City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on

Monday 18 October 2010

4:00pm

Committee Room 1
Council Administration Building
Civic Boulevard, Rockingham
## CONTENTS

1. Declaration of Opening 4
2. Record of Attendance/ Apologies/ Approved Leave of Absence 4
3. Responses to Previous Public Questions Taken on Notice 5
4. Public Question Time 5
5. Confirmation of Minutes of the Previous Meeting 5
6. Matters Arising from the Previous Minutes 5
7. Announcement by the Presiding Person without Discussion 5
8. Declaration of Member’s and Officer’s Interest 5
9. Petitions/ Deputations/ Presentations/ Submissions 5
10. Matters for which the Meeting may be Closed 5

**Planning Services Information Bulletin – October 2010** 5

12. Agenda Items – Planning Services Standing Committee 7

### Health Services

| HS-001/10  | McDonalds Restaurant – Warnbro - Non-Compliance with the Food Act 2008 8 |
| HS-002/10  | Foo Lok – Rockingham Shopping Centre - Non-Compliance with the Food Act 2008 and the Food Safety Standards 11 |

### Strategic Planning and Environment

<p>| SPE-001/10 | Appointment of Community Members to the Council’s Community Environment Advisory Committee 16 |
| SPE-002/10 | Land Acquisition - Central Public Open Space Reserve, 'Anstey Park' Estate, Secret Harbour 16 |
| SPE-005/10 | Proposed Amendment to Metropolitan Region Scheme - 'Rural' to 'Urban' - Keralup Stage 1 23 |
| SPE-006/10 | Adoption of Amendment to Town Planning Scheme No.2 – Development Contributions for Infrastructure 24 |
| SPE-007/10 | Proposed Modification to Planning Policy 6.3 - Local Commercial Strategy - 'Tuart Ridge' Neighbourhood Centre 27 |</p>
<table>
<thead>
<tr>
<th>Statutory Planning</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP-001/10 Scheme Amendment No.95 – Omnibus No.6 (Final Approval)</td>
<td>30</td>
</tr>
<tr>
<td>SP-002/10 Proposed Road Closure</td>
<td>33</td>
</tr>
<tr>
<td>SP-003/10 Proposed Amendment to Planning Policy 3.3.20, Residential Design Codes Alternative Acceptable Development Provisions</td>
<td>36</td>
</tr>
<tr>
<td>SP-004/10 Proposed Amendments to Planning Policy 3.3.20, Bed and Breakfast Accommodation</td>
<td>40</td>
</tr>
<tr>
<td>SP-005/10 State Administrative Tribunal – Golden Ponds</td>
<td>43</td>
</tr>
<tr>
<td>SP-006/10 Heritage Reference Group</td>
<td>47</td>
</tr>
<tr>
<td>Strategic Planning and Environment</td>
<td>49</td>
</tr>
<tr>
<td>SPE-003/10 Proposed Modification to Structure Plan and Foreshore Management Plan - Consent to Advertise</td>
<td>49</td>
</tr>
<tr>
<td>SPE-004/10 Proposed Amendment to Metropolitan Region Scheme - 'Rural' to 'Urban' - Keralup Stage 1</td>
<td>63</td>
</tr>
</tbody>
</table>

13. Reports of Councillors | 72 |
14. Addendum Agenda | 72 |
15. Motions of which Previous Notice has been Given | 72 |
16. Notices of Motion for Consideration at the Following Meeting | 72 |
17. Urgent Business Approved by the Person Presiding or by Decision of the Committee | 72 |
18. Matters Behind Closed Doors | 72 |
19. Date and Time of Next Meeting | 72 |
20. Closure | 72 |
**City of Rockingham**
Planning Services Standing Committee Meeting
4:00pm Monday 18 October 2010

**MINUTES**

<table>
<thead>
<tr>
<th>1.</th>
<th>Declaration of Opening</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Chairman declared the Planning Services Standing Committee Meeting open at 4.00pm and welcomed all present.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.</th>
<th>Record of Attendance/ Apologies/ Approved Leave of Absence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1 Councillors</strong></td>
<td></td>
</tr>
<tr>
<td>Cr R Smith</td>
<td>(Chairman)</td>
</tr>
<tr>
<td>Cr B Warner</td>
<td></td>
</tr>
<tr>
<td>Cr A Prince</td>
<td></td>
</tr>
<tr>
<td>Cr L Dodd</td>
<td></td>
</tr>
<tr>
<td><strong>2.2 Executive</strong></td>
<td></td>
</tr>
<tr>
<td>Mr J Pearson</td>
<td>A/Chief Executive Officer</td>
</tr>
<tr>
<td>Mr R M Jeans</td>
<td>Director, Planning &amp; Development Services</td>
</tr>
<tr>
<td>Mr P Ricci</td>
<td>Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Mr B Ashby</td>
<td>Co-ordinator, Strategic Planning (attended 5.12pm)</td>
</tr>
<tr>
<td>Mr R Rodgers</td>
<td>Manager, Building Services (until 4.10pm)</td>
</tr>
<tr>
<td>Mr M Ross</td>
<td>Manager, Statutory Planning</td>
</tr>
<tr>
<td>Mrs E Jenkin</td>
<td>A/Manager, Health Services (until 4.10pm)</td>
</tr>
<tr>
<td>Ms M Wellburn</td>
<td>Secretary to Director, Planning &amp; Development Services</td>
</tr>
<tr>
<td><strong>Members of the Public:</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Press:</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>2.3 Apologies:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>2.4 Approved Leave of Absence:</strong></td>
<td>Nil</td>
</tr>
</tbody>
</table>
3. **Responses to Previous Public Questions Taken on Notice**
   Nil.

4. **Public Question Time**
   Nil.

5. **Confirmation of Minutes of the Previous Planning Services Standing Committee Meeting**
   
   **Moved Cr Dodd seconded Cr Warner**
   
   That Council **CONFIRM** the Minutes of the Planning Services Standing Committee Meeting held on 20 September 2010, as a true and accurate record.
   
   Committee Voting - 4/0

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

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

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

9. **Petitions/Deputations/Presentations/Submissions**
   
   4:30pm **Ms Jane Bennett, Chappell Lambert Everett**, attended the meeting to provide the Committee with a presentation relating to Item SPE-003/10 - Proposed Modification to Structure Plan and Foreshore Management Plan - Consent to Advertise.
   
   5.15pm **Mr Richard Elliott, Department of Housing**, attended the meeting to provide the Committee with a briefing relating to Item SPE-004/10 - Proposed Amendment to Metropolitan Region Scheme - 'Rural' to 'Urban' - Keralup Stage 1.

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

11. **Bulletin Items**
    
    **Planning Services Information Bulletin - October 2010**
    
    **Health Services**
    
    1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial Audits
   3.3 Community Health & Wellbeing Plan
   3.4 Health Promotion
   3.5 North Rockingham Industrial Audits
   3.6 Ocean Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Statistical Health Information
   4.3.1 Food Premises Inspections
   4.3.2 Public Building Inspections
   4.3.3 Outdoor Public Event Approvals
   4.3.4 After Hours Noise & Smoke Nuisance Complaint Service
   4.3.4 Complaint - Information
   4.3.5 Building Plan Assessments
   4.3.6 Septic Tank Applications
   4.3.7 Demolitions
   4.3.8 Swimming Pool Sampling
   4.3.9 Rabbit Processing
   4.3.10 Hairdressing & Skin Penetration Premises
   4.3.11 Family Day Care

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

Strategic Planning and Environment
1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Policy Manual Review
   3.2 Local Planning Strategy
   3.3 Visual Landscape Evaluation
   3.4 Review of Municipal Inventory
   3.5 Dixon Road Area Assistance Grant
3.6 Developer Contribution Scheme
3.7 Baldivis, Karnup, Keralup Masterplanning
3.8 Local Biodiversity Strategy Review
3.9 Karnup District Water Management Strategy
3.10 Climate Change Readiness Project
3.11 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan
3.12 Water Campaign
4. Information Items
4.1 Proposed Amendment to the Metropolitan Region Scheme - Lifting of Urban Deferment - Lot 569 & 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis

**Statutory Planning**
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 eDA (Planning Products via the Web)
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals
   4.3 Notifications & Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
   4.8 Delegated Building Envelope Variations
   4.9 Subdivision/Amalgamation Supported
   4.10 Subdivision/Amalgamation Refused

**Director Planning and Development**
1. Director Planning and Development Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Administration Building Refurbishment/Fitout
   3.2 Rockingham Primary Centre Major Public Infrastructure
   3.3 Rockingham Primary Centre Infrastructure - Business Case
   3.4 Smart Village 1 Masterplan
4. Information Items

**Committee Recommendation:**
That Councillors acknowledge having read the Planning Services Information Bulletin - October 2010 and the contents be accepted.

Committee Voting - 4/0

**Agenda Items**
Planning Services
Health Services

Reference No & Subject: HS-001/10 McDonalds Restaurant – Warnbro - Non-Compliance with the Food Act 2008

File No: PBH/230
Proponent/s: City of Rockingham
Author: Mrs E Jenkin, Co-ordinator Health Services
Other Contributors: Mr R Fielding, Manager, Health Services
Date of Committee Meeting: Monday, 18 October 2010

Previously before Council:
Disclosure of Interest:
Nature of Council’s Role in this Matter: Executive Function

Site: McDonalds Restaurant – Warnbro
Lot Area: 208 Warnbro Sound Avenue, Warnbro
Attachments: Photographs are attached
Maps/Diagrams:

1. Purpose of Report
To seek Council's authorisation to initiate legal proceedings against the proprietor of McDonalds Restaurant – Warnbro, 208 Warnbro Sound Avenue Warnbro, for non-compliance with the Food Act 2008.

2. Background
The City received a complaint from a complainant who purchased a Chicken Caesar wrap from McDonalds Warnbro on 6 September 2010. The complainant alleged that the chicken contained in the wrap was not thoroughly cooked. The complainant brought the product into the City’s offices,
where the City’s Environmental Health Officers could clearly see that the majority of the chicken was uncooked.

3. **Details**

The product was taken to Inman and Farrell for analysis. The analysis report confirmed the City’s Environmental Health Officer’s opinion that the majority of the chicken was uncooked, and was not suitable for human consumption.

The City successfully prosecuted this premises in July 2009 for non-compliances with the Health (Food Hygiene) Regulations 1993, namely for failure to maintain the premises in a clean and sanitary condition, failure to maintain the equipment in a clean and sanitary condition, non-compliances with equipment requirements, and failure to maintain the premises in a good state of repair.

4. **Implications to Consider**

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

b. **Consultation with Government Agencies**
   
   Consultation with Government agencies is not required.

c. **Strategic**
   
   The matter falls within Function Area 3: Land Use and the Environment, under the scope of Health.

d. **Policy**
   
   The City’s Health Policy 2.1 states the following:
   
   “The ordering and authorisation of legal proceedings for breaches of the Health Act 1911 and all Regulations, By-laws and Orders made there under is subject to specific resolution of the Council.”

e. **Financial**
   
   Health Services legal expenses account contains sufficient funds to proceed

f. **Legal and Statutory**
   
   The Food Act 2008 requires as follows:
   
   20. Sale of food not complying with the purchaser’s demand
   
   (1) A person must not, in the course of carrying on a food business, supply food by way of sale if the food is not of the nature or substance demanded by the purchaser.
   
   Penalty:
   
   (a) for an individual – a fine of $50,000
   
   (b) for a body corporate – a fine of $250,000
   
   (2) For the purposes of this section, it is immaterial whether the food concerned is safe.

5. **Comments**

It is an offence under the Food Act 2008 to sell food that is not of the nature or substance demanded by the purchaser.

6. **Voting Requirements**

Simple Majority
7. Officer Recommendation

That Council, subject to legal advice, *INITIATE* legal proceedings against the proprietor of McDonalds Warnbro for non-compliance with the Food Act 2008.

8. Committee Recommendation

That Council, subject to legal advice, *INITIATE* legal proceedings against the proprietor of McDonalds Warnbro for non-compliance with the Food Act 2008.

Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
1. **Purpose of Report**

   To seek Council’s authorisation to initiate legal proceedings against the proprietor of Foo Lok, Rockingham Shopping Centre, 1-19 Council Avenue Rockingham, for non-compliance with the Food Act 2008 and the Food Safety Standards.

2. **Background**

   The City’s Environmental Health Officers undertake routine assessments of all food businesses within the district, to ensure that these businesses are fulfilling their responsibilities under the Food Act 2008 and the Food Safety Standards, and are not putting the public at risk of illness as a result of food poisoning.
The Food Safety Standards outline the minimum requirements that must be met by all food premises within Australia in order to prevent the incidence of food borne illness.

A recent assessment of Foo Lok, located at Shop 203 Rockingham Shopping Centre, 1-19 Council Avenue Rockingham on 8th September 2010 revealed that the food business was in a very poor state of cleanliness and posed a significant risk of food borne illness transmission.

