City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on

Monday 6 December 2010

4:00pm

Committee Room 1
Council Administration Building
Civic Boulevard, Rockingham
City of Rockingham
Planning Services Standing Committee Meeting
4:00pm Monday 6 December 2010

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## City of Rockingham  
**Planning Services Standing Committee Meeting**  
4:00pm Monday 6 December 2010

### MINUTES

#### 1. Declaration of Opening

The Chairman declared the Planning Services Standing Committee Meeting open at 4.03pm and welcomed all present.

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

<table>
<thead>
<tr>
<th>2.1 Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr R Smith</td>
</tr>
<tr>
<td>Cr B Warner</td>
</tr>
<tr>
<td>Cr A Prince</td>
</tr>
<tr>
<td>Cr L Dodd</td>
</tr>
<tr>
<td>Cr L Liley</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.2 Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr R M Jeans</td>
</tr>
<tr>
<td>Mr P Ricci</td>
</tr>
<tr>
<td>Mr R Rodgers</td>
</tr>
<tr>
<td>Mr M Ross</td>
</tr>
<tr>
<td>Mr R Fielding</td>
</tr>
<tr>
<td>Ms M Wellburn</td>
</tr>
</tbody>
</table>

| Members of the Public: | 22 |
| Press: | Nil |

| 2.3 Apologies: | Mr A Hammond (arrived 5.05pm) |
| 2.4 Approved Leave of Absence: | Nil |

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

Nil.

4.06pm - Cr Leigh Liley attended the Planning Services Committee meeting.
4. **Public Question Time**

Various comments were made in relation to SP-016/10 (Waikiki Hotel Site) on overshadowing, building height and traffic management from:

- Mr John Marshall, No.7 Harbour Court, Safety Bay
- Mr Michael Scales, No.18 Malibu Road, Safety Bay
- Mrs Carolyn Wuillemin, No.21 Malibu Road, Safety Bay

Responses were provided by Cr Richard Smith and Council Officers.

5. **Confirmation of Minutes of the Previous Planning Services Standing Committee Meeting**

*Moved Cr Warner, seconded Cr Dodd:*

That Council **CONFIRM** the Minutes of the Planning Services Standing Committee Meeting held on 15 November 2010, as a true and accurate record.

Committee Voting - 4/0

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

Nil.

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

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

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

Nil.

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

Nil.

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

Nil.

11. **Bulletin Items**

**Planning Services Information Bulletin - December 2010**

**Health Services**

1. Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial Audits
   3.3 Community Health & Wellbeing Plan
   3.4 Health Promotion
   3.5 North Rockingham Industrial Audits
   3.6 Ocean Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Statistical Health Information
   4.3.1 Food Premises Inspections
   4.3.2 Public Building Inspections
   4.3.3 Outdoor Public Event Approvals
   4.3.4 After Hours Noise & Smoke Nuisance Complaint Service
   4.3.5 Complaint - Information
   4.3.6 Building Plan Assessments
   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 Permanent Sign Licence
   4.7 Monthly Caravan Park Site Approvals
   4.8 Building Approval Certificates for Unauthorised Building Works
   4.9 Infringement Notices

**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 'EnvironmentWise' Calendar
Statutory Planning

1. Statutory Planning Team Overview

2. **Human Resource Update**

3. Project Status Reports
   3.1 eDA (Planning Products via the Web)

4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals
   4.3 Notifications & Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
   4.8 Delegated Building Envelope Variations
   4.9 Subdivision/Amalgamation Supported
   4.10 Subdivision/Amalgamation Refused

Director Planning and Development

1. Director Planning and Development Team Overview

2. Human Resource Update

3. Project Status Reports
   3.1 Administration Building Refurbishment/Fitout
   3.2 Rockingham Primary Centre Major Public Infrastructure
   3.3 Rockingham Primary Centre Infrastructure - Business Case
   3.4 Smart Village 1 Masterplan

4. Information Items

Committee Recommendation:

That Councillors acknowledge having read the Planning Services Information Bulletin – December 2010 and the contents be accepted.

Committee Voting – 4/0

12. **Agenda Items**

4.26pm - Mr Richard Rodgers, Manager, Building Services and Mr Rod Fielding, Manager, Health Services left the Planning Services Committee meeting.
**Planning Services**

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-016/10 Proposed Mixed Use Development Waikiki Hotel Site - Three Hundred and Eighty Seven (387) Multiple Dwellings and Short Stay Accommodation, Tavern, Betting Agency, Commercial Tenancies Shop or Office use, Restaurant (including café), Recreational Facilities and eight hundred and sixty (860) Car Parking Bays, plus fifteen (15) On-street bays along Malibu Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/0456-11</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>434 Safety Bay Road Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr R Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td>Date of Committee meeting:</td>
<td>6th December 2010</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Quasi Judicial</td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 4 and 1 (No.432-434) Safety Bay Road, Safety Bay</td>
</tr>
<tr>
<td>Lot area:</td>
<td>25,871m²</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Petition 20 signatories &amp; Petition 351 signatories</td>
</tr>
<tr>
<td>Maps/diagrams:</td>
<td>Submission Map and Petition Map, Site Plan, Building Elevations &amp; Perspective Drawings</td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

To consider an application seeking Planning Approval for a mixed use development at Lots 4 and 1 (No.432-434) Safety Bay Road, Safety Bay ("the subject site"), also known as the Waikiki Hotel site.

2. **Background**

In September 2010, Council considered an application seeking Planning Approval for a mixed use development on the subject site and resolved as follows:-

1. **REQUIRE** the applicant to provide, to the satisfaction of the Manager, Statutory Planning, further information on how overlooking can be mitigated and an amended Traffic Impact Statement which addresses the comment identified in the Officer’s Report.

2. **ADVERTISE** the proposed mixed use development on Lots 4 and 1 (No.432-434) Safety Bay Road, Safety Bay, in accordance with clause 6.3.3 of Town Planning Scheme No.2, Subject to point 1 above being addressed.

The applicant subsequently lodged an amended Traffic Report with separate plans showing privacy screens to mitigate overlooking, which were to the satisfaction of the Manager, Statutory Planning.

The Site Plan includes Building references as follows:

- Building A – (8 storeys) Tavern/Restaurant, Sports Bar, Commercial and 87 multiple dwellings fronting Safety Bay Rd;
- Building B – (8 storey to 4 storey at Surfside Apartments) 73 multiple dwellings – parallel to Safety Bay Rd behind Building A;
- Building C - (8 Storey to 4 storey at Malibu Rd) 7 commercial units, plus 105 multiple dwellings;
- Building D – (5 Storey to 4 storey at Malibu Rd) 5 commercial units, plus 44 multiple dwellings – fronts Malibu Road; and
- Buildings E & F – (3 Storey) 78 multiple dwellings.
3. Details

Additional Information

The applicant has provided the following in response to the Council's request for additional information:

1. Revised Traffic Impact Statement which includes current 2010 traffic volumes.
2. Elevations to Building B and Buildings E & F showing privacy screens to balconies and high level windows;
3. Preliminary Design Stage Road Safety Audit, dated 9th November 2010

1. Revised Traffic Impact Statement

Both Safety Bay Road and Malibu Road are classed as ‘District Distributor B’ Roads in the Main Roads WA Functional Road Hierarchy. The capacity of a District Distributor Road is indicatively 6,000 vehicles per day (‘vpd’). The design capacity of both roads is around 1,200 vpd per lane. Traffic projections pre and post development are provided below in Table No.1.

Table No.1 – Traffic Projections

<table>
<thead>
<tr>
<th>Current PM Peaks 2010 vpd (‘vehicles per hour’)</th>
<th>Mixed Use Development Post development traffic volumes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Bay Road (North bound) 466vph</td>
<td>Safety Bay Road (North bound) 535vph 15% increase</td>
</tr>
<tr>
<td>Safety Bay Road (South bound) 769vph</td>
<td>Safety Bay Road (South bound) 818vph 6% increase</td>
</tr>
<tr>
<td>Malibu Road (West bound) 330vph</td>
<td>Malibu Road (West bound) 469vph 42% increase</td>
</tr>
<tr>
<td>Malibu Road (East bound) 287vph</td>
<td>Malibu Road (East bound) 378vph 32% increase</td>
</tr>
</tbody>
</table>

While some of the percentage increases look high, this is due to a low traffic base to begin with. With the development at full capacity, the traffic volumes will still be well under the maximum peak hour volumes for these roads and this is reflected in the expected intersection queue times from the SIDRA results. The traffic projected increases are well within acceptable engineering standards.

2. Elevations to Building B and Buildings E & F

The applicant submitted revised plans showing balcony screening devices on the northern side of Buildings E and F. Screening has also been included on the balcony to Building B near the Surfside apartments.

3. Preliminary Design Stage Road Safety Audit

At the request of the City, the proponent engaged Traffic Consultants to prepare a Road Safety Audit. A Road Safety Audit is a formalised procedure, which can be applied to all phases of a road project development. The Road Safety Audit reviewed the safety performance of the project and outlined potential or existing road safety issues and established a solutions to address any potential safety problems.

Seventeen observations were made outlining possible road safety issues for example, relating to Loading Areas, Disabled Bays, bin hard stand areas, pedestrian and refuge island on Safety Bay Road.
At the time of writing this report the ‘Corrective Action Report’ had not yet been completed. As there are potential design implications associated with the Safety Audit outcomes it is recommended that Council resolves these matters before determining the application.

4. **Supplementary Report - State Coastal Planning Policy**

The proponent has provided a supplementary report demonstrating how the requirements of the *State Coastal Planning Policy* have been met. The WAPC states that structures higher than five storeys and up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:-

“(a) *there is broad community support for the higher buildings following a process of full consultation*;

(b) *the proposed development is suitable for the location taking into account the built form, topography and landscape character of the surrounding area*;

(c) *the location is part of a major tourist or activity node*;

(d) *the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*

(e) *there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.*

The proponent’s response has been summarised below:

(a) **Broad Community Support**

- Broad community support for the higher (eight storey) buildings has been demonstrated as the clear majority of submissions were in support of the application;
- Previous focus groups were undertaken by Patterson Market Research with community members surrounding the site on the previous ‘Waikiki Blue’ proposal;
- There was a sense that the ‘Waikiki Blue’ development would be a catalyst for the revitalisation of the area;
- Patterson Market Research commented that “The exercise found a high level of interest amongst the community members that took part in the focus discussion groups, with a generally positive attitude towards the redevelopment, with some relatively minor caveats.” and
- PMR concluded, “Broadly, it seems that there is quite strong community support for the development.”
- The PMR was undertaken on a similar proposal and its findings are of relevance.

(b) **The proposed development is suitable for the location taking into account the built form, topography and landscape character of the surrounding area**

- The City’s Waikiki Hotel – Urban Design Guidelines have been closely followed, such as the stepping of height down towards boundaries at NW and SE;
- The placement of domestic scaled, low rise (3 storey) buildings as the interface with the adjacent low-density housing;
- A gradation in height toward the NE, SE and NW of the site at the interface with boundaries;
- The proposal respects natural contours and the finished floor levels are consistent with existing ground levels where possible;
- A defined urban edge is presented by the interface of the main Building A with Safety Bay Road.

(c) **The location is part of a major tourist or activity node**

The City’s Waikiki Urban Design Guidelines state:

- The site lies at the heart of the Safety Bay coastal strip, which is a highly desirable ocean side location for residential and recreational activities;
- Other than natural assets of the foreshore itself, there is little in the way of attraction for visitors and little in the way of any other amenity for permanent residents;
- The Waikiki Hotel is the principal opportunity (and possibly the only realistic opportunity) to establish a focal point for the coastal strip along Safety Bay Road.
- The original Waikiki Hotel development consisted of a Hotel, TAB, bottleshop and short term residential accommodation. The current proposal envisages similar uses. The site is zoned ‘Commercial’ and is ideal for a tourist and activity node.
- The foreshore reserve is an activity node adjoining the beach and includes car parking and change room facilities, barbecues, seating and a children’s playground.
- SPP 2.4 Activity Centres for Perth and Peel provides that ‘higher density housing’ should be incorporated within and immediately adjacent to activity centres to establish a sense of community and increase activity outside normal business hours. (d) The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing
- There will not be any significant overshadowing of the coastal foreshore area. Plans submitted as part of the application show any potential overshadowing.
- Shadow diagrams show that the only overshadowing of the coastal foreshore will occur during the winter solstice at 9:00am. At all other times of the year (spring to autumn), the development will not cast any shadow on the foreshore. The level of overshadowing does not detrimentally affect the coastal reserve, as such overshadowing is restricted to a very limited morning timeframe.
- The extent of overshadowing is also compliant with the Acceptable Development criteria of the R-Codes.
(e) Visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces
- The proposal maintains the visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces;
- The area has mainly single storey dwellings and fencing to the north of the Estate which means that views to the foreshore and ocean are already limited.
- The proposal will be visible from some distance inland, creating a landmark and focal point on Safety Bay.
- Buildings have been designed to step down to Malibu Road (NW) and the Surfside Apartments (SE) and reduce visual impact.
- The main eight storey building (Buildings A, B and C) features a reduced four storey element in the centre to contribute to visual permeability of the overall structure.
- The mixed low rise nature of Buildings D, E and F allow a graduated transition from the low density dwellings to the main eight storey building fronting Safety Bay Road. The 3D perspectives best illustrate these aspects of the proposal.
- The view corridor to the ocean from Malibu Road is preserved.
- Existing houses on the north side of Malibu Road will retain the view corridor down Malibu Road to the foreshore and Indian Ocean;
- The existing view of the Surfside Apartments to the south of the site are generally preserved as the proposed mixed use building is sufficiently setback from Safety Bay Road to allow that view corridor to be maintained.
5. Public Open Space
- The applicant has also referred to the City’s Urban Design Guidelines which suggest that direct access to the park from the development would be highly desirable and would make better use of the existing community infrastructure. The design incorporates a pedestrian connection from the subject site but not through the site. Some form of upgrade of the existing public open space (‘POS’) is needed.
The applicant has proposed an area of 2,132sqm of land facing Safety Bay Road as being suitable to be ceded as POS, which generally satisfies the WAPC requirements of 10 per cent POS under Liveable Neighbourhoods.

This POS landscape Plaza would contribute to and enhance the quality and experience of the public realm.

Employ drought and salt-tolerant, low maintenance plants.

Use paving and street furniture that is robust and easy to clean and maintain.

Integrate public art into the design of the built environment to help explain the place in which it is situated and endow it with cultural significance.

Subject to detailed design and discussion a ‘leaping fountain’ is also proposed to create a focal point and appeal especially to children and families adding to practical POS.

If the WAPC does not consider the ‘plaza’ area suitable to be ceded as POS, the proponent will consider a cash-in-lieu contribution and this could be used to upgrade the existing park/POS to the northeast boundary and directly benefit the local community. Further discussion with the WAPC and the City is needed to resolve this aspect of the application.

Submissions

At the close of the submission period on the 10th November 2010, 266 submissions were received.

Support for the proposed development was received from 204 Submissioners, representing 77% of all the submissions received.

Objection to the proposed development was received from 62 Submissioners, representing 23% of all submissions received.

A Petition containing 20 signatories opposed the proposal from ‘Safety Bay Lifestyle Savers’. The Petition was signed by various residents living in Reef Place, Harbour Court, Malibu Road, Alfred Close, Safety Bay Road and Waikiki Road. The Petition raised objections to the proposal in regard to building height, privacy, overshadowing, impact on existing infrastructure - construction noise (during and after), street parking, traffic, bus and bike route, electricity high tension or not etc. A full copy of the Petition is attached to this report.

A Summary of Submissions is shown in Table No. 2 below:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Submissions</th>
<th>Percentage of Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>204</td>
<td>77%</td>
</tr>
<tr>
<td>Object</td>
<td>62</td>
<td>23%</td>
</tr>
<tr>
<td>Total</td>
<td>266</td>
<td>100%</td>
</tr>
</tbody>
</table>

Of the 1,295 notification letters sent to owners and occupiers within 500 metres radius of the proposed development, the total of 266 submissions received represents a 20% response rate, which is a very good result for a mail out questionnaire/form.

In comparison with the ‘Waikiki Blue’ proposal 144 submissioners or 70% supported the proposed development and 62 submissioners (30%) opposed the proposed development. The 2010 revised proposal has received more submissions overall and a greater percentage of individual Submissioners support. This is tempered by two petitions received objecting to the current proposal, as no petitions were received on the ‘Waikiki Blue’ proposal.

Late Submissions

Thirteen late submissions were received following the close of the advertising period on the 10th November 2010. There were six submissions in support of the proposal, seven objectors and one petition opposing the proposal. Similar comments to those were raised from supporters and objectors listed in Table 2. Submissioners were supportive because the proposal would ‘serve beachgoers’, ‘attractive building’ and ‘long overdue’.

The total of all submissions (including the late submissions) are provided in Table No.3 as follows.
**Table No.3 – Final Total of Submissions**

<table>
<thead>
<tr>
<th></th>
<th>Number of Submissions</th>
<th>Percentage of Submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>210</td>
<td>74%</td>
</tr>
<tr>
<td>Object</td>
<td>69</td>
<td>25%</td>
</tr>
<tr>
<td>Final Total</td>
<td>279</td>
<td>100%</td>
</tr>
<tr>
<td>Petitions (objectors)</td>
<td>2</td>
<td>20 + 351 petitioners (objecting)</td>
</tr>
</tbody>
</table>

For the purpose of this report, all of the submissions and petitions in Table No. 2 were assessed.

**Map of Submissions**

All submissions (petitioner responses listed in Table 3) were mapped according to the address of the submisioner’s property. Most of the Submissions received were from within 500 metres of the redevelopment site. The map showing the location of submissioners’ properties clearly demonstrates that more Submissioners are in support than opposing the development.

**Late Petition**

A late petition from W.G Bayliss from No.5 Harbour Court, Safety Bay containing 351 signatories was received by the City on 11th November 2010. A copy of the petition is attached to this report. The petition signatories objected to the proposed development due to concerns over building height, reduced land values, shading, traffic, noise/air pollution, privacy and right of access. A full copy of the petition is attached to this report.

