit - Certified.

The on-street car parking spaces must be constructed, sealed, kerbed, drained and marked prior to the development being occupied.

SERVICING

D22 The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.

D23 The above ground hydrocarbon storage facility must be bunded, with impervious bunds, having a minimum capacity of 110% of the hydrocarbon store capacity, prior to the occupation of the development, and must be retained and maintained at all times.

D24 Washdown areas must constructed of hard-stand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains. Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.

D25 A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit - Certified. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

D26 The bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City, prior to applying for a Building Permit - Certified. The bin storage area must be constructed prior to the occupation of the development and be retained and maintained in good condition at all times.

D27 A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit - Certified:

(i) the location of bin storage areas and bin collection areas;
(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
(iv) frequency of bin collections.

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

D28 Exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with "state of the art" filtration and odour suppression devices to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.

NOISE NUISANCE

D29 Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
D30 An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, must be approved by the City’s Manager, Health Services prior to applying for a Building Permit – Certified.

All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

D31 An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

(i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest ‘noise sensitive premises’ and surrounding residential area;

(ii) tonality, modulation and impulsiveness; and

(iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

LIGHT NUISANCE

D32 Floodlighting must not be illuminated after 10:00pm or before 7:00am.

All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.

AESTHETICS

D33 A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit - Certified.

The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.

D34 A Schedule setting out details on articulation, colour and texture for all walls built up to boundaries, demonstrating how the impression of height and bulk can be reduced, must be provided to the satisfaction of the City, prior to applying for a Building Permit - Certified.

The walls must be finished in accordance with the Schedule provided and approved by the City prior to occupation of the development.

D35 The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

ADVERTISEMENTS

D36 A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit – Certified and implemented as such for the duration of the development

D37 The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, or be, in the opinion of the City, objectionable, dangerous or offensive, at any time.

FIRE MANAGEMENT

D38 A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission's Planning for Bush Fire Protection Edition 2, to the satisfaction of the City, prior to applying for a Building Permit - Certified.

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

HERITAGE

D39 The heritage place identified on the approved plan must be retained and protected from damage by all on-site works, at all times.
AMALGAMATION
D40 Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit - Certified or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.

REHABILITATION
D41 Rehabilitation must be undertaken immediately following the cessation of the development, or where the development is staged, to be undertaken progressively immediately following the cessation of each stage, for the duration of the development.

RURAL DEVELOPMENT
D42 All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to applying for a Building Permit - Certified.
Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.
D43 All buildings and structures must be designed to be wholly within the approved Building Envelope, prior to applying for a Building Permit - Certified.
Clearing of vegetation outside the approved Building Envelope must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.
D44 The development must not be used for habitation at any time.

DESIGN ELEMENTS - COMMERCIAL
D45 Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
D46 All doors facing the <<insert street name where doors must be kept open>> frontage of the building must be kept open and not locked during all hours when the subject premises is trading.
D47 Street awnings must be provided to <<insert name of all streets the building abuts>> across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.
D48 The proposed roller blinds to the Outdoor Eating Area must be of a transparent nature at all times.
D49 Public or customer access must be from the Retail Main Street <<insert name of street>>.

DESIGN ELEMENTS - RESIDENTIAL
D50 Fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres prior to applying for a Building Permit - Certified, and must be retained and maintained in good condition at all times.
D51 The openings to <<insert description of openings>>, marked in red on the approved plans, must be designed in accordance with the following, prior to applying for a Building Permit - Certified:
   (i) fixed obscure glazing not able to be opened; or
   (ii) having a sill height not less than 1.6 metres above floor level; or
   (iii) reduced in size to not exceed 1.0m² in aggregate on the same wall; or
   (iv) deleted.
Privacy Screening must be implemented as such for the duration of the development.
D52 The <<insert side of balcony to be screened>> side of the balcony to <<insert the location of the balcony>>, marked in red on the approved plans, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level, prior to applying for a Building Permit – Certified, and implemented as such for the duration of the development.
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 18 JUNE 2012

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D53  Walls built up to the common boundary with <<insert street address of adjoining property>> must be designed to have a maximum height of <<insert maximum height under R-Codes>> above natural ground level, **prior to applying for a Building Permit - Certified**.

D54  Clothes drying facilities (excluding electric clothes dryers) must be designed for each Multiple Dwelling, **to be** screened from public view, **prior to applying for a Building Permit - Certified**, and implemented as such for the duration of the development.

The facilities, so designed, must be completed prior to occupation of the development and must be retained at all times.

D55  The total height of the development must be designed so that it does exceed a height of <<insert maximum height limit>> above natural ground level, **prior to applying for a Building Permit - Certified**.

D56  An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and located within the same building as their respective dwellings, being designed for each multiple dwelling, **prior to applying for a Building Permit – Certified**, and implemented as such for the duration the development.

D57  Above-ground meter boxes must not be located in a street setback area at any time.

SPECIAL PURPOSE DWELLINGS

D58  The Ancillary Accommodation must only be occupied by a member of the same family as the occupiers of the main dwelling, at all times.

D59  A notification must be registered on the Certificate of Title for the land, pursuant to section 70A of the **Transfer of Land Act 1893**, **prior to applying for a Building Permit - Certified**. This notification must include the following detail:

"The ancillary accommodation can only be occupied by a member of the same family as the occupiers of the main dwelling."

D60  At least one occupant of each Aged or Dependent Persons’ Dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person, at all times.

