MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 16 March 2015 at 4:00pm
City of Rockingham Boardroom
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1. **Declaration of Opening**

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4.00pm**, welcomed all present, and delivered the Acknowledgement of Country.

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

2.1 **Councillors**

- Cr Richard Smith (Deputy Mayor)  
- Cr Chris Elliott  
- Cr Justin Smith  
- Cr Deb Hamblin  
- Cr Matthew Whitfield  
- Cr Joy Stewart  

2.2 **Executive**

- Mr Andrew Hammond  
- Mr Bob Jeans  
- Mr Chris Thompson  
- Mr Peter Ricci  
- Mr Brett Ashby  
- Mr James McKay  
- Mr Mike Ross  
- Mr Rod Fielding  
- Mr Ian Daniels  
- Mr James Henson  
- Ms Melinda Wellburn

2.3 **Members of the Gallery:**

3

2.4 **Apologies:**

- Cr Ron Pease JP  
- Cr Allan Hill OAM JP

2.5 **Approved Leave of Absence:**

Nil

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

3.1 Mr Terry Sanfead, Karnup - PDS-014/15 - Development Assessment Panel Application - Educational Establishment - Lot 11, 700 and 701 Mandurah Road, Karnup
At the Planning and Engineering Services Committee meeting held on 16 February 2015, Mr Sanfead asked the following questions that were taken on notice and the Director, Planning and Development Services provided a response in a letter dated 25 February 2015 as follows:

Question
1. The Rowe proposal is only for Lot 700 and Lot 11 and claimed size is approximately 10.43ha in total. PDS-014/15 states Lot 701 is included with Lot 700 and Lot 11 and is 15.2ha in total. Which is correct?

Response
The subject site has a combined total area of 15.1ha. Lot 701 has been included in the application as access to Lot 700 is provided via an easement over Lot 701 (on the battle-axe leg).

Question
2. Is Lot 701 zoned Special Rural under Town Planning Scheme No.2 (TPS2)?

Response
Yes.

Question
3. Is Lot 701 a conforming use under TPS2?

Response
Lot 701 formed part of the original Lot 10, over which the Reception Centre was approved.

Question
4. Is an Educational Establishment a 'X' prohibited use on a lot zoned Special Rural under TPS2?

Response
Yes.

Question
5. If Lot 701 is a Special Rural lot with a conforming use that does not qualify for Clause 7.3 change of a non-conforming use and an Educational Establishment is a prohibited use in a Special Rural zoning then is it the responsibility of Rockingham Town Planning to advise the Rockingham Town Council and the South West Joint Development Assessment Panel (SWJDAP) that they must not grant planning approval for Lot 701 because it is a prohibited 'X' use on Lot 701 and will they do this?

Response
The City advised the Council and the SWJDAP via its report to Council (PDS-04/15) and Responsible Authority Report that an 'Educational Establishment' is an 'X' use within the Special Rural zone, which is a use not permitted by the Scheme. The City also advised that despite an 'Educational Establishment' being an 'X' use in the Special Rural Zone, the applicant is seeking approval of the development on the basis the application is a change of an existing non-conforming use, which is permitted by clause 7.3 of TPS under certain circumstances.

Question
6. The size of the development that does not contain preserved bushland and slopes of a degree less than 1 in 20 has not been established and the requirement for an Educational Establishment of this type requires 10 to 12ha and land that has slopes of more than 1 in 20 or preserved bushland must be in addition to the 10 to 12ha Liveable Neighbourhoods Element 8 R10, how can the Planning Department or Rockingham Town Council and the SWJDAP make a decision not knowing the actual accountable size of the development?
Response

Liveable Neighbourhoods is applicable to urban areas only.

Question

7. The school has suggested it can cart drinking water to the site because of the contamination that will occur through the sewerage system, does this mean that the neighbouring properties will also have to find or card alternative sources of potable water?

Response

No.

Question

8. Will a satisfactory fire protection plan have any impact on neighbouring properties?

Response

No. All fire protection works would be contained within the development site.

Question

9. Will a satisfactory fire protection plan retain any natural bushland on the site and if yes, how much?

Response

The City does not believe the subject site is a suitable location for an Educational Establishment as substantial vegetation clearing would be required to provide an appropriate level of hazard separation for the development. The City recommended refusal for the proposed development as the development does not provide for adequate protection to life and property from bushfire as required by the Western Australian Planning Commission's Planning for Bush Fire Protection Guidelines and the development will adversely impact on local rural amenity as a result of the substantial vegetation clearing and modification and earthworks required to facilitate the development on the site.

Question

10. The report impact on amenity page 157 heading Amenity dot pot 1:

Visual Impact - The proposed development on Lot 700 is not considered to have a Visual Impact, as the development will occupy existing buildings on the site. This is not entirely accurate there will be a number of paths, roads, hard paved car parks and the new early childhood building and play area all additional to what is currently on Lot 700. This will have a visual impact on the site. Will this be corrected in the document prepared for the Rockingham Council and the SWJDAP?

Response

The advice provided in PDS-014/15 is the City's recommendation based on its assessment of the application.

Question

11. In January 2015 I asked Town Planning to see all the documentation that the Council had received from the applicant in regard to this application and was told that everything was on the website, but there is reference to a letter from the Minister for Education (Hon. Peter Collier MLC) with such correspondence (dated 26 November 2014) supplied to the City of Rockingham as part of the Development Application. Page 134. Will a copy of this correspondence be made available and is there any other documentation that has not been supplied to interested parties?
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<td>The City did not receive a copy of the letter from the Minister for Education from the applicant until the 28th January 2015. The City has discretion as to which documents associated with a development application will be advertised. An application for Freedom of Information can be made for any other documentation.</td>
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4. **Public Question Time**

4.01pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Mr Ross Underwood, Planning Solutions - PDS-026/15 - Development Assessment Panel Application - Mixed Use Development (52 Residential Apartments, Restaurant, Shop and Office) - Lot 101 (No.45) Rockingham Beach Road, Rockingham

The Chairperson invited Mr Underwood to present his questions to the Planning and Engineering Services Committee. Mr Underwood asked the following question.

1. Should this Committee approve the proposed development, notwithstanding the proposed variations to the height and setback as prescribed by the Policy?

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

4.05pm There being no further questions the Chairperson closed Public Question Time.

5. **Confirmation of Minutes of the Previous Meeting**

Moved Cr Hamblin, seconded Cr Whitfield

That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 16 February 2015, as a true and accurate record.

Committee Voting – 5/0

6. **Matters Arising from the Previous Minutes**

Nil

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

4.05pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

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

4.05pm The Chairperson asked if there were any interests to declare.

There were none.

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

Nil

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

Nil
### 11. Bulletin Items

#### Planning and Development Services Information Bulletin – March 2016

**Health Services**
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Health Promotion
   3.5 Mosquito Control Program
   3.6 Ocean Water and Storm Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 After Hours Noise and Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Noise Complaints - Detailed Information
   4.9 Building Plan Assessments
   4.10 Septic Tank Applications
   4.11 Demolitions
   4.12 Swimming Pool and Drinking Water Samples
   4.13 Rabbit Processing
   4.14 Hairdressing and Skin Penetration Premises
   4.15 New Family Day Care Approvals
   4.16 Emergency Services
   4.17 Prohibited Burning Period
   4.18 Social Media
   4.19 CRM
   4.20 Compliance
   4.21 Ranger Services
   4.22 Prosecutions

**Building Services**
1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually
   4.4 Demolition Permit
   4.5 Permanent Sign Licence
   4.6 Community Sign Approval
   4.7 Temporary Sign Licence
   4.8 Street Verandah Approval
   4.9 Occupancy Permits
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**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 | Local Planning Strategy (LUP/1352) |
   3.2 | Water Campaign (EVM/56-02) |
   3.3 | Karnup District Structure Plan (LUP/1546) |
4. Information Items
   4.1 | Appointment of an Urban Design Consultant for the Housing and Settlement Study |

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 | CouncilsOnline (Planning Products via the Web) formerly eDA |
4. Information Items
   4.1 | Land Use – Planning Enforcement |
   4.2 | Subdivision/Development Approvals and Refusals by the WAPC |
   4.3 | Notifications and Gazettals |
   4.4 | Subdivision Clearances |
   4.5 | Subdivision Survey Approvals |
   4.6 | Delegated Development Approvals |
   4.7 | Delegated Development Refusals |
   4.8 | Delegated Building Envelope Variations |
   4.9 | Subdivision/Amalgamation Approved |
   4.10 | Strata Plans |
   4.11 | Subdivision/Amalgamation Refused |
   4.12 | Point Peron Rehabilitation Committee |
   4.13 | Proposed Modification of Approved Building Envelope - Lot 201 Emerald Court, Singleton |

**Planning and Development Directorate**

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 | Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08) |
   3.2 | Northern Smart Village Sector – Masterplan, Development Policy Plan and Scheme Amendment |
   3.3 | Campus Sector - Masterplan, Development Policy Plan and Scheme Amendment |
   3.4 | Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment |
   3.5 | Southern Gateway Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847) |
   3.6 | Rockingham Station Sector – Masterplanning and Development Policy Plan (LUP/1848) |
   3.7 | Mangles Bay Marina |
   3.8 | Rockingham Beach Foreshore Master Plan |
4. Information Items
   4.1 Submission - Draft Planning and Development (Local Planning Schemes) Regulations 2014
   Advisory Committee Minutes

Committee Recommendation

Moved Cr Elliott, seconded Cr Hamblin:
That Councillors acknowledge having read the Planning Services Information Bulletin – March 2015 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – March 2015

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Authority for approval of Directional Signage
   4.2 Delegated Authority for Thoroughfare Closures
   4.3 Engineering Services Design Projects 2014/2015
   4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions
   4.5 Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions
   4.6 Delegated Authority to approve the release of Bonds for private subdivisional works
   4.7 Handover of Subdivisional Roads
   4.8 Delegated Authority for the payment of Crossover Subsidies
   4.9 Principal Shared Path – Safety Bay Road (Warnbro Train Station to Baldivis Shopping Centre)

