# City of Rockingham
## Planning Services Committee Meeting Minutes
### Monday 18 February 2013

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1. **Declaration of Opening**

The Chairperson declared the Planning Services Committee Meeting open at 4.05pm and welcomed all present.

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

2.1 **Councillors**

<table>
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<tr>
<td>Cr Richard Smith</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Cr Chris Elliott</td>
<td>(arrived 4.08pm)</td>
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<tr>
<td>Cr Leigh Liley</td>
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<td>Cr Deb Hamblin</td>
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2.2 **Executive**

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<th>Role</th>
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<tr>
<td>Mr John Pearson</td>
<td>A/Chief Executive Officer</td>
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<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
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<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
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<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
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<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
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<tr>
<td>Mr Richard Rodgers</td>
<td>Manager Building Services (until 4.23pm)</td>
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<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
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<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health Services (until 4.23pm)</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
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2.3 **Members of the Gallery:** 11

2.4 **Apologies:**

Cr Allan Hill

2.5 **Approved Leave of Absence:** Nil

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

Nil

4. **Public Question Time**

4.06pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Mrs Marlene Wilson, 4/10-12 Gosforth Court, Safety Bay - SP-005/13 - Reconsideration of Pedestrian Access Way Closure Request - Gosforth Court to June Road, Safety Bay

The Chairperson invited Mrs Wilson to present her question to the Planning Services Committee. Mrs Wilson asked the following question:
1. Have all Councillors seen the submissions received by the City?

The Chairperson advised that all Councillors have received copies of all submissions received.

4.08pm - Cr Elliott arrived at the Planning Services Committee meeting.

4.2 Mrs Moira Hickinbotham, 2/10 Gosforth Court, Safety Bay - SP-005/13 - Reconsideration of Pedestrian Access Way Closure Request - Gosforth Court to June Road, Safety Bay

The Chairperson invited Mrs Hickinbotham to present her question to the Planning Services Committee. Mrs Wilson asked the following question:

1. I understand that Mr Dougherty only put in a submission this morning. Is it possible to know what was contained in his submission?

The Chairperson advised that it was not possible at this time.

4.3 Mr Lex Barnett, Taylor Burrell Barnett - SPE-001/313 - Proposed East Baldivis District Structure Plan (Consent to Advertise)

The Chairperson invited Mr Barnett to present his questions to the Planning Services Committee. Mr Barnett asked the following questions:

1. Is the Committee aware that the third option does not form part of the formal District Structure Plan proposal submitted by the Best Group?
2. To maintain the quality, clarity and transparency of the submission by the Best Group, would the Committee consider amending the Officer Recommendation to insert the words "as submitted" immediately after the words "East Baldivis District Structure Plan"?

In support of the questions presented, Mr Barnett made the following statements:

- Peet Ltd and the Perron Group had been unable to reach agreement on the location of the High School and District Open Space.
- As a result, the BEST Group had agreed to submit two options for the City’s consideration.
- The BEST Group instructed the Perron Group to withdraw Option 3, such that only two options would be submitted.
- Option 3 has not been endorsed by the BEST Group.
- It was considered that advertising three options, rather than two, would create confusion and uncertainty during advertising.

The Chairperson advised that this is an item contained in the Committee agenda and will be considered later in the meeting.

4.15pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Elliott, seconded Cr Liley:

That Council CONFIRM the Minutes of the Planning Services Committee Meeting held on 3 December 2012, as a true and accurate record.

Committee Voting – 4/0

6. Matters Arising from the Previous Minutes

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

   The Chairperson 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**

   4.18pm The Chairperson asked if there were any interests to declare.
   
   There were none.

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

   Nil

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

   4.18pm The Chairperson advised in accordance with section 5.23(2)(d) & (h) of the Local Government Act 1995 – as there were questions on Confidential Item SP-003/13 – Reconsideration of a Grouped Dwelling (Single) - State Administrative Tribunal, this report will be dealt with behind closed doors at Item 18 - Matters Behind Closed Doors.
### 11. Bulletin Items

#### Planning Services Information Bulletin – February 2013

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   
   - 3.1 FoodSafe
   - 3.2 Industrial and Commercial Waste Monitoring
   - 3.3 Community Health And Wellbeing Plan
   - 3.4 Healthy Communities Initiative
   - 3.5 Health Promotion
   - 3.6 Mosquito Control Program
   - 3.7 Ocean Water and Storm Water Sampling

4. Information Items
   
   - 4.1 Mosquito-Borne Disease Notifications - December 2012 and January 2013
   - 4.2 Food Recalls - December 2012 and January 2013
   - 4.3 Food Premises Inspections
   - 4.4 Public Building Inspections
   - 4.5 Outdoor Public Event Approvals - December 2012 and January 2013
   - 4.6 After Hours Noise & Smoke Nuisance Complaint Service
   - 4.7 Complaint - Information
   - 4.8 Building Plan Assessments
   - 4.9 Septic Tank Applications
   - 4.10 Demolitions
   - 4.11 Swimming Pool and Drinking Water Samples
   - 4.12 Rabbit Processing
   - 4.13 Hairdressing & Skin Penetration Premises
   - 4.14 Family Day Care

**Building Services**

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   
   - 4.1 Information Items - Legal
   - 4.2 Monthly Building Permit Approvals - (All Building Types) - December 2012 & January 2013
   - 4.3 Private Swimming Pool and Spa Inspection Program – December 2012 & January 2013
   - 4.4 Continued Service System – where a Certificate of Design Compliance & Building Permit are produced individually – December 2012 & January 2013
   - 4.5 Demolition Permit
   - 4.6 Permanent Sign Licence
   - 4.7 Community Sign Approval
   - 4.8 Temporary Sign Licence
   - 4.9 Street Verandah Approval
   - 4.10 Occupancy Permits
   - 4.11 Stratas
   - 4.12 Unauthorised Building Works
   - 4.14 R-Code Variations
### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Local Planning Strategy (LUP/1352)
   - 3.2 Local Biodiversity Strategy Review (EVM/22)
   - 3.3 Karnup District Water Management Strategy (EVM/136)
   - 3.4 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)
   - 3.5 Water Campaign (EVM/56-02)
   - 3.6 Karnup District Structure Plan (LUP/1546)
4. Information Items
   - 4.1 Delegated Final Adoption of Structure Plan
   - 4.2 Delegated Minor Change to Structure Plan
   - 4.3 Amendment No.114 to Town Planning Scheme No.2 – Development Contributions for Community Infrastructure
   - 4.4 Amendment No.122 to Town Planning Scheme No.2 -

### Statutory Planning

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

### Director Planning and Development Services

1. Director Planning and Development Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Administration Building Refurbishment/Fitout (LUP/1394-25)
   - 3.2 Northern Waterfront Sector - Development Policy Plan and Masterplan (LUP/1617)
   - 3.3 Campus Sector - Development Policy Plan and Masterplan (LUP/1618)
   - 3.4 Eastern Sector - Development Policy Plan and Masterplan (LUP/1619)
   - 3.5 Keralup
   - 3.6 Karnup Station Transit Oriented Development
4. Information Items
   - 4.1 Lots 401 and 404 Civic Boulevard, Rockingham (LUP/229 & LUP/227)

### Appendices
Committee Recommendation

That Councillors acknowledge having read the Planning Services Information Bulletin – February 2013 and the contents be accepted.

Committee Voting – 4/0

4.23pm - Mr Richard Rodgers, Manager Building Services and Mr Rod Fielding, Manager Health Services left the Planning Services Committee meeting.
12. Agenda Items

**Strategic Planning and Environment**

**Planning Services**  
**Strategic Planning and Environment Services**

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<th>SPE-001/13 Proposed East Baldivis District Structure Plan (Consent to Advertise)</th>
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<td>LUP/827-05</td>
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| Proponent/s:            | Development Planning Strategies on behalf of Australand Holding Ltd and Bonvest Pty Ltd Co-Venture  
                          | Chappell Lambert Everett on behalf of Perron Group  
                          | Greg Rowe & Associates on behalf of BGC  
                          | Taylor Burrell Barnett on behalf of Peet Ltd  
                          | RPS  
                          | Cedar Woods Pty Ltd |
| Author:                 | Mr Tristan Fernandes, Senior Strategic Planning Officer |
| Other Contributors:     | Mr Jeff Bradbury, Coordinator Strategic Planning  
                          | Mr Brett Ashby, Manager Strategic Planning and Environment |
| Date of Committee Meeting: | 18 February 2013 |
| Previously before Council: |                                                                                 |
| Disclosure of Interest: | Executive                                                                         |
| Nature of Council’s Role in this Matter: |                                                                                 |
| Site:                   | Various                                                                          |
| Lot Area:               | 376.5ha                                                                          |
| LA Zoning:              | Rural, Special Rural and ‘Special Use’ (No.12)                                    |
| MRS Zoning:             | Urban Deferred and Urban                                                          |
| Attachments:            | 1. Proposed District Structure Plan  
                          | 2. Description of Alternative School Precinct and District Open Space Site Options |
| Maps/Diagrams:         | 1. Location Plan  
                          | 2. High School / District Open Space - Option 1  
                          | 3. High School / District Open Space - Option 2  
                          | 4. High School / District Open Space - Option 3  
                          | 5. Land Ownership Plan |
**Purpose of Report**

To consider a proposed District Structure Plan (DSP) over the land generally bounded by Millar Road, Kwinana Freeway, Safety Bay Road and Baldivis Road ('East Baldivis') to determine whether the proposal is suitable for the purposes of advertising. Refer to Figure 1.

![Figure 1 – Location Plan](image-url)

**Background**

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the 'East Baldivis' locality (referring to themselves as the East Baldivis Stakeholder Team or 'BEST' group) to prepare a DSP over the land to generally guide the future development of the precinct for urban development. The City agreed to facilitate the preparation of the DSP with the 'BEST' group, however, advised the group that the preparation of the DSP should not be dictated by land ownership and at the expense of orderly and proper planning of the locality. The location of landowners within the East Baldivis DSP area is shown in Attachment No.5.

In July 2009, the City received correspondence from the Western Australian Planning Commission (WAPC) advising that the East Baldivis locality had been rezoned from 'Rural' to 'Urban Deferred' in the Metropolitan Region Scheme (MRS). It was originally intended that the precinct be rezoned to 'Urban' in the MRS, however, the WAPC required that the following matters were required to be addressed prior to the transfer of the land to the 'Urban' zone:-

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

**Details**

In July 2011, following extensive discussions with the ‘BEST’ group and state agencies, the East Baldivis DSP was lodged for the City's consideration.
The East Baldivis DSP comprises an area for 376.5 hectares. Key elements of the proposed DSP include:-

Residential Density and Population
- Provision of residential land to accommodate approximately 4,600 lots.

Education Institutions
- A Senior High School site and three Primary School sites.

Public Open Space
- Public Open Space identified to be co-located with the Primary School sites.
- 4ha of District Open Space for active sporting and recreation uses co-located with the combined High School and Primary School site.
- Linear public open space over the Perth to Bunbury Gas Pipeline easement.
- Open space linkages to the Baldivis Tramway Reserve.

Road Network
- Neighbourhood connector roads that provide connections into the main east/west road network comprising Kerosene Lane, Fifty Road, Amazon Drive and Tamworth Boulevard.
- Neighbourhood connector roads through the centre of the site to provide a north/south alternative road connection to Baldivis Road.

Implications to Consider

a. Consultation with the Community
Given the Hon Minister for Planning’s decision not to support the DSP provisions proposed in Amendment No.122, there are no statutory provisions for the advertising of District Structure Plans. In the absence of such, it is recommended that the DSP be advertised for public inspection as set out in clause 6.3.3 of the Scheme, which includes:

(i) Notice of the proposal being served on nearby owners and occupiers who, in the opinion of Council, are likely to be affected by the proposal, and stating that submissions may be made on the proposal be a specified date.
(ii) Notice of the proposal being published in a newspaper circulating in the Scheme Area stating that submissions may be made on the proposal by a specified date.
(iii) A sign or signs displaying notice of the proposal is to be erected in a conspicuous position on the land.

The specified date is required to be at least 21 days from the date of the notice and advertisement, however, it is considered appropriate to advertise for a period of at least 42 days in this instance, given the significant nature of the proposal.

b. Consultation with Government Agencies
In addition to the above, notice will also be given to relevant public authorities.

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

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

d. Policy
Structure Plan Preparation Guidelines
In August 2012, the WAPC released the Structure Plan Preparation Guidelines to guide a consistent manner for the preparation of Structure Plan information. The objectives of the Guidelines are to:
(i) Standardise the scope, format and content of Structure Plans;
(ii) Define the statutory and non-statutory elements of Structure Plans;
(iii) Detail the information required to be provided for each type of Structure Plan; and
(iv) Encourage pre-lodgement consultation.

Directions 2031

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

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

To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare of land in new development areas.

Liveable Neighbourhoods

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

Planning for Bushfire Protection Guidelines Edition 2

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

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

The bushfire hazard assessment for the DSP area is discussed in the Comments section below.

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

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

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

The proponent has submitted an Acoustic Consultant Report which is deemed acceptable.
e. **Financial**

There are no financial implications for the adoption of a DSP.

Implementation of the DSP, in particular delivery of the District Open Space for active sporting purposes, may require the purchase or acquisition of land. This will be considered further following public consultation.

f. **Legal and Statutory**

Nil. DSP’s are non-statutory planning tools intended to guide the preparation of Local Structure Plans under the Scheme.

**Comments**

In September 2011, the City assessed the submitted DSP and determined that the submission did not adequately address a number of issues and concerns from previous discussions. In this regard, the City requested further information to address the following matters with the submitted documentation:

- Provision of a revised Traffic Management Plan and revised road layout that addresses potential future traffic impacts introduced as a result of development on the district road network and more specifically at the intersection of Baldyis Road and Mundijong Road.

- Commitment for the location of a Senior High School and District Open Space.

- Appropriate land use treatments to known land use constraints such as the Freeway Service Centre, Kwinana Freeway, Poultry Farm and Resource Enhancement Wetlands.

- Provision of further information regarding how proposed land uses are treated to identify extreme and moderate bushfire hazards.

- Identification of a Neighbourhood Centre within the DSP area.

The City has now received a revised DSP which seeks to address the matters previously raised. In this regard, the revised submission (and further information and clarification which has since been provided by the Proponent) has been the subject of a detailed assessment by City Officers and has generally addressed the issues previously raised. The additional information submitted can be summarised as follows:

**Traffic Management Plan**

The revised Traffic and Transport Management Plan was revised to better account for traffic generated within the DSP area on the existing road network. The Report concludes that an emphasis should be placed on the creation of linkages to existing east-west connections into the DSP area. The City’s assessment of the Traffic and Transport Management Plan supports the key findings of the report, however, notes there are discrepancies with the traffic modelling that need to be addressed by the Proponent prior to advertising.

In this regard, the City requested that the Proponent address the following matters:

- The future long term total traffic estimates do not include all traffic generated from external sources, particularly when compared to preliminary traffic volume modelling for the DSP.

  The preliminary modelling report suggested up to 3000vpd to use Amazon Drive, 4000vpd to use Tamworth Blvd and 7000 to use Fifty Road, whereas the updated Traffic Report suggests 860vpd, 1470vpd and 2960vpd respectively. It should also be considered that Amazon Drive is classified as a Neighbourhood Connector ‘B’ under Liveable Neighbourhoods which would suggest that the developer anticipated future volumes of around 3000vpd, rather than the 860vpd mentioned in the report.

  It is also noted Amazon Drive will provide a direct link to Nairn Drive and a future Neighbourhoods Shopping Centre which is currently being considered for relocation from Fifty Road.

  Given the east-west connections are emphasised to carry traffic to Nairn Drive, the current modelling is not considered to accurately account for these east-west movements.
As a result of the emphasis on the east-west connections, which is supported by the City, an intersection analysis is needed (as previously requested) of the major intersections. This is to ensure the connections can function appropriately or provide a basis for additional main connections to Baldivis Road, if required.

Insufficient internal traffic distribution analysis has been included within the Report to test the robustness of the internal major road network. The traffic counts used within the Report are old for base traffic distribution data (up to 6 years old). It is considered by the City that these counts have not been factored up to account for growth.

The City requires clarification regarding a link noted in the Traffic Report between Kerosene and Mundijong Road. The City needs to understand if this connection is required to ensure an appropriate distribution of traffic resulting from the development of the East Baldivis DSP area. This potential link is uncertain, as no forward planning has been conducted for this land. The City also cannot comment at this stage if a connection into Mundijong Road can be supported, as suggested.

Land Use Constraints
The East Baldivis DSP area is constrained by environmental factors and existing land uses within proximity to the site. The constraints have been addressed as follows:-

Landform
The site is low lying and prone to seasonal inundation. As such, the land will require clean fill to make it suitable for urban development through the Local Structure Planning Process. The City will require soils to achieve an ‘A’ class standards for construction.

Wetlands and Water Management
A large majority of the site is identified as a Multiple Use Wetland by the Department of Environment and Conservation and located within the Peel-Harvey Coastal Plain Catchment. Development of this land will require water sensitive urban design and appropriate treatment of parks through local structure planning to ensure State Planning Policy 2.1 – *The Peel Harvey Coastal Plain Catchment* requirements are adhered to.

Dampier to Bunbury Gas Pipeline
The Dampier to Bunbury Gas Pipeline and its associated easement traverses west to east through the site which is identified on the proposed DSP. A Qualitative Risk Assessment and Pipeline Risk Management Plan will be required as part of subsequent local structure planning. Setbacks for development will be examined in further detail as part of the preparation of a Local Structure Plan. It is also recommended the easement corridor be placed in Public Open Space in a manner similar to the treatment of the Parmelia Gas Pipeline in Baldivis.

Kwinana Freeway and Mundijong Road
Noise generated from the Kwinana Freeway and Mundijong Road will require mitigation in accordance with State Planning Policy 5.4 – *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* at Local Structure Plan stage. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant will be required to demonstrate how sensitive land uses will not be adversely impacted by noise generated by these main roads.

Bushfire Hazard Areas
A Bushfire Hazard Assessment prepared as part of the proposed DSP has determined only 10% of the site is categorised as either a moderate or extreme fire risk. The interface of development to these hazards will be determined through the preparation of Local Structure Plans where remnant vegetation is proposed to be retained.

Poultry Farm
A poultry farm is located adjacent to the site at Lot 2 Baldivis Road. An Odour Assessment Report will be required as part of Local Structure Planning to demonstrate compliance with State Planning Policy 4.3 - *Poultry Farms Policy*.

Freeway Service Centre
The provisions outlined within Town Planning Scheme No.2 for the Freeway Service Centre (Special Use Zone 12), require all impacts associated with the development to be contained on-site.
**Water Corporation Trunk Main**

The Water Corporation has recently advised that it is seeking to double the size of a water main which is located within the Zig Zag Road reservation. In this regard, it is noted that the water main alignment may have implications to the High School and District Open Space Precinct. The Water Corporation has noted that it is prepared to consider the realignment of the water main if required through the determination of the proposed DSP.

**High School Location & District Open Space**

The City requested that the 4ha District Open Space be provided in proximity to the existing Baldivis Reserve in order to centralise and consolidate the active sporting reserve space. The City also requested the location of the central High School be resolved and confirmed as part of the DSP, with a preference that the District Open Space and High School be co-located to make more efficient use of available land.

Whilst the ‘BEST’ Group accepts the merits of co-locating centrally within the DSP area and in proximity to Baldivis Reserve, the ‘BEST’ Group members have been unable to agree on a preferred location for the District Open Space and High School.

Note: The location of the District Open Space / High School affects two of the existing landowners within the ‘BEST’ Group. Being the Peron Group, which owns the land north of Zig Zag Road, and Peet Ltd which owns the land south of Zig Zag Road.

As discussed and agreed with the City, both parties have subsequently prepared alternative plans depicting their preferred locations for the High School and District Open Space. These options are summarised as follows:

**Option 1 - Peet**

This option provides for a High School site north of Zig Zag Road and District Open Space on the southern side of Zig Zag Road. Under this option, the High School is entirely within the Perron landholding, and the District Open Space entirely within the Peet landholding.
Option 2 - Perron

Option 2 provides the High School equally distributed to the north and south of Zig Zag Road and the District Open Space to the south of the High School, and would require a portion of Zig Zag Road to be closed and services relocated. Under this option, the High School is equally shared between Perron and Peet, with the District Open Space entirely within the Peet landholding.
Option 3 - Perron Alternate

Option 3 presents a variation of Option 2, by relocating the District Open Space to the north of the High School, which moves further south. This option contains the High School and District Open Space entirely within the Peet Ltd landholding.
Figure 4: High School / District Open Space – Option 3

It is also noted the Water Corporation is prepared consider potential realignment of the proposed Trunk Main and existing Water Main located within the Zig Zag Road reserve should it be determined following advertising that this is a preferred planning outcome.

All the options are consistent with the principles outlined in Liveable Neighbourhoods. In order to properly consider the merits of the various options submitted, it is recommended that all three options be advertised for public comment.

Bushfire Hazard Assessment

The proponent has submitted a Bush Fire Assessment Report which confirms the site as having a predominantly ‘low’ bushfire hazard rating, given it is predominantly cleared and subject to seasonal inundation in parts.
Scattered areas of vegetation are classified as a ‘moderate’ to ‘extreme’ bushfire hazard. These areas will need to be examined in more detail at the Local Structure Planning stage, where specific design and mitigation responses can be considered.