3. Details

The City’s Environmental Health Officers attended Foo Lok on Wednesday, 8th September 2010 to conduct a food hygiene, food practices and cleanliness assessment in accordance with the Food Act 2008. Upon entering the business the Officers introduced themselves to the chef, advised of the purpose of the visit and proceeded to undertake the assessment.

The Officers commenced their food hygiene and cleanliness assessment and it was immediately evident that the premise was in a very poor state of cleanliness. The following non-compliances were evident in relation to food safety and hygiene:

1. The kitchen was very unclean and the build up of dirt, grease and foodstuffs was significant. There was an accumulation of dirt, grease and foodstuff found on floors, walls, exhaust canopy and filters, shelving, inside freezers, cool rooms, under and around the cooking equipment.
2. The cool room had food stored in uncovered and in unsuitable containers with a high probability of cross contamination (i.e. raw chicken storing cooked foods).
3. Of particular concern was raw and partially cooked poultry being stored in the same container, leading to a very high probability of cross contamination.
4. Cardboard was used to line the cool room shelves. This is not appropriate in the cool room as it can become moist and absorbent.
5. The freezer was overloaded.
6. Ducks were defrosting in a bucket of water at room temperature.
7. Meat cleavers were being stored between the plumbing pipes and the wall.
8. Potentially hazardous food was stored between 40ºC-50ºC, which is within the temperature danger zone.

Given all of the above, the City’s Officers advised the chef that they were extremely concerned with the poor condition of the business and of the risk to public health that it presented. As such, the City’s Officers proceeded to gather evidence, in the form of photographs, which are attached to the report.

The Officers documented all non-compliances on the inspection sheet, and provided it to the chef. The chef was advised to immediately rectify the non-compliances, including immediate disposal of potentially hazardous food that in the temperature danger zone.

The Officers discussed all of the non-compliances with the chef and some other staff, who had very little understanding of food safety, temperature control and cleanliness.

The City’s Officers returned to the premises on Friday 10th September 2010 to conduct a follow-up assessment. The premises was found to have been cleaned, however, there was still a build up of dirt in hard to reach places.

4. Implications to Consider

a. Consultation with the Community
   Not applicable

b. Consultation with Government Agencies
   Consultation with Government agencies is not required.
c. **Strategic**

The matter falls within Function Area 3: Land Use and the Environment, under the scope of Health.

d. **Policy**

The City’s Health Policy 2.1 states the following:

“The ordering and authorisation of legal proceedings for breaches of the Health Act 1911 and all Regulations, By-laws and Orders made there under is subject to specific resolution of the Council.”

e. **Financial**

Health Services legal expenses account contains sufficient funds to proceed

f. **Legal and Statutory**

The Food Act 2008 requires as follows:

22. **Compliance with the Food Standards Code**

A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.

Penalty:

(a) for an individual – a fine of $50,000

(b) for a body corporate – a fine of $250,000

The Food Safety Standards set out the minimum requirements that must be adhered to when establishing or operating a food premises, which include the following requirements:

- **Standard 3.2.2 – Food Safety Practices and General Requirements**

  - **Food Handling – Skills and Knowledge**

    A food business must ensure that persons undertaking or supervising food handling operations have:

    (a) skills in food safety and food hygiene matters; and

    (b) knowledge of food safety and food hygiene matters commensurate with their work activities.

- **Food Storage**

  (1) A food business must, when storing food, store the food in such a way that:

    (a) it is protected from the likelihood of contamination; and

    (b) the environmental conditions under which it is stored will not adversely affect the safety and suitability of the food.

  (2) A food business must, when storing potentially hazardous food:

    (a) store it under temperature control.

- **Food Processing**

  A food business must take all practicable measures to process only safe and suitable food.

- **Food Display**

  A food business must, when displaying potentially hazardous food, display it under temperature control.
19. **Cleanliness**

   (1) A food business must maintain food premises to a standard of cleanliness where there is no accumulation of:

   (a) garbage, except in garbage containers;
   
   (b) recycled matter, except in containers;
   
   (c) food waste;
   
   (d) dirt;
   
   (e) grease; or
   
   (f) other visible matter.

   (2) A food business must maintain all fixtures, fittings and equipment, having regard to its use, and those parts of vehicles that are used to transport food, to a standard of cleanliness where there is no accumulation of:

   (a) food waste;
   
   (b) dirt;
   
   (c) grease; or
   
   (d) other visible matter.

5. **Comments**

At the time of assessment, it was evident to the Officers that food hygiene and cleaning practices within the food business were not being maintained and that the proprietor was not complying with the requirements of the Food Act.

The build-up of grease, dirt and foodstuffs within the kitchen was unacceptable. Having potentially hazardous food outside of temperature control is also unacceptable. These matters are considered a significant public health risk, due to the potential for the harbourage of disease causing microorganisms.

In light of the above, this matter is considered a serious breach of the Food Safety Standards.

The City's Health Services has undertaken several inspections of this premises since it opened in December 2008. There have been numerous non-compliances with food hygiene and safety legislation noted during inspections, and the City's Environmental Health Officers have previously seized meat that has been stored in unsafe conditions. The City's Environmental Health Officers have tried to work with staff to improve food safety at this premises, however, improvements have not been seen. As such, the City should initiate legal proceedings.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council, subject to legal advice, **INITIATE** legal proceedings against the proprietor of Foo Lok for non-compliance with the Food Act 2008 and Food Safety Standards.

8. **Committee Recommendation**

That Council, subject to legal advice, **INITIATE** legal proceedings against the proprietor of Foo Lok for non-compliance with the Food Act 2008 and Food Safety Standards.

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.

4.10pm - Mrs Erica Jenkin, A/Manager, Health Services and Mr Richard Rodgers, Manager, Building Services left the Planning Services Standing Committee meeting.
1. **Purpose of Report**

To appoint community members to the Council’s Community Environment Advisory Committee (CEAC) for a period of two years.
2. **Background**

In 1994, the Council established the Conservation Reserves & Foreshore Management Advisory Committee (CRAFMAC) with its main purpose being to ‘advise and assist Council in the management of conservation and foreshore reserves’.

In 2001, it was determined that, due to the increasing scope of Council’s environmental activities, it was appropriate that the role of CRAFMAC, the Council’s only environmental advisory committee, be re-examined.

As part of the review the group was retitled the “Community Environment Advisory Committee (CEAC)”. In April 2002, the Council endorsed the Terms of Reference for CEAC and supported advertising for nominations.

CEAC has been an active Advisory Committee since its inception and its Terms of Reference is stated as:

“To provide community input and advice on the conservation and sustainable use of Rockingham’s natural environment, including repair and rehabilitation, where required.”

3. **Details**

In accordance with the Council's Governance and Meeting Framework Policy, the composition of CEAC is due for review. The Terms of Reference for CEAC allow up to seven community members, with membership to be reviewed after a two year period.

Advertising for membership nominations was held over three weeks closing on the 10th September 2010. Both the current CEAC members, as well as new community members wishing to join CEAC, were required to apply. Current members were informed of the nomination process.

At the end of advertising, five nominations were received comprising four current CEAC community members and one new nomination. Two existing CEAC members chose not to apply.

Each candidate was assessed against the following eligibility criteria:

- Rockingham residential status.
- Relevant environmental qualifications.
- Experience on similar committees.
- General environmental interest.

Brief details about each of the nominees are shown below:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Address</th>
<th>Details</th>
</tr>
</thead>
</table>
| 1 Mrs Jill Stryk | Gamble Street, Warnbro | - Existing CEAC member.  
|             |                    | - Has been a member of CEAC for a number of years.  
|             |                    | - Holds an environmental position at the Department of Environment and Conservation. |
| 2 Ms Odna Borlaug | Mandurah Road, Baldivis | - Existing CEAC member.  
|             |                    | - Member of various environmental committees within State Government and the City. |
3. Mr Cedric Bakewell  
Nowranie Place, Hillman  
- Existing CEAC member.  
- Member and past Treasurer of Men of the Trees.  
- Volunteer for the Department of Environment and Conservation.  
- Member of the Rockingham Lakes and Regional Parks Advisory Committee.

4. Mr Robert Murray  
Ashford Avenue, Rockingham  
- Existing CEAC member.  
- Member of Rockingham Lakes and Regional Parks Committee.

5. Ms Brooke Smith  
La Estrada Way, Port Kennedy  
- New nominee.  
- Professional background in environmental management with local government for many years.

4. Implications to Consider

a. Consultation with the Community  
Advertising for membership nomination was placed in the Weekend Courier on 20th August 2010 and the Sound Telegraph on 25th August 2010.

b. Consultation with Government Agencies  
Consultation with Government agencies is not required.

c. Strategic  
Functional Area 3 - Strategy 8 ‘Introduce a comprehensive range of initiatives to manage the natural environment’.

d. Policy  
N/A

e. Financial  
N/A

f. Legal and Statutory  
In accordance with the Local Government Act 1995 – Section 5.10 – Appointment of Committee Members.

5. Comments

The nominees’ background, experience and qualifications were varied and diverse and meet the eligibility criteria. The nominees currently on CEAC would continue their useful contribution to the Committee and the new nominee’s diverse environmental background will add benefit to CEAC.

In light of the above, it is recommended that the Council appoint the following community members to CEAC for a period of two years:
6. Voting Requirements

Absolute Majority

7. Officer Recommendation

That Council *APPOINT* the following community members to the Community Environment Advisory Committee for a period of two years commencing on 26 October 2010:-

- Mrs Jill Stryk
- Ms Odna Borlaug
- Mr Cedric Bakewell
- Mr Robert Murray
- Ms Brooke Smith

Committee Voting – 4/0

8. Committee Recommendation

That Council *APPOINT* the following community members to the Community Environment Advisory Committee for a period of two years commencing on 26 October 2010:-

- Mrs Jill Stryk
- Ms Odna Borlaug
- Mr Cedric Bakewell
- Mr Robert Murray
- Ms Brooke Smith

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.
NOT FOR PUBLIC ACCESS
(Section 5.95 Local Government Act 1995)

Planning Services
Strategic Planning & Environment


File No: LUP/1354
Proponent/s: Marchese Investments Pty Ltd
Author: Mr P Ricci, Manager, Strategic Planning & Environment
Other Contributors:

Date of Committee Meeting: Monday, 18 October 2010
Previously before Council: July 2009 (PD82/7/09), February 2010 (PD/3/2/10)

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

Site: Lots 45-48 Surf Drive and Lots 56-58 Anstey Road, Secret Harbour
Lot Area: 1.4669ha
Attachments: 1. Plan of the Land Subject to Acquisition

1. Officer Recommendation

That the Council ACCEPT the Settlement Offer presented by Marchese Investments Pty Ltd, as detailed in the Officer Report, to finalise the acquisition of Lots 8006, 8007, 8009 and 9512 that comprise the balance of the central Public Open Space (Lennox Reserve) at the ‘Anstey Park’ Estate, Secret Harbour.
2. **Committee Recommendation**

That the Council **ACCEPT** the Settlement Offer presented by Marchese Investments Pty Ltd, as detailed in the Officer Report, to finalise the acquisition of Lots 8006, 8007, 8009 and 9512 that comprise the balance of the central Public Open Space (Lennox Reserve) at the ‘Anstey Park’ Estate, Secret Harbour.

Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
### Planning Services

**Strategic Planning & Environment Services**

**Reference No & Subject:** Proposed Modification to Structure Plan and Foreshore Management Plan - Consent to Advertise

**File No:** LUP/246-06

**Proponent/s:** Chappell Lambert Everett/Department of Housing

**Author:** Ms J Ullman, Senior Strategic Planning Officer

**Other Contributors:**
- Mr T Fernandes, Planning Officer
- Mr B Ashby, Co-ordinator, Strategic Planning
- Mr P Ricci, Manager, Strategic Planning & Environment

**Date of Committee Meeting:** Monday, 18 October 2010

**Previously before Council:** August 1994

**Disclosure of Interest:** Executive Function

**Site:** Lots 2 and Lot 3 Warnbro Sound Avenue, Golden Bay

**Lot Area:** 156.7223 hectares

**Attachments:**
- Location Plan
- Zoning Plan
- Endorsed Comprehensive Development Plan (August 1994)
- Stage 1 Structure Plan
- Proposed Structure Plan
- Proposed Foreshore Management Plan

**Note:** This item deferred pending a later deputation to the Planning Services Committee meeting.
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Proposed Amendment to Metropolitan Region Scheme - 'Rural' to 'Urban' - Keralup Stage 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1480</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Department of Housing / Taylor Burrell Barnett</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr B Ashby, Co-ordinator, Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr P Ricci, Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Monday, 18 October 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2010 (PD91/9/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy Role</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

**Site:**

Part Lot 551 Kwinana Freeway, Keralup

**Lot Area:**

991.0076ha (relevant portion approximately 102ha)

**Attachments:**

1. Location Plan
2. Proposed Zoning Plan
3. Draft District Structure Plan

**Note:** This item deferred pending a later deputation to the Planning Services Committee meeting.
1. **Purpose of Report**

To consider the adoption of a Scheme Amendment to introduce new Town Planning Scheme provisions for the implementation of development contributions under State Planning Policy 3.6 - Development Contributions for Infrastructure.