Table No.4 lists the distribution of petitioner locations by suburban address:

**Table No.4 – Petitioner Responses by Suburb**

<table>
<thead>
<tr>
<th>Suburb</th>
<th>Number of Petitioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Bay</td>
<td>117</td>
</tr>
<tr>
<td>Waikiki</td>
<td>108</td>
</tr>
<tr>
<td>Outside Rockingham District</td>
<td>41</td>
</tr>
<tr>
<td>Warnbro</td>
<td>32</td>
</tr>
<tr>
<td>Cooloongup</td>
<td>11</td>
</tr>
<tr>
<td>Rockingham</td>
<td>9</td>
</tr>
<tr>
<td>Port Kennedy</td>
<td>8</td>
</tr>
<tr>
<td>Rockingham</td>
<td>7</td>
</tr>
<tr>
<td>Shoalwater</td>
<td>5</td>
</tr>
<tr>
<td>Secret Harbour</td>
<td>2</td>
</tr>
<tr>
<td>Baldivis</td>
<td>1</td>
</tr>
<tr>
<td>Not Specified Suburb</td>
<td>10</td>
</tr>
</tbody>
</table>

**Supporters**

A summary of the key points raised by those who lodged submissions in support for the proposal is outlined below:-

**Table No.5 – Supporters Reasons**

<table>
<thead>
<tr>
<th>Order</th>
<th>Comments</th>
<th>Number of Submissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Present site is an ‘eyesore’</td>
<td>56</td>
</tr>
<tr>
<td>2</td>
<td>Improved facilities with shops, hotel, recreation and parking</td>
<td>38</td>
</tr>
<tr>
<td>3</td>
<td>Property Values Increase</td>
<td>37</td>
</tr>
<tr>
<td>4</td>
<td>Good to have café, restaurant facilities</td>
<td>35</td>
</tr>
<tr>
<td>5</td>
<td>Good for Tourism</td>
<td>34</td>
</tr>
<tr>
<td>6</td>
<td>Will create employment</td>
<td>20</td>
</tr>
<tr>
<td>7</td>
<td>Eight Storeys seems excessive</td>
<td>19</td>
</tr>
<tr>
<td>8</td>
<td>Will enhance the general appearance of whole area</td>
<td>19</td>
</tr>
<tr>
<td>9</td>
<td>Promotes an outstanding area of beachfront</td>
<td>14</td>
</tr>
<tr>
<td>10</td>
<td>Support the Tavern</td>
<td>10</td>
</tr>
<tr>
<td>11</td>
<td>Changes the ‘Image’ of Rockingham, good for Safety Bay, Rockingham and Community</td>
<td>12</td>
</tr>
</tbody>
</table>
Of the 210 supporters, there was an overall positive view expressed of the proposed development. Most of the supporters did not raise any concerns with building height, density, traffic and welcomed the redevelopment of the site.

Supporters Issues

Twenty four supporters expressed conditional support to the proposal.

(a) Supporters - Eight Storeys Excessive

Nineteen Submissioners were concerned about building height. Of these, eight Submissioners thought the building height should be a maximum of six storeys, while three Submissioners preferred a building height of six storeys. There were also Submissioners who preferred a building height of four storeys and two storeys along Malibu Road.

(b) Supporters - Tavern

Six Submissioners in support of the proposal were still concerned about supporting a tavern in fear that it could attract undesirables and anti-social behaviour. This was not the overall view expressed by the majority of Submission supporters.

(c) Supporters - Building Height

Thirteen submissioners thought the design should be changed to lower the building height to five storeys.

(d) Supporters - Pedestrian Safety

Six submissioners were concerned about the safety of pedestrians crossing Safety Bay Road.

(e) Supporters - Tavern & TAB

Five submissioners were concerned about the tavern and two submissioners concerned about the TAB potentially impacting on residents. The potential for the TAB attracting anti-social behaviour was of concern together with the need for 24hr security.

Objectors

The main concerns from objectors were building height (which was by far the most significant issue), followed by increased traffic, amenity improved since Hotel closed, and residential density, as follows:-

Table No.6 - Objection Reasons

<table>
<thead>
<tr>
<th>Order</th>
<th>Objectors Issues</th>
<th>Number of Submissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Building Height</td>
<td>32</td>
</tr>
<tr>
<td>2</td>
<td>Traffic Impact</td>
<td>30</td>
</tr>
<tr>
<td>3</td>
<td>Peaceful since closure of Hotel</td>
<td>17</td>
</tr>
<tr>
<td>4</td>
<td>Residential Density</td>
<td>16</td>
</tr>
<tr>
<td>5</td>
<td>Single Bedroom Units</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>Overshadowing</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>Dangerous crossing Safety Bay Road</td>
<td>6</td>
</tr>
<tr>
<td>8</td>
<td>Focus on Profits</td>
<td>6</td>
</tr>
<tr>
<td>9</td>
<td>Inadequate Car parking</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>Loss of privacy</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>Does not comply with State Coastal Planning Policy or Sea Level Rise or Foreshore Erosion</td>
<td>5</td>
</tr>
</tbody>
</table>
A total of fifty-eight separate concerns were raised by objectors to the proposed development. Many of these objections were interrelated such as building height, residential density and traffic impacts. The overriding concern from objections received was that the development should be a maximum of five storeys, with many preferring a range of building heights down to two storeys. The development was viewed by objectors as being out of character with the low density suburban location.

1. **Objectors - Building Height**

Building height was the most significant issue of concern raised from the objections received. A majority of objectors believed the proposal was too high and should be lower. Some Submissioners referred to the proposal as being ‘out of character with the foreshore’, ‘spoils the skyline and beauty of the area’ and the area being predominately single storey and the development being ‘completely out of character for the location’. Other comments included ‘not wanting another Observation City’ and referred to the proposal being ‘aligned to Gold Coast Scenarios which is unwelcome’. Expectations of building heights ranged from two storeys (e.g. along Malibu Road), through to a maximum of five storeys.

2. **Objectors - Traffic Impact**

Traffic increase from the proposed development was almost as frequently raised as building height a significant concern from objectors. Traffic concerns were linked to residential density and referred to the extra traffic from the development as placing a ‘strain’ on the road network. Many objectors believed Malibu Road and Safety Bay Road were already congested particularly during peak traffic times. The following comments reflect a ‘snap shot’ of the objections received, already a busy area, traffic already heavy; traffic chaos at roundabout with Safety Bay Road; impact on Malibu Road/Charthouse intersection; entry exits must be safe; 28% increase in traffic; increase in congestion from commercial and residential vehicles; already a busy road system let alone another 860 cars; and upgrade Malibu Road and Safety Bay Road.

3. **Objectors - Peaceful since closure of Hotel**

Since the closure of the Waikiki Hotel, Submissioners were aware that the area is more peaceful without the Sports bar, TAB and Bottle shop. Anti-social behaviour was blamed for unacceptable impacts on neighbours due to alcohol being too easily available.

4. **Objectors - Residential Density**

Sixteen Submissioners believed the proposed development has too many (386) apartments or represented overdevelopment of the site. Linked to density concerns was the impact of the development of 700 plus more people placing a strain on existing services (i.e. power, water, sewer overload) and a perception of the apartments being occupied by single people rather than by families. One submissioner also referred to R160 being far too high and conflicting with the surrounding lower R20 Code.

5. **Objectors - Single Bedroom Units**

Several questions and concerns were raised by Submissioners about the Single Bedroom Apartments and the Short Stay Accommodation. The most significant concern was the proportion of single bedroom apartments, the potential mix of owners, occupiers, rentals and short stay being unclear. The perception of single bedroom apartments was that they attract single people and this will change the population mix away from families and retirees. The large number of rentals was also linked to potential ‘unruly behaviour’.
6. **Objectors - Overshadowing (i.e. foreshore, neighbours)**

Overshadowing of the proposed development to the foreshore and neighbours was a concern raised by several submitters who live in close proximity of the site such as 5b Reef Place, 453 Safety Bay Road, 10 Calypso Street, U55/436 Safety Bay Road.

Overshadowing was also questioned during Summer of the foreshore, while another submission referred to overshadowing impact on Malibu Road houses prior to 9.00am in winter.

7. **Objectors - Dangerous crossing Safety Bay Road**

Six Submitters were concerned that crossing Safety Bay Road to access the beach was already a hazard and safety issue for pedestrians particularly at peak times of 8:30am and 2:30pm. The extra traffic from the proposed development raised concerns that the situation will become worse. Some submitters referred to there being no safe pedestrian refuge and the pedestrian crossing at the roundabout was dangerous. The need for a safe pedestrian island refuge was needed for safe access for parents with prams, cyclists and school classes.

8. **Objectors - Focus on Profits**

The development being focused on profits and only benefiting the 'cashed up', at the expense of the local residents was a consistent argument from some objectors. It was thought the commercial development all about making money, rather a development that was appropriate to the area.

9. **Objectors - Inadequate Car Parking**

Inadequate car parking was also a concern expressed by some objectors who thought supply was understated or inadequate. Other comments included a need to increase visitor car parking rather than rely on the beach car park and provide more car parking next to the café.

10. **Objectors - Loss of Privacy**

Five submissions were received from neighbours on all sides expressing their objections to the potential loss of privacy. These comments included a concern about buildings completely overlooking properties next door and having '100's of eyes peering down’ into the backyard. Submissions for example were from No.5 Wavelea Street, 5b Reef Place, U55/436 Safety Bay Road.

### 4. Implications to Consider

**a. Consultation with the Community**

The proposed Mixed Use Development was advertised for a period of 28 days commencing on 12th October 2010 to 10th November 2010.

The advertising was undertaken in accordance with the recommendations of the City Officers outlined in the Minutes from the ordinary Meeting of Council held on the 21st September 2010, as follows:-

- Written notice of the proposal was given to all landowners and occupiers within 500 metres of the proposed development. This included a brief explanation of the proposal and plans of the proposal, including a colour drawing. A submission response form was also included.

- The proposal was also advertised for public comment in the Sound Telegraph circulating in the locality.

- The proponent erected two large advertising signs (2.0m x 1.0), which included a colour perspective drawing of the proposed development. Signage was erected fronting onto Safety Bay Road and Malibu Road, in clear view of passing motorists.

- The proposal was displayed on the City’s Website, [www.rockingham.wa.gov.au](http://www.rockingham.wa.gov.au) and the proponent also provided a summary of the development proposal. All of the plans were available for public viewing 24/7.

- A display was erected in the City’s Administration Building for the duration of the advertising period.

Advertising was undertaken in accordance with Town Planning Scheme No.2 requirements.
b. **Consultation with Government agencies**

As the proposed development exceeds a height of five storeys, the approval of the WAPC will also be required in accordance with Clause 32 (No.63) of the Metropolitan Region Scheme. The criteria by which development between five and eight storeys adjacent to the coastline can be considered are set out in the WAPC’s State Planning Policy 2.6, *State Coastal Planning Policy*:

Planning Approval decisions are therefore sought as follows:-
- City of Rockingham pursuant to TPS2; and
- WAPC decision pursuant to the MRS for the buildings above five storeys to a maximum of eight storeys.

c. **Strategic**

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

d. **Policy**

The September 2010 Council Report (Minute PD95/9/10 Item 5.39) includes an assessment of the proposed development against the following Policies:

- State Planning Policy 2.6, *State Coastal Planning Policy*
- State Planning Policy 3.1, *Residential Design Codes*
- State Planning Policy 4.2, *Activity Centres for Perth and Peel*
- Planning Policy 6.3, *Local Commercial Strategy*
- Planning Policy 2.3, *Development Considerations for Disabled Persons*
- Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*

e. **Financial**

Nil

f. **Legal and Statutory**

Under the provisions of TPS2, the Council may either approve (with or without conditions) or refuse the application.

5. **Comments**

**Petition**

A petition containing twenty signatories was received from adjacent neighbours in Reef Place, Harbour Court, Malibu Road and Safety Bay Road. The City's comments on the petition objections are as follows:

1. **Building Height** - Building D along Malibu Road is proposed to be four to five storeys high with a 0m setback to Malibu Road. An inconsistency was noted where the design guidelines recommended that any levels above three storeys should be setback 4.0m to 8.0m from Malibu Road, but the application proposed four storeys on the Malibu Road boundary and a setback fifth floor. Building C and D are setback on upper levels because there are balconies facing Malibu Road. There is a valid basis for considering 0m setback to Malibu Road because the proposed development includes ground floor commercial in a Main Street scenario. The first, second and third floors all have balconies with walls setback 3.0m from the street. The building height along Malibu Road is considered acceptable given that it ties in with Building C which is the same height (but four storeys) and it would not be appropriate to setback commercial units away from Malibu Road as this would not achieve a suitable pedestrian interface. Other building comments are provided below.

2. **Overshadowing** - The applicant's response is considered satisfactory. The extent of overshadowing from the proposed development complies with the Acceptable Development criteria of the R-Codes;
The proponent will be required to engage servicing authorities and pay for any development costs associated with upgrading or connecting to existing services;

A Construction Management Plan can be required as a condition of approval. A Noise Management Plan can be required to demonstrate how the proposed development complies with the Environmental Protection (Noise) Regulations 1997;

The on-street parking bays on Malibu Road are integral to the main street development;

This matter is considered further below;

The existing bus stop along Malibu Road was proposed to be relocated near the Service Station but at this stage it is likely to be retained in its present location; and

Servicing arrangements will be determined by the proponent in liaison with Western Power and other agencies. The proponent’s consultant has advised that the supply to the proposed/indicated site transformer is likely to be underground from the existing overhead (high tension) system and then distributed underground from the site transformer (low tension) to the proposed Building sites. The latter is subject to final design and consultation with Western Power.

The petitioners noted they were all in favour of commercial aspects of the development i.e. office space and shops. All petitioners were not opposed to the former ‘Waikiki Blue’ proposal as they believed it would not ‘impose’ as much on the area.

Late Petition

The following comments are provided on the objections raised from the 351 signatories of the petition:

- Building Height - comments are provided further below;
- Devaluation Impact - the impact of development on land values is not a relevant planning consideration. There has been no evidence provided in support of these claims, land values are influenced by a range of factors;
- Overshadowing - same as the above petition comments;
- Traffic Impact - comments are provided below;
- Noise/Air Pollution - same as the above petition comments;
- Privacy - the impact of Buildings E & F are discussed below. Changes to building height are recommended to address the concerns raised; and
- Right of Access - an accepted right of thoroughfare does not legally exist. Public access is proposed to the commercial units and plaza but a pedestrian through access from the Harbour Court undeveloped POS is not proposed (was shown on the ‘Waikiki Blue’ proposal).

A map showing the location of petitioners is attached to this report, which provides a comparison with the map of individual submissioners. There was also an overlap of objector submissions and many responses from the petition.

The petition is an indication of concerns with the proposal, but individual submissioner responses are considered to be a more reliable way of gauging local community opinion, as they are unsolicited and impartial responses. For example, 40 signatories reside outside Rockingham in suburbs such as Canning Vale, Parmelia, Success and Forrestfield.

Objectors

The following comments are provided in response to the ‘top ten’ reasons why Submissioners objected to the proposed development.

- Building Height

The criteria by which development between 5 and 8 storeys adjacent to the coastline can be considered are set out in the WAPC’s State Coastal Planning Policy 2.6, State Coastal Planning Policy. A maximum of 8 storeys (32 metres) requires ‘broad community support’ for the higher buildings following a process of full consultation in addition to other requirements. An assessment under the State Coastal Planning Policy is included separately in this report.
Building A has a roof height between 30m and 32m – Buildings B and C are similar with a roof height of 32m. Building D has a height of 18.5m and Buildings E and F being lower. The proposed buildings are larger in height and scale to the adjoining residential development.

Following receipt of the application, advice was sought from the City's Urban Design Consultant; the City was advised that in the context of updated design guidelines, the built form and height is generally acceptable.

As the land is zoned ‘Commercial’ the site does not have an R-Code. Part 7.2 A1 (ii) of the R-Codes 2008, provides for mixed use developments being developed where no R-Code is designated for the site, the multiple dwelling requirements of the R60 Code apply. On the 22nd November 2010, the new R-Code Multi-Unit Housing Code requirements came into effect. The default R60 Code will no longer apply. Table 4 of the R-Code MUH includes a footnote stating “Residential elements of mixed use development within non R-Coded land is to be assessed against the R-AC3 provisions.”

The R-Codes provide for a maximum height of 19m (top of concealed roof) in the R-AC3 Code. In this regard, Building A has a roof height between 30m and 32m – buildings B and C are similar with a roof height of 32 metres. Only Building D, with a height of 18m, complies with Table 4, and Buildings E and F being smaller again comply.

The proposal can still be considered by the Council against the Performance Criteria of Part 7.1.2 P1, which states:

“7.1.2 Building height consistent with the desired building height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- adequate sun to buildings and outdoor living areas;
- adequate daylight to major openings to habitable rooms;
- access to views of significance from public places;
- buildings present a human scale for pedestrians;
- building facades are designed to reduce the perception of height through design measures; and
- podium style development is provided where appropriate.”

2. Traffic Impact

A Traffic Impact Statement (TIS) has been provided for the development, which suggests the proposed development will generate approximately 460 vehicles per hour during a typical weekday PM peak period and a total daily traffic generation would be up to 4,500 vehicles per day on weekdays. The TIS concluded the analysis of the Safety Bay Road driveway and the three main driveways on Malibu Road for the proposed development indicates that the proposed driveway intersections will all operate satisfactorily with acceptable queues and delays during the peak periods. The intersection capacity analysis of the existing Safety Bay Road/Malibu Road roundabout for the critical weekday PM peak hour shows that the roundabout will continue to operate satisfactorily with acceptable effect on the operation of the roundabout.

The City's Engineering Services has analysed the TIS (amended) and concluded that, while the proposed development would increase traffic, the general capacity of Safety Bay Road and Malibu Road will not be affected.

3. Peaceful since closure of Hotel

The Council's Planning Policy No. 3.3.19 - Licensed Premises provides guidelines to protect the safety and amenity of existing and future residents and business proprietors against alcohol related problems such as anti-social behaviour, violence, property damage, and promotes the responsible sale and consumption of alcohol. The site has been used as a Hotel for some 50 plus years and it is understood the liquor licence has been retained, despite the Hotel having been demolished.

The applicant should demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, Code of Conduct and Management Plan, including hours of operation in accordance with the Director of Liquor Licensing Guidelines and the Council's Planning Policy 3.3.19 - Licensed Premises. This requirement should be imposed as a condition of planning approval.
The applicant has also decided not to pursue a drive through bottle-shop due to the potential for traffic queuing problems expressed by the City. This tenancy has been changed to a ‘Commercial use’, which means it can be used as a shop type land use under TPS2.

4. Residential Density

The Residential Density Codes 2008 contain criteria against which mixed use development must be assessed.

The Performance Criteria of the R-Codes Part 7.2.1P1 state:

“P1 Dwellings combined with non-residential uses on the same site that provide comparable standards of amenity to other multiple dwellings taking into account the need to:

- satisfy streetscape objectives;
- provide open space in accordance with resident needs; and
- provide car parking to satisfy reciprocal requirements of residents and other users.”

The Acceptable Development Criteria under the R-Codes (Part 7.2 A1ii) set a default density of R60 for mixed-use development. The proposed residential density is equivalent to R139, thus a variation to the Acceptable Development Criteria is proposed and may be considered under the above Performance Criteria.

On the 22nd November 2010 the R-Codes for Multi-Unit Housing no longer apply density requirements. As such, the controls over the number of dwellings permitted will be deleted. The R-Codes will include plot ratio and building height controls instead of residential densities, in order to better facilitate this form of development. The Council has the discretion to approve the proposed development, having regard to the performance criteria of the R-Codes and the requirements of TPS2.