Neighbourhood Centre
The proponent has further reviewed the need for a commercial centre within the DSP Area and provided the following comment:

“A further analysis of the commercial activity plan prepared by Taktics 4 which has been undertaken by RPS Economics has determined that the development of a Local Centre will not economically viable, and the commercial needs for the EBDSP area will be adequately met by the adjacent Baldivis District Centre. The catchment of the EBDSP area south of Mundijong Road will be inclined to utilise the BDC given its close proximity and its high level of accessibility through the logical local road network, whilst the catchment to the north of Mundijong Road will not yield a sufficient critical mass to deliver a viable Local Centre. To this end, the City’s Local Commercial Strategy will not require modification. This issue is discussed in further detail in the enclosed report.”

The findings of the assessment, specifically with respect to the economic viability of the centre, are accepted. The East Baldivis DSP area will be served by planned centres to the west.

Conclusion
In light of the above comments, the proposed DSP options are generally acceptable for the purposes of advertising, subject to an amended Traffic and Transport Management Plan being submitted which addresses the matters identified in this Report.

As noted above, all three options prepared for the High School / District Open Space will be advertised to provide relevant stakeholders, including the Water Corporation, the Department of Education, and affected landowners, with the opportunity to provide feedback. This will ensure the City is best placed to make an informed decision on the most appropriate option to proceed with.

Voting Requirements
Simple Majority.

Officer Recommendation

Committee Recommendation
That Council APPROVE advertising of the East Baldivis District Structure Plan, subject to an amended Traffic and Transport Management Plan being submitted.

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

The Committee’s Reason for Varying the Officer’s Recommendation
To correct a typographical error.

Implications of the Changes to the Officer’s Recommendation
Not Applicable
**Planning Services**

**Strategic Planning and Environment Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-002/13 Proposed Local Structure Plan - East Baldivis (Consent to Advertise)</th>
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<tr>
<td>File No:</td>
<td>LUP/1660-03</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies on behalf of Australand Holding Ltd and Bonvest Pty Ltd Co-Venture</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 February 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
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<td>Legislative</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
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<td></td>
<td>2. Draft East Baldivis District Structure Plan</td>
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<td>3. Context and Constraints Plan</td>
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<td>4. Public Open Space Plan</td>
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<td></td>
<td>2. Land subject to Urban Deferment Lifting Request (April 2010)</td>
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<tr>
<td></td>
<td>3. Land Subject to Revised Lifting of Urban Deferment Request (September 2011)</td>
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<td>4. Location of Proposed Local Structure Plan within the draft District Structure Plan</td>
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<td>5. Proposed Local Structure Plan</td>
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<td>6. Proposed Staging Plan</td>
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</table>
Purpose of Report

To consider a proposed Local Structure Plan (LSP) over Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis ('East Baldivis') to determine whether the proposal is suitable for the purposes of advertising. Refer to Figure 5.

This report should be read in conjunction with Item SPE-001 of this Agenda.

Figure 1 - Location Plan
Background

History of the Metropolitan Region Scheme Amendment

The East Baldivis District Structure Plan area was zoned 'Urban Deferred' in July 2009. In April 2010, the City received a request from the WAPC to provide comment on a proposal to lift 'Urban Deferment' (rezone the land from 'Urban Deferred' to 'Urban') over the land shown in Figure 2:

![Figure 2 - Land subject to Urban Deferment Lifting Request (April 2010)](image)

In May 2010, the City advised the WAPC that it did not support the lifting of Urban Deferment for the following reasons:

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

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

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

2. It is understood that the land is to be serviced by the proposed East Rockingham Waste Water Treatment Plant (WWTP). The applicant has indicated that in the interim period prior to the East Rockingham WWTP coming on line, it is proposed that wastewater outflows from the subject land be conveyed to the Kwinana WWTP. The City is not aware of any agreements with the Water Corporation stating that the land is capable of being serviced temporarily by the Kwinana WWTP.
It should also be noted that the City is not prepared to support a concurrent zoning to rezone the subject land to “Development” under Town Planning Scheme No. 2 (TPS2) for the following reasons:

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

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

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

Figure 3 - Land Subject to Revised Lifting of Urban Deferment Request (September 2011)

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

- Insufficient wastewater treatment capacity;
- Drainage requirements/drainage planning;
- Location of High School site;
- Freeway Service Centre buffer requirements; and
- Bushfire impacts.
Lot 129 which is owned by Peet Ltd (forming the northern portion of the land proposed for lifting of Urban Deferment) was not confirmed by the Water Corporation to be serviceable by wastewater treatment facilities. In this regard, Lot 129 was not considered as part of the request to lift Urban Deferment.

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

Given that the decision was contrary to the City's recommendation that lifting of Urban Deferment not be supported, the City requested an explanation to the rationale for zoning the land from 'Urban Deferred' to 'Urban' under the MRS. In response, the Director General of the Department of Planning provided the following response:

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

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

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

(i) Insufficient wastewater treatment capacity

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

(ii) Drainage requirements/drainage planning

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

(iii) Location of High School site

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

(iv) Freeway service centre buffer requirements

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

(v) Bushfire impacts

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

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

In October 2008, the City was approached by a group of planning consultants representing the majority of landowners in the 'East Baldivis' locality (referring to themselves as the East Baldivis Stakeholder Team or 'BEST' group) to prepare a District Structure Plan (DSP) over the land to generally guide development of the urban cell, including the subject land. The City agreed to facilitate the preparation of the DSP with the 'BEST' group, however, advised the group that the preparation of the DSP should not be dictated by land ownership and at the expense of orderly and proper planning of the locality.

The City has since received the revised submission of the DSP for its assessment to determine if the proposed District Structure Plan is suitable for the purposes of advertising. The outcomes of the Officer's Assessment are outlined within Agenda Item SPE-002 for the East Baldivis DSP.

Amendment No.122 to Town Planning Scheme No.2

At its ordinary Meeting held on the 27 November 2012, the Council resolved to adopt Amendment No.122 to TPS2 for Final Approval, subject to modifications following the consideration of submissions received during public advertising period to:

(i) Rezone Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis (the land subject to the Proposed Local Structure Plan) from 'Rural' and 'Special Rural' to 'Development' and the unconstructed, unnamed road reserve bounded by Lots 1000, 105 and 541 Baldivis Road, Baldivis from 'Local Road Reserve' to 'Development', following the Western Australian Planning Commission's (WAPC) decision to lift Urban Deferment over the land; and

(ii) Introduce provisions for the requirement, preparation and operation of District Structure Plans.

The Hon Minister for Planning has since decided not to approve the Amendment until the District Structure Plan provisions are removed.

Details

Description of the Proposal

The landholding is approximately 59ha and the proposed LSP incorporates the following elements:

Residential Density and Population
- The creation of approximately 880+ lots (approximately 900+ dwellings);
- Residential density coding ranges from R25 - R60 (average lots areas from 180m² - 350m²); and
- An ultimate population of approximately 2,340 people (based on the average occupancy rate of 2.6 persons per household).

Public Open Space
- A total of 7.07ha of Public Open Space provided in eight parcels, ranging in area from 0.19ha to 2.14ha.

Public Open Space Concepts have been provided as part of the Structure Plan Report.

Road and Pedestrian Network
- Two Neighbourhood Connector Roads provided to link north outside the LSP area, one of which to link into the existing Paparone Road Reserve;
- One Neighbourhood Connector Roads provided to link south outside the LSP area;
- Two Connections to Baldivis Road at the intersections of Ingram Road and Amazon Drive;
- A generally permeable grid local street road network; and
- A footpath and shared path network provided in accordance with Liveable Neighbourhoods.

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

Planning Context

Statutory Planning Framework
The site is zoned 'Urban' under the MRS and 'Rural' and 'Special Rural' under TPS2.
Clause 4.2.4 of TPS2 requires land zoned 'Development' to be contained within a Development Area to permit consideration of a Structure Plan. In November 2012, the Council granted Final Approval to Amendment No.122, which provides for a new 'Development Area No.40' and 'Development' zone over the subject land. Until such time as Amendment No.122 is gazetted for Final Approval, the proposed LSP cannot be formally advertised for public comment.

Amendment No.122 provides for special provisions over the subject land within Schedule No.9 of TPS2 as follows:

<table>
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<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
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| DA40          | Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis | An approved Local Structure Plan together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.  
1. **Proposed Local Structure Plan**  
1-1 The following matters must be addressed as part of the preparation of the Proposed Local Structure Plan in addition to those set out in Clause 4.2.5:  
1. A Bushfire Hazard Assessment; and  
2. An Acoustic Consultant Report prepared by a suitably qualified acoustic consultant to demonstrate how sensitive land uses will not be adversely impacted by noise generated by the Kwinana Freeway. |

The Proponent has prepared a Bushfire Hazard Assessment and Acoustic Consultant Report to address the requirement as outlined within the Scheme Amendment.

**Draft East Baldivis District Structure Plan**

The subject land is located centrally within the draft East Baldivis DSP as shown in Figure 4. The draft DSP provides for a Neighbourhood Connector Road linking to Amazon Drive west into the Spires Estate and a north-south Neighbourhood Connector road link through the central portion of the site. The proposal is consistent with the design intent of the draft DSP with respect to major transport connections.

![Figure 4 - Location of Proposed Local Structure Plan within the draft District Structure Plan](image-url)
Figure 5 - Proposed Location Structure Plan

Local Context
The WAPC Structure Plan Preparation Guidelines outline the requirement for a Context and Constraints Plan to inform how the proposed LSP will integrate with existing and future development areas. In this regard, the Proponent has prepared a plan as part of its application (see attachment No.4).

Given the context of land to the Structure Plan’s immediate surroundings is zoned ‘Urban Deferred’ under the MRS, and is zoned Rural, Special Rural and ‘Special Use’ under TPS2, additional information is required to demonstrate how the development of land abutting the Structure Plan area can be integrated with the subject land.

It is recommended a revised plan be prepared prior to advertising to clearly illustrate how land uses and the movement network may be integrated to the northern and southern boundaries of the subject land.

Site Analysis

Topography
The topography of the site is low-lying with areas subject to seasonal inundation. The site varies in elevation from 4m AHD in the western and south-eastern portion of the site to 7m AHD in the north-western portion of the site.

Hydrology
The site falls within the physical and administrative boundaries of the Peel-Harvey Estuary and surface catchment.

Department of Water modelling has determined that groundwater flows westward across the site towards Tamworth wetlands and the Rockingham Lakes Regional Park. Groundwater levels are expected to occur at approximately 1m AHD beneath the surface.

The majority of the site is classified as a ‘Multiple Use’ wetland that runs in a north-south direction through the centre of the site. These multiple use wetlands previously served as flood storage and inundation areas for major storms but do not support any significant flora and fauna habitats.
Conservation Category Wetlands are located approximately 1 km to the west of the subject site within land zoned Parks and Recreation under the MRS namely Tamworth Swamp. Development is not envisaged to affect these Conservation Category Wetlands.

The subject land is mapped to have a moderate risk of Acid Sulphate Soils within 3m of the surface. A site assessment for Acid Sulphate Soils has been completed in accordance with the Department of Environment and Conservation Acid Sulphate Soils guidelines. Prior to any development at subdivision stage, an Acid Sulphate Soils Management Plan will be required.

**Vegetation**

The site has been predominantly cleared for previous agricultural purposes, and there is scattered vegetation across the site with minimum understorey. The only area of remnant vegetation is located in the north-eastern corner of the site. A fire in 2011 impacted a small pocket of remnant trees in this location. There are some larger individual trees are scattered across the site.

**Fauna**

A desktop review of species protected under the Environmental Protection and Biodiversity Act 1999 (EPBC Act) highlighted two listed fauna that could use the site:
- Carnaby's Black Cockatoo; and
- Forest Red-tailed Black Cockatoo.

**Adjacent Land Uses and Buffers**

- The site is located within the generic buffer area of a Poultry Farm located adjacent to the site at Lot 2 Baldivis Road (see Figure 6).
  
  No Odour assessment Report was provided or information provided to demonstrate compliance with *State Planning Policy 4.3 Poultry Farms Policy*. In this regard, an assessment needs to be provided which addresses the Policy criteria, prior to advertising the proposal.

- The subject site abuts vegetated remnant bushland area to the east and west of the site. A Bushfire Hazard Assessment has been prepared as part of the Structure Plan documentation.

- The site is bounded by the Kwinana Freeway to its eastern side. In this regard, the proposal must have due regard to *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. In light of the potential noise impact to sensitive residential land uses an acoustic consultant report has been prepared.
  
  The assessment forecasts the source and extent of noise and recommends that noise barrier walls be built to the boundary of Kwinana Freeway and to the Freeway Service Centre site which abuts the northern boundary of the Structure Plan area.
Implications to Consider

a. Consultation with the Community

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

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

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

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

The specified date is required to be at least 21 days from the date of the notice and advertisement, however, it is the City's practice to undertake advertising for at least 28 days where the proposal has not been previously advertised.

b. Consultation with Government Agencies

In addition to the above, clause 4.2.6.5(b)(ii) of the Scheme requires that the Council give notice to relevant public authorities.

c. Strategic

Community Plan

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

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

State Planning Policies

Directions 2031

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

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

To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare of land in new development areas.

Assessment of the density proposed in the proposed LSP against Directions 2031 is detailed in the 'Comments' section of this report.

Liveable Neighbourhoods

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

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

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

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

Assessment of the proposed LSP against Liveable Neighbourhoods is detailed in the 'Comments' section of this report.

Structure Plan Preparation Guidelines

In August 2012, the WAPC released the Structure Plan Preparation Guidelines to guide a consistent manner for the preparation of Structure Plan information. The objectives of the Guidelines are to:

(i) Standardise the scope, format and content of Structure Plans;
(ii) Define the statutory and non-statutory elements of Structure Plans;
(iii) Detail the information required to be provided for each type of Structure Plan; and
(iv) Encourage pre-lodgement consultation.
Planning for Bushfire Protection Guidelines Edition 2

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

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

The Structure Plan design generally provides for road separation between identified bushfire hazards and proposed development areas. The appropriateness of the Structure Plan design response is being assessed as part of consideration of the Bushfire Hazard Assessment.

Further investigation will be undertaken during the advertising period to ensure development in the south-western corner of the LSP area is not adversely affected by its proximity to a potential bushfire risk.

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

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

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

The Proponent proposes a 2 metre high acoustic wall treatment to the Kwinana Freeway. This proposal is not supported by the City and it is recommended that a 3 metre high wall be provided. This requirement has been previously applied to all other residential estates abutting the Kwinana Freeway.

In this regard, a revised Acoustic Consultant Report will be required prior to advertising to demonstrate a 3 metre acoustic attenuation wall abutting the Kwinana Freeway in lieu of a 2 metre wall currently proposed within the report.

Environmental Protection Guidance Statement No. 3: Separation Distances Between Industrial And Sensitive Land Uses.

This Guidance Statement provides advice and sets of generic separation distances from industrial land uses to sensitive land uses.

The Guidance Statement defines 'sensitive land uses' as residential development, Hospitals, Nursing Homes, Child Care facilities, Shopping Centres, and Public Open Space. Some commercial, institutional and industrial land uses with higher levels of amenity or are sensitive to particular emissions may also be considered as 'sensitive land uses'.

The generic separation distances are based on the consideration of typical emissions that may affect amenity of nearby sensitive land uses. These include: -

- Gaseous and particulate emissions;
- Noise;
- Dust; and
- Odour.

Local Planning Policies

**Planning Policy 3.4.1 - Public Open Space**

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

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

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

d. **Financial**

Nil

e. **Legal and Statutory**

Clause 4.2.4 of TPS2 requires land zoned 'Development' to be contained within a Development Area to permit consideration of a Structure Plan.

Upon gazettal of Amendment No.122 to TPS2 to introduce the 'Development' zone and 'Development Area No.40' for the subject land, the Council pursuant to Clause 4.2.6.2 of the 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.

**Comments**

**Structure Plan Assessment**

**Community Design**

**Urban Structure**

The LSP area is currently isolated from urban development to its northern and southern boundary as this land is zoned 'Urban Deferred' under the MRS. The proposed road linkages west into the Spires Estate are appropriate and consistent with the draft East Baldivis DSP.

The local street network designed as a modified grid layout providing for a high level of interconnectivity and good external linkages for local vehicle, pedestrian and bicycle traffic.

**Density**

The assessment of housing density is guided the provisions of Directions 2031 and Liveable Neighbourhoods.

Directions 2031 sets a minimum residential density target of 15 dwellings per gross urban zoned hectare.

Liveable Neighbourhoods outlines criteria for the consideration of appropriate locations for residential density. Density is calculated per site hectare, which is a calculation based on the land proposed to be zoned for residential purposes and does not include roads, open space or other non-residential land components.

In this regard, Liveable Neighbourhoods recommends, as a guide, the following minimum residential densities be considered. Residential density proposed greater than the minimum range outlined in Liveable Neighbourhoods is considered to exceed the minimum requirement.
(i) A minimum of 12 to 20 dwellings per site hectare for standard lot layouts separated from high frequent public transport and activity centres;

(ii) A minimum of 20 to 30 dwellings per site hectare for areas within 400m of a Neighbourhood Centre and 250m of a main bus route; and

(iii) A minimum of 20 to 30 dwellings per site hectare for areas within 800m of a Train Station.

A summary of the density requirements is provided within Table 1 as follows:

<table>
<thead>
<tr>
<th>Table 1 - Proposed Density Summary</th>
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<tr>
<td>Policy</td>
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<td>Directions 2031</td>
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<tr>
<td>Liveable Neighbourhoods</td>
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The proposed LSP achieves the minimum density required by Directions 2031 and Liveable Neighbourhoods.

In light of the above, the proposed density is consistent with State Government Policy and is considered appropriate for the purposes of advertising.

Lot Layout

**Interface of Development Abutting Open Space**

The City's Planning Policy 3.4.1 - Public Open Space requires the design of a subdivision and development surrounding open space to promote visual surveillance and minimise personal safety and security problems. The Policy recommends public open space be bounded by streets on all frontages such that adjacent lots overlook the street and public open space. The City may consider lots with direct frontage to public open space where development is elevated at least 0.5m above to provide an appropriate interface and surveillance.

In this regard, a predominantly linear parcel of POS is proposed in the south-east corner of the LSP area. This POS proposes extensive areas of direct frontage along its western boundary and in this regard, further consideration will be given during the advertising period to the configuration of this POS, in terms of its usability and ensuring the space can be utilised by all nearby prospective residents.

**Detailed Area Plans**

To ensure appropriate built form outcomes for residential development, Detailed Area Plans will be required through the subdivision process for:

- Rear laneway lots;
- Lots with frontage to public open space;
- Lots with a boundary within 100m of a Bushfire Risk Management area;
- Lots identified through the Acoustic Consultant Report to be impacted by a likely noise impact; and
- Lots with an area less than 350m².

**Movement Network**

The Proponent has submitted a Traffic Impact Report to demonstrate compliance with the requirements of Liveable Neighbourhoods. The Traffic Impact Report generally addresses these requirements, however, it will be subject to a more detailed assessment during public advertising of the proposal. It is noted that traffic modelling will need to be reconciled against the modelling prepared for the East Baldivis DSP to ensure the road network accounts for total traffic predictions in the East Baldivis DSP area.
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 been provided as part of the proposed LSP.

Public Open Space

The Proposed Structure Plan provides for a total of 7.07ha of Public Open Space provided in eight parcels, ranging in area from 0.19ha to 2.14ha.

The key elements of the public open space distribution are as follows:-

- The open space is evenly distributed across the site and is within acceptable distance to all proposed residential lots;
- The plan proposes approximately 11.96% public open space contribution; and
- The proposed open space reserves appropriately cater for active, passive and conservation uses and water sensitive urban design principles.

As previously noted, further consideration will be given during the advertising period to the configuration of the POS proposed in the south-eastern corner of the LSP area.

Drainage in Open Space

Clause 4.7.3 of the City’s Public Open Space Policy permits a maximum of 25% of any parcel of POS for the purposes of drainage up to and including a 1 in 10 year frequency event. This requirement is to ensure that Public Open Space is useable by the community and open space reserves are not developed solely for the purpose of accommodating drainage.

A total of four areas of Public Open Space exceed the 25% maximum drainage requirement, however, the Proponent has satisfactorily demonstrated the usability of these open space reserves (see Attachment No.4).

Planning Policy 3.4.1 - Public Open Space clause 4.7.5 states that a proposal in the Peel Harvey Catchment shall address the following requirements: -

"(b) Demonstrate that the floor of any detention basin in a minimum 500mm above the post-development maximum groundwater level as determined by a Local Water Management Strategy."

"(c) In the case of subdivision within the Peel-Harvey Catchment area or any other site the City considers is susceptible to rising groundwater post-development, demonstrate that the floor of any detention basin is a minimum 1200mm above the post-development maximum groundwater level as determined by a Local Water Management Strategy."

The Proponent has proposed that a minimum detention basin with a 300mm separation above the post-development maximum groundwater level be provided in lieu of the City's Policy position of 500mm. The City will require additional information prior to advertising to assessed this approach and determine if this variation is appropriate.

Vegetation Retention

The Proponent is committed to retain as much remnant vegetation on-site as is practical, however, notes that based on the site topography and corresponding POS design, fill and drainage requirements, will make it difficult to retain remnant vegetation on-site.

The Proponent has agreed to provide notional vegetation protection areas on the proposed LSP.

Urban Water Management

A Local Water Management Strategy (LWMS) has been provided with the proposed LSP. Due to initial changes to the proposed LSP requested by the City, the LWMS has needed to be updated to accommodate changes to the proposed drainage catchments. The revised report will be required by the City for assessment prior to the proposed LSP being formally advertised for public comment.

It is noted that all lots proposed to be less than 300m² will have a domestic drainage connection to the street system, as there is insufficient land area on these lots to accommodate appropriate soak well drainage systems. The City supports the proposed approach.