2. **Background**

In June 2010 the Council resolved to initiate an Amendment to Town Planning Scheme No.2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure.
The provisions are taken from State Planning Policy 3.6 and provide the framework for collecting contributions from subdividers, on a per lot created basis, to assist in funding community infrastructure.

The provisions alone do not permit development contributions to commence, rather they are enabling provisions which allow the process to commence when the preparatory work under SPP (ie. Community Infrastructure Plan, Capital Expenditure Plan) has been completed. The City is currently undertaking this preparatory work.

Further amendments to the Town Planning Scheme will be required when the initial planning phase has been carried out and the Development Contribution Areas have been defined.

3. **Details**

In accordance with the requirements of Town Planning Scheme No.2, a notice was placed in the Sound Telegraph newspaper on the 18th August 2010. Copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices and available on the City’s website. The Scheme Amendment was advertised for a period of 42 days, with advertising closing on the 1st October 2010.

4. **Implications to Consider**

   a. **Consultation with the Community**  
      At the conclusion of the advertising period, no submissions had been received.

   b. **Consultation with Government Agencies**  
      Department of Planning and Environmental Protection Agency, as per Town Planning Regulations.

   c. **Strategic**  
      Action Plan 7.5 - Develop and Implement Cost Sharing Arrangements for Baldivis and Anstey Park Localities Policy.

   e. **Financial**  
      When implemented, Development Contributions will allow the Council to receive funds per new lot created, to contribute to the provision of specified infrastructure across local, district and regional services. As part of the Capital Expenditure Plan, the Council will need to demonstrate that it can deliver the facilities within the identified timeframe and have sufficient capacity to operate and manage the infrastructure.

   f. **Legal and Statutory**  
      N/A

5. **Comments**

Given that no submissions were received, it is recommended that the Council adopt the Scheme Amendment, as advertised.

6. **Voting Requirements**

   Simple Majority

7. **Officer Recommendation**

   That Council, pursuant to Section 7 of the Planning and Development Act 2005 (as amended), adopt Amendment No.101 to Town Planning Scheme No.2 for Final Approval without modification.
8. Committee Recommendation

That Council, pursuant to Section 7 of the Planning and Development Act 2005 (as amended), ADOPT Amendment No.101 to Town Planning Scheme No.2 for Final Approval without modification.

Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
1. **Purpose of Report**

To consider an application to increase the maximum shop/retail floorspace of the 'Tuart Ridge' Neighbourhood Centre from 1,470m² NLA to 3,200m² NLA as prescribed in the Council's Local Commercial Strategy (LCS).

2. **Background**

The LCS was adopted by the Council in February 2004, and endorsed by the Western Australian Planning Commission (WAPC) on the 7th December 2006.

The LCS allocates maximum retail floorspace limits for the various commercial centres within the City.
3. **Details**

An application has been received seeking the Council's support to increase the size of the 'Tuart Ridge' Neighbourhood Centre from 1,470m² NLA to 3,200m² NLA of maximum shop/retail floorspace. The application was accompanied by a Retail Sustainability Assessment (RSA) prepared by MacroPlan Australia Pty Ltd.

'Tuart Ridge' is a residential estate located near the corner of Clyde Avenue and Baldivis Road, Baldivis.

MacroPlan has advised that based on market potential, the centre could accommodate 2,300m² of floorspace (comprising a 1,800m² supermarket and 500m² of speciality shops) by 2012-13 or 3,000m² (comprising a 2,000m² supermarket and 1,000m² of speciality shops) by 2016. The proponent intends to make an application for changes to the Tuart Ridge Structure Plan to reflect the increased floorspace, and provide further detail on the format of the Centre, should Council support the increase in floorspace.

4. **Implications to Consider**

**a. Consultation with the Community**

Under Town Planning Scheme No. 2, if Council resolves to amend a Planning Policy, the Council:

(a) 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.

(b) may publish notice of the proposed Policy in such other manner and carry out such other consultation as the Council considers appropriate.

**b. Consultation with Government Agencies**

Consultation with Government agencies is not required.

**c. Strategic**

Functional Area 3 - 'Land Use & The Environment' in the Council's Strategic Plan under the Scope of 'Development'.

**d. Policy**

The size and function of commercial centres are guided by Council's Planning Policy 6.3 and the WAPC's State Planning Policy 4.2 - Activity Centres for Perth and Peel. With respect to proposals to provide shop/retail floorspace above the maximum floorspace set out in the LCS, it is stated:

"wherever a new centre or expansion of an existing centre is proposed beyond the shop/retail floor areas which are recommended [in the Strategy], it should be in accordance with an approved Centre Plan as contemplated in Section 5.6 and Appendices 1.1.3 and 1.1.4 of the Metropolitan Centres Policy (2000). The onus should be on the proponent to demonstrate to the Council's satisfaction, that the proposal to increase beyond the recommended floor areas would not have a significant adverse impact on any other existing or planned centre."

SPP 4.2 states:

"6.5.2(3) - where an endorsed local (commercial) strategy ... includes an indicative amount of shop-retail floorspace derived from a retail needs assessment, a RSA is
only required where a significant increase to this shop-retail floorspace is proposed.”

e. **Financial**
   N/A

f. **Legal and Statutory**
   Clause 4.6.6 of TPS2 states the Council may modify the LCS, provided that it is satisfied that such modification is in the interest of proper and orderly planning and will not detract from the amenity of the locality. Modifications shall be advertised for public comment in accordance with the provisions of clause 8.9.9, unless the proposed modification is minor.

5. **Comments**

The City’s retail consultant, Belingwe Pty Ltd, was engaged to undertake an assessment of MacroPlan’s RSA. Belingwe concluded that, "an increase in the shop/retail floorspace of the Tuart Ridge neighbourhood centre from 1,470m² to 3,200m² does not have any significant adverse impact on any other competing existing and planned centre in Baldivis."

The assessment showed that the impact to other centres is less than 5%; Belingwe notes this is considered to be within the bounds of normal competition.

It is therefore recommended that the proposed modification to the LCS, to allow for the additional retail floorspace, be advertised for comment prior to determination, in accordance with TPS2.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **ENDORSE** the publishing of a notice that it has prepared an amendment to Planning Policy 6.3 - Local Commercial Strategy to increase the maximum shop/retail floorspace of the 'Tuart Ridge' Neighbourhood Centre ('Baldivis Precinct B'), at Lot 9011 Clyde Avenue, Baldivis from 1,470m² NLA to 3,200m² NLA, for public inspection pursuant to clause 8.9.4 of Town Planning Scheme No.2.

8. **Committee Recommendation**

That Council **ENDORSE** the publishing of a notice that it has prepared an amendment to Planning Policy 6.3 - Local Commercial Strategy to increase the maximum shop/retail floorspace of the 'Tuart Ridge' Neighbourhood Centre ('Baldivis Precinct B'), at Lot 9011 Clyde Avenue, Baldivis from 1,470m² NLA to 3,200m² NLA, for public inspection pursuant to clause 8.9.4 of Town Planning Scheme No.2.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
# Statutory Planning

## Planning Services

### Statutory Planning

<table>
<thead>
<tr>
<th>Reference No &amp; Subject</th>
<th>SP-001/10 Scheme Amendment No.95 - Omnibus No.6 (Final Approval)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1421</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss D Shaw, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr D Waller, Co-ordinator Statutory Planning, Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Monday, 18 October 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>July 2008 (PD144/7/08), March 2010 (PD35/3/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>legislative role</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative Role</td>
</tr>
<tr>
<td>Site:</td>
<td>Various</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Various</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>8 Zoning Maps</td>
</tr>
</tbody>
</table>

## 1. Purpose of Report

To consider for Final Approval amendments to Town Planning Scheme No.2 maps to apply a zone to various portions of unzoned land.

## 2. Background

In March 2010, Council resolved to initiate an amendment to Town Planning Scheme No.2 by amending the Scheme Maps as follows:-
“(i) Zoning portions of Lots 100, 101, 2, 54, 53, 6, 7, 8, 9, 10, 11, 12 and 58 Dixon Road, Rockingham from ‘unzoned’ to ‘Service Commercial’, portion of Lot 1611 Arkwright Road, Rockingham from ‘unzoned’ to ‘Community Purposes (Fire Station)’; portions of Lots 68, 90, 91, 92, 51, 110, 10, 33, 28, 27, 35 and 25 Dixon Road, Rockingham and East Rockingham, from ‘unzoned’ to ‘Light Industry’, and portions of Nasmyth Road, Arkwright Road, Hargreaves Road, Day Road and McCamey Avenue, Rockingham and East Rockingham from ‘unzoned’ and ‘Light Industry’ to ‘Local Roads’ Reserve, as shown on Plan 95/1.

(ii) Zoning portion of Lot 4006 (Reserve 42515) Crompton Road, Rockingham from ‘unzoned’ to ‘Light Industry’ and portions of vacant Crown land and Lot 2856 (Reserve 40198) Day Road and Lot 150 Mandurah Road, East Rockingham from ‘unzoned’ to ‘General Industry’, as shown on Plan 95/2.

(iii) Zoning portions of Lot 3000 (Reserve 39592) Warnbro Sound Avenue, Warnbro from ‘unzoned’ to ‘Public Open Space’ Reserve, as shown on Plan 95/3.

(iv) Zoning Lot 536 (No.52) Achiever Avenue, Port Kennedy from ‘unzoned’ to ‘Residential (R20)’, as shown on Plan 95/4.

(v) Zoning portions of Lots 954, 955, 956, 957, 958 and 959 Bremen Lane, Port Kennedy from ‘unzoned’ to the ‘Residential (R40)’, as shown on Plan 95/5.

(vi) Zoning portions of the Mandurah Road Reserve in Port Kennedy from ‘unzoned’ to ‘Local Roads' Reserve north of the railway line and from ‘unzoned’ to ‘Rural' south of the railway line, as shown on Plan 95/6.

(vii) Zoning portions of Lots 288, 6, 5, 290 and 291 Kerosene Lane and Lot 292 Baldivis Road, Baldivis from ‘unzoned’ to ‘Rural’, as shown on Plan 95/7

(viii) Zoning portions of Lots 4 and 10 Sixty Eight Road, Baldivis, from ‘unzoned’ to ‘Rural’ and portions of the Eighty Road and Sixty Eight Road Reserves from ‘unzoned’ to ‘Local Roads’ Reserves, as shown on Plan 95/8.”

3. **Details**

At the conclusion of the advertising period, one submission had been received from Western Power, which raised no objections to the proposal.

4. **Implications to Consider**

a. **Consultation with the Community**

The Scheme Amendment was advertised to 64 affected landowners (including Western Power as a landowner) for a period of 42 days, with the advertising period closing on the 10th September 2010.

In accordance with the requirements of Town Planning Scheme No.2, a notice was also placed in the Weekend Courier newspaper on the 30th July 2010. Copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices and available on the City’s website.

b. **Consultation with Government Agencies**

Western Power (as a landowner)

c. **Strategic**

Functional Area 3 – Land Use & The Environment in Council’s Strategic Plan.
d. Policy

N/A

e. Financial

N/A

f. Legal and Statutory

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

5. Comments

The Amendment will provide certainty with respect to future use and development of the affected properties by applying a zone to the various portions of ‘unzoned land’. All of the proposed Scheme Map changes bring the TPS2 into line with the Metropolitan Region Scheme. It is recommended that the Council adopt the Scheme Amendment for Final Approval, as advertised.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council, pursuant to Section 7 of the Planning & Development Act 2005 (as amended):

1. **ADOPT** Amendment No.95 to Town Planning Scheme No.2 for Final Approval without modification.

2. **ADOPT** the Recommendation as contained in the attached Schedule of Submissions.

8. Committee Recommendation

That Council, pursuant to Section 7 of the Planning & Development Act 2005 (as amended):

1. **ADOPT** Amendment No.95 to Town Planning Scheme No.2 for Final Approval without modification.

2. **ADOPT** the Recommendation as contained in the attached Schedule of Submissions.

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

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>SP-002/10 Proposed Road Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/1478</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Mr Norm Brooks</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr JP MacDonagh, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr D Waller, Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>Monday, 18 October 2010</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Quasi Judicial Role</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Corner of Murdoch Drive and Singleton Beach Road</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>210m²</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>Location Plan, Diagram of Survey</td>
</tr>
</tbody>
</table>

### 1. Purpose of Report

To consider an application to close a portion of road reserve adjoining Lot 157 (No.18) Singleton Beach Road and Murdoch Drive, Singleton.