D61  A Restrictive Covenant must registered on the Certificate of Title for the land, pursuant to section 70A of the **Transfer of Land Act 1893** or section 6(1) of the **Strata Titles Act 1985**, **prior to applying for a Building Permit - Certified**. This Covenant must include the following detail:

"At least one occupant of each aged or dependent persons’ dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person."

D62  The Aged or Dependent Persons’ Dwellings must be designed to incorporate, as a minimum, door widths, corridor widths, toilets, toilet approach doors and provision for grab rails being in accordance with Australian Standard AS 4299—1995, **Adaptable housing**, **prior to applying for a Building Permit - Certified**.

DISPLAY HOME CENTRES

D63  The following must be installed prior to the occupation of the development, and retained and maintained in good condition at all times:

(i) hard-stand materials to all lots shown as car parking on the approved site plan;

(ii) crossovers; and

(iii) a 1.5m wide footpath connecting the car park and each display home.

D64  The office or transportable building must be removed upon the cessation of the Display Home Centre operation.

D65  All hard-stand material must be removed from the car parking area and the land stabilised to prevent dust nuisance, upon the cessation of the Display Home Centre operation.

D66  A minimum of 4 on-site car parking spaces per Display Home must be retained and maintained in good condition until the cessation of the Display Home Centre operation.

HOME OCCUPATIONS / HOME BUSINESSES / COTTAGE INDUSTRIES

D67  All materials and/or equipment used in relation to the <<"Home Occupation/Home Business”>> must be stored within the residence, shed and/or rear yard, behind property fences, at all times.
Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 10 minutes between clients.

Clients must not be permitted to attend the premises at any time.

Not more than two people are to be employed in connection with the Home Business who are not members of the occupier's household, at any time.

Any person not a member of the occupier's household must not be employed in connection with the Home Occupation at any time.

The display or retail sale of goods must not be carried out from the premises.

EXCLUDED RETAIL ITEMS - SHOWROOMS AND PHARMACIES

Excluded retail items, as identified in the interpretation of "Showroom'/Medical Centre" in Town Planning Scheme No.2, must not be displayed or offered for sale or sold from the premises at any time.

LICENSED PREMISES

A Management Plan, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate.

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

MOTOR VEHICLE WRECKING

The vehicles stored on the premises must be stacked in neat rows and must not be visible from the street, at any time.

COMMERCIAL VEHICLE PARKING

The Commercial Vehicle must be parked entirely within the property and behind the street setback area or parked at the rear of the residence and screened from view of any public street or reserve and neighbouring lots, whenever the Vehicle is present on the property.

Major repairs must not be carried out on-site, the verge or the street, at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.

All vehicle wash-down wastewater must be disposed of onsite, in accordance with the Unauthorised Discharge Regulations 2004, at all times.

The Commercial Vehicle must not be started after 10.00pm or before 7.00am.

DEVELOPMENT CONTRIBUTIONS

Arrangements being made to the satisfaction of the City for the payment of contributions towards the Administration and Community Infrastructure items identified in Amendment No.114 to the City of Rockingham Town Planning Scheme No.2, prior to applying for a Building Permit – Certified.

FOOTNOTES

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

This Approval supersedes the previous Approval dated <<date of superseded approval>>.

Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to applying for a Building Permit - Certified.

The interpretation of <<insert TPS2 word requiring interpretation>> in Town Planning Scheme No. 2 is as follows:-

[insert Scheme interpretation]
The car parking requirement for this development has been calculated as <<insert calculated minimum car parking requirement>> car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of <<insert number of car parking spaces proposed>> car parking spaces which <<meets the minimum car parking requirement as is deemed acceptable/has a shortfall of car parking spaces required for the development, which has been deemed acceptable'>>.

With respect to Condition insert cash-in-lieu car parking condition number, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Carparking, which provides guidance on the calculation of the cash contribution.

The development should comply with <<Planning Policy 3.3.10 - Home Occupations and Home Businesses, Planning Policy 3.3.13 - Parking of Commercial Vehicles in a Residential Zone'>>, a copy of which is attached to this approval.

The development must comply with Schedule <<Schedule number "4,5'>> (relating to Planning Unit <<Planning Unit "3,4,5,6,7,'Warnbro Dunes'">> of the Rural Land Strategy) of Town Planning Scheme No.2, a copy of which is attached to this approval.

A separate approval from the City’s Health Services is required under the Health (Public Building) Regulations 1992. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City’s Health Services in this regard.

The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City’s Health Services for information on confirming requirements.

A separate approval from the City’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City’s Health Services in this regard.

A separate approval from the City’s Health Services is required under the Health (Skin Penetration Procedure) Regulations 1998. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City’s Health Services in this regard.

A separate approval from the City’s Health Services is required under the Health Act 1911 with respect to 'offensive trades'; the applicant should liaise with the City's Health Services in this regard.

A Stable Licence from the City’s Health Services is required under the Health Local Laws 1996. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City’s Health Services in this regard.

The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.

A separate approval from the City’s Health Services is required under the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City's Health Services in this regard.

A design of the washdown area must be provided to the satisfaction of the City’s Health Services. Please liaise with the City’s Health Services in this regard.

The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City’s Health Services in this regard.

The development must comply with the Environmental Protection (Controlled Waste) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.
F21 An Outdoor Eating Area Licence from the City's Health Services is required under the Activities in Public Places and Thoroughfares and Trading Local Laws 2001. This is required prior to the lodgement of an application for a Building Permit - Certified. The applicant should liaise with the City's Health Services in this regard.