Utilities

The Proponent has demonstrated the site can be serviced with all appropriate utilities.
The proposed connection to sewer is proposed to ultimately be serviced by the unconstructed East Rockingham Wastewater Treatment Plan, which is due to be constructed by the end of 2015. The Proponent has received advice from the Water Corporation that the site can be temporarily serviced by the Kwinana Sewage Treatment Plant.

The application will be referred to the Water Corporation for comment to confirm the servicing arrangements.

Implementation

Staging for the development is proposed to be developed as shown by Figure 6.

Conclusion

In light of the above comments, the proposed LSP is considered generally acceptable for the purposes of advertising subject to the following matters being addressed prior to advertising:-

- A revised Structure Plan Report being provided that addresses the issues raised in this report. Including the incorporation of an Odour Impact Assessment;
- Notional vegetation protection areas being shown on the proposed LSP;
- Justification for the minimum detention basin variation proposed for drainage swales in Public Open Space;
- A revised Acoustic Consultant Report being prepared to demonstrate a 3 metre acoustic attenuation wall abutting the Kwinana Freeway in lieu of a 2 metre wall currently proposed within the report; and
- A revised Context and Constraints Plan.

It is also noted that the following matters will be considered in further detail during the advertising period:

- The revised Traffic Impact Report being the subject of a detailed assessment;
- The configuration of south-eastern POS area in terms of its usability and ensuring the space can be utilised by all nearby prospective residents; and
- Further investigation will be undertaken to ensure development in the south-western corner of the LSP area is not adversely affected by its proximity to a potential bushfire risk.
Figure 6 - Proposed Staging Plan

4.34pm - Cr Hamblin left the Planning Services Committee meeting.
4.35pm - Cr Hamblin returned to the Planning Services Committee meeting.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council APPROVE advertising of the proposed Local Structure Plan for Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis, subject to the following matters being addressed:-

1. A revised Structure Plan Report being provided that addresses the issues raised in this report. Including the incorporation of an Odour Impact Assessment;
2. Notional vegetation protection areas being shown on the Proposed Local Structure Plan;
3. Justification for the minimum detention basin variation proposed for drainage swales in Public Open Space;
4. A revised Acoustic Consultant Report being prepared to demonstrate a 3 metre acoustic attenuation wall abutting the Kwinana Freeway in lieu of a 2 metre wall currently proposed within the report; and
Committee Recommendation

That Council APPROVE advertising of the proposed Local Structure Plan for Lots 104, 105, 541, 543, 544 and 1000 Baldivis Road, Baldivis, subject to the following matters being addressed:-

1. A revised Structure Plan Report being provided that addresses the issues raised in this report. Including the incorporation of an Odour Impact Assessment;
2. Notional vegetation protection areas being shown on the Proposed Local Structure Plan;
3. Justification for the minimum detention basin variation proposed for drainage swales in Public Open Space;
4. A revised Acoustic Consultant Report being prepared to demonstrate a 3 metre acoustic attenuation wall abutting the Kwinana Freeway in lieu of a 2 metre wall currently proposed within the report; and

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
# Planning Services
## Strategic Planning & Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-003/13 Proposed Amendment to Planning Policy No.5.2 – Rural Land Strategy (Adoption)</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/815-01 and LUP/1419-05</td>
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<tr>
<td>Proponent/s:</td>
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</tr>
<tr>
<td>Author:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 February 2013</td>
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<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
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</table>

| Site:                   |                                                                                       |
| Lot Area:               |                                                                                       |
| Attachments:            | 1. Rural Land Strategy – Planning Unit Map                                              |
|                         | 2. Rural Land Strategy – Planning Unit No.3 Map                                         |
|                         | 3. Rural Land Strategy – Appendix 3: Landscape Character Unit Map                       |
|                         | 4. Rural Land Strategy – Appendix 4: Landscape Character Unit Summary Table            |
|                         | 5. Rural Land Strategy – Appendix 5: Summary of Capacity to Absorb Development Change Table |
|                         | 6. Copy of Submissions                                                                 |

## Purpose of Report

To consider proposed amendments to Planning Policy No.5.2 – Rural Land Strategy in light of submissions received following community consultation.

## Background

Planning Policy No.5.2 - Rural Land Strategy (RLS) seeks to retain the visual amenity (the rural vista along Mandurah Road) and the natural landscape features of the dune system of the Singleton and Golden Bay Special Rural/Special Residential Precincts by the retention of the existing 'Special Rural' and 'Special Residential' zonings.
Given that the City's Policy position was being challenged by regional planning initiatives and applications, the Council (at its November 2009 Meeting) resolved to review its Policy position by commissioning a Visual Landscape Evaluation (VLE) for the land in proximity to Mandurah Road in Singleton, Golden Bay and Secret Harbour.

At its ordinary Meeting held in February 2010, the Council resolved to endorse a Consultant's Brief for a Visual Landscape Evaluation (VLE), to enable quotations to be sought from suitable Consultants to undertake the Study. AECOM was subsequently appointed to undertake the preparation of the VLE in May 2010.

AECOM prepared a draft VLE Report that was advertised for public comment in February 2011. The intent of the consultation programme was to evaluate the way the visual landscape character of the Study Area was viewed, experienced and valued by the community (including the owners of land within the Study Area).

The conclusions and recommendations as set out in the VLE are based on a detailed analysis of the landscape and visual character of the Study Area and have been complemented by an extensive community consultation process.

The VLE concluded that the City's current statutory and policy position as set out in Town Planning Scheme No.2 and the RLS is sound and justified; and should be maintained. The landscape of the Study Area has considerable visual character and contains important natural elements, valued by the local community, which it is desirable to maintain. This particularly includes the vista obtained from Mandurah Road that provides a positive natural/rural outlook across much of the Study Area and the natural dune system that is a highly valued and significant natural asset that is worthy of ongoing preservation.

The draft VLE Report was further refined following the community engagement process and was considered by the Council at its meeting held in February 2012, when it resolved as follows:-

1. To adopt the Visual Landscape Evaluation - Singleton, Golden Bay and Secret Harbour and that it be used to inform the City's consideration of regional and local planning initiatives and proposals.

2. To review Planning Policy No.5.2 - Rural Land Strategy in light of the recommendations of the Visual Landscape Evaluation - Singleton, Golden Bay and Secret Harbour.

With respect to point 2 of the Council resolution, the RLS was assessed against the recommendations of the VLE and a series of proposed amendments to the RLS were considered by the Council at its August 2012 meeting, when it resolved that the proposed amendments be advertised for a period of 28 days in accordance with the requirements of Town Planning Scheme No.2 and that the proposed amendments be referred to the WAPC for comment.

### Implications to Consider

#### a. Consultation with the Community

The amended RLS was advertised for public comment for a period of 28 days, commencing on the 31 August 2012 and concluding on the 28 September 2012, with consultation undertaken in the following manner:

- A notice being published in the “Public Notices” section of the Weekend Courier newspaper on the 31st August and the 7th September 2012;

- The Singleton Residents Association, Golden Bay Progress Association and Secret Harbour Residents Association were notified of the proposal in writing and invited to comment; and

- Details of the proposal were published on the City's website for the duration of the consultation period.

At the conclusion of the consultation period, the City had received submissions from the Singleton Residents Association, Golden Bay Progress Association and an individual landowner. All submissions received supported the proposal. A copy of each submission is attached to this report.
b. Consultation with Government Agencies

Clause 4.11.5(a) of Town Planning Scheme No.2 requires that the Council consult with the Western Australian Planning Commission (WAPC) in respect of a proposed amendment to the RLS and shall have due regard to the comments and recommendations of the WAPC.

The comments provided by the Department of Planning (on behalf of the WAPC) in respect of the proposal are summarised as follows:-

(i) Notes the amendments recommended to the Rural Land Strategy in response to the Council’s adoption of the recommendations of the Visual Landscape Evaluation (VLE).

(ii) Advises that the area covered by Planning Unit No.3 is identified in the draft South Metropolitan Peel Structure Plan as an Urban Investigation Area.

(iii) Supports the inclusion of the wording under “Issues and Constraints” references the Karnup Railway Station. Any investigations, including any proposals put forward for land west of the future Karnup Railway Station to capitalise on the station infrastructure, would include consideration to the regional and local planning framework, including the recommendation of the Council as to the relevance and application of the VLE.

(iv) Consideration should be given to replacing the out-dated reference to WAPC DC Policy 3.7 – Planning for Bushfire Protection with Planning for Bushfire Protection Guidelines – Edition 2 (May 2010).

(v) In respect to the Key Visual Management Issues and Recommendations, while it is acknowledged the focus is to manage the visual impact of land use and development change (minimise cut and fill, minimise clearance of native vegetation, appropriate planting schemes, regulate development height and character), this should (could) better integrate and reconcile fire hazard risk and response, which may include low fuel separation zones (requiring substantial clearing) and higher building standards. In this respect, the “Consideration” and “Recommendation” appears to be “divorce” from the (separate) performance standard reference to fire management and the relationship between the two could be better understood.

With respect to point (iv) above, no objections are raised to deleting all reference to the superseded WAPC DC Policy 3.7 – Planning for Bushfire Protection and replacing it with Planning for Bushfire Protection Guidelines – Edition 2 (May 2010). Such reference will need to be amended in the ‘Rural Concept Plan’ section and in the ‘Planning Unit Strategy’ section in Planning Units 1 – 7.

With respect to point (v), it is not considered that the Key Visual Management Issues and Recommendations are “divorce” from the (separate) performance standard reference to fire management (the Guidelines). Landowners and abutting landowners have a responsibility to maintain fire breaks and any future development is required to comply with the WAPC Planning for Bushfire Protection Guidelines – Edition 2 (May 2010). The requirement to comply with the Guidelines is stated in the ‘Planning Unit Strategy’ section in Planning Units 1 – 7.

Consultation with other Government agencies was not required.

c. Strategic Community Plan

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

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

d. Policy

Planning Policy No.5.2 – Rural Land Strategy: The City of Rockingham Rural Land Strategy provides the basis for land use planning in the rural areas of the municipality.
In particular, it provides the City with a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

e. Financial

Nil

f. Legal and Statutory

The procedures for amending and adopting a Planning Policy are set out in section 8.9 of TPS2. Clause 8.9.5 provides that after the expiry of the period within which submissions may be made, the Council is to:

(a) Review the proposed Policy in the light of any submissions received; and
(b) Resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

Clause 4.11.5(a) of TPS2 states that following consultation with and having due regard to the comments and recommendations of the WAPC, the Council may modify the RLS, provided that it is satisfied that such modification is in the interest of orderly and proper planning and will not detract from the amenity of the locality.

Clause 8.9.6 of TPS2 states that if the Council resolves to adopt the Policy, the Council is to publish notice of the Policy once in a newspaper circulating in the Scheme area and if, in the opinion of the Council, the Policy affects the interests of the WAPC, forward a copy of the Policy to the WAPC.

The Policy (as amended) has effect on publication of a notice in a newspaper.

<table>
<thead>
<tr>
<th>Comments</th>
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<tr>
<td>It is recommended that the Council adopt the advertised modifications to the RLS and that the RLS be further modified to reference the WAPC Planning for Bushfire Protection Guidelines – Edition 2 (May 2010).</td>
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<tr>
<th>Voting Requirements</th>
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<tr>
<th>Officer Recommendation</th>
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<tbody>
<tr>
<td>That Council <strong>ADOPT</strong> the modifications to Planning Policy No.5.2– Rural Land Strategy (modifications shown in red).</td>
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<tr>
<th>Committee Recommendation</th>
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| That Council **ADOPT** the modifications to Planning Policy No.5.2– Rural Land Strategy (modifications are shown in red):

1. The ‘Introduction’ section to include the following summary of the **Visual Landscape Evaluation – Singleton, Golden Bay and Secret Harbour**:

   **Visual Landscape Evaluation – Singleton, Golden Bay and Secret Harbour**

   The **City** undertook a Visual Landscape Evaluation (VLE) looking at the areas of Singleton and Golden Bay that are zoned 'Rural' in the Metropolitan Region Scheme and the section of Secret Harbour that is zoned 'Special Residential' in the City of Rockingham Town Planning Scheme No.2 (located within Planning Unit No.3 of this Rural Land Strategy). The intent of the VLE was to test the validity and appropriateness of the City’s Policy position regarding the rural vista along Mandurah Road.

   The VLE concluded that the City’s current statutory and policy position as set out in Town Planning Scheme No.2 and this Rural Land Strategy is sound and justified; and should be maintained. The landscape of the VLE Study Area has considerable visual character and contains important natural elements, valued by the local community, which it is desirable to maintain.
This particularly includes the vista obtained from Mandurah Road that provides a positive natural/rural outlook across much of the VLE Study Area and the natural dune system that is a highly valued and significant natural asset that is worthy of ongoing preservation.

The conclusions and recommendations as set out in the VLE are based on a detailed analysis of the landscape and visual character of the Study Area and have been complemented by an extensive community consultation process.

The VLE was considered by the Council at its ordinary Meeting held on the 28th February 2012, when it was resolved that it be adopted and used to inform the City’s consideration of regional and local planning initiatives and proposals. In this regard, the recommendations of the VLE have been incorporated into Precinct No.3 of this Rural Land Strategy.

2. That ‘Objective 3’ be reworded as follows:

3. **Protect and conserve landscape values.**

It is an objective of the Strategy to maintain valued landscapes that contribute to the sense of place of the City of Rockingham and maintain an open landscape character as a means to giving form and definition to the built up area avoiding urban sprawl and providing accessible countryside close to the City.

3. That in the ‘Planning Units and Precincts’ section, the paragraph dealing with Planning Unit 3 be reworded as follows:

Planning Unit 3 to the west of Mandurah Road is associated more with the coastal urban corridor and is predominantly developed, has considerable visual character and contains important natural elements, valued by the local community, which it is desirable to maintain. This particularly includes the vista obtained from Mandurah Road that provides a positive natural/rural outlook across much of the VLE Study Area and the natural dune system that is a highly valued and significant natural asset that is worthy of ongoing preservation.

4. That in the ‘Rural Concept Plan’ section, the sentence dealing with Planning for Bushfire Protection be reworded as follows:


5. That the following specific reference to Planning Unit 3 be included in the ‘Landscape Protection’ section:

With respect to Planning Unit 3, it will be necessary to ensure that cut and fill activities do not degrade the natural landform (particularly of the dunes) and to ensure that important vegetation (particularly Tuart trees) can be successfully retained within the site.

6. That the section dealing specifically with Planning Unit 3 be reworded as:

**PLANNING UNIT NO.3**

**Special Rural/Special Residential – West of Mandurah Road**

**Location**

Planning Unit No. 3 comprises the City’s Rural Lands to the west of Mandurah Road. The northern precinct is generally bounded by Warnbro Sound Avenue to the west, the Secret Harbour urban area to the south, Mandurah Road to the east and the Larkhill horse training facility to the north.

The southern precinct is bounded by the Singleton and Golden Bay urban settlements to the west, Secret Harbour urban area to the north, Mandurah Road to the east and the Municipal boundary to the south.

A narrow line of special residential lots abutting Mandurah Road connects the two portions (see Planning Unit Map).

**Landuse Characteristics**

The existing rural based landuses in the northern precinct comprise perennial horticulture/orchards and horse stabling/ training.

The southern precinct is developed primarily for Special Rural/Special Residential purposes.
A Service Station and commercial uses are located on the corner of Mandurah and Singleton Beach Roads.

**Environmental Characteristics**

**Landscape Character Units**

The Visual Landscape Evaluation for Singleton, Golden Bay and Secret Harbour (VLE) identified nine Landscape Character Units (LCU’s) in the Study Area (refer to Appendix 3 for a Plan illustrating these LCU’s and Appendix 4 for a Table summarising the landscape character of each LCU). The Landscape Character Summary Table identifies the key landscape elements that define the character of the LCU. The community values of these LCU’s were determined through the community consultation activities undertaken as part of the VLE.

**Capacity to Absorb Change**

The VLE assessed each LCU for its capacity to absorb development change and assigned one of the following capacity classes (“high”, “moderate”, “low” and “negligible”) over three typical categories of development density: “Special Rural”, “Special Residential” and “Residential”. Refer to Appendix 5 for a Table that summarises the capacity to absorb development change for each LCU and development density.

**Land Type and Capability**

- Predominantly Quindalup soil-landscape association to the west with portions of Spearwood soil-landscape system to the east.

- Land capability for:
  - Grazing - predominantly ‘low’ capability, but also some areas of ‘fair’, ‘high’ and ‘very low’ capability.
  - Perennial horticulture - predominantly ‘fair’ to ‘high’ capability.
  - Annual horticulture - predominantly ‘low’ capability; some ‘fair’ and ‘very low’.

**Groundwater**

- Churcher groundwater subarea (northern portion) - relatively high amounts potentially available.

- Karnup groundwater subarea (southern portion) - nil available in superficial formation.

**Areas of Conservation Significance**

- Southern portion within System 6 area M107 (Singleton).

- Contains conservation category wetland (Turtle Swamp).

- The Larkhill precinct contains dense to sparse coastal trees and grasses.

- The Golden Bay precinct (north of Crystaluna Drive) is predominantly a gentle undulating landform with consistent to dense vegetation.

- The Singleton precinct (south of Crystaluna Drive) is characterised by its undulating dune landform and consistent coastal vegetation.

- For more detailed information regarding areas of conservation significance, refer to the VLE.

**Planning Context**

- Planning Unit No. 3 is zoned “Rural” in the MRS.

- Larkhill is zoned “Rural” in TPS No. 2 (draft).
- The Golden Bay and Singleton precincts are predominantly zoned special rural or special residential with only a small portion of rural land remaining available for subdivision.
- The South West Corridor Structure Plan identifies Planning Unit No. 3 as rural reflecting its buffer between Mandurah Road and the urban corridor to the west.
- The VLE concluded that the City’s current statutory and policy position as set out in Town Planning Scheme No.2 and this Rural Land Strategy is sound and justified; and should be maintained.

**Issues and Constraints**
- The impact of future development on the coastal dune environment.
- Existing landuses within the Larkhill precinct.
- Proposals for the Lark Hill Regional Recreation facility to the north.
- The other existing and proposed landuses that surround Larkhill.
- Proximity to Mandurah Road.
- Landscape amenity - medium - high scenic quality.
- Management of wetlands.
- Possible presence of unexploded ordinance.
- Retention of buffer quality of area from Mandurah Road.
- Interface with existing and proposed residential development.
- High-medium fire danger throughout the Unit.
- Retention of significant vegetation.
- Proximity to proposed Stakehill Karnup Railway Station and portion of the walkable catchment to the Station being within the Unit (The feasibility of Transit Oriented Development at the Station is being investigated by the Western Australian Planning Commission).
- The following matters are specifically identified by the VLE:-
  - Turtle Swamp Sumpland;
  - The value to the community of views obtained from Mandurah Road;
  - The presence of elevated vantage points from within the VLE Study Area; and
  - Key landscape elements identified in the VLE and valued by the community, particularly Tuart vegetation and dunes.

**PLANNING UNIT STRATEGY**

**Analysis**
Planning Unit No. 3 and Planning Unit No. 4 provide a transition between the western urban corridor (coastal) and the eastern urban corridor (inland). However Planning Unit No. 3 is distinctive from Planning Unit No. 4 in that it relates primarily to the coastal corridor being part of the Quindalup dune system. **As with PU No. 4 it provides a low visual impact to Mandurah Road.**

The VLE confirmed that Planning Unit No.3 has considerable visual character and contains important natural elements, valued by the local community, which it is desirable to maintain. This particularly includes the vista obtained from Mandurah Road that provides a positive natural/rural outlook across much of the VLE Study Area and the natural dune system that is a highly valued and significant natural asset that is worthy of ongoing preservation.

Wetlands have generally been incorporated as open space systems in development proposals. Wetlands remaining in private ownership need to comply with the provisions of the EPP.
The existing Scheme provisions and building envelopes are intended to ensure that cut and fill activities do not degrade the natural landform (particularly of the dunes) and to ensure that important vegetation - particularly Tuart trees - can be successfully retained within the site; which in turn will enhance the rural/natural vista from Mandurah Road viewshed.

**Objective**

The primary objective for Planning Unit No. 3 is to encourage special rural/special residential development which is compatible with the land capability of the Quindalup dune system and that subdivision and development accords with landscape protection criteria for Mandurah Road and the recommendations of the VLE.

**Strategy**

The Larkhill precinct forms part of the non-urban buffer between the built-up areas of Port Kennedy to the north and Secret Harbour to the south. Given the proximity of the land to the Larkhill horse training facility, the strategy for this precinct is to generally allow for the land to be subdivided to accommodate equine landuses. A minimum lot size of 1 hectare is recommended to maintain the landscape value of the area.

The Special Residential/Special Rural zoning of the Golden Bay and Singleton precincts presently serves as a transition between the existing and future urban lands to the west and north and Mandurah Road to the east.

In terms of land capability the Golden Bay precinct demonstrates the potential for closer subdivision and in this regard, a minimum lot size of 1 hectare is recommended. For Singleton the recommended minimum lot size is 2 hectares consistent with the prevailing lot sizes.

A 40m landscape buffer strip implemented via setback control has been established along Mandurah Road to enhance the viewshed vista.

Special Residential development will be considered in the balance of the precincts if it can be demonstrated that the landscape value of the region will not be compromised. The capacity of land within the Study Area of the VLE to absorb development change will be assessed against the criteria and recommendations set out in the VLE for each Landscape Character Unit. For the balance of Planning Unit No.3 not affected by the VLE (the Larkhill precinct), Special Residential development will be considered in the balance of the precincts if it can be demonstrated that the landscape value of the region will not be compromised.

Lot densities adjacent to Mandurah Road are required to be lower to maintain the rural vista. The servicing requirements for Special Residential development should be investigated thoroughly through the relevant authorities.

