City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on
Monday 15 November 2010
4:00pm

Committee Room 1
Council Administration Building
Civic Boulevard, Rockingham
## City of Rockingham
### Planning Services Standing Committee Meeting
4:00pm Monday 15 November 2010

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16. Notices of Motion for Consideration at the Following Meeting
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18. Matters Behind Closed Doors
19. Date and Time of Next Meeting
20. Closure
City of Rockingham  
Planning Services Standing Committee Meeting  
4:00pm Monday 15 November 2010

### MINUTES

#### 1. Declaration of Opening

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

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

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<th>2.1 Councillors</th>
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<tr>
<td>Cr R Smith Chairman</td>
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<tr>
<td>Cr B Warner</td>
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<td>Cr A Prince</td>
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<td>Cr L Dodd</td>
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<tr>
<th>2.2 Executive</th>
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<tr>
<td>Mr R M Jeans A/Chief Executive Officer</td>
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<tr>
<td>Mr P Ricci A/Director, Planning &amp; Development Services</td>
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<tr>
<td>Mr R Rodgers Manager, Building Services (until 4.10pm)</td>
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<tr>
<td>Mr M Ross Manager, Statutory Planning</td>
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<tr>
<td>Mr R Fielding Manager, Health Services (until 4.10pm)</td>
</tr>
<tr>
<td>Ms M Wellburn Secretary to Director, Planning &amp; Development Services</td>
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</table>

- **Members of the Public:** 2
- **Press:** Nil
- **2.3 Apologies:** Nil
- **2.4 Approved Leave of Absence:** Nil
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<th><strong>Responses to Previous Public Questions Taken on Notice</strong></th>
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<td>5.</td>
<td><strong>Confirmation of Minutes of the Previous Planning Services Standing Committee Meeting</strong></td>
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<td></td>
<td>Moved Cr Warner, seconded Cr Prince:</td>
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<td></td>
<td>That Council <strong>CONFIRM</strong> the Minutes of the Planning Services Standing Committee Meeting held on 18 October 2010, as a true and accurate record.</td>
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<td>Committee Voting – 4/0</td>
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<td>6.</td>
<td><strong>Matters Arising from the Previous Planning Services Standing Committee Meeting Minutes</strong></td>
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<tr>
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<td>Nil.</td>
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<td><strong>Announcement by the Presiding Person without Discussion</strong></td>
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<td>The Chairman announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.</td>
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<td>8.</td>
<td><strong>Declarations of Members and Officers Interests</strong></td>
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<td></td>
<td>Nil.</td>
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<td>11.</td>
<td><strong>Bulletin Items</strong></td>
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<td><strong>Health Services</strong></td>
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<td>1. Team Overview</td>
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<td>2. Human Resource update</td>
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<td>3. Project Status Reports</td>
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<td>3.1 FoodSafe</td>
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<td>3.2 Industrial Audits</td>
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<td>3.3 Community Health &amp; Wellbeing Plan</td>
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</table>
### 3.4 Health Promotion

### 3.5 North Rockingham Industrial Audits

### 3.6 Ocean Water Sampling

## 4. Information Items

- **4.1** Mosquito-Borne Disease Notifications
- **4.2** Food Recalls
- **4.3** Statistical Health Information
- **4.3.1** Food Premises Inspections
- **4.3.2** Public Building Inspections
- **4.3.3** Outdoor Public Event Approvals
- **4.3.4** After Hours Noise & Smoke Nuisance Complaint Service
- **4.3.4** Complaint - Information
- **4.3.5** Building Plan Assessments
- **4.3.6** Septic Tank Applications
- **4.3.7** Demolitions
- **4.3.8** Swimming Pool Sampling
- **4.3.9** Rabbit Processing
- **4.3.10** Hairdressing & Skin Penetration Premises
- **4.3.11** Family Day Care

### Building Services

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

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   - **3.1** Policy Manual Review (LUP/1265-03)
   - **3.2** Local Planning Strategy (LUP/1352)
   - **3.3** Visual Landscape Evaluation (LUP/1419)
   - **3.4** Review of Municipal Inventory (LUP/518)
   - **3.5** Dixon Road Area Assistance Grant (LUP/516)
   - **3.6** Developer Contribution Scheme (LUP/909)
   - **3.7** Baldivis, Karnup, Keralup Masterplanning LUP/757)
   - **3.8** Local Biodiversity Strategy Review (EVM/22)
   - **3.9** Karnup District Water Management Strategy (EVM/136)
   - **3.10** Climate Change Readiness Project (EVM/103-02)
3.11 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)
3.12 Water Campaign (EVM/56-02)

4. Information Items
4.1 Solar Schools (EVM/121)
4.2 Great Gardens Workshop (EVM/56-02)
4.3 South-West Reference Group (EVM/52)
4.4 Proposed Amendment to Metropolitan Region Scheme - East Rockingham Wastewater Treatment Plant (LUP/1426)

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

**Director Planning and Development**
1. Director Planning and Development Team Overview
2. Human Resource Update
3. Project Status Reports
3.1 Administration Building Refurbishment/Fitout
3.2 Rockingham Primary Centre Major Public Infrastructure
3.3 Rockingham Primary Centre Infrastructure - Business Case
3.4 Smart Village 1 Masterplan
4. Information Items
4.1 Disabled Access Pathway - Centrelink Tenancy - Civic Boulevard, Rockingham City Centre (28/5797)

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

Committee Voting – 4/0

12. **Agenda Items**

4.10pm - Mr Richard Rodgers, Manager, Building Services and Mr Rod Fielding, Manager, Health Services left the Planning Services Committee meeting.
## Reference No & Subject:

**SPE-007/10**

Proposed Modified Structure Plan - Western Coastal Precinct, 'Kennedy Bay'

### File No:
LUP/428-02

### Proponent/s:
Roberts Day

### Author:
Mr J MacDonagh, Planning Assistant

### Other Contributors:
- Mr B Ashby, Co-ordinator, Strategic Planning
- Mr P Ricci, Manager, Strategic Planning & Environment

### Date of Committee meeting:
15th November 2010

### Previously before Council:
PD199/10/07, PD19/2/07, PD69/4/07, PD137/8/07

### Disclosure of Interest:
Executive Function

### Site:
Lots 502 and 503 Port Kennedy Drive, Port Kennedy

### Lot Area:
11.08ha

### Attachments:
1. October 2007 draft Structure Plan
2. Proposed Structure Plan

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

To consider a modified Structure Plan for the Western Coastal Precinct at the Kennedy Bay Resort.

2. **Background**

A Structure Plan for the Western Coastal Precinct was lodged with the City in early 2007. The proposed Structure Plan provided for a range of residential densities, from R25 - R100, creating approximately 200 residential lots. The majority of the land was coded R25 - R40 with a contained R100 site located adjacent to the Foreshore Reserve.

The matter was considered by the Council in February 2007, when it was resolved that the Structure Plan be advertised for public comment subject to various matters being addressed.

Following consideration of the amended Structure Plan and submissions received during the public consultation period, the matter was tabled before the Council in April 2007, when it was resolved to take the following action:

"1. Request that the Proponent undertake the following:
   
   (i) Amend the drainage network such that no drainage facilities are located within the foreshore reserve, unless it can be demonstrated that all other alternatives have been exhausted (including modifications to the draft Structure Plan to accommodate drainage on-site) and the requirements of Statement of Planning Policy No. 2.6 - State Coastal Planning Policy are satisfied;
   
   (ii) Modify the Structure Plan such that the density of the R100 site is reduced to a maximum of R40, unless it can be justified that a higher density is consistent with the requirements of prevailing planning policy, particularly Liveable Neighbourhoods 3.

2. Advise the Proponent that it supports maximum building heights in accordance with the requirements of the Residential Design Codes.

3. Subject to the matters identified in points 1 (i) and (ii) above being addressed to the satisfaction of the Manager, Strategic Planning & Environment and the land being zoned 'Development' under Town Planning Scheme No.2, the Chief Executive Officer be delegated authority to approve the Structure Plan be approved subject to the following:-

   (i) A Drainage and Nutrient Management Plan being prepared and implemented to the satisfaction of the City and the Department of Water.

The City subsequently received an amended Structure Plan that included the following modifications:-

- The R100 site was reduced in density to R40;
- The entire Structure Plan area was shifted 20m to the west, with the additional land incorporated into POS between the Structure Plan area and the boat launching facility;
- The road layout was altered, including the realignment of internal roads and the addition of laneways; and
- A 854m² POS reserve was included in the south-east corner of the Structure Plan, at the entry to the Estate.

The amended Structure Plan was considered by Council in August 2007, when it resolved to take the following action:-

1. Upon the land being zoned ’Development’ under Town Planning Scheme No.2, the Chief Executive Officer be delegated authority to adopt the Structure Plan, under clause 4.2.6.7 of the Scheme, subject to the following:-
(i) A Drainage and Nutrient Management Plan being prepared and implemented to the satisfaction of the City of Rockingham and the Department of Water.

(ii) The Proponent demonstrating that the requirements of the Pork Kennedy Development Agreement Act 1992 can be satisfied with respect to the prescribed accommodation mix at the Eco-Tourism site.

(iii) An Indicative Landscaping Plan for the 854m² Public Open Space reserve being submitted and approved by the Manager, Engineering and Parks.

(iv) The provision and location of on-street parking within the Structure Plan area being to the satisfaction of the City of Rockingham.

2. Further to point 1(iv) above, require the Proponent to prepare a comprehensive Parking Strategy for Kennedy Bay that provides traffic generation forecasts and allocates sufficient public parking in appropriate areas, for Council's consideration.

A further request to modify the Structure Plan was received in late 2007 seeking to increase the density of a 3,900m² portion of the Structure Plan from R40 to R100 and to delete twelve R25 lots along the western boundary from the Structure Plan area. The modified Structure Plan also identified 'Short Stay Accommodation' as a permissible land use within the Structure Plan area.

In October 2007, the Council resolved:-

“1. Upon the land being zoned ‘Development' under Town Planning Scheme No.2, the Chief Executive Officer be delegated authority to adopt the modified Structure Plan, under clause 4.2.6.7 of the Scheme, subject to the following:-

   (i) A Drainage and Nutrient Management Plan being prepared and implemented to the satisfaction of the City of Rockingham and the Department of Water.