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Safety Bay Road/Baldivis Road Roundabout Night Works
   4.2 Road Construction Program Roads to Recovery 2014/2015
   4.3 Road Construction Program Main Roads Direct Grant 2014/2015
   4.4 Road Construction Program Main Roads Grant 2014/2015
   4.5 Road Construction Program Federal Black Spot 2014/2015
   4.6 Road Construction Program Municipal Works 2014/2015
   4.7 Road Renewal Program Municipal Works 2014/2015
   4.8 Road Resurfacing Program Municipal Works 2014/2015
   4.9 Drainage Program Municipal Works 2014/2015
   4.10 Footpath Construction Program Municipal Works 2014/2015
   4.11 Road Maintenance Program 2014/2015
   4.12 Litter Team & Sweeping 2014/2015
   4.13 LitterBusters 2014/2015
   4.14 Passenger Vehicle Fleet Program 2014/2015
   4.15 Light Commercial Vehicles Program 2014/2015
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<td>3.2 Replace Footpath, Lookout Pad and Fencing to Lookout at Singleton Beach Foreshore</td>
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<td>3.3 Limestone Access Footpath Upgrades – Warnbro Foreshore - Cote D’Azur Gardens, Dieppe Lane and Bayeux Avenue.</td>
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<td>3.7 Install and Upgrade Conservation Fencing – Alf Powell Reserve (Greening Plan)</td>
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<td>3.8 Secret Harbour Boulevard to Secret Harbour Foreshore – Limestone Emergency Vehicle Access Road</td>
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<td>3.9 Kennedy Bay – Firebreak / Limestone Emergency Vehicle Access Road (Ocean Point Close – Long Beach Rise)</td>
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**Asset Management**

1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Underpass and bridge inspections and revaluation
   3.2 Drainage data collection
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems Management

**Building Maintenance**

1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Waikiki Foreshore - Replacement LED Lighting
   3.2 Anniversary Park - Upgrade of Poles, Luminaires and Switch Gear
   3.3 Autumn Centre/Warnbro Library - HVAC replacements
   3.4 Sepia Court Childcare - Replace Asbestos Fence
   3.5 City of Rockingham Depot – Air Conditioning Installation
   3.6 Aqua Jetty – Replacement of Perimeter Fencing
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal
   4.3 Lighting Inspections

**Procurement and Capital Projects**

1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
   3.5 Lighting Consultants
4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
   4.4 Shoalwater North Underground Power Project
   4.5 2014/2015 Public Area Lighting and Arterial Lighting
   4.6 Lark Hill Wind Turbine
   4.7 Bent Street Boat Launching Facility – Navigation Channel
   4.8 Secret Harbour Surf Life Saving Club - Renovation
   4.9 Val Street Jetty Design
   4.10 Mike Barnett Sporting Complex Roof Replacement
   4.11 City Centre Infrastructure Works Car Park Design and Construction
   4.12 Lark Hill Sub Metering
   4.13 Aqua Jetty Roof Replacement
4.14 Aqua Jetty Condensation Issue  
4.15 Baldivis Reserve Toilet Replacement  
4.16 Lions Park Upgrade  
4.17 Coastal Adaptation and Protection Grant  
4.18 Rockingham Day Care Fire Panel Replacement  
4.19 Lotteries House Replacement of Elevator  
4.20 Administration Building Replacement of Elevator  
4.21 Aqua Jetty Swimming Club Office  
4.22 Eighty Road Reserve Club Facility  
4.23 Laurie Stanford Reserve Development  
4.24 Rhonda Scarrott Reserve Development  
4.25 Recreational Boating Facilities Scheme Round 20 Grants  
4.26 Light Pole and Luminaire Period Tender  
4.27 Safety Bay Tennis Club  
4.28 Lifelinks – South Coast Women’s Health Building  
4.29 Baldivis Recreation Centre

**Waste Services**

1. Waste Services Team Overview  
2. Human Resource Update  
3. Project Status Reports  
4. Information Items  
   4.1 Kerbside collection  
   4.2 Bulk verge collection  
   4.3 Waste Diversion Percentage

**Millar Road Landfill and Recycling Facility**

1. Millar Road Landfill and Recycling Facility’s Team Overview  
2. Human Resource Update  
3. Project Status Reports  
   3.1 Landfill access road off Kulija Road  
   3.2 Cell construction – Cell 16  
   3.3 New leachate dams  
4. Information Items  
   4.1 Tip Passes  
   4.2 Landfill Statistics  
   4.3 Waste Education and Promotion

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Elliott, seconded Cr Hamblin:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – March 2015 and the content be accepted.

Committee Voting – 5/0

4.27pm - Mr James McKay, A/Manager, Building Services and Mr Rod Fielding, Manager Health Services departed the Planning and Engineering Committee meeting.
## 12. Agenda Items

### Planning and Development Services

**Planning and Development Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-015/15 Proposed Structure Plan - Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis (Adoption)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1391-05</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>CLE Town Planning and Design</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Alcock Brown-Neaves Residential Developments trading under the following entities: Lot 569 Baldivis Road - Jacaranda Springs Private Estate; Lot 1263 Baldivis Road - Caversham Land Co Pty Ltd; and Lot 21 Sixty Eight Road - Yellenday Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning; Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 March 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>August 2011 (SPE-023/11); September 2012 (SPE-025/12); April 2013 (SP-014/13)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>44.3ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban and Urban Deferred</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Schedule of Submissions</td>
</tr>
<tr>
<td></td>
<td>2. Advertised Structure Plan Map</td>
</tr>
<tr>
<td></td>
<td>3. Advertised Development Concept Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Extent of MRS 'Urban' zoning over the Structure Plan area</td>
</tr>
<tr>
<td></td>
<td>3. Baldivis South District Structure Plan</td>
</tr>
</tbody>
</table>
4. 2012 Council Adopted Structure Plan
5. Advertised Structure Plan
6. Advertised Development Concept Plan
7. Location of Advertising
8. Recommended location of additional Roundabouts

**Purpose of Report**

To consider a proposed Structure Plan over Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis, following the completion of public advertising.

1. Location Plan
Background

Metropolitan Region Scheme Zoning
The site is currently zoned ‘Urban’ and ‘Urban Deferred’ in the Metropolitan Region Scheme (MRS). On 17 October 2013, the Western Australian Planning Commission (WAPC) advised the City that it had rezoned the majority of the subject land from ‘Urban Deferred’ to ‘Urban’ under the MRS. The portion of land on Lot 21 Sixty Eight Road that had not been rezoned to ‘Urban’ reflects the location of the future High School site shown in the South Baldivis District Structure Plan. The extent of the ‘Urban’ zone is shown in Figure 2 below:

Baldivis South District Structure Plan
In October 2004, the Council resolved to endorse the Baldivis South District Structure Plan (‘BSDSP’) for the purpose of guiding Comprehensive Development Plans (subsequently referred to as Structure Plans under Town Planning Scheme No.2) and planning generally for the South Baldivis area.

In June 2012, the Council resolved to endorse an update to the South Baldivis District Structure Plan to:
(i) Delete the large POS reserve located on Lot 19 and 20 Sixty Eight Road; and
(ii) Reflect approved Structure Plans within the subject area, with respect to the general location of Neighbourhood Roads, Activity Centres and significant POS.

Since its endorsement, the BSDSP (see Figure 3) has been used to guide the preparation of Local Structure Plans. With respect to the Structure Plan area, the District Structure Plan provides for a continuous neighbourhood connector road running in a north/south direction; a portion of a High School site; and public open space (POS) along the alignment of the Parmelia High Pressure Gas Pipeline easement.
3. Baldivis South District Structure Plan

Previous Approvals

Resource Extraction

In November 1991, the City granted Planning Approval for sand excavation over Lots 569 and 1263 Baldivis Road. Subsequently, the application was approved by the Department of Planning and Urban Development on 3 April 1992, valid for a period of 19 months until November 1993.

In January 2005, the Department of Environment and Conservation (now referred to as the Department of Environmental Regulation) referred an application to clear native vegetation for sand extraction to the City for comment. The City’s response noted previous approvals and advised that the land was part of the South Baldivis District Structure Plan, a non-statutory document endorsed by Council to guide future development in the district.

In August 2006, an extractive industries licence was issued for Lot 569 for the period 1 January 2006 to 31 December 2006.

In May 2007, Council resolved to grant an extractive industries licence for a period of five years, expiring on 31 December 2011, for the purpose of quarrying sand on Lot 1263 Baldivis Road.
In September 2007, the City received an application for Planning Approval seeking to extend the sand extraction area to incorporate Lot 21 Sixty Eight Road. This application was not progressed, as it was the City’s opinion that further sand extraction was premature and could potentially prejudice the future development of the land. The City recommended that the Proponent prepare a Structure Plan before considering further sand extraction.

In April 2013, the Council conditionally approved a development application for Sand Excavation and Earthworks over the Structure Plan area. The application sought approval to undertake Bulk Earthworks to facilitate the future subdivision of the land, by distributing sand across the site in accordance with the finished levels shown on a proposed Structure Plan lodged in 2011.

Previous Structure Plan Proposal

In September 2012, Council adopted a Structure Plan for Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road (SPE-025/12) as shown in Figure 4, subject to modifications.

In February 2013, the City forwarded the adopted Structure Plan to the WAPC for its determination. The WAPC subsequently advised that the Structure Plan would not be determined while the subject land was zoned 'Urban Deferred' under the MRS.

Note: In 2006 the Water Corporation advised the WAPC that it would not support the lifting of Urban Deferment or the rezoning of new land for 'Urban' purposes under the Metropolitan Region Scheme because there was insufficient capacity to service new land with deep sewer.

In September 2013, the Water Corporation lifted this embargo and advised that new development would be serviced by the East Rockingham Waste Water Treatment Plan which is due to commence operation late 2015.

Given the passage of time since the preparation of the original Structure Plan proposal, the Proponent chose to lodge a new Structure Plan, prepared over the subject land in accordance with the Structure Plan Preparation Guidelines. The proposed Structure Plan has varied from the 2012 proposal in a number of ways. It provides for a modified road configuration, changes to the location of Public Open Space and residential densities. The advertised Structure Plan is shown in Figures 5 and 6 and within Attachments 2 and 3.
Details

Description of the Proposal (As Advertised)

The proposed Structure Plan includes the following elements:

- Residential densities ranging from 'R25' - 'R60' (average lots areas from 180m² - 350m²) to facilitate development of approximately 630 dwellings;
- A 3.3ha portion of a High School site; and
- Four areas of Public Open Space (POS) totalling 4.5ha, including a 1.37ha linear POS reserve accommodating a high pressure gas pipeline and other easements and associated buffers.

5. Advertised Structure Plan Map
6. Advertised Development Concept Plan

Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan was advertised for a period of 42 days, commencing on 12 December 2014 and concluding on 22 January 2015. Public advertising was carried out in the following manner:

- Nearby owners and occupiers (33 referrals as shown on properties with a yellow border on Figure 7), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
- The Proponent erected two (2) signs on site on Baldivis Road and Sixty Eight Road advertising the Proposed Structure Plan;
- A notice was placed in the Weekend Courier for two weeks over the course of the advertising period, appearing in the newspaper on 12 and 19 December 2014; and
- Copies of the proposed Structure Plan and relevant documents were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

Advertising was undertaken in accordance with the requirements of Clause 6.3.3 of TPS2.
7. Location of Advertising

Public Submissions: Following the close of the advertising period, the City had received two submissions from nearby landowners.