5. Single Bedroom Units

Of the 386 multiple dwellings proposed, 137 are single bedroom dwellings (revised), as opposed to 79 referred to in PD95/9/10 Item 5.39. The R-Codes for Multi-Unit Housing will require development that contains more than 12 dwellings to provide diversity in unit types and sizes to provide a minimum of 20% as one bedroom dwellings, up to a maximum of 50% of the development and a minimum of 40% two bedroom dwellings. The application has a total of 35% of units as single bedroom dwellings and 43% two bedroom dwellings. The proposal is therefore compliant with the dwelling size requirements of the R-Codes for Multi-Unit Housing that will apply upon the Council considering this proposal.

6. Overshadowing (i.e. foreshore, neighbours)

Overshadowing was assessed in Minute No. PD95/9/10 Item 5.39 R-Codes – Multi Unit Housing requirements require the development to be designed so that its shadow cast at midday 21st June onto any adjoining property does not exceed the following limits:

- on adjoining properties Coded R20 being 25 per cent of the site area; and
- on the adjoining R50 site (Surfside Apartments) 50 per cent of the site area.

The applicant has provided plans showing overshadowing at 9am, 12 noon and 3pm on June 21st; the overshadowing plan is attached. It shows the Service Station and part of the foreshore being overshadowed at 9am, as well as a small part of the adjoining Surfside Apartments; at 12 noon the majority of overshadowing is contained on site with only a small part of the foreshore carpark and the Surfside Apartments (including the carports being overshadowed, one of the swimming pools and some apartments). The extent of overshadowing is compliant with the Acceptable Development criteria of the R-Codes.

There is no overshadowing of the northern R20 properties of Reef Place, Harbour Court and Tropicana Way as these properties are north of the development site. The overshadowing of the Surfside Apartments (in Winter) is limited in extent, and the apartments (including the swimming pools) receive direct sunlight for much of the day. Both swimming pools receive direct sunlight at noon, and the northern swimming pool is shadowed by the Surfside Apartments in the morning.
7. **Dangerous crossing Safety Bay Road**

The Traffic Impact Statement anticipated a reasonably strong demand for pedestrian movement across Safety Bay Road between the development and the beach and the existing beachside car park.

It was recommended by the TIS that a traffic island be constructed on Safety Bay Road to facilitate and enhance the safety of pedestrian movements between the proposed development and the beach foreshore. The recent Road Safety Audit for the design also referred to a pedestrian refuge island on Safety Bay Road being of an adequate size to accommodate all expected users.

8. **Focus on Profits**

The potential for the proposed development to be motivated by profit is not a relevant planning consideration. The proposed development must be assessed on its merits having regard to orderly and proper planning. The range of units proposed includes small one bedroom through to medium and large units, catering for a broad mix of housing types. The inclusion of one bedroom units adds to the affordability aspect of the development which does not support the assertion that the development will only benefit the ‘cashed up’.

9. **Inadequate Car Parking**

The proposed development was reassessed for compliance with the new Multi-unit Housing’ provisions of the State Planning Policy 3.1: Residential Design Codes which came into effect on the 22nd November 2010. A total of 468 residential spaces are required, plus 96 visitor spaces. A total of 298 spaces are also required for the commercial component. The total parking required for the development is 862 spaces.

Provided are 691 spaces below-ground and 169 spaces above ground, plus 15 spaces on-street on Malibu Road, or 875 spaces, which complies with the car parking requirements of TPS2. It is the distribution of spaces that requires further assessment as follows:

- As the majority of spaces are located underground only the above ground spaces (167) will be accessible to visitors to the site.
- The commercial component of the development requires the provision of 298 parking spaces, which is a shortfall of 114 spaces (this excludes car parking required for the taverns alfresco area, the extent of which is not known).
- The applicant has advised that 87 below-ground spaces will be made available for staff, and results in a total commercial shortfall of 27 bays.
- The City’s previous report referred to 42 bay shortfall but this excluded 15 new on-street spaces.

TPS2 gives the Council the discretion to offset the provision of on-site car parking, provided it is satisfied that there is no substantial overlap in hours of operation between users occupying the same site. There may be an argument to consider reciprocal parking between various commercial uses. For example, on weekends (the likely peak period) the office tenancies (which require 60 spaces) are likely to be closed, or operating with reduced hours, meaning that there should be a surplus of parking.

The applicant should provide a Car Parking Plan based on the following minimum car parking allocations, in compliance with TPS2;

i) 468 spaces (387 multiple dwellings) minimum (underground); plus
ii) 96 spaces for visitors (underground); plus
iii) 15 on-street spaces – Malibu Road – commercial use; plus
iv) 298 commercial spaces (167 above ground and balance 116 below ground); and
v) 116 spaces below ground take up most of the 127 spaces available.
10. **Loss of privacy**

Several concerns were received from rear neighbours (Reef Place, Harbour Court and Tropicana Way and beyond), regarding the three storey height to Buildings E and F which are setback 9.0 metres to the northern boundary in lieu of the 9.5 metre setback under the R20 Code of the adjoining land. In view of the cumulative impacts of 16 screened balconies and 48 high level bedroom windows, and the height and bulk of Buildings E and F, it is recommended that the height of Buildings E and F be reduced to two storeys facing north and stepped to three storeys onto the south side which overlooks the internal communal open space of the development, rather than the neighbours.

This will significantly reduce these impacts when viewed from neighbouring properties (2 storeys stepped to 3 storeys). The proposed rear boundary setbacks will then exceed the R-Code requirements. Additional screen planting could also ‘soften’ the visual impact of the development, but is not in itself a method to prevent overlooking.

Building B in the south-east corner is four storeys and setback 4.5m from the eastern boundary, and that now complies with the R-Code Multi-Unit Housing requirements. The applicant has also provided screening to the eastern balconies of Building B to prevent direct overlooking to the Surfside pool.

The proposed development is setback further than the ‘Waikiki Blue’ approval from the adjoining Surfside apartments along Safety Bay Road. The current proposal therefore maintains a greater opportunity to maintain ocean views and outlook.

**Safety Audit Findings**

The main issue discussed at the audit was that when a truck is leaving the site, left and right turning vehicles would be unable to enter the site due to the truck using the entire crossover. This would then mean that the chance of a "gap" for a truck driver to use judgement was significantly diminished as there would be no gap if cars are waiting to turn in. Either embayments for parking or carriageway widening would help and possibly remove the problem completely. A Road Safety Audit, Corrective Action Report must be finalised and reflected on the submission of a revised proposal, prior to determination of the application.

**Town Planning Scheme No.2**

The City’s Solicitor has previously given advice on whether it is open to the Council to determine a mixed use development in the absence of a Planning Policy adopted under the provisions of clause 8.9 of Town Planning Scheme No.2, as referred to in clause 4.20.1A of the Scheme.

The City was advised in Minute No. PD26/2/06 Item 5.17 (‘the Jetty Apartments’) that it remains entitled to exercise the discretion conferred by the R-Codes to approve a mixed use development involving multiple dwellings which satisfy Performance Criteria set out in section 4.2.1 of the R-Codes (but which exceeds the Acceptable Development Standards referred to in the same section). In this regard, the City’s Solicitor did not consider that clause 4.20.1A of the Scheme indicates an intention to exclude the operation of the R-Codes in circumstance where there is no adopted Planning Policy.

The R-Codes confer discretion on the Council to approve multiple dwellings which are in access of the density referred to in the Acceptable Development standards. That discretion is to be exercised having regard to the relevant Performance Criteria.

**Multi-Unit Housing Code**

Table 4 of the R-Codes Multi-Unit Housing require a minimum street setback of 2.0m which is not achieved to either Malibu Road or Safety Bay Road where 0m setbacks are proposed. In mixed use developments, there is a general planning principle to incorporate minimum setbacks. For example, Element 7 R18 of Liveable Neighbourhoods states that “buildings are to be located to abut and address streets or public plazas and/or parks”.

Activity Centres for Perth and Peel repeat this line in the ‘Model Centre Framework’ and adds: “the alignment, orientation and setback of buildings are to complement and reflect street function and widths to allow for density whilst maintaining human scale.” Weather protection is also an important element.
The 0m setback to Malibu Road is considered appropriate as it allows for the effective use of the site (no wasted land), and also allows for pedestrian shelter to the Malibu Road footpath. The shelter would not be effective if the building was setback 2m. The 0m setback to Safety Bay Road is consistent with the City's Urban Design Advice as follows:-

“A successful relationship between buildings and the public domain is the key ingredient of a good urban design outcome. Buildings should help to define the edge of the public domain (especially streets); invite and encourage human interaction with commercial uses; provide a sense of personal security for street users, whilst also providing a sense of propriety for residents.”

‘Plaza’ and Public Open Space

The requirement to provide Public Open Space does not apply to this application seeking Planning Approval. Public Open Space is expected to apply upon either the subdivision or strata titling of the development. The requirement for 10% of a residential subdivision site to be provided as POS under the WAPC’s Liveable Neighbourhoods Policy.

The ‘Plaza’ space contributes to the overall amenity of the development and creates an outdoor meeting place, but it is expected to be predominately used for outside dining for the tavern, sports bar and café and the space is not suited to recreational facilities like a playground that would normally be provided in POS. The existence of the basement car park also raises tenure issues. The ‘Plaza’ idea has merit as ‘creating space between buildings’ and a ‘social meeting place’ but is not considered suitable to be vested as POS.

Short Stay Accommodation

A condition of Planning Approval for the proposal known as ‘Waikiki Blue’ dated 8th September 2009 stated that the units may be used for either Residential or Short Stay Accommodation and we request that a similar Condition is implied to this application. The flexibility of the Short Stay Accommodation will be important to allow demand to evolve. The applicant has also provided the following advice:

“The final extent of Short Stay Accommodation is not yet known, however, we envisage the following on-site management arrangements. An Agency is intended to be part of the office use component and will administer the overall on-site Short Stay Accommodation. As the plans indicate, a reception desk in the main entrance lobby will have a permanent staff member, employed by the real-estate agent to handle day to day visits, enquiries, payments and so on.”

The proponent has advised that the final extent of Short Stay Accommodation is not yet known.

Waste Management

The applicant has been in discussion with the City’s Waste Services regarding arrangements for waste collection, and proposes a number of bin storage areas at ground level in Buildings A, C & D, & G segregated into commercial and residential bin storage areas, plus more bin storage areas in the basement levels of Buildings B, E & F. The on-site Manager will move bins to designated bin collection areas (either side of Building D) for pickup twice a week – there is provision for more frequent pickup by the City’s Waste Services if required. A larger bin store and loading area near Building A and Building B will result in the displacement of five car parking bays but several extra parking bays will be provided in lieu of the bottle shop drive through.

The City’s Waste Services prefer bin loading locations above ground, as it is their preference not to access the underground car park unless the required turning circles and vehicle headroom can be accommodated. The applicant has advised the design and layout of bin collection points is such that all servicing can be accommodated above-ground, also without the need to reverse vehicles. Upon further detailed design, bin servicing could be investigated from within the underground car park, but the design does not propose this arrangement at present.

The applicant is also prepared to modify the northern bin collection area (north of Building D) by providing acoustic attenuation to the rear neighbours through a screen wall being built. A Waste Management Strategy can be required as a condition of planning approval, to ensure servicing arrangements are adequate and to minimise noise impact on adjacent residents.
Conclusion

The proposed development has been the subject of detailed planning assessment and public comment since receiving the development application. It was concluded by the City that the proposed development, subject to some refinement and additional information, can be supported on the following basis:-

- The design of the proposal is generally compliant with the City Urban Design Guidelines for the site and is appropriate to its local and regional context;
- The design of the proposal is of high quality and architectural merit;
- The proposed development includes an allowance for Short Stay Accommodation, which supports overseas, interstate and others visiting Rockingham;
- The proposed development represents a boost to the local economy through job creation and local investment;
- The proposal includes a significant commercial and entertainment component, such as a tavern, café, restaurant, which are supported by the majority of Submissioners;
- The subject site has been an ‘eyesore’ for years and the proposal presents an opportunity to develop the site;
- The proposed development was assessed in accordance with the Statement of Planning Policy No 2.6: State Coastal Planning Policy and is considered to be complaint with the policy requirements regarding building height between five and eight storeys;
- Building Height reflects a transition from eight storeys within the central area of the site to lower buildings at the periphery;
- The proposed development is generally compliant with the City’s Town Planning Scheme No.2 in respect to land use and development requirements and the proposed residential density is within Council’s discretion to approve;
- The traffic and safety implication of the proposal on Safety Bay Road and Malibu Road are manageable and changes are proposed to include a new wide pedestrian refuge island on Safety Bay Road to improve pedestrian safety;
- The proposed development was assessed and is compliant with the performance criteria of the new R-Codes Multi-Unit Housing requirements, which come into effect on the 22nd November 2010;
- Of the 279 individual submissions received, 74% of public submissions received by the City support the proposed development and 26% of public submissions received objected to the proposal, while also noting the two petitions containing 351 and 20 signatories which are not as reliable as individual submissions;
- The existing community and future residents within the proposed development will benefit from the new lifestyle facilities proposed;
- The application has been the subject of extensive planning review and the Council has undertaken an open and transparent process in relation to its formal consideration of the proposal; and
- The issues raised in public submissions are considered to be manageable and can be dealt with as conditions of approval.

Accordingly it is recommended that Council grant conditional Planning Approval, subject to reducing the height of Buildings E and F from three storeys to two storeys facing north and retaining three storeys overlooking the internal open space, modify the design of Building C & D to ‘thin’ the building façade onto Malibu Road to reduce ‘building bulk’, together with other conditions that are designed maintain the residential amenity of the area.

6. Voting Requirements

Simple Majority
7. Officer Recommendation

That Council:-

1. **GRANT** conditional Planning Approval to the proposed three hundred and eighty seven (387) Multiple Dwellings and Short Stay Accommodation, Tavern, Betting Agency, Commercial Tenancies (Shop or Office use), Restaurant (including café), Recreational Facilities and eight hundred and sixty (860) Car Parking Bays, plus fifteen (15) On-street bays along Malibu Road (Mixed Use Development) on Lots 4 and 1 (No. 432-434) Safety Bay Road and Malibu Road, Safety Bay, subject to:-

   Special Conditions
   1. REVISED PLANS reducing the height of Buildings E and F from three storeys to two storeys facing north and retaining three storeys overlooking the internal open space of the development.
   2. BUILDING FAÇADE MODIFICATIONS to Buildings C and D to ‘thin’ the building façade setbacks onto Malibu Road to reduce ‘building bulk’.
   3. CAR PARKING PLAN which outlines the distribution of car parking between land uses in compliance with the requirements of Town Planning Scheme No.2.
   4. ROAD SAFETY AUDIT, CORRECTIVE ACTION REPORT being finalised and reflected on the submission of revised plans, showing modifications to the satisfaction of Manager, Engineering Services.
   5. The widening of MALIBU ROAD (eastern side only) to accommodate ON-STREET PARKING AND CROSSOVER modifications, including road works which maintain the required geometry of Malibu Road, existing bus bay, road paving, kerbing and marking and signage associated (at the proponent’s cost) being to the satisfaction of the Manager, Engineering Services.
   6. The installation of a PEDESTRIAN REFUGE ISLAND (at the proponent’s cost) directly opposite the proposed new pedestrian access link on Safety Bay Road, in accordance with specifications submitted to and approved by the Manager, Engineering Services.
   7. All Multiple Dwellings within the development may be used for either Permanent Residential occupation or for SHORT STAY ACCOMMODATION by persons for a period of not more than a total of three months in any twelve month period.
   8. A HOUSE MANAGEMENT PLAN being provided for the Short Stay Accommodation, detailing proposed management methods including on-site arrangements, as well as addressing noise, complaints management procedure, security of guests, residents and visitors.
   9. FENCING to the rear Public Open Space must be 50% visually permeable above 1.2 metres to ensure adequate surveillance.
   10. EXTERNAL FIXTURES, including but not restricted to air conditioning units, satellite dishes and non-standard television aerials, are to be located such that they are not visible from the Primary Street and secondary streets.
   11. ENERGY EFFICIENCY AND WATER EFFICIENCY devices being investigated and the proponent is to prepare a report listing those devices to be installed within the apartments and townhouses to the satisfaction of the Manager, Statutory Planning.
   12. Any proposed use(s) to occur within the COMMERCIAL PREMISES being subject to a separate application from the landowner, prior to the building being occupied or the business operation commencing.
   13. The premises being kept in a NEAT AND TIDY condition at all times by the owner/occupier, to the satisfaction of the City.
   14. The provision and maintenance of a total of 860 marked CAR-PARKING BAYS on-site and 14 on-street car parking bays along Malibu Road.
15. VISITOR PARKING BAYS are to be permanently marked and maintained at all times for use exclusively by visitors to the property, be clearly visible through directional signage and located in front of security gates or not locked behind a barrier for the development.

16. THREE LARGE PALM TREES on-site being relocated and replanted within the development site.

17. Each residential apartment being provided with an INDIVIDUAL STORAGE AREA, of not less than 4sqm in area, constructed of the same materials as the apartments.

18. The TOTAL HEIGHT of Buildings A, B & C not exceeding 32.0 metres and 8 storeys above natural ground level.

19. Uniform sliding BALCONY SCREENS being provided to all apartments, in lieu of irregular screening devices used by future owners.

20. Existing DISUSED CROSSOVERS must be removed and the verge area, kerbing and landscaping must be reinstated, including kerbing and landscaping to the satisfaction of the City.

21. BICYCLE PARKING AND END-OF TRIP FACILITIES being provided in accordance with the Council’s Planning Policy 3.3.14 Bicycle Parking and End of Trip Facilities.

22. Parking for MOTORCYCLES AND SCOOTERS being provided at a rate of 5-10% of the above ground car parking numbers.

23. Unit 101 (in Building C) being designed to have an ENTRY DIRECTLY from Malibu Road.

24. CONSTRUCTION MANAGEMENT PLAN detailing construction methods, access, storage areas, hours of operation, sign notification details, complaint handling procedure and management contact name and number for complaints.

Standard Conditions
D1, D3, D5, D9(860 & 14), D10, D11(6), D16, D17, D18, D24, D25, D29, D34, D35, D38, D39, D40, D41, D42, D43, D44, D45, D46, D48, D49, D51, D55 (Building E & F), D61, D62, D63, D64, D66, D67, D100, D101 & D102 (including compliance with Planning Policy 3.3.19 – Licensed Premises).

8. Committee Recommendation

That Council:-

1. **GRANT** conditional Planning Approval to the proposed three hundred and eighty seven (387) Multiple Dwellings and Short Stay Accommodation, Tavern, Betting Agency, Commercial Tenancies (Shop or Office use), Restaurant (including café), Recreational Facilities and eight hundred and sixty (860) Car Parking Bays, plus fifteen (15) On-street bays along Malibu Road (Mixed Use Development) on Lots 4 and 1 (No. 432-434) Safety Bay Road and Malibu Road, Safety Bay, subject to:-

Special Conditions

1. REVISED PLANS reducing the height of Buildings E and F from three storeys to two storeys facing north and retaining three storeys overlooking the internal open space of the development.