   (ii) An Indicative Landscaping Plan for the 854m² Public Open Space reserve being submitted and approved by the Manager, Engineering and Parks.

   (iii) The provision and location of on-street parking within the Structure Plan area being to the satisfaction of the City of Rockingham.

   (iv) The manner in which the permissible landuses are depicted on the Structure Plan being to the satisfaction of the Manager, Statutory Planning to ensure compliance with the requirements of clause 4.2.9 of Town Planning Scheme No. 2.

2. Further to point 1(iii) above, require the Proponent to prepare a comprehensive Parking Strategy for Kennedy Bay that provides traffic generation forecasts and allocates sufficient public parking in appropriate areas, for Council's consideration.

At this stage the subject land is not zoned 'Development' under the Scheme, therefore the Structure Plan is yet to be formally adopted.

3. Details

A modified Structure Plan has now been received encompassing 11.08ha over Lots 502 and 503.

The site directly abuts the existing ‘Long Beach Estate’ along the eastern boundary, Port Kennedy Scientific Park to the southern boundary, the future ‘Eco-Tourism site to the western boundary and Foreshore Reserve to the northern boundary.

The Structure Plan is proposed to be modified in the following manner:

- Removing the R100 site;
- Providing two R60 lots;
- Providing a revised lot layout;
- Providing rear loaded lots;
- Removing an east-west Pedestrian Access Way (PAW) / Public Open Space (POS) corridor;
- Providing a POS/Conservation ‘Keyhole’ abutting the Eco-tourism site;
- Modifying the central POS parcel into a POS/Conservation ‘Keyhole’; and
- Decreasing the overall POS provision from 10% to approximately 8%.

A Foreshore Management Plan has previously been drafted for the area but will require updating to ensure consistency with the Structure Plan.

**Site Analysis**

The site is gently undulating and has a ground level between 2m and 6m AHD. The majority of the landholding sits between 3m and 4m AHD.

Although the site is undeveloped, there is considerable degradation of the remnant vegetation given human influences in the area. The surface geology consists of ‘Safety Bay Sand’ which is well drained and highly permeable.

### 4. Implications to Consider

a. **Consultation with the Community**

The proposed variations to the Structure Plan are minor, and do not alter its general intent. As such, further community consultation is not warranted, particularly as the original proposal (showing the proposed R100 site) was advertised and no comment was received.

b. **Consultation with Government agencies**

Consultation with government agencies is not needed as they were given the opportunity to comment on the proposed Structure Plan previously and provided no input. In any event, the relevant Government agencies will be consulted in the normal manner during the subdivision process.

c. **Strategic**

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

d. **Policy**

Liveable Neighbourhoods
Planning Policy 3.4.1 - Public Open Space
Planning Procedure 1.6 - Preparation and Assessment of Structure Plans

e. **Financial**

N/A

f. **Legal and Statutory**

Clause 4.2.7 of Town Planning Scheme No.2 states that the Council may adopt a minor change to or departure from a Structure Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Structure Plan.

Under the Port Kennedy Development Agreement Act 1992, the developer is only granted land to be developed and on-sold upon funds being expended on public works. When the land is granted, the Act provides for it to be automatically zoned 'Urban' under the MRS and 'Development' under the TPS.

### 5. Comments

**Structure Plan Assessment**

**Community Design**

The Structure Plan has been designed to integrate with the surrounding planning framework. The movement network is highly permeable and has been designed to provide convenient access to the
The movement network also provides strong pedestrian and cyclist linkages to the wider area.

A range of density codes are proposed to accommodate a variety of housing product. Most of the lots are coded R25 with five R40 and two R60 sites also provided. It is noted that the current Structure Plan proposes an increase in the number of grouped housing lots compared to the previous design. This is considered acceptable as it results in a greater variety of housing form.

Total lot yield has slightly decreased due to the removal of the R100 site. It is considered that the decreased lot yield is acceptable when considered against the increase in housing variety depicted by the revised design.

**Lot Layout**

Under Liveable Neighbourhoods, the Structure Plan is required to achieve a target density of 20 to 30 dwellings per hectare within a 400m radius of the proposed Neighbourhood Centre and 12 to 20 dwellings per hectare outside this radius. The overall lot yield achieves approximately 22 dwellings per site hectare and satisfies the requirements of Liveable Neighbourhoods.

The indicative lot layout depicted over the Structure Plan is considered acceptable. Detailed Area Plans will be necessary to guide the development of the laneway lots, and the Proponent has indicated a preference to apply a Detailed Area Plan to all lots in the development. The need for Detailed Area Plans will be considered in more detail at the subdivision stage.

**Movement Network**

As detailed above, the Structure Plan generally provides a permeable movement network for vehicles, cyclists and pedestrians.

Engineering Services has noted that the extension of Port Kennedy Drive should be an ‘Access Street B’ rather than an ‘Access Street C’. This will require a slightly wider reserve to accommodate dedicated on-street parking bays, however, the reserve width may be reduced given the road abuts a regional reserve.

It has also been noted that the Parking Strategy, as required by the Council previously for Kennedy Bay, should also make provision for bicycle parking.

**Public Open Space**

The location and configuration of POS is considered to be generally acceptable and provides good connectivity to the foreshore. The POS is distributed across the entire Structure Plan area and is within an acceptable distance (as prescribed under Liveable Neighbourhoods) to all proposed residential lots.

The Structure Plan provides 1.36 hectares of POS representing a total contribution of 8.1% in lieu of the standard 10% required. The applicant has provided justification that the total land area of both the Western Precinct and Long Beach Estate, includes 2.72 hectares of existing and proposed POS representing an overall POS contribution of 12.89%. Given the suitable access to POS and the presence of the Foreshore Reserve and abutting Regional Open Space, the applicant’s justification has merit and is supported.

A small pocket park adjacent to the south-eastern R40 precinct has been reduced from 854m² to 579m². Parks Services has indicated that, given the site is adjacent to another POS reserve, the small size of the reserve does not present a maintenance issue to the City. It is recommended, however, that the Council require the submission of an indicative landscaping plan, demonstrating that the site can be developed to an acceptable standard for passive use, prior to the Structure Plan being adopted. This is consistent with the Council's previous decisions with respect to the POS.

The Proponent has sought to increase the POS provision by including corner truncations within the POS schedule. Engineering Services has advised that the truncations are not necessary, do not provide any value as POS, and should be deleted. This would have the effect of reducing the POS provision within the development from 8.1 to 7.5%, although the overall POS contribution
(including Long Beach Estate) will still exceed 12% and is considered acceptable. The Structure Plan and POS Schedule should be amended accordingly.

**Local Water Management Strategy**

The LWMS has been assessed and is considered to be acceptable subject to the following matters being addressed:
- investigate the possibility of a salt water intrusion and possible impacts on the water requirements of the development;
- demonstrate that the performance of the underground infiltration is not affected by future sea level rises; and
- justify and provide further details on the City's future role in the Groundwater Monitoring and Management Program.

**Other Comment**

The proposed Structure Plan includes a number of 'Planning Policy Statements' referring to the subject lots, relevant scheme provisions, and the intent behind certain aspects of the Structure Plan. These 'Planning Policy Statements' have no statutory basis and are not considered necessary. As such, it is recommended that they be deleted from the Structure Plan.

**Conclusion**

In light of the above comments, the modified Structure Plan is considered suitable for adoption subject to the land being zoned 'Development' under Town Planning Scheme No.2.

Given the proposed modifications to the Structure Plan are relatively minor, and are not seeking to increase density, advertising of the proposal is not considered necessary.

**6. Voting Requirements**

Simple Majority

**7. Officer Recommendation**

That upon the land being zoned 'Development' under Town Planning Scheme No.2, the Chief Executive Officer be delegated authority to **ADOPT** the modified Structure Plan for Lots 502 and 503 Port Kennedy Drive, Port Kennedy under clause 4.2.6.7 of the Scheme, subject to the following matters being satisfactorily addressed:

(i) An indicative Landscaping Plan for the 579m² Public Open Space reserve being submitted.

(ii) A comprehensive Parking Strategy for Kennedy Bay being submitted that provides traffic generation forecasts and allocates sufficient parking in appropriate areas. The Parking Strategy should also consider the provision of facilities for the parking of bicycles.

(iii) The Local Water Management Strategy being amended to address the matters raised in the Officer Report.

(iv) The extension of Port Kennedy Drive being changed from an 'Access Street C' to an 'Access Street B', in order to allow for the provision of dedicated on-street parking bays.

(v) The proposed corner truncations adjacent to the Foreshore Reserve being deleted, and the POS schedule amended accordingly.

(vi) The 'Planning Policy Statements' being deleted from the Structure Plan.
8. **Committee Recommendation**

That upon the land being zoned 'Development' under Town Planning Scheme No.2, the Chief Executive Officer be delegated authority to **ADOPT** the modified Structure Plan for Lots 502 and 503 Port Kennedy Drive, Port Kennedy under clause 4.2.6.7 of the Scheme, subject to the following matters being satisfactorily addressed:

(i) An indicative Landscaping Plan for the 579m² Public Open Space reserve being submitted.

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(v) The proposed corner truncations adjacent to the Foreshore Reserve being deleted, and the POS schedule amended accordingly.

(vi) The 'Planning Policy Statements' being deleted from the Structure Plan.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
# Planning Services
## Strategic Planning & Environment

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-008/10 Outer Metropolitan Perth and Peel Sub-Regional Strategy (Draft)</th>
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<td>File No:</td>
<td>LUP/757-02</td>
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<td>Proponent/s:</td>
<td>Western Australian Planning Commission</td>
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<tr>
<td>Author:</td>
<td>Mr B Ashby, Co-ordinator, Strategic Planning</td>
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<td>Other Contributors:</td>
<td>Mr P Ricci, Manager, Strategic Planning &amp; Environment</td>
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<td>Date of Committee meeting:</td>
<td>15th November 2010</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Advocate Function</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>Lot Area:</td>
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<td>Attachments:</td>
<td>1. Sub-Regional Areas Plan</td>
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<td>2. Opportunities and Constraints Analysis Map (City of Rockingham)</td>
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<tr>
<td></td>
<td>3. Urban Expansion Plan</td>
</tr>
<tr>
<td></td>
<td>4. South-West Spatial Framework Map</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

## Purpose of Report

To advise the Council of the content of the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy released by the Western Australian Planning Commission (WAPC), and to seek its endorsement of a submission on the document.