A Rural Concept Plan is required to support an application to amend the existing Scheme provisions to realise the development potential recommended in the Strategy. In the meantime, existing development will be guided by the provisions of Council's District Zoning Scheme and Statement of Planning Policies.

Proposals for subdivision/development need to comply with the following guidelines:

- **Existing and proposed rural uses to be guided by the provisions of the District Zoning Scheme and Statement of Planning Policy.**
- **Appropriate zoning in District Zoning Scheme is a prerequisite to development in accordance with Strategy recommendations.**
- **Subdivision and development to be carried out in accordance with an approved Rural Concept Plan, where the following performance standards apply:**
  - Minimum lot size 1ha (Larkhill/Golden Bay)* 2ha (Singleton).
  - Provision of a reticulated water supply for lots less than 2 hectares in area. The optimum method of water supply being provided as determined by WRC.
  - One dwelling house per lot.
  - No clearing being permitted without the specific approval of Council.
- Provision of an Aerobic Treatment Unit (ATU) for effluent disposal purposes.
- Buildings to be setback 40m from Mandurah Road, 30m from all subdivisional roads and 10m from all other boundaries unless building envelope location causes otherwise.
- No clearing of setback area except for the purposes of a firebreak or for vehicular access as approved by Council.
- Existing special rural/special residential development to comply with the provisions of the relevant amendment under which subdivision/development was initiated.
- Development affecting wetlands to comply with provisions of Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.
- Subdivision/development proposals are to include a landscaping plan detailing a proposed tree planting programme.
- Development shall be of a scale that minimises intrusion into the landscape.
- Cut and fill activities to not degrade the natural landform (particularly of the dunes) and to ensure that important vegetation (particularly Tuart trees) can be successfully retained within the site.
- Stocking rates to be in accordance with the standards applied by the Department of Agriculture (refer to Appendix 2 for general guide).
- Development shall comply with Landscape Management Guidelines.
- Fire Management is to be addressed in accordance with the Western Australian Planning Commission Development Control Policy No. 3.7 - Planning for Bushfire Protection Guidelines – Edition 2 (May 2010).

- The UXO Branch of the WA Police advise that the Secret Harbour and Golden Bay areas are included in the eastern extreme of the former Rockingham Artillery Range and as such the land is required to be searched for unexploded ordinance prior to subdivision works commencing.

- The Larkhill area may need to be further investigated when details of the proposed railway service and the siting of the proposed railway stations are finalised.

The following Tables set out key landscape and visual management issues, strategies and recommendations that apply specifically to the land contained within Study Area of the VLE.

**Key Visual Management Issues and Recommendations**

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision lot size</td>
<td>L1: As per Town Planning Scheme No.2.</td>
</tr>
<tr>
<td>Development setbacks</td>
<td>S1: As per Town Planning Scheme No.2.</td>
</tr>
<tr>
<td>Grading (cut and fill)</td>
<td>F1: Minimise cut and fill to retain natural landform contours (all LCUs)</td>
</tr>
<tr>
<td>Development footprint and vegetation clearance recommendations</td>
<td>Minimise clearance of all native vegetation to maintain visual character, minimise erosion and protect biodiversity values. Development footprint, including for access tracks, should be kept to the minimum possible to enable retention of the greatest area of native vegetation possible. Seek approval from Council for all native vegetation to be removed. Permission will generally not be given except under special circumstances#. In particular seek to retain the following within the relevant LCUs:</td>
</tr>
<tr>
<td>V1: Seek to maintain vegetation buffer of 40m width adjacent to key thoroughfares (Mandurah Road). Where this width falls within land in private ownership, the property owner shall be responsible for maintaining</td>
<td></td>
</tr>
</tbody>
</table>
### Consideration | Recommendation
---|---
a visual buffer using endemic species. V2: Seek to maintain mature trees – particularly Tuarts V3: Seek to maintain mature trees – particularly Melaleuca V4: Seek to maintain wetland vegetation V5: Seek to maintain key areas of dune vegetation – particularly coastal scrub

### Consideration | Recommendation
---|---
Planting schemes | Planting schemes should be as follows:
P1: Avoid planting of non-native vegetation P2: Minimise planting of non-native vegetation

#### Development height
Recommendations for development heights (of all buildings, outbuildings, and structures) for each LCU as follows:
H1: Maintain height below the tree line as viewed from key thoroughfares
H2: Maintain height below the dune ridge as viewed from key thoroughfares (distant views)

#### Development character
C1: All buildings and outbuildings are to be sympathetic in design, materials and colour to complement surrounding landscape elements and be sited away from focal points and located where screening or landform can be utilised.
C2: All buildings and outbuildings are to be sympathetic in design, materials and colour to existing adjoining residential areas.

#### Other recommendations
As noted for each LCU in the Table below..

### Summary of Landscape and Visual Management Strategies for Each LCU

<table>
<thead>
<tr>
<th>Landscape Character Unit</th>
<th>Subdivision lot size</th>
<th>Development setbacks</th>
<th>Grading (cut and fill)</th>
<th>Development footprint and vegetation clearance</th>
<th>Planting schemes</th>
<th>Development height</th>
<th>Development character</th>
<th>Other recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>LCU1: Mandurah Road Roadside Buffer</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V1, V2</td>
<td>P2</td>
<td>H1</td>
<td>C2</td>
<td>Vegetation to be retained in zone 1b, Strengthen roadside buffer to curtail views</td>
</tr>
<tr>
<td>LCU2: Rural Residential in Herdsman Lowland</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V1, V2</td>
<td>P2</td>
<td>H1</td>
<td>C2</td>
<td>n/a</td>
</tr>
<tr>
<td>LCU3: Turtle Swamp Sumpland</td>
<td>L1</td>
<td>S1</td>
<td>-</td>
<td>V4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Enhance management particularly if areas adjacent intensify</td>
</tr>
</tbody>
</table>
### Landscape Character Unit

<table>
<thead>
<tr>
<th>Landscape Character Unit</th>
<th>Subdivision lot size</th>
<th>Development setbacks</th>
<th>Grading (cut and fill)</th>
<th>Development footprint and vegetation clearance</th>
<th>Planting schemes</th>
<th>Development height</th>
<th>Development character</th>
<th>Other recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>LCU4: Rural Residential in Tuart Woodland</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V1 (4b) V2</td>
<td>P2</td>
<td>H1</td>
<td>C2</td>
<td>Protection of Peelhurst Heritage Site</td>
</tr>
<tr>
<td>LCU5: Sawley Close Melaleuca Swamp</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V3 V4</td>
<td>P1</td>
<td>H1</td>
<td>C1</td>
<td>Protect hydrological integrity of the landscape</td>
</tr>
<tr>
<td>LCU6: Golden Bay Remnant Parabolic Dune</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V5 V1</td>
<td>P1</td>
<td>H2</td>
<td>C1</td>
<td>Post and wire fence to retain open character. Enhancement and protection of Mandurah Hill Lookout</td>
</tr>
<tr>
<td>LCU7: Rural Residential on Remnant Dune</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V5 V1 (next to Mandurah Rd)</td>
<td>P1</td>
<td>H2</td>
<td>C1</td>
<td>Particular importance of ensuring H2 as this area is prominent in many views from the coastal strip.</td>
</tr>
<tr>
<td>LCU8: Singleton Coastal Lowlands</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V2 V5</td>
<td>P1</td>
<td>H2</td>
<td>C1</td>
<td>Enhance landscape management to ensure removal of rubbish/prevention of fly-tipping</td>
</tr>
<tr>
<td>LCU9: Singleton Coastal Scrub on Dune Edge</td>
<td>L1</td>
<td>S1</td>
<td>F1</td>
<td>V5</td>
<td>P1</td>
<td>H2</td>
<td>C1</td>
<td>Development to be suited to the open character. Consider opportunities for formalising informal recreation access.</td>
</tr>
</tbody>
</table>

7. That in the ‘Planning Unit Strategy’ section in Planning Units 1, 2 and 4 - 7, the dot-point dealing with Planning for Bushfire Protection be reworded as follows:

- **Fire Management is to be addressed in accordance with the Western Australian Planning Commission Development Control Policy No. 3.7 – Planning for Bushfire Protection Guidelines – Edition 2 (May 2010).**

8. That the following appendices be included:

   (i) Appendix 3: Landscape Character Unit Map;

   (ii) Appendix 4: Landscape Character Unit Summary Table; and
(iii) Appendix 5: Summary of Capacity to Absorb Development Change Table.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
Planning Services
Strategic Planning and Environment Services

Reference No & Subject: SPE-004/13 Proposed Amendment to Planning Policy No.3.2.4 - Baldivis Town Centre and Associated Integrated Development Guide Plan (Advertising)

File No: LUP/862-09

Proponent/s: Mr Jeff Bradbury, Coordinator Strategic Planning

Author: Mr Brett Ashby, Manager Strategic Planning & Environment

Other Contributors: Mr Brett Ashby, Manager Strategic Planning & Environment

Date of Committee Meeting: 18 February 2013

Previously before Council: November 2011 (SPE-031/11), April 2012 (SPE-006/12), July 2012 (SPE-015/12)

Disclosure of Interest: Executive

Nature of Council’s Role in this Matter:

Site: Baldivis Town Centre

Lot Area: 43.4ha

LA Zoning: District Town Centre

MRS Zoning: Urban

Attachments: Proposed IDGP Amendment (February 2013)

Maps/Diagrams:

- Figure 1 – Location Plan
- Figure 2 – Adopted IDGP (May 2011)
- Figure 3 – Proposed IDGP Amendment (November 2011)
- Figure 4 – Precinct Plan
- Figure 5 – Baldivis Activity Centre Structure Plan Map
- Figure 6 – Proposed IDGP Amendment (February 2013)

Purpose of Report

To consider proposed amendments to Planning Policy No.3.2.4 – Baldivis Town Centre and the associated Integrated Development Guide Plan in light of the Western Australian Planning Commission’s endorsement of the Activity Centre Structure Plan for the Baldivis Activity Centre.
Background

At its ordinary meeting held in July 2012, the Council resolved to endorse the Baldivis Activity Centre Structure Plan (BACSP), subject to modifications being undertaken. The BACSP was subsequently modified and forwarded to the Western Australian Planning Commission (WAPC) for endorsement under State Planning Policy 4.2 – Activity Centres for Perth and Peel.

The BACSP was endorsed by the WAPC in December 2012 and it is now necessary to amend the City’s Planning Policy No.3.2.4 – Baldivis Town Centre (BTC Policy) and the associated Integrated Development Guide Plan (IDGP) to ensure consistency with the BACSP.

The BACSP includes an implementation section, which proposes the following:

<table>
<thead>
<tr>
<th>Document</th>
<th>Changes Required</th>
</tr>
</thead>
</table>
| IDGP     | Update precinct boundaries, precinct names, street layouts and building envelopes in accordance with the BACSP and the current proposed IDGP amendment considered by the Council in November 2011.  
  Note: In November 2011, the Council resolved to advertise an application to amend the IDGP to alter the street network over Lot 9001, being the northwest quarter of the Baldivis Town Centre, and facilitate the development of 2,500m² of shop/retail floorspace on Lot 9001 along an extended Settlers Avenue (See Figure 3). The proposal has yet to be advertised for comment as several matters were required to be addressed prior to advertising. These matters have now been addressed and this amendment can be incorporated into a single consolidated amendment to the IDGP.  
  The only additional changes required to Figure 3 are changing the name of the General Precinct to Transition Precinct, change the name of the South-East Precinct to Eastern Precinct and expanding the boundary of the Core Precinct to include the strip of “highway style” development fronting Safety Bay Road. Refer to Figure 6. |
<p>| BTC Policy | Update precinct names, preferred precinct land uses (to reflect changed boundaries) and insert reference to the strategic document guidance from the BACSP. |</p>
<table>
<thead>
<tr>
<th>Document</th>
<th>Changes Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Commercial Strategy</td>
<td>Increase permissible shop/retail floorspace within the Centre to 35,931m² NLA. Note: This matter was addressed in the amendment to the Local Commercial Strategy (LCS) adopted the Council in December 2012.</td>
</tr>
</tbody>
</table>

Figure 2 - Adopted IDGP (May 2011)

Figure 3 - Proposed IDGP Amendment (November 2011)
Details

The BACSP is a strategic planning document, prepared in accordance with State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2), which provides a strategic framework for the Centre and informs and guides modifications to the statutory planning framework including TPS2, the IDGP, the BTC Policy and the Settlers Hills East Structure Plan.

The Centre is divided into five precincts, to acknowledge their differing nature of intensity and land use. These precincts largely reflect the existing precincts that are identified on the IDGP. These precincts are identified in Figure 4, and are described as follows:

- **Core Precinct** – Comprises the major shopping and community facilities.
- **Transition Precinct** – Provides for a mix of land uses, including small-scale retail in mixed-use configurations, commercial, and residential dwellings in an urban setting.
- **Northern Precinct** – Predominately residential in character; intended to link the urban housing form within the Transitional Precinct and retail/commercial core to the more traditional suburban housing product within the adjacent residential developments to the north.
- **Eastern Precinct** – Strategically located to provide for businesses that, due to their size or nature, are more car-orientated.
- **Southern Precinct** – Residential in nature; provides a range of living choices. **Note:** The Southern Precinct constitutes the Settlers Hills East Local Structure Plan area on the southern side of Safety Bay Road and does not form part of the area covered by the Baldivis Town Centre Planning Policy.

![Figure 4 - Precinct Plan](image)

The recommendations of the BASCP are represented in a spatial form in a Structure Plan Map (see Figure 5).
Planning Policy 3.2.4 - Baldivis Town Centre

The BACSP provides recommendations that should be implemented into the BTC Policy. Upon review of the BACSP, the following modifications are required to the BTC Policy:

- The introduction section to be modified to include reference to the BACSP;
- Introduce the Centre Vision from the BACSP;
- Modifications to reflect the precinct names used in the BACSP, by renaming “General Precinct” to “Transition Precinct”, and “South-East Precinct” to “Eastern Precinct”;
- Include discount department store and supermarket as new preferred uses in the Core Precinct;
- Include small-scale shop/retail and convenience stores as new preferred uses in the Transition Precinct;
- Include service industries and eating and drinking places as new preferred uses in the Eastern Precinct;
• Require a traffic microsimulation of the Safety Bay Road intersections to be prepared to determine required intersection upgrades, land areas requirements and proportional contributions required for the identified works, prior to major development or subdivision;
• Require subdividers to make provision for bus stop infrastructure;
• Provision of pedestrian and cycle infrastructure along the linear park, including crossing facilities at Safety Bay Road;
• Require footpaths on all streets in accordance with Liveable Neighbourhoods, including footpaths on both sides of Safety Bay Road;
• Provide for highway commercial style development adjacent to Safety Bay Road in the Core Precinct in the medium term;
• Require waterwise plants to be incorporated into all landscaping proposals;
• Encourage developers to consider innovative greywater and stormwater infrastructure;
• Prohibit the use of tinting of ground-floor windows; and
• Require pedestrian awnings for all streetfront buildings.

Integrated Development Guide Plan
The proposed changes to the IDGP as supported by the Council in November 2011 should proceed, subject to changing the name of the General Precinct to Transition Precinct, changing the name of the South-East Precinct to Eastern Precinct and expanding the boundary of the Core Precinct to include the strip of “highway style” development fronting Safety Bay Road. See Figure 6 below.

Figure 6 - Proposed IDGP Amendment (February 2013)

Implications to Consider

a. Consultation with the Community

Under Town Planning Scheme No.2, if the Council resolves to amend a Planning Policy, it is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:-
(i) Where the draft Policy may be inspected;
(ii) The subject and nature of the draft Policy; and
(iii) In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.

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

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

c. Strategic
Community Plan

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

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

d. Policy
Planning Policy No.3.2.4 – Baldivis Town Centre: This Policy has been prepared to establish Council’s policy requirements for the development of the Baldivis Town Centre. It should be read in conjunction with the provisions of the City of Rockingham Town Planning Scheme No.2 (TPS2) relating to the District Town Centre zone and the adopted IDGP Plan. It is intended that the Policy will create a flexible framework, which is clear and concise, within which an integrated Town Centre will be created. The Policy applies to all applications for development and subdivision within the District Town Centre zone (‘Baldivis Town Centre’), and to any proposed modification to the IDGP.

Integrated Development Guide Plan: Clause 4.5.4 of TPS2 requires an IDGP to be prepared for the Baldivis Town Centre, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. In applying the BTC Policy, the Council shall have regard to the principles and intent of the adopted IDGP.

e. Financial
Nil

f. Legal and Statutory

Under the provisions of clause 4.5.7(a) of TPS2, the Council may modify BTC Policy, provided that it is satisfied that such modification will, whilst generally maintaining the broad objectives of the original Policy, enhance the orderly and proper planning of the Centre and not detract from the desired Town Centre environment.

Under the provisions of section 8.9 of TPS2, the Council may prepare, modify or revoke a Planning Policy.

5. Comments

It is recommended that the proposed amendments to the BTC Policy and IDGP be advertised for a period of 28 days in accordance with the requirements of TPS2.

Voting Requirements

Simple Majority
Officer Recommendation

That Council **ENDORSE** the publishing of a notice that it has prepared amendments (shown in red) to Planning Policy No.3.2.4 – *Baldivis Town Centre* for public inspection for a period of 28 days, pursuant to clause 8.9.4 of Town Planning Scheme No.2.

Committee Recommendation

That Council **ENDORSE** the publishing of a notice that it has prepared the following amendments (shown in red) to Planning Policy No.3.2.4 – *Baldivis Town Centre* for public inspection for a period of 28 days, pursuant to clause 8.9.4 of Town Planning Scheme No.2:-

**Planning Policy 3.2.4 - Baldivis Town Centre**

1. **Introduction**

This Policy has been prepared to establish Council's policy requirements for the development of the Baldivis Town Centre. It should be read in conjunction with the provisions of the City of Rockingham Town Planning Scheme No.2 relating to the Baldivis District Town Centre zone, and the adopted Integrated Development Guide Plan and the Baldivis Activity Centre Structure Plan. It is intended that the Policy will create a flexible framework, that is clear and concise, within which an integrated Town Centre will be created.

2. **Policy Application**

This Policy applies to all applications for development and subdivision within the Baldivis District Town Centre zone (or land designated as 'Baldivis Town Centre' on an approved Structure Plan), and to any proposed modification to the Integrated Development Guide Plan.

The Policy is structured such that it contains a set of General Requirements, that pertain to the entire Baldivis Town Centre, and Precinct Requirements, that relate more specifically to the dedicated precincts within the Town Centre. The Council will assess all applications against the relevant criteria in the General Requirements and Precinct Requirements.

3. **Policy Objectives**

The objectives of this Planning Policy are as follows:-

(i) To ensure that the centre provides for both the needs of the existing community and the future population of the area;

(ii) To ensure the integration of a diverse mix of activities so as to avoid the sterility of a single function land use. Town centre living, as well as offices, shops, restaurants, community and recreation should be interspersed;

(iii) To ensure that the centre contributes to the character of the locality and provides an environment with which Baldivis residents can identify;

(iv) To make the centre a communal focal point which will provide an opportunity for social and community interaction;

(v) To achieve a centre designed in accordance with recognised townscape principles having a high quality public domain;

(vi) To integrate and link community facilities and recreation with commercial, business and retail activities within the centre;

(vii) To establish a centre that can be developed in stages commensurate with the demonstrated needs of the growing population in the locality;

(viii) To make the centre accessible by public, private and communal transport systems and link it to adjacent areas by way of pedestrian and cycle access paths;

(ix) To integrate the centre with surrounding housing and regional open space;

(x) To ensure that appropriately located land is set aside in the centre for public open space and community requirements; and

(xi) To ensure that the centre is safe and secure, by incorporating crime prevention through environmental design in all parts of the centre.
4. **Relationship with Liveable Neighbourhoods**

This Policy aims to implement the objectives and requirements of Liveable Neighbourhoods. Applications for subdivision and development shall be consistent with Liveable Neighbourhoods, unless otherwise stated in this Policy.

5. **Integrated Development Guide Plan**

Clause 4.5.4 of Town Planning Scheme No.2 requires an Integrated Development Guide Plan to be prepared for the Town Centre, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council.

In applying the Baldivis Town Centre Policy, the Council shall have regard to the principles and intent of the adopted Integrated Development Guide Plan.

6. **Baldivis Activity Centre Structure Plan**

The Baldivis Activity Centre Structure Plan has been endorsed by the Western Australian Planning Commission in accordance with State Planning Policy 4.2 – *Activity Centres for Perth and Peel* to guide the future development of the Baldivis Activity Centre. The Structure Plan covers the existing Integrated Development Guide Plan area, and additional areas to the south of Safety Bay Road which are covered by the approved Settlers Hills East Structure Plan.

The Baldivis Activity Centre will continue to evolve as a mixed use centre that provides for the needs of the existing and future Baldivis community. The Centre Vision is established as follows:

“In 2031, the Baldivis Activity Centre will have a mixture of housing, office, shops, dining, community, entertainment and recreational uses that together create a harmonious and vibrant centre that is a community focal point for social interaction and effectively services the urban needs of the Baldivis locality.”

The Baldivis Activity Centre Structure Plan and its contents guide the content, implementation and interpretation of the Baldivis Town Centre Policy and associated Integrated Development Guide Plan.

7. **General Requirements**

This section details and incorporates a set of planning principles for land located within the Baldivis Town Centre. The requirements specific to individual Precincts are set out in Section 8.

7.1 **Land Use**

7.1.1 **Statement of Intent**

To encourage the provision of a diverse mixed of land uses within the Town Centre that will contribute to the development of an active and interesting character in the public and private domains.

7.1.2 **Land Use Objectives**

(i) Subject to the provisions of the Zoning Table of Town Planning Scheme No.2, and the requirements set out under the Precinct Requirements, the provision of a wide range of Town Centre related land uses and activities, which will contribute to the progressive development of a highly integrated town centre environment, is encouraged.