F22 The development (awnings) must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.

F23 A Building Permit - Certified must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.

F24 The installation of security cameras linked to the City's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.

F25 A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

F26 With respect to Condition insert landscaping condition number, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.

F27 The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

F28 All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant should liaise with the City's Engineering Services in this regard.

F29 A Permit to Take Water for the use of groundwater may need to be obtained; the applicant should liaise with the Department of Water in this regard.

F30 The development must comply with the Aboriginal Heritage Act 1972; the applicant should liaise with the Department of Indigenous Affairs in this regard.

F31 Condition <<insert Development Contribution Condition>> is an acknowledgement of proposed Amendment No.114 that is considered to be a seriously entertained planning proposal for the provision of developer contributions for community infrastructure. Details with respect to the Amendment are available on the City's website (www.rockingham.wa.gov.au).

Committee Voting – 4/0

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

Correction of typographical errors (D26 and F31 italics and underlined).

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

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

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<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-029/12 Proposed Street Naming Theme – Baldivis North Estate</th>
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<tr>
<td>File No:</td>
<td>LUP/1194</td>
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<tr>
<td>Proponent/s:</td>
<td>McMullen Nolan &amp; Partners Surveyors</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th May 2012</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>August 2008 (PD166/8/08)</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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| Site:                  | Lots 9007, 9008 & 9009 Fifty Road, Baldivis                     |
| Lot Area:              | 10.5607ha                                                      |
| LA Zoning:             | Development                                                   |
| MRS Zoning:            | N/A                                                           |
| Attachments:           | 1. Location Plan                                              |
|                       | 2. Baldivis North Estate – Undeveloped Land                   |

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1. Location Plan

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CONFERMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 18 JUNE 2012
1. **Purpose of Report**

To consider an application seeking approval for a street naming theme based on ‘Early Migrant Settlers of Group Settlements 50 and 66’ for the balance of the ‘Baldivis North’ Estate.

2. **Background**

The Baldivis North Local Structure Plan was adopted by the Council and approved by the Western Australian Planning Commission (WAPC) in December 2006.

The street names currently approved within the ‘Baldivis North’ Estate are based on the theme of ‘Children First Enrolled at the Baldivis Primary School’, which the Council endorsed in August 2008. This theme has been applied to stages of developed land shown on the above plan.

3. **Details**

The proponent seeks the Council’s endorsement of the theme of ‘Early Migrant Settlers of Group Settlements 50 and 66’ to be used within the future stages of the Baldivis North Estate.

The Group Settlement Scheme was an associated migration scheme, which operated in WA from the early 1920’s. Its principal purpose was to provide a labour force to open up the large tracts of potential agricultural land to reduce food imports from interstate. Group Settlements 50 and 66 were land holdings in the locality of Baldivis.

The proponent has advised the existing theme has become exhausted and too restrictive to allow a sufficient number of new street names to be approved for the balance of the Baldivis North Estate.

The rationale behind this choice of theme is that Stages 1-3 of the development are within Group Settlement 66 and Stage 4 is within Group Settlement 50.

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

- Chilvers
- Jennings
- Langford
- Dunning
- Kingote
- Linaker
- Steer

4. **Implications to Consider**

a. **Consultation with the Community**

   Nil
b. **Consultation with Government Agencies**
   
   Consultation with the Geographic Names Committee is required following the Council's decision.

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

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

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

e. **Financial**
   
   Nil

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

5. **Comments**
   
   Given the current street naming theme ‘Children First Enrolled at the Baldivis Primary School’ has become exhausted, it is recommended that the Council support the proposed theme based on ‘Early Migrant Settlers of Group Settlements 50 and 66’, as it reflects the historical development of Baldivis.

6. **Voting Requirements**
   
   Simple Majority

7. **Officer Recommendation**
   
   That Council **ENDORSE** the proposed street naming theme of ‘Early Migrant Settlers of Group Settlements 50 and 66’, for the balance of undeveloped land applying to the ‘Baldivis North Estate’, being Lots 9007, 9008 & 9009 Fifty Road, Baldivis.

8. **Committee Recommendation**
   
   That Council **ENDORSE** the proposed street naming theme of ‘Early Migrant Settlers of Group Settlements 50 and 66’, for the balance of undeveloped land applying to the ‘Baldivis North Estate’, being Lots 9007, 9008 & 9009 Fifty Road, Baldivis.

   Committee Voting – 4/0

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

10. **Implications of the Changes to the Officer's Recommendation**
   
   Not applicable
**Planning Services Committee Minutes**  
**Monday, 14 May 2012**

**CONFIRMED AT A PLANNING SERVICES MEETING**  
**HELD ON MONDAY, 18 JUNE 2012**

### Planning Services Statutory Planning Services

<table>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-030/12 Proposed Building Envelope Modification (Golden Bay)</th>
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<tr>
<td>File No:</td>
<td>28/4726</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Nathan Peart</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
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<td>Date of Committee Meeting:</td>
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<th>Site:</th>
<th>Lot 101 (No. 174) Dampier Drive, Golden Bay</th>
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**Attachments:**

1. Location Plan  
2. Subdivision Plan  
3. Building Envelope Modification  
4. Consultation Plan
1. Location Plan – Lot 101 (No.174) Dampier Drive, Golden Bay

1. **Purpose of Report**

To consider an application seeking planning approval to expand the existing Building Envelope for Lot 101 (No.174) Dampier Drive, Golden Bay.