## Background

To date, regional planning within the study area has been guided by the 1993 South West Corridor Structure Plan (SWCSP). The main purpose of the SWCSP was to identify land for future urban
development and it was the precursor to the zoning of land within Baldivis and Karnup as 'Urban' and 'Urban Deferred' under the Metropolitan Region Scheme.

Along with the identification of land for future urban development, a key element of the SWCSP was the protection of rural vistas along the Freeway, Old Mandurah Road and Mandurah Road, forming a 'green buffer' to urban development from these transport corridors.

In recent years, several Amendments to the Metropolitan Region Scheme have been progressed which resulted in the zoning of land for urban development beyond that which was proposed by the SWCSP.

In 2009, the WAPC released the draft Southern Metropolitan and Peel Sub-Regional Structure Plan ('the Sub-Regional Structure Plan') for public comment simultaneously with Directions 2031 - Draft Spatial Plan for Perth and Peel and State Planning Policy - Activity Centres for Perth and Peel. The Sub-Regional Structure Plan was intended to be the means by which the recommendations of the broader Directions 2031 document will be implemented.

Directions 2031, the Sub-Regional Structure Plan and the Activity Centres Policy were considered by the Council in August 2009 and submissions subsequently provided to the WAPC. The main issues raised by the Council included:

**General Comment**
- Concern that the target of 15 dwellings per gross hectare is considered ambitious, particularly given it did not take into account land lost for schools and regional reservations etc.
- The target infill rate of 47% should be lower for outer sub-regions.
- Support for the new tier of 'Primary Centre' and Rockingham being designated as such.
- Growth projections for the south-west sub-region are considered very conservative.
- No clear direction on when land should be construed as suitable for rezoning.
- A 20 year horizon for the strategic plan is considered short sighted.
- Planning should take into account the need for major water, energy and sewer infrastructure to ensure it is planned well ahead of development and that suitable facility sites are identified.

**Specific Comment**
- The entire area east of the Freeway (within the City of Rockingham) should be the subject of further examination for urban development as it has similar attributes to other land identified for investigation in the Mandurah and Murray LGA's.
- Baldivis Special Rural (south of Sixty Eight Road) should be retained as 'Future Urban', however, the need to consider the conservation of significant remnant bushland, and the retention of a green link, should be noted on the plan.
- Baldivis East (between Baldivis Road and the Freeway) should be changed to 'Undeveloped Urban and Urban Deferred' in recognition of its recent zoning under the MRS.
- Land south of Sixty Eight Road and east of Baldivis Road is significantly constrained and its potential for urban development is questioned.
- Designation of Karnup (Amarillo Special Rural zone) as 'Future Urban' is supported.
- Development of a TOD at Karnup Station is supported.
- Development of Golden Bay Special Residential for urban purposes, in proximity to the Karnup Station, could have some merit but would need to be considered against the City's Policy position of protecting the landscape values of the precinct.
- Portion of the Stakehill Swamp Precinct should be included as 'Urban Investigation'.
- Land accumulation strategies are unlikely to completely resolve issues of land fragmentation, and it is likely to be difficult for Local Governments to deliver large active sporting reserves
and community facility sites, which should be considered prior to land being rezoned under
the MRS.
- The intention to undertake more detailed planning for traffic and transport is noted and
supported. There is currently a lack of adequate transport planning in the region, particularly
east of the Freeway which should be urgently addressed.

In August 2010, the WAPC adopted Directions 2031 and Beyond as the broad spatial plan for the
Perth and Peel regions. The Activity Centres Policy was gazetted on the 31st August 2010.
The draft Sub-Regional Plan has been deferred and is expected to recommence in late 2010, with a
view to being finalised by late 2011 / early 2012.

3. Details

The WAPC has now prepared the Outer Metropolitan Perth and Peel Sub-Regional Strategy ('the
Strategy') to build on the broad objective of Directions 2031 and inform the Sub-Regional
Structure Plan.

The Strategy has been released for public comment with responses required by the 29th November
2010. A full copy of the document is attached to the agenda.

The key sections of the Strategy, relevant to the City, are summarised as follows:

Section 1 - Executive Summary

Provides an introduction and context to the Strategy. Section 1.3 states that the Strategy is
intended to "link State and local government strategic planning to guide the preparation and review
of structure plans and local planning strategies by:

* providing information about the level of expected population growth in each local government
area;
* identifying potential urban expansion areas and investigation areas for future urban
development to meet the long-term residential needs;
* estimating the dwelling supply for each sub-region based on currently identified infill
opportunities, existing urban and urban deferred zoned land, and potential urban expansion
and investigation areas;
* outlining the wide spread of development opportunities throughout the outer metropolitan
Perth and Peel sub-regions;
* investigating the development potential of planned and future urban growth areas including
activity centres and transit oriented developments;
* supporting the planning and delivery of land for employment growth and actions to support
economic development; and
* informing all levels of government decision-making on where and when to fund the most
efficient roll out or upgrading of public infrastructure services."

The Executive Summary also explains the rationale applied by the WAPC in calculating dwelling
yields from undeveloped urban or potential urban areas.

Section 2 - Directions 2031 Strategic Framework

Outlines the strategic framework of Directions 2031.

Section 3 - Policy Framework

Provides an overview of the planning framework including:

* State Planning Strategy
* State Planning Policies
* Liveable Neighbourhoods
* Local Planning Strategies
* Sub-Regional Structure Planning
* Planning Reform
* COAG Capital City Agenda

Section 4 - Connected City

Explains the intention of Directions 2031 to achieve a ‘connected’ City through a 50% improvement in both infill residential development and greenfield development yields. In this regard, Directions 2031 seeks to provide 47% of new dwellings through infill development, and achieve an average residential density of 15 dwellings per gross urban zoned hectare.

The Strategy clarifies that 37% of new dwellings are expected to be provided through infill development within the central sub-region, with 10% through infill development in the outer metropolitan sub-regions.

Section 5 - Planning for a population of 3.5 million

Directions 2031 (based on WA Tomorrow 2005) forecasts growth of the Perth and Peel region from 1.65 million to 2.2 million, requiring around 328,000 dwellings and 353,000 jobs. 350,000 of the expected 555,000 new residents are expected to be located in the outer sub-regions.

Australian Bureau of Statistics (ABS) projections are actually higher than those adopted by the WAPC, varying between 2.40 - 2.88 million.

Recent population forecasts released by the Commonwealth Government forecasts Perth will reach a population of 3.5 million by 2056.

Section 6 - Managing urban expansion

Provides background information to the urban expansion management program, identifying its purpose to ensure a 25 year supply of undeveloped urban land by:

* identifying land ahead of the rezoning process;
* staging the rezoning of that land in response to future growth trends;
* ensuring that there is sufficient land available for development at all times, without the need for blanket rezonings;
* identifying land for rezoning to take place at the appropriate time in the most suitable locations; and
* completing the Urban Development Program, which coordinates the planning and release of serviced land in response to population growth trends and emerging development and planning opportunities/barriers.

The Strategy outlines the range of assumptions (based on three low, medium and high density scenarios) applied to establish how many new dwellings are required in order to accommodate a projected population of 3.5 million as follows:-

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Business as usual</th>
<th>Connected City</th>
<th>High density</th>
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</thead>
<tbody>
<tr>
<td>Population increase to 2056 (3.5million)</td>
<td>1.85 million</td>
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<tr>
<td>Dwellings required</td>
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<td>Assumed infill development</td>
<td>293,000</td>
<td>341,000</td>
<td>389,000</td>
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<tr>
<td>Greenfield development required</td>
<td>632,000</td>
<td>584,000</td>
<td>536,000</td>
</tr>
<tr>
<td>Density per gross urban zoned hectare</td>
<td>10du/ha</td>
<td>15du/ha</td>
<td>17du/ha</td>
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<tr>
<td>Greenfield land required</td>
<td>63,200</td>
<td>38,900</td>
<td>31,500</td>
</tr>
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<td>Current undeveloped zoned land</td>
<td>18,600ha</td>
<td>18,600ha</td>
<td>18,600ha</td>
</tr>
<tr>
<td>Additional land required for 3.5million</td>
<td>44,600</td>
<td>20,300</td>
<td>12,900</td>
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</table>
The WAPC has adopted the 'Connected City' scenario for the Strategy.

In order to establish what areas may be appropriate for urban development, the WAPC has analysed and mapped opportunities and constraints (including environmental, social, cultural and economic). A portion of the Opportunities and Constraints Analysis Map relevant to the City of Rockingham is included as Attachment 2.

The Map identifies land that is already developed or zoned for development, land that is excluded from consideration, and the balance of land in terms of the degree to which it is constrained (least, moderately or highly). In terms of the 'excluded areas', the Strategy notes "severely environmentally constrained areas and other areas unsuitable for development were excluded from the mapping. These areas included Bush Forever sites, national and regional parks, Ramsar Convention listed wetlands, State forests, water protection areas, Aboriginal heritage sites, primary roads and railways, major port operations, portions of the Swan Valley, flood prone areas, areas with steep slopes, raw mineral resource extraction areas, waste water treatment plant buffer areas and major gas-pipeline corridors". It is noted that details of the opportunities and constraint analysis have not been provided for review.

In order to guide what areas should be considered for future urban development, the Strategy includes the following draft performance indicators:-

1. The proposal demonstrates compliance with the WAPC's planning framework, including any relevant policies and endorsed strategies.
2. The proposed area represents a logical expansion of the urban area and does not result in land use conflict.
3. The land is capable of being provided with essential services and that the expansion of the servicing infrastructure is logical and economically efficient and has the agreement of the service providers with regard to the staging and financing of the infrastructure.
4. The development of the area will not have significant impacts on the environment and natural resources which cannot be appropriately managed.
5. The proposal is able to integrate and provide for regional needs; for example movement networks such as road, rail and public transport, and regional social infrastructure such as hospitals and tertiary institutions.
6. The proposed area satisfactorily demonstrates through an employment strategy where the resulting community’s employment will be located and the degree of self sufficiency that could be achieved.

It is also stated that "it should not be assumed that urban expansion areas and investigation areas indicated in the draft urban expansion plan will be rezoned for urban or industrial development at any time".

The Strategy states that land supply is intended to be monitored through the Department's Urban Development Program, which is expected to be released next year and updated annually.

The Strategy itself, along with the Urban Expansion Plan (see below), is intended to be reviewed at least every five years.