(ii) A contemporary approach to planning town centres emphasising urban performance rather than regulation will be exercised. Instead of rigid zoning controls, a mixed use environment where people may live, work and recreate in attractive, compatible circumstances within the Town Centre is promoted.

(iii) Uses such as shops, offices, commercial, showrooms, residential, health community, education, leisure and entertainment and recreation should be developed in an integrated manner.

7.1.3 **General Land Use Requirements**

(i) Retail land uses shall be considered having regard to the City's Local Commercial Strategy.

(ii) A precinct planning approach (refer to Section 8) is used to outline the general land use parameters and preferences for particular parts of the Town Centre and the specific Performance Standards/Requirements associated with proposed development.
7.2 Movement Network

7.2.1 Statement of Intent
To facilitate efficient access through the Town Centre by the accommodation of pedestrian, cycle, public transport and private vehicle transport needs in a manner which supports the development of a consolidated, pedestrian-oriented urban environment.

7.2.2 Movement Network Objectives
(i) An appropriate pattern of public streets will be imposed over the Town Centre to establish the basis for an orderly structure, a coherent movement network and legible public spaces.
(ii) The road network will be designed to complement the desired compact urban form and streetscape, along with the principle of prioritised access and movement.
(iii) The Town Centre must be permeable and accommodate various means of access, whether it be pedestrian, bicycle, public transport or private vehicle.
(iv) Whilst ensuring that vehicular access, circulation and parking will be effectively catered for, priority will be given to pedestrian circulation within the Town Centre.
(v) Provision will be made for public transport access through the site and high quality bus facilities will be integrated into the streetscape design.
(vi) Shared carparking will be encouraged, along with reciprocal use of bays, where appropriate.

7.2.3 General Movement Network Requirements
(i) The design of roads, including reserve and carriageway widths, footpaths, cycle lanes, kerbside parking, intersection design and spacing must be in accordance with Liveable Neighbourhoods.
(ii) Whilst provision for kerbside parking will be made, the majority of parking will occur to the rear of buildings that front the street.
(iii) To achieve streetfront continuity, and limit vehicular/pedestrian conflict points, the number of access driveways crossing pavements will be minimised.
(iv) The number of on-street parking spaces may contribute towards the parking required for adjacent non-residential uses.
(v) Provision must be made for delivery and service vehicles to have rear access to buildings via laneways or rights-of-way.
(vi) Subdividers will be required to make provision for bus stop infrastructure.
(vii) Provision of pedestrian and cycle infrastructure along the linear park, including crossing facilities at Safety Bay Road.
(viii) Provision of footpaths on all streets in accordance with Liveable Neighbourhoods, including footpaths on both sides of Safety Bay Road.

7.3 Residential Development

7.3.1 Statement of Intent
To create a people oriented, mixed use Town Centre with the development of urban scale housing, which will allow people to live within walking distance of work, shops and a wide range of social activities and facilities, and to facilitate the potential conversion of dwellings for commercial uses in appropriate locations.

7.3.2 Residential Development Objectives
(i) In order to recognise the need to provide a wide variety of housing types, flexibility will be exercised in dealing with individual land use (including mixed use) and townscape issues.
(ii) A range of housing types within the Town Centre is encouraged in order to cater for the different aspirations and needs of various demographic groups within the community. Diversity in the composition of the residential population is also likely to encourage diversity in land uses within the Town Centre.
(iii) In addition to traditional detached housing, the types of housing accommodation encouraged within the Town Centre include:
- Row or terrace housing;
- Walk up apartments; and
- Studio or loft style apartments above retail/office and other compatible land uses.

(iv) Home-based businesses are encouraged within the Town Centre.

7.3.3 General Residential Development Requirements

(i) Residential development shall meet the requirements of the Residential Design Codes, except where otherwise specified by Town Planning Scheme No.2 and/or this Policy.

7.4 Urban Design

7.4.1 Statement of Intent
To encourage development that is appropriate for a 'main street' town centre environment that enhances public spaces, is robust, visually rich and reflects the objectives of the Baldivis Town Centre.

7.4.2 Urban Design Objectives

(i) The scale and massing of buildings will be an important element in the shaping of Town Centre form, identity and amenity. Buildings should respect the scale of the street, or space in which they are proposed, in order to achieve a consolidated urban form and to reinforce the desired townscape character.

(ii) The Town Centre must provide a safe and secure environment for users of buildings and public spaces. Day and night-time occupation of the Town Centre is an important goal with public spaces defined, as far as possible, by buildings with ground floor uses which interact with street activity.

(iii) Proponents should interpret the basic urban design principles in a way which accommodates a variety of styles, materials and colours consistent with the need for an urban townscape discipline.

7.4.3 General Urban Design Requirements

(i) The height of buildings will generally be set at a minimum two stories or equivalent parapet height.

(ii) To ensure that the main pedestrian areas remain substantially sunlit throughout the day, particularly in winter months, buildings will be limited in height to three stories except where it can be demonstrated that an equivalent degree of sunlight penetration can be achieved by a stepped-back building profile for taller structures. In practice, the standard will be sun penetration to substantial areas of pedestrian streets and spaces between 12 noon and 2pm on June 22.

(iii) The built form of the Town Centre is to be framed around the public street system with generally contiguous and active building frontages positioned at the streetscape boundary, subject to minor variations for residential development.

(iv) Variety and articulation of streetfront building facades will be encouraged to avoid monotony and to break up the horizontal scale of contiguous building frontages.

(v) The use of tinting of ground-floor windows will not be supported.

(vi) Pedestrian awnings will be required for all streetfront buildings.

(vii) A 'Detailed Area Plan' may be required at sub-division stage to show how the desired urban form can be achieved.

7.5 Resource Conservation

7.5.1 Statement of Intent
To encourage innovative design, construction and management practices aimed at achieving environmentally sustainable outcomes.
7.5.2 Resource Conservation Objectives
(i) To encourage the use of waterwise plants to be incorporated into all landscaping proposals.
(ii) To encourage developers to consider innovative greywater and stormwater infrastructure.

8. Precinct Requirements

A key objective is to encourage mixed use development and diversity within the Baldivis Town Centre. The following precincts have been established to ensure that the Baldivis Town Centre is developed in a comprehensive and integrated matter:-

- Core Precinct
- General Transition Precinct
- Northern Precinct
- South-East Eastern Precinct

The geographic extent of the precincts is depicted on the attached plan (Refer to Appendix 1). While providing an indication of the preferred character envisaged for each of the precincts, all uses will be considered on their merits in each of the respective precincts, subject to the provisions of the Zoning Table of Town Planning Scheme No.2 and the approved IDGP.

8.1 Core Precinct

8.1.1 Statement of Intent

The Core Precinct comprises the major shopping and community facilities for the town centre and focus on the creation of an urban scaled, mixed use 'main street' that achieves a lively character with an emphasis on land uses which will generate interest and pedestrian activity. Attractive streetscapes and the provision of kerbside parking will be important elements in the development of a viable street based town centre environment.

8.1.2 Preferred Uses

Subject to the provisions of the Zoning Table of Town Planning Scheme No.2, preferred uses within the Core Precinct include:

- Shop/Retail (including Discount Department Store and Supermarket)
- Civic and community
- Entertainment and leisure
- Eating and drinking premises
- Offices
- Residential

8.1.3 Performance Standards/Requirements

(i) The intention for the Precinct is to develop an integrated mixed use environment including retail, commercial and office development consistent with the overall urban design objectives for the Town Centre. The configuration and ground floor use of buildings must define an attractive sequence of outdoor spaces which the public will occupy.

(ii) All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character. This standard applies to buildings along all street frontages.

(iii) Buildings shall be designed to achieve an appropriate use profile with an active, ground floor street frontage incorporating convenience or recreation-related retail, entertainment, cafés, restaurants and similar uses. Short-stay accommodation, multiple dwellings, offices, function rooms, etc. are the preferred upper floor uses.

(iv) To allow for robust buildings, a minimum ground floor to first floor height of 3.2 metres with a minimum 3.0 metres ceiling height is to be provided.

(v) Street elevations are to be articulated to include defined streetfront entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged.

(vi) Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.
(vii) Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.

(viii) Blank walls fronting public spaces will not be permitted.

(ix) Within an urban streetscape discipline, variety and high design standards will be encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast concrete construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail consistent with the spirit and intent of the Policy requirements.

(x) Street entries and window frontages are to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times.

(xi) Drive-through facilities will not be supported in the Core Precinct, consistent with main street design principles.

(xii) The pedestrian entry onto the street is to remain open during business hours. Where rear customer parking is provided, provision should be made for a pedestrian path linking the car parking area with the street.

(xiii) Residential development shall achieve a minimum density of 40 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.

(xiv) All residential development must incorporate noise attenuation measures to the satisfaction of the City of Rockingham to protect dwellings from being unreasonably affected by activities causing noise associated with lively mixed use areas.

(xv) Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped, developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture.

(xvi) A traffic microsimulation of the Safety Bay Road intersections to be prepared to determine required intersection upgrades, land areas requirements and proportional contributions required for the identified works, prior to major development or subdivision.

8.1.4 Site-Specific Requirements

(i) Landmark buildings will be required to frame each corner of the Settlers Avenue and Safety Bay Road intersection to visually identify Settlers Avenue as the ‘main street’ in the Town Centre.

(ii) The Town Square will be developed as a lively public space at the heart of the Town Centre. The perimeter of the space will be defined by buildings, which will be designed to provide activation of the space.

(iii) A suitably sized public community purpose site will be provided abutting the Town Square, and shall be developed with facilities servicing the community needs of Baldivis area.

(iv) An east-west pedestrian corridor will link Settlers Avenue and the shopping centre with Nairn Drive and the Tamworth Wetland via the Town Square. Buildings will front and address the pedestrian corridors.

(v) Residential development is preferred abutting Nairn Drive, with an outlook over Tamworth Swamp.

(vi) Provide for highway commercial style development adjacent to Safety Bay Road in the medium term.

8.2 South-East Eastern Precinct

8.2.1 Statement of Intent

The South-East Eastern Precinct is a strategically located site that is suitable for businesses providing essential employment and service needs of the Baldivis area that, due to their size or nature, cannot be co-located with residential uses.

8.2.2 Preferred Uses

Subject to the provisions of the Zoning Table of Town Planning Scheme No.2, preferred uses within the South-East Eastern Precinct include:

- Showrooms
- Offices
- Service Industries

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• Eating and drinking premises

8.2.3 Performance Standards/Requirements

(i) All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character. This standard applies to buildings along all street frontages.

(ii) The front elevation must be designed to address the street and provide an inviting entrance by means of a substantial integrated building element such as a verandah, canopy or tower.

(iii) To allow for robust buildings, a minimum ground floor to first floor height of 3.2 metres with a minimum 3.0 metres ceiling height is to be provided.

(iv) Broad façades or blank walls must be 'broken down' to create variety and interest through architectural design elements; blank walls facing roads and public parkland are not acceptable.

(v) Provision must be made for dedicated, contiguous and well defined pedestrian access paths between public footpaths and the entries of all buildings.

(vi) All areas not covered by buildings, including carparking areas, are to be landscaped in a manner consistent with the desired urban character of the Town Centre.

(vii) Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture.

(viii) A traffic microsimulation of the Safety Bay Road intersections to be prepared to determine required intersection upgrades, land areas requirements and proportional contributions required for the identified works, prior to major development or subdivision.

8.3 General Transition Precinct

8.3.1 Statement of Intent

The General Transition Precinct provides for a mix of land uses that creates opportunities for residential dwellings co-located with small scale non-residential development in an urban setting.

8.3.2 Preferred Uses

Subject to the provisions of the Zoning Table of Town Planning Scheme No.2, preferred uses within the General Precinct include:

• Small-scale Shop/Retail
• Convenience Stores
• Offices
• Professional consulting rooms
• Residential
• Eating and drinking premises
• Leisure and recreation
• Non-core retail
• Showrooms

8.3.3 Performance Standards/Requirements

(i) The Precinct is to be developed as a mixed use area conforming to an urban townscape discipline.

(ii) All structures are encouraged to be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character.

(iii) Building frontages must abut the road reserve boundary as generally illustrated on the Integrated Development Guide Plan.

(iv) The development of mixed use buildings, rather than single purpose buildings, is preferred.

(v) Where buildings are intended to be used for commercial purposes, either immediately or ultimately, a minimum ground floor to first floor height of 3.2 metres, with a minimum 3.0 metres ceiling height is required.

(vi) Carparking will not be permitted between the road reserve boundary and building frontages.
(vii) Broad façades or blank walls must be ‘broken down’ to create variety and interest through architectural design elements, blank walls facing roads and public parkland is not acceptable.

(viii) Residential development shall achieve a minimum density of 30 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.

(ix) All residential development must incorporate noise attenuation measures to the satisfaction of the City of Rockingham to protect dwellings from being unreasonably affected by activities causing noise associated with lively mixed use areas.

(x) Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped, developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture.

8.4 Northern Precinct
8.4.1 Statement of Intent
Predominately residential in character, the Northern Precinct is intended to provide a transition from the urban housing product to the more traditional housing product within adjacent residential developments.

8.4.2 Preferred Uses
Subject to the provisions of the Zoning Table of Town Planning Scheme No.2, preferred uses within the Northern Precinct include:

- Residential
- Home Occupation & Home Business

8.4.3 Performance Standards/Requirements
(i) Residential development shall achieve a minimum density of 20 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.

(ii) All dwellings shall be designed to address public parkland (where it abuts development) and/or public roads, with the main entry being visible from, and accessible via, the frontage.

(iii) Reduced front setbacks and zero lot lines are required to encourage an urban rather than suburban form of development.

9. Application Procedure
Applications for planning approval for development within the Baldivis District Town Centre zone shall be made on the form prescribed by the City, and shall be signed by the owner(s), and accompanied by the following information:-

(i) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;

(ii) Such plans and other information that the Council may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2;

(iii) Any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(iv) Details of any proposed signage to be erected, together with a separate application for a sign licence to Council's Building Department;

(v) The payment of an Administration Fee as detailed in the Council’s Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services.

10. Authority
This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

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

Council means the Council of the City of Rockingham.
Local Commercial Strategy means the Local Commercial Strategy, as adopted by the Council, together with any amendments and associated policies and performance standards.

Residential Design Codes means State Planning Policy 3.1 Residential Design Codes (Variation 1) as amended from time to time.

For the purposes of this Planning Policy, the following terms shall have the following meaning:

- Detailed Area Plan means a Detailed Area Plan prepared and approved under section 4.23 of Town Planning Scheme No.2.
- Dwellings per Site Hectare means the number of dwellings per hectare of a development site or aggregation of sites and excludes non-residential uses including streets, laneways, open space and centres.
- Liveable Neighbourhoods means "Liveable Neighbourhoods: a Western Australian Government sustainable cities initiative", an operational policy prepared by the Western Australian Planning Commission and the Department for Planning and Infrastructure in October 2007 (as amended from time to time).

12. Delegation
Where an application for planning approval has been the subject of a process of community consultation and substantiated objections are received, the application for planning approval will be referred to Council for determination.

All other applications for planning approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 - Delegated Authority.

13. Adoption
This Planning Policy was adopted by the Council at its ordinary Meeting held on the 24th February 2009.

14. Revocation
This Planning Policy supersedes the Council’s Statement of Planning Policy No.6.12 - Baldivis Town Centre.

15. Amendment
This Planning Policy was amended by the Council at its ordinary Meeting held on (date to be added following adoption).

Appendices

1. Adopted Integrated Development Guide Plan for the Baldivis Town Centre (adopted by Council at its ordinary Meeting held on the 24th May 2011 date to be added following adoption of amended IDGP).

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Statutory Planning

### Planning Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-004/13 Proposed Training</th>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2012.00000313</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr G Tucker</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 February 2013</td>
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<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<td>Nature of Council's Role in this Matter:</td>
<td>Tribunal</td>
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### Site:
Lot 164 (No.10) Tempest Place, Waikiki

| Lot Area: | 703m² |
| LA Zoning: | Residential (R20) |
| MRS Zoning: | Urban |

### Attachments:
Schedule of Submissions

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<td>2. Internal Layout of Training Area</td>
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<td>3. Consultation Plan</td>
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<td>4. Carparking at Subject Site</td>
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1. Location Plan

**Purpose of Report**

To consider an application seeking Planning Approval for a Home Business (Personal Training) at Lot 164 (No.10) Tempest Place, Waikiki.

**Background**

Nil

**Details**

The Proponent originally sought Planning Approval to operate a Home Business (Personal Training) in the following manner:-

- One Employee (the Proponent);
- Operation hours of 6:00am to 9:00pm Mondays to Fridays, 7:00am to 6:00pm Saturdays and 10:00am to 6:00pm Sundays;
- Personal Training sessions will range between 30 minutes and 1 hour long;
- Sessions will involve body weight circuits and the use of basic equipment such as medicine balls;
- Music will be used during the sessions;
- A maximum of 20 clients per day, with no more than six clients at any one time, on an appointment only basis;
- Clients are proposed park in the existing driveway;
- The Proponent seeks to specialise in providing training for people with disabilities; and
- Personal Training sessions will be held in an approximately 30m² purpose built room attached to the existing dwelling, with access to the room via the backyard.

The City advising the Proponent that the proposed hours of operation and client numbers were considered excessive, the Proponent revised the application as follows:

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- Reduced Hours of operation 7:00am to 10:00am in the morning and from 3:00pm to 7:00pm Monday to Friday; and 9:00am to 12 noon Saturday and Sunday; and
- The client numbers were also reduced to a maximum of three clients at any one time, with a maximum of 18 clients per day.

These changes were also made in response to the concerns raised by submissioners.

2. Internal Layout of Training Area

Implications to Consider

a. Consultation with the Community

In accordance with Planning Policy 3.3.10 – Home Occupations & Home Businesses ('the Policy'), the application was referred to adjacent and nearby land owners for comment for a period of 23 days, in lieu of the required 14 day advertising period. The extended advertising period was provided due to the application being advertised over the 2012 Christmas period.

At close of the advertising period, five submissions of objection and one submission supporting the proposal were received. The submissioners objecting to the proposal raised the following concerns:-

(i) Privacy;
(ii) Adverse Impact on Residential Amenity;
(iii) Hours of Operation;
(iv) Parking;
(v) Traffic/Pedestrian Safety Concerns;
(vi) Impact on Existing Home Occupation;
(vii) Noise; and
(viii) Increase in Crime;

The consultation plan below shows which residents were consulted and the location of submissioners.
3. Consultation Plan

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

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

d. Policy

Planning Policy 3.3.10 – Home Occupations and Home Businesses

Planning Policy 3.3.10 – Home Occupations and Home Businesses (the Policy) sets out policy objectives and provisions which the Council must have regard to in the assessment and determination of applications for planning approval for Home Occupations and Home Businesses.

The objectives of the Policy are as follows:

“(a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to operate a Home Occupation or a Home Business from a dwelling;

(b) To secure the amenity, health and convenience of the neighbourhood through appropriate development requirements; and

(c) To provide for economic growth and employment opportunities by facilitating the development of home based businesses.”
The application was assessed against the Policy assessment criteria which include, among other requirements:

(i) “Method of Operation – The operation of the Home Business must not cause injury to or adversely affect the amenity of the neighbourhood.”

The proposed Home Business will operate in a purpose built room attached to the existing dwelling. Client’s access to the backyard is from a side gate as opposed to using the front door to the dwelling. Given the training sessions will occur indoors, the amenity of the neighbourhood is unlikely to be compromised, however, to ensure that adjacent neighbours are not disturbed when clients are accessing the purpose built room from the backyard, it is considered appropriate to require clients to enter the room via the front door of the dwelling.

(ii) “Traffic Generation – The traffic generated by the Home Business must not have the potential to adversely affect the amenity of the neighbourhood. All visits to the site must be controlled i.e. by appointment only. If the Home Business is likely to have an adverse impact on the existing nature of the street or its amenity, the Council is unlikely to approve the proposal.”

All clients attending the premises will be controlled via appointments. Whilst six clients at a time was originally proposed to attend the premises, due to concerns raised by the City in response to submissions, the Proponent has agreed to reduce the number of clients to a maximum of three at any one time.

(iii) “Parking - The Council shall only permit the operation of a Home Business within a dwelling or within the boundaries of a lot where it is satisfied that the operation does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling.”

A single dwelling normally requires two carparking spaces. As a maximum of three clients will attend the premises at any one time, the Proponent requires five carparking spaces (three for clients and two for the dwelling). The Proponent’s driveway has been adapted to provide adequate space to accommodate the required carparking. Whilst the amount of carparking required is above the normal requirement for a single dwelling, as it has been demonstrated that all clients can park wholly on site, whilst still maintaining adequate carparking for the dwelling, the proposed carparking arrangement is considered acceptable.

4. Carparking at Subject Site

| e. Financial |
| Nil |

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f. **Legal and Statutory**

A Home Occupation is a (‘D’) use that is not permitted in the Residential Zone, unless the Council has exercised its discretion by granting Planning Approval.

TPS2 interprets a Home Business as follows:

"means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(a) does not employ more than 2 people not members of the occupier’s household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 50 square metres;
(d) does not involve the retail sale, display or hire of goods of any nature;
(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(f) does not involve the use of an essential service of greater capacity than normally required in the zone”.

Clause 4.16.2 of TPS2 similarly states that Council will only permit the operation of a Home Business within a dwelling or property, when it is satisfied that the operation:-

(i) does not employ more than 2 people not members of the occupier’s household;
(ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
(iii) does not occupy an area greater than 50 square metres;
(iv) does not involve the retail sale, display or hire of goods of any nature;
(v) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(vi) does not involve the use of an essential service of greater capacity than normally required in the zone;

The proposed Home Business is generally compliant with the interpretation of a Home Business.