### 2. Background

N/A

### 3. Details

The owner of Lot 157 (No.18) Singleton Beach Road, Singleton, seeks the Council’s approval of the closure of a portion of the road reserve at the corner of Murdoch Drive and Singleton Beach Road, Singleton, to facilitate the purchase and amalgamation of the land.
4. **Implications to Consider**

   a. **Consultation with the Community**
      
      The proposed road closure must be advertised in either the Weekend Courier or Sound Telegraph inviting comment for a period of 35 days.

   b. **Consultation with Government Agencies**
      
      The following authorities must be consulted during the advertising period:
      
      (i) Department of Planning;
      (ii) Main Roads WA;
      (iii) Western Power;
      (iv) Water Corporation, and
      (v) Telstra.

   c. **Strategic**
      
      The proposal falls within Functional Area 3 - Land Use & the Environment in Council’s Strategic Plan under the scope of Land Use Planning.

   d. **Policy**
      
      Nil

   e. **Financial**
      
      Nil

   f. **Legal and Statutory**
      
      Under the Land Administration (‘Act’), the Council is required to advertise the proposed road closure by way of a publication in a newspaper for a period of 35 days and seek comment from Servicing Authorities.
      
      In order to comply with Section 58 of the Act, a resolution of the Council is also required, following advertising, to progress the closure of the road reserve.

5. **Comments**

   The proposed road closure is supported by the City's Engineering Services because it will maintain a sufficient lot truncation for sight-lines and traffic safety.

   It is recommended that the Council initiate road closure procedures by advertising the proposal.

6. **Voting Requirements**

   Simple Majority

7. **Officer Recommendation**

   That Council AUTHORISE the advertising of the proposed closure of the portion of road reserve adjacent to Lot 157 (No.18) Singleton Beach Road, Singleton, pursuant to Section 58 of the Land Administration Act 1997.
8. **Committee Recommendation**

That Council *AUTHORISE* the advertising of the proposed closure of the portion of road reserve adjacent to Lot 157 (No.18) Singleton Beach Road, Singleton, pursuant to Section 58 of the Land Administration Act 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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-003/10 Proposed Amendment to Planning Policy 3.3.20, Residential Design Codes Alternative Acceptable Development Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/272</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr R Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr D Waller, Co-ordinator, Statutory Planning, Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Monday, 18 October 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>March 2009 (PD30/3/09)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative Role</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>N/A</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Proposed amendments to Planning Policy No. 3.3.20</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

1. **Purpose of Report**

To consider amendments to the Council’s Planning Policy No. 3.3.20 - Residential Design Codes Alternative Acceptable Development Provisions.

2. **Background**

3. Details

The Acceptable Development provisions that are proposed to be inserted into the Council's Policy are as follows:

Design element 6.3.2 - Buildings up to a Boundary

Existing Acceptable Development provision: (R-Codes)

Alternative Acceptable Development provision: (Council Policy)

In areas Coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.

In areas Coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback, to two side or rear boundaries.

New design element - Interaction with public spaces

New Performance Criteria: (Council Policy)

Buildings designed to provide for interaction with public spaces including streets, parks and pedestrian thoroughfares.

New Acceptable Development provision: (Council Policy)

Where a dwelling is adjacent to a public street, the major entry (front door) must be orientated towards the street.

Minor text changes are also proposed to incorporate the new performance criteria. The full changes are set out in the attachment to this report.

4. Implications to Consider

a. Consultation with the Community

Under TPS2, if Council resolves to amend a Planning Policy, the Council:

(a) 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.

(b) may publish notice of the proposed Policy in such other manner and carry out such other consultation as the Council considers appropriate.

b. Consultation with Government Agencies

Consultation with Government agencies is not required.

c. Strategic

Functional Area 3 - 'Land Use & The Environment' in the Council's Strategic Plan under the Scope of 'Development'.

d. Policy

Planning Procedure 1.3, Community Consultation will guide the public consultation associated with the draft Policy.

e. Financial

Not applicable.
f. **Legal and Statutory**

Section 8.9 of Town Planning Scheme No.2 applies to amendments to a Planning Policy.

### 5. Comments

#### a. **Design element 6.3.2 - Buildings up to a Boundary**

The proposed changes to Council’s Policy extend the same flexibility to build two boundary walls in the low density code of R20 and R25 to the higher density code of R30 and higher.

The new provision (as set out in the "Details" section above) is intended to apply the same allowance to lots Coded R30 or above, to ensure a consistent approach to boundary walls.

#### b. **New design element - Interaction with Public Spaces**

The proposed Policy changes would require a dwelling which is adjacent to a public street, to have its front door entry orientated towards the street.

‘Single Houses’ are often set back from the street and have main entries (front doors) accessible directly from the street. The street setback area forms a transitional zone between public and private space, which facilitates interaction between neighbours and visitors. The opportunity for casual surveillance and safe interaction enhances a sense of place.

In contrast to ‘Single Houses’, there has been a trend towards ‘Grouped Dwellings’ where the main entry is provided from a communal street which is a private carriageway providing joint access to two or more dwellings in a residential development. Residents are much less likely to maintain the street setback and verge adjoining the dwelling, which results in increased maintenance costs, an unsightly streetscape and loss of a potential source of passive surveillance.

Providing main entries directly from the street increases the use of the street setback area by both the residents and visitors to the dwelling, and increases the perceived “sense of ownership” of the street setback area and verge by the residents.

#### c. **Conclusion**

It is recommended that the proposed amendments to Planning Policy 3.3.20 be advertised for 21 days in the following manner:-

(i) A Notice being published in the Sound Telegraph Newspaper for two consecutive weeks;

(ii) A Notice, an Explanatory Report and copies of the proposed Planning Policy being posted on the Council’s Website for the entire advertising period;

(iii) Builders operating within the City of Rockingham being notified of the draft Planning Policy and invited to comment;

(iv) The following Ratepayer Associations also being notified of the draft Planning Policy and be invited to comment:-

- Baldivis Community Association;
- Singleton Residents Association;
- Golden Bay Progress Association;
- Waikiki Residents Association;
- Warnbro Progress Association;
- Settlers Hills Residents Association;
- Rivergums Residents Association.
6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council *ENDORSE* the publishing of a notice that it has prepared an amendment to Planning Policy 3.3.20, *Residential Design Codes Alternative Acceptable Development Provisions* for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2.

8. **Committee Recommendation**

That Council *ENDORSE* the publishing of a notice that it has prepared an amendment to Planning Policy 3.3.20, *Residential Design Codes Alternative Acceptable Development Provisions* for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
Planning Services
Statutory Planning

Reference No & Subject: SP-004/10

Proposed Amendments to Planning Policy 3.3.20, Bed and Breakfast Accommodation

File No: LUP/364

Proponent/s: City of Rockingham

Author: Mr Ross Underwood, Senior Planning Officer

Other Contributors: Mr David Waller, Co-ordinator, Statutory Planning
Mr Michael Ross, Manager, Statutory Planning

Date of Committee Meeting: Monday, 18 October 2010

Previously before Council: May 2008 (PD81/5/08)

Disclosure of Interest: Legislative Role

Site: N/A

Lot Area: N/A

Attachments: Proposed amendments to Planning Policy 3.3.2

Maps/Diagrams: N/A

1. Purpose of Report

To consider proposed amendments to the Council's Planning Policy 3.3.2, Bed and Breakfast Accommodation, to update Health application forms attached to the Policy.

2. Background

The current Bed and Breakfast Policy was adopted in May 2008.
3. Details

The intent of this report is to update the Health application forms which are attached to the Policy as appendices. The updated forms reflect the new Food Act 2008.

Changes to Appendix 1, Guidelines for the preparation of Foods for Manufacture in Residential Premises for Bed and Breakfast include simplifying the title and updating the Guidelines to reflect the requirements under the Food Act 2008.

Appendix 2, Application for Approval of Certain Food Handling Activities in Residential Premises has been replaced by the new Application for a Registration Certificate under the Food Act 2008.

Appendix 3, Application form for Registration of a Bed & Breakfast, has been retained with minor changes.

There is also a new Appendix 4 proposed to be included in the Policy, being Food Premises Notification Form. This new Appendix is a requirement under the ANZFA Food Standards Code - Food Safety Standards.

Finally, the body of the Policy is to be amended to make reference to these new Appendices.

The proposed changes are shown in the attachment to this report.

4. Implications to Consider

a. Consultation with the Community

Under TPS2, if Council resolves to amend a Planning Policy, the Council:

(a) 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.

(b) may publish notice of the proposed Policy in such other manner and carry out such other consultation as the Council considers appropriate.

b. Consultation with Government Agencies

Consultation with Government agencies is not required.

c. Strategic

Functional Area 3 - 'Land Use & The Environment' in the Council's Strategic Plan under the Scope of 'Development'.

d. Policy

Planning Procedure 1.3, Community Consultation will guide the public consultation associated with the draft Policy.

e. Financial

Not applicable.

f. Legal and Statutory

Section 8.9 of Town Planning Scheme No.2 applies to amendments to a Planning Policy.

5. Comments

The proposed changes to the Bed and Breakfast Accommodation Policy are necessary to reflect the Food Act 2008.
It is recommended that the proposed amendments to Planning Policy 3.3.2 as outlined in the “detail” section above be advertised for 21 days in the following manner:-

(i) A Notice being published in the Sound Telegraph Newspaper for two consecutive weeks;
(ii) A Notice, an Explanatory Report and copies of each proposed Planning Policy being posted on the Council's Website for the entire advertising period;

It is recommended that Council proceed to advertise the proposed amendments to Planning Policy 3.3.2, Bed and Breakfast Accommodation.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ENDORSE the publishing of a notice that it has prepared an amendment to Planning Policy 3.3.2, Bed and Breakfast Accommodation for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2.

8. Committee Recommendation

That Council ENDORSE the publishing of a notice that it has prepared an amendment to Planning Policy 3.3.2, Bed and Breakfast Accommodation for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
Planning Services
Statutory Planning

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-005/10 State Administrative Tribunal – Golden Ponds</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/0566</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Greg Rowe &amp; Associates</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr T Fernandes, Planning Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Monday, 18 October 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>June 2010 (PD63/6/10); December 2009 (PD149/12/09); November 2009 (PD146/11/09); July 2004 (PD152/7/04); October 1998 (10PS/98-9.4.8); January 1997 (1PS/97-5.3.2)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Quasi Judicial Role</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 470 (No.353) Mundijong Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>37.3375ha</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Site Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>2. Homestore Plan</td>
</tr>
<tr>
<td></td>
<td>3. Floor Plan</td>
</tr>
</tbody>
</table>

1. **Officer Recommendation**

That Council:

1. **GRANT** planning approval upon review of its decisions pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA), to permit the keeping and sale of crayfish and other salt water crustaceans, sale of plant nursery products, sale of ornamental (pet) fish, aquariums and incidental items, and the use of the freezer and cool rooms for the keeping of
goods associated with the Reception Centre together with the ‘Homestore’, on Lot 470 (No.353) Mundijong Road, Baldivis, subject to:

(i) Standard Conditions: D1. D2 (as submitted). D34.

(ii) Only fingerlings, juvenile crustaceans, breeding stock, fish and crustaceans that are further reared at the premises, are to be brought onto the premises other than where fish and crustaceans are used for the Reception Centre and frozen food is displayed and sold from the Homestore.

(iii) Fishing rods, bait and associated equipment are only to be sold and rented to members of the public for use for the purpose of fishing on the premises.

(iv) No fish or crustaceans are to be cleaned, gutted or processed for sale on the premises, other than for use and consumption in the Reception Centre.

(v) Aquariums, fish food and equipment are only to be displayed for sale in the location shown on the approved plans, unless otherwise approved by the Council in writing.

(vi) Plants and associated items in the Plant Nursery are only to be sold and displayed for sale in the location shown on the approved plans and for decoration within the Homestore, unless otherwise approved by the Council in writing.

Footnotes

(a) The use of the premises must comply with the Food Act 2008 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only). Please contact Environmental Health Services. An application for Certificate of Registration of a Food Premises will need to be made to the City’s Health Services for the ‘Homestore’. Under the Food Act 2008, restrictions on the types of foods prepared, stored and sold at the ‘Homestore’ may be required unless structural upgrades to the current building are made to bring it into compliance with the food legislation requirements.

(b) The ‘Homestore’ currently does not have adequate provisions to cook crustaceans, and this would not be permitted by the City’s Health Services unless the ‘Homestore’ was upgraded to comply with the structural requirements for this activity under the food legislation.

(c) The City’s Health Local Laws 1996 restrict rural properties to keeping a maximum of 20 poultry, unless they are approved by the Council for veterinary purposes, poultry processing, egg production or poultry rearing. Unless the applicant can provide sufficient information on how and where the eggs will be processed prior to sale, to the satisfaction of the Manager Health Services, approval may not be granted for the sale of eggs from poultry on-site.

(d) The City’s Building Services do not have any record of issuing Building Licences for a number of the structures on Lot 470 Mundijong Road, including the building containing the ‘Homestore’. Unless the owners can provide evidence that an approval has been issued they would need to either remove the structures or submit an application for a Building Approval Certificate for consideration.

2. **ADVICE** the State Administrate Tribunal that a the keeping of 100 poultry and sale of eggs is classified as a ‘Poultry Farm’ which is not permitted (‘A’ use) in the ‘Rural’ zone, unless the Council has exercised its discretion by granting planning approval after advertising the proposal in accordance with clause 6.3 of TPS2. Accordingly, the Council would need to determine the keeping of poultry and sale of eggs separately from the revised application.
2. **Committee Recommendation**

That Council:

1. **GRANT** planning approval upon review of its decisions pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA), to permit the keeping and sale of crayfish and other salt water crustaceans, sale of plant nursery products, sale of ornamental (pet) fish, aquariums and incidental items, and the use of the freezer and cool rooms for the keeping of goods associated with the Reception Centre together with the ‘Homestore’, on Lot 470 (No.353) Mundijong Road, Baldivis, subject to:

   (i) Standard Conditions: D1. D2 (as submitted). D34.