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in the submissions are summarised and addressed as follows:

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<tr>
<th>Amenity</th>
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</table>
| **Submission:**  
Concern was raised with respect to the interface and transition of suburban land to a rural context along Sixty Eight Road. The design was requested to reflect the interface that has been developed directly east of Smirk Road. Concern was raised that the interface, as proposed to Sixty Eight Road would be poorly landscaped or be left as an untreated road reserve. |
| **Proponent's Response:**  
While west of Smirk Road is provided with an area of public open space along Sixty Eight Road, the development proposed by the Structure Plan is similar to that constructed both east and west of Smirk Road and indeed proposes an improved interface by way of access (siding) roads running parallel to Sixty Eight Road. |
These access roads provide a greater distance separation between future residential lots and Sixty Eight Road (and in turn the rural lifestyle lots to the south), as well as providing lots fronting rather than siding onto Sixty Eight Road.

It is also important to note that Sixty Eight Road is to be widened and will ultimately be classified as a Neighbourhood Connector A with a width of 24.4m, carrying some 3370 vpd from Percival Road.

City's Comment:
The City reviewed the distribution of Public Open Space proposed in the Structure Plan area against the locational criteria specified within Liveable Neighbourhoods and the South Baldivis District Structure Plan. In this regard, all open space is considered to be appropriately located in accordance with the planning framework.

The provision of a 'slip road' interface adjacent to Sixty Eight Road provides an opportunity for a landscaped verge to act as a transition between the suburban and rural landscape.

At subdivision stage, the City will seek to ensure the proponent upgrades Sixty Eight Road where it abuts the proposed Structure Plan area, which will include landscape treatment of the road reserve to the northern side of Sixty Eight Road.

### Movement Network

**Submission:**

(i) The alignment of the north-south neighbourhood connector should be modified to match that of the South Baldivis District Structure Plan (DSP) and ensure the continuous priority and legibility of roads within the District Structure Plan area. This neighbourhood connector provides an important local distribution function within the DSP area by providing a direct and legible route from Sixty Eight Road to Nairn Drive that connects these key destinations along its route.

**Proponent's Response:**

The subject neighbourhood connector was modified from that of the curved alignment shown on the South Baldivis District Structure Plan, in favour of a staggered alignment, in order to improve upon land use efficiency and the road network legibility.

The Uloth Traffic Report clearly states that the staggered alignment proposed as part of the Structure Plan, from a traffic operational perspective, is an acceptable treatment to accommodate future traffic flows along this route, whilst also offering the benefit of a more legible local road network (via a grid oriented pattern) and allowing for a more efficient use of the land.

**City's Comment:**

The City supports the premise of the submission that a legible north/south neighbourhood connector road route is required to be provided to the proposed High School site as provided for in the South Baldivis District Structure Plan.

Upon assessment of the proposed movement network, it is considered that the staggered neighbourhood connector arrangement facilitates a more regular street block layout which is more sympathetic to the topography of the existing landscape. As such, it was considered that, in this location, the staggering of the north/south neighbourhood connector road network provided for an improved overall layout of the Structure Plan area.

In order to ensure the intent of the District Structure Plan is achieved, it is recommended that two (2) roundabouts at the intersection of the east/west neighbourhood connector road and the high school site and the intersection of the east/west and north south neighbourhood connector roads be implemented as shown in Figure 8:
The recommended location of additional roundabouts maintains the current design intent whilst improving legibility and traffic flow throughout the Structure Plan area, particularly during the peak school pick up periods.

The provision of two additional roundabouts is generally consistent with that provided for within the 2012 Council adopted Structure Plan. Furthermore, the location of the roundabouts assist as a traffic calming mechanism to control vehicle speed for neighbourhood connector roads as required through AustRoads Guidelines and Liveable Neighbourhoods.

In light of the above, it is recommended that the Structure Plan Report and Traffic Assessment Technical Appendix be amended to include the provision of the two roundabouts as shown in Figure 8.
Recommendation 1:
Structure Plan Report and Traffic Assessment Technical Appendix be amended to include the provision of the two roundabouts at the following intersections:

(i) The intersection of the northern-most north/south and east/west neighbourhood connector roads; and
(ii) The intersection of the east/west neighbourhood connector road and the southern-most neighbourhood connector road abutting the proposed high school site.

Submission:
(ii) A question was raised whether the roundabout at Sixty Eight Road and Percival Place will be adequate in size to accommodate a four wheel drive/double horse float combination and semi-trailer trucks so they will not have to hit kerbing to negotiate the roundabout and cause unsightly and ongoing damage?

Proponent’s Response:
The Sixty Eight Road/Percival Place roundabout will ultimately be designed and constructed in accordance with the standards of the City of Rockingham, however, the Uloth Traffic report recommends that this roundabout should be constructed with an internal and external diameter of 15m and 27m respectively which provides for the safe passage of large vehicles such as Transperth buses and articulated vehicles.

City’s Comment:
The future roundabout at the intersection of Sixty Eight Road/Percival Place will be designed to accommodate the turning movements for large vehicles.

Submission:
(iii) Concern was raised that indented parking will be provided on Sixty Eight Road.

Proponent’s Response:
It is unclear if this particular concern was in favour or objection to the provision of indented parking along Sixty Eight Road. Nonetheless, the Structure Plan provides land for the 2.2m widening of Sixty Eight Road which will be handed to the City of Rockingham. The provision of indented parking along Sixty Eight Road will be a decision for the City, should it consider it appropriate for this location.

City’s Comment:
No indented car parking is proposed within the Sixty Eight Road Reserve. The proposed High School site is the only location that may propose indented car parking along Sixty Eight Road, however, no determination has been made for the design of the High School site at this time.

Process

Submission:
Concern was raised with respect to why the Structure Plan was being advertised when works were being conducted on-site.

Proponent’s Response:
Sand excavation and earthworks have been carried out onsite wholly in accordance with the approval issued by the City of Rockingham, dated 24 April 2013 (Reference No. 20.2011.61.1 28/1375).
City's Comment:
The works are attributed to an approved development application for Bulk Earthworks of the subject land issued on the 24 April 2013.

### Structure Plan Design

**Submission:**
Concern was raised regarding the significant level differences between Lot 569 and Lot 740 Baldivis Road as a result of the previous sand mining activities on Lot 569.

It was requested that the Structure Plan provide documentation facilitating finished levels that require no retaining walls and levels that are sympathetic to the provision of road connections to the adjoining Structure Plan area.

**Proponent's Response:**
A bulk earthworks concept was prepared by Pritchard Francis Engineers as part of the Sixty Eight Road Structure Plan, showing how levels within the Structure Plan area will match into those of the adjoining properties to the north and west.

The bulk earthworks concept has set out to minimise the use and height of retaining walls wherever possible. Nevertheless, given the past sand mining activity within the Structure Plan area, retaining walls are a necessity to provide for a balanced cut to fill scenario, accommodate the necessary gravity-reliant sewer and drainage infrastructure and to create level (individual) lots to aid affordable construction costs to individual (future) landowners.

**City's Comment:**
The Proponents for both the subject Structure Plan area and the Structure Plan prepared over Lots 635, 739 and 740 Baldivis Road (to the north) have been liaising to ensure the levels for both sites are earth worked to provide an appropriate interface for future residential development.

The City is satisfied that an appropriate ground level interface will be provided to the north and west of the site.

### b. Consultation with Government Agencies

As mentioned above, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment, pursuant to Clause 4.2.6.5(b)(ii) of TPS2. In this regard, the City invited comments from the following agencies:

- Alinta Gas
- Department of Aboriginal Affairs
- Department of Education
- Department of Environmental Regulation
- Department of Fire and Emergency Services
- Department of Health
- Department of Parks and Wildlife
- Department of Transport
- Department of Water
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power
Following the close of the advertising period, the City had received eleven (11) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No. 1 to this Report). The content of the issues raised in the submissions are summarised and addressed as follows:

<table>
<thead>
<tr>
<th>1. Department of Aboriginal Affairs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>A review of the Register of Aboriginal Places and objects as well as the DAA database concludes that there is one other heritage place within the lots subject to the Plan. The relevant DAA record is:</td>
</tr>
<tr>
<td>DAA 7347 - Sixty-Eight Road Baldivis.</td>
</tr>
<tr>
<td>The information held by DAA regarding DAA 4347 - Sixty-Eight Road, Baldivis states that it is an artefact scatter that was assessed by the Aboriginal Cultural Material Committee (ACMC) as not meeting the terms of the Aboriginal Heritage Act (AHA). Therefore based on the information held by DAA no heritage approvals are necessary.</td>
</tr>
<tr>
<td>For any future works that the City of Rockingham (City) will be conducting DAA advises the City to refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines can assist the City to determine whether any proposed works will impact on Aboriginal heritage.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The submission is noted.</td>
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</tbody>
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<thead>
<tr>
<th>2. Department of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>Thank you for your letter dated 12 December 2014 regarding the Proposed Local Structure Plan - Lots 569 and 1269 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis.</td>
</tr>
<tr>
<td>The Department of Education has reviewed the Structure Plan and advises that it is satisfied with the proposed Development Concept Plan.</td>
</tr>
<tr>
<td>The Department has no objection to this proposal.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The submission is noted.</td>
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</table>

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<tr>
<th>3. Department of Fire and Emergency Services</th>
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<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>Please be advised that the Department of Fire and Emergency Services (DFES) would expect compliance with the DFES and the Western Australian Planning Commission (WAPC) Planning for Bush Fire Protection Guidelines Edition 2 - May 2010 (These Guidelines replace DC 3.7 Fire Planning and Planning for Bush Fire Protection, which were released by the WAPC and DFES in December 2001) and clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4).</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The City's assessment of the Bushfire Management Plan is provided within the Local Planning Policies Section of this Report.</td>
</tr>
</tbody>
</table>
### 4. Department of Health

**Submission:**

(i) **Water and Wastewater Disposal**

All developments are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy- Perth Metropolitan Region.

**City's Comment:**

The submission is noted.

(ii) **Mosquito Borne Disease Control**

The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses.

The area is within 3km of mosquito dispersal distance from mosquito breeding sites along Lake Walyungup. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. There may also be seasonal freshwater mosquito breeding habitat within close proximity to the subject land.

**Recommendations:**

- New residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on any newly created property titles.

- The proponent should use built form design measures in the construction of accommodation and recreational areas to protect future residents from mosquitoes including:
  - Public open space with limited vegetation should be located between the mosquito breeding sites and residential areas to create an area that is refractory to mosquito dispersal, thereby reducing the number of mosquitoes impacting residents; and
  - Built form design measures (insect screening on doors and windows and screened outdoor enclosures) are recommended to be included as part of the State and local government conditions of approval.

**Proponent's Comment:**

The Department of Health has requested that all future residential lots within the Structure Plan area have notifications lodged against their titles, informing prospective purchasers of potential nuisance from mosquitoes, and that the development should use built form measures in the construction of accommodation and recreational areas to protect future residents.