**Comments**

**Response to Submissions**

With respect to the objectors concerns, the following comments are provided:-

1. **Privacy**

Objectors raised concerns that privacy to adjacent properties would be compromised. A desirable degree of privacy requires significant separation between the areas concerned.

   **Comment**

   The Home Business is proposed to operate within a purpose built room connected to the existing dwelling and thus the privacy of neighbouring properties is unlikely to be compromised as no training will be undertaken in the backyard. A condition of Planning Approval can be included to ensure that training sessions are only undertaken within this room, and not in the backyard of the premises.

2. **Adverse Impact on Residential Amenity**

Concerns were raised that the residential amenity of the locality will be compromised due to the establishment of businesses within the Residential Zone.
Comment
The scale of the advertised proposal had the potential to adversely impact the residential amenity of neighbours. To address this concern, the Proponent has reduced the hours of operation and number of clients attending the premises. The scaled down proposal is considered acceptable, to ensure the proposed Home Business will not compromise the amenity of neighbouring properties, as there will be fewer clients attending at the same time and reduced operating hours.

3. Hours of Operation
Concerns were raised regarding the hours of operation and the operation of the Home Business 7 days per week, which was considered excessive by submissioners objecting the proposal.

Comment
The hours of operation originally proposed were considered excessive. The Proponent was advised of the concerns relating to the proposed hours of operation and has agreed to reduce the hours of operation to 7:00am to 10:00am in the morning and from 3:00pm to 7:00pm Monday to Friday and 9:00am to 12 noon Saturday and Sunday.

The reduced hours of operation are generally considered acceptable, and will provide a balance between protecting the residential amenity of neighbouring properties whilst still providing for the Home Business to be carried out from the premises. The City does not support the Business operating on Sunday and Public Holidays.

4. Parking
Concerns were raised that clients would not park in the driveway as detailed in the proposal, and would instead park on verges and on the road causing a disturbance to adjacent and nearby property owners.

Comment
Whilst the advertised application for up to six clients to attend the premises at any one time had an unworkable carparking arrangement, the revised proposal for only three clients at a time to attend the premises is considered better. There is adequate space in the driveway to park three vehicles side by side, without ‘boxing in’ other vehicles. A condition of Planning Approval can be included to ensure that all clients attending the premises park on the driveway, and not on the road or verge.

5. Traffic/Pedestrian Safety Concerns
Concerns were raised that traffic and pedestrian safety would be compromised due to the increased volume of traffic associated with the proposed Home Business and clients potentially parking in Tempest Place.

Comment
The Proponent was advised of the submissions concerns and responded by reducing the number of clients attending the premises per day from 20 to 18 (six sessions per day), with a maximum of three clients attending the premises at any one time. The reduction in client numbers and corresponding reduction in traffic, is considered acceptable and within the capacity of the street to accommodate. As only three clients at a time will be attending the premises, all clients can now park on the driveway. No vehicles will need to park on Tempest Place or verge and thus pedestrian safety will not be compromised.

6. Impact on Existing Home Occupation
One submissioner was concerned that the noise and traffic associated with the proposed Home Business would impact an existing Home Business operating in Tempest Place, which, due to the nature of the Home Occupation (Computing Services) and its requirement for a quiet working environment, would be adversely impacted.

Comment
The revised application, with the reduction in client numbers and associated noise and traffic, is not considered to adversely impact the residential amenity of neighbours, nor the existing Home Occupation.

7. Noise
Submissions were concerned that the Proponent would be using music during the personal training sessions, which would cause a disturbance to nearby and adjacent residents.
Comment
Any amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997 (Regulations). The revised hours of operation ensure that the Home Business can comply with these Regulations. Other noise sources that are associated with personal training, such as commands from the instructor, are unlikely to impact on the surrounding neighbours as the Home Business will be conducted inside a purpose built room.

A condition of Planning Approval should ensure that all doors and windows in the training room are closed during training sessions.

8. Increase in Crime
Submissioners were concerned that additional traffic in the cul-de-sac and clients attending the premises could result in an increase in crime within Tempest Place.

Comment
There is no evidence to suggest a direct link between the operation of a Home Business and an increase in crime.

Conclusion
The majority of submissioners objected to the proposal because of the anticipated noise, traffic and parking impacts associated with the proposed Home Business (Personal Training). The Proponent has reduced the number of clients attending the premises, and thus traffic and parking issues associated with the proposal are considered to be mitigated. Noise concerns are considered to have been addressed as the Home Business will operate in an enclosed purpose built room, music must comply with the Environmental Protection (Noise) Regulations 1997 and all windows and doors will need to be closed whilst training sessions are being undertaken.

The proposal complies with the objectives of the Policy and is recommended for conditional approval for a period of 12 months only to allow for further review.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVE the application for a Home Business (Personal Training) at Lot 164 (No.10) Tempest Place, Waikiki subject to the following conditions:-

1. All doors and windows in the training room are to be closed whilst training sessions occur.
2. All amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.
3. This approval is valid for a period of 12 months only, following which a fresh application for Planning Approval is required.
4. The Home Business must only operate between the hours of 7:00am and 10:00am and again from 3:00pm to 7:00pm Mondays to Fridays and 9:00am to 12 noon on Saturdays and not at all on Sundays and Public Holidays.
5. The Home Business must only operate from the purpose built training room as marked on the approved plan and not at all in the backyard.
6. All clients must park in the driveway. No vehicle parking is permitted on the road pavement and verge area of Tempest Place.
7. Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 10 minutes between clients.
8. No more than three clients attending the premises at any one time.
9. No client access to the purpose built room is permitted from the side gate. All clients must enter and leave the premises via the front door to the dwelling.
Footnote:
(i) In regard to Condition No.3, the approval is valid for a period of 12 months only to enable the City to monitor the impact of the proposed Home Business on neighbouring properties. The Proponent is required to submit a new application for Planning Approval after this time should the Proponent seek to continue operating the Home Business.

Committee Recommendation

That Council APPROVE the application for a Home Business (Personal Training) at Lot 164 (No.10) Tempest Place, Waikiki subject to the following conditions:-

1. All doors and windows in the training room are to be closed whilst training sessions occur.
2. All amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.
3. This approval is valid for a period of 12 months only, following which a fresh application for Planning Approval is required.
4. The Home Business must only operate between the hours of 7:00am and 10:00am and again from 3:00pm to 7:00pm Mondays to Fridays and 9:00am to 12 noon on Saturdays and not at all on Sundays and Public Holidays.
5. The Home Business must only operate from the purpose built training room as marked on the approved plan and not at all in the backyard.
6. All clients must park in the driveway. No vehicle parking is permitted on the road pavement and verge area of Tempest Place.
7. Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 10 minutes between training sessions.
8. No more than three clients attending the premises at any one time.
9. No client access to the purpose built room is permitted from the side gate. All clients must enter and leave the premises via the front door to the dwelling.

Footnote:
(i) In regard to Condition No.3, the approval is valid for a period of 12 months only to enable the City to monitor the impact of the proposed Home Business on neighbouring properties. The Proponent is required to submit a new application for Planning Approval after this time should the Proponent seek to continue operating the Home Business.

Committee Voting – 4/0

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

The wording of Condition No.7 was amended to align with the requirements of Condition No.8.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
In association with this Item, Mr Mike Ross, Manager Statutory Planning tabled a memo containing five submissions received following the closure of the advertising period, as follows:-

1. Marlene Wilson of No.12B Gosforth Court, Safety Bay Objecting to closure of PAW Objecting to closure of PAW (City circulated this email to Councillors 10 December 2012) subsequent letter dated 12 December 2012. Photo’s included.

2. Marie John of 12a Gosforth Court, Safety Bay Objecting to closure of PAW (letter dated 16 December 2012) City circulated this via email on 20 December 2012 to Councillors.

4. Mr Steve Dougherty of No.9 Gosforth Court, Safety Bay (Proponent) Supporting closure of PAW. (Mr Dougherty sent email to Councillors dated 12 February 2013)

5. Mitch Loly of No.7 Gosforth Court, Safety Bay Objecting to closure of PAW (City sent email to all Councillors dated 12 February 2013)

1. Location Plan

**Purpose of Report**

To reconsider an application to close the Pedestrian Access Way (PAW) between Gosforth Court and June Road, Safety Bay, following the Council's decision at its ordinary Meeting held on the 27 November 2012 to refer the application back to the Planning Services Committee.

**Background**

In September 2007, the City received an application from Mr Dougherty seeking closure of the PAW from four adjoining landowners. The matter was considered by the Council at its ordinary Meeting held on the 27 November 2007, when it resolved to advertise the proposal for 35 days.

A total of nine submissions were received, including four submissions from residents and five from service authorities. Three residents supported the closure request and one objected. The Water Corporation and Telstra advised that there were services within the PAW. Alinta Gas, Western Power and the City's Engineering Services provided no objection to the proposal.

In January 2008, the City sought comment from the former Department of Planning and Infrastructure.
In August 2008, it was advised that:-

"the Department is not satisfied that the closure of the PAW is appropriate given the opposition from a number of residents and as measures, such as the provision of lighting, trimming of overhanging shrubbery, installation of additional barriers midway along the PAW, and relocation of the bus shelter, which may improve the visual presence of the PAW and defer anti-social behaviour, have yet to be considered. Furthermore, the Department has previously advised the City that it should undertake a strategic assessment of all existing PAWs to determine those that should be retained and those that should be closed."

On this basis, the application to close the PAW could not proceed.

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

The Strategy applies a classification system which relates to connectivity only. The classifications of PAWs are as follows:-

- **E (Essential):** The PAW should be retained and kept open, as it forms an essential or important function in the local pedestrian and cycle movement network.
- **R (Retain):** The PAW should preferably be kept open, as it has some significance in the local pedestrian and cycle movement network. Closure may be acceptable, however, if prompted by significant local community support and clear evidence of considerable anti-social and/or criminal behaviour associated with the PAW.
- **NE (Non-essential):** The PAW could be closed without significantly affecting the local pedestrian and cycle movement network. Few residents would be disadvantaged.
- **NP (No path):** The PAW does not contain a path. Therefore the PAW could be ‘closed’ without any disruption to the local pedestrian and cycle movement network.

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

"The PAW provides some convenience of access for cul-de-sac residents (Gosforth Court) wanting to access localities to the east as well as the bus stop on June Road. The PAW is not necessary for residents living outside the cul-de-sac, as nearby alternative access routes exist (June Road, Joseph Road). The PAW is in poor condition and feels unsafe to use. It requires some urgent upgrading. Alternatively, closure of the PAW could be supported."

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

In March 2009, the Council resolved to adopt Planning Procedure 1.5 - Closure of Pedestrian Access Ways, which details the process to be followed by the City in processing applications to close PAWs. By adopting the procedure, the City was able to progress with Mr Dougherty’s application.

In November 2012, the Council considered an application to close the PAW between Gosforth Court and June Road, Safety Bay. The Council resolved to refer the item back to the Planning Services Committee for further consideration due to concerns expressed by the public in respect to the proposed closure.

**Details**

In February 2012, a further application was received from Mr Dougherty, the owner of Lot 207 (No.9) Gosforth Court, Safety Bay seeking closure of the PAW which abuts this property. The application is based on general anti-social behaviour including:-

- litter (rubbish, bottles, syringes);
- graffiti;
- damage to property (Police Reports);

**CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 18 MARCH 2013**
The proponent advises that the abovementioned problems have been ongoing for a number of years and that the closure of the PAW is the only solution.

The PAW is 4m wide and approximately 60m long and connects Gosforth Court and June Road, Safety Bay. The PAW includes a concrete footpath and is lined with fibro cement fencing abutting three properties and zincalume fencing abutting one property (as shown in Diagram 2).
At the conclusion of the advertising period, 29 submissions were received, with 11 submissions opposing the closure of the PAW, 16 supporting the closure and 2 submissions neither for nor against the closure. This report should be read in conjunction with the Schedule of Submissions included as Attachment 1. It should also be noted that the City received 3 late submissions from the owners of No.10A and 10B Gosforth Court, in January 2013 opposing the closure. The owners of No.10A and 10B had already provided submissions opposing the closure during the advertising period.

The owner of No.10B Gosforth Court also provided a petition with 21 signatories opposing the closure of the PAW. Three of the signatories had also submitted separate submissions. The majority of the signatories reside at the grouped dwelling complex at No.6 Gosforth Court, with the remaining signatories from other properties in Gosforth Court, Resolution Drive and June Road. A copy of this petition is included as Attachment 2.

The submissioners supporting the closure of the PAW provided the following reasons:-

(i) litter, graffiti & antisocial issues;
(ii) damage to property & invasion of privacy; and
(iii) excessive noise.

The submissioners opposing the closure of the PAW raised the following concerns:-

(i) negative impact on the movement network;
(ii) lack of passive surveillance to bus stop if PAW was closed;
(iii) establishment of precedent to close PAWs; and
(iv) lack of alternative safe routes.
Responses to the issues raised in the submissions are provided below:

Supporters - Litter, Graffiti & Antisocial Issues

Concerns were raised by some submissioners that the PAW was littered with rubbish and graffiti. On inspection of the PAW, only a small amount of litter was found in the PAW, however, the fences lining the PAW and nearby property fences had been the target of graffiti (as shown in diagram 4). Concern was also raised that the PAW was being used as a route for motorcycles. Closure of the PAW would prevent graffiti and the dumping of litter, as well as preventing access for motorcycles and antisocial behaviour in the PAW.

Supporters - Damage to property & Invasion of Privacy

Concerns were raised that since the PAW is open, it allows ease of passage to vandals to commit damage to properties adjacent to the PAW, such as letterboxes being stolen and doors and windows being damaged. Several submissions also noted that people had tried to break into or trespass on properties adjoining the PAW. On inspection of the PAW it was noted that the PAW has a portion of fence along the PAW had been broken. The concerns regarding antisocial behaviour are considered valid.

Supporters - Excessive noise

Noise disturbance to nearby properties as a result of pedestrians using the PAW was referred to in some submissions. Closure of the PAW would resolve noise disturbance and antisocial behaviour to landowners adjacent to the PAW.

Objectors - Movement Network

Submissions opposing the closure of the PAW noted that its closure would have an adverse impact on pedestrian movement to the bus stop on June Road and to the beach.

There are two alternative walking routes to the nearest bus stop should the PAW be closed. Option A is approximately 256m from the western entrance of Gosforth Court to the closest bus stop on June Road adjacent to Hawker Reserve, or Option B is approximately 500m from the western entrance of Gosforth Court to the nearest bus stop on June Road between Joseph Road and Janet Road (see diagram 5).

Liveable Neighbourhoods states that “typically, most people will consider walking up to 400m (five minutes) to daily activities, or 800m (10 minutes) to a train station or town centre”. Should the PAW be closed, the majority of properties within a 300m radius of the PAW can reach the bus stop on June Road adjacent to the PAW within 400m. This is considered an acceptable distance for an efficient walkable catchment.
In regard to the impact on pedestrian access to the beach, it is acknowledged that residents at the end of Gosforth Court closest to the PAW would need to walk an additional 495m to get to the beach, bringing the total walking distance to reach the beach to approximately 832m. Beach access is still readily available by bicycle, bus, car or by walking the extra distance.

5. Movement Network

Objectors - Lack of passive surveillance to bus stop if PAW was closed

Submissions opposing the closure raised a concern regarding the lack of passive surveillance to the bus stop if the PAW was closed. The bus stop on June Road is located directly in front of the access to the PAW (refer to diagram 6). As the PAW is straight, it provides a good line of sight from Gosforth Court to the bus stop. Whilst this is acknowledged, passive surveillance of the bus stop is not considered to be compromised by the potential closure of the PAW, as there are houses adjacent and directly opposite to the bus stop that also provide good passive surveillance.
6. View to bus stop from June Road

Objectors - Establishment of precedent to close PAWs
All requests to close PAWs are assessed on their individual merits in accordance with their classification contained within the Strategy. The closure of the PAW is in accordance with the City's Strategy and will not result in a precedent for the closure of other PAWs.

Objectors - Lack of alternative safe routes
Concern was raised that should the PAW be closed, the alternative route to gain access to June Road from Gosforth Court (Joseph Road) is not safe, as Joseph Road has no footpath and an uneven road surface.

Gosforth Court and Joseph Road are both local access streets which carry low traffic volumes and there are no footpaths. For residents living in Gosforth Court, there is no footpath that connects to the PAW at present. There is, however, a verge and local park for separation of pedestrians and vehicles and thus this route is considered acceptable for pedestrian safety.

b. Consultation with Government Agencies
The application was referred for comment to Western Power, ATCO Gas (previously Alinta), Telstra, Department of Water, Main Roads WA and Water Corporation.

Department of Water and Main Roads raised no objection to the proposal. No response was received from ATCO Gas or Telstra.

The Water Corporation raised no objection to the PAW closure provided the water main within the PAW is cut and capped at each end of the PAW and advised that the sewer main within the PAW will require a 3m easement located centrally over the sewer main for its protection. The costs of these works are required to be met by the proponent.

Western Power provided no objection, but noted that due to the existence of overhead powerlines and underground cables adjacent to the PAW, should any works occur they must comply with Worksafe Regulation 3.64 of the Guidelines for Work in the Vicinity of Overhead Powerlines.

The application was also referred to the Department of Planning, which confirmed that the proposed closure is in accordance with the City's Pedestrian Access Way Strategy adopted in February 2010.
c. Strategic

Community Plan

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

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

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

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

Comments

Closure of the PAW would not significantly impact upon the movement network or access to public transport by nearby residents. The PAW does not provide access to any community facilities, employment facilities, educational establishments or shopping centres and is not necessary for residents living outside the Gosforth Court cul-de-sac. The PAW is also non-essential in the City’s Strategy. On balance of the issues raised by submitters, and the non-essential classification in the Strategy, it is recommended that the Council proceed with the closure of the PAW between Gosforth Court and June Road.

If Council proceeds with the closure of the PAW, the matter will be referred to State Land Services (Department of Regional Development and Lands) for processing, under section 87 of the Land Administration Act 1997. State Land Services will then:

- Assess the application to determine whether PAW closure and disposal, or any alternative arrangement, can proceed;
- Arrange the offer and acceptance documentation;
- Provide information regarding the requirements for the survey and plan preparation (in limited circumstances State Land Services will arrange for the preparation of survey and graphic); and
- Close the PAW and effect disposal of the subject land.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **PROCEED** with the closure of the Pedestrian Access Way between Gosforth Court and June Road, Safety Bay.

2. **REQUIRE** the proponent to pay for all costs associated with the Pedestrian Access Way closure, including the Water Main within the Pedestrian Access Way being cut and capped at each end of the PAW, and the provision of a 3m easement located centrally over the Sewer Main for its protection.
Committee Recommendation

That Council **NOT PROCEED** with the closure of the Pedestrian Access Way between Gosforth Court and June Road, Safety Bay.

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

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

To enable the Pedestrian Access Way to remain open.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning Services
Statutory Planning Services

Reference No & Subject: SP-006/13 Nomination for Local Government Representation on the Metropolitan South West Development Assessment Panel

File No: LUP/1385-05

Proponent/s: Mr Mike Ross, Manager Statutory Planning

Author: Mr Mike Ross, Manager Statutory Planning

Other Contributors:

Date of Committee Meeting: 18 February 2013

Previously before Council:

April 2011 (SP-019/11), October 2011 (ES-033/11), December 2011 (SP-064/11)

Disclosure of Interest:

Nature of Council’s Role in this Matter: Executive

Site:

Lot Area:

LA Zoning:

MRS Zoning:

Attachments:

Maps/Diagrams:

Purpose of Report

To consider nominating four elected members of the Council, comprising two Local Members and two Alternate Local Members to sit on the South-West Joint Development Assessment Panel (SWJDAP).

Background

In 2010 the State Government introduced legislation to establish Development Assessment Panels (‘DAPs’) in Western Australia. DAPs came into effect on 1 July 2011.

A DAP is an independent decision-making body that determines certain types of development instead of Council and/or the WAPC. DAPs are comprised of independent technical experts and elected local government representatives. Development Applications received by the City are determined by the SWJDAP, which includes the following local governments:-

- Rockingham
- Cockburn

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 18 MARCH 2013

PRESIDING MEMBER
Local Government members rotate on and off meetings of the SWJDAP, so that the DAP application within each Local Government is represented by the relevant Local Government members.

The current Local Government Members of the SWJDAP are:-
- Cr Richard Smith (Local Member)
- Cr Leigh Liley (Nominated as Local Member) – seeking Minister’s appointment
- Cr Chris Elliot (Alternate Member)
- Cr Joy Stewart (Alternate Member)

Details

The Department of Planning has advised that appointments to all local government DAP members expire on 26 April 2013. Members whose term has expired will be eligible for re-consideration at this time.

Under Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, the Council is required to nominate four elected members of the Council, comprising two Local Members and two alternate Local Members to sit on the SWJDAP, as required.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2015. It is a mandatory requirement that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local Government elections may result in a change to the local DAP membership if current elected members, who are DAP members are not re-elected. In this instance, the Alternate Local DAP Members will take the place of the former Local Members. If both Local and Alternate Members are not re-elected, the Council will need to re-nominate for the Minister’s consideration of appointment.

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

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

d. Policy
   Not Applicable

e. Financial
   Not Applicable
f. **Legal and Statutory**

If the Council fails to provide the requisite nominations by 28 March 2013, the Director General of the Department of Planning is empowered to nominate replacements from eligible voters in the district to which the DAP is established.