2. BUILDING FAÇADE MODIFICATIONS to Buildings C and D to ‘thin’ the building façade setbacks onto Malibu Road to reduce ‘building bulk’.

3. CAR PARKING PLAN which outlines the distribution of car parking between land uses in compliance with the requirements of Town Planning Scheme No.2.

4. ROAD SAFETY AUDIT, CORRECTIVE ACTION REPORT being finalised and reflected on the submission of revised plans, showing modifications to the satisfaction of Manager, Engineering Services.
5. The widening of MALIBU ROAD (eastern side only) to accommodate ON-STREET PARKING AND CROSSOVER modifications, including road works which maintain the required geometry of Malibu Road, existing bus bay, road paving, kerbing and marking and signage associated (at the proponent’s cost) being to the satisfaction of the Manager, Engineering Services.

6. The installation of a PEDESTRIAN REFUGE ISLAND (at the proponent's cost) directly opposite the proposed new pedestrian access link on Safety Bay Road, in accordance with specifications submitted to and approved by the Manager, Engineering Services.

7. All Multiple Dwellings within the development may be used for either Permanent Residential occupation or for SHORT STAY ACCOMMODATION by persons for a period of not more than a total of three months in any twelve month period.

8. A HOUSE MANAGEMENT PLAN being provided for the Short Stay Accommodation, detailing proposed management methods including on-site arrangements, as well as addressing noise, complaints management procedure, security of guests, residents and visitors.

9. FENCING to the rear Public Open Space must be 50% visually permeable above 1.2 metres to ensure adequate surveillance.

10. EXTERNAL FIXTURES, including but not restricted to air conditioning units, satellite dishes and non-standard television aerials, are to be located such that they are not visible from the Primary Street and secondary streets.

11. ENERGY EFFICIENCY AND WATER EFFICIENCY devices being investigated and the proponent is to prepare a report listing those devices to be installed within the apartments and townhouses to the satisfaction of the Manager, Statutory Planning.

12. Any proposed use(s) to occur within the COMMERCIAL PREMISES being subject to a separate application from the landowner, prior to the building being occupied or the business operation commencing.

13. The premises being kept in a NEAT AND TIDY condition at all times by the owner/occupier, to the satisfaction of the City.

14. The provision and maintenance of a total of 860 marked CAR-PARKING BAYS on-site and 14 on-street car parking bays along Malibu Road.

15. VISITOR PARKING BAYS are to be permanently marked and maintained at all times for use exclusively by visitors to the property, be clearly visible through directional signage and located in front of security gates or not locked behind a barrier for the development.

16. THREE LARGE PALM TREES on-site being relocated and replanted within the development site.

17. Each residential apartment being provided with an INDIVIDUAL STORAGE AREA, of not less than 4sqm in area, constructed of the same materials as the apartments.

18. The TOTAL HEIGHT of Buildings A, B & C not exceeding 32.0 metres and 8 storeys above natural ground level.

19. Uniform sliding BALCONY SCREENS being provided to all apartments, in lieu of irregular screening devices used by future owners.

20. Existing DISUSED CROSSOVERS must be removed and the verge area, kerbing and landscaping must be reinstated, including kerbing and landscaping to the satisfaction of the City.

21. BICYCLE PARKING AND END-OF TRIP FACILITIES being provided in accordance with the Council's Planning Policy 3.3.14 Bicycle Parking and End of Trip Facilities.

22. Parking for MOTORCYCLES AND SCOOTERS being provided at a rate of 5-10% of the above ground car parking numbers.

23. Unit 101 (in Building C) being designed to have an ENTRY DIRECTLY from Malibu Road.
24. CONSTRUCTION MANAGEMENT PLAN detailing construction methods, access, storage areas, hours of operation, sign notification details, complaint handling procedure and management contact name and number for complaints.

**Standard Conditions**

D1, D3, D5, D9(860 & 14), D10, D11(6), D16, D17, D18, D24, D25, D29, D34, D35, D38, D39, D40, D41, D42, D43, D44, D45, D46, D48, D49, D51, D55 (Building E & F), D61, D62, D63, D64, D66, D67, D100, D101 & D102 (including compliance with Planning Policy 3.3.19 - Licensed Premises).

Committee Voting – 3/1
(Cr Prince voted Against)

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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 finalisation of the Municipal Heritage Inventory review, in light of comments received during the consultation period, additional information provided by the City's Heritage Consultant and consideration by the Heritage Reference Group.
2. **Background**

Under the Heritage of Western Australia Act 1990, each local authority is required to prepare and maintain an inventory of buildings which in Council's opinion are, or may become, of cultural heritage significance - this is commonly called a Municipal Heritage Inventory (MHI). Municipal Heritage Inventories provide recognition of a place's importance to the local community, however, the places on the Inventory are not afforded statutory protection.

The Council's MHI was initially compiled and adopted in October 1995 and later reviewed with minor changes adopted in December 1998. In 2003, the Council commenced a review of its MHI, which initially involved updating the existing text of the MHI and the inclusion of new places.

In May 2006, the Council invited public comment on the draft MHI to which thirty three (33) public submissions were received. A total of sixty seven (67) places where nominated for inclusion on the MHI, including twenty four (24) places already on the Inventory and two places located within an adjoining local government area.

In July 2007, the Council split the process into two parts to enable the existing MHI to be updated and assessment of the new places, nominated for inclusion in the MHI, to be considered separately. The Council continued to update the MHI whilst simultaneously preparing a Heritage List (under Town Planning Scheme No. 2) and a Heritage Conservation and Development Policy. The process was completed in March 2008, when Council resolved to adopt the MHI, List and Policy.

Following completion of the first stage, the Council recommenced the assessment of places nominated for inclusion on the MHI. In August 2008, the Council confirmed the process to be undertaken for the assessment as follows:

**Step 1** Palassis Architects (the Council's consultant) will undertake research and prepare Place Record Forms for each of the places nominated for inclusion in the MHI, including the places identified by Palassis as "beach homes", "multistorey holiday units" and "interwar homes". This process is anticipated to take about three months, and will involve desktop research, site inspections and potential contact with relevant landowners.

Place Record Forms contain the following information (if available) about each place:

- **Name** – current and other names
- **Photograph** – additional photographs (if any) are included at the end of the record form
- **Location** – lot number, street address and suburb
- **Land Title Information** – to be completed by the City
- **Site Access** – note: private properties are not accessible to the public
- **Description** – architectural style, materials and date of construction
- **Use** – past and present use
- **Description Notes** – brief physical description
- **Historical Notes** – notes on the history of the place
- **Significance** – a brief statement of the cultural heritage significance of the place
- **Management Category** – recommended management category
- **Association** – association with people of historical note
- **Heritage Listing** – any state or national heritage listing

In some cases, reliable information about a place might be limited. If a place is entered onto the MHI and further information later becomes available, it can then be included in future updates and reviews.

**Step 2** Following completion of the Place Record Forms, Palassis will provide such to the City along with its recommendations on the heritage significance of the place and whether it should be entered onto the MHI.
Step 3 The City’s Heritage Advisory Committee (HAC) will consider the work undertaken by Palassis and recommend to Council whether the nominated places are worthy for inclusion on the MHI.

Step 4 The recommendations of HAC will then be tabled before the Council for consideration, via the Planning Services Committee.

Step 5 Following Council’s decision, consultation will occur with the owners of places the Council considers worthy of entry onto the MHI. This will also include consideration of concurrent entry of the places onto the Heritage List under Town Planning Scheme No.2.

Step 6 Responses received during the consultation process will be considered by the City, Palassis (if deemed necessary) and HAC which will make a recommendation on whether to enter the place on the MHI (with or without modification) or not to enter the place on the MHI.

Step 7 The recommendations from HAC will be tabled before the Council for consideration, via the Planning Services Committee. The Council will also be requested to make a decision on whether each place should be included on the Heritage List under Town Planning Scheme No.2.

Step 8 Palassis will make the required changes to the MHI and forward such to the City. A copy of the modified MHI will then be forwarded to the Heritage Council of Western Australia in accordance with the Heritage of Western Australia Act 1990.

The Council further resolved to commission Palassis Architects to assist with the review, including the preparation of Place Record Forms for the nominated places and recommendations on whether the place should be included in the MHI.

In accordance with Step 1 & 2 above, Palassis prepared and submitted the first draft of the Place Record Forms1 and updated Thematic Framework for the new places nominated for inclusion in the MHI.

In April 2009, based on the advice of the Heritage Advisory Committee (per Step 3), Council Officers liaised with Palassis to undertake further edits to the draft Place Record Forms to ensure that the historical information is correct. For some places, further background information was required to complete the Place Record Forms. The changes were completed in November 2009.

In December 2009, the Council (per Step 4) considered the draft Place Record Forms prepared by Palassis. The Council resolved to make some amendments to the Place Record Forms and subsequently notify and invite comment from the owner and occupier of each place proposed to be included in the MHI and Heritage List for a period of 42 days. The Council further resolved to consult with owners and/or occupiers of the Baldivis Primary School and Trocadero Dance Hall on the proposed changes in details to the existing MHI and Heritage List.

1 Place Record Forms contain information relevant to each place, including the place's name, location, photographs, construction date, construction materials, assessment of the place's condition, integrity and authenticity, historical notes, a statement of significance, and management category.

### 3. Details

The current review has proposed to include the following new places in the MHI and Heritage List, along with the Categories for each place:-

**Historic Sites**

- 062 Penguin Island and Mersey Point (Category A)
- 064 Site of Arcadia House (Category E)
- 065 Site of First Roads Board Office and East Rockingham School (Category E)
- 067 Site of Golf Course (Category E)
- 068 Site of Racecourse (Category E)
- 069 Site of Theatres (Category E)

**Residential Buildings**

- 071 Residence, 5 Martell Street (Category C)
072 Residence, 6 June Road (Category D)
073 Residence, 118 Arcadia Drive (Category C)
074 Residence, 250 Safety Bay Road (Category C)
075 Residence, 252 Safety Bay Road (Category C)
076 Residence, 505 Safety Bay Road (Category C)
077 Residence, 623 Safety Bay Road (Category C)
078 Residence, 64 Parkin Street (Category C)
079 'Carinya Court' (Category B)
080 Residence, 72A Penguin Road (Category C)
081 Residence, 188 Safety Bay Road (Category C)
082 Residence, 218 Safety Bay Road (Category C)
083 Residence, 1 Chalwell Street (Category C)
084 Residence, 3 Chalwell Street (Category C)
085 Residence, 63 Esplanade (Category C)
086 Residence, 21 Waimea Road (Category D)
087 Residence, 85 Esplanade (Category E)
088 'Creburne' (Category C)
089 Residence, 124 Arcadia Drive (Category C)
090 Residence, 274 Safety Bay Road (Category C)
091 CWA Hall (Category B)
092 'Aloha' & 'Oahu' (Category D)

The Management Categories proposed by Palassis have the following meaning within the City's Heritage Conservation and Development Policy:

A+ Already recognised at the highest level - the State Register of Heritage Places.
A Worthy of the highest level of protection - recommended for entry into the State Register of Heritage Places.
B Worthy of a high level of protection.
C Retain and conserve if possible.
D Significant, but not essential to an understanding of the district.
E Historic site. Not included in Heritage List.

The review has also proposed two changes to the existing MHI and Heritage List as follows:

002 Baldivis Primary School

It has been noted that the address for the Baldivis Primary School (which refers to the two buildings otherwise known as the 'Day Centre' and 'Art Centre' on the corner of Baldivis and Fifty Roads) is incorrect along with the ownership details listed on the Place Record Form and Heritage List. The correct address is Reserve 23952, Lot 1376 (No.342) Baldivis Road, Baldivis. The reserve is managed by the City of Rockingham, and not the Department of Education and Training.

034 Trocadero Dance Hall

The Trocadero Building was demolished in 2009 so the Place Record Form should be amended to reflect its demolition, including changing the Management Category to E. The Trocadero Dance Hall should also be deleted from the Heritage List.

Owners and occupiers of places proposed to be included on the MHI were given details of the proposed listings on the 22nd January 2010 and invited to provide comment by no later than the 8th March 2010 (per Step 5).
At the end of the comment period a total of twenty (20) submissions were received providing comment on fourteen (14) places - this includes submissions provided to the City prior to the commencement of advertising.

All submissions were referred to Palassis (per Step 6) who was asked to assess and respond to the comments provided.

To assist with the Council's consideration of the matter, an Assessment Overview (Attachment 1) has been prepared for each place, which includes a summary of any submissions received on that place, the response from Palassis and the Officer Recommendation. A full copy of all submissions can be made available upon request.

The matter was initially considered by the City's Heritage Reference Group on the 25th August 2010, in light of the submissions received and response provided by Palassis, when it recommended that:

a. That the City advise Palassis Architects that there is concern that the review of the MHI had not identified the best examples or clustered the places in groups, and the Historical Notes for each place often did not make reference to the information contained in the Thematic Framework.

b. That the City notify affected owners of progress.

Palassis was subsequently requested to provide additional information with respect to the methodology used in identifying the places recommended for listing. In response, Palassis provided the following comments:

"...we have prepared diagrammatic maps and a table to demonstrate the methodology used in selecting places for the Municipal Heritage Inventory (MHI) in order to give a better understanding of the selection process.

Please refer to the following appendices enclosed for your review.

(i) Appendix 1: Diagrammatic Maps 1-5

We have plotted the places that were selected for entry in the MHI and also places that are of a similar style that have not been included. The maps provide an overview of the building styles constructed in Rockingham in the early part of the twentieth century and assist in the recognition of outstanding/potential places that meet the threshold of the MHI. The mapping is done in the vicinity of the Esplanade, Safety Bay Road and Penguin Road; and

(ii) Appendix 2: Cross Referencing Table

In addition to the diagrammatic maps, we have prepared a table to cross-reference our selections with the themes from the thematic history and historical overview in the MHI. We have selected representative examples of each style that are generally found in the area. The selections are based on two themes:

a) The Inter-War Years: 1915-1949 and

b) The Post-War and Modern Period 1950-2004

The table illustrates that the selections are consistent with the thematic framework of the existing MHI.

We carried out the first assessment in 2006 based on the public nominations provided to us at the time, that requested 'holiday homes' built in Rockingham in the early days be considered for inclusion in the MHI. Our assessment was conducted on the basis of the 2006 nominations, exterior assessments and desktop studies based on thematic framework of the existing MHI. The diagrammatic maps do show that there are similar examples in the area, however, only outstanding places that portray the architectural merit of its era or age, have been selected for inclusion in the MHI. Please note that the selected places are not necessarily holiday homes. It is mentioned in the historical notes that there were new residences and holiday homes built in both periods. Further assessments and research would be required in order to determine the original building use of each place."

A copy of the diagrams and table provided by Palassis are included as Attachments 2 & 3.
Finally, the matter was considered by the City's Heritage Reference Group on the 23rd November 2010 and the outcomes from that meeting are contained within the minutes that appear in Item SPE-015/10 and discussed below.

4. **Implications to Consider**

a. **Consultation with the Community**
   Relevant owners were notified of the proposed listing, provided with a copy of the draft Place Record, and invited to comment. The consultation process concluded on the 8th March 2010, with a total of twenty (20) submissions received.

b. **Consultation with Government agencies**
   N/A

c. **Strategic**
   Functional Area 3 - Land Use & Environment in the Council's Strategic Plan under Strategy 10.2 - 'Review the Municipal Heritage Inventory of heritage places'.

d. **Policy**
   The ongoing management of heritage places within the City is governed by Planning Policy No.3.1.7 - Heritage Conservation and Development Policy.

e. **Financial**
   Nil

f. **Legal and Statutory**
   Section 45 of the Heritage of Western Australia Act 1990 requires Council to prepare and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance, which is required to be reviewed every four years.
   The provisions of clause 5.4.2 of Town Planning Scheme No.2 provide for the preparation of a Heritage List and matters pertaining to places included on the Heritage List.

5. **Comments**

In determining whether any place should be included on the Council’s MHI (and, by association, the Heritage List under TPS2), it needs to consider whether or not each place has cultural heritage significance, and to what level. 'Cultural heritage significance' is defined in the Municipal Heritage Inventory as the 'aesthetic, historic, scientific or social significance a place may have for present or future generations'.

Specific comment on the individual places is provided in the Assessment Overview (Attachment 1), however, general comments on the respective type of places is provided below.

**Historic Places**
No comments were received in response to the proposed listing of the 'historic sites'. Accordingly, it is recommended that the draft Place Record Forms be adopted and the places be included in the MHI. As they are sites only, inclusion in the Heritage List is not warranted.

**Demolished Residential Buildings**
Since commencement of the current MHI review, the following residences have been demolished:
072 Residence, 6 June Road
075 Residence, 252 Safety Bay Road
078 Residence, 64 Parkin Street
083 Residence, 1 Chalwell Street
085 Residence, 63 Esplanade

Given the significance of the place related to its built fabric, and the buildings have been demolished, it is recommended that the places not be included in the MHI or the Heritage List.
This approach has been supported by the City's Heritage Reference Group, which considered that the retention of these places in the Inventory would take away from other sites already listed, or proposed to be listed, in the Inventory which have heritage value beyond just the built fabric.

**Residential Buildings**

The remaining places were identified and proposed by Palassis in response to previous community input, which suggested that early 'holiday homes' be included in the MHI.

The City received objections to the proposed listing of some of the places, as set out in the Assessment Overview. The basis for objections were generally in terms of:
- the impact on land values and saleability of the affected land;
- the poor condition of some of the buildings;
- the health issues associated with retaining asbestos clad buildings;
- unwanted restrictions on improvements being undertaken on the buildings;
- modifications to the buildings had diminished any heritage value;
- the buildings do not meeting modern expectations; and
- there are better examples in the area.

Palassis provided a response to the above issues, which are summarised as follows:-
- Land value is not a criteria for the identification of heritage values, and does not influence the identified heritage values of the places;
- The condition of the places identified has not impacted on their heritage values;
- Asbestos cladding can be replaced without affecting heritage values;
- Heritage listing does not necessarily preclude the renovation, extension or modification of places, provided such work does not detract from the heritage value of the place;
- Modifications undertaken to the majority of places has not affected their heritage value;
- Heritage listing does not prevent modifications being made to a place to bring it up to modern standards; and
- Places should not be excluded from listing simply because there are other similar examples within the local district. Simple vernacular buildings also have aesthetic value.

A number of submissions disputed certain facts contained within respective Place Record Forms and Palassis have recommended that the Place Record Forms be amended to address any errors in the place descriptions.

Palassis contends that the places it has put forward are the best representative examples of homes from the Inter-War and Post-War eras and that Stage 2 of the MHI should be adopted subject to the following changes:-

1. Place 071 Residence, 5 Martell Street, Warnbro being changed to a Management Category 'D', given the immediate locality has undergone such significant change that its historic context is no longer legible.