**Section 7 - Urban Expansion Plan**

The Urban Expansion Plan (Attachment 3) is intended to identify priority sites to be considered for urban development and applies the following classifications:

1. **Urban undeveloped land**
   - Land currently zoned urban and not yet developed.

2. **Urban deferred undeveloped land**
   - Land currently zoned urban deferred and not yet developed.
3 Areas in the process of region scheme rezoning

Areas currently in the process of rezoning to urban and which have been granted WAPC approval to advertise for development in the short term.

4 Urban expansion areas

Areas of rural land identified as potential urban expansion areas for rezoning in the short term (within five years) subject to statutory rezoning processes.

5 Investigation areas

Rural land to be investigated for potential rezoning in the short to medium term (within ten years) subject to statutory rezoning processes.

The Urban Expansion Map identifies two Urban Expansion Areas in Rockingham, as follows:

* Karnup South-West: 49ha of land located to the east of the future Karnup train station; and
* Keralup: Stage 1 of the proposed Keralup development located immediately to the east of the Kwinana Freeway and west of the Serpentine River.

Three Urban Investigation Areas are also identified, as follows:

* Baldivis South: the predominantly 'Special Rural' land to the south of Sixty Eight Road and north of Stakehill Road.
* Karnup: the Amarillo 'Special Rural' area located between Stakehill Road and Paganoni Road.
* Keralup East: the balance of the proposed Keralup development east of the Serpentine River.

It is noted that 40% (4,200ha) of the total urban expansion and investigation areas in Perth and Peel have been allocated to the south-west sub-region, of which the majority is within Baldivis, Karnup and Keralup.

In terms of progressing these areas to an urban zoning, the Strategy states "it is expected that the rezoning process will generally be initiated by private sector proponents. In some cases, local or State Government involvement will be required to coordinate the structure plan process and establish infrastructure contribution schemes such as those required for the East Wanneroo development."

Section 11 - South-west sub-region

The Spatial Framework Map (Attachment 4) for the south-west sub-region (Rockingham, Kwinana and Cockburn) includes the Urban Expansion and Urban Investigation areas identified in the Urban Expansion Map, and identifies other key planning elements for the area as follows:

* Rockingham identified as a Strategic Metropolitan Centre;
* North-East Baldivis Priority Industrial Site;
* East Rockingham Waste Water Treatment Plant;
* Port Kennedy Waste Water Treatments Plant and Water Recycling Plant;
* Karnup Water Storage / Reservoir;
* Mundijong Road West Construction; and
* Kwinana Freeway Road Upgrading

The Strategy notes that the area west of the Freeway is a relatively mature urban area, and that the area to the east of Freeway has significant tracts of rural land that have the potential 'to absorb a lot of future urban growth'.

Other key points include:

* The identification of Rockingham Beach as a ‘metropolitan attractor’, which are considered to be "places that attract tourists and are highly valued by local and regional residents";
* Employment self-sufficiency in the sub-region is currently 60%, below the Directions 2031 target of 70%. Key strategies to increasing employment in the sub-region include increasing the supply of industrial land and finalising the Western Trade Coast economic development strategy.

The Strategy identifies the following actions for the sub-region:—

* Finalise South Metropolitan and Peel Transport Study to determine the preferred transport network to support future growth;
* Finalise environmental, transport and economic development studies; and initiate and progress an amendment to the Metropolitan Region Scheme as key elements of the Keralup project; and
* Finalise the Southern Metropolitan and Peel Sub-regional Structure Plan, informed by the Outer Metropolitan Perth and Peel Sub-regional Strategy.

The Strategy also includes a detailed breakdown of dwelling supply estimates for the sub-region.

Section 13 - Governance, implementation and monitoring

Identifies the following nine strategies to meet land supply, housing and employment needs:

1. Plan for increased housing supply in response to changing populations needs.
2. Promote and increase housing diversity, adaptability, affordability and choice.
3. Ensure urban expansion occurs in a timely manner in the most suitable locations.
4. Promote higher densities in greenfield development.
5. Facilitate and retain employment land to support economic growth and a balanced distribution of employment across the metropolitan Perth and Peel regions.
6. Plan and develop for transit orientated developments mixed use and medium-rise higher density housing development.
7. Protect our natural and built environments and scarce resources; respond to social change and optimise the land use and transport conditions that create vibrant, accessible, healthy and adaptable communities.
8. Maximise essential urban infrastructure efficiency and equity, and develop a coordinated approach to infrastructure and land use planning and development.
9. Engage with the development industry, State government agencies, local government and the community to implement the Strategy.

Section 14 - The Strategy

Outlines actions to implement the above strategies, along with responsibility and timeframes for implementation. The timeframes for implementation are separated into:

- short term (1 to 2 years);
- medium term (3 to 5 years); and
- long term (6 or more years).

4. Implications to Consider

a. Consultation with the Community

Public consultation is undertaken by the WAPC.

b. Consultation with Government agencies

Consultation with Government agencies is undertaken by the WAPC.
c. **Strategic**
   The matter falls within Functional Area 3 - Land Use & Environment under the Scope of Strategic Master Planning.

d. **Policy**
   N/A

e. **Financial**
   N/A

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

5. **Comments**

The draft Outer Metropolitan Perth and Peel Sub-Regional Strategy is intended to be a principal based document, identifying the key strategies needed to guide growth of the region into the future.

The general intent of the Strategy, in planning for a longer term population of 3.5 million and promoting a more dense urban form, is supported.

It is considered, however, that the draft Strategy is undermined as various regional studies which should have informed it, including regional transport, employment and industrial land strategies, are yet to be finalised. Over previous years it has become apparent that the desire of the WAPC to be seen as active in regional planning has been at the expense of normal, structured processes where the supporting work is done prior to the broader Strategy being released.

Although the WAPC should be commended for becoming more relevant in regional planning, the disjointed and unstructured approach often makes it difficult to fully understand and feed into the process.

With respect to the key aspects of the Strategy, the following comments are provided:

**Population Projections**

The Strategy currently adopts the WAPC’s ‘WA Tomorrow’ population projections which were prepared in 2005, and notes that its projections are below even the low scenario projections of the ABS.

Given the strong economic growth the State is expected to experience, planning should consider the potential for greater than expected growth and it is considered that the ABS projections provide a more robust basis for planning into the future.

It is also noted that the ABS has forecast a population of 3.5 million for the Perth Metropolitan Area by 2056 and the adoption of this longer term forecasted population as a basis for strategic planning is supported.

The Strategy does not provide population projections by LGA, rather it is expressed on a sub-region level. Although the figures appear conservative, it is difficult to provide meaningful input as Rockingham is not specifically detailed; this will occur when the projections are refined through a review of WA Tomorrow (currently underway) and consideration of the detail contained in the future Sub-Regional Structure Plan.

**Opportunities and Constraints Mapping**

The analysis of relevant opportunities and constraints, in order to identify land that may be suitable for urbanisation, is an essential step in the preparation of the Strategy. Although the WAPC identified the factors that informed the opportunities and constraints, there was very little detail on how the factors were applied.
Given that this mapping drives significant elements of the Strategy outcomes, the details of the assessment should be provided to relevant local authorities for review and comment. This should occur prior to the Strategy being finalised.

It is also considered appropriate that detailed opportunity and constraints analysis be undertaken for infill development, in order to identify the preferred location for infill development and address potential constraints to the infill targets being delivered.

While it is difficult to comment on the mapping in the absence of more detailed information, there appears to be inconsistency in the assessment of some areas. For example, the Keralup land is generally comparable with other land east of the Freeway within Baldivis, however, the Baldivis land has largely been shown as an ‘excluded area’ giving the impression that development will not be contemplated.

**Urban Expansion Plan**

The areas identified as Urban Expansion or Urban Investigation within Rockingham are supported. The Strategy does not, however, adequately explain the basis for areas being identified for expansion or investigation.

Concern is raised that the Strategy essentially invites applications for rezoning in areas that are not identified for urban expansion or investigation in the Urban Expansion Plan, stating that areas not identified as such will still be considered if the case can be made. This is considered to be inconsistent with orderly and proper planning, and the Urban Expansion Plan should be updated as a prerequisite to rezoning being considered. This would warrant the Urban Expansion Plan being updated on a more regular basis, either as required or say every 2 years.

It is noted that the Strategy, despite undertaking an analysis of development needs to achieve a projected population of 3.5 million, does not identify sufficient land to accommodate such. While the intent to ensure a 25 year supply is noted, the Strategy itself should look further ahead and seek to identify what areas could be developed to achieve the long term population of 3.5 million.

Within Rockingham, there are considered to be a number of areas worthy of consideration for urban development, including east of the Freeway in Baldivis and land within the Stakehill Swamp Precinct.

**Dwelling Supply**

The dwelling supply estimates for Rockingham outlined in the Strategy are generally acceptable, however, it is noted that a portion of the Baldivis precinct (BA6) has not been included in the dwelling yield estimates. This land should be included in the calculations as it is already zoned and likely to be developed in the short to medium term.

There is also confusion in terms of the classification of development of infill versus greenfield. In this regard, some areas such as Secret Harbour and Singleton are classified as infill, whereas the similar area of Golden Bay is classified as greenfield.

In terms of establishing the number of dwellings required to accommodate future growth, an occupancy rate of 2.0 persons per household is considered very conservative and well below Rockingham’s current and projected occupancy rates. To ensure a robust plan for future growth, however, the adoption of a conservative figure, essentially overestimating the number of dwellings required, is considered appropriate.

It is also noted that the methodology for calculating the amount of greenfield development is predominantly based on the amount of demand met by infill development, and is therefore heavily reliant upon the accuracy of the infill assumptions. In this regard, whilst the infill assumptions for the City are considered appropriate (although the definition of ‘infill’ requires clarification), it is understood that the assumptions for some local government areas are ambitious and the likelihood of the infill targets being met is questioned.
Finally, it is noted that the dwelling yield estimates for the Rockingham City Centre reflect the anticipated development to 2031, rather than the ultimate dwelling yield for the project. In this regard, the City Centre is expected to provide up to 20,000 new dwellings when fully developed.

Sub-Regional Spatial Framework

As noted previously, the areas included as Urban Expansion or Urban Investigation are supported, however, it is considered that the eastern area of Baldivis and the Stakehill Swamp Precinct should be included as Urban Investigation. The existing Baldivis urban and urban deferred zones should also be acknowledged as a key urban growth area, similar to the Cockburn Coast and Port Coogee, as it is expected to accommodate substantial development for the sub-region over the next 20 years.