2. **Background**

In August 2010, the Western Australian Planning Commission (WAPC) referred a subdivision proposal to the City which proposed to subdivide the subject lot into two new lots, serviced by a battleaxe driveway. In August 2010, the City recommended the subdivision be refused, as it was not consistent with the minimum 1ha lot size required under Planning Unit No.3 of the City’s Rural Land Strategy.

In November 2010, the WAPC approved the subdivision, which showed the original Building Envelope crossing a new subdivision boundary, projecting into the battleaxe leg.

In February 2012, Council amended Planning Procedure 1.1 - Delegated Authority to require applications to vary Building Envelopes in the Golden Bay and Singleton Special Rural and Special Residential Zones to be referred to the Council for determination.

3. **Details**

The proponent seeks approval to extend the Building Envelope towards the northern boundary.

The City advised the proponent that the Building Envelope should be revised to reflect the 2010 subdivision application. City Officers were not in a position to provide a recommendation on the Building Envelope proposal, due to the lot boundaries shown on the original application being subject to change. In December 2010 the proponent requested that the application to modify the Building Envelope be deferred until the subdivision boundaries of the property were more certain. This was also due to the proponent being unsure whether they were going to sell, or proceed with the subdivision.
2. Subdivision Plan approved 11th November 2010 (Indicates existing house)

In July 2011, a revised Building Envelope plan was submitted which addressed the City’s concerns relating to consistency with the proposed new subdivision boundaries, however, the 17% increase in size of the Building Envelope was not compliant with Planning Policy 3.3.17 – Variations to Building Envelopes (Policy). The proponent was advised that justification for the variation to the Policy was needed or alternatively, revised plans be submitted complying with a maximum 10% increase in the size of the Building Envelope.

For several months the proponent failed to provide a response to the City’s request for revised plans.

In March 2012, the proponent finally submitted a revised Building Envelope plan. The Building Envelope is consistent with the subdivision approval and proposes an increase of 92m², which is equivalent to 10% of the original Building Envelope.
3. Building Envelope Modification (Plan received 28th March 2012)

4. Implications to Consider

a. Consultation with the Community

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and the Policy, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to two nearby land owners and occupiers for comment, for a period of 14 days, as shown on the Consultation Plan. At the close of the public comment period, no submissions were received. It should be noted that the land abutting the eastern boundary of the subject site is owned by the City of Rockingham.

b. Consultation with Government Agencies

Not Applicable
c. Strategic

Community Plan

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

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

d. Policy

Planning Policy 3.3.17 – Variations to Building Envelopes (the Policy) applies to the application. The Policy requires Building Envelopes to be located based upon environmental conditions, landform and vegetation characteristics, the possible form of residential development and the impact of future development on the visual amenity of the locality. The Policy also provides that unless otherwise approved by the Council, only minor increases to the size of Building Envelopes will be considered to a maximum of 10% of the area of the original Building Envelope. All Building Envelopes are also required to be of a regular shape and comprise a single contiguous area. The proposal is considered to be compliant with the intent and objectives of the Policy.

---

**Key:**
- Consulted Land
- Subject Site

---

4. Consultation Plan

e. Financial

Not Applicable
f. **Legal and Statutory**

The proposed Building Envelope variation was assessed against the provisions applying to the Golden Bay Special Residential Zone in TPS2. The objective of the Special Residential zone is to ensure that the rural landscape and amenity is conserved and the natural environment is enhanced. The proposal is consistent with the rural landscape and amenity of the area. There are no adverse environmental impacts associated with the proposed Building Envelope extension, as it is within an area where there is limited existing vegetation.

5. **Comments**

The required community consultation of affected or adjoining properties was undertaken by the City and there were no objections raised to the proposal by adjoining owners.

The proposed Building Envelope modification complies with TPS2 and the Policy. It is recommended that the proposed Building Envelope variation be approved.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **APPROVE** the application to vary the Building Envelope on Lot 101 (No.174) Dampier Drive, Golden Bay.

8. **Committee Recommendation**

That Council **APPROVE** the application to vary the Building Envelope on Lot 101 (No.174) Dampier Drive, Golden Bay.

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
**Director Planning and Development**

**Planning Services**  
Planning and Development Services

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<tr>
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<td>File No:</td>
<td>LUP/1594</td>
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<tr>
<td>Proponent/s:</td>
<td>Department of Housing</td>
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<tr>
<td>Author:</td>
<td>Mr Peter Ricci Project Manager, Keralup</td>
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<td>1. Community Facility Need by Population Threshold</td>
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<td>2. Summary of Needs and Recommendations for Social Infrastructure Requirements at Keralup</td>
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1. **Purpose of Report**

To consider the content of the draft Keralup Community Needs Assessment.

2. **Background**

The Department of Housing has conducted a Community Needs Assessment (CNA) for Keralup. In essence, the CNA seeks to provide a broad assessment of the future social infrastructure requirements for Keralup and identify when the infrastructure is needed. ‘Social Infrastructure’ encompasses both community facilities (physical structures) and services (programs or activities).
The CNA will be the basis for a Community Development Strategy for Keralup which will confirm the outcomes reached within the CNA and identify how it will be delivered. The Community Development Strategy is required to support and justify elements of the District Structure Plan for Keralup. The preparation of the Community Development Strategy is yet to be commissioned.

The CNA process has been supervised by the Keralup Community Needs Sub-Group, convened by the Department of Planning under its Keralup Project Coordination Group structure. The City is represented on the Sub-Group by the Manager, Community Infrastructure Planning, the Manager, Community Capacity Building and the Project Manager, Keralup.