   (ii) Only fingerlings, juvenile crustaceans, breeding stock, fish and crustaceans that are further reared at the premises, are to be brought onto the premises other than where fish and crustaceans are used for the Reception Centre and frozen food is displayed and sold from the Homestore.

   (iii) Fishing rods, bait and associated equipment are only to be sold and rented to members of the public for use for the purpose of fishing on the premises.

   (iv) No fish or crustaceans are to be cleaned, gutted or processed for sale on the premises, other than for use and consumption in the Reception Centre.

   (v) Aquariums, fish food and equipment are only to be displayed for sale in the location shown on the approved plans, unless otherwise approved by the Council in writing.

   (vi) Plants and associated items in the Plant Nursery are only to be sold and displayed for sale in the location shown on the approved plans and for decoration within the Homestore, unless otherwise approved by the Council in writing.

   (v) A Sign Strategy for all advertising and signage associated with the existing development, except where such signs have already been approved, must be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the City prior to the erection of any signage on the premises.

**Footnotes**

(a) The use of the premises must comply with the Food Act 2008 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only). Please contact Environmental Health Services. An application for Certificate of Registration of a Food Premises will need to be made to the City’s Health Services for the ‘Homestore’. Under the Food Act 2008, restrictions on the types of foods prepared, stored and sold at the ‘Homestore’ may be required unless structural upgrades to the current building are made to bring it into compliance with the food legislation requirements.

(b) The ‘Homestore’ currently does not have adequate provisions to cook crustaceans, and this would not be permitted by the City’s Health Services unless the ‘Homestore’ was upgraded to comply with the structural requirements for this activity under the food legislation.

(c) The City’s Health Local Laws 1996 restrict rural properties to keeping a maximum of 20 poultry, unless they are approved by the Council for veterinary purposes, poultry processing, egg production or poultry rearing. Unless the applicant can provide sufficient information on how and where the eggs will be processed prior to sale, to the satisfaction of the Manager Health Services, approval may not be granted for the sale of eggs from poultry on-site.

(d) The City’s Building Services do not have any record of issuing Building Licences for a number of the structures on Lot 470 Mundijong Road, including the building containing
2. **ADVISE** the State Administrate Tribunal that the keeping of 100 poultry and sale of eggs is classified as a 'Poultry Farm' which is not permitted ('A' use) in the 'Rural' zone, unless the Council has exercised its discretion by granting planning approval after advertising the proposal in accordance with clause 6.3 of TPS2. Accordingly, the Council would need to determine the keeping of poultry and sale of eggs separately from the revised application.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
Reference No & Subject: SP-006/10 Heritage Reference Group

File No: LUP/449-21

Author: Mr R Underwood, Senior Planning Officer

Other Contributors: Mr B D Ashby, Co-ordinator, Strategic Planning
Mr M Ross, Manager, Statutory Planning

Date of Committee Meeting: Monday, 18 October 2010

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

Composition:
1 Councillor, 2 representatives from the Rockingham District Historical Society, Rockingham Regional Heritage Advisor
Executive Support - Planning Services

Disclosure of Interest: Executive Function

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

Attachments:
Minutes dated 25 August 2010

1. Receipt of Minutes

That Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 25th August 2010.

2. Officer Recommendation

Nil.

3. Committee Recommendation

That Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 25th August 2010.

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

Not applicable.

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

Not applicable.
In association with this Item, the Chairman tabled two letters from Mr Paul Papalia, MLA, as follows:-
1. Letter to Cr Richard Smith regarding Department of Housing development in Golden Bay.
2. Copy of letter to Minister for Housing regarding Department of Housing development in Golden Bay.

Planning Services
Strategic Planning & Environment Services

Reference No & Subject: SPE-003/10 Proposed Modification to Structure Plan and Foreshore Management Plan - Consent to Advertise

File No: LUP/246-06
Proponent/s: Chappell Lambert Everett/Department of Housing
Author: Ms J Ullman, Senior Strategic Planning Officer
Other Contributors:
Mr T Fernandes, Planning Officer
Mr B Ashby, Co-ordinator, Strategic Planning
Mr P Ricci, Manager, Strategic Planning & Environment

Date of Committee Meeting: Monday, 18 October 2010
Previously before Council: August 1994
Disclosure of Interest: Executive Function
Nature of Council’s Role in this Matter: Executive Function

Site: Lots 2 and Lot 3 Warnbro Sound Avenue, Golden Bay
Lot Area: 156.7223 hectares
Attachments:
1. Location Plan
2. Zoning Plan
3. Endorsed Comprehensive Development Plan (August 1994)
4. Stage 1 Structure Plan
5. Proposed Structure Plan
6. Proposed Foreshore Management Plan

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 15 NOVEMBER 2010
Terminology

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

1. Purpose of Report

To consider an application seeking consent to advertise for public comment a proposed modified Structure Plan over Lots 2 and Lot 3 Warnbro Sound Avenue, Golden Bay. In conjunction, to also consider a proposed Foreshore Management Plan and proposed modification to the City's Local Commercial Strategy.

2. Background

The Golden Bay project area, comprising Lots 2 and 3 Warnbro Sound Avenue, covers approximately 155ha.

The land is currently zoned 'Urban' and 'Parks and Recreation' under the Metropolitan Region Scheme and 'Development' with R5 and R20/40 designation under TPS 2.

The site has been subject to planning activity over many years and has a long history of valid planning and environmental approvals.

At its ordinary Meeting held on the 23rd August 1994, the Council approved the Golden Bay Comprehensive Development Plan ('endorsed CDP') covering Pt Lot 12 Dampier Drive (the original parent lot), subject to the following conditions:

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

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

The then State Planning Commission granted final approval for the CDP in September 1994.

A subdivision application, consistent with the endorsed CDP, was subsequently approved by the Western Australian Planning Commission (WAPC) in May 2006.

This approval was not acted upon and subsequently expired. The WAPC then reissued the subdivision approval on the 18th March 2010.

In March 2010, the City approved (under delegated authority) a minor modification to the endorsed CDP to create Stage 1. The main points of the minor modification included:-

- the creation of 150 residential lots;
- the creation of a 3.5ha Primary School site, co-located with an existing 8.1ha Public Open Space (POS) Reserve (Rhonda Scarrott Reserve);
- the creation of a new 4,647m$^2$ centrally located POS Reserve; and
- some minor changes to the road layout in accordance with contemporary Liveable Neighbourhood principles.

Stage 1 was granted subdivision approval on the 19th April 2010.

### 3. Details

**Description of the Proposal**

The Council has now received a proposed Structure Plan for the landholding lodged on behalf of the landowner, the Department of Housing. The main elements of the proposed Structure Plan are as follows:

**Residential Density and Population**

- the creation of 1,700 lots (approximately 2,200 dwellings units);
- residential density coding ranges from R5 to R80;
- R20 densities as a transition to the existing communities of Golden Bay and Secret Harbour, consistent with the endorsed CDP;
- a strip of R5 along the eastern boundary of Lot 3 adjacent to Special Residential No. 3, consistent with the endorsed CDP; and
- an ultimate population of approximately 5,700 (based on the average occupancy rate of 2.6 per household).

**Neighbourhood Centre**

- a Main Street based Neighbourhood Centre at the intersection of Warnbro Sound Avenue and a new ‘Coastal Boulevard’. The Centre extends both sides of Warnbro Sound Avenue;
- the Neighbourhood Centre has a retail floor space of approximately 3,500m$^2$, comprising:
  * medium sized supermarket: 1,800-2,000m$^2$
  * specialty shops: 1,330-1,130m$^2$
  * small retail showrooms: 370m$^2$
- a potential commercial node in close proximity to the Foreshore Reserve.

A Retail Report has been lodged as part of the proposed Structure Plan.
Road and Pedestrian Network
- provision of a 'Coastal Boulevard' linking east and west of Warnbro Sound Avenue, consistent with the endorsed CDP;
- a road interface between the residential development and the Foreshore Reserve, consistent with the endorsed CDP;
- the key local road connections to Secret Harbour and the existing Golden Bay area have been retained;
- additional connections to the land to the east;
- a signalised intersection at the corner of Warnbro Sound Avenue and Coastal;
- three north-south bus routes through the development;
- construction of two additional 'legs' off the existing roundabout at the intersection of Warnbro Sound Avenue and Dampier Drive; and
- an un-signalised 'T' junction on the western side of Warnbro Sound Avenue.

A Traffic Report has been lodged as part of the proposed Structure Plan.

Community Facilities
- a Primary School site of 3.5ha co-located with the existing Rhonda Scarott (formally Tangadee) Reserve. This is consistent with the minor modification to the CDP approved in March 2010; and
- 2.5ha POS adjoining the southern end of the existing Comet Bay High School and 0.8ha of Public Purpose Site to meet the requirements of the Department of Education (DoE).

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

Foreshore Management Plan
In January 1993, the then Minister for the Environment issued Ministerial Statement 297 (ie. 'Environmental Approval') for Lots 2 and 3 Warnbro Sound Avenue, which included a requirement that a Foreshore Management Plan (FMP) be prepared and implemented prior to commencing earthworks.

The entire Foreshore Reserve is reserved for 'Parks and Recreation' under the Metropolitan Region Scheme and the main elements that require management include an existing population of Southern Brown Bandicoot and a Threatened Ecological Community. The other existing environmental or social matters addressed in the FMP are the protection of an Aboriginal Heritage site, maintenance of topography, coastal accretion and protection of the dunes in their natural form.

To cater for the future local and potential regional increases in the numbers of beach users, a Landscape Concept Design for the Foreshore Reserve has been prepared providing:
- Foreshore Reserve access roads;
- Car parks;
- Dual Use Paths with seated resting points, beach access tracks and lookouts;
- Educational signage;
- A café/kiosk;
- Shower and toilet block;
- A site for a Surf Life Saving Club;
- 4,000 – 5,000m² of POS; and
- Rehabilitation shrub planting and weed management.

**Planning Context**

**Site Analysis**

The site features a series of dune systems and several distinct landforms. The Quindalup Dune system exists over the majority of the site with a secondary Spearwood Dune System north-east of Warnbro Sound Avenue.

Surface conditions comprise coastal dune systems of varying heights mixed with lightly undulating terrain. The majority of the site is covered with coastal vegetation complexes with medium sized eucalypts predominantly to the eastern portion of the site.

Lot 2 varies between undulating dunes to the west (abutting the ocean) with levels from RL3m AHD to RL12m AHD. The centre of the site is lightly undulating and is predominantly RL6m AHD. East of Warnbro Sound Avenue, levels are moderately undulating ranging from RL9m AHD to RL20m.

Lot 3 contains a parabolic dune system with heavily undulating terrain. A substantial portion of the dune system is protected by the abovementioned Ministerial Statement. The terrain varies from RL6m AHD to RL36m AHD.

The majority of the site is well drained with the depth to groundwater ranging from 0m in the lowest part of the linear deflation basin near the coast up to 46m under the dunes on Lot 3.

According to the Department of Environment and Conservation's Geomorphic Wetlands of the Swan Coastal Plain dataset, there are two Conservation Category wetlands located on the site. The wetlands are shown to occur in the linear deflation basins immediately behind the parallel beach ridge plain adjacent to the coastline; the wetlands are seasonally wet.

The vegetation in the wetlands is classified as 'Sedgelands in Holocene Dune Swales' which is listed as a Threatened Ecological Community.

The landholding has been subject to a Public Environmental Review (PER), and as detailed above, the then Minister for the Environment issuing a 'Statement that the Proposal may be Implemented'. It has been confirmed that the Ministerial Statement remains valid. The Proponent has provided an Environmental Assessment Report which concludes that the proposed Structure Plan is consistent with the prevailing environmental approval.

### 4. Implications to Consider

**a. Consultation with the Community**

Clause 4.2.6.5 of Town Planning Scheme No.2 states that the Council is to:

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

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

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

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

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

**b. Consultation with Government Agencies**

Consultation with government agencies and other stakeholders will be undertaken during the public advertising process.
c. **Strategic**
   Functional Area 3 - Land Use & Environment in Council's Strategic Plan under the Scope of Land Use Planning and Structure Planning.

d. **Policy**
   The proposal seeks a modification to Planning Policy No. 6.3 - Local Commercial Strategy.

e. **Financial**
   N/A

f. **Legal and Statutory**
   Clause 4.2.6.2 of Town Planning Scheme No.2 states that the Council, upon receiving a proposed Structure Plan, is to either:
   
   (a) determine that the Proposed Structure Plan is satisfactory for advertising;
   
   (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
   
   (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

5. **Comments**

**Previous Approval Implications**

As noted above, the endorsed CDP was approved by the Council subject to various conditions. Several of the conditions remain relevant to the current proposal as follows:

- **Landscape Protection** – with respect to Condition No’s. 2 and 3, in December 1994, the Council resolved to generally support the proposed Management Plan for the Landscape Protection Area, subject to the following conditions:

  1. Detailed plans for the proposal indicating finished ground levels, heights of retaining walls, fencing types and location, access path location, viewing deck details, rehabilitation of ‘blow out’ areas and landscaping details shall be submitted to Council in the form of a separate development application for approval prior to any works commencing.
  