2. Place 082 Residence, 218 Safety Bay Road, Safety Bay being changed to a Management Category 'D', given the recent rezoning of the site indicates that the heritage values of the place will not be protected.

3. Place 088 'Creburne' 110 Arcadia Drive, Shoalwater being removed as the changes to the place, both internally and externally, are extensive and irreversible, resulting in a loss of the heritage value.

4. Place Record Forms being amended to reflect the above, and the additional information provided by submissioners.

The matter has been considered by the City's Heritage Reference Group which agreed that there was sufficient justification to warrant the individual places being listed, however, it was not satisfied that the best examples of homes from the relevant periods had been included.
In this regard, it was considered that some places examined by Palassis, but not included in the draft Inventory, may be worthy of protection, and that there were likely to be other places not examined by Palassis that would be worthy of inclusion. The fact that not all places of potential significance had been identified did not undermine the value of the places that had been identified.

The Group noted and agreed with the recommendations of Palassis with respect to the individual places, however, it was noted that the Places 092 'Aloha' & 'Oahu' and 086 Residence, 21 Waimea Road may be of greater significance than that identified by Palassis, and consideration should be given to elevating these sites to a Category 'C' or higher.

The matter has also been discussed with the Regional Heritage Advisor who confirmed that, whilst it is not clear why similar places in the locality were not included by Palassis, the inclusion of the identified places has been adequately justified, and the recommendations of both Palassis and the Heritage Reference Group were supported.

**CONCLUSION**

Whilst the Heritage Reference Group considers that there may be other examples of homes from the relevant period that should be considered for inclusion, the heritage value of the places currently proposed for inclusion has been adequately demonstrated and they should be included in the MHI and Heritage List. In this regard, Palassis, the Heritage Reference Group and the Regional Heritage Advisor agree that places should not be excluded on the basis that there are other similar examples in the locality. It is, however, recommended that the Heritage Reference Group and the Regional Heritage Advisor identify other homes from the relevant Inter-War and Post-War eras that may be of heritage value for consideration of inclusion in the Municipal Heritage Inventory, as part of the next review.

With respect to the other matters raised during the consultation period, the comments and advice of Palassis is supported, and it is recommended that the MHI and Heritage List be adopted as detailed above.

The majority of places proposed to be included in the MHI and Heritage List are classified as Management Category 'C', which are intended to be retained and conserved if possible. On this basis, and given that they are not at the higher level of significance (Categories A and B), the retention of these places should be encouraged through the provision of incentives. Whilst the Council's Planning Policy 3.1.7 - Heritage Conservation and Development Policy contains certain incentives, such as increased subdivision potential, increased plot ratio and the waiving of building/planning fees, the response from owners of the places proposed for inclusion suggests that the current Policy position may not be effective in encouraging retention.

Accordingly, it is recommended that the City undertake a review of the Policy, in close liaison with the owners of listed places, to examine whether further incentives could be applied to encourage the retention of places. Such options could include establishing a Heritage Grants Program, allowing further development bonuses (increasing development potential) or rates relief.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council:

1. ADOPT the revised City of Rockingham Municipal Heritage Inventory (including changes to the entries for the Baldivis Primary School and Trocadero Dance Hall).

2. ENTER the following places in to the Heritage List in accordance with clause 5.4.2(c) of Town Planning Scheme No.2:

   (i) 071 Residence, 5 Martell Street (Category D)
   (ii) 073 Residence, 118 Arcadia Drive (Category C)
   (iii) 074 Residence, 250 Safety Bay Road (Category C)
   (iv) 076 Residence, 505 Safety Bay Road (Category C)
8. Committee Recommendation

That Council:

1. **ADOPT** the revised City of Rockingham Municipal Heritage Inventory (including changes to the entries for the Baldivis Primary School and Trocadero Dance Hall).

2. **ENTER** the following places in to the Heritage List in accordance with clause 5.4.2(c) of Town Planning Scheme No.2:
   
   (i) 071 Residence, 5 Martell Street (Category D)
   
   (ii) 073 Residence, 118 Arcadia Drive (Category C)
   
   (iii) 074 Residence, 250 Safety Bay Road (Category C)
   
   (iv) 076 Residence, 505 Safety Bay Road (Category C)
   
   (v) 077 Residence, 623 Safety Bay Road (Category C)
   
   (vi) 079 'Carinya Court' (Category B)
   
   (vii) 080 Residence, 72A Penguin Road (Category C)
   
   (viii) 081 Residence, 188 Safety Bay Road (Category D)
   
   (ix) 082 Residence, 218 Safety Bay Road (Category C)
   
   (x) 084 Residence, 3 Chalwell Street (Category C)
   
   (xi) 085 Residence, 63 Esplanade (Category C)
   
   (xii) 086 Residence, 21 Waimea Road (Category D)
   
   (xiii) 089 Residence, 124 Arcadia Drive (Category C)
   
   (xiv) 090 Residence, 274 Safety Bay Road (Category C)
   
   (xv) 091 CWA Hall (Category B)
   
   (xvi) 092 'Aloha' & 'Oahu' (Category D)
3. **REMOVE** the following place from the Heritage List in accordance with clause 5.4.2(c) of Town Planning Scheme No.2:
   (i) 034 Trocadero Dance Hall

4. **REQUEST** that the Heritage Reference Group and Regional Heritage Advisor identify other homes from the Inter-War and Post-War eras that may be of heritage value for possible inclusion in the Municipal Heritage Inventory, as part of the next review.

5. **REVIEW** Planning Policy 3.1.7 - Heritage Conservation and Development Policy, in close liaison with the owners of listed places, to examine whether further incentives could be applied to encourage the retention of places.

6. **REMOVE** “(xiv) 090 Residence, 274 Safety Bay Road (Category C)” pending further discussions between the landowners and Council Officers.

   Committee Voting – 4/0

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

To enable the landowner to enter into further discussions with Council Officers at a later stage.

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

Not applicable.
## Reference No & Subject:

**SPE-010/10 Update of Anstey Park Development Contribution Plan No.1**

<table>
<thead>
<tr>
<th>File No:</th>
<th>LUP/865</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr B Ashby, Co-ordinator, Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr P Ricci, Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>6 December 2010</td>
</tr>
</tbody>
</table>

### Previously before Council:


### Disclosure of Interest:

Executive Function

### Purpose of Report

To consider an update of cost estimates under Development Contribution Plan No.1 - Anstey Park.
2. **Background**

On the 25th July 2008, Amendment No.53 to Town Planning Scheme No.2 was gazetted. The Amendment, amongst other things, introduced Development Contribution Plan No. 1 - Anstey Park into the Scheme, pertaining to the Anstey Park area, providing statutory effect to the Cost Contributions Arrangement.

In August 2008, the Council considered a Report outlining updates to the cost estimates for the Development Contribution Plan and revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park.

The cost estimates were further reviewed by the Council in July 2009, and then most recently in April 2010 when it resolved to adopt revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park, as follows:

(a) Land Acquisition - $10,384,578.49  
(b) Public Open Space Development - $1,387,587.37  
(c) Public Open Space Maintenance - $1,307,788.85  
(d) Stormwater Drainage Pipework - $0.00  
(e) Stormwater Drainage Earthworks - $0.00  
(f) Anstey Road - $248,252.00  
(g) Warnbro Sound Avenue - $637,977.00  
(h) Administration - $234,794.65  
(i) Ongoing Management - $283,029.64

3. **Details**

In accordance with clause 5.5.5.5(a) of Town Planning Scheme No.2, the Council is required to review the estimated costs contained in a Development Contribution Plan (DCP) at least annually, in accordance with the best and latest information available. This Report seeks to satisfy this Scheme requirement.

4. **Implications to Consider**

a. **Consultation with the Community**

Consultation with the community is not required under the provisions of Town Planning Scheme No.2. In accordance with clause 5.5.5.5(b) of the Scheme, an Owner can request that the City have the estimated costs independently certified by an appropriate qualified person.

b. **Consultation with Government Agencies**

Consultation with the government agencies is not required under the provisions of Town Planning Scheme No.2.

c. **Strategic**


d. **Policy**

N/A

e. **Financial**

The Cost Contributions Scheme is intended to ensure that all subdividers equitably contribute to the provision of certain infrastructure with the Council performing a regulatory role in this regard.
Given that the payment and receipt of funds by the Council is influenced by the timing of subdivision and the prevailing costs at that time (land value, development costs etc), the Cost Contributions Scheme is subject to uncontrollable variables that may present a financial risk to the Council when the Cost Contributions Scheme is finished.

f. **Legal and Statutory**

Clause 5.5.5.5(a) requires the estimated costs under the Development Contribution Plan to be reviewed at least annually in accordance with the best and latest information available to the Council until the expenditure on the relevant item has occurred.

### 5. Comments

The current cost estimates, adopted in April 2010, have been reviewed as follows:-

**Land Acquisition**

Since the last review in April 2010, the City has expended funds in the acquisition of land for the Lennox Drive and Surf Drive Public Open Space reserves. Accordingly, actual expenditure on land acquisition totals $9,138,389.45, consisting of both cash payments and the provision of 'in kind' credit towards the Owner's cost contributions.

For the remaining land to be acquired for Public Open Space, valuation advice has been received from McGees stating the value of land as follows:

<table>
<thead>
<tr>
<th>Land East of Forty Road:</th>
<th>Current</th>
<th>April 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>$825,000</td>
<td>$800,000/ha</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land West of Forty Road:</th>
<th>Current</th>
<th>April 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>$875,000</td>
<td>$850,000/ha</td>
<td></td>
</tr>
</tbody>
</table>

Given the costs associated with acquisition, development and maintenance of land for Public Open Space is linked to the timing of subdivision, when land is generally ceded, the City wrote to all remaining 'en globo' landowners within the DCP Area advising of its current understanding of the timing of subdivision (and hence ceding of land for Public Open Space), and requested the landowners advise if their intentions differed. No responses were received.

The following increases in land values, in accordance with advice received from McGees, have been taken into account based on the best estimate of when land is likely to be ceded for Public Open Space:

<table>
<thead>
<tr>
<th>Period</th>
<th>Estimates Increase in Land Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>to June 2011</td>
<td>1.0% (0.0% to 2.0%)</td>
</tr>
<tr>
<td>to June 2012</td>
<td>7.5% (6.0% to 9.0%)</td>
</tr>
<tr>
<td>to June 2013</td>
<td>10.0% (7.5% to 12.5%)</td>
</tr>
</tbody>
</table>

Based on the above advice, the following estimated land valuations have been applied:

<table>
<thead>
<tr>
<th>Date</th>
<th>Land West of Forty Road</th>
<th>Land East of Forty Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 2010</td>
<td>$875,000</td>
<td>$825,000</td>
</tr>
<tr>
<td>June 2011</td>
<td>$883,750</td>
<td>$833,250</td>
</tr>
<tr>
<td>June 2012</td>
<td>$950,031</td>
<td>$895,744</td>
</tr>
<tr>
<td>June 2013</td>
<td>$1,045,035</td>
<td>$985,318</td>
</tr>
</tbody>
</table>

On this basis, the current estimate for remaining land acquisition is $1,221,917.27 and the total estimated costs for land acquisition, including land already acquired, is therefore $10,360,306.72.
Public Open Space Development & Maintenance

To date, a total of $662,483.43 has been expended on the development of land for Public Open Space, through the provision of 'in kind' credit towards the Owner's cost contributions and allocation of funds from the Anstey Park Shared Costs Reserve. Similarly, a total of $419,345.20 has been expended on the maintenance of Public Open Space.

The estimated costs for development of remaining Public Open Space has been reviewed by the City's Parks Service, including the preparation of a detailed cost estimate for development of the central reserve (Lennox Reserve).

Parks Service has prepared a draft landscaping plan for Lennox Reserve (Reserve No.7 - Lots 46 & 47 Surf Drive and Lots 56 & 57 Anstey Road). The landscaping plan has been prepared to include full earthworks, reticulation, turfing, pathways, seating and play equipment. The landscaping plan has been costed by Parks Service at $454,218.39.

Where landscaping plans have not been prepared for reserves, the costs for development of the remaining reserves have been based on an indicative schedule of costs for the overall estate. These estimated costs, prepared by the Parks Service, equate to $120,193.71 per hectare. Similarly, the estimate for maintenance have been amended and equate to $104,950.00 per hectare.

In order to account for likely increases in development and maintenance costs, this amount has been adjusted in accordance with the Australian Institute of Quantity Surveyors (WA) Cost Construction Index Forecast for Perth (December 2009), which predicts the following increases in development costs for the coming years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>4.0%</td>
</tr>
<tr>
<td>2012</td>
<td>4.5%</td>
</tr>
<tr>
<td>2013</td>
<td>5.0%</td>
</tr>
<tr>
<td>2014</td>
<td>5.0%</td>
</tr>
</tbody>
</table>

On this basis, the current estimates are:

<table>
<thead>
<tr>
<th></th>
<th>Actual</th>
<th>Estimate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of POS</td>
<td>$662,483.43</td>
<td>$807,324.49</td>
<td>$1,469,807.92</td>
</tr>
<tr>
<td>Maintenance of POS</td>
<td>$419,345.20</td>
<td>$888,443.65</td>
<td>$1,307,788.85</td>
</tr>
</tbody>
</table>

Stormwater Drainage Pipework & Earthworks

These items have previously been deleted and no longer apply.

Anstey Road & Warnbro Sound Avenue

These items are a set cost and are not amended.

Administration & Ongoing Management

When previously reviewed in April 2010, the City's actual expenditure for Administration was estimated at $234,794.65, with actual expenditure on Ongoing Management estimated at $133,029.64. The estimated remaining expenditure on Ongoing Management was estimated at $150,000, equating to $50,000 per annum to June 2013.

Since April 2010, a further $30,591.43 has been expended on Ongoing Management, bringing the total actual expenditure to $163,621.07. Expenditure for the rest of the current financial year is estimated at $28,893.30.

An amount of $50,000 per annum is estimated for Administration and Ongoing Management for the remaining life of the Development Contribution Plan, to June 2013.
Accordingly, it is recommended that the following estimates be adopted:

<table>
<thead>
<tr>
<th></th>
<th>Actual</th>
<th>Estimate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$234,794.65</td>
<td></td>
<td>$234,794.65</td>
</tr>
<tr>
<td>Ongoing Management</td>
<td>$163,621.07</td>
<td>$128,893.30</td>
<td>$292,514.37</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$398,415.72</strong></td>
<td><strong>$128,893.30</strong></td>
<td><strong>$527,309.02</strong></td>
</tr>
</tbody>
</table>

**CONCLUSION**

In accordance with the above, the cost estimates for Development Contribution Plan No.1 have been revised as follows:-

(a) Land Acquisition - $10,360,306.72
(b) Public Open Space Development - $1,469,807.92
(c) Public Open Space Maintenance - $1,307,788.85
(d) Stormwater Drainage Pipework - $0.00
(e) Stormwater Drainage Earthworks - $0.00
(f) Anstey Road - $248,252.00
(g) Warnbro Sound Avenue - $637,977.00
(h) Administration - $234,794.65
(i) Ongoing Management - $292,514.37

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council, in accordance with clause 5.5.5.5(a) of Town Planning Scheme No. 2, **ADOPT** the revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park, as follows:-

(a) Land Acquisition - $10,360,306.72
(b) Public Open Space Development - $1,469,807.92
(c) Public Open Space Maintenance - $1,307,788.85
(d) Stormwater Drainage Pipework - $0.00
(e) Stormwater Drainage Earthworks - $0.00
(f) Anstey Road - $248,252.00
(g) Warnbro Sound Avenue - $637,977.00
(h) Administration - $234,794.65
(i) Ongoing Management - $292,514.37

8. **Committee Recommendation**

That Council, in accordance with clause 5.5.5.5(a) of Town Planning Scheme No. 2, **ADOPT** the revised cost estimates for Schedule 10, Development Contribution Plan No.1 - Anstey Park, as follows:-

(a) Land Acquisition - $10,360,306.72
(b) Public Open Space Development - $1,469,807.92
(c) Public Open Space Maintenance - $1,307,788.85
(d) Stormwater Drainage Pipework - $0.00
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(f) Anstey Road - $248,252.00
(g) Warnbro Sound Avenue - $637,977.00
(h) Administration - $234,794.65
(i) Ongoing Management - $292,514.37

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><strong>Reference No &amp; Subject:</strong></th>
<th><strong>SPE-011/10 Proposed Modification to Integrated Development Guide Plan - Baldivis Town Centre</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/862</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Urbis (on behalf of Stockland Pty Ltd)</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr B Ashby, Co-ordinator, Strategic Planning</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr P Ricci, Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>6th December 2010</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Executive Function</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Lot 1 Safety Bay Road</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>8.0264ha</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td><img src="image" alt="Map of Lot 1 Safety Bay Road" /></td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

To consider an application seeking to modify the adopted Integrated Development Guide Plan for the Baldivis Town Centre.

2. **Background**

The South West Corridor Structure Plan of 1993 identified a major commercial/institutional, employment centre and a mixed business area being located on the north-east corner of Nairn Drive and Safety Bay Road. In 1996, Taylor Woodrow (then majority owner of the site) commissioned Hames Sharley to work with the City to prepare an Indicative Development Guide Plan (IDGP) for the Baldivis Town Centre to guide the future development of the site.

In 1997, an amendment to Town Planning Scheme No.1 was initiated to rezone the subject site to ‘Baldivis Town Centre’ and to introduce Scheme provisions appurtenant to the new zone. The Scheme Amendment was gazetted in February 2000.

Town Planning Scheme No. 2 requires that an IDGP be prepared to guide subdivision and development of land within the Town Centre. The Scheme states that it shall also illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements, and any other information required by the Council.

The IDGP (below), and Statement of Planning Policy prepared in conjunction with the Scheme Amendment, were adopted by the Council in June 1999. The planning framework seeks to create an integrated town centre that is based around ‘main street’ principles.

![Diagram of Baldivis Town Centre](image)

In 2005, the Council adopted a modified IDGP (below) following a request from Stockland (which acquired the land previously owned by Taylor Woodrow), to facilitate the development of the main shopping centre, amongst other things. The main change to the Plan was the western relocation of the ‘main street’, in order to provide a larger, consolidated mall. Minor amendments to the Baldivis Town Centre Policy were also adopted.
In February 2009, the Council adopted major modifications to the IDGP (below) in association with amendments to Planning Policy 3.2.4 - Baldivis Town Centre.

In October 2009, the Council adopted modifications to the IDGP for a minor alteration to the movement network relating to Lot 4 such that it is consistent with a subdivision application which was lodged with the WAPC for a section of the Precinct.