We strongly object to this request as the Structure Plan and its general surrounds comprise of ground conditions that cannot result in standing water capable of mosquito breeding.

The Environmental Assessment Report (EAR) prepared by Bailey Environmental Services in support of the Structure Plan describes the site as consisting of “sand derived from Tamala Limestone, with surface soils consisting of yellow and medium to coarse-grained sand overlying limestone pinnacles. The eastern edge of the site is mapped as Bassendean Sand, with surface soils consisting of light grey-brown, fine to medium-grained sand.” It is then noted that these soil types have high rates of permeability making them particularly suited for at source infiltration.

The EAR goes on to clearly state that there are no wetlands or damplands within close proximity to the Structure Plan area.

JDA Hydrologists likewise outlines within their District and Local Water Management Strategy that the area contains no natural surface water or drainage due to the rapid infiltration offered by the sandy soil types, with any surface water likely be present for only short distances and under extreme rainfall conditions.
In this regard, the two technical reports prepared by the respective consultants show that the site consists of highly permeability soils and has a lack of any long standing water bodies – both which result in conditions that cannot support mosquito breeding.

City’s Comment:
There are no permanent water bodies proposed within the Structure Plan area, or any other potential breeding sites that will increase mosquito breeding in the locality. Whilst the development is within 3km of the Rockingham Regional Park, the City’s Environmental Health Services has not received reports of mosquito breeding at this location nor actively monitors or treats Lake Walyungup for mosquitoes. The predominant mosquito breeding areas within the City, namely around the Serpentine River and Lake Amarillo in Karnup, are a considerable distance from the Structure Plan area, and future residents of this development are not considered to be at an increased risk from mosquitoes.
In this regard, the City does not recommend modifying the Structure Plan Report to require a notification on Certification of Title at subdivision stage.

5. Department of Parks and Wildlife

Submission:
The structure plan report confirms that the Department of Environmental Regulation (DER) has issued a permit for the clearing of native vegetation within the structure plan area for sand quarrying, with an agreed offset involving revegetation within Rockingham Lakes Regional Park. The southern portion of Lot 21 which is the proposed site for a High School was not covered by the clearing permit. Clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from DER, or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. The proposed High School development may require a clearing permit from DER.

It is understood that the proponents referred the structure plan area to the Commonwealth Department of Environment in 2012, with the Commonwealth determining that it was not a controlled action under the Environmental Protection Biodiversity and Conservation Act 1999. It is unclear, however, if the southern portion of Lot 21 (the High School site) is covered by this advice.

The fauna survey provided with the Environmental Assessment Report outlines that while no tree hollows displayed signs of recent Black cockatoo breeding on the site, there were some hollows with what appeared to be old chew marks, with several very large trees with numerous suitable hollows that may have been used for nests previously. The report states that breeding has possibly occurred on the site previously, and that it may be beneficial for the very large trees to be retained onsite to provide breeding habitat for threatened Black cockatoo species in the future.

Planning for areas not subject to DER clearing permits should firstly make provision to retain as much of the Black cockatoo habitat as possible, identify and quantify habitat which will be lost, and consider if offsets may be required to mitigate any residual impact on habitat of this species.

City’s Comment:
The entire Structure Plan area (including Lot 21) has undergone an environmental assessment by the Federal Department of Sustainability, Environment, Water, Population and Communities pursuant to the requirements of the Environmental Protection and Biodiversity Act (1999) (EPBC Act). In this regard, the Structure Plan area was determined to not warrant further assessment or approvals under the EPBC Act.
The southern portion of Lot 21 identified for the future high school site is the only part of the Structure Plan area not included within the Clearing Permit. As such, the Department of Education will be required to apply for the necessary approvals to develop the site.
6. Department of Water

Submission:
(i) Better Urban Water Management
Consistent with Better Urban Water Management (BUWM) (WAPC, 2008) and policy measures outlined in State Planning Policy 2.9, the proposed Local Structure Plan (LSP) should be supported by an approved Local Water Management Strategy (LWMS) prior to finalising and supporting the LSP.

A District and Local Water Management Strategy - Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis, (JDA, 2014) has been previously endorsed by the Department.

An Urban Water Management Plan (UWMP) will be required as a condition of subdivision in the future, in accordance with Better Urban Water Management (WAPC, 2008), and will provide a greater level of information for water management strategies and infrastructure to be implemented on the site.

City's Comment:
The submission is noted.

(ii) Groundwater
The subject area is located within the Stakehill Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer is subject to licensing by the Department of Water. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

The Structure Plan refers to water sourcing provided by Groundwater Licence 101759 however this licence has been cancelled and is not renewable. In reference to this referral Groundwater Licence 176332 is available with the allocation of 66,250kl (3.5ha ovals, 4.0ha public open space and 2ha road verge) and subsequently the proponent will only be able to utilise this source amount accordingly. Any further requirements would be subject to additional licencing and the proponent is encouraged to progress applications as soon as possible to ensure the required allocation is secured.

City's Comment:
The submission is noted.

7. Main Roads WA

Submission:
The proposed Structure Plan over the abovementioned lots is acceptable to Main Roads and Main Roads has no further comments to offer.

City's Comment:
The submission is noted.

8. Public Transport Authority

Submission:
Due to the configuration of the road network in Baldivis and the location of Warnbro Station, the orientation of bus services in the suburb are in a north-south direction. As a result, Transperth does not have any plans to run a regular bus service along the entire length of the east-west neighbourhood connector road in the Structure Plan area.
Transperth proposes to service the Structure Plan area through a longer term service along the north-south neighbourhood connector road to Sixty Eight Road and a second service along Baldivis Road to Sixty Eight Road. In order for buses to traverse the neighbourhood connector road, the carriageway widths will be required to be a minimum width of 3.5m.

Please note that a small portion of the east-west neighbourhood connector road between the high school and POS. in the Structure Plan will need to be used for a future bus route transferring from one section of the north-south neighbourhood connector road to the other section. Transperth therefore also requires a minimum carriageway width of 3.5m on the east-west neighbourhood connector in this section of carriageway.

In order to provide efficient bus operations for the two proposed bus routes, Transperth would support roundabouts at the Sixty Eight Road - Percival Place intersection and the Baldivis Road - Sixty Eight Road intersection, designed in accordance with the specifications as per Attachment 1 of this submission. To minimise the impact of idling buses on the community, Transperth will also require terminus facilities for these services. One option can be to provide bus bays capable of holding two buses each just to the north of these two roundabouts. Alternatively, Transperth may also consider a bus bay capable of holding four buses on the south side of Sixty Eight Road between Percival Place and Baldivis Road (see Attachment 2 of this submission). Please note that regardless of this, Transperth will still require a bus bay capable of holding two buses next to the future high school. It is requested that Transperth is contacted regarding any final bus bay locations and road engineering designs to confirm the suitability of the proposed works for bus services.

Transperth wishes to advise the City of Rockingham that the implementation of the bus routes throughout the subject plan area may not be immediate due to being subject to the funding availability for services, the necessary infrastructure being provided and sufficient urban densities being reached along the proposed bus routes to justify the provision of such a service.

Proponent Comment:
The comments raised by Transperth in its submission on the Sixty Eight Road Structure Plan are generally acceptable and will not materially affect the Structure Plan.

These comments primarily related to the necessity of the north-south neighbourhood connector providing for a carriageway width of 3.5m; to provide for the passage of a public bus service, and suggesting that the Sixty Eight Road/Percival Place roundabout be constructed in accordance with Transperth specifications.

With respect to the north-south neighbourhood connector, the Uloth Traffic Report identifies this road as being 19.4m in width (subject to the City’s standards), comprising of two x 3.5m carriageways, 2.1m (along each carriageway) for embayed parking and two x 4.1m verges. This confirms that the subject neighbourhood connector will satisfy the recommended specifications of Transperth.

Regarding the Sixty Eight Road/Percival Place roundabout, the Uloth Traffic Report recommends that this roundabout be constructed with an island diameter of 15m (exceeding Transperth’s recommendation of 14m) and with an outside diameter of 27m (falling just short of the 28m recommended by Transperth). Given the minor discrepancy between the proposed and the (Transperth) recommended roundabout design, this level of detail will have no material impact upon the Structure Plan and can be more appropriately refined as part of the subdivision design phase.

City’s Comment:
The bus routes designated on the Structure Plan are provided on neighbourhood connector roads with sufficient road reserve width to accommodate the Public Transport Authority’s requirements for bus routes.

The City recommends that a condition be placed on an application for Subdivision Approval for the upgrade of both Baldivis and Sixty Eight Roads. As part of this upgrade, it is recommended a preferred location for a bus layover bay be chosen and constructed accordingly.
9. **Telstra**

**Submission:**
Telstra Corporation Limited has no objection.

**City's Comment:**
The submission is noted.

10. **Water Corporation**

**Submission:**
The Corporation notes the content and yield of the Structure Plan and supports the proposed location of the single access road onto Baldivis Road as this will avoid creating additional road crossings over the Water Corporation's Stirling Trunk Water Main.

To service the full extent of development envisaged under the LSP, the developer/s of this land will be required to fund and undertake extensions to the existing water and sewer reticulation network in the area.

The Corporation has prepared conceptual water and wastewater planning for this development area, which can be staged and adapted by the developers' engineering consultants in liaison with the Corporation's Development Services Branch.

The provision of wastewater services to the land is dependent on the construction of a new interim waste water pumping station to the east of the site. The developer's engineer is currently preparing a seeping report for the construction of the WWPS and major gravity sewers. It is anticipated, subject to satisfactory progression of subdivision and development in the catchment that the new WWPS will be operating by around the end of 2016.

**City's Comment:**
The submission is noted.

11. **Western Power**

**Submission:**
Western Power has no objection.

**City's Comment:**
The submission is noted.

c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
Policy

State Planning Policies

Directions 2031

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

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

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

The Structure Plan report states that the density target of 15 dwellings per gross urban zoned hectare will be achieved.

Liveable Neighbourhoods

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

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

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

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

The proposed densities across the Structure Plan are considered appropriate as they respond to the context of the locality and meet *Liveable Neighbourhoods* requirements.


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

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

The subject site is located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines. As such, an assessment of the bushfire risk is required to be provided in accordance with the PfBFP Guidelines.

The Proponent has provided a Bush Fire Management Plan to address the impact of nearby bushfire hazards to the Structure Plan area. Following an assessment of the Bush Fire Management Plan, the City identified the following matters that were not appropriately addressed in accordance with the PfBFP Guidelines:

- The calculation for slope is not completed in accordance with the Guidelines;
- The Bushfire Management Plan does not appropriately respond to A4.4 of the PfBFP Guidelines which relates to the calculation of the Hazard Separation Zone.
- The Bushfire Management Plan does not show the location of the required 20m Building Protection Zones, which may impact the development of residential land in the Structure Plan area.