To provide a foundation to the CNA, the scale and staging of development at Keralup has been derived from the draft Keralup District Structure Plan 2010, which has not been lodged for assessment. The draft District Structure Plan anticipates an ultimate population of about 90,000 people and an urban structure that is serviced by one major Activity Centre and two lower order (District) Centres. The District Structure Plan contains a ‘Key Development Principle’ of ‘Early Community Formation’ which recognises the isolated location of Keralup and seeks to advance the provision of essential social infrastructure.

The scope for the CNA also required that Keralup West (Stage One), being the 100ha cell between the Kwinana Freeway and the Serpentine River, be individually addressed given its unique circumstances. In this regard, the separation of the cell from existing and planned urban development, and the potential for it to be developed without the other stages of Keralup proceeding, warrants special consideration.

The phases of the CNA process are described below:

(i) **Audit of Community Services and Facilities**

This involved an audit of existing and planned facilities and services within the Keralup region and their categorisation as ‘Local’, ‘District’ or ‘Regional’. Consultation was then undertaken with the service providers to understand capacity and need.

The location of the existing facilities were mapped, and their service catchment defined, to enable their relevance to Keralup to be established.

A Consultation Report was prepared to capture the process, participants and outcomes.

(ii) **Future Requirements for Social Infrastructure**

This phase forecasted the demographic profile of Keralup and the staging of development. It also identified the gaps in social infrastructure provision through developing a desired standard of service and taking into account the capacity of the existing facilities that may service Keralup.

(iii) **Recommendations and Action Plan**

The final element of the process involved the production of recommendations and actions upon considering the outcomes from the preceding phases.

The City provided input throughout the various phases of the Project with respect to populating the facility/service audit, recommending parties to be consulted and commenting on a draft Interim Report.

The City’s input into the draft Interim Report focussed on the following matters:

- Classification of the main Keralup Activity Centre (commercial node). In this regard, the document suggested, without adequate justification, that it be classified as a Strategic Metropolitan Centre (the same category as Rockingham and Mandurah) which will influence the expected social infrastructure provision and the catchment it serves.

- The projected demographic profile of Keralup, along with the anticipated dwelling occupancy rate.

- The types and definition of facilities/services that the CNA should contain, including the need to address Sport & Recreation infrastructure and the normal Civic facilities that will be required to support the population (ie. Dog Pounds, Council Depot, Administration facilities).

- Alignment with the Rockingham Community Infrastructure Plan.
The basis for the thresholds of facilities/services (ie. the recommended point at which it is provided; represented as a percentage of development with the catchment).

3. Details

The City has now received a copy of the final draft CNA to which Council's comment is invited. The draft CNA has been developed upon considering the input from the various stakeholders at the Sub-Groups meetings, a Workshop with the key service providers and the comments provided to the draft Interim Report.

The content of the draft CNA is summarised below:

(i) Introduction

Identifies the current status of the Keralup project, the process that the CNA followed and the purpose/objectives of the Study.

The objective of the Study is ‘to undertake a needs analysis that addresses community-related demand resulting from the proposed Keralup development, and the resulting internal (within Keralup) and external (within the South-west and Peel Sub-Regions) supply required to meet this demand’.

Study limitations were also stated including the difficulty in applying community planning over a Project with a 50 year development timeframe, the uncertainty surrounding population growth/future demographics and the lack of an existing community to determine actual community needs.

(ii) Social Infrastructure in New Communities

Seeks to establish the pattern for growth in new communities and the demographic profile that could be expected at Keralup. It also highlighted the challenges for servicing new communities such as the underprovision of infrastructure in the early development stages, insufficient local government resources and general isolation.

The benefits of providing social infrastructure early in the development of new communities was also discussed and two examples of where it had successfully been achieved were identified (Ellenbrook and Springfield Lakes, Queensland).

The importance of social infrastructure was then described across areas such as ‘Community Capacity Building’, ‘Health & Wellbeing’ and ‘Economic Prosperity’.

(iii) Policy Context

The various policy and strategic documents that contributed to the Study findings were then detailed along with their implications. In a local sense, the Rockingham Community Infrastructure Plan, the draft Gap Analysis of Services in the Rockingham Kwinana Region 2011 (RKDO) and the superseded Keralup District Structure Plan (2010) were examined, along with the State Government’s key Strategic Planning documents such as Directions 2031 and Beyond and State Planning Policy 3.6 - Development Contributions for Infrastructure.

The notable implications of the assessment are as follows:

- As a Strategic Metropolitan Centre, the City of Rockingham has a role and responsibility to provide higher order regional level facilities to service the wider catchment including Keralup (particularly in the early stages of Keralup).
- In developing the CNA, consideration will be given to the established community facilities hierarchy as well as the Desired Standards of Services adopted by the City of Rockingham.
- It is important that the CNA reflects the vision of the District Structure Plan and justify its content.
- The requirements of SPP 3.6 should be reconciled consistent with the Council’s Community Infrastructure Plan process.
- There is a need to provide early, interconnected public transport to allow access to social infrastructure.

(iv) Overview of Keralup Development

The location and regional context of Keralup was then discussed along with the key issues raised by the three Local Government stakeholders (Rockingham, Murray and Mandurah).
The Keralup vision (as stated within the District Structure Plan) was then identified, as it relates to social infrastructure including the key matters as ‘Early Community Formation’, ‘Effective & Sustainable Regional Transit Links’ and ‘Compactness & Diversity’.