In May 2010, the Council resolved to adopt further modifications to the IDGP (below), which involved:

- Realigning the main east-west link street further north;
- Deleting the street network between the Link Road and Safety Bay Road, east of the north-south street that runs parallel to Norseman Approach;
- Replacing the building envelopes between the Link Road and Safety Bay Road, east of the Western Street with three building envelopes with areas of 13,463m², 1,000m² and 5,200m²;
- The provision of carparking areas and vehicle accessways to service the proposed development sites; and
- Realigning the precinct boundaries so that the proposed building envelopes are contained entirely within the South East Precinct, and the General Precinct includes building envelopes on both sides of the Link Road.

Consistent across all plans has been the provision of a linear Public Open Space corridor to accommodate the Parmelia Gas Pipeline. The Pipeline is elevated above the height of the Core Precinct, with the land falling some 11 metres between the Pipeline and Settlers Avenue. From 2005, the IDGP has provided for this height difference to be addressed through the provision of ‘sleeved’ development sites along the POS corridor, sitting above the level of the shopping centre mall.

3. Details

The City has now received an application, prepared on behalf of Stockland Pty Ltd, to alter the IDGP in the Core Precinct by:-
- expanding the shopping centre to the south, incorporating a decked parking area above and vehicle access from the upper level, adjacent to the POS corridor, down to the existing carparking area;
- deleting the ‘sleeved’ development to the north east of the shopping centre, adjacent to ‘Link Road’ and the POS corridor; and
- modifying the indicative stand alone tenancies adjacent to Safety Bay Road.

Source: Stockland
The Proponent's submission includes the following comments which explain the basis for the proposed modifications:

"Stage 1 of the development was approved by the City of Rockingham in July 2006 and was open to the public in May 2007. Having been trading for 3.5 years now, the site has matured to the point where a further stage of development can be supported, resulting in an opportunity to provide a significantly improved choice and localised service offer to support the needs of the rapidly growing residential community.

It has now been determined that another stage of development could be viably supported, and Stockland has commenced investigations into the most suitable spatial form for expansion. Following these initial detailed investigations, it has been identified that a more favourable urban design outcome can be achieved through a departure to the existing IDGP. In particular the IDGP does not capitalise on opportunities to integrate the Core Precinct with the Gas Pipeline Corridor. The level difference provides an opportunity to create and urban form that provides greater cohesion and visual interest, in particular it is possible to 'bury' a significant portion of the retail 'box' into the side of the landscape. This results in an urban form that creates a strong presence to the Street (Safety Bay Road), then disappears to dramatically reduce the perception of bulk.

In order to take advantage of these design opportunities, an alternative urban design response is required to facilitate this change, which in turn requires an amendment to the IDGP (as advised by Council staff at a meeting held on 13 September 2010). The changes to the IDGP are limited to the spatial arrangement of the centre, and are not based upon a change in the amount of retail floorspace. The previous allocation of 25,000m² NLA of 'shopping floorspace' within the core retail will not change."

The submission also notes that "the current IDGP cannot facilitate a realistic built form outcome along the Gas Pipeline due to the changes in level, setting an unrealistic expectation of 'activitation' to the Gas Pipeline Corridor and if construed in its current form, would most likely result in a series of blank walls".

4. Implications to Consider

a. Consultation with the Community

Modifications to the Baldivis Town Centre Policy, of which the IDGP forms part, are required to be advertised under clause 4.5.7 of Town Planning Scheme No.2 by:-

(i) publication of a notice once a week for two consecutive weeks in a newspaper circulating in the Scheme area; and

(ii) publication of a notice and/or consultation in such other manner as considered necessary (typically placement of a sign on-site and notifying nearby landowners in writing).

b. Consultation with Government Agencies

Consultation with the owner of the Parmelia Gas Pipeline is required, given the site is located within the 356m notification area under the WAPC's Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region.

c. Strategic

The proposal falls within Functional Area 3 - Land Use & The Environment in Council's Strategic Plan under the Scopes of Land Use Structure Planning, Urban Design and Built Form and Regional and District Centre Planning.

d. Policy

N/A

e. Financial

N/A
f. Legal and Statutory

Clause 4.5.4 of Town Planning Scheme No.2 governs the implementation of the Integrated Development Guide Plan in the Baldivis Town Centre.

5. Comments

Preliminary assessment of the proposal has raised concern that the proposed modifications may be contrary to the Planning Policy 3.2.3 - Baldivis Town Centre, Planning Policy 6.3 - Local Commercial Strategy, Liveable Neighbourhoods and State Planning Policy 4.2 - Activity Centres for Perth and Peel. In this regard, the primary issues are the loss of a contiguous and active building frontage to 'Link Road' and the linear Public Open Space corridor to the east, impact on Settlers Avenue (the 'Main Street') as the retail focus for the centre, and compliance with the 25,000m² retail floorspace allocation under the City's Local Commercial Strategy.

To assist with assessment of the proposal, independent urban design advice has been sought from MacKay Urban Design, who has advised that the proposal raises the following principal areas of concern:

- The loss of a part of the north-south road, which reduces permeability and choice of movement in the town centre network. The removal of the north-south road also potentially results in additional traffic on the main street, which may diminish the quality of the main street experience.

- The location of the retail building and associated loading dock adjacent to the park. Unless it is guaranteed that these elements are to be constructed in a manner and configuration to enable future development above, they will negate the opportunity to achieve the park-side development that the linear park warrants. However, the economic reality is that such park-side development would be more viable if constructed on ground rather than a roof deck.

- The potential loss of an opportunity to establish non-retail town centre use such as residential and offices in a prime-park side location, and, thus, improve the diversity of the centre as a whole.

- The reduction in passive surveillance of the linear park if the opportunity for park-side development is lost.

- The move eastwards of the retail box and then wrapping around the eastern edge of the site to the south-eastern corner, which draws the retail centre of gravity further from the main street. The retail expansion should be directly southwards adjacent to the main street, which would enable additional pedestrian connections out to the main street and provide an anchor to the southern end of the main street.

Preliminary discussion with respect to the above has recently occurred with the Proponent, however, the matters are yet to be satisfactorily resolved. The Proponent has advised that it will provide additional information to assist with the City's consideration of the matter.

In the circumstances, it is recommended that authority be delegated to the Director, Planning & Development Services to advertise the proposal in accordance with clause 4.5.7 of Town Planning Scheme No.2, subject to the matters raised above being satisfactorily resolved. Following the completion of advertising, the proposal will be referred back to the Council for determination.

6. Voting Requirements

Simple Majority
7. **Officer Recommendation**

That Council **GRANT** approval to the proposed modification to the Integrated Development Guide Plan for the Baldivis Town Centre being advertised, in accordance with clause 4.5.7 of Town Planning Scheme No.2, subject to the following matters being satisfactorily resolved:

(i) a suitable interface to 'Link Road' and the linear Public Open Space corridor;
(ii) the impact on Settlers Avenue in its role as the 'main street' of the Town Centre; and
(iii) compliance with the 25,000m² retail floorspace allocation under Planning Policy 6.3 - Local Commercial Strategy.

8. **Committee Recommendation**

That Council **GRANT** approval to the proposed modification to the Integrated Development Guide Plan for the Baldivis Town Centre being advertised, in accordance with clause 4.5.7 of Town Planning Scheme No.2, subject to the following matters being satisfactorily resolved:

(i) a suitable interface to 'Link Road' and the linear Public Open Space corridor;
(ii) the impact on Settlers Avenue in its role as the 'main street' of the Town Centre; and
(iii) compliance with the 25,000m² retail floorspace allocation under Planning Policy 6.3 - Local Commercial 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.
### Planning Services
Strategic Planning & Environment

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-012/10 Proposed Amendment No.105 to Town Planning Scheme No. 2 - Part of Lots 14 and 299 Kerosene Lane, Baldivis, (Final Adoption)</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1463</td>
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<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr T Fernandes, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr B Ashby, Co-ordinator, Strategic Planning</td>
</tr>
<tr>
<td></td>
<td>Mr P Ricci, Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>6 December 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>July 2010 (PD/71/7/10)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
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<tr>
<td>Site:</td>
<td>Part Lots 299 &amp; 14 Kerosene Lane, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>29.4358Ha</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Advertised Scheme Amendment Provisions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Subject Site</td>
</tr>
</tbody>
</table>

![Map of Subject Site](image)
1. **Purpose of Report**

To consider for Final Approval of Amendment No.105 to Town Planning Scheme No. 2 over Part of Lots 14 and 299 Kerosene Lane, Baldivis which seeks to introduce special development provisions to control the transition of the current commercial use (the 'Spud Shed') to a future Neighbourhood Centre.

2. **Background**

The subject land is currently operating as a market garden and contains the business premises known as the 'Spud Shed'. Over many years the Council has considered matters associated with the operation of the 'Spud Shed', including a number of amendments to Town Planning Scheme Nos. 1 and 2.

The land is currently zoned 'Development' under the Scheme and forms part of the Baldivis (North) District Structure Plan. Additional Use No.22 applies to the land, which allows the current 'Spud Shed' operation to continue in the absence of appropriate zoning under the Scheme. The additional use allows for the retailing of certain items, within a limited floorspace, with the use to cease upon the existing market garden operation on the land ceasing, or by the 27th February 2013, whichever occurs first.

In May 2010, the Council considered an application seeking consent to advertise a proposed Local Structure Plan over Lots 14, 15 and 299 Kerosene Lane, Baldivis.

The assessment of the proposal determined that the provisions of the Scheme (Additional Use No.22) prevail over the content of a Structure Plan, and that it was appropriate that the Neighbourhood Centre component of the Structure Plan be progressed separately through an amendment to the Town Planning Scheme.

The Council resolved, amongst other matters, to exclude the Neighbourhood Centre Precinct (comprising the depicted 'Commercial' and 'Mixed Use' zones) from the Structure Plan, pending the progression of a Scheme Amendment that addressed the following:

- Allocation of uses within the proposed Neighbourhood Centre Precinct, including retail, commercial and residential;
- Transitional arrangements associated with the current Additional Use Clause; and
- Built form, in accordance with the main streets principles contained within prevailing planning instruments such as Liveable Neighbourhoods.

In July 2010, the Council resolved to initiate an amendment to Town Planning Scheme No.2 seeking to add a new clause 4.6A to control the transition of the existing ‘Spud Shed’ operation and future built form (the Scheme Provisions initiated by the Council are contained in Attachment 2). In this regard, the Scheme Amendment consists of a new clause 4.6A to ensure:

- An appropriate transition between the current Additional Use and future commercial uses of the land;
- Existing improvements on the land are removed and replaced with development appropriate to the setting; and
- The preparation of an Integrated Development Guide Plan to govern appropriate built form and land use allocation of the Neighbourhood Centre.

3. **Details**

The Amendment was referred to the Environmental Protection Authority pursuant to section 81 of the Planning & Development Act 2005, for assessment under section 48A of the Environmental Protection Act 1986. On the 13th September 2010, the EPA advised that the Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986.
At the conclusion of the advertising period, nine submissions had been received, six of which raised no objections to the proposal; refer to Attachment 1. Three submissions raised the following concerns with respect to the amendment:

- Planning Solutions, acting on behalf of the landowners, requested two of the proposed clauses be removed in order to provide flexibility to incorporate the existing building into the Neighbourhoods Centre redevelopment, and allow the operation of the 'Spud Shed' to continue during the redevelopment of the centre.

- The Water Corporation identified that a major wastewater pump station is required to service the greater portion of North Baldivis, which should be situated within or immediately adjacent to the northern boundaries of the subject land. The buffer required to the pump station is 50m, and may potentially impact sensitive land uses proposed as part of the Structure Plan.

  The Water Corporation stated that the requirement of this sewer pump station, and its potential location, needs to be discussed in further detail, and if appropriate buffers cannot be established through an engineering solution, the location of sensitive land uses shown on the Structure Plan will require modification.

- The Baldivis Community Association raised concern that the expansion of the current proposed Neighbourhood Centre may incur traffic and parking issues.

4. Implications to Consider

a. Consultation with the Community

   The Scheme Amendment was advertised to fourteen (14) affected landowners, and the Baldivis Community Association, for a period of 42 days, with the advertising period closing on the 12th November 2010.

   In accordance with the requirements of the Town Planning Regulations 1967, a notice was also placed in the Sound Telegraph newspaper on the 29th September 2010. Copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices and placed on the City’s website.

b. Consultation with Government Agencies

   The following Agencies were consulted:

   - Water Corporation
   - Western Power
   - Department of Environment and Conservation
   - Department of Water
   - Department of Health
   - Public Transport Authority
   - Department of Education
   - Fire and Emergency Services Authority
   - APA Gas Pipeline Group
   - Alinta Gas
   - Telstra

c. Strategic

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

d. Policy

   Nil

e. Financial

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

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

5. **Comments**

Planning Solutions has requested two of the proposed clauses be removed in order to provide flexibility to incorporate the existing building into the Neighbourhood Centre redevelopment, and allow the operation of the ‘Spud Shed’ to continue during the redevelopment of the centre.

Currently, the proposed clauses require the removal of the current ‘Spud Shed’ building as a precursor to the development of the Neighbourhood Centre (as shown in attachment 2). This is to ensure that the future Neighbourhood Centre is developed to a standard appropriate to an urban setting.

It may be possible, however, for a portion of the existing building/s to be incorporated into the future Neighbourhood Centre in a way that achieves an appropriate urban form. In any event, the provision of flexibility to allow the existing operation to trade whilst redevelopment occurs is considered appropriate.

To this end, advice has been sought from the City's Solicitor on possible amendments to the proposed Scheme Provisions that would allow for this flexibility. The City's Solicitor advised that the modifications suggested by Planning Solutions will not meet the City's objectives of ensuring an appropriate urban design outcome, however, the desired flexibility could be achieved by amending portions of the proposed Clause 4.6A as follows:

- Introduce a new subclause 4.6A(c) which requires a Planning Approval be obtained for any development of land use proposal not consistent with Additional Use No.22 of the Scheme. This clause was added to ensure the appropriate transition from the from current 'Spud Shed' operation to a new Neighbourhood Centre;

- Amend the previous subclause 4.6A(c) (now renamed Clause 4.6A(d)) to ensure that any Planning Approval does not take effect until the existing improvements are demolished, altered or redeveloped in accordance with a Planning Approval; and

- Add a new clause 4.6A(e) which states the provisions of Clause 4.6A(d) only applies to changes in land use. This has been included to ensure a Planning Approval that provides for the demolition, alteration or redevelopment of the site can be progressed.

The above modifications will require Planning Approval for any use of the site beyond cessation of the current Additional Use, and requires the existing buildings to be either demolished, altered or redeveloped before any new use commences. It is considered that the proposed modifications address the concerns raised by Planning Solutions, meet the City's objectives for ensuring an appropriate urban form, and it is recommended that they be adopted.

**Water Corporation**

The submission is not relevant to the Council's consideration of the Amendment, which is seeking to introduce new Scheme Provisions pertaining to the Neighbourhood Centre. In any event, the submission from the Water Corporation was addressed in the Council’s consideration of the proposed Structure Plan in September 2010.

**Baldivis Community Association**

The concerns regarding traffic movement are not relevant to the Council's consideration of the Scheme Amendment, which does not relate to the size of the Neighbourhood Centre. In this regard, the size of the centre is set out in the City's Local Commercial Strategy. It is, however, noted that consideration of the abutting Structure Plan accounted for predicted traffic volumes on proposed and existing roads and was deemed appropriate. Consideration for carparking is a factor that will need further consideration as part of the detailed design of the Neighbourhood Centre.
CONCLUSION
Following the land being redeveloped as per the proposed Scheme requirements, a further Amendment to the Scheme will be required to remove Additional Use No.22 and land use control will default to the proposed clause 4.6A.

In light of the above proposed minor modifications, it is recommended that the Council adopt the Scheme Amendment (as amended) for Final Approval.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **ADOPT** Amendment No.105 to Town Planning Scheme No.2, which seeks to introduce special development provisions to control the transition of the current commercial use (the 'Spud Shed') to a future Neighbourhood Centre, for Final Approval subject to the following modifications:

   a) Modify clause 4.6(A) (a) which states:

   "Additional Use" means the additional use specified in Item 22 of Schedule No.9"

   To

   "Additional Use" means the additional use specified in Item 22 of Schedule No.2"

   Replace clauses 4.6A(c) - 4.6A(j) with the following:

   (c) Notwithstanding any other provision of the Scheme, any change of use of the Applicable Land from the Additional Use to any other use, requires planning approval.

   (d) Notwithstanding any other provision of the Scheme but subject to clause 4.6A(e), any planning approval granted after the Rezoning Date, is not to take effect until:

      (i) the use of the Applicable Land for the purpose of the Additional Use ceases; and

      (ii) the Existing Improvements are:

         (A) demolished and removed from the Applicable Land; or

         (B) altered or redeveloped in accordance with a planning approval granted after the adoption of an Integrated Development Guide Plan under clause 4.6A(i).

   (e) Clause 4.6A(d) does not apply to a planning approval insofar as the planning approval authorises the demolition of the Existing Improvements or the alteration or redevelopment of the Existing Improvements referred to in clause 4.6A(d)(ii)(B).

   (f) Prior to formulating any comments and recommendations on applications for the subdivision and development of the Applicable Land, the Council will require the applicant to prepare and submit an Integrated Development Guide Plan, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council.

   (g) Where a proposed Integrated Development Guide Plan will require the Local Commercial Strategy to be amended, the Commission's endorsement of the Plan will be necessary.
(h) An Integrated Development Guide Plan prepared or received by the Council shall be considered by the Council for adoption and in making its decision the Council may:
(i) reject the Plan; or
(ii) adopt the Plan with or without modifications.

(i) In considering an Integrated Development Guide Plan for adoption, the Council is to have due regard to such of the matters set out in clause 6.6 as are, in the opinion of the Council, relevant.

(j) An applicant aggrieved by the Council:
(i) refusing an Integrated Development Guide Plan;
(ii) approving an Integrated Development Guide Plan subject to conditions or requirements unacceptable to the applicant; or
(iii) failing to make a decision on an Integrated Development Guide Plan within 35 days of the date of submission of the Plan,
shall have a right of appeal under Part 14 of the Act.

(k) An applicant dissatisfied by a decision of the Council in respect of an Integrated Development Guide Plan may, within 14 days of the date of the Council’s decision, request the Council in writing for a reconsideration of the Plan. In that case the operative date respectively for the purpose of the appeal arising under Clause 4.6A(j) shall be the refusal or approval upon the reconsideration of the Plan.