It is noted that the much of the land identified for investigation within Rockingham is considerably fragmented and strategies will need to be prepared in order to assemble land and facilitate urban development. As noted by the City previously, land accumulation strategies are unlikely to completely resolve issues of land fragmentation, and it is likely to be difficult for Local Governments to deliver large active sporting reserves and community facility sites, which should be considered prior to land being rezoned under the MRS.

It is also noted that the approved Rockingham Strategic Metropolitan Centre Plan expands the planning envelope for the City Centre to include land currently zoned Industrial (north of Dixon Road) and Urban (north of Patterson Road, west of Read Street and south of Council Avenue). The City has requested the WAPC to initiate an Amendment to the Metropolitan Region Scheme to reflect the extent of the planning envelope under the Centre Plan and it is recommended that the Spatial Framework Map be amended to reflect the proposed changes.

Finally, the intention to undertake more detailed planning for traffic and transport is noted and supported. There is currently a lack of adequate transport planning in the region, particularly east of the Freeway, which should be urgently addressed.

A number of mapping inaccuracies have also been identified which will be brought to the attention of the WAPC. Most notably, many areas of existing POS have been identified as 'urban zoned undeveloped'. The Secret Harbour Golf Course has also been incorrectly given this status.

Infrastructure

The Strategy identifies the necessary infrastructure that will be required to support the growth.

In terms of delivering new development to accommodate population growth, servicing is currently the most significant issue within Rockingham, with sewer capacity currently constraining development in a number of areas of Baldivis. The proposed East Rockingham Wastewater Treatment Plant is listed as ‘planned for construction by 2015’.

With respect to the proposed Port Kennedy Waste Water Treatment Plant and Water Recycling Plant, the City has previously advised the Water Corporation of its view that the subject site in not appropriate for a treatment facility given the extent of existing and future incompatible land uses within its vicinity. It is also assumed that any plant will be associated with ocean outfall and that the Water Corporation would seek to install infrastructure directly west to the coast. The impact that this will have on the internationally recognised Port Kennedy Scientific Park (which is a key element of the wider Rockingham Lakes Regional Park) is likely to be considerable and strongly contested by the City and other stakeholders. It is therefore requested that the depicted Water Recycling Plant and Waste Water Treatment Plant be removed from the spatial framework map, and that strategic planning for regional wastewater be urgently reviewed.

The ‘Karnup Reservoir’ is also listed for construction after 2020. Although the City has not been approached with respect to this proposal, it is assumed that the facility will be required following the Tamworth Reservoir reaching capacity. The Water Corporation owns a vacant landholding in south Baldivis which was intended to accommodate the facility but has limitations by virtue of it being a Bush Forever site. The proposed Karnup facility is noted and the Water Corporation should
be encouraged to liaise with City as early as possible in the planning process to ensure that implications of the facility are understood.

In terms of regional road planning, Mundijong Road is identified as 'a project in progress or funded'. The description of the project suggests that its purpose is to provide a connection to the Kwinana Freeway. From the City's point of view, an equally important objectives for Mundijong Road is to enable an efficient connection from the Freeway to the Rockingham City Centre; this point should be made to the WAPC and the emphasis changed accordingly.

Further, in terms of 'Strategic Road Planning', the Fremantle Rockingham Central Access Highway is mentioned. The manner in which this road intersects with Mundijong Road is also an important element of the broader City Centre transport network and particular attention will be given to this proposal.

The Spatial Framework map also shows a section of the Kwinana Freeway, south of Safety Bay Road, being upgraded, however, there is no commentary in support of this. Given that the road has only been open for about 12 months, the need for upgrade is questioned.

One aspect the Strategy has not considered is planning for social infrastructure, including both sporting and community facilities, as well as hospitals and tertiary education centres, necessary to support population growth. These needs should be considered prior to the Sub-Regional Structure Plan being prepared.

The inefficient coordination of infrastructure has the greatest potential for the Strategy recommendations not to be realised. Other than containing a number of broad statements on expected deliver dates, the Strategy seems to be lacking commitments in this regard. The WAPC should ensure that certainty on infrastructure delivery is achieved such that all stakeholders can consider the findings of the Strategy with some confidence.

**Implementation Strategy**

The overall strategies and action plans outlined in the Strategy are generally considered appropriate, however, concern is raised with respect to the intention to require all development to achieve a density of 15 dwellings per gross urban zoned hectare. In this regard, it is unlikely that all urban zoned land will be developed for urban purposes, due to relevant constraints, and higher than expected densities may be required to achieve the targeted dwelling yields. Such higher densities may not necessarily be commercially viable or supported by the market, particularly in the outer metropolitan areas, and a strict application of this requirement may delay or prevent development from occurring. It is essential that the State and local governments work collaboratively with the development industry towards delivering more dense urban development whilst ensuring that the supply of housing is not adversely affected.

The intention to prepare an Urban Development Program, in order to monitor the supply and delivery of urban development, is strongly supported. In 2009, the City prepared the Rockingham Urban Growth Programme through consultation with the owners and developers of urban and urban deferred zoned land in order to establish the likely timing of development within the City of Rockingham. The City's Urban Growth Programme is currently being reviewed and updated and may assist in informing the WAPC’s Urban Development Program.

Finally, whilst the preparation of an Urban Expansion Plan is supported, it is considered that such a Plan should be reviewed and updated more regularly than on a five yearly basis. In this regard, as noted previously, the inclusion of land within an urban expansion area should be a prerequisite of rezoning and it may be appropriate to review the Plan on a more regular basis to ensure development is not unnecessarily delayed if it is considered that additional land has merit for urban development.
Conclusion
The Strategy is a key implementation mechanism for Directions 2031 and comes at an important time for the City as it embarks on its Local Planning Strategy. The overall intent of the document is sound and the pattern of development is generally in keeping with that known and supported by the Council. It is considered, however, that the Strategy does not go far enough in identifying certain growth opportunities in Rockingham as detailed above.

It is also difficult to reconcile some of the recommendations in the absence of ongoing or planned regional studies that would have informed its outcomes. The effective implementation of the Strategy and its more detailed partner, being the future Sub-Regional Structure Plan, requires the effective coordination of services and facilities which remains a major challenge for the WAPC.

In the light of the above, it is recommended that the above comments form the basis of the Council's submission to the WAPC.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ENDORSE the content of the Officer Report to form the basis of its submission to the Western Australian Planning Commission on the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy.

8. Committee Recommendation

That Council ENDORSE the content of the Officer Report to form the basis of its submission to the Western Australian Planning Commission on the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy.

Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
**Statutory Planning**

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<td>Author:</td>
<td>Nicole D'Alessandro, Administration Officer</td>
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<td>Lot Area:</td>
<td>Lots 1 Clyde Avenue, 9051 Safety Bay Road and 9059 Nair Drive, Baldivis</td>
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<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Location Plan</td>
</tr>
</tbody>
</table>

| ![Location Plan](image1.png) |
1. **Purpose of Report**

To consider an application seeking approval for a street naming theme of 'Passenger Ships that Arrived in WA between 1829 and 1889' for the 'Settlers Hills East Estate' located at Lots 11 Clyde Avenue, 9051 Safety Bay Road and 9059 Nairn Drive, Baldivis.

2. **Background**

In 1995 the Council supported a street naming theme based on 'Early Settlers' to complement the estate name of 'Settlers Hills' given its historic reference to the area.

Council is in receipt of a request from the developers of the Settlers Hills East Estate seeking approval for a proposed street naming theme associated with Passenger Ships that arrived in WA between 1829 and 1889.

3. **Details**

The developer has selected a street naming theme of 'Passenger Ships that arrived in WA between 1829 and 1889' for the subject subdivision and submitted a plan of the road layout and the street names allocated to such.

A sample of the proposed street names are as follows:-

**Daylight Entrance** - In September 1874, E H Laurence was appointed temporary immigration agent and authorised to charter a ship to convey 400 migrants. The Daylight left England in May bringing 160 passengers including EH Laurence, who organised with ship owners to take further groups on subsequent voyages. The captain of the Daylight was Captain Bush.

**Esmeralda Entrance** - The Esmeralda was a passenger ship that departed London, England and arrived in Fremantle, WA on October 14 1854, with 208 passengers.

**Sunbeam Approach** - The Sunbeam was a passenger ship that departed Algoa Bay and arrived in Busselton, WA on July 10 1883, with 21 passengers.

**Mikado Street** - The Mikado was a passenger ship that departed London, England and arrived in Fremantle on February 28 1837, with 13 passengers.

**Sophia Link** - The 537 ton teak and yellow metal Sophia was built in Calcutta, India in 1819. She is said to have sailed from London, Portsmouth and finally, on April 27 1850 from Plymouth. She arrived in Fremantle, WA on July 27 1850 with 250 passengers.

4. **Implications to Consider**

   a. **Consultation with the Community**

      Nil

   b. **Consultation with Government agencies**

      Consultation with the Geographic Names Committee is required following the Council's decision.

   c. **Strategic**

      Nil

   d. **Policy**

      Planning Procedure 1.4 – Street Names and their Themes.
e. **Financial**
   Nil

f. **Legal and Statutory**
   The responsibility for approving street names rests with the Geographic Names Committee.

5. **Comments**
The original street naming theme of 'Early Settlers' was approved circa 1995. The supply of appropriate street names, which meet the Geographic Names criteria, has been exhausted. As the proposed street naming theme reflects a nautical heritage and complies with Council’s Planning Procedure 1.4, approval is recommended.

6. **Voting Requirements**
Simple Majority

7. **Officer Recommendation**
That Council **ENDORSE** the proposed street naming theme of ‘Passenger Ships that arrived in WA between 1829 and 1889’ for use within the Settlers Hills East Estate, Baldivis located at Lots 11 Clyde Avenue, 9051 Safety Bay Road and 9059 Nairn Drive, Baldivis.

8. **Committee Recommendation**
That Council **ENDORSE** the proposed street naming theme of ‘Passenger Ships that arrived in WA between 1829 and 1889’ for use within the Settlers Hills East Estate, Baldivis located at Lots 11 Clyde Avenue, 9051 Safety Bay Road and 9059 Nairn Drive, Baldivis.
   Committee Voting – 4/0

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

10. **Implications of the Changes to the Officer’s Recommendation**
Not applicable.
1. **Purpose of Report**

To consider lodging an expression of interest with WALGA, to participate in the review of State Planning Policy 3.1 - Residential Design Codes (‘R-Codes’).