The expected demographic profile was then established which suggested that in the early stages Keralup will attract first homebuyers and couples with children, and as it evolves and housing choice is expanded, the profile will be more balanced. A household occupancy rate of 2.9 was predicted.

All ‘Local’, ‘District’ and ‘Regional’ facilities and services in proximity to Keralup were mapped and an analysis of their capacity, following consultation with the various service providers, was then conducted. Some of the more noteworthy outcomes are as follows:

- The private sector is likely to become involved in the early provision of schools before the State Government.
- There is capacity within the local tertiary institutions to meet the demands of the new population (within the areas they specialise).
- A review of Police Services will be required to service the Keralup area, however, as it stands presently, it would be serviced by the Mandurah Police. A career Fire Station is likely to be required within Keralup.
- There is likely to be additional pressure placed on the existing regional Health Services, despite the plans to increase capacity.
- Existing sporting facilities in proximity to Keralup (including those at Secret Harbour, Golden Bay and Singleton) are at capacity and have little potential to cater for Keralup residents.

A list of planned facilities and services within the region was also provided as gleaned from documents such as the Rockingham Community Infrastructure Plan 2011.

(v) Analysis of Social Infrastructure Requirements

The hierarchy of community facilities was stated along with an expected catchment in terms of population numbers and coverage. In this regard, ‘Local’ facilities were thought to have a catchment population up to 10,000 and service a radius of 1km - 2km, ‘District’ facilities; up to 75,000 and 5km - 10km and ‘Regional’; 150,000+ and 20 km+.

The recommended Desired Standards of Service were then established which helped define the minimum performance requirement of an infrastructure item to meet the demand. This resulted in a Table that identifies the various facilities under the ‘Local’, ‘District’ and ‘Regional’ categories and recommendations on the population catchment it would service. Sport & Recreation activities were included.

In addition, catchment thresholds were recommended which identify when the infrastructure item should physically be provided. The thresholds are represented as a percentage of the catchment population which ensure that those within the community do not need to wait until the full catchment is in place for the infrastructure to be provided. The recommended thresholds are as follows:

- Local - 20%
- District - 60%
- Regional - 80%

Population thresholds (or stages) were established for Keralup itself, as follows:

- Population of 10,000 people; captures Keralup West (Stage One) and the commencement of Stage 2 (east of the Serpentine River within Rockingham).
- Population of 25,000 people; assumes the growth of Stage Two and activation of the main Activity Centre.
- Population of 50,000 people; assumes activation of District and Local Neighbourhood Centres.
- Population of 94,000 people; assumes Keralup achieves its development potential.
- Population of 300,000 people, assumes ultimate growth in an inland cell that contains Keralup.
The provision of the various infrastructure items under the above population thresholds were then generated to determine ‘indicative need’. To put a Keralup context to the provision and threshold figures, the consultation carried out with the service providers established the ‘expressed need’. Attachment One contains a Table that summarises the needs of each social infrastructure item by population threshold.

As mentioned above, the consultation process concluded that a considerable proportion of the social infrastructure in the region is under pressure to meet current demand, in particular ‘School Education’, ‘Community & Youth Support’, ‘Health & Aged Care’ and ‘Sport & Recreation’.

It was confirmed that the early provision of social infrastructure is critical and that Keralup should be largely self-sufficient. The innovative delivery of social infrastructure (such as ‘Schools-in-Shops’) was seen as an important method of achieving the aims at Keralup and creating the environment for a healthy community.

The capacity of the existing facilities (within the ‘District’ and ‘Regional’ categories) to service Keralup was then articulated. There was deemed to be a ‘Low’ capacity to provide services within the categories of ‘School Education’, ‘Health & Emergency’ and ‘Community & Youth Support’. ‘Sport & Recreation’ infrastructure was deemed to have a ‘Medium’ capacity to service Keralup.

(vi) Converting Needs into Infrastructure Provision

This section seeks to convert the identified need into the actual recommended provision of on-ground infrastructure. To assist in doing so, numerous Planning Principles were recommended to consolidate infrastructure requirements and identify priorities. These Planning Principles, which cover matters such as facility flexibility, innovative delivery models, the locational context for facilities and demand drivers, underpin the recommended provision of social infrastructure.

The innovative service and delivery models were then expanded upon which included the consolidation of services and facilities, the multi-functional nature of infrastructure and innovative delivery methods (ie. ‘Schools-in-Shops’, Public/Private Partnerships).

The social infrastructure requirements for Keralup were then detailed based on the above analysis, including those required to service Keralup West (Stage One). A ‘Community Hub’, Child Care Centre, Primary School and ‘Health and Wellbeing Hub’ was considered necessary earlier than the standard catchment thresholds. It was noted that these services may be provided in temporary facilities as an interim measure.

Finally, the overall social infrastructure needs and Recommendations where provided. The Table containing the CNA Recommendations is included within Attachment Two.