It is recommended that the Bushfire Management Plan be modified to comply with the information requirements specified within the PfBFP Guidelines.

Dwellings located within 100m of vegetation that is considered to be bushfire prone vegetation by the PfBFP Guidelines will be required to be constructed to Bushfire Attack Level standard (BAL) in accordance with Australian Standard AS3959 (as amended). The construction standard is mandated at subdivision stage through the requirement to prepare a Detailed Area Plan. A condition will also be required at subdivision stage for the preparation and implementation of a Bushfire Management Plan to mitigate the risk of bushfire.

Part One of the Structure Plan Report includes a provision mandating AS3959 construction standards and lists the situations where Detailed Area Plans (DAP's) are required to be prepared at subdivision stage, and refers to the requirement for a DAP for lots within the identified Bush Fire Hazard Separation Zone.

**Recommendation 3:**

That the Bushfire Management Plan prepared to accompany the Proposed Structure Plan be modified to:

(i) Provide the calculation for slope in accordance with the Guidelines;
(ii) Respond to A4.4 of the PfBFP Guidelines which relates to the calculation of the Hazard Separation Zone; and
(iii) Update figures in the Bushfire Management Plan to show the location of the required 20m Building Protection Zone.

**Financial**

Nil

**Legal and Statutory**

In accordance with Clause 4.2.6.7 of TPS2, the Council is required to consider all submissions received within 60 days following the advertising period for a Proposed Structure Plan and resolve to either:

(i) Adopt the Proposed Structure Plan with or without modifications; or
(ii) Refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent

Determination of a Proposed Structure Plan ultimately rests with the WAPC, notwithstanding the Council's resolution. Pursuant to Clause 4.2.6.9, the Council within 21 days of making its determination under Clause 4.2.6.7, is required to forward to the Commission:
(i) A summary of all submissions and comments received by the Council in respect to the Proposed Structure Plan, and the Council's decisions or comments in relation to these;

(ii) The Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and

(iii) Any information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

## Comments

### High School Designation on the Structure Plan Map

The land nominated on the South Baldivis District Structure Plan and proposed Structure Plan for the proposed High School has not yet been purchased by the Department of Education, or reserved for a High School in the MRS.

In this regard, it is recommended the Structure Plan be modified to maintain the existing 'Development' zone over the High School site and provide a notation that the site is for a future High School.

### Part One Structure Plan Report

The City has reached agreement with the Department of Planning regarding the content of the Part One Structure Plan Report, as it applies to the City of Rockingham. In this regard, the City has prepared a generic Part One Structure Plan Report to be used for all proposed Structure Plan proposals. Accordingly, it is recommended the Structure Plan Part One Report be amended as follows:

- Modify the Certification Page to state section 24 of the *Planning and Development Act (2005)* in lieu section 16.

- Modify provision 6.3 to state the following:

  "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix 3. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."

### Conclusion

Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Proposed Structure Plan be adopted subject to the following modifications:

1. That the Part One Structure Plan Report be modified as follows:

   (i) The Certification Page to state section 24 of the *Planning and Development Act (2005)* in lieu section 16.

   (ii) Provision 6.3 be updated to state the following:

   "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix 3. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."

   (iii) Remove the Public Purpose Reserve for the High School from the Structure Plan Map and maintain the existing 'Development' zone on the Structure Plan with a notation contained on the Structure Plan that the site is for a future High School.

2. The Structure Plan Report and Traffic Assessment Technical Appendix be amended to include the provision of the two roundabouts at the following intersections:
(i) The intersection of the northern-most north/south and east/west neighbourhood connector roads; and
(ii) The intersection of the east/west neighbourhood connector road and the southern-most neighbourhood connector road abutting the proposed high school site.

3. The Bushfire Management Plan be modified in the following manner:
   (i) Provide the calculation for slope in accordance with the Planning for Bushfire Protection Guidelines;
   (ii) Respond to A4.4 of Planning for Bushfire Protection Guidelines which relates to the calculation of the Hazard Separation Zone; and
   (iii) Update figures in the Bushfire Management Plan to show the location of the required 20m Building Protection Zone.

Furthermore, it is considered that the following general matters will need to be addressed at subdivision stage:

(i) That the subdivider prepares and implements the following Reports:
   - A Bush Fire Management Plan to mitigate the risk of bush fire;
   - An Urban Water Management Plan;
   - Dust Management Plan;
   - Geotechnical Assessment Report.

(ii) Arrangements being made with the City for the upgrade of Baldivis and Sixty Eight Roads where these roads are adjacent to or connecting with the development, including a contribution towards local area traffic management and bus layover bay at the intersection of these roads.

(iii) Detailed Area Plan(s) being prepared and approved for the following:
   - Lots with rear-loaded vehicle access; and/or
   - Lots with direct boundary frontage (primary or secondary) to an area of Public Open Space; and/or
   - Lots deemed to be affected by a recognised Bush Fire Hazard, as identified spatially in Figure 7 of the Bushfire Management Plan.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Proposed Structure Plan over Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis subject to the following modifications:

1. That the Part One Structure Plan Report be modified as follows:
   (i) The Certification Page to state section 24 of the Planning and Development Act (2005) in lieu section 16.
   (ii) Provision 6.3 be updated to state the following:
        "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix 3. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."
   (iii) Remove the Public Purpose Reserve for the High School from the Structure Plan Map and maintain the existing 'Development' zone on the Structure Plan with a notation contained on the Structure Plan that the site is for a future High School.

2. The Structure Plan Report and Traffic Assessment Technical Appendix be amended to include the provision of the two roundabouts at the following intersections:
(i) The intersection of the northern-most north/south and east/west neighbourhood connector roads; and
(ii) The intersection of the east/west neighbourhood connector road and the southern-most neighbourhood connector road abutting the proposed High School site.

3. The Bushfire Management Plan be modified in the following manner:
   (i) Provide the calculation for slope in accordance with the Planning for Bushfire Protection Guidelines;
   (ii) Respond to A4.4 of Planning for Bushfire Protection Guidelines which relates to the calculation of the Hazard Separation Zone; and
   (iii) Update figures in the Bushfire Management Plan to show the location of the required 20m Building Protection Zone.

Committee Recommendation

Moved Cr Elliott, seconded Cr J Smith:
That Council ADOPT the Proposed Structure Plan over Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis subject to the following modifications:

1. That the Part One Structure Plan Report be modified as follows:
   (i) The Certification Page to state section 24 of the Planning and Development Act (2005) in lieu section 16.
   (ii) Provision 6.3 be updated to state the following:
        "This Structure Plan is supported by a Bushfire Management Plan (BMP) in Appendix 3. Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia."
   (iii) Remove the Public Purpose Reserve for the High School from the Structure Plan Map and maintain the existing 'Development' zone on the Structure Plan with a notation contained on the Structure Plan that the site is for a future High School.

2. The Structure Plan Report and Traffic Assessment Technical Appendix be amended to include the provision of the two roundabouts at the following intersections:
   (i) The intersection of the northern-most north/south and east/west neighbourhood connector roads; and
   (ii) The intersection of the east/west neighbourhood connector road and the southern-most neighbourhood connector road abutting the proposed High School site.

3. The Bushfire Management Plan be modified in the following manner:
   (i) Provide the calculation for slope in accordance with the Planning for Bushfire Protection Guidelines;
   (ii) Respond to A4.4 of Planning for Bushfire Protection Guidelines which relates to the calculation of the Hazard Separation Zone; and
   (iii) Update figures in the Bushfire Management Plan to show the location of the required 20m Building Protection Zone.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report

To consider the initiation of an amendment to the City’s Town Planning Scheme No. 2 (TPS2) to amend Clause 5.6 Development Contribution Areas and Schedule No.12 Development Contribution Plan No.2.

Background

State Planning Policy 3.6 Development Contributions for Infrastructure (SPP3.6) was gazetted on 20 November 2009. The objectives of the SPP3.6 are to:

- promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- ensure consistency and transparency in the system for apportioning, collecting and spending the development contributions; and
- ensure the social well-being of communities arising from, or affected by, development.

SPP3.6 contains draft Model Scheme Text provisions which are to be incorporated in Town Planning Schemes to facilitate the implementation of development contributions for infrastructure.

In June 2010, the Council resolved to initiate Amendment No.101 to TPS2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure, as set out in SPP3.6.

Amendment No.101 was adopted by the Council in October 2010 and, following approval by the Minister, gazetted on 12 April 2011.

In May 2011, the Council resolved to adopt (initiate) Amendment No.114 to TPS2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure through the introduction of Development Contribution Plan No.2. Amendment No.114 also made a number of modifications to Clause 5.6.

Amendment No.114 was gazetted on 6 March 2013.

**Details**

The proposed Scheme Amendment is intended to address a number of minor issues which have been identified with respect to the operation of clause 5.6 and Schedule No.12 as follows:

1. Amending clause 5.6.1(a) to ensure that contributions under Development Contribution Plan No.2 are applicable to subdivision and development within the Anstey Park area.
2. Update Clause 4(2), to ensure that contributions are applicable to subdivision within the following zones:
   - Primary Centre Waterfront Village;
   - Primary Centre Urban Village;
   - Primary Centre City Living Zone; and
   - Commercial.

**Implications to Consider**

a. **Consultation with the Community**

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

b. **Consultation with Government Agencies**

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

c. **Strategic Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment
**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

**d. Policy**

State Planning Policy 3.6 – Development Contributions for Infrastructure

State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6), as adopted by the Western Australian Planning Commission under Section 26 of the Planning and Development Act 2005 ("the Act"), provides the statutory framework for the preparation of Development Contribution Plans. Section 77 of the Act requires a local government to have due regard to any State Planning Policy in preparing or amending a local planning scheme.

One of the principles set out within SPP 3.6 states “Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need”. The effect of clause 5.6.1(a) in its current form, which prevents contributions under DCP2 from being levied from development within the Anstey Park area, is inconsistent with the above principle. The Scheme should be amended to correct this inconsistency.

**e. Financial**

Contributions from anticipated subdivision and development within the Anstey Park area have been included in Development Contribution Plan Report for Development Contribution Plan No.2, and the City’s Business Plan.

**f. Legal and Statutory**

Town Planning Regulations (1967)

In accordance with Regulation 13 of the Town Planning Regulations 1967, the Council is required to resolve to either adopt the Scheme Amendment or not proceed with a Scheme Amendment and notify the Western Australian Planning Commission (WAPC) in writing of its decision.

**Schedule No.12 – Development Contribution Plan No.2**

Clause 17 requires the Council to carry out a review of the operation of the Development Contribution Plan every 5 years from the Operative Date, and in the course of that review the Council is to consider and have regard to:

1. the extent to which development has occurred in Development Contribution Area No.2 since the Operative Date or the date of the last review under this clause, whichever is the later;
2. the potential for further development in Development Contribution Area No.2; and
3. any other matters that appear to the Council to be relevant to the operation of this Plan.