2. **Background**

The R-Codes provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia.

The Western Australian Planning Commission (‘WAPC’) recently announced in addition to the review of the R-Codes, amendments to the R-Codes to introduce additional multiple dwelling provisions which were granted final approval on the 19th October 2010. The new R-Code Multiple Dwelling provisions will be gazetted on the 22nd November 2010.
The implementation of these new R-Code Multiple Dwelling provisions will be monitored by the Department of Planning over the next 2 years. During this time, a review of the entire R-Codes will be undertaken.

The new multiple dwelling provisions were considered by Council in February 2010 as part of a discussion paper on titled ‘Multi-Unit Housing Code’.

The new multiple dwelling provisions will apply in areas with a residential density coding greater than R30 and for multiple dwellings within mixed use development or activity centres.

The new Multiple Dwelling R-Codes include controls on building size, building height, street setbacks, side and rear boundary setbacks, open space, surveillance of the street, street walls and fences, building appearance, outdoor living areas, landscaping, on-site parking provision, design of parking spaces, vehicular access, traffic sight lines, site works, visual privacy, solar access for adjoining sites, dwelling size, outbuildings, external fixtures, stormwater, essential facilities and general site requirements (no minimum site area per dwelling requirement).

3. **Details**

The WAPC is about to commence a substantial review of the R-Codes and following a competitive tendering process has appointed GHD Consultants to assist in the review. It is proposed that the review will be undertaken over the next two years and formal consultation and advertising will be undertaken next year.

4. **Implications to Consider**

   a. **Consultation with the Community**
      
      N/A

   b. **Consultation with Government agencies**
      
      The Department of Planning will be requiring GHD consultants to undertake preliminary discussions with stakeholders, to determine any issues or problems with the current provisions. These discussions will assist in the development of an issues paper that will be presented to a technical advisory group for further discussion on the R-Codes.

   c. **Strategic**
      
      Functional Area 3 – Land Use & the Environment in Council’s Strategic Plan.

   d. **Policy**
      
      The R-Codes are applied through the provisions of Town Planning Scheme No.2 (‘TPS2’) rather than as an adopted Council Policy. The development of land for any of the residential purposes dealt with by the R-Codes must conform to the provisions of the R-Codes in accordance with clause 4.1.2 of TPS2.

   e. **Financial**
      
      N/A

   f. **Legal and Statutory**
      
      As the R-Codes are read into Town Planning Scheme No.2 as a State Planning Policy, the review may not necessarily require change to existing scheme provisions, as any new provisions will automatically come into effect on the gazettal date.

5. **Comments**

The Department of Planning is seeking 6-8 local governments to be part of the initial discussions of the review of the R-Codes. The discussions were to be undertaken during the week of the 25th
October 2010 and involved a one hour meeting, with follow-up phone calls and emails where required.

On the 28th September 2010, WALGA sought expressions of interest from local government to be part of this review. This process is favoured by the Department of Planning, as Local Governments can self nominate to be contacted, rather than the Department selecting the Councils to be involved.

Given the timeframe to lodge expressions of interest, the City has already contacted WALGA to be a part of the initial stage of the R-Codes review.

### 6. Voting Requirements

Simple Majority

### 7. Officer Recommendation

That Council **ENDORSE** the Expression of Interest lodged by the Director, Planning and Development Services with WALGA to participate in the initial stage of the R-Codes review, being undertaken by the Department of Planning.

### 8. Committee Recommendation

That Council **ENDORSE** the Expression of Interest lodged by the Director, Planning and Development Services with WALGA to participate in the initial stage of the R-Codes review, being undertaken by the Department of Planning.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
### Purpose of Report

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

### Background

TPS2 does not currently provide for Holiday Accommodation within residential areas. The emergence of this type of tourist accommodation has meant that Holiday Homes have so far operated with minimal regulation. Planning Controls are proposed for TPS2 to regulate ‘Holiday Homes’ to provide a more certain legal environment and to avoid land use conflicts.
Council's earlier attempts to introduce Holiday Home controls, resulted in the former Minister for Planning and Infrastructure requesting Council to initiate a separate Scheme Amendment, in the light of the recommendations of the 'Holiday Homes Working Group', established to consider a similar Scheme Amendment in the Shires of Busselton and Augusta-Margaret River.

Council was also requested by the Minister to refer the proposed Scheme Amendment to the Tourism WA for comment, prior to initiating the proposal. Tourism WA advised the City that it supported the inclusion of additional tourism uses and definitions to the City's Scheme.

3. **Details**

The Scheme Amendment is required to give the Council the ability to grant approval to Holiday Homes within various zones, including but not limited to, the ‘Residential’ zone, ‘Waterfront Village’ zone, and ‘Special Residential’ zone (including Warnbro Dunes) and ‘Special Rural’ zone. It is also necessary to adopt a Local Planning Policy that clearly sets out the conditions by which the Holiday Homes should operate and that would clearly state the management responsibilities of the landowner. Such Policy is listed as a separate item on this Agenda and should be read in conjunction with this report. (Refer SP-010/-10).

4. **Implications to Consider**

- **a. Consultation with the Community**

  Scheme Amendments are required to be dealt with in accordance with the Town Planning Regulations 1967 (as amended), which includes a requirement to advertise proposals for public comment over a period of 42 days, prior to Council considering final adoption.

- **b. Consultation with Government agencies**

  Scheme Amendments are required to be referred to the EPA to determine if an environmental assessment is required, prior to advertising.

- **c. Strategic**

  The proposal falls within Functional Area 3 - Land Use and the Environment under the scope of Development in the Council’s Strategic Plan.

- **d. Policy**

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

- **e. Financial**

  Nil

- **f. Legal and Statutory**

  Nil

5. **Comments**

Two new ‘Holiday Home’ definitions are proposed to be included in TPS2, being ‘Holiday Home’ (standard) and ‘Holiday Home’ (large) which reflect different types of operation from ‘low key activity’ to ‘larger operations’ respectfully. The permissibility of each new land use is a reflection of the scale of operation of the Holiday Home.

The interpretations for ‘Holiday Home’ (large) and ‘Holiday Home’ (standard) are as follows:-

“Holiday Home (standard): means a single house (excluding ancillary accommodation), grouped dwelling or multiple dwelling, which might also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast accommodation unit).”
"Holiday Home (large): means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time."

The definitions for 'Holiday Home' (standard) and Holiday Home (large) provide a clearer interpretation of the types of tourist accommodation from a Single House, Grouped Dwelling of Multiple Dwelling, but excluding Bed and Breakfast accommodation units and Ancillary Accommodation. Changes to the Zoning Table outlining the Land Use Category permissibility are detailed in the recommendation.

Council's Rockingham Beach Waterfront Village Policy No. 3.2.5 supports urban-scaled residential and short stay visitor accommodation within the Waterfront Village. ‘Holiday Homes’ (standard) are proposed by this Scheme Amendment to be listed as a Land Use Category in TPS2 that is exempt from Planning Approval of the Council, for land within the Waterfront Village zone.

While it is acknowledged that permanent residents and short term visitors have competing objectives, this needs to be balanced against the Council's objectives to foster tourism and facilitate tourist accommodation within the Waterfront Village. The Holiday Homes (large) land use requires Planning Approval within the Waterfront Village zone under the proposed Scheme Amendment. The Scheme Amendment also includes a Planning Approval requirement for ‘Holiday Homes (standard) and Holiday Homes (large) in other zones.

The symbols used in the cross-reference in the Table No.1 - Zoning Table have the following meanings:-
- ‘P’ means that the use is permitted.
- ‘D’ means that the use is not permitted unless the Council has exercised its discretion by granting planning approval.
- ‘A’ means the use is not permitted unless the Council has exercised its discretion by granting planning approval after advertising the proposal.
- ‘X’ means a use that is not permitted.

Accordingly, it is recommended that Council initiate the Scheme Amendment and subject to EPA level of assessment, proceed to advertise the Scheme Amendment together with draft Planning Policy 3.3.12 – Holiday Homes. It is also recommended that existing Holiday Home operators and Tourism WA be notified of the Scheme Amendment and invited to comment.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council, in pursuance of section 75 of the Planning and Development Act 2005, INITIATE an Amendment to Town Planning Scheme No.2 as follows:-

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF ROCKINGHAM TOWN PLANNING SCHEME NO.2 - AMENDMENT No. 100

(i) Amending the Scheme Text by inserting new use classes 'Holiday Home (Large)' and 'Holiday Home (Standard)' within Table No.1 - Zoning Table and where the permissibility of each land-use category is listed as follows:-
### Table No.1 - Zoning Table

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Holiday Home (large)</th>
<th>Holiday Home (standard)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>A</td>
<td>P</td>
</tr>
<tr>
<td>Development</td>
<td>A</td>
<td>D</td>
</tr>
<tr>
<td>City Centre</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Waterfront Village</td>
<td>P</td>
<td>P***</td>
</tr>
<tr>
<td>Baldivis Town Centre</td>
<td>A</td>
<td>D</td>
</tr>
<tr>
<td>Commercial</td>
<td>A</td>
<td>D</td>
</tr>
<tr>
<td>Special Commercial</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Service Commercial</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Port Kennedy Business Enterprise</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Light Industry</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>General Industry</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Special Industry</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Rural</td>
<td>A</td>
<td>D</td>
</tr>
<tr>
<td>Special Rural</td>
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<td>D</td>
</tr>
<tr>
<td>Special Residential</td>
<td>A</td>
<td>D</td>
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<tr>
<td>Community Purposes</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Special Use</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

(ii) The following Interpretation of 'Holiday Home' is to be included in Schedule No.1 - interpretations:

"Holiday Home (standard): means a single house (excluding ancillary accommodation), grouped dwelling or multiple dwelling, which might also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast accommodation unit)."

"Holiday Home (large): means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time."

(iii) Insert new clause 6.1.2 (n) Holiday Home (standard) where the proposed use is designated with the symbol “P” in the cross reference to the Waterfront Village zone in the Zoning Table, except where otherwise provided by the Scheme.
(iv) Amend Table 1 - Zoning Table by inserting the following note:

*** Refer to subclause 6.1.2 (n)***

(v) Amend Schedule No.4 – all Special Rural zones clause 3 (c) to include the use class Holiday Home (standard) as a “D” use and Holiday Home (large) as an “A” use.