Of the thirty three (33) Recommendations, the following represents those of most interest:

| R1 | Consideration should be given to a network of community centres delivery model in Keralup to accommodate and support integrated and collaborative delivery of human services and community programs. |
| R3 | Provision of at least one multi-purpose community centre at the outset of development with childcare (not for profit provider preferred) incorporated into the centre. |
| R5 | The provision for one primary school at the outset of development (public or private). |
| R8 | The need for a TAFE to be monitored over time with providers in the area to assess demand/capacity and to determine the delivery model. |
| R9 | The need for a University to be monitored over time with providers in the area to assess demand/capacity and to determine appropriate delivery model. |
| R13 | Adopt the Health and Wellbeing Hub delivery model (i.e. similar to satellite centre/GP clinic) for community health needs in Keralup. |
| R14 | The provision of at least one health and wellbeing hub at the outset of development. |
| R15 | Department of Health or their agents, to work in partnership with key stakeholders (including Councils) and health and related service providers to determine the appropriate location and best delivery model for a regional level hospital to support growth in the Southern Corridor. |
It is recommended that the Police, Ambulance, and Fire facilities be developed as precinct within the development area.

Consider the provision of a cultural precinct/facility that can accommodate a range of district level cultural activity including a library, art centre/gallery and other cultural activities. The facility to be located at a higher order activity centre.

Consider potential partnership with the three Councils and other key stakeholders for the development of a Regional Art Gallery potentially collocated with a Regional Performing Arts Centre (ie. development of the City of Rockingham's Performing Arts Centre).

The Keralup CNA supports the District Structure Plan allocation of three district level open space.

Provide for up to four district level indoor recreation centres to service the Keralup population.

The provision for one district level aquatic centre.

A more detailed Sport & Recreation Strategy to be undertaken for the Keralup region.

Work with the Local Councils to identify future requirements for civic facilities such as dog pounds, Council depots, and council administration facilities as required.

Given the size of the document (140 pages), a full copy of the CNA has not been provided, however, it can be made available to Councillors upon request.

4. Implications to Consider

a. Consultation with the Community

The Department of Housing has undertaken consultation with various social infrastructure providers in its preparation of the CNA.

The CNA will inform the Keralup Community Development Strategy which will be a component of the District Structure Plan. Prior to it being considered for adoption, the District Structure Plan will be released for public comment.

b. Consultation with Government Agencies

The Department of Housing has engaged with the relevant State Government Agencies that have a responsibility for social infrastructure provision.

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

Aspiration 7: Community facilities that are well utilised, accessible, and where appropriate, multi-functional.

d. Policy

The implementation of the Community Development Strategy will occur within the framework of State Planning Policy No. 3.6 - Development Contribution for Infrastructure, unless an alternative method, that achieves similar outcomes, is established.

e. Financial

Nil at this stage. The Community Development Strategy will identify the cost of the infrastructure, when it will be required and the Council’s potential contribution. In considering whether to adopt the Community Development Strategy, the Council will be mindful of the financial implications of its recommendations.
5. Comments

The draft Final Report is considered to provide a sound basis to inform the Community Development Strategy for Keralup. Although the CNA is a broad, higher-level document, the methodology employed in reaching the Recommendations is sound and it has generally identified the necessary social infrastructure to support the Keralup population.

In this regard, the Desired Standards of Service, the catchment thresholds, population thresholds and recommended infrastructure provisions are suitable, notwithstanding the limitations that were identified within the document.

Furthermore, the recommendations for Keralup West (Stage One) are reasonable and should ensure that the community is not isolated from essential services.

There are some matters within the draft Report that warrant attention, as follows:

(i) Within the ‘Consultation Findings’ it is concluded that there is ‘Medium’ capacity for the existing Sport & Recreation facilities in the region to cater for Keralup residents. In doing so, spare capacity at Secret Harbour, Singleton and Golden Bay is mentioned which is not accurate. This reference should be removed and the ‘Capacity to Service Keralup’ should be listed as ‘Low’.

(ii) A number of the Recommendations rely upon the District Structure Plan to perform a role not intended for a broad landuse plan of this nature such as ‘specifying the number of community centres’ and ‘allowing sufficient land for after school care within public primary school provision’. These matters will not be addressed in the District Structure Plan, but will likely form part of the Community Development Strategy for future reference in the development of Local Structure Plans, Activity Centre Structure Plans and the like.

(iii) A Recommendation should be attributed to delivering Public Primary Schools at the outset of development, whether it be by standard or innovative means. There should not be a reliance on the Private School sector to ‘fill the breach’.

(iv) Various other minor omissions, terminologies, mapping inaccuracies and contradictions within the document.

Community Development Strategy

As mentioned earlier, the CNA will inform the Keralup Community Development Strategy and identify the means by which its recommendations will be implemented. The Community Development Strategy will be an ‘organic’ document that is reviewed regularly as the Keralup community forms and its needs are better understood.

The timing of the Community Development Strategy is an important consideration. In this regard, the Keralup West (Stage One) rezoning is proceeding ahead of the District Structure Plan process and it is possible that the Council will be requested to consider a Local Structure Plan for Stage One, prior to the District Structure Plan approval.

Given that the Community Development Strategy will form part of the District Structure Plan consideration, the manner in which community infrastructure provision for Stage One is mandated and governed must be resolved.

SPP 3.6 allows infrastructure provision to be governed through the Town Planning Scheme, and the imposition of conditions on Development and Subdivision Approvals, as per the approach which the Council is taking in implementing its Community Infrastructure Plan. It also allows for implementation to be governed by ‘private agreement between the parties’.

The Department of Housing is yet to confirm the implementation method, however, the Council should request that it be confirmed and progressed as soon as possible such that the Stage One planning process can precede without impediment.
It is also recognised in the draft CNA that various limitations existed in conducting the Study. For example, the consultation section of the report relied upon feedback from agencies that have not conducted forward planning to the scale demanded by Keralup and the organisations selected or engaged by the Consultant have provided views that may not be valid or accurate. It is expected that these limitations will be addressed in developing the Community Development Strategy.