**g. Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

**Comments**

Modification of Clause 5.6.1(a)

The proposed modification to clause 5.6.1(a) ensure that development contributions are applicable to subdivision and development within the Anstey Park area, consistent with the principles of SPP 3.6 which states that contributions should apply to all development within a Development Contribution Area.
Modification of Clause 4(2) of Schedule No.12

The modification ensure that contributions are payable for subdivision that occurs within the Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Living, and Commercial Zones. Again, this ensures that contributions are applied to all development within Development Contribution Area No.2, and reflects previous changes to zones applied to TPS2.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ADOPT (initiate) Amendment No.156 to Town Planning Scheme No.2 as follows:

(i) clause 5.6.1(a) is amended by deleting “, but does not apply to Development Contribution Area No.1”;

(ii) clause 4(2) of Schedule No.12 is amended by:

(a) inserting the following:

“(b) the Primary Centre Waterfront Village Zone;

(c) the Primary Centre Urban Village Zone;

(d) the Primary Centre City Living Zone;

(e) the Commercial Zone”;

(b) deleting “(b) the Waterfront Village Zone;”;

(c) renumbering paragraphs (c), (d), (e), (f), (g) and (h) respectively.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Council ADOPT (initiate) Amendment No.156 to Town Planning Scheme No.2 as follows:

(i) clause 5.6.1(a) is amended by deleting “, but does not apply to Development Contribution Area No.1”;

(ii) clause 4(2) of Schedule No.12 is amended by:

(a) inserting the following:

“(b) the Primary Centre Waterfront Village Zone;

(c) the Primary Centre Urban Village Zone;

(d) the Primary Centre City Living Zone;

(e) the Commercial Zone”;

(b) deleting “(b) the Waterfront Village Zone;”;

(c) renumbering paragraphs (c), (d), (e), (f), (g) and (h) respectively.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
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<td>Mr D West and Mrs K West</td>
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<tr>
<td>Author:</td>
<td>Mr Kevin Keyes, Planning Officer</td>
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<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>3. Existing and Proposed Building Envelope</td>
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<td>4. Consultation Plan</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 APRIL 2015
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1018 Peelfold Glen, Golden Bay.
**Background**

The applicants are currently designing their new dwelling and have applied to vary the approved Building Envelope to fit their proposed house design.

**Details**

It is proposed to increase the size of the Building Envelope from 652m² to 717.19m² (10%). The modification will not affect any vegetation on the Lot.
Implications to Consider

a. Consultation with the Community

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to nine nearby owners and occupiers for comment, for a period of fourteen days, as shown on the Consultation Plan below. At the close of the advertising period, no objections were received.

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land use and Development Control: Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
d. **Policy**

**Planning Policy 3.3.17 - Variations to Building Envelopes (PP3.3.17)**

The proposed Building Envelope variation complies with the objectives and policy provisions of PP 3.3.17. The proposed increase in Building Envelope size is 10% and the configuration is regular in shape.

**Planning Policy 3.3.1 – Rural Land Strategy/ Planning Unit No.3**

It is proposed to reduce the western boundary setback by 0.6m (from 5.6m to 5m), the northern boundary setback by 2.2m (from 7.2m to 5m), the eastern boundary setback by 1m (from 18.3m to 17.3m) and the southern boundary setback by 1.6m (from 6.9m to 5.3m).

These reductions are considered minor in nature and necessary to achieve the 10% increase in size. The bushfire risk is not considered to increase as a result of the proposed modification and the new front boundary setback will not reduce the residential amenity of the area. The City’s Environment Section has no objection to the variation.

e. **Financial**

Nil

f. **Legal and Statutory**

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. **Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

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<th>Comments</th>
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<tr>
<td>The proposed Building Envelope complies with TPS2, PP3.3.17 and PP3.3.1. There are no adverse visual or environmental impacts associated with the proposed Building Envelope or increased fire risk. There is no impact of the proposed Building Envelope on the amenity of neighbouring properties and no objections were raised to the proposal by adjoining owners. It is recommended that the proposed Building Envelope variation be approved.</td>
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<th>Voting Requirements</th>
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<th>Officer Recommendation</th>
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<tr>
<td>That Council <strong>APPROVE</strong> the application to vary the Building Envelope at Lot 1018 Peelfold Glen, Golden Bay.</td>
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<tr>
<td>Moved Cr J Smith, seconded Cr Elliott: That Council <strong>APPROVE</strong> the application to vary the Building Envelope at Lot 1018 Peelfold Glen, Golden Bay.</td>
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| Committee Voting – 5/0 |

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</table>
1. Location Plan

2. Aerial Photograph
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 113 (No.10) Lipscombe Close, Golden Bay.

Background

The approved Building Envelope for Lot 103 is set back 3m from the western boundary, 8.6m from the Street (Lipscombe Close) boundary and 5.2m from the eastern boundary. The existing Building Envelope is 750m² in area.

The subject lot is generally devoid of significant vegetation, with the exception of the western boundary.

3. Approved and Proposed Building Envelope Plan
**Details**

The applicant seeks approval to remove a 35.5m² portion of Building Envelope from the western side and a 1.5m² portion from the south eastern side. These portions will be added to the north eastern side of the Building Envelope (37m²). The area of the Building Envelope will remain the same (750m²).

The proposal will facilitate the erection of a free standing spa in the north eastern section of the lot. No vegetation is proposed to be removed to accommodate the proposed development.

**Implications to Consider**

a. **Consultation with the Community**

   In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Council may vary a Building Envelope at its discretion, following consultation with adjoining owners. The proposal was referred to five nearby and adjacent property owners and occupiers for a period of 14 days as shown on the Consultation Plan. At the close of the advertising period, no submissions were received.
b. Consultation with Government Agencies
Not Applicable

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1)
The purpose of the PP3.1.1 is to provide the Council with a planning framework for the assessment of applications to rezone, subdivide, manage and develop land within the rural areas of the City.

The subject site is located within Planning Unit 3 which has considerable visual character and contains important natural elements valued by the local community, which it is desirable to maintain. The objective of Planning Unit 3 is to encourage special rural/special residential development which is compatible with the land capability of the Quindalup dune system.

The proposal is considered minor and will not compromise the objectives of Planning Unit 3.

Planning Policy 3.3.17 - Variations to Building Envelope (PP3.3.17)
The purpose of PP3.3.17 is to set out the objectives and policy provisions, which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of the Golden Bay Special Residential zones, Building Envelopes have been located to maintain the rural attributes and appearance of the land.

In accordance with PP3.3.17 all applications within the Golden Bay Special Residential Zone must be referred to the council for determination.

The following is an assessment of the application based on the assessment criteria of PP3.3.17:

Size and Shape of Building Envelope
PP3.3.17 provides the following with respect to the size and shape of the Building Envelope:

"Unless otherwise approved by the Council, only minor increases to the size of the Building Envelopes will be considered (to a maximum of the area of the original Building Envelope) and all Building Envelopes are required to be of a regular shape and comprise a single contiguous area."

The proposal is compliant with PP3.3.17 in that the size of the Building Envelope will not be increased and it will be a single contiguous area. The modification seeks to allow for the erection of a free standing spa.

Environmental Considerations
The policy notes that:

"The Council will consider variations to existing Building Envelopes only where it can be demonstrated by the proponent that there is no adverse environmental impact and where the Council’s objectives for the locality are realised."

The subject lot is devoid of significant vegetation and no vegetation is proposed to be removed.
**Bushfire Risk**

The property is not subject to a Fire Management Plan and given the intended works will not increase the fire risk a Fire Management Plan is not warranted. The proposed Building Envelope is appropriately setback from boundaries (3m) to ensure that the landowner can install firebreaks along the boundary of the property.

e. **Financial**

Nil

f. **Legal and Statutory**

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. **Risk**

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

**Comments**

The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope, on the amenity of neighbouring properties, is considered minimal and no objections were raised to the proposal by adjoining owners.

It is recommended that the proposed Building Envelope variation be approved.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council APPROVE the application to vary the Building Envelope at Lot 113 (No.10) Lipscombe Close, Golden Bay.

**Committee Recommendation**

Moved Cr Elliott, seconded Cr Hamblin:

That Council APPROVE the application to vary the Building Envelope at Lot 113 (No.10) Lipscombe Close, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Planning and Engineering Services
Statutory Planning Services

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<td>Mr David Waller, Coordinator Statutory Planning</td>
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<td>Mr Bob Jeans, Director Planning and Development Services</td>
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<td>Mr John Woodhouse, Director Legal Services and General Counsel</td>
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**Purpose of Report**

To consider amending Planning Policy No.3.3.17 - Variations to Building Envelopes (PP3.3.17) to reinstate the delegated authority to City Officers to approve complying applications and refuse non-complying applications.

**Background**

In May 2008, the Council adopted PP3.3.17, which superseded Statement of Planning Policy No.2.8 - Applications to Vary the Location of Building Envelopes.
The Council has the power to vary the size and location of any approved Building Envelope under Schedule No’s 4 and 5 of TPS2. In this regard, the ability to determine and vary the size and location of Building Envelopes had been delegated to nominated Officers, with the exception of Building Envelopes within the Warnbro Dunes Special Residential zone, which are required to be referred to the Council for determination.

In November 2011, the Council resolved to adopt an amendment to Planning Policy No.3.3.17 – Variations to Building Envelopes (PP3.3.17). The intent of the amendment was to:

(a) State that in the case of the Golden Bay and Singleton Special Rural and Special Residential zones, the location of Building Envelopes was specifically intended to maintain the rural attributed and appearance of the land looking westward from Mandurah Road and looking to the east from the townsites of Singleton and Golden Bay; and

(b) Require that applications to vary Building Envelopes in the Golden Bay and Singleton Special Rural and Special Residential zones be referred to the Council for determination.

In February 2012, the Council amended Planning Procedure 1.1 – Delegated Authority to reflect the abovementioned amendments to Planning Policy No.3.3.17. The amendment reflected that the power to vary the location and size of any Building Envelopes under Schedule No’s 4 and 5 of TPS2, do not apply to applications within the Singleton and Golden Bay Special Rural and Special Residential zones, which are referred to the Council for determination.

The current delegation statement in PP3.3.17 is as follows:

"8. Delegation

Subject to no substantiated objections being received following community consultation, applications that comply in all respects with the objectives and provisions of this Planning Policy will be dealt with under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority.

In the event that substantiated objections have been received or the Manager, Statutory Planning is of the view that a proposal does not comply with the criteria set out in this Policy, the application will be referred to the Council for determination.

All applications within the Warnbro Dunes Special Residential Zone and the Golden Bay and Singleton Special Rural and Special Residential Zones will be referred to the Council for determination."

In the past 7 months, 17 applications for Building Envelope variations were recommended by City Officers and were then approved by Council. Most of Building Envelope applications were for Special Residential properties in Golden Bay.