(vi) Amend Schedule No.5 – all Special Residential zones as follows:

Portions of Planning Unit 3 of the Rural Land Strategy – Provision 3 (b) is amended to insert Holiday Home (standard) and Holiday Home (large) as a “D” use.

Portions of Planning Unit 4 of the Rural Land Strategy – Provision 3 (b) is amended to insert Holiday Home (standard) and Holiday Home (large) as a “D” use.

8. Committee Recommendation

That Council, in pursuance of section 75 of the Planning and Development Act 2005, **INITIATE** an Amendment to Town Planning Scheme No.2 as follows:-

**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF ROCKINGHAM TOWN PLANNING SCHEME NO.2 - AMENDMENT No. 100**

(i) Amending the Scheme Text by inserting new use classes 'Holiday Home (Large)' and 'Holiday Home (Standard)' within Table No.1 - Zoning Table and where the permissibility of each land-use category is listed as follows:-

<table>
<thead>
<tr>
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<tbody>
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<td>P</td>
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<tr>
<td>Development</td>
<td>A</td>
<td>D</td>
</tr>
<tr>
<td>City Centre</td>
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<td>P</td>
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<tr>
<td>Waterfront Village</td>
<td>P</td>
<td>P***</td>
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<tr>
<td>Baldivis Town Centre</td>
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<tr>
<td>Special Commercial</td>
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<tr>
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<td>X</td>
</tr>
<tr>
<td>Special Industry</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Rural</td>
<td>A</td>
<td>D</td>
</tr>
</tbody>
</table>
The following Interpretation of 'Holiday Home' is to be included in Schedule No.1 - interpretations:-

"Holiday Home (standard): means a single house (excluding ancillary accommodation), grouped dwelling or multiple dwelling, which might also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast accommodation unit)."

"Holiday Home (large): means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time."

Insert new clause 6.1.2 (n) Holiday Home (standard) where the proposed use is designated with the symbol “P” in the cross reference to the Waterfront Village zone in the Zoning Table, except where otherwise provided by the Scheme.

Amend Table 1 – Zoning Table by inserting the following note:

"*** Refer to subclause 6.1.2 (n)"

Amend Schedule No.4 – all Special Rural zones clause 3 (c) to include the use class Holiday Home (standard) as a “D” use and Holiday Home (large) as an “A” use.

Amend Schedule No.5 – all Special Residential zones as follows:
Portions of Planning Unit 3 of the Rural Land Strategy – Provision 3 (b) is amended to insert Holiday Home (standard) and Holiday Home (large) as a “D” use.
Portions of Planning Unit 4 of the Rural Land Strategy – Provision 3 (b) is amended to insert Holiday Home (standard) and Holiday Home (large) as a “D” use.

Committee Voting – 4/0

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

Not applicable.

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

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

For Council to consider, for the purpose of advertising, a draft Planning Policy for Holiday Homes.

2. **Background**

Council’s earlier attempts to introduce Holiday Home controls resulted in the Minister for Planning and Infrastructure, requesting Council to initiate a separate Scheme Amendment. The Minister referred to the ‘Holiday Homes Working Group’, which was established to consider a similar Scheme Amendment in the Shires of Busselton and Augusta-Margaret River. Council was also requested to refer a proposed Scheme Amendment to the Tourism WA for comment, prior to initiating the proposal.
Tourism WA has advised the City that it supported the inclusion of additional tourism uses and definitions to the City’s Scheme. The preparation of a Local Planning Policy to provide guidance on the assessment of applications was also highly recommended.

In September 2009, Planning Bulletin 99 and the Holiday Homes Guidelines were released by the WAPC to guide Councils in the creation of Local Planning Policies to address Holiday Homes. Planning Bulletin 99 provides an interim position of the WAPC in relation to the regulation of Holiday Homes in WA. The Bulletin provided advice to the City in dealing with issues associated with Holiday Homes in the Local Government Framework.

3. **Details**

The purpose of the draft Planning Policy for Holiday Homes is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications for planning approval for the establishment of Holiday Homes.

In light of the need for a Policy to guide the establishment of ‘Holiday Homes’ within the district, a draft Planning Policy for Holiday Homes has been prepared, and is attached in this Report. The Policy outlines requirements for the:-

- Objectives for Holiday Homes within the City of Rockingham;
- Design requirements for Holiday Homes, including carparking, scale of operation and health requirements;
- The application and consultation procedure for Holiday Homes; and
- Inserting a new definition of ‘Holiday Homes’ in Town Planning Scheme No.2.

The draft Policy has also been prepared to take into account the need for development guidelines to facilitate tourist accommodation within the district.

4. **Implications to Consider**

a. **Consultation with the Community**

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

(a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:-

   (i) where the draft Policy may be inspected;
   (ii) the subject and nature of the draft Policy; and
   (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.

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

b. **Consultation with Government agencies**

Consultation with Tourism WA is compulsory.

c. **Strategic**

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

d. **Policy**

If the Council proceeds to adopt the draft Policy, following consideration of any public submissions, it must have due regard to the requirements of the Policy together with the merits of proposals.
5. **Comments**

The draft Policy prefers Holiday Homes in locations that present an advantage to the visitors to the City, such as in close proximity to the beach, lakes, retail and restaurant facilities or rural retreat locations. Suburban locations may not be considered appropriate. House rules for Holiday Homes are intended to protect the residential amenity of nearby properties. The City’s Health Service and Building Service requirements are reflected in the Policy.

In recognition of the existence of Holiday Homes already operating within the district, transitional arrangements are proposed within the draft Policy. This will allow owner operators up to 12 months, after the Planning Policy has been adopted to apply for and obtain approval for the operation of existing Holiday Homes and implement the regulatory measures of this Policy.

The draft Policy together with the proposed Scheme Amendment will provide a legal planning framework to support existing Holiday Homes that are well operated and without complaint and the establishment of future Holiday Homes.

Accordingly, it is recommended that draft Planning Policy No.3.3.21 ‘Holiday Homes’ be advertised for 42 days, together with the proposed Scheme Amendment. It is also recommended that existing holiday home operators and Tourism WA are notified of the draft Policy and invited to lodge submissions with the City.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **ENDORSE** the publishing of a notice that it has prepared Policy No.3.3.21 - Holiday Homes for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2, for a period of 42 days, in conjunction with the Scheme Amendment referred to in Item SP-009/10.

8. **Committee Recommendation**

That Council **ENDORSE** the publishing of a notice that it has prepared Policy No.3.3.21 - Holiday Homes for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2, for a period of 42 days, in conjunction with the Scheme Amendment referred to in Item SP-009/10.

Committee Voting – 4/0

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

Not applicable.

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

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

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<th>Reference No &amp; Subject:</th>
<th>SP-011/10 Disposal of Council Land by Unconditional Private Treaty</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/920-02</td>
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<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mrs S Peacock, Senior Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr R M Jeans, Director, Planning &amp; Development Services</td>
</tr>
<tr>
<td>Date of Committee meeting:</td>
<td>Monday, 15 November 2010</td>
</tr>
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<td>October 2002 (PD205/10/02), December 2002 (PD253/12/02), May 2009 (PD61/5/09), July 2009 (PD96/7/09), February 2010 (PD/23/2/10)</td>
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<td>Disclosure of Interest:</td>
<td>Executive Function</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Lot 55 Trafalgar Gardens/Bounty Court, Port Kennedy</td>
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<td>Site:</td>
<td>Lot 55 Trafalgar Gardens/Bounty Court, Port Kennedy</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>580m²</td>
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<tr>
<td>Attachments:</td>
<td>Location Plan</td>
</tr>
<tr>
<td>Maps/diagrams:</td>
<td>Location Plan</td>
</tr>
</tbody>
</table>

![Location Plan](image)
1. Purpose of Report

For Council to consider the disposal of Lot 55 Trafalgar Gardens/Bounty Court, Port Kennedy by ‘unconditional’ Private Treaty in accordance with Section 3.58 (3) and (4) of the Local Government Act, 1995.

2. Background

In October 2009 the Council resolved to appoint Impact Realty to market and sell Lot 55 (No.14) Trafalgar Gardens, Port Kennedy by Public Tender in accordance with Section 3.58(2)(b) of the Local Government Act, 1995.

In accordance with the above, the land was offered for sale by Public Tender in the local Sound Telegraph Newspaper on the 23rd December 2009 and the West Australian on the 19th December 2009. Following the conclusion of the advertising period on the 13th January 2010, no Tenders had been received.

In February 2010, the Council further considered the proposal and resolved to offer the property for sale by Private Treaty for a period of three months subject to the following conditions:-

(i) The Purchaser must remove and dispose of (at their own cost) all existing improvements on the land such as, bollards and the existing concrete footpath which traverses the land within 3 months of the date of property settlement; and

(ii) The Purchaser must apply for a Building Licence to build a house within 6 months and commence house construction within 12 months of the date of property settlement.

2. Further, that any reasonable offers to purchase the land, in the opinion of the Director, Planning & Development Services, be presented to the Council for its consideration.

3. Appoint a Licenced Real Estate Agent to undertake the marketing and sale of Lot 55 Trafalgar Gardens, Port Kennedy, based on experience and price.

Given that the disposal of the property was now by Private Treaty, Landgate was requested to provide a market valuation on the property in accordance with Section 3.58 of the Local Government Act. In April 2010, Landgate considered that the land value was $205,000. The property was subsequently marketed at $215,000.

A ‘Contract of Sale’ for the property was prepared by a Licensed Real Estate Agent and the property was marketed for a period of three months ending on the 6th May 2010, with no offers being received.

A ‘Listing Extension Agreement’ was prepared extending the contract for a further three months with a reduction of the asking price consistent with the land valuation being $205,000. The contract expired on the 10th November 2010, with no offers being received.

3. Details

The property has now been offered for sale by either Tender or ‘conditional’ Private Treaty for a period of approximately ten months.

The selling agent has advised that a number of potential purchasers displayed some interest in purchasing the property, however, their interest was subsequently withdrawn after they were made aware of the ‘conditional’ Contract of Sale affecting the land.

4. Implications to Consider

a. Consultation with the Community

Nil.
b. Consultation with Government agencies
   Nil.