**Regional Facilities**

The uncertainty surrounding the broader development footprint around Keralup has ramifications on the provision of facilities at Keralup. The status of the main Activity Centre at Keralup (Strategic Metropolitan Centre or otherwise) will be influenced by the broader development footprint and it is likely that the current Sub-Regional Structure Planning processes being conducted by the Department of Planning will provide clarity on this matter. When this is clarified, there will be a basis upon which to determine the need for ‘Regional’ level facilities at Keralup.

This clarification will also determine whether Keralup will be reliant upon the Regional facilities at Rockingham or Mandurah which has implications on the contributions to community infrastructure that the Keralup population will be subject to.

The draft Report also suggests that facilities such as Regional Public Open Space and Regional Indoor Recreation Centre/Sporting Complex will not be located within Keralup but potentially located elsewhere within the larger urban cell (should it be realised). This approach lacks foundation and the CNA should state that the provision of Regional facilities within Keralup will be established when the status of the Activity Centre, and its catchment, is known.

**Whole-of-Government Approach**

The Department of Housing has regularly expressed that the development of Keralup will be a whole-of-government approach, however, the feedback from State Government agencies such as Education and Health suggest otherwise. These agencies have simply confirmed that Keralup will be treated no differently to their standard delivery models.

The City has regularly expressed concern that the State Government is yet to commit to the Project and release its vision for Keralup which is a contributing factor to the State Government agencies not joining with the Department of Housing in the delivery of the Project. It is essential that the Community Development Strategy demonstrate support from the various State Government stakeholders to the implementation of a sustainable Keralup.

**Sport & Recreation Strategy**

The draft CNA recommends that a Sport & Recreation Strategy be prepared, however, the scope and timeframe of the Strategy remains unclear. Given the significant land requirements, costs and cross-boundary catchments often associated with Sport & Recreation facilities, it is recommended that this Strategy proceeds as a matter of priority. It will be required to inform the Community Development Strategy and District Structure Plan and will resolve the allocation of some of the Regional level infrastructure referred to above.

It is recommended that the above comments be provided to the Department of Housing.

### 6. Voting Requirements

Simple Majority

### 7. Officer Recommendation

That Council **ENDORSE** the following comments on the draft Keralup Community Needs Assessment:-

1. The document provides a suitable foundation for the preparation of the Keralup Community Development Strategy.

2. The document should be amended, however, to address:
   - the ‘Low’ capacity of existing Sport & Recreation facilities to service the Keralup population;
- the appropriate mechanism to implement a number of the Recommendations; in this regard, the District Structure Plan has been incorrectly stated in some circumstances; and
- the inclusion of a Recommendation that warrants the delivery of a Public Primary School at the outset of development, whether it be by standard or innovative means.

3. In the absence of an adopted Community Development Strategy, the manner in which the community infrastructure for Keralup West (Stage One) is mandated and governed must be established.

4. The need for Keralup to provide Regional level facilities will only become apparent when the status of the main Activity Centre and its catchment is confirmed. The Report should state this position and refer to the Community Development Strategy as the mechanism where this matter is addressed.

5. The Community Development Strategy should demonstrate the whole-of-government bone fides of the Keralup Project such that State Government Agencies agree to alter their standard service delivery models to achieve the vision for Keralup.

6. The Sport & Recreation Strategy should be commissioned as soon as possible and inform the Community Development Strategy and the District Structure Plan.

8. Committee Recommendation

That Council ENDORSE the following comments on the draft Keralup Community Needs Assessment:-

1. The document provides a suitable foundation for the preparation of the Keralup Community Development Strategy.

2. The document should be amended, however, to address:
   - the ‘Low’ capacity of existing Sport & Recreation facilities to service the Keralup population;
   - the appropriate mechanism to implement a number of the Recommendations; in this regard, the District Structure Plan has been incorrectly stated in some circumstances; and
   - the inclusion of a Recommendation that warrants the delivery of a Public Primary School at the outset of development, whether it be by standard or innovative means.

3. In the absence of an adopted Community Development Strategy, the manner in which the community infrastructure for Keralup West (Stage One) is mandated and governed must be established.

4. The need for Keralup to provide Regional level facilities will only become apparent when the status of the main Activity Centre and its catchment is confirmed. The Report should state this position and refer to the Community Development Strategy as the mechanism where this matter is addressed.

5. The Community Development Strategy should demonstrate the whole-of-government bone fides of the Keralup Project such that State Government Agencies agree to alter their standard service delivery models to achieve the vision for Keralup.

6. The Sport & Recreation Strategy should be commissioned as soon as possible and inform the Community Development Strategy and the District Structure Plan.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
<table>
<thead>
<tr>
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<th>Reports of Councillors</th>
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<tr>
<td></td>
<td>Nil</td>
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<td>14.</td>
<td>Addendum Agenda</td>
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<td>Nil</td>
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<td>Motions of which Previous Notice has been given</td>
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<td>Nil</td>
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<td>16.</td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
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<td>Nil</td>
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<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
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<td>18.</td>
<td>Matters Behind Closed Doors</td>
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<td>19.</td>
<td>Date and Time of Next Meeting</td>
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<td>The next Planning Services Committee Meeting will be held on <strong>Monday 18 June 2012</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td>20.</td>
<td>Closure</td>
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<td>There being no further business, the Chairman thanked those persons present for attending the Planning Services Committee meeting, and declared the meeting closed at 4.43pm.</td>
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