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**Comments**

**DAP Application Types**

There are three types of Development Assessment Panel (DAP) applications as follows:

1. **Mandatory DAP Development Application greater than $7 million for the City of Rockingham** and where the proposal is not listed as an exempt use, such as a single house, 10 grouped dwellings and less than ten multiple dwellings.

2. **Optional Development Application between $3 million and $7 million for the City of Rockingham** and where the proposal is not listed as an exempt use, where the proponent has elected to have the relevant DAP determine the application.

3. **The Regulations will allow the Council and the Western Australian Planning Commission (WAPC) to delegate to the DAP their power to determine optional DAP applications.**

Development Applications less than $3 million continue to be determined by the City of Rockingham and the WAPC.

**Term of Office**

A DAP member holds office for the term specified in the member’s instrument of appointment, which must not exceed 2 years.

**Frequency of Meetings**

SWJDAP meetings are only held to determine DAP applications within the statutory timeframes of Town Planning Scheme No.2 (TPS2). Since the establishment of DAPs on 1 June 2011, only three Development Applications submitted to the City have been determined by the SWJDAP. The number of Development Applications that need to be determined by the SWJDAP are few. There may be occasions when the SWJDAP needs to meet more frequently or less frequently depending on when a DAP application must be determined by the SWJDAP.

**Meeting Venue**

The City is required to arrange a venue for the SWJDAP meeting, upon instruction from the DAP Secretariat. SWJDAP meetings are open to the public. There may be occasions when the two City of Rockingham Local Members of the SWJDAP are required to travel to one of the other member Councils of the SWJDAP, and likewise Local Members of the same SWJDAP may need to travel to the City of Rockingham for SWJDAP meetings, depending on the development applications being presented.

**Training**

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

**Fees and Allowances**

A DAP member who attends a SWJDAP meeting is entitled to be paid the fee in Schedule 2 of the Regulations, as follows:

<table>
<thead>
<tr>
<th>Schedule 2 – Fees for DAP Members</th>
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</thead>
<tbody>
<tr>
<td>1 Fee for presiding member to determine development applications</td>
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<tr>
<td>2 Fee for any other member per meeting to determine development applications</td>
<td>$400</td>
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<tr>
<td>3 Fee per meeting for presiding member to determine applications to amend or cancel determination</td>
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<td>4 Fee per meeting for any other member to determine applications to amend or cancel determination</td>
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Schedule 2 – Fees for DAP Members

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<tr>
<td>Fee for presiding member attending proceeding in State Administrative Tribunal</td>
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<td>Fee for any other member attending proceeding in State Administrative Tribunal</td>
<td>$400</td>
</tr>
<tr>
<td>Fee for training</td>
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</table>

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

Recommendations
The recommendation leaves the four nominee positions blank, to enable Council to make its recommendation to the Minister for Planning.

Voting Requirements
Simple Majority

Officer Recommendation
That Council **NOMINATE** Cr__________, and Cr __________ as the City of Rockingham Local Members on the South-West Joint Development Assessment Panel to the Minister for Planning and Cr ________ and Cr________ as the Alternate Local Members.

Committee Recommendation
That Council **NOMINATE** Cr Smith and Cr Stewart as the City of Rockingham Local Members on the South-West Joint Development Assessment Panel to the Minister for Planning and Cr Liley and Cr Elliott as the Alternate Local Members.

Committee Voting – 4/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
### Planning Services
#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-007/13 Reconsideration of Proposed Scheme Amendment – ‘Rural’ to ‘Residential’ Zone</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1611</td>
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<tr>
<td>Proponent/s:</td>
<td>TPG, Planning Consultant</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 February 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2010 (PD89/9/10), February 2012 (SP-008/12)</td>
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<td>Disclosure of Interest:</td>
<td>Legislative</td>
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<tr>
<td>Site:</td>
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</tr>
<tr>
<td>Lot Area:</td>
<td>7,524m²</td>
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<tr>
<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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<tr>
<td>Attachments:</td>
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</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. View of Site Looking West along Crystaluna Drive</td>
</tr>
<tr>
<td></td>
<td>3. View of Site Looking South from Crystaluna Drive</td>
</tr>
<tr>
<td></td>
<td>4. View of Site Looking East along Crystaluna Drive</td>
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<td></td>
<td>5. Proposed Subdivision Guide Plan</td>
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</tbody>
</table>
1. Location Plan

### Purpose of Report

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

### Background

In September 2010, Council considered Metropolitan Region Scheme (MRS) Omnibus Amendment No.1193/57, which in part sought to rezone Lot 9000 Crystaluna Drive, Golden Bay and Lot 501 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Urban’. Council resolved not to support the Amendment because:-

- Rezoning the land to facilitate urban development was inconsistent with Planning Policy No.5.2 – Rural Land Strategy (‘the Policy’), which requires the Proponent to demonstrate that the landscape values of the region will not be compromised; and
- The land was also identified as a transition area between the existing and future urban land to the west and Mandurah Road to the east.

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

The City subsequently received a request to initiate a Scheme Amendment to TPS2 to rezone Lot 9000 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Residential (R5/20)’, which was deferred by Council at its ordinary Meeting in February 2012 to enable the Proponent to submit further information and discuss the matter further with the City Officers. City Officers required the following information to assess the proposed Scheme Amendment:-

1. A Fire Management Plan (FMP) which could demonstrate that dwellings could be constructed on the proposed lots whilst still achieving an acceptable Bushfire Attack Level as per the Western Australian Planning Commission’s (WAPC’s) Planning for Bush Fire Protection Guidelines; and
2. A revised Subdivision Guide Plan (SGP) showing an alternative access to the proposed lots, as direct access to all lots from Crystaluna Drive was not considered a safe option.

The Proponent has since submitted a FMP and modified SGP and road layout.
Details

The proponent seeks Council approval to rezone Lot 9000 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Residential R5/20’. The Amendment seeks to facilitate the subdivision of the site into seven lots with access to Crystaluna Drive via a proposed 7.5m wide road reserve. The proposed lots range in size from 889m² to 1,303m² (averaging 1068m²), as shown on the proposed SGP (Map 5).

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

- “Lot 9000 is strategically located in close proximity to the Singleton and Golden Bay foreshores and the established R5/20 coded residential development to the west;

- The site is located in close proximity to existing local retail services on Fitch Street. Community facilities include the Singleton Primary School on Navigator Drive. The addition of residential land use within this pocket will therefore be well serviced by the existing community facilities and the public transport infrastructure.

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

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

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

4. View of site looking east along Crystaluna Drive

**Implications to Consider**

a. **Consultation with the Community**

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

b. **Consultation with Government Agencies**

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

c. **Strategic**

**Community Plan**

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

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

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

**Planning and Development Act 2005**

Part 9 Clause 124 (2) of the *Planning and Development Act (2005)* states that:-
“If a region planning scheme is inconsistent with a local planning scheme, the local government of the district in which the land directly affected is situated is to, not later than 90 days after the day on which the region planning scheme has effect, resolve to prepare -
(a) a local planning scheme which is consistent with the region planning scheme; or
(b) an amendment to the local planning scheme which renders the local planning scheme consistent with the region planning scheme, and which does not contain or removes, as the case requires, any provision which would be likely to impede the implementation of the region planning scheme.”

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

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

Comments
The following comments are provided in response to the Council reasons for deferment of the application:-

Fire Management
The Proponent has provided a FMP that is to the satisfaction of the City. The FMP demonstrates that dwellings could be constructed on the proposed lots which meet an acceptable Bushfire Attack Level, as per the WAPC’s Planning for Bush Fire Protection Guidelines.

Alternative Access
The 2012 proposed SGP provided direct access onto Crystaluna Drive, which was not supported by the City due to the proximity of the vehicle access close to the crest of Crystaluna Drive. The proposed SGP has been modified to create a 7.5m wide service road arrangement to control vehicle access onto Crystaluna Drive to ensure that adequate sight lines are provided for vehicles leaving the subdivision. The City’s Engineering Services supports the revised road access arrangement.

Zoning
The Proponent seeks to rezone the land to Residential, with a split R5/20 Code. This would enable subdivision to a minimum and average lot size of 440m² and 500m² respectively. The higher of Coding of R20 would only apply where the land is connected to sewer, otherwise the minimum lot size of 2000m² would be required under the R5 Code.

The City considers it more appropriate to apply the R12.5 Code, which provides for a minimum and average lot size of 700m² and 800m² respectively. An R12.5 density is more in keeping with the lots proposed under the SGP and provides for a more appropriate density transition to the Special Rural zoned land to the east and south of the site. It also will provide the City with greater control over minimum lot size during the subdivision process.

Visual Landscape Study
A Visual Landscape Evaluation (VLE) was commissioned to test the validity and appropriateness of the City’s Planning Policy 5.2 - Rural Land Strategy (the Policy) planning position in relation to this precinct. The subject land is included in the study area in Precinct 7. The Policy seeks to retain the visual amenity of the precinct by the retention of Special Rural zoning. The VLE confirmed this Policy position and noted that new residential development should be in line with the Policy requirements for Special Rural development.

As the site was rezoned Urban under the MRS, Special Rural development is not possible, however, the VLE provides possible landscape and visual management strategies for the site, including limitations and vetting of development plans to restrict cut/fill levels, restrictions on the siting of the built form so that the roof line falls sufficiently below the ridge line and endemic planting schemes.

The applicant has advised that earthworks, including cut and fill and retaining walls, will be minimised where possible to lessen visual intrusion. The Proponent’s Engineers, Pritchard Francis Civil and Structural Engineering Consultants, advises that:-
“The site will need to be earth worked to achieve an acceptable residential lot level. Earth working the land and construction of retaining walls shall result in level lots ranging from RL 23 to RL 25.4. Retaining walls will be required along the southern and side boundaries of the proposed lots in order to create suitably flat residential lots.”

The City will consider the impact of retaining and filling during the Engineering Drawings phase to ensure appropriate retaining and filling of the land.

Other Matters

Wastewater Disposal

The Proponent has advised that an existing reticulated sewer main is located within the northern verge of Crystaluna Drive, east of Golden Bay Drive. This sewerage main is able to be extended east to service the seven proposed lots. The connection of lots to reticulated sewerage can be imposed as a condition of subdivision approval.

Conclusion

The Proponent has satisfactorily addressed the City’s concerns relating to road access onto Crystaluna Drive and fire management. It is recommended that the Council adopt (initiate) the Scheme Amendment, subject to the land being rezoned from ‘Rural’ to ‘Residential R12.5’, to provide for an appropriate transition of lot sizes.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPT** (initiate) Amendment No.121 to Town Planning Scheme No.2, to rezone Lot 9000 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Residential R12.5’.

Committee Recommendation

That Council **ADOPT** (initiate) Amendment No.121 to Town Planning Scheme No.2, to rezone Lot 9000 Crystaluna Drive, Golden Bay from ‘Rural’ to ‘Residential R12.5’.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning Services
#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-008/13 Proposed Child Care Centre – Borough Road</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2012.00000278</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Carlisle &amp; Mrs Sharon Digby</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 February 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
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<tr>
<td>Site:</td>
<td>Lot 859 (No.51) Borough Road (corner Smirk Road), Baldivis</td>
</tr>
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<td>Lot Area:</td>
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<td>Figure 1 - Location plan</td>
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<td>Maps/Diagrams:</td>
<td>Figure 2 - Aerial photo</td>
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<td></td>
<td>Figure 3 - Structure Plan</td>
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<td>Figure 6 - Elevation plan</td>
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<td>Figure 7 - Elevation plan</td>
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<tr>
<td></td>
<td>Figure 8 - Consultation plan</td>
</tr>
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Figure 1 - Location Plan

Figure 2 - Aerial Photo
Purpose of Report

To consider an application seeking Planning Approval for a Child Care Centre on Lot 859 (No.51) Borough Road, Baldivis.

Background

In July 2007, the Western Australian Planning Commission (WAPC) approved the "Lots 4-7, 10-14 Smirk Road" Structure Plan, which designated the site for 'Community Purposes'.

Figure 3 - Structure Plan

Details

The proponent seeks approval for a Child Care Centre on Lot 859 (No.51) Borough Road, Baldivis. The proposed Child Care Centre consists of three play rooms, kitchen, laundry, staff room, office, and reception area. The Child Care Centre is designed to accommodate a maximum of 50 children and six (6) staff. The proposed hours of operation are from 7:00am to 6:00pm, Monday to Friday, excluding public holidays.

The proposed Child Care Centre does not occupy the entire site. Approximately one third of the site would remain vacant to allow for an expansion of the centre in the future.

Access to the site is proposed from Borough Road, with 16 car parking bays provided. A landscape/playground area is to be located between the building and the Smirk Road frontage of the site.
Figure 6 - Elevation 1 and 2 (North and West)

Figure 7 - Elevation 3 and 4 (South and East)
Implications to Consider

a. **Consultation with the Community**

In accordance with clause 6.3.2 of Town Planning Scheme No.2 (TPS2) the application was referred to nearby owners and occupiers for comment for a period of 21 days, as shown on the consultation plan below, and ending on the 17 December 2012.

![Consultation Plan](image)

At the close of the advertising period three submissions had been received; one (1) in support of the application and two objecting to the application.

The submissions raised the following concerns:

- noise from vehicle and pedestrian traffic;
- negative impact on property value;
- change the residential look and feel of the area; and
- traffic and noise impacts of driveway on Borough Road.

b. **Consultation with Government Agencies**

Consultation with Government Agencies is not required.

c. **Strategic**

**Community Plan**

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

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

The City's "Planning Policy 3.3.5 - Child Care Centres" (the Policy) sets out the objectives and policy provisions for the Council to consider in the assessment and determination of application for planning approval for the establishment of Child Care Premises. The proposal was assessed in accordance with the Policy assessment criteria as follows:

"(i) Location of Child Care Premises – Sites that are within easing walking distance to facilities, serviced by public transport and provide benefit to the community it serves."

Comment

The site has been identified as a Community Use site under the approved Smirk Road North Structure Plan. It is therefore considered to be a suitable location for the proposed use.

There is no footpath existing on the road reserve fronting the subject site. It is recommended that a condition be imposed requiring a footpath be provided on all road frontages of the site to be provide for safe pedestrian access to the development.

"(ii) Site Characteristics - Sites selected for Child Care Premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping, as determined by the City."

Comment

The site is of sufficient size (2,997m²), of regular shape to accommodate the development, whilst providing for outdoor play areas and car parking, without affecting the amenity of the area.

"(iii) Car Parking – One carparking bay per staff member plus an adequate number of drop off bays (at the discretion of the Council) is required."

Comment:

Car parking requirements are examined in the 'legal and statutory' section of this report. The car parking design allows for the safe and efficient drop off and pick up of children to the development.

"(iv) Traffic Impacts – The traffic generated by the Child Care Centre must not impact the functionality and amenity of an area or create or exacerbate unsafe conditions for children and families using the premises, or for pedestrians or road users."

Comment:

The site has been designated as a Community Use site under the approved Smirk Road North Structure Plan and therefore the road network has been designed to cater for such development.

"(v) Noise Impacts – Limit the noise impact of Child Care Premises on adjacent properties and also limit any noise impact from external sources on the Child Care Premises."

Comment:

The site is bounded by roads with the exception of the south eastern corner of the site. One residential allotment would directly abut the site, however, the development is set back 20m from the common boundary. In this regard, the proposed development is not expected to have an adverse impact on the adjacent properties.

The proposed Child Care Centre also does not occupy the entire site. Approximately one third of the site, which adjoins a residential lot, is to remain vacant in the proposal.

The proposed development is not located near to any significant noise generating sources.

"(vi) Design Considerations – The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture."
Comment:
The design of the building is a similar style to a dwelling, albeit larger. Being a Community Use site, the scale of the development is considered to be appropriate for this location.

“(vii) Hours of Operation – For Child Care Premises in Residential areas, hours of operation will be restricted to 7.00am to 7.00pm, unless otherwise agreed to by the Council.”

Comment:
The development proposal complies with these operating hours.

“(viii) Advertising Signs”

Comment:
No signage approval is sought as part of this application.

“(ix) Need for Child Care Premises - A proposed Child Care Premises may have an adverse impact on the level of service to the community by similar existing or approved facilities. Due regard must be given to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility.”

Comment:
There are no Child Care Centres currently servicing the southern part of Baldivis. Given the substantial growth in this area, there is considered to be a need for a centre in this location.

“(x) Building and Health Approvals – A Building Permit and relevant Health Approvals will be required.”

Comment:
The development of the Child Care Centre will require a Building Permit and must comply with the relevant health legislation, such as the Food Act 2008 and Health (Public Buildings) Regulation 1992. The proponent can be advised of these requirements in a Planning Approval.

Conclusion
The proposed development complies with the objectives and intent of the City’s Policy.

e. Financial
Nil

f. Legal and Statutory
Town Planning Scheme No.2 (TPS2)

Permissibility
A ‘Child Care Centre’ is interpreted under TPS2 as follows:-

“Child Care Centre: means any premises used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre.”

The areas of Zones and Reserves shown on the approved Smirk Road North Structure Plan are applied in a similar way as Zones and Reserves under TPS2. For the purposes of TPS2, the permissibility of a Child Care Centre is the same as set out in the Zoning Table of TPS2 for the Community Purpose Zone, which is a “D” land use that is not permitted unless the Council has exercised its discretion by granting planning approval.

Car Parking
TPS2 requires the provision of one (1) parking bay per employee plus one (1) bay per eight children. Based on this rate, the development with 50 children and six (6) staff requires the provision of 13 parking spaces. A total of 16 spaces, including an ACROD space, have been provided on site.
**Comments**

**Setbacks**

There are no requirements for setbacks in either TPS2 or PP3.3.5 for the development or the site. A 1.5m setback has been provided to Regency Avenue, 20m to Borough Road and Smirk Road, and 25m to the southern boundary. The setbacks provide for suitable built form outcomes for the site considering its Community Use purpose, the existing surrounding development and future developments intentions for the area.

**Landscaping**

There are no requirements for landscaping for the development or site in either TPS2 or PP3.3.5. The Proponent has proposed landscaping in the setbacks to the building and car park from Regency Avenue and Borough Road. Landscaping would be provided within the outdoor play area in the western portion of the site. The proposed landscaping is considered to be appropriate give the use of the site and the context of the location.

**Response to Submissions**

**Noise Impacts**

The site has been identified as a Community Purposes Site under the Smirk North Local Structure Plan, since it was approved in 2007. Any development on the site would therefore always generate a different level of traffic to the surrounding residential properties. The noise generated as a result of the development is not considered to be unreasonable nor unsuitable for its location.

In terms of noise from the operation of the centre, the site is largely bounded by roads and where it is not, there is over 25m separation between the development and the nearest dwelling. Having been identified as a Community Purpose Site, surrounding residents could have availed themselves of the designation of the site for Community Purposes. It is recommended that a 1.8m high masonry wall be constructed along the southern boundary of the site proper to help ameliorate any potential noise impacts to adjoining residents. A further condition limiting the operating hours of the business to week days, will further reduce any impacts on adjoining residents.

**Traffic Impacts**

The site has good accessibility from Smirk Road with a short and direct route to the site and will not generate significant traffic throughout local Access Roads. The road network in this location was designed to facilitate the proposal and adjacent Commercial site and is therefore within the design capacity of the local road network.

From a safety perspective, access from Borough Road is considered to be the most appropriate location for vehicles to enter and leave the property.

**Negative impact on property value**

The impact of a development on property values is not a relevant planning consideration.

**Change the residential look and feel of the area**

The subject site has been earmarked as a Community Use site since the Local Structure Plan was adopted by Council and approved by the WAPC. In this regard, the site was intended to have a complementary use to the adjacent residential development. Further, the two lots to the north of the site, located on the northern side of Regency Avenue, are also identified as Commercial and Community Purpose Sites, as shown in Figure 3.

**Conclusion**

The proposed development of a Child Care Centre complies with the approved Smirk Road North Local Structure Plan, TPS2 and PP3.3.5. The development is consistent with the future desired character of the locality and will facilitate a community service to the local community.

On balance of the matters raised by submitters, the development is considered to be suitable for the site and is unlikely to adversely impact neighbours. It is recommended that Council approve the application for the Child Care Centre, subject to conditions that are intended to maintain the amenity of the area.
Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVE** the application for a Child Care Centre at Lot 859 (No.51) Borough Drive, Baldivis, subject to the following conditions:-

1. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

2. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.
   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times.

3. The street setback area and all verge areas must be landscaped and reticulated prior to the occupation of the development and must be maintained at all times.

4. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit – Certified;
   (ii) include one car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
   (iv) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

5. A footpath shall be provided along the Smirk Road, Regency Avenue and Borough Road street frontages of the development. It shall be designed and constructed to the satisfaction of the City.

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

7. A 1.8m high masonry wall must be constructed along the full length of the southern boundary of the site.

8. Fencing to Borough Road, Regency Avenue and Smirk Road must be 50% visually permeable above 1.2 metres and constructed prior to the occupation of the development, and retained and maintained in good condition at all times.

9. Activities causing noise and/or inconvenience to neighbours must not be carried out after 6:00pm or before 7:00am, Monday to Friday, and not at all on weekends or public holidays.

10. The Child Care Centre must only operate between the hours of 7:00am to 6:00pm, Mondays to Fridays, and not at all on weekends.
11. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

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

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

Footnotes

This approval is issued by the City of Rockingham subject to the following Footnotes:

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

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

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

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

(v) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City’s Building Services in this regard.

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

Committee Recommendation

That Council APPROVE the application for a Child Care Centre at Lot 859 (No.51) Borough Drive, Baldivis, subject to the following conditions:

1. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

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

7. A 1.8m high masonry wall must be constructed along the full length of the southern boundary of the site.

8. Fencing to Borough Road, Regency Avenue and Smirk Road must be 50% visually permeable above 1.2 metres and constructed prior to the occupation of the development, and retained and maintained in good condition at all times.