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Given that applications seeking Building Envelope variations have been consistently approved by Council when they are environmentally acceptable and have an acceptable level of bushfire risk, it is considered that applications for Building Envelope variations should be determined by City Officers.

Changes to delegation should also enable City Officers to refuse non-compliant applications seeking to vary approved Building Envelope locations. This will reduce ‘red tape’, by improving turnaround times for processing applications by the City, which will be beneficial to applicants and reduce the administration associated with preparing officer reports to Council.

This has formed the basis for the City reviewing PP3.3.17, which is the subject of this report, together with a broader application of environmental and bushfire requirements to all applications seeking variations to approved Building Envelopes.

Details

The following amendments to PP3.3.17 are proposed:

(i) Revised delegation arrangements to enable City Officers to determine applications for Building Envelope variations for complying applications and non-complying applications.

(ii) Require all applications to vary approved Building Envelopes to demonstrate that they will not result in any unacceptable environmental impact. If the City considers that the proposal is likely to generate an unacceptable environmental impact, the applicant may be required to submit a report from an environmental consultant substantiating the environmental impacts.

The current requirements that apply to the Warnbro Special Residential Zones, requiring a report to be submitted by an environmental consultant demonstrating that the variation to the Building Envelope will not result in an adverse environmental impact are retained in PP3.3.17 and are unchanged.

(iii) Require that if the site is designated as Bushfire Prone or in the City’s opinion, is subject to a bushfire risk, a Fire Management Plan must be submitted with the application. If a Fire Management Plan has been previously prepared for the site, the plan must be revised by the applicant to reflect the varied Building Envelope location. Applications to vary approved Building Envelopes will only be considered that provide for an acceptable level of bushfire risk in accordance with the Planning for Bushfire Protection Guidelines.

(iv) The City’s assessment criteria has been expanded to require applications to comply with TPS2, objectives and requirements of PP3.3.17, demonstrate no adverse environmental impact, demonstrate a variation to a Building Envelope will not result in an adverse environmental impact, and no unacceptable amenity impacts to neighbours.
The application requirements have been expanded to require applications to include more
details on plans drawn to scale, buildings to be constructed within Building Envelopes, a Fire Management Plan for land that is bushfire prone, specialist studies if the City considers the proposal is likely to generate significant environmental impacts, and a mandatory requirement for an environmental report by an Environmental Consultant in the Warnbro Dunes Special Residential zone.

The proposed delegation changes for PP3.3.17 is as follows:

“8. Delegation
  All applications for Planning Approval for Building Envelope variations are delegated, pursuant to clause 8.10 of Town Planning Scheme No.2, to the Director, Planning and Development Services.”

The report recommendation includes text changes highlighted in bold and red that reflect the proposed changes.

**Implications to Consider**

a. **Consultation with the Community**
   Under TPS2, if the Council resolves to amend a Planning Policy, it is to publish a notice of the amended Planning Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of:
   (i) where the amended Planning Policy may be inspected;
   (ii) the subject and nature of the amended Planning Policy; and
   (iii) in what form and during what period, being not less than 21 days from the day the notice is published when submissions may be made.
   The Council may also decide to publish notice of the amended Planning Policy in such other manner and carry out such other consultation as the Council considers appropriate.

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

c. **Strategic**
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:
   
   **Aspiration D:** Sustainable Environment
   
   **Strategic Objective:** Land Use and Development Control – Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. **Policy**
   The revised PP3.3.17 must be advertised in accordance with clause 8.9 (Planning Policies) of TPS2. The Policy changes include recommended changes to the delegation arrangements.

e. **Financial**
   Nil

f. **Legal and Statutory**
   Under the provisions of section 8.9 of TPS2, the Council may prepare, modify or revoke a Planning Policy. If the Council resolves to amend the Planning Policy, the City is required to advertise the proposed changes for a period of 21 days, seeking public comment.
PP3.3.17 is not part of TPS2 and does not bind the Council in respect of any application for planning approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

Approval is sought for consent to advertise the proposed amendments to PP3.3.17, following which any public submissions will be considered before referring the matter back to Council prior to adoption.

Following the Council’s consideration of any public submissions on the proposed changes to PP3.3.17, subsequent changes will be required to amend the Delegated Authority Register (Local Government to Chief Executive Officer) 8.3 Planning and Development Act 2005 – Town Planning Scheme to include the granting of Planning Approval for Building Envelope modifications in accordance with PP3.3.17 – Variations to Building Envelopes.

It is considered that the proposed criteria changes to PP3.3.17 are clearly explained and provide sound guidance to City Officers in the exercise of the authority that has been delegated by the Chief Executive Officer.

It is proposed that all applications for Building Envelope variations, inclusive of applications within the Warnbro Dunes Special Residential Zone and the Golden Bay and Singleton Special Rural and Special Residential Zones, will be determined by the Director, Planning and Development Services.

PP3.3.17 is proposed to be amended such that applications to vary approved Building Envelopes will only be permitted within any Special Residential Zone and Special Rural zone, inclusive of such zones in the Warnbro Dunes, Golden Bay and Singleton, if the following applies:

(a) applications comply with TPS2;
(b) applications are consistent with the objectives and requirements of this Policy. In this regard, applicants must demonstrate that there are no adverse environmental impacts and how the Council’s objectives for the locality are realised;
(c) it is demonstrated that the varied Building Envelope will not result in an adverse environmental impact;
(d) it is demonstrated that the location of the varied Building Envelope will not result in an unacceptable level of bushfire risk, in accordance with the Western Australian Planning Commission’s Planning for Bushfire Protection Guidelines (or equivalent replacement document);
(e) there are no unacceptable amenity impacts to neighbours;
(f) the variation results only in a minor increases in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered; and
(g) Building Envelopes are to be of a regular shape and comprise a one single contiguous area.

Variations to approved Building Envelopes will not be permitted within any Special Residential Zone and Special Rural zone, inclusive of the Warnbro Dunes, Golden Bay and Singleton, if the following applies:

(a) applications fail to comply with TPS2;
(b) applications are inconsistent with the objectives and requirements of PP3.3.17 (e.g. Building Envelope increase is greater than 10%, is not of a contagious shape).
(c) applications will have an unacceptable environmental impact;
(d) applications will result in an unacceptable level of bushfire risk, in accordance with the Western Australian Planning Commission's Planning for Bushfire Protection Guidelines (or equivalent replacement document); and

(e) applications will have an unacceptable amenity impacts to neighbours.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the revised (modifications in red) Planning Policy No. 3.3.17 - Variations to Building Envelopes, for the purpose of public advertising.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **ADOPT** the revised (modifications in red) Planning Policy No. 3.3.17 - Variations to Building Envelopes, for the purpose of public advertising, as follows:

**PLANNING POLICY 3.3.17**

**VARIATIONS TO BUILDING ENVELOPES**

1. **Introduction**

The City of Rockingham Town Planning Scheme No.2 defines a ‘Building Envelope’ as:

“an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.”

Where local environmental conditions are considered to be significant, the location and extent of buildings, earthworks and vegetation clearing should be restricted through the imposition of a Building Envelope. Building Envelopes are to be positioned after considering issues associated with environmental constraints such as significant flora, fauna or communities, landforms such as steep slopes, potential for land degradation, the extent of any foreshore reservation, bushfire risk, the and the impact on the visual amenity of the locality.

Building Envelopes are generally located in Special Rural and Special Residential zones, including the Warnbro Dunes. Provisions in Schedule Nos.4 and 5 of Town Planning Scheme No.2 provide the authority to require Building Envelopes and that the location and size of Building Envelopes may be varied at the discretion of the 'Council'.

In the case of the Golden Bay and Singleton Special Rural and Special Residential zones, the location of the envelopes was specifically intended to maintain the rural attributes and appearance of the land, looking westward from Mandurah Road and looking to the east from the suburbs of Singleton and Golden Bay.

In dealing with applications to vary the location and size of an approved Building Envelope, the City must be satisfied that the proposed site will accommodate development that is consistent with its objectives for the specific area. In this regard, the City will require supporting information with an application to demonstrate the form of future development. Such information is required to enable an informed assessment of the application to determine the locational suitability.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the ‘City’ shall have due regard to in its assessment and determination of applications to vary the location and size of Building Envelopes.

2. **Policy Application**

This Policy applies to:

- All zones within the City of Rockingham; and

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1 Correction of typographical error.
• Applications proposing the variation (location and size) of existing approved Building Envelopes.

This Planning Policy should be read in conjunction with Planning Policy No.3.1.4 Assessment of Local Bushland.

3. Policy Objective

The objective of this Planning Policy is to promote the orderly and proper development of land by identifying in what circumstances a Building Envelope may be varied and the process by which such an application would be considered.

4. Policy Statement

4.1 Assessment Criteria

4.1.1 General

Variations to existing approved Building Envelopes will only be permitted if:

(a) applications comply with Town Planning Scheme No.2;
(b) applications are consistent with the objectives and requirements of this Policy. In this regard, applicants must demonstrate that there are no adverse environmental impacts and how the Council’s objectives for the locality are realised;
(c) it is demonstrated that the varied Building Envelope will not result in an adverse environmental impact;
(d) it is demonstrated that the location of the varied Building Envelope will not result in an unacceptable level of bushfire risk, in accordance with the Western Australian Planning Commission’s Planning for Bushfire Protection Guidelines (or equivalent replacement document);
(e) there are no unacceptable amenity impacts to neighbours;
(f) the variation results only in a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered; and

(g) Building Envelopes are to be of a regular shape and comprise a one single contiguous area.

In reaching a decision on an application to vary the location and/or size of a Building Envelope, restrictions may be imposed on the building form in order that the City’s objectives are acknowledged.

4.2 Consultation

All applications seeking approval to vary a Building Envelope will be the subject of a process of community consultation with the owners of affected or adjoining properties in accordance with clause 6.3.3(a) of Town Planning Scheme No.2.

In this regard, the owners and occupiers of all the adjoining properties and any other property that, in the opinion of the Manager, Statutory Planning, may be affected shall be invited to comment on all applications to vary a Building Envelope to assist the Council determining whether the variation is likely to impact upon the adjoining/nearby properties.

5. Application Requirements

Applications to vary an approved Building Envelope shall incorporate the following:

(a) Be made on the prescribed form and be signed by the owner(s).
(b) A written submission describing the proposal, which explains how the requirements of this Planning Policy can be achieved.
(c) A Plan, to a scale of 1:100 or 1:200, that shows:
   (i) the existing approved Building Envelope;
   (ii) the proposed Building Envelope;
   (iii) the location of any existing building or improvements;
(iv) the location of any existing vegetation.

(d) Such other plans that the City may reasonably require to enable the application to be determined (Refer to clause 6.2.2 of Town Planning Scheme No.2). To ensure that the matters in Section 4.1 can be assessed, specific details regarding the building/s to be constructed within the Building Envelope must be submitted with applications. Such details should include method of construction, existing and finished site levels, retaining walls, building materials and colours and the proposed height of the buildings.