2. **ADOPT** the Recommendations as contained in the Schedule of Submissions as follows:-

CITY OF ROCKINGHAM
AMENDMENT NO.105 – PROPOSED CREATION OF NEIGHBOURHOOD CENTRE (THE SPUD SHED)
PART LOTS 299 AND 14 KEROSENE LANE, BALDIVIS
SCHEDULE OF SUBMISSIONS

<table>
<thead>
<tr>
<th>SUBMISSIONER</th>
<th>SUBMISSION/COMMENT</th>
<th>RECOMMENDATION</th>
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<tbody>
<tr>
<td>No.1 - Land Use Planning Officer, Department of Water, PO Box 332, Mandurah WA 6210</td>
<td>Not appropriate to comment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.2 - Mr John Leaf, A/Director General, Department of Education, 151 Royal Street, East Perth WA 6004</td>
<td>The Department of Education has reviewed the Scheme Amendment and notes that the proposed neighbourhood centre is located north of the proposed primary school site. This Amendment does not impinge on the development of the proposed primary school. The Department therefore has no objections to this Amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.3 - Ms Shelley Brindal, Corridor &amp; Heritage Coordinator, Infrastructure Planning and Land Services, Public Transport Authority, PO Box 8125, Perth Business Centre, WA 6849</td>
<td>I advise the PTA has no objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
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<tr>
<td>SUBMISSIONER</td>
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| No.4 - Mr Paul Ellenbroek, Associate, Planning Solutions, PO Box 8701, Perth BC WA 6849 | Planning Solutions acts on behalf of the proponent of the above proposed Amendment 105 to Town Planning Scheme No.2 (TPS2). We have reviewed the Scheme Amendment report and generally support the recommendations. We support the overall intention for Amendment 105 to establish Scheme provisions to achieve an appropriate transition of current land uses to a proposed Neighbourhood Centre. However, we seek a minor change to proposed Clause 4.6A (c) (i) and (ii) of TPS2, being: (i) The Additional Use ceases, and (ii) The Existing Improvements are demolished and removed from the Applicable land'. We consider removal of the above Clauses is required in order to provide flexibility to incorporate the existing building into the Neighbourhood Centre redevelopment, and most importantly, continue trading and providing ongoing employment for up to 80 staff while redevelopment is being undertaken. We further consider, upon finalisation of the minor modification to the Structure Plan, the existing additional retail land use will automatically shift to a permitted land use under the applied 'Commercial' Zoning. We therefore consider Clause 4.6A (c) (i) is unnecessary. On the above basis, we seek support to remove proposed Clause 4.6A (c) (i) and (ii) of TPS2 from Amendment 105. We have discussed the above request previously with the City’s Peter Ricci. We understand the City has sought advice from its solicitor. We understand the City and its solicitor are amenable to this request, which is considered fair and reasonable. We also wish to confirm advice and clarification provided on 4 November 2010 to our office by the City’s Brett Ashby, being the definition of “Rezoning Date” implies a ‘Commercial Zone’ will be applied to the ‘Applicable Land’ through minor modification to the Structure Plan and not through a separate Scheme Amendment. In this regard, the City is to consider the adoption of such a minor modification under clause 4.2.7 (Change or Departure from Planning Solutions has requested two of the proposed clauses be removed in order to provide flexibility to incorporate the existing building into the Neighbourhoods Centre redevelopment, and allow the operation of the 'Spud Shed' to continue during the redevelopment of the centre. Currently, the proposed clauses require the removal of the current 'Spud Shed' building as a precursor to the development of the Neighbourhood Centre. This is to ensure that the future Neighbourhood Centre is developed to a standard appropriate to an urban setting. It may be possible, however, for a portion of the existing building/s to be incorporated into the future Neighbourhood Centre in a way that achieves an appropriate urban form. In any event, the provision of flexibility to allow the existing operation to continue whilst redevelopment occurs is considered appropriate. It is recommended that the submission be upheld and that proposed Clause 4.6A be amended as follows: - - Introduce a new subclause 4.6A(c) which requires a Planning Approval be obtained for any development of land use proposal not consistent with Additional Use No.22 of the Scheme. This clause was added to ensure the appropriate transition from the from current 'Spud Shed' operation to a new Neighbourhood Centre; - Amend the previous subclause 4.6A(c) (now renamed Clause 4.6A(d)) to ensure that any Planning Approval does not take effect until the | Planning Solutions has requested two of the proposed clauses be removed in order to provide flexibility to incorporate the existing building into the Neighbourhoods Centre redevelopment, and allow the operation of the 'Spud Shed' to continue during the redevelopment of the centre. Currently, the proposed clauses require the removal of the current 'Spud Shed' building as a precursor to the development of the Neighbourhood Centre. 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<td>Structure Plan) which does not require public advertising.</td>
<td>existing improvements are demolished, altered or redeveloped in accordance with a Planning Approval; and - Add a new clause 4.6A(e) which states the provisions of Clause 4.6A(d) only applies to changes in land use. This has been included to ensure a Planning Approval that provides for the demolition, alteration or redevelopment of the site can be progressed.</td>
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<td></td>
<td>Finally and ultimately, the future provision of a quality Neighbourhood Centre is of utmost commercial importance in terms of viability, visual appeal, competition and patronage.</td>
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<td>We request the City's careful consideration of the matters raised within this submission and ultimately its support for the recommendations provided.</td>
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<td>We also request the opportunity to address any Committee and Council meeting in which Amendment 105 is to be considered for final approval.</td>
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<td>Should you have any queries or require any clarification in regard to the matters raised, please do not hesitate to contact the undersigned.</td>
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<tr>
<td>No.5 – Mrs Odna Borlaug, President, Baldivis Community Association Inc., PO Box 438, Rockingham WA 6168</td>
<td>In our view, consideration of the future Neighbourhood Centre must be taken in the context of the Structure Plan for the Spud Shed Structure Plan recently approved (with certain modifications) by Council.</td>
<td>That the submission be dismissed as the concerns regarding traffic movement are not relevant to the Scheme Amendment, which does not relate to the size of the Neighbourhood Centre. In this regard, the size of the centre is set out in the City’s Local Commercial Strategy. It is, however, noted that consideration of the abutting Structure Plan accounted for predicted traffic volumes on proposed and existing roads and was deemed appropriate. Consideration for carparking is a factor that will need further consideration as part of the detailed design of the Neighbourhood Centre.</td>
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<td>The proposed doubling in size of the Neighbourhood Centre is a cause for concern in view of the traffic management and parking problems it can bring, but no comment can be made until the detailed design becomes available.</td>
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<td>We reiterate that Public Open Space was originally designed to try to preserve some of the original environment, and enhance built development.</td>
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<td>That, of course, is impossible on cleared ground, but it is still possible to include an area of re-planted native vegetation, for instance backing a major bus stop and fronting a high density housing area.</td>
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<td>Release of the detailed design for the Neighbourhood Centre is awaited in due course.</td>
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<td>No.6 - Mr Brett Coombes, Senior Town Planner, Development Services, Water Corporation, PO Box 100, Leederville WA 6902</td>
<td>The Corporation’s previous letter dated 23 August 2010 regarding planning for the provision of water and wastewater are still applicable to this location and the proposed local structure plan for lots 14, 15 &amp; 299. However, the Water Corporation reiterates the advice regarding the wastewater pump station that is adjacent to this proposed neighbourhood centre. The current planning includes a future wastewater pump station north of the site. An operating buffer of at least 50m radius will be required around the pump station. This buffer is consistent with the EPA Guidance Statement No.3. The purpose of the buffer is to minimize odour, risk, noise and light impacts on the surrounding sensitive land uses and to ensure that the pump station 1 able to achieve planned, ultimate operating capacity. It is likely that the wastewater pump station will need to be accommodated within or immediately adjacent to the northern boundaries of lots 14 and 299. It is recommended that the City advise the proponent’s engineering consultant of this requirement and request that the permanent pump station location and buffer and temporary/staged conveyance proposals be investigated in liaison with the Water Corporation’s Development Services. General Comments The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of those works. Any temporary works needed are required to be fully funded of those works. Any temporary works needed are required to be fully funded by the developer. The Corporation may also require land being ceded free of cost for works. The information provided above is subject to review and may change depending on the timing and development of nearby lots.</td>
<td>That the submission be dismissed as it is not relevant to the consideration of the Scheme Amendment, which is seeking to introduce new Scheme Provisions pertaining to the Neighbourhood Centre. In any event, the submission from the Water Corporation was addressed considering the proposed Structure Plan for the landholding.</td>
</tr>
</tbody>
</table>
8. **Committee Recommendation**

That Council:

1. **ADOPT** Amendment No.105 to Town Planning Scheme No.2, which seeks to introduce special development provisions to control the transition of the current commercial use (the 'Spud Shed') to a future Neighbourhood Centre, for Final Approval subject to the following modifications:

   - Modify clause 4.6(A) (a) which states:
     
     "Additional Use" means the additional use specified in Item 22 of Schedule No.9"
     
     To
     
     "Additional Use" means the additional use specified in Item 22 of Schedule No.2"
     
   Replace clauses 4.6A(c) - 4.6A(j) with the following:

   - (c) Notwithstanding any other provision of the Scheme, any change of use of the Applicable Land from the Additional Use to any other use, requires planning approval.

   - (d) Notwithstanding any other provision of the Scheme but subject to clause 4.6A(e), any planning approval granted after the Rezoning Date, is not to take effect until:

     (i) the use of the Applicable Land for the purpose of the Additional Use ceases; and

     (ii) the Existing Improvements are:

     (A) demolished and removed from the Applicable Land; or
(B) altered or redeveloped in accordance with a planning approval granted after the adoption of an Integrated Development Guide Plan under clause 4.6A(i).

(e) Clause 4.6A(d) does not apply to a planning approval insofar as the planning approval authorises the demolition of the Existing Improvements or the alteration or redevelopment of the Existing Improvements referred to in clause 4.6A(d)(ii)(B).

(f) Prior to formulating any comments and recommendations on applications for the subdivision and development of the Applicable Land, the Council will require the applicant to prepare and submit an Integrated Development Guide Plan, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council.

(g) Where a proposed Integrated Development Guide Plan will require the Local Commercial Strategy to be amended, the Commission's endorsement of the Plan will be necessary.

(h) An Integrated Development Guide Plan prepared or received by the Council shall be considered by the Council for adoption and in making its decision the Council may:

(i) reject the Plan; or

(ii) adopt the Plan with or without modifications.

(i) In considering an Integrated Development Guide Plan for adoption, the Council is to have due regard to such of the matters set out in clause 6.6 as are, in the opinion of the Council, relevant.

(j) An applicant aggrieved by the Council:

(i) refusing an Integrated Development Guide Plan;

(ii) approving an Integrated Development Guide Plan subject to conditions or requirements unacceptable to the applicant; or

(iii) failing to make a decision on an Integrated Development Guide Plan within 35 days of the date of submission of the Plan,

shall have a right of appeal under Part 14 of the Act.

(k) An applicant dissatisfied by a decision of the Council in respect of an Integrated Development Guide Plan may, within 14 days of the date of the Council's decision, request the Council in writing for a reconsideration of the Plan. In that case the operative date respectively for the purpose of the appeal arising under Clause 4.6A(j) shall be the refusal or approval upon the reconsideration of the Plan.

2. **ADOPT** the Recommendations as contained in the Schedule of Submissions as follows:-

CITY OF ROCKINGHAM

AMENDMENT NO.105 - PROPOSED CREATION OF NEIGHBOURHOOD CENTRE (THE SPUD SHED)

PART LOTS 299 AND 14 KEROSENE LANE, BALDIVIS

SCHEDULE OF SUBMISSIONS

<table>
<thead>
<tr>
<th>SUBMISSIONER</th>
<th>SUBMISSION/COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.1 – Land Use Planning Officer, Department of Water, PO Box 332, Mandurah WA 6210</td>
<td>Not appropriate to comment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSIONER</td>
<td>SUBMISSION/COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>--------------</td>
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<td>----------------</td>
</tr>
</tbody>
</table>
| **No.2 – Mr John Leaf,**  
A/ Director General,  
Department of Education,  
151 Royal Street, East  
Perth WA 6004 | The Department of Education has reviewed the Scheme Amendment and notes that the proposed neighbourhood centre is located north of the proposed primary school site. This Amendment does not impinge on the development of the proposed primary school. The Department therefore has no objections to this Amendment. | That the submission be noted. |
| **No.3 – Ms Shelley Brindal,**  
Corridor & Heritage  
Coordinator,  
Infrastructure Planning  
and Land Services, Public  
Transport Authority, PO  
Box 8125, Perth Business  
Centre, WA 6849 | I advise the PTA has no objections to the proposed amendment. | That the submission be noted. |
| **No.4 – Mr Paul Ellenbroek,**  
Associate, Planning  
Solutions, PO Box 8701,  
Perth BC WA 6849 | Planning Solutions acts on behalf of the proponent of the above proposed Amendment 105 to Town Planning Scheme No.2 (TPS2).  
We have reviewed the Scheme Amendment report and generally support the recommendations. We support the overall intention for Amendment 105 to establish Scheme provisions to achieve an appropriate transition of current land uses to a proposed Neighbourhood Centre.  
However, we seek a minor change to proposed Clause 4.6A (c) (i) and (ii) of TPS2, being:  
(i) The Additional Use ceases, and  
(ii) The Existing Improvements are demolished and removed from the Applicable land’.  
We consider removal of the above Clauses is required in order to provide flexibility to incorporate the existing building into the Neighbourhood Centre redevelopment, and most importantly, continue trading and providing ongoing employment for up to 80 staff while redevelopment is being undertaken.  
We further consider, upon finalisation of the minor modification to the Structure Plan, the existing additional retail land use will automatically shift to a permitted land use under the applied ‘Commercial’ Zoning. We therefore consider Clause 4.6A (c) (i) is unnecessary.  
It may be possible, however, for a portion of the existing building/s to be incorporated into the future Neighbourhood Centre in a way that achieves an appropriate urban form. In any event, the provision of flexibility to allow the existing operation to trade whilst redevelopment occurs is considered appropriate. | Planning Solutions has requested two of the proposed clauses be removed in order to provide flexibility to incorporate the existing building into the Neighbourhoods Centre redevelopment, and allow the operation of the ‘Spud Shed’ to continue during the redevelopment of the centre.  
Currently, the proposed clauses require the removal of the current ‘Spud Shed’ building as a precursor to the development of the Neighbourhood Centre. This is to ensure that the future Neighbourhood Centre is developed to a standard appropriate to an urban setting.  
It is recommended that the submission be upheld and that proposed Clause 4.6A be amended as follows: - |
**SUBMISSIONER** | **SUBMISSION/COMMENT** | **RECOMMENDATION**
--- | --- | ---
On the above basis, we seek support to remove proposed Clause 4.6A (c) (i) and (ii) of TPS2 from Amendment 105.
We have discussed the above request previously with the City’s Peter Ricci. We understand the City has sought advice from its solicitor. We understand the City and its solicitor are amenable to this request, which is considered fair and reasonable.
We also wish to confirm advice and clarification provided on 4 November 2010 to our office by the City’s Brett Ashby, being the definition of “Rezoning Date” implies a ‘Commercial Zone’ will be applied to the ‘Applicable Land’ through minor modification to the Structure Plan and not through a separate Scheme Amendment.
In this regard, the City is to consider the adoption of such a minor modification under clause 4.2.7 (Change or Departure from Structure Plan) which does not require public advertising.
Finally and ultimately, the future provision of a quality Neighbourhood Centre is of utmost commercial importance in terms of viability, visual appeal, competition and patronage.
We request the City’s careful consideration of the matters raised within this submission and ultimately its support for the recommendations provided.
We also request the opportunity to address any Committee and Council meeting in which Amendment 105 is to be considered for final approval.
Should you have any queries or require any clarification in regard to the matters raised, please do not hesitate to contact the undersigned.

**No.5 – Mrs Odna Borlaug, President, Baldivis Community Association Inc., PO Box 438, Rockingham WA 6168**

In our view, consideration of the future Neighbourhood Centre must be taken in the context of the Structure Plan for the Spud Shed Structure Plan recently approved (with certain modifications) by Council.

That the submission be dismissed as the concerns regarding traffic movement are not relevant to the Scheme Amendment, which does not relate to the size of the Neighbourhood Centre. In this regard, the size of the centre is set out in the City’s Local...

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**CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 14 FEBRUARY 2011**

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PRESIDING MEMBER
<table>
<thead>
<tr>
<th>SUBMISSIONER</th>
<th>SUBMISSION/COMMENT</th>
<th>RECOMMENDATION</th>
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</thead>
<tbody>
<tr>
<td>The proposed doubling in size of the Neighbourhood Centre is a cause for concern in view of the traffic management and parking problems it can bring, but no comment can be made until the detailed design becomes available.</td>
<td>Commercial Strategy. It is, however, noted that consideration of the abutting Structure Plan accounted for predicted traffic volumes on proposed and existing roads and was deemed appropriate. Consideration for carparking is a factor that will need further consideration as part of the detailed design of the Neighbourhood Centre.</td>
<td></td>
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<tr>
<td>We reiterate that Public Open Space was originally designed to try to preserve some of the original environment, and enhance built development.</td>
<td></td>
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<tr>
<td>That, of course, is impossible on cleared ground, but it is still possible to include an area of re-planted native vegetation, for instance backing a major bus stop and fronting a high density housing area.</td>
<td></td>
<td></td>
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<tr>
<td>Release of the detailed design for the Neighbourhood Centre is awaited in due course.</td>
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</tbody>
</table>

No.6 - Mr Brett Coombes, Senior Town Planner, Development Services, Water Corporation, PO Box 100, Leederville WA 6902

The Corporation’s previous letter dated 23 August 2010 regarding planning for the provision of water and wastewater are still applicable to this location and the proposed local structure plan for lots 14, 15 & 299. However, the Water Corporation reiterates the advice regarding the wastewater pump station that is adjacent to this proposed neighbourhood centre. The current planning includes a future wastewater pump station north of the site. An operating buffer of at least 50m radius will be required around the pump station. This buffer is consistent with the EPA Guidance Statement No.3. The purpose of the buffer is to minimize odour, risk, noise and light impacts on the surrounding sensitive land uses and to ensure that the pump station 1 able to achieve planned, ultimate operating capacity. It is likely that the wastewater pump station will need to be accommodated within or immediately adjacent to the northern boundaries of lots 14 and 299. It is recommended that the City advise the proponent’s engineering consultant of this requirement and request that the permanent pump station location and buffer and temporary/staged conveyance proposals be investigated in liaison with the Water Corporation’s Development Services. |

That the submission be dismissed as it is not relevant to the consideration of the Scheme Amendment, which is seeking to introduce new Scheme Provisions pertaining to the Neighbourhood Centre. In any event, the submission from the Water Corporation was addressed considering the proposed Structure Plan for the landholding.
The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of those works. Any temporary works needed are required to be fully funded of those works. Any temporary works needed are required to be fully funded by the developer. The Corporation may also require land being ceded free of cost for works.

The information provided above is subject to review and may change depending on the timing and development of nearby lots.

If the development has not proceeded within the next 6 months, the developer is required to contact the Corporation in writing to confirm if the information is still valid.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.