  2. Two additional access paths shall be provided from Minderoo Crescent to the Western Interface Reserve and one additional access path shall be provided from the recreation area at the base of Mandurah Hill to the path proposed by Council on the Mandurah Hill reserve itself.
  
  3. The extent of the clearing on the eastern face of the 37m Central Dune shall be determined on-site at the time that the subdivision works are progressing in order to get a clearer understanding of the implications of the proposal.
  
  4. The works undertaken in the landscape protection area shall be maintained by the developer to the satisfaction of the Council for a period of three years from the time the works were undertaken.

- **Ministerial Approval** – with respect to Condition No. 4, the Proponent has advised that all of the Ministerial conditions have been met. Of the conditions that are relevant to the City, the following is relevant:

  1. A Foreshore Management Plan has been lodged with the City for consideration.
  
  2. The proposed Structure Plan reflects the Landscape Management Plan that was approved by Council in December 1994.

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

Comment - The ‘Parks and Recreation’ Reservation under the MRS addresses this requirement.

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

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

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

Comment - The aboriginal heritage site is within the Foreshore Reserve.

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

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

5. The Proponent will provide reticulated sewerage and will design the development so that stormwater drainage is disposed of on site. This will be done to the satisfaction of DPUD and the Local Authority.

Comment - The development will be connected to reticulated sewerage. With regard to stormwater drainage, a Local Water Management Strategy has been lodged with the proposed Structure Plan.

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

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

Statutory Considerations

The site is currently zoned ‘Development’ with an R5 and R20/40 designation under Town Planning Scheme No. 2.

At present, the residential densities included in the proposed Structure Plan are, in part, inconsistent with the densities designated under the Scheme. Where there is an inconsistency between the Scheme and a Structure Plan, the Scheme prevails. In effect, the higher densities contained in the proposed Structure Plan, if approved, could not be implemented until the Scheme is changed.

At its ordinary Meeting held on the 28th September 2010, the Council resolved to amend Town Planning Scheme No.2 by deleting the density codings from the Scheme Map. The amendment was initiated as it was considered more appropriate to determine residential density through the Structure Plan process, consistent with the intent of the ‘Development’ zone.
**Structure Plan Assessment**

**Community Design**

The proposed Structure Plan recognises the key elements of the endorsed CDP, with refinements that seek to respond to current planning principles and standards.

The proposed Structure Plan provides for approximately 1700 lots (approximately 2200 dwelling units), with residential density codings ranging from R5 to R80. Higher densities are allocated adjoining the neighbourhood centre, the coastal node and key areas of POS, which is consistent with *Liveable Neighbourhoods* principles. When fully developed, the Structure Plan area could accommodate an ultimate population of approximately 5,700 people.

Under the *Residential Design Codes* (R-Codes), development within residential zoned land is typically limited to a maximum of two storeys except where stated otherwise in a local planning policy. The City does, however, have discretion to vary the requirements of the R-Codes taking into account the desired height of buildings in the locality, the amenity of adjoining properties, and access to direct sunlight and views of significance.

Whilst development is not expected to exceed two storeys in height for the majority of the development, there may be pressure for a greater building height within the R80 coastal node. Should this be the case, the Council can consider the preparation of a Planning Policy to guide decision making in this location.

Under *Liveable Neighbourhoods*, the proposed Structure Plan is required to achieve a target density of 20 to 30 dwellings per hectare within a 400m radius of the proposed Neighbourhood Centre and 12 to 20 dwellings per hectare outside this radius. The lot yield within the 'catchment' of the Neighbourhood Centre achieves approximately 33 dwellings per site hectare and 25 dwelling units per site hectare over the remainder of the site.

A predominant R20 density has been applied as a transition to the existing areas of Golden Bay and Secret Harbour, consistent with the endorsed CDP. A strip of R5 has been applied along the eastern boundary of Lot 3, which is also reflective of the endorsed CDP.

The overall residential density exceeds that recommended by *Liveable Neighbourhoods*. The Proponent has endeavoured to locate higher densities in areas that have some locational context (ie. in proximity to the Neighbourhood Centre and Foreshore Reserve) whilst seeking to respect the existing residential communities by providing lower abutting densities.

*Liveable Neighbourhoods* and Town Planning Scheme No. 2 outline the information and details required to be submitted with a Structure Plan. The Structure Plan Report has not included the following information to the satisfaction of the City:

- the proposed indicative lot pattern and general location of major buildings; and
- the timeframe and staging of subdivision and development, and the method of implementation, including any proposed funding by development contributions.

Further, given the proposed significant earthworks that will occur on the land, it is considered reasonable for the Council to also require that an indicative finished levels plan be submitted.

**Recommendation**

The Structure Plan Report include an indicative lot layout, prior to advertising the Structure Plan.

The Structure Plan Report include more detailed information on the proposed staging and timing of the development, prior to advertising the Structure Plan.

An Indicative Finished Levels Plan be submitted, during the advertising period of the Structure Plan.

**Activity Centres and Employment**

The proposed location of the Neighbourhood Centre complies with *Liveable Neighbourhoods* which recommends that Neighbourhood Centres be located and distributed to provide a centre for most residents within a 400-500m walkable catchment. To ensure the successful operation of the
Centre, it should also be located such that it has an adequate surrounding catchment, sufficient traffic, appropriate exposure and amenity.

A potential commercial node in close proximity to the Foreshore Reserve has also been identified. No retail floor space has been allocated to this node, nor has a land use allocation been shown on the proposed Structure Plan. It is noted, however, that the POS calculations include 5,000m² being deducted from the gross subdivisible area for the non residential component within the coastal precinct. This proposal is not supported without the designation of an appropriate land use and area on the proposed Structure Plan.

The subject site is located within Precinct 3 of the Local Commercial Strategy (LCS), which comprises Secret Harbour, Golden Bay and Singleton. The LCS allocates a maximum of 2,800m² of Net Lettable Area (NLA) to a location known as 'Golden Bay East'.

Due to the Structure Plan proposing an additional 740m² of floor space above what is allocated under the LCS, a Retail Assessment Report has been lodged with the proposed Structure Plan. The additional floorspace request is essentially as a result of higher densities (leading to higher population catchment) being proposed in the area than originally considered when the LCS was prepared.

The Retail Assessment Report has been assessed by Council’s Retail Consultant who has determined that the 740m² increase can be justified and is worthy of consideration. The implications of the increased retail floorspace on the other centres in proximity, including the Secret Harbour District Centre, was also considered as part of the Retail Assessment and it was concluded that the impacts are unlikely to be significant.

Support for the additional retail floorspace would represent a modification to the LCS. In this regard, it is recommended that the modification to the LCS be advertised concurrently with the proposed Structure Plan.

Recommendation
The proposed modification to Planning Policy 6.3 - Local Commercial Strategy to increase the maximum shop/retail floorspace of the Golden Bay East Neighbourhood Centre from 2,800m² NLA to 3,540m² NLA, be concurrently advertised with the proposed Structure Plan, pursuant to section 8.9 of TPS2.

The POS Schedule be amended to remove the 5,000m² Coastal Node as a deduction, given it is not included in the proposed Structure Plan.

Laneways
Indicative plans submitted with the proposed Structure Plan show a number of potential ‘H laneways’, ‘dogleg laneways’ (both of which are not supported by Liveable Neighbourhoods) and potential interface issues with the Neighbourhood Centre.

Whilst the proposed laneway configurations maximise active frontages to streets, they can result in a lack of surveillance and potentially cause safety issues. The Proponent should provide additional information on the intended development of these precincts for consideration by the City during the advertising period.

Recommendation
The Proponent provide additional information on the intended development of selected laneway precincts, to demonstrate that satisfactory surveillance can be achieved, for consideration during the advertising of the Structure Plan.

Finished Levels
Significant earthworks will need to be carried out, particularly over Lot 3 given the parabolic dune system. A substantial portion of the dune system is protected by the Ministerial Statement mentioned above.

A Landscape Protection Plan was endorsed by the City in 1994. This Plan sets out the landscape treatments, access and levels/interface that are permitted within the proposed Landscape
Protection Public Open Space to ensure appropriate retention and management of the dunal landscape.

The Proponent has advised that all works proposed to be undertaken within the Landscape Protection POS areas are consistent with the endorsed Landscape Protection Plan.

Movement Network

The endorsed CDP established the road hierarchy for Golden Bay with the primary roads identified as Warnbro Sound Avenue, Dampier Drive and Mandurah Road.

An updated Transport Assessment has been provided as part of the proposed Structure Plan which reflects the above road hierarchy along with the elements detailed in 'Road and Pedestrian Network' section above.

The road network is based on Liveable Neighbourhoods objectives, with the primary aim of achieving a safe, efficient and attractive street network. A comprehensive network of shared paths and footpaths has also been provided as part of the proposed Structure Plan to encourage and facilitate non-motorised travel.

'In principle' support for the traffic lights at the intersection of Warnbro Sound Avenue and the new 'Coastal Boulevard' has been requested from Main Roads WA (MRWA). Initial assessment of the lights has been undertaken by MRWA, however, additional justification is required which is currently being undertaken by the Proponent. The proposed traffic lights are crucial to the successful implementation of the proposed Structure Plan.

The inclusion of strategically located traffic signals (rather than a round-a-bout or alternative treatments) to facilitate safe vehicle and pedestrian access into the proposed Main Street and to the proposed existing community facilities (ie. proposed Primary School and existing High School) on both sides of Warnbro Sound Avenue is strongly supported by the City.

The DoE has also provided a letter of support for the traffic signals as they “will allow for the safe crossing of primary school students from the residential area east of Warnbro Sound Avenue and the future Golden Bay primary school site.

It will also facilitate the safe crossing of secondary students from the Golden Bay area west of Warnbro Sound Avenue to Comet Bay College.”

At the time of writing this Report, MRWA was assessing the additional information provided by the Proponent. Given that the resolution of the traffic lights is critical to the successful implementation of the Structure Plan, it is recommended that MRWA 'in principle' support be obtained prior to the Plan being advertised.

In order to improve access and egress to the Comet Bay College site, it is appropriate to consider the inclusion of an additional 'left in / left out' connection from Warnbro Sound Avenue, to the south of the College site. The City's Engineering Service has advised that an assessment against acceptable design criteria will need to be undertaken by the Proponent. It is recommended that the 'left in / left out' connection be shown on the Structure Plan for the purposes of advertising, with more detailed assessment to be undertaken during the advertising period.

**Recommendation**

That 'in principle' support from Main Roads WA for the traffic lights at the intersection of Warnbro Sound Avenue and the new Coastal Boulevard, be demonstrated prior to the proposed Structure Plan being advertised.

That a 'left in / left out' connection be shown on the Structure Plan prior to advertising, with more detailed assessment to be undertaken during the advertising period.

Public Open Space

The proposed Structure Plan provides 13.6ha of POS and 10.6ha of Foreshore Reserve. The key elements of the POS distribution within the proposed Structure Plan are as follows:-

- The POS is evenly distributed across the site and is within an acceptable distance to all proposed residential lots in accordance with Liveable Neighbourhoods;
- Retention of dunal landform on Lot 3 in accordance with the Landscape Protection Management Plan approved in 1994 (6.58ha in total); and
- Provision of open space for active recreation and playing fields adjoining the Comet Bay High School (1.6ha).

The POS Schedule does not break down the POS by individual Reserve which is necessary to understand how each is proposed to be structured.

POS Q is less than 2,000m² and does not comply with Planning Policy 3.4.1 - Public Open Space, however, this POS forms part of the Landscape Protection Area (POS M) and therefore is considered acceptable.

POS areas J, T, L, P and S also do not appear to comply with the POS Policy with respect to portion of the POS being dedicated to drainage, however, additional information is required in order to finalise the assessment. This information should be provided prior to the Structure Plan being advertised for public comment, and any variations to Council Policy considered further following completion of the advertising process.

**Recommendation**

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

**Urban Water Management**

A Local Water Management Strategy (LWMS) had been provided with the proposed Structure Plan. Various technical issues raised by both the City and the Department of Water have been addressed by the Proponent and the LWMS is considered suitable to support public advertising of the proposed Structure Plan.

One aspect of the LWMS which requires further consideration is the disposal of stormwater from significant storm events. In this regard, it is proposed that stormwater volumes greater than a 1 in 10 event will be directed into the Foreshore Reserve. Clarification is required from the Department of Planning that this can be supported, as the responsible authority for approving works within the Foreshore Reserve.

**Recommendation**

That the City's Officers liaise with the Department for Planning to confirm whether stormwater from 1 in 10 and greater storm events can be directed into the Foreshore Reserve, prior to advertising the Structure Plan.