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

d. Policy
   Nil.

e. Financial
   Nil.

f. Legal and Statutory

5. Comments
   Given the lack of interest in the property due to the ‘conditional’ Private Treaty, it is recommended that the Council remove the conditions associated with the Contract of Sale and pursue the method of sale by ‘unconditional’ Private Treaty.

6. Voting Requirements
   Absolute Majority

7. Officer Recommendation
   That Council:
   2. **EXTEND** the Listing Agreement with the current Agent to market and sell Lot 55 (No.14) Trafalgar Gardens, Port Kennedy for a period of three months for not less than $205,000 by ‘unconditional’ Private Treaty.

8. Committee Recommendation
   That Council:
   2. **EXTEND** the Listing Agreement with the current Agent to market and sell Lot 55 (No.14) Trafalgar Gardens, Port Kennedy for a period of three months for not less than $205,000 by ‘unconditional’ Private Treaty.

   Committee Voting – 4/0

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

10. Implications of the Changes to the Officer’s Recommendation
    Not applicable.
### Planning Services
Statutory Planning Services

#### Reference No & Subject:

<table>
<thead>
<tr>
<th>File No:</th>
<th>28/1853</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent/s:</td>
<td>Ms Peta Koko</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss D Shaw, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr D Waller, Coordinator, Statutory Planning</td>
</tr>
<tr>
<td>Mr M Ross, Manager, Statutory Planning</td>
<td></td>
</tr>
</tbody>
</table>

#### Date of Committee meeting:
15th November 2010

#### Site:
Lot 450 (No.35) Cascade Close, Safety Bay

#### Lot Area:
680m²

#### Attachments:
Submissions, petition, site and layout plan

#### Maps/Diagrams:
Location Plan

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Note:
Submission and petition also received from No.13 Cascade Close

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**Subject Site**

**Submissioner**

**Consulted**

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CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 6 DECEMBER 2010

PRESIDING MEMBER
1. **Purpose of Report**

To consider an application seeking planning approval for the operation of a Home Occupation (Bowen Therapy) at Lot 450 (No.35) Cascade Close, Safety Bay.

2. **Background**

N/A

3. **Details**

An application has been received to establish a Home Occupation (Bowen Therapy) at Lot 450 (No.35) Cascade Close, Safety Bay. The applicant is to be the sole operator of the business and will be performing muscle and connective tissue therapy.

The proposed hours of operation will be Monday, Wednesday and Fridays from 8:30am to 4:30pm, and Saturdays from 8:30am to 12noon. Clients will be attending on the premises on an appointment only basis, with 15 minute intervals between clients.

4. **Implications to Consider**

   a. **Consultation with the Community**

   In accordance with Planning Policy 3.3.10 – Home Occupations & Home Businesses, the application was referred to adjacent and affected land owners for comment for a period of 14 days. At the end of the advertising period, two submissions were received. The submissions were received from the adjoining owner at No.33 Cascade Close and No.13 Cascade Close. The submission from No.13 Cascade Close also contained a petition, with signatures from fourteen residents that live on Cascade Close. A copy of this submission is attached.

   b. **Consultation with Government agencies**

   Nil.

   c. **Strategic**

   This proposal falls within Functional Area 3 - Land Use & The Environment in the Council's Strategic Plan under the scope of Land Use Planning and Land Use Control.

   d. **Policy**

   Planning Policy 3.3.10 – Home Occupations & Home Businesses.

   e. **Financial**

   Nil.

   f. **Legal and Statutory**

   Nil.

5. **Comments**

The proposed Home Occupation complies with the requirements of Planning Policy No. 3.3.10 - Home Occupations and Home Businesses (the Policy).

The main concerns raised in the submission relate to the possible increase in traffic in the street and a lack of carparking available on the property, should the Home Occupation be approved. It is considered that by imposing conditions limiting the maximum number of clients and a requirement
to provide a 15 minute interval between clients, the increase in traffic volume in the street and resultant impact on amenity of neighbours would be minimal.

It is acknowledged that the subject site shares a driveway with a neighbouring property and that the vehicles parking in the driveway of the subject site could impact the access of vehicles entering or leaving the adjacent property.

Given the number of appointments proposed being a maximum of five (5) and the business operating hours being limited to three and half days, it is considered the impacts in this regard would be negligible.

It is recommended that the application for a Home Occupation (Bowen Therapy) be approved, subject to conditions.

6. **Voting Requirements**

Simple Majority.

7. **Officer Recommendation**

That Council **GRANT** planning approval for a Home Occupation (Bowen Therapy) on Lot 450 (No.35) Cascade Close, Safety Bay subject to:

(i) Standard Conditions: D1, D75 (Home Occupation), D77 (5), D78  
(ii) All car parking in relation to the business must be wholly contained within the property.

(iii) The Home Occupation operating between the hours of 8:30am to 4:30pm, Monday, Wednesday and Fridays, and from 8:30am to 12 noon on Saturdays.

(iv) Footnotes  
Standard Footnote: F10 (D75)

8. **Committee Recommendation**

That Council **GRANT** planning approval for a Home Occupation (Bowen Therapy) on Lot 450 (No.35) Cascade Close, Safety Bay subject to:

(i) Standard Conditions: D1, D75 (Home Occupation), D77 (5), D78  
(ii) All car parking in relation to the business must be wholly contained within the property.

(iii) The Home Occupation operating between the hours of 8:30am to 4:30pm, Monday, Wednesday and Fridays, and from 8:30am to 12 noon on Saturdays.

(iv) Footnotes  
Standard Footnote: F10 (D75)

Committee Voting – 4/0

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

Not applicable.

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

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-013/10 Proposed Closure of Unnamed Road Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/4959</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss D Shaw, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr D Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee meeting:</td>
<td>15th November 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>July 2010</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative Function</td>
</tr>
<tr>
<td>Nature of Council's Role in this Matter:</td>
<td>Unnamed road reserve adjacent to Lot 1000 (No.409) Baldivis Road, Baldivis</td>
</tr>
</tbody>
</table>

| Site: | Unnamed road reserve adjacent to Lot 1000 (No.409) Baldivis Road, Baldivis |
| Lot Area: | N/A |

### Maps/Diagrams:

![Unnamed Road to be closed](image)

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CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 6 DECEMBER 2010

PRESIDING MEMBER
1. **Purpose of Report**

To consider an application to close an unnamed road reserve adjacent to Lot 1000 (No.409) Baldivis Road, Baldivis, following closure of the advertising period.

2. **Background**

In June 2010, the City received an application from Development Planning Strategies, seeking the closure of an unnamed road reserve to enable co-ordinated development of land, as the road reserve is located within an area covered by the proposed East Baldivis Structure Plan.

In July 2010, Council resolved to advertise the proposed closure of the unnamed portion of road reserve. This included consultation with various government agencies.

3. **Details**

The north-south portion of the unnamed road dissects Lot 1000, and is situated between Lots 105 and Lot 541 Baldivis Road. Lot 105 and Lot 541 are owned by Australand. Lot 1000 has an option to be purchased by Bonvest, Australand's Joint Venture partner. Lot 562 and Lot 129, which adjoin the northern side of the east west portion of the road, are owned by Peet Ltd.

4. **Implications to Consider**

   a. **Consultation with the Community**

   A Public Notice was placed in a local newspaper advertising the proposed closure. No public submissions were received.

   b. **Consultation with Government agencies**

   The proposed road closure was advertised for 35 days in accordance with the Land Administration Act 1997. Advertising closed on the 2nd September 2010 with submissions received from Main Roads, Water Corporation, Western Power, Department of Planning and the City's Engineering Services. No objections were raised. No submission was received from Telstra.

   Main Roads WA advised that it has no objections to the proposal, providing that Council complies with the requirements of Section 3.50 of the Local Government Act 1995. Main Roads WA also noted that the proposed road closure may affect minor signing and pavement marking and has requested that Council investigate the need to modify the existing and/or install additional minor signing and pavement marking to complement the proposal. Section 3.50 of the Local Government Act 1995 has been satisfied through the advertising process undertaken. The City's site visit did not reveal any impacts of the proposal on road signing or pavement marking and given the road is unconstructed there are no implications.

   Western Power has no objection to the proposal and notes its infrastructure is within and traversing the above road reserve. Western Power advised that any of its requirements would be imposed upon the subdivision/amalgamation of the land.

   The Water Corporation and the Department of Planning both raised no objection to the road reserve closure.
c. Strategic
The proposal falls within Functional Area 3 - Land Use & the Environment in Council’s Strategic Plan under the scope of Land Use Planning.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
The responsibility for determining applications for the closure of road reserves rests with the Minister for Lands, on advice from Landgate.

5. Comments
The City’s Engineering Services advised of its support for the proposed closure of this section of road reserve but did note that Lot 541 Baldivis Road, Baldivis would no longer have frontage to a road reserve should the road reserve be closed. Development Planning Strategies has advised that Australand Holdings Ltd is prepared to amalgamate Lot 541 with Lot 105 Baldivis Road, which are both in its ownership.

It is recommended that the Council request the Minister for Lands to proceed with the proposed road closure accordingly, subject to the amalgamation of lots 105 and 541.

6. Voting Requirements
Simple Majority

7. Officer Recommendation
That Council REQUEST the approval of the Minister for Lands, to proceed with the road closure of an unnamed road reserve, adjacent to Lot 1000 (No.409) Baldivis Road, Baldivis, pursuant to Section 58 of the Land Administration Act 1997, subject to Australand Holdings Ltd amalgamating Lots 541 and 105 Baldivis Road.

8. Committee Recommendation
That Council REQUEST the approval of the Minister for Lands, to proceed with the road closure of an unnamed road reserve, adjacent to Lot 1000 (No.409) Baldivis Road, Baldivis, pursuant to Section 58 of the Land Administration Act 1997, subject to Australand Holdings Ltd amalgamating Lots 541 and 105 Baldivis Road.

Committee Voting - 4/0

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

10. Implications of the Changes to the Officer’s Recommendation
Not applicable.
13. **Reports of Councillors**
   Nil.

14. **Addendum Agenda**
   Nil.

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

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

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

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

19. **Date and Time of Next Meeting**
   The next Planning Services Standing Committee Meeting will be held on **Monday, 6 December 2010** in the Committee Room 1, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**
   There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 4.38pm.

21. **Attachments**
   Nil.