9. Activities causing noise and/or inconvenience to neighbours must not be carried out after 6:00pm or before 7:00am, Monday to Friday, and not at all on weekends or public holidays.

10. The Child Care Centre must only operate between the hours of 7:00am to 6:00pm, Mondays to Fridays, and not at all on weekends.

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

Footnotes
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Committee Voting – 4/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Planning Services
Statutory Planning Services

Reference No & Subject: SP-009/13 Planning Procedure 1.15 – Preparation and Assessment of Development Applications

File No: LUP/1265-04

Proponent/s: Mr Mike Ross, Manager Statutory Planning

Author: Mr Mike Ross, Manager Statutory Planning

Other Contributors: Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 18 February 2013

Previously before Council: 

Disclosure of Interest: 

Nature of Council’s Role in this Matter: Executive

Site: 

Lot Area: 

LA Zoning: 

MRS Zoning: 

Attachments: 

Maps/Diagrams: 

Purpose of Report

To seek the Council’s adoption of proposed Planning Procedure 1.15 – Preparation and Assessment of Development Applications and revocation of Planning Policy 2.2 – Applications for Approval to Commence Development.

Background

Planning Policy 2.2 – Applications for Approval to Commence Development provides direction and guidelines for applicants seeking to submit applications for planning approval to Council. The Policy sets out the plan and detailed requirements for applications for planning approval. Since the adoption of the Policy by Council in 1999, the planning requirements for planning applications and the process for determination has changed. This has prompted a review of the Policy and its adaptation into a Planning Procedure.

Details

The purpose of this Planning Procedure is to set out the City’s requirements for the preparation and assessment of Development Applications in the district, as a guide to applicants.
The Planning Procedure sets out the information requirements that are required from applicants in order for the City to consider applications for planning approval.

The structure of the Planning Procedure is set out as follows:-

1. Statement of Intent
2. Requirement for Planning Approval
3. Planning Practice
   3.1 Pre-lodgement
   3.2 Application for Planning Approval
      3.2.1 Requirements
      3.2.2 Lodgement
      3.2.3 Preliminary Review
   3.3 Assessment of Applications
      3.3.1 Referrals
      3.3.2 Authority for Dealing with Applications
      3.3.3 Assessment Timeframes
      3.3.4 Advertising
   3.4 Determinations
      3.4.1 Delegated Authority
      3.4.2 Determination by the Council
      3.4.3 Determination by the SWJDAP
      3.4.4 Determination by the WAPC
   3.5 Post-Approval Considerations
      3.5.1 Reconsideration of Applications
      3.5.2 Application for Review (Appeal)
4. Interpretations
5. Adoption

**Implications to Consider**

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

b. **Consultation with Government Agencies**

   Not Applicable

c. **Strategic**

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

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

d. **Policy**

   Planning Policy 2.2 – *Applications for Approval to Commence Development* sets out guidelines and information requirements for applications for planning approval. Planning Policy No. 2.2 is effectively replaced by the new Planning Procedure. It is recommended that Council revoke Planning Policy 2.2.
e. **Financial**
   Nil

f. **Legal and Statutory**

Clause 8.9.10 of TPS2 enables the Council to revoke a Policy as follows:

“8.9.10 A Policy may be revoked by:-

(a) the adoption by Council of a new Policy under clauses 8.9.4 to 8.9.8 that is expressed to supersede the existing Policy; or

(b) publication of a notice of revocation by the Council once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.”

**Comments**

The Planning Procedure also brings together the requirements of Town Planning Scheme No.2 (TPS2), and the requirements of the Metropolitan Region Scheme (MRS) and the Planning and Development (Development Assessment Panels) Regulations 2011, into one document that describes the procedure for preparing, assessing and determining applications for development approval.

The Planning Procedure will assist the development industry in the preparation of properly prepared applications, which will assist the City in the assessment and determination of applications for Planning Approval.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ADOPT** Planning Procedure 1.15 – Preparation and Assessment of Development Applications.

2. **REVOKE** Planning Policy No. 2.2 – Applications for Approval to Commence Development.

**Committee Recommendation**

That Council

1. **ADOPT** Planning Procedure 1.15 – Preparation and Assessment of Development Applications, as follows:-

   **PLANNING PROCEDURE**
   **PREPARATION AND ASSESSMENT OF DEVELOPMENT APPLICATIONS**

   1. **Statement of Intent**

   The purpose of this Planning Procedure is to set out the statutory requirements for the preparation, assessment, and determination of an application for Planning Approval, within the local government area. This procedure will assist in the preparation of properly prepared applications, which will assist the City in the assessment and determination of applications for Planning Approval.

   This Planning Procedure should be read in conjunction with the Planning and Development Act 2005 (PD Act 2005), Town Planning Scheme No.2 (TPS2) and Planning and Development (Development Assessment Panels) Regulations 2011.

   2. **Requirement for Planning Approval**

   The requirement to obtain approval prior to the commencement or carrying out of development is derived from s162(1) of the PD Act 2005. TPS2 and the Metropolitan Region Scheme (MRS) outlines where planning approval is required and any such development is required to be carried out in accordance with the conditions of any planning approval.
The term ‘development’ is interpreted in the PD Act 2005 as follows:-

“development means the development or use of any land, including –

(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;

(b) the carrying out on the land of any excavation or other works;

(c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that –

(i) is likely to change the character of that place or the external appearance of any building; or

(ii) would constitute an irreversible alteration of the fabric of any building.”

In addition, the term ‘development’ is clarified by TPS2 in the following respects:

- The clearing of land and commencement of agriculture – intensive (clause 5.1.3);
- The erection, placement and display of advertisements and the use of land or buildings for that purpose (clause 5.3.1(a)); and
- In relation to any place entered in the Heritage List or contained within a Heritage Area, any act or thing that is likely to significantly change the external character of the building, object, structure or place (clause 5.4.7(d)).

Clause 6.1 of TPS2 and clauses 13 and 26(1) of the MRS requires all development, including a change in land use, except as otherwise provided, to have the prior planning approval. Accordingly, the City requires that no person shall commence or carry out any development, including a change in land use, without first applying for and obtaining planning approval.

Clause 6.1.2 of TPS2 and clauses 16, 17 and 24(2) of the MRS outlines when planning approval is not required. The City’s Information Sheet – What Requires Planning Approval, also explains when planning approval is not required, which can be viewed on the City’s website.

Contact the City’s Planning Services if there is any doubt as to whether a proposal requires planning approval.

3. Planning Practice

3.1 Pre-lodgement

Before lodging an application for planning approval, applicants are encouraged to discuss their proposal with the City’s Planning Services. The City will advise whether or not the desired land use or development will comply with the development standards and requirements of TPS2, and offer guidance in relation to the specific considerations that need to be made. The pre-lodgement meeting is offered free of cost by the City.

3.2 Application for Planning Approval

3.2.1 Requirements

The City requires specific details for applications for planning approval. Applications must include the following information:

(a) A completed ‘Application for Planning Approval’ Form. For applications that require determination by the Western Australian Planning Commission (WAPC), the application must be made on a MRS Form 1 Application for Approval to Commence Development, which is available from www.planning.wa.gov.au/630.asp. For applications requiring determination from the Metropolitan South West Joint Development Assessment Panel (SWJDAP);

(b) A letter explaining the proposal, particularly if a variation to the development standards and requirements of TPS2 is requested;

(c) Five copies of a detailed site plan, floor plans and elevations of the development, as outlined in further detail below;

(d) The Administration Fee, as described in the City’s Scale of Fees for Planning Services; and
(e) Any other information specified by the City, for instance, if the land is located within the Primary Centre - City Centre Zone, Primary Centre – Waterfront Village, Primary Centre – Urban Village or the Peel-Harvey Catchment, additional detailed information will be required to be submitted. The City’s Planning Policies must be checked for specific information requirements which can be viewed on the City’s website.

Five copies of Plans are required to show the following information pursuant to clause 6.2 of TPS2, as follows:-

(a) a location plan to a scale of at least 1:500 upon which the land the subject of the application is clearly identified;

(b) a plan or plans to a scale of not less than 1:100 or 1:200 showing:-
   (i) street names, lot number(s), north point and the dimensions of the site;
   (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
   (iii) the existing and proposed use of the site and dimensioned position of buildings and structures to be erected on-site;
   (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
   (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
   (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
   (vii) the location, dimensions and design of any open storage or trade display area and particulars of the matter in which it is proposed to development the same;
   (viii) the nature and extent of any open space and landscaping proposed for the site;
   (ix) existing and proposed walls and fences;
   (x) existing and proposed sealed area;
   (xi) stormwater drainage and on-site disposal;
   (xii) existing and proposed levels, embankments and retaining walls (where the proposed development involves alterations to the natural level of the ground);

(c) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;

(d) any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(e) any other plan or information that the Council may reasonably require to enable the application to be determined.

Applications, Fees and Information Sheets are available on the City’s website. If applications are submitted with incomplete information delays could occur in processing times by the City seeking further information from the applicant.

3.2.2 Lodgement

All applications for planning approval are lodged with the City, including applications that are determined by the WAPC or the SWJDA. Applications can be lodged with the City via two methods:

(a) In person at the City’s Administration Offices on Civic Boulevard, Rockingham; or

(b) By mail addressed to PO Box 2142, Rockingham DC WA 6967.

The City accepts payment of the administration fee by cheque, EFTPOS, cash, etc.
3.2.3 Preliminary Review

Upon receiving the application for planning approval, the City will undertake a preliminary review of the sufficiency of the information provided and:

(a) Determine that the submitted application and/or fees are in order for the application to be assessed; or

(b) Determine that the submitted application and/or fees are incomplete and request the applicant to provide further information and/or the balance fee.

The City will also undertake a preliminary check of the application to determine if the application for planning approval is capable of being considered under TPS2 and the MRS, and involves a land use that is permitted under TPS2.

Note: A preliminary review is not a comprehensive assessment of the submitted application. When further information is requested and submitted to the City, it will enable the Action Officer to undertake their planning assessment of the application; however, when the assessment has been completed additional information may be required from the applicant. Incomplete applications will be returned to the applicant. An incomplete application lodged on-line will be not accepted.

3.3 Assessment of Applications

3.3.1 Referrals

Clause 6.5 of TPS2 states that in considering an application for planning approval, the City may consult with any other statutory, public or planning authority it considers appropriate.

In the case of land reserved under TPS2 for the purpose of a public authority, the Council is to consult with that authority before making its determination.

In certain circumstances the referral of applications for planning approval are required, for comment and recommendation, before the application can be determined, as outlined in the WAPC Notice of Delegation. This applies, for example, when applications are on land abutting or that are fully or partly reserved as a Primary Regional Road (PRR) or Other Regional Road (ORR) or Parks and Recreation or Railways in the MRS, which must be referred to the relevant Public Authority.

3.3.2 Authority for Dealing with Applications

Most applications for planning approval are determined by the City, in accordance with the provisions of TPS2 and the MRS. In some cases, planning approval is required from the WAPC in accordance with the MRS.

The Council also does not have the ability to determine applications for planning approval for the following application types:

1. Mandatory Development Assessment Panel (DAP) applications – estimated cost of development is $7 million or more.

2. Optional DAP applications – applicant’s choice where the estimated cost of development is $3 million or more and less than $7 million.

Planning Bulletin 106/2011 – New legislative provisions for development assessment panels and information are contained on the Department of Planning website at: www.daps.planning.wa.gov.au

3.3.3 Assessment Timeframes

TPS2 has two statutory time periods within which a determination must be made. If the application does not require advertising, the statutory determination period is sixty (60) days. If the application is required to be advertised, the statutory determination period is ninety (90) days. The applicant and the City can agree in writing to extend the period by which the application must be determined.

Applications that require planning approval under the MRS are required to be determined within 60 days of the receipt of the application, or within further such time as agreed in writing between the applicant and the responsible authority.

1 Typographical error corrected from Agenda. Deletion of the letter ‘a’.
Subject to clause 6.10.1 of TPS2, an application for planning approval is deemed to be refused if a determination of the application is not conveyed to the applicant by the Council within 60 days of the receipt of the application by the Council, or within a further time that is agreed in writing between the applicant and the Council.

Subject to clause 6.10.2 of TPS2, an application for planning approval, which is subject to advertising, is deemed to be refused if a determination of the application is not conveyed to the applicant by the Council within 90 days of the receipt of the application by the Council, or within a further time agreed in writing between the applicant and the Council.

For applications determined by the SWJDAP the same statutory timeframes apply, but the Planning and Development (Development Assessment Panels) Regulations 2011 require that:

(i) If the DAP application requires advertising, the City Report for the DAP; is to be prepared within 80 days of the application being received;

(ii) If the DAP application does not require advertising, the City Report for the DAP; is to be prepared within 50 days of the application being received.

3.3.4 Advertising

The City will advertise all applications for planning approval to commence or carry out development which involves an ‘A’ use. The Council will not to grant approval to the application unless notice of the application is first given in accordance with Clause 6.3.3 of TPS2.

The City may advertise applications for planning approval to commence or carry out development which involves a ‘D’ use, in accordance with clause 6.3.3 of TPS2.

Clause 6.3.3 of TPS2 states that the Council may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways:

(a) Notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the Council, are likely to be affected by the granting of planning approval, stating that submissions may be made to the Council by a specified date being not less than fourteen (14) days from the date the notice is served;

(b) Notice of the proposed use or development published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council by a specified day being not less than fourteen (14) days from the day the notice is published;

(c) A sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than fourteen (14) days from the date of publication of the notice referred to in paragraph (b) of this clause.

Part 4 of the Residential Design Codes (R-Codes) deals with neighbour consultation associated with the development of land for any of the residential purposes dealt with by the R-Codes.

Planning Procedure 1.3 – Community Consultation explains the statutory requirements and the City’s administrative requirements for the advertising of applications for planning approval. It also includes specifications for signage and detailed advertising requirements.

When the City has determined that an application must be advertised, the advertising will be carried out only when it is satisfied that the applicant has submitted sufficient information, and the application has been assessed to enable advertising to be commenced.

Note: It is the City’s practice that advertising is to be undertaken for a period of 14 days and for up to 28 days for major planning applications that may result in broader community interest. In most circumstances, the City undertakes advertising itself and if required the advertising instructions may be given by the City to the applicant to erect signage. Advertising commences on the day the signage is erected on site, or the first advertisement is published, whichever is the later.

3.4 Determinations

3.4.1 Delegated Authority

Clause 8.10.1 of TPS2 provides for the Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of its duties under the Scheme.
Clause 8.10.2 of TPS2 states that the CEO may delegate to any employee of the City the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under Clause 8.10.1.

Planning Procedure 1.1 – Delegated Authority explains the delegation of certain decision-making powers that assist in expediting the processing of applications for planning approval to the benefit of ratepayers, the general public and the land development industry. It sets out those types of applications that can be dealt with under delegated authority, the City’s discretion to modify development standards and the City’s ability to refuse applications for planning approval.

The City’s Planning Procedure - Delegated Authority can be viewed on the City’s website.

3.4.2 Determination by the Council

Clause 6.7 of TPS2 refers to the Council in determining an application for planning approval may:-

(a) grant its approval with or without conditions; or
(b) refuse to grant its approval, giving its reasons.

Clause 6.7.3 states that when the Council grants planning approval for the use or development of the land:-

(a) the use or development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
(b) the approval lapses if the development has not substantially commenced before the expiration of that period.

3.4.3 Determination by the SWJDAP

A SWJDAP application is assessed by the City in accordance with the standards and requirements of TPS2 and Policy. This includes public advertising if required, consultation with internal departments and external referral agencies and completion of the City SWJDAP Report, with its assessment of the application and recommendation, including approval conditions or reasons for refusal and any advice notes.

3.4.4 Determination by the WAPC

The City’s comments on applications requiring determination by the WAPC must be forwarded to the WAPC within 42 days of the receipt of the application.

3.5 Post-Approval Considerations

3.5.1 Reconsideration of Applications

The Council may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval. Applications to revise the plans or amend a condition of approval must be accompanied by the Administration Fee, as described in the City’s Scale of Fees for Planning Services.

Note: It is the City’s practice that a fresh application for planning approval is lodged with the City, signed by the owner to amend the planning approval.

3.5.2 Application for Review (Appeal)

If an applicant is aggrieved by a determination on a planning application under TPS2 an application for a review of the decision can be made to the State Administrative Tribunal (SAT), within 28 days of the decision. An appeal right may exist for a refusal of planning approval or, conditions imposed on a planning approval.

If an applicant is aggrieved by a decision made by the SWJDAP, an application for a review of the decision can be made to the SAT to review:

(i) the SWJDAP’s refusal to grant planning approval;
(ii) any approval conditions imposed by the SWJDAP; and
(iii) a deemed refusal of application required to be determined by the SWJDAP.

The application for review must be lodged within 28 days from the date of the decision.
For further information regarding an application for review can be found on the State Administrative Tribunal website as follows: www.sat.justice.wa.gov.au

4. **Interpretations**

For the purposes of this Planning Procedure, the following terms shall have the same meaning as in Town Planning Scheme No.2:-

- **WAPC** means the Western Australian Planning Commission constituted under the Planning and Development Act 2005.
- **Council** means the Council of the City of Rockingham.
- **TPS2** means City of Rockingham Town Planning Scheme No.2

For the purpose of this Planning Procedure, the following terms are defined as follows:

- **PD Act 2005** means the Planning and Development Act 2005.
- **Regulations** means Planning and Development (Development Assessment Panels) Regulations 2011.
- **SWJDAP** means the Metropolitan South-West Joint Development Assessment Panel.
- **MRS** means the Metropolitan Region Scheme.

5. **Adoption**

This Planning Procedure was adopted by the Council at its ordinary Meeting held on 26 February 2013.
2. **REVOKE** Planning Policy No. 2.2 – Applications for Approval to Commence Development.  

Committee Voting – 4/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
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<tbody>
<tr>
<td>Not Applicable</td>
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<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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<thead>
<tr>
<th></th>
<th>Addendum Agenda</th>
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<th>Motions of which Previous Notice has been given</th>
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<tr>
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<th>Notices of Motion for Consideration at the Following Meeting</th>
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<tr>
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<tr>
<th></th>
<th>Urgent Business Approved by the Person Presiding or by Decision of the Committee</th>
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<tr>
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<tr>
<th></th>
<th>Matters Behind Closed Doors</th>
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<tbody>
<tr>
<td></td>
<td>Moved Cr Hamblin, seconded Cr Liley:</td>
<td></td>
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<tr>
<td></td>
<td>That the Planning Services Committee <strong>CLOSE</strong> the meeting to the members of the gallery in accordance with section 5.23(2)(d) &amp; (h) of the Local Government Act 1995 to allow the Planning Services Committee to discuss Confidential Item SP-003/13 - Reconsideration of a Grouped Dwelling (Single) - State Administrative Tribunal.</td>
<td></td>
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<tr>
<td></td>
<td>Carried – 4/0</td>
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<tr>
<td></td>
<td>5.08pm The Chairperson requested that members of the gallery depart the meeting.</td>
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<td></td>
<td>5.08pm The meeting resumed behind closed doors.</td>
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### STATUTORY PLANNING

#### CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

Section 5.95(3) Local Government Act 1995 (the Act)
This item may be discussed behind closed doors as per
Section 5.23(2)(d) & (h) of the Act

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-003/13 Reconsideration of a Grouped Dwelling (Single) – State Administrative Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/4602</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr &amp; Mrs Chamberlain</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 February 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>28 August 2012 (SP-049/12)</td>
</tr>
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<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Strata Lot 3 (Unit 3/No.96) Harrison Street, Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>200m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Residential (R40)</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>1. Plans</td>
</tr>
<tr>
<td></td>
<td>2. Schedule of Submissions (2012)</td>
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<tr>
<td></td>
<td>Confidential Attachments as per Section 5.95 of the Local Government Act 1995.</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Development Site (Aerial)</td>
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<tr>
<td></td>
<td>3. Development Site Photo</td>
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<tr>
<td></td>
<td>4. East and West Elevation Plan</td>
</tr>
</tbody>
</table>
5. Submission Table
6. Consultation Plan
7. Boundary Wall Table
8. Building Setbacks Table
9. Overshadowing Plan
10. Photo facing Unit 2/96 Harrison Street
11. Photo facing No.98B Harrison Street
12. Photo facing No.94 Harrison Street

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application for a Grouped Dwelling on Strata Lot 3 (Unit 3/No.96) Harrison Street, Rockingham, subject to the following conditions:-

1. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.
2. The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.
3. Privacy screens shown on the approved plans including a visual privacy screen to the southern first floor balcony, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level, prior to applying for a Building Permit – Certified, and implemented as such for the duration of the development.

Committee Recommendation

That Council APPROVE the application for a Grouped Dwelling on Strata Lot 3 (Unit 3/No.96) Harrison Street, Rockingham, subject to the following conditions:-

1. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.
2. The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.
3. Privacy screens shown on the approved plans including a visual privacy screen to the southern first floor balcony, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level, prior to applying for a Building Permit – Certified, and implemented as such for the duration of the development.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Moved Cr Hamblin, seconded Cr Liley:

That the meeting again be open to the public.

Carried – 4/0

5.15pm The meeting came out from behind closed doors. The Chairman did not read aloud the Committee Recommendations carried behind closed doors, as no members of the gallery returned to the meeting.
<table>
<thead>
<tr>
<th>19.</th>
<th><strong>Date and Time of Next Meeting</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The next Planning Services Committee Meeting will be held on <strong>Monday 18 March 2013</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
</tbody>
</table>

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<tr>
<th>20.</th>
<th><strong>Closure</strong></th>
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<tbody>
<tr>
<td></td>
<td>There being no further business, the Chairperson thanked those persons present for <strong>5.16pm</strong>.</td>
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