**Fire Safety**

The threat of bush fire within the proposed development, particularly within the Foreshore Reserve and also the Landscape Protection Areas on Lot 3, have been identified as 'extreme' under the Fire Management Plan lodged with the proposed Structure Plan.

A number of fire management methods are proposed to reduce the risk of bush fire as outlined below:-

- A road system to separate the Foreshore Reserve and Landscape Protection Areas (where possible) from residential development;
- A strategic firebreak system;
- A 30m building protection zone is to be established between the last lots in each stage along with a strategic firebreak;
- Individual new dwellings on each lot adjoining the Foreshore Reserve and POS (this does not apply if POS consists of reticulated lawns and shade trees) shall be required to be built to AS 3959-2009 Construction of Buildings in a Bush Fore Prone Area;
- A notation has been placed on the proposed Structure Plan as follows:-
“10. All development of lots that fall within a hazard separation zone, as identified by the endorsed Golden Bay Fire Management Plan, must be constructed to the appropriate standard as specified in Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas”.

The arrangements for fire access into the Foreshore Reserve are yet to be finalised. This will need to occur and be incorporated into the Foreshore Management Plan prior to advertising commencing.

**Recommendation**

That fire access arrangements into the Foreshore Reserve be satisfactorily resolved and incorporated into the Foreshore Management Plan, prior to advertising the proposal.

**Foreshore Management Plan**

The Proponent has submitted a Foreshore Management Plan to the City for consideration, which applies to the Foreshore Reserve located generally north of Dampier Drive to the southern boundary of the Secret Harbour Estate.

The requirement to prepare the Foreshore Management Plan stems from the Ministerial Statement applicable to the land. In this regard, the Proponent committed to prepare a Management Plan for the Coastal Reserve at Golden Bay prior to development commencing; to the satisfaction of the then Department of Planning and Urban Development and the City of Rockingham.

The details of the Foreshore Management Plan are contained above under the heading of 'Description of the Proposal'.

The Foreshore Management Plan has been the subject of considerable discussion between the Proponent and the City’s technical officers, which involved a joint inspection of the foreshore area to discuss the proposal in detail. The Foreshore Management Plan is now considered to be generally acceptable for the purposes of public advertising subject to the following matters being addressed:

- Fire access into the Foreshore Reserve;
- Location of the Sewer Pump Station and application of relevant environmental standards;
- Resolution of the proposed interface with the Foreshore Reserve, including treatment of height differences between the development and reserve; and
- Suitable protection of Threatened Ecological Communities and the Conservation Category Wetland.

**Conclusion**

In light of the above comments, the proposed Structure Plan is considered generally acceptable for the purposes of advertising, subject to the matters outlined above being resolved.

It is considered that these remaining details do not impact upon the main intent of the Structure Plan and can be resolved to the satisfaction of the City’s Officers prior to advertising commencing.

There are also various matters that need not be a pre-requisite to advertising, but warrant additional consideration during advertising prior to the consideration of Adoption of the Structure Plan.

**4.32pm - Ms Jane Bennett and Mr Stephen Carter (Chappell Lambert Everett) attended the Planning Services Standing Committee meeting.**

**DEPUTATION**

The Chairman welcomed Ms Jane Bennett and Mr Stephen Carter from Chappell Lambert Everett, and invited them to present a deputation on the proposed Golden Bay Structure Plan.

Ms Bennett advised that the Golden Bay project is one of many land development projects being progressed by the Department of Housing and that a private sector partner would be announced in the coming period.
The history to development at the site was then discussed including the 1994 Comprehensive Development Plan approval, and the associated approval from the Minister for the Environment which set certain parameters including specific landscape protection areas and foreshore reserve particulars. Various elements of the CDP have been retained in the proposed Structure Plan including the specifics of the Minister's decision and road connections.

It was also explained that a small portion of the Structure Plan area had already been approved to create the Primary School site and about 150 lots for which Titles were expected in early 2011.

Ms Bennet then provided a justification for the proposed residential densities explaining that the interface to existing developed areas is generally consistent with prevailing lot sizes and that the higher densities proposed close to areas of activity and amenity. The proposed built form was also discussed including the intent to impose Development Guidelines to ensure consistent housing product.

4.49pm - Mr Tony DeBarro (Department of Housing) attended the Planning Services Standing Committee meeting.

Mr DeBarro then explained the Department of Housing's objectives with regard to the retention of dwellings for social housing. In this regard, the standard distribution of 1 in 9 will be applied to Golden Bay and there is no intention to concentrate social housing in one area. It was also explained that the dwelling type and occupant profile will also drive the distribution of social housing.

5.09pm - Ms Bennett, Mr Carter and Mr DeBarro left the Planning Services Standing Committee meeting.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **ADVERTISE** the proposed Structure Plan and the associated Foreshore Management Plan for comment, in accordance with clause 4.2.6.5 of Town Planning Scheme No.2, subject to the matters identified in the Officer Report being satisfactorily addressed.

2. Concurrent with point 1 above, **ENDORSE** the publishing of a notice that it has prepared an amendment to Planning Policy 6.3 - Local Commercial Strategy Planning Policy 6.3 - Local Commercial Strategy, to increase the maximum shop/retail floorspace of the Golden Bay East Neighbourhood Centre from 2,800m² NLA to 3,540m² NLA, for public inspection pursuant to section 8.9 of Town Planning Scheme No.2.

8. Committee Recommendation

That Council:

1. **ADVERTISE** the proposed Structure Plan and the associated Foreshore Management Plan for comment, in accordance with clause 4.2.6.5 of Town Planning Scheme No.2, subject to the matters identified in the Officer Report being satisfactorily addressed.

2. Concurrent with point 1 above, **ENDORSE** the publishing of a notice that it has prepared an amendment to Planning Policy 6.3 - Local Commercial Strategy Planning Policy 6.3 - Local Commercial Strategy, to increase the maximum shop/retail floorspace of the Golden Bay East Neighbourhood Centre from 2,800m² NLA to 3,540m² NLA, for public inspection pursuant to section 8.9 of Town Planning Scheme No.2.

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

Not applicable.

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

Not applicable.
5.11pm - Agenda Items Suspended
5.13pm - Agenda Items Resumed
5.13pm - Mr Brett Ashby, Co-ordinator, Strategic Planning attending the Planning Services Standing Committee meeting.

Planning Services
Strategic Planning & Environment

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-004/10 Proposed Amendment to Metropolitan Region Scheme - 'Rural' to 'Urban' - Keralup Stage 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1480</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Department of Housing/Taylor Burrell Barnett</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr B Ashby, Co-ordinator, Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr P Ricci, Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Monday, 18 October 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2010 (PD91/9/10)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy Role</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                  | Part Lot 551 Kwinana Freeway, Keralup                                                            |
| Lot Area:              | 991.0076ha (relevant portion approximately 102ha)                                                |
| Attachments:           |                                                                                                  |
| Maps/Diagrams:        | 1. Location Plan                                                                                 |
|                       | 2. Proposed Zoning Plan                                                                          |
|                       | 3. Draft District Structure Plan                                                                  |

1. Purpose of Report

To provide preliminary comments to the Western Australian Planning Commission on a proposal to amend the Metropolitan Region Scheme, by zoning 'Stage 1' of the Keralup development from 'Rural' to 'Urban'.
2. **Background**

A detailed progress report on the Keralup development was provided to the Council in September 2010, which provided the following key information:

- The site is about 4,000ha under the ownership of the Department of Housing ('Housing'), which is likely to develop the landholding in partnership with private parties. It is currently zoned 'Rural' under the Metropolitan Region Scheme and the City's Town Planning Scheme.
- More than half the site falls within the south eastern portion of Rockingham (east of the Kwinana Freeway) with the balance being in the Shire of Murray.
- The site straddles the Serpentine River and development of the land for residential purposes poses a range of environmental issues (as identified by the Environmental Protection Authority) that require effective management.
- A Master Plan, released in June 2007, outlined a vision for the development of 'a state of the art fully integrated community' which will eventually accommodate up to 90,000 people.
- The future Karnup Railway Station (Paganoni Road) is in close proximity to Keralup and will be central to the transport network that is established.
- The future regional industrial node of Nambeelup abuts the southern boundary of Keralup.
- Some key design principles put forward by Housing in developing the concept centre around transit orientated development, effective regional road and transport connections, a high degree of self containment (services, education, employment etc), housing diversity/affordability and early 'community formation'.

Over the previous two years, Housing has intensified its efforts to achieve the necessary approvals to commence development. This has occurred against a backdrop of a perceived land shortage in Perth and Peel and the desire of the Government to be pro-active in the land release arena.

Housing established a number of Technical Advisory Groups to oversee the delivery of studies that will provide justification to the development. The TAG's were focussed on Economic Development, Integrated Transport and the Environment; the City was represented on each TAG.

The TAG's have now been disbanded following the completion of their studies which now form the basis for a submission to rezone the Keralup landholding.

On the 19th July 2010, the City received a copy of a proposal to the WAPC to initiate amendments to the Metropolitan Region Scheme and Peel Region Scheme (for the area outside of Rockingham).

Three elements comprised the proposed rezoning amendments, as follows:

(i) Portion west of the Serpentine River (approximately 102ha) - 'Rural' to Urban' through a minor amendment to the MRS.
(ii) Portion east of the Serpentine River, within the City of Rockingham - 'Rural' to 'Urban' and 'Parks & Recreation' through a major amendment to the MRS.
(iii) Portion east of the Serpentine River, within the Shire of Murray - 'Rural' to 'Urban Deferred' through a major amendment to the PRS.

The rezoning request was supported by a comprehensive submission, including a proposed District Structure Plan, which seeks to bring together the work undertaken by the various TAG’s.

At its ordinary Meeting held on the 28th September 2010, the Council resolved to:-

1. **ENDORSE** the actions of the Chief Executive Officer in advising the Department of Housing that it will not be in a position to respond to the proposed major rezoning amendments to the Metropolitan Region Scheme at Keralup until the Western Australian Planning Commission's regional planning framework is in place.
2. **ENDORSE** the Chief Executive Officer holding discussions with the Shire of Murray to determine the suitability of jointly assessing aspects of the proposal."
3. **Details**

Taylor Burrell Barnett, on behalf of Housing, has submitted a request to the WAPC seeking the initiation of an Amendment to the MRS to rezone 'Stage 1' from 'Rural' to 'Urban'.

Stage 1 comprises an area of approximately 102ha and (according to the draft District Structure Plan) is proposed to accommodate about 1,000 dwellings, an Activity Corridor (comprising a mix of retail, commercial and residential uses) along the eastern extension of Paganoni Road, a Primary School and local Public Open Space (POS).

In support of the proposed Amendment, the proponent has provided the following documentation:-

- MRS Amendment Request Report
- Environmental Assessment Report
- District Water Management Strategy
- Engineering Servicing Report
- Keralup District Structure Plan, Rev 2 July

Prior to considering initiation of the Amendment, the WAPC has sought the Council's comments.

4. **Implications to Consider**

a. **Consultation with the Community**
   
   Consultation is undertaken by the WAPC in accordance with the Planning and Development Act 2005.

b. **Consultation with Government Agencies**
   
   Consultation is undertaken by the WAPC in accordance with the Planning and Development Act 2005.

c. **Strategic**
   
   Function Area 3 - Land Use & Environment in Council's Strategic Plan under the Scope of Land Use Planning and Structure Planning.

d. **Policy**
   
   N/A

e. **Financial**
   
   N/A

f. **Legal and Statutory**
   
   N/A

5. **Comments**

The WAPC has sought the Council's preliminary comments on the Amendment request in order to assist it in establishing whether the proposal has been adequately justified. In this regard, the WAPC will consider the views of the Council in considering whether the Amendment should be initiated.

If the Amendment proceeds, the Council will have the opportunity to provide more detailed assessment and comment through the public consultation process. Accordingly, the primary consideration at this stage is whether there are any matters which should prevent the Amendment from proceeding to initiation, and as such, the comments provided below are not intended to be comprehensive.

**Political Direction/Governance**

As noted in the September Report, there have not been any official announcements from Housing that clearly set the direction and aspirational objectives for Keralup which would provide a better
understanding of the Government’s intent for the development. A strong commitment to the funding and early provision of key infrastructure is considered critical to the project and the Council should seek State Government commitments to certain aspects early in the planning process.

Similarly, the governance structure for the consideration, approval and management of the development has yet to be confirmed. The mere fact that Keralup falls across two local authorities warrants that an appropriate statutory approval structure, for example, be established as a matter of urgency.

**Regional Planning Framework**

As noted in the September Report, the WAPC has only recently acknowledged Keralup within its regional planning initiatives.

Prior to the release of the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy on the 30th August 2010, Keralup was identified as nothing more than a 'Strategic State Government Landholding'. The status of the Stage 1 land has now been elevated to 'Urban Expansion Area 2011-2015' with the balance of the Keralup area now 'Urban Investigation Area 2011-2020'.