<table>
<thead>
<tr>
<th>SUBMISSIONER</th>
<th>SUBMISSION/COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.7 – Mr Paul Revell, APA Group, 8 Marchese Street, Kewdale WA 6105</td>
<td>APA Group has no objection to the proposed amendments.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.8 – Mr Lindsay Broadhurst, Manager Road Planning, Main Roads Western Australia, PO Box 6202, East Perth WA 6892</td>
<td>Thank you for your letter of 29 September 2010 requesting our submission on the above proposed scheme amendment. As Kerosene Lane is a local road under Council’s jurisdiction, Main Roads has no comments on this proposed amendment. However, it would be appreciated if a copy of the Integrated Development Guide Plan is provided to this office for review when it becomes available.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.9 – Mr Richard Theobald, Manager Water Unit, Public Health Division, Department of Health, PO Box 8172, Perth Business Centre WA 6849</td>
<td>Thank you for your letter of 29 September 2010 regarding the above. The Department of Health has no objection to the proposal subject to developments complying with the provisions of the Government Sewerage Policy – Perth Metropolitan Region.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td></td>
<td><strong>The Committee’s Reason for Varying the Officer’s Recommendation</strong></td>
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<tr>
<td>---</td>
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<tr>
<td></td>
<td>Not applicable.</td>
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<table>
<thead>
<tr>
<th></th>
<th><strong>Implications of the Changes to the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>
## Planning Services
### Occasional & Advisory Committee Minutes
#### Strategic Planning & Environment

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th><strong>SPE-013/10</strong> Community Environment Advisory Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>EVM/88-05</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Ms F Pond, Environmental Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr P Strano, Co-ordinator, Sustainability and Environment</td>
</tr>
<tr>
<td></td>
<td>Mr P Ricci, Manager, Strategic Planning and Environment</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>6th December 2010</td>
</tr>
<tr>
<td><strong>Terms of Reference:</strong></td>
<td>To provide community input and advice on the conservation and sustainable use of Rockingham's natural environment, including repair and rehabilitation where required.</td>
</tr>
<tr>
<td><strong>Composition:</strong></td>
<td>1 Councillor, 4 representatives from the Community</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Executive Support - Planning Services</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Executive Function</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Minutes dated 11th November 2010</td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td></td>
</tr>
</tbody>
</table>

### 1. Receipt of Minutes

That Council receive the Minutes of the Community Environment Advisory Committee meeting held on the 11th November 2010.

### 2. Recommendations to Standing Committee

Nil

### 3. Committee Recommendation

That Council **RECEIVE** the Minutes of the Community Environment Advisory Committee meeting held on the 11th November 2010.

Committee Voting – 4/0

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

Not applicable.
5. Implications of the Changes to the Officer’s Recommendation

Not applicable.
Planning Services
Occasional & Advisory Committee Minutes
Strategic Planning & Environment

Reference No & Subject: SPE-014/10 Heritage Reference Group

File No: LUP/449
Author: Mr B Ashby, Co-ordinator, Strategic Planning
Other Contributors: Mr M Ross, Manager, Statutory Planning
                     Mr P Ricci, Manager, Strategic Planning and Environment
Date of Committee Meeting: 6th December 2010
Terms of Reference: To provide a Forum to discuss the conservation and preservation of natural and culturally significant heritage sites within the Rockingham district.
Composition: 1 Councillor, 2 representatives from the Rockingham District Historical Society, Rockingham Regional Heritage Advisor
             Executive Support - Planning Services
Disclosure of Interest: Nature of Council’s Role in this Matter: Executive Function
Attachments: Minutes dated 23rd November 2010
Maps/Diagrams:

1. Receipt of Minutes
That Council receive the Minutes of the Heritage Reference Group meeting held on the 23rd November 2010.

2. Recommendations to Standing Committee
2.1 Recommendation 1: Review of the Municipal Heritage Inventory and Heritage List

Heritage Reference Group recommendation:
That Council take the following action:
1. ADOPT the MHI and Heritage List in accordance with the recommendation of Palassis, subject to the demolished places being removed.
2. REMOVE the photographic record and notes of the demolished places from the MHI and retain such as a documented history of former buildings of significance.

CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 14 FEBRUARY 2011

PRESIDING MEMBER
3. Further EXAMINE places 092 and 086 as part of a future review of the MHI to establish whether they are of greater significance than Category ‘D’.

**Implications to Consider**

a. Strategic

Functional Area 3 - Land Use & Environment in the Council's Strategic Plan under Strategy 10.2 - ‘Review the Municipal Heritage Inventory of heritage places’.

b. Policy

The ongoing management of heritage places within the City is governed by Planning Policy No.3.1.7 - Heritage Conservation and Development Policy.

c. Financial

Nil

d. Legal and Statutory

Section 45 of the Heritage of Western Australia Act 1990 requires Council to prepare and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance, which is required to be reviewed every four years.

The provisions of clause 5.4.2 of Town Planning Scheme No.2 provide for the preparation of a Heritage List and matters pertaining to places included on the Heritage List.

e. Voting requirements

Simple Majority

**Officer Comments & Recommendation if Different to Committee Recommendation**

The recommendations of the Advisory Committee are discussed in Item SPE-009/10.

**3. Committee Recommendation**

That Council:

1. RECEIVE the Minutes of the Heritage Reference Group meeting held on the 23rd November 2010.
2. ADOPT the MHI and Heritage List in accordance with the recommendation of Palassis, subject to the demolished places being removed.
3. REMOVE the photographic record and notes of the demolished places from the MHI and retain such as a documented history of former buildings of significance.
4. Further EXAMINE places 092 and 086 as part of a future review of the MHI to establish whether they are of greater significance than Category ‘D’.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
## Statutory Planning

### Proposed Street Naming Theme - Lot 2 Warnbro Sound Avenue, Golden Bay

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-014/10 Proposed Street Naming Theme - Lot 2 Warnbro Sound Avenue, Golden Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1411</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>McMullen Nolan and Partners Surveyors/Department of Housing</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms N D'Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs S Peacock, Senior Planning Administration Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th December 2010</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council's Role in this Matter:</td>
<td>Executive Function</td>
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<tr>
<td>Site:</td>
<td>Lot 2 Warnbro Sound Avenue, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>118.0522 HA</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Street Name Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Location Plan</td>
</tr>
</tbody>
</table>

![Street Name Plan](image-url)
1. **Purpose of Report**

To consider an application seeking approval for a street naming theme of 'WA Pastoral Properties' for the subdivision located at Lot 2 Warnbro Sound Avenue, Golden Bay.

2. **Background**

A Structure Plan for the site was adopted on the 27th September 1994; the site has been subject to planning activity over many years and has a long history of valid planning and environmental approvals. In March 2010, the City approved (under delegated authority) a minor modification to the endorsed CDP to create Stage 1. The main points of the minor modification included the creation of 150 residential lots, 3.5ha Primary Schools site, co-located with an existing 8.1ha POS. Subdivision Approval was issued by the Western Australian Planning Commission on the 19th April 2010. In October 2010, Council resolved to advertise a proposed Structure Plan and Foreshore Management Plan, subject to various matters in the Officer Report being addressed.

3. **Details**

The developer has selected a Street Naming Theme based on 'WA Pastoral Properties' for the subdivision which is a continuation of the existing theme of the surrounding streets. Information was submitted relating to the origin of the proposed names, a plan of the road layout and the street names allocated to such.

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

- Yarraquin Avenue - Murchison Region - Shire of Cue
- Thundalarra Drive - Murchison Region - Shire of Yalgoo
- Hamelin Parade - Gascoyne Region - Shire of Shark Bay
- Landor Link - Gascoyne Region - Shire of Upper Gascoyne
- Talisker Bend - Gascoyne Region - Shire of Shark Bay
- Tamala Place - Gascoyne Region - Shire of Shark Bay
- Cobra Lane - Gascoyne Region - Shire of Upper Gascoyne
- Pyramid Lane - Pilbara Region - Shire of Roebourne
- Atley Lane - Goldfields/Nullarbor Region - Shire of Sandstone
- Minara Street - Goldfields/Nullarbor Region - Shire of Leonora
- Abydos Lane - Pilbara Region - Shire of East Pilbara
- Nallan Lane - Murchison Region - Shire of Mount Magnet
- Iona Lane - Murchison Region - Shire of Mount Magnet

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

Given that the street naming theme of 'WA Pastoral Properties' is a continuation of the theme for the existing section of Golden Bay which was approved in the late 1970's, and the street naming theme complies with Council's Planning Procedure 1.4 and GNC criteria, approval is recommended.

### 6. Voting Requirements

Simple Majority

### 7. Officer Recommendation

That Council **ENDORSE** the proposed street naming theme of 'WA Pastoral Properties' for use within the subdivision located at Lot 2 Warnbro Sound Avenue, Golden Bay.

### 8. Committee Recommendation

That Council **ENDORSE** the proposed street naming theme of 'WA Pastoral Properties' for use within the subdivision located at Lot 2 Warnbro Sound Avenue, Golden Bay.

**Committee Voting – 4/0**

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

Not applicable.

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

Not applicable.

**5.05pm - Mr Andrew Hammond, Chief Executive Officer attended the Planning Services Committee meeting.**
### Planning Services

#### Statutory Planning

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>SP-015/10</th>
<th>Proposed Telecommunications Tower and Base Station</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File no:</strong></td>
<td>28/4662</td>
<td></td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Daly International for Optus</td>
<td></td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr R Travers, Planning Officer</td>
<td></td>
</tr>
<tr>
<td><strong>Other contributors:</strong></td>
<td>Mr D Waller, Co-ordinator, Statutory Planning</td>
<td>Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee meeting:</strong></td>
<td>6th December 2010</td>
<td></td>
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<tr>
<td><strong>Previously before Council:</strong></td>
<td>PD97/5/03</td>
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<tr>
<td><strong>Disclosure of interest:</strong></td>
<td>Quasi Judicial</td>
<td></td>
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<tr>
<td><strong>Nature of Council’s role in this matter:</strong></td>
<td>Quasi Judicial</td>
<td></td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Lot 33 Churcher Road, Baldivis</td>
<td></td>
</tr>
<tr>
<td><strong>Lot area:</strong></td>
<td>35.06ha</td>
<td></td>
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<tr>
<td><strong>Attachments:</strong></td>
<td>Location Plan</td>
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<tr>
<td><strong>Maps/diagrams:</strong></td>
<td>Site Plan and Elevation Plan</td>
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**Location Plan - Lot 33 Churcher Road, Baldivis**
1. **Purpose of Report**

To consider an application seeking Planning Approval to develop a 42 metre high Telecommunications Tower and Base Station on Lot 33 Churcher Road, Baldivis.

2. **Background**

In May 2003, the Council resolved to approve a Telecommunications Tower and Base Station at Lot 33 Churcher Road, Baldivis subject to no trees or significant vegetation being removed without the prior written approval of Council and the compound being fenced, gated and locked to the specification and satisfaction of Council.

Revised plans were received by the City in February 2004, varying the location of the Base Station and Tower. The revised plans were approved in March 2004.

Revised plans were again received in July 2005 requesting relocation of the Town and Base Station to a more central location within the subject lot. The revised application was approved by Council in September 2005.

The Telecommunications Tower and Base Station were subsequently constructed by Telstra.

3. **Details**

The applicant proposes to construct a second Telecommunications Tower and Base Station. The proposal includes a 35 metre high monopole. Six panel antennas will be located at the top of the tower, having a maximum height of 42 metres. In addition, one Parabolic Antenna will be attached at the 30 metre mark of the monopole and a new Equipment Shed will be located on-site.

Security fencing is proposed around the base of the tower and equipment shed. Access is proposed to be gained via an existing access track and power will be provided from existing conduit. The applicant has advised that, due to the proposed tower and base station’s close proximity to existing development on the site, no vegetation clearing will be required.

The applicant initially considered the co-locating on the existing telecommunications facility tower. The heights for co-location are not high enough to meet the technical requirements of the network. Total extended tower height would be approximately 52.0m with a headframe.

“In considering the two options, Optus firmly believe that the visual impact of a single taller, bulkier and cluttered tower clearly visible above the treeline, would have greater detriment, than the addition of a second slimline stand alone facility, where both facilities are substantially screened by the surrounding trees.”

To reduce the impact on the streetscape and visual amenity, the following measures are proposed:-

- A slimline monopole (without a headframe) has been selected for the site;
- The mast is proposed to be unpainted, to reduce reflection of sunlight, and be a similar colour to the sky;
- The visual presence of the monopole will be further mitigated by the existing dense vegetation around the perimeter of the proposed lease area;
- The equipment shelter will be manufactured in a ‘Pale eucalypt’ finish to provide the least visual disruption to the surrounding ground vegetation; and
- The existing vegetation at the site would substantially screen the majority of views of the facility.

Optus has advised the proposal complies with the adopted technical standards that limit human exposure to electromagnetic energy (EME), prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The predicted maximum EME level is 0.68% of the maximum level specified under the standards set by the ARPANSA.
4. **Implications to Consider**

   a. **Consultation with the Community**
      The proposal was referred to all landowners within a radius of 700 metres from the proposed Mobile Phone Base Station, seeking public comment.
      At the close of the 14 day advertising period, one submission was received from a nearby landowner. The landowner objection stated that the proposed Telecommunications Tower and Base Station would be detrimental to their health and lifestyle.

   b. **Consultation with Government agencies**
      The proposal was also referred to the Water Corporation and Western Australian Planning Commission (WAPC) for comment. The Water Corporation advised that before the development could progress the developer would need a fully executed agreement with the Water Corporation for utilisation of the land. No comment was received from the WAPC.

   c. **Strategic**
      Functional Area 3 - Land Use & the Environment in Council’s Strategic Plan under the Scope of Land Use Planning.

   d. **Policy**
      Planning Policy 3.3.16 – Telecommunications Infrastructure

   e. **Financial**
      N/A

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

5. **Comments**

The subject land is zoned ‘Rural’ in Town Planning Scheme No.2. The proposal is interpreted as a Communications Antennae - Commercial, which is a land use that is not permitted unless the Council has exercised its discretion by granting planning approval.

The proposal was assessed and is considered compliant with Planning Policy 3.3.16 – Telecommunications Infrastructure (‘Council’s Telecommunications Policy’). The preferred location for Telecommunications Infrastructure (High Impact) Facilities is in the Industrial, Commercial and Rural zones. The subject site is therefore a preferred location in respect of being within a ‘Rural zone.

Carriers co-locating onto existing towers are preferred by Council’s Telecommunications Policy. While it is possible to co-locate Optus facilities onto the existing tower, the visual impact of the tower will be more significant than erecting a second lower tower. The large 35.0ha site and extensive setbacks of approximately 231m (W), 275m (S), 308m (N) and 363m (E), combined with extensive remnant tree cover, these factors combine to minimise the visual impact of the proposed telecommunication facilities from properties surrounding the site.

The applicant has responded to the public safety concerns raised by the submission.

The proposed development is consistent with orderly and proper planning of the locality. It is recommended that Council grant planning approval to the proposed Telecommunications Tower and Base station accordingly.

6. **Voting Requirements**

   Simple Majority
7. **Officer Recommendation**

That Council grant its **APPROVAL** to the proposed Telecommunication Tower and Base Station on Lot 33 Churcher Road, Baldivis, subject to the following conditions:–

1. Standard Condition D1;
2. No trees or significant vegetation being removed without the prior written approval of the Council; and
3. The telecommunication tower, including equipment sheds, is to be designed in such a manner as to permit at least three carriers to co-locate.

8. **Committee Recommendation**

That Council grant its **APPROVAL** to the proposed Telecommunication Tower and Base Station on Lot 33 Churcher Road, Baldivis, subject to the following conditions:–

1. Standard Condition D1;
2. No trees or significant vegetation being removed without the prior written approval of the Council; and
3. The telecommunication tower, including equipment sheds, is to be designed in such a manner as to permit at least three carriers to co-locate.

Committee Voting – 4/0

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

Not applicable.

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

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

To seek approval from Council to delegate authority to the Chief Executive Officer to award the Tender for the preparation of an Infrastructure Development Strategy for the Rockingham Strategic Metropolitan Centre, closing on Wednesday, 15th December 2010.

2. **Background**

A draft Scope of Works for the preparation of the Infrastructure Development Strategy was endorsed by Council in August 2010.
Subject to confirmation of RKDO funding towards the Strategy, Council endorsed the advertising of the Tender for the selection of a suitably qualified Consultant Team to prepare the Strategy.

The RKDO has confirmed a funding contribution of $85,000 and the DoP has confirmed a contribution of $50,000. Council is contributing $65,000.

3. Details

The Tender was advertised on Saturday, 13th November 2010 in The West Australian and is due to close on Wednesday, 15th December 2010.

4. Implications to Consider

a. Consultation with the Community
   
   Nil.

b. Consultation with Government Agencies
   
   The Tender is being advertised following consultation with the Department of Planning and the Rockingham Kwinana Development Office.

c. Strategic
   
   Functional Area 3; Land Use and Environment - Strategy 7: Action Plan 7.1

d. Policy
   
   Purchasing Policy applies, which specifies that procurement valued over $100,000 is subject to open public tender or quotation procedures.

e. Financial
   
   Council has allocated $65,000 in its current Budget to prepare the Strategy. It is also receiving $85,000 from the RKDO and $50,000 from the DoP.

f. Legal and Statutory
   
   Section 5.42, read in conjunction with Section 5.43(b) of the Local Government Act 1995, grants Council the power to delegate authority to the Chief Executive Officer to accept a Tender.


5. Comments

Closure of the Tender on the 15th December 2010 means that the next available ordinary Meeting of Council will not be held until the 22nd February 2011.

It is proposed to commence the strategy as soon as the Tenders have been assessed and selection made, expected to be in January 2011.

Should Council grant delegated authority to the Chief Executive Officer to award the Tender, work on the Strategy will be able to commence well in advance of the end of February.

6. Voting Requirements

Absolute Majority.

7. Officer Recommendation

That Council **DELEGATE** authority to the Chief Executive Officer to award Tender T10/11-37 to prepare an Infrastructure Development Strategy for the Rockingham Strategic Metropolitan Centre.
### 8. Committee Recommendation

That Council *delegate* authority to the Chief Executive Officer to award Tender T10/11-37 to prepare an Infrastructure Development Strategy for the Rockingham Strategic Metropolitan Centre.

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.
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<table>
<thead>
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<tbody>
<tr>
<td><strong>13. Reports of Councillors</strong></td>
<td>Nil.</td>
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<td><strong>14. Addendum Agenda</strong></td>
<td>Nil.</td>
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<td><strong>15. Motions of which Previous Notice has been given</strong></td>
<td>Nil.</td>
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<td><strong>16. Notices of Motion for Consideration at the Following Meeting</strong></td>
<td>Nil.</td>
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<td><strong>17. Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
<td>Nil.</td>
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<td><strong>18. Matters Behind Closed Doors</strong></td>
<td>Nil.</td>
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<tr>
<td><strong>19. Date and Time of Next Meeting</strong></td>
<td>The next Planning Services Standing Committee Meeting will be held on <strong>Monday, 14 February 2011</strong> in Committee Room 1, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td><strong>20. Closure</strong></td>
<td>There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 5:09pm.</td>
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<td><strong>21. Attachments</strong></td>
<td>Nil.</td>
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