Under the regime being implemented by the WAPC, a Sub-Regional Structure Plan will be developed for the South-West corridor, South-East corridor and Peel following adoption of the abovementioned Sub-Regional Strategy. It is understood that the Sub-Regional Structure Plan is at least twelve months from being finalised.

The submission of the rezoning request and the preparation of a District Structure Plan, in the absence of the WAPC’s Sub-Regional Structure Plan, means that there is a lack of planning context within which to consider Keralup. The lack of a regional planning structure around Keralup resulted in the studies produced by the TAG’s effectively addressing the Keralup landholding in isolation or assumptions being made on regional planning parameters.

This unstructured planning approach is concerning and could potentially undermine the proposed District Structure Plan. In response to this, Housing has been advised that the Council is unlikely to be in a position to respond to the major rezoning requests for the large eastern portions of Keralup until it has a regional planning framework against which to make informed decisions.

It was also advised that the Council may be in a position to consider Stage 1, separate to the balance of the landholding, if it could be demonstrated that it can be self-contained and function in a sustainable manner. This Report seeks to address this matter.

**State Government Policy Context**

The WAPC's *Development Control Policy 1.9 - Amendments to Region Schemes*, outlines the following considerations that must be applied in determining the substantiality of a proposed amendment:

- Present land use and character of the land and its relationship to its immediate setting, to the surrounding district, to the sub-region and to the region as a whole as a prelude to evaluation of the impact of new proposals.

- The particular purposes for which the land is to be set aside and the proposal for changes to the zoning and/or reservation of land and the impact on present land use and existing land classifications in the region scheme.

- The area of land involved in the rezoning and the scale and purpose of the proposal and its impact on the region scheme.

- The likely impact of the proposal on the environment of the affected land and its surroundings.

- The history of the land in its setting, the factors which determined the present zoning or reservation of the land and its environs, and the reasons justifying the proposed change to be made.

- The future planning needs of the region and the factors justifying changes in the use of land generally and the subject land in particular.
- Any other proposals in the same general locality promoted or likely to be promoted for changes to existing land classifications and their combined impact on the region scheme as a whole.
- The number of land holdings and land owners likely to be directly affected by the proposals contained in the amendment.
- The complexity of the proposal.
- The degree to which the proposal reflects any significant changes to the planning strategy for the region.
- The relationship of the proposal to any current or proposed strategic plans or policies for the region or sub-regions within that region.
- Any other land use, transport, environmental or planning implications associated with the proposal.
- For proposals to change the region scheme text, the impact on procedures and the operation of the region scheme as a whole.

As is noted below, there are various land use, transport, environmental and planning implications that have not been adequately addressed in the rezoning submission. These matters should be addressed prior to the Amendment being initiated.

The Council should also be mindful of the principles established by the Commission's Guidelines for the Lifting of Urban Deferment, which states that:

- the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;
- planning is sufficiently advanced to depict an acceptable overall design to guide future development;
- the proposed urban development represents a logical progression of development;
- regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and
- any constraints to urban development can be satisfactorily addressed.

Whilst a draft District Structure Plan has been prepared in conjunction with the proposed Amendment, it has not been identified how the District Structure Plan will be progressed or determined. The proper assessment, advertising and adoption of the District Structure Plan should be a prerequisite to the land achieving an ‘Urban’ zoning. Should the Amendment precede consideration of the District Structure Plan, an ‘Urban Deferred’ zoning should be applied.

Given that Keralup is isolated from existing urban development, it is not considered to be a logical progression of development unless it is functional and sustainable in its own right. In this regard, the sustainability of Stage 1 has not been adequately demonstrated, and the proponent has not yet adequately demonstrated that all constraints to urban development can be satisfactorily addressed. These matters are discussed in more detail below.

**Technical Assessment**

In order to determine whether the proposal has been properly justified, an internal Technical Working Group was assembled comprising staff from relevant divisions of the City. The Technical Working Group concluded that the following issues had not been adequately addressed to enable the proposed rezoning to be properly considered:

- Sustainability (social and economic)
- Environmental Assessment
- Mosquito Management
- Access/Egress (Emergency Services)
**Sustainability**

The proponent's submission has not justified the sustainability of Stage 1 as a self contained development. In this regard, Stage 1 is being proposed in advance of rezoning the balance of the Keralup area and it cannot be assumed that the remaining stages will proceed.

The draft District Structure Plan shows the provision of a Primary School, Activity Corridor and local Public Open Space within Stage 1.

Stage 1 is proposed to accommodate approximately 1,000 dwellings, and it has not been indicated whether the Department of Education would construct a Primary School in the absence of full demand. The proponent's submission does not address whether suitable access to a High School facility is available, both in terms of proximity to and capacity of existing facilities.

*Liveable Neighbourhoods* recommends that Neighbourhood Centres should have a minimum catchment, within a 450m radius, of 2,000 people and be located on a road/s with exposure to 5,000 to 10,000 vehicles per day. Based on the estimated dwelling yield of 1,000 dwellings for Stage 1, it is likely that Stage 1 would accommodate a population of approximately 2,000 to 2,500. Traffic modelling for the development suggests Stage 1 would generate traffic volumes of approximately 8,000 vehicles per day on the eastern extension of Paganoni Road.

Based on the above, Stage 1 appears to satisfy the minimum requirements for the provision of a Neighbourhood Centre, although the limited catchment is likely to result in the development of a relatively small centre that will only provide for the local convenience needs.

The proponent's submission indicates that the Public Transport Authority's ability to deliver bus services to the site is dependant upon construction of the Karnup Station. Whilst development of the Karnup Station is expected in the short to medium term, it has not yet received funding or been approved. The proponent's submission is also not clear as to whether bus services would be provided to Stage 1, given its small population. A commitment from the Public Transport Authority to provide adequate services to Stage 1, in the absence of the greater Keralup development, should be provided.

Finally, the submission has not addressed the provision of community and sporting facilities, along with social infrastructure, in the event that the remaining stages do not proceed. The proponent should undertake a Social Needs Assessment which demonstrates that the needs of the population can be catered within and in proximity to Stage 1.

The proponent should also demonstrate where the residents of Stage 1 are likely to find employment under the scenario where the remaining stages of Keralup are not realised.

**Environmental Assessment**

A number of matters have been identified in reviewing the Environmental Assessment Report and District Water Management Plan that should be addressed, as follows:

- There is insufficient information to determine the nutrient impacts of Stage 1, and Keralup as a whole, on the Peel Harvey system. The District Water Management Strategy has not addressed the Total Phosphorus Concentration targets outlined within the Peel Harvey Water Quality Improvement Plan and provided no modelling on the possible water quality and water quantity impacts of the Keralup development.

  The City has received correspondence from the Department of Water raising significant concern with respect to the District Water Management Strategy, noting several inconsistencies and contradictions in the document, and a disconnect with the draft District Structure Plan. These matters need to be addressed to ensure a clear understanding of the hydrological ‘behaviour’ of the site.

- The Assessment Report indicates that the Department of Planning has agreed to the creation of a Serpentine River Peel Regional Park that would encompass the Serpentine River and the Bush Forever site. The creation of such a park needs the involvement, and agreement, of the Department for Environment and Conservation as it would be responsible for its management.
- The implications of climate change on the Serpentine River and floodplain, and its impact on Keralup have not been investigated. Climate change will potentially affect the extent and profile of the Serpentine River and floodplain and the implications of such need to be established prior to the development footprint being confirmed.

**Mosquito Management**

The location of the Keralup presents a serious health concern due to its proximity to extensive areas of salt marsh and freshwater wetlands that regularly breed significant populations of Ross River virus vector mosquitoes.

The EPA's Objective and Policy Context in relation to the control of nuisance mosquitoes are to ensure that:

- Mosquito numbers on-site and off-site do not adversely affect the health, welfare and amenity of future residents; and
- The breeding of mosquitoes is controlled to the satisfaction of the Department of Health (DoH) without adversely affecting the environment.

The consultant’s Mosquito Management Strategy (July 2009 version) includes a number of approaches to reduce the impact of mosquitoes breeding on-site and off-site.

While the information in the Strategy is useful, it has not established whether management approaches will actually be able to control mosquitoes to acceptable levels. The Strategy needs to demonstrate that it is capable of achieving suitable mosquito control.

The documentation has also not addressed the cost and funding sources for implementation of the proposed management measures.

The proponent has sought to progress environmental assessment under Section 48 of the Environmental Protection Act which involves the WAPC referring the initiated Amendment to the Environmental Protection Authority which will then determine if the proposal should be assessed or otherwise. The EPA’s decision on its level of assessment is not a public process.

As such, it is recommended that the Council advise the EPA of the concerns it has identified within the Environmental Assessment such that they can be taken into account in setting the level of assessment (in the event that the Amendment is initiated).

**Access / Egress**

The City’s Emergency Services has advised that the provision of a single access/egress point to Stage 1 represents an unacceptable risk to future residents, as the single access point could potentially prevent residents from evacuating the development in the case of a significant bushfire or other event. In this regard, the WAPC’s Planning for Bushfire Protection Guidelines requires a minimum of two separate road connections. The proposal should demonstrate how appropriate access can be achieved.

**Conclusion**

In light of the above comments, it is considered that the MRS Report, and associated documentation, have not adequately justified the proposed rezoning of the land and it is recommended that the WAPC be advised of such.

It is further recommended that the WAPC be advised that the Council does not support the proposed Amendment being progressed as a ‘Minor’ Amendment to the MRS, given the proposal is seeking to zone the first stage of a new urban development corridor, rather than an extension of an existing urban area, and the proposal is complex in terms of the issues that need to be considered.

Finally, it is recommended that the EPA be advised of the concerns that should be considered in determining the level of assessment in the event that the Amendment is initiated.

5.14pm - Mr Richard Elliott, Mr Vern Langdon and Mr Tony De Barro (Department of Housing) and Mr Bill Burrell (Taylor Burrell Barnett) attended the Planning Services Standing Committee meeting.
DEPUTATION

The Chairman welcomed Mr Bill Burrell, from Taylor Burrell Barnett, and Mr Richard Elliott, Mr Vernon Langdon and Mr Tony DeBarro, from the Department of Housing, and invited them to present a deputation on the Metropolitan Region Scheme rezoning request for Keralup Stage One.

Mr Elliott commenced by explaining the processes that have been followed to-date and expressed that the issues raised in the Officer's Report have and can be addressed and that the proposal is deemed not to have any 'fatal flaws'. He acknowledged that the matter of political direction and governance requires attention and that a Cabinet submission has been prepared which seeks to provide the government's intention and commitment to the Keralup development across issues such as infrastructure delivery, an economic development model, housing diversity and social infrastructure.

Mr Elliott anticipated that there would be government announcements in the coming period along with a project launch.

He also explained that Keralup has been identified by the LAWG Committee, comprising the Director Generals of the various State Government agencies associated with land development, as a priority project to deliver residential lots to the market.

Mr Burrell then advised that Keralup should not be considered in isolation but as a component of a large inland city that would eventually comprise about 300,000 people and extend south to Ravenswood. He also explained that a business case is currently being prepared to develop the Karnup Station which is considered to be critical to the success of Keralup.

Mr Burrell then explained that Keralup should be developed around 'Smart Growth' principles that involved a suitable integration between transport and land use and that the early commitment to fixed route public transport is crucial.

He concluded by requesting that the Council amend the Officer's Recommendation such that the item be deferred such that dialogue can occur to resolve the City's issues of concern, rather than engaging with the various decision-making Government agencies at this time.

5.45pm - Mr Elliott, Mr Langdon, Mr De Barro and Mr Burrell left the Planning Services Standing Committee meeting.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:-

1. ADVISE the Western Australian Planning Commission of the matters identified in the Officer's Report that should be adequately addressed prior to the proposed Amendment to the Metropolitan Region Scheme to rezone Stage 1 of Keralup from 'Rural' to 'Urban' being initiated.

2. ADVISE the Western Australian Planning Commission that it does not support the proposed Amendment being progressed as a 'Minor' Amendment to the Metropolitan Region Scheme.

3. ADVISE the Environmental Protection Authority of the matters that it should take into consideration in determining if the proposed rezoning should be assessed under the Environmental Protection Act 1986, as identified in the Officer’s Report.

8. Committee Recommendation

That consideration of the proposed Amendment to the Metropolitan Region Scheme to rezone Stage 1 of Keralup be DEFERRED to allow the Proponent the opportunity to address the matters raised in the Officer’s Report.
9. The Committee’s Reason for Varying the Officer’s Recommendation

To allow the Proponent the opportunity to address the matters raised in the Officer’s Report.

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

Not applicable.
13. **Reports of Councillors**
Nil.

14. **Addendum Agenda**
Nil.

15. **Motions of Which Previous Notice has been Given**
Nil.

16. **Notices of Motion for Consideration at the Following Meeting**
Nil.

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

18. **Matters Behind Closed Doors**
Nil.

19. **Date and Time of Next Meeting**
The next Planning Services Standing Committee Meeting will be held on **Monday 15 November 2010** in Committee Room 1, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**
There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 5.47pm.

21. **Attachments**
Nil.