(e) If the site is designated as a Bushfire Prone Area or, in the City’s opinion, is subject to a bushfire risk, a Fire Management Plan, prepared in accordance with the Western Australian Planning Commission’s Planning for Bushfire Protection Guidelines (the Guidelines) (or equivalent document) must be submitted with the application. If a Fire Management Plan has been previously prepared for the site, the plan shall be revised by the applicant to reflect the varied Building Envelope location. The City will only consider proposals that provide for an acceptable level of bushfire risk in accordance with the Guidelines.

(f) Any specialist environmental studies that the City may require the applicant to undertake in support of the application. If the City considers the proposal is likely to generate significant environmental impacts, the applicant may be required to submit a report from a suitably qualified and experienced Environmental Consultant substantiating that there is no adverse environmental impact.

(g) In the Warnbro Dunes Special Residential Zone, a report must be submitted, prepared by a suitably qualified and experienced Environmental Consultant demonstrating that the variation to the Building Envelope will not result in an adverse environmental impact.

(h) The payment of an Administration Fee as detailed in the City’s Scale of Fees for Planning Services Information Sheet.

6. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind it in respect of any application for planning approval, due regard will be given to the provisions of the Policy and the objectives which the Policy is designed to achieve before the determination of an application for a Building Envelope variation.

7. Interpretations

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

Council means the Council of the City of Rockingham.

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

Bush fire risk means there is a chance of a bush fire occurring that could have harmful consequences on life and property. It is measured in terms of consequences and likelihood, and arises from the interaction of hazards, communities and the environment.

Building Protection Zone is an area that has been declared as such by the relevant local government responsible for an area. Once an area is declared bush fire prone, then AS 3959 applies to new residential development in it.

Fire Management Plan is an ongoing, dynamic document that sets out medium to long-term mitigation strategies for fire hazards and risks in particular local government areas. Fire management plans may be prepared by Bush Fire Consultants that are checked and approved by the local government using a standard framework.

Hazard Separation Zone is the fuel reduced area between an area of bush fire hazard and the buildings (and associated building protection zones) of a development.
Guidelines are the Planning for Bush Fire Protection Guidelines (Edition 2) prepared by the Western Australian Planning Commission (WAPC) and Fire Emergency Services Australia (FESA)

8.  Delegation
All applications for Planning Approval for Building Envelope variations are delegated, pursuant to clause 8.10 of Town Planning Scheme No.2, to the Director, Planning and Development Services.

9.  Adoption
This Planning Policy was adopted by the Council at its ordinary Meeting held on 27 May 2008.

10. Revocation
This Planning Policy supersedes the Council’s Statement of Planning Policy No.2.8 - Applications to Vary the Location of Building Envelopes.

11. Amendment
This Planning Policy was amended by the Council at its ordinary Meeting held on 22 November 2011.

Committee Voting – 3/2
(Crs Elliott and J Smith voted against)

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

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

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<td>LA Zoning:</td>
<td>Community Purposes</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial View</td>
</tr>
<tr>
<td></td>
<td>3. Indicative Concept Plan (without laneway)</td>
</tr>
<tr>
<td></td>
<td>4. Indicative Concept Plan (with laneway)</td>
</tr>
<tr>
<td></td>
<td>5. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>6. TPS2 Zoning Map</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial View

**Purpose of Report**

To consider adopting Amendment No. 149 to Town Planning Scheme No.2 (TPS2) for Final Approval to rezone Lot 503 Warnbro Sound Avenue, Warnbro from ‘Community Purposes’ to ‘Residential (R30)’.

**Background**

In August 2014, Council adopted (initiated) for advertising Amendment No.149 to TPS2, to rezone Lot 503 Warnbro Sound Avenue, Warnbro from ‘Community Purposes’ to ‘Residential (R30)’.

The subject site was acquired by ‘The Salvation Army (Western Australia) Propriety Trust’ in 2000 for the purpose of establishing a church for the local community.

The Salvation Army (Western Australia) Property Trust now considers Baldivis as the preferred location for its church and intends to dispose of the subject site to assist in funding a church development in Baldivis.
Details

The applicant provided the following justification for the proposal:

- The proposed rezoning is consistent with State Government and City of Rockingham objectives to increase residential densities in established residential areas and promoting a variety of housing types to meet the diverse needs of a growing population;
- The proposed Residential Zone and R30 Density Code will complement the surrounding residential area, and
- Vehicular access is prohibited off Warnbro Sound Avenue. Non-residential land uses could create higher traffic generation along internal roads which could result in land use conflicts with the surrounding residential area.

Indicative subdivision plans, with and without a lane way, were submitted in support of the Scheme Amendment to demonstrate that the subject site could accommodate a residential development based on an R30 density coding.

3. Indicative Concept Plan (without laneway)
4. Indicative Concept Plan (with laneway)

**Implications to Consider**

a. **Consultation with the Community**

The Scheme Amendment was advertised for public comment in accordance with the requirements of *Town Planning Regulations 1967*, closing on the 28 January 2015. The advertising period, which exceeded the mandatory 42 day minimum (49 days), was undertaken in the following manner:

(i) A notice was published in the Public Notices section of the Sound Telegraph newspaper on the 10 December 2014;

(ii) An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices;

(iii) Notification letters were sent to Government Agencies (see next section);

(iv) Notification letters were sent to landowners and occupiers within the vicinity of the site;

(v) Two (2) signs were displayed on site for the duration of the advertising period; and

(vi) Two neighbours adjoining the subject land at the cul-de-sac end of Aquitania Close were notified separately.
At the closing of the advertising period, no submissions were received on the proposal. A consultation plan is depicted below:

5. Consultation Plan

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Authority (EPA) for consideration of the need for assessment under the Environmental Protection Act 1986 (the Act). The EPA advised that the Amendment should not be assessed under the Act.

The application was also referred to the following external agencies for comment:

- Department of Planning;
- Water Corporation;
- Alinta Gas Australia;
- Western Power;
- Department of Health; and
- Department of Water.
Responses were received from the following agencies:

- Water Corporation
- Department of Water
- Department of Health; and
- Western Power

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Planning Policy

Through the assessment of the proposal the following Planning Policies were considered

- Directions 2031
- Liveable Neighbourhoods; and
- State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

e. Financial

Not Applicable

f. Legal and Statutory

Town Planning Regulations (1967)

In accordance with Regulation 17(2) of the Town Planning Regulations 1967, the Council, after considering the submissions made pursuant to regulation 16(1), shall pass a resolution either:

(a) The Scheme be adopted with or without modification; or
(b) That it does not wish to proceed with the Scheme.

Town Planning Scheme No.2 (TPS2)

The subject land is zoned Community Purposes and adjacent to land zoned Residential R20 to the west of Benbecula Loop and Residential R30 to the north along Rennes Lane.
6. TPS2 Zoning Map

6. TPS2 Zoning Map

6. TPS2 Zoning Map

6. TPS2 Zoning Map

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The proposed Scheme Amendment will facilitate the provision of diverse dwelling types in an established residential area with primarily low density and will assist in addressing the anticipated change in household types within the area.

The City supports the proposed rezoning to ‘Residential R30’ as it is consistent with the abovementioned objective, which is underpinned by state and local strategic planning considerations.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.149 to Town Planning Scheme No.2, to rezone Lot 503 Warnbro Sound Avenue, Port Kennedy from ‘Community Purposes’ to ‘Residential R30’ without modification.

2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No.1 – Water Corporation</strong></td>
<td>Noted</td>
<td>That the submission be</td>
</tr>
<tr>
<td>Thank you for your letter of 3 December 2014 inviting comments from the Water Corporation regarding the above amendment. The Corporation advised that it has no objection to the proposed Reception Centre use. It was advised that the proposed additional lots can be serviced with water and sewerage by the developer undertaking extensions off the existing networks in the locality.</td>
<td></td>
<td>noted.</td>
</tr>
<tr>
<td><strong>No.2 – Department of Water</strong></td>
<td>Noted</td>
<td>That the submission be</td>
</tr>
<tr>
<td>Thank you for the referral 3 December 2014 regarding the proposed rezoning of Lot 503 Warnbro Sound Avenue Port Kennedy. The Department of Water (DoW) has reviewed the information and offers the following comments: The subject area is located within the Rockingham Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer is subject to licencing from the Department of Water. The issuance of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.</td>
<td></td>
<td>noted.</td>
</tr>
<tr>
<td><strong>No.3 – Department of Health</strong></td>
<td>Noted</td>
<td>That the submission be</td>
</tr>
<tr>
<td>All developments are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy – Perth Metropolitan Region. The City of Rockingham should also use this opportunity to minimise potential negative impacts of increased density development such as noise, odour, light and other lifestyle activities. Public Health impacts draw upon attention to those issues and they should be appropriately and adequately addressed at this stage. To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing / insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building / construction measures.</td>
<td></td>
<td>noted.</td>
</tr>
<tr>
<td><strong>No.4 – Western Power (Summary)</strong></td>
<td>Noted</td>
<td>That the submission be</td>
</tr>
<tr>
<td>I refer to your correspondence dated 24 November 2014 regarding the above local planning scheme amendment for the purpose of rezoning Lot 50. Warnbro Sound Avenue, Port Kennedy from 'Community Purposes' to 'Residential (R30)'</td>
<td></td>
<td>noted.</td>
</tr>
</tbody>
</table>
Western Power has no objection to the town planning scheme amendment subject to future subdivision and development within the area having the conditions applied to ensure the network has enough capacity and to protect Western Power's easement and restriction zone requirements for existing and planned new transmission and distribution infrastructure.

Please note that there are underground distribution lines in proximity of the local planning scheme amendment area and a restriction zone of 3m applies.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Elliott:

That Council:

1. **ADOPT** for Final Approval Amendment No.149 to Town Planning Scheme No.2, to rezone Lot 503 Warnbro Sound Avenue, Port Kennedy from ‘Community Purposes’ to ‘Residential R30’ without modification.

2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:

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</tr>
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<tr>
<td><strong>No.3 – Department of Health</strong></td>
<td>Noted</td>
<td>That the submission be noted.</td>
</tr>
<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.4 – Western Power (Summary)</strong></td>
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<td>That the submission be noted.</td>
</tr>
<tr>
<td>I refer to your correspondence dated 24 November 2014 regarding the above local planning scheme amendment for the purpose of rezoning Lot 50, Warnbro Sound Avenue, Port Kennedy from 'Community Purposes' to 'Residential (R30)' Western Power has no objection to the town planning scheme amendment subject to future subdivision and development within the area having the conditions applied to ensure the network has enough capacity and to protect Western Power’s easement and restriction zone requirements for existing and planned new transmission and distribution infrastructure. Please note that there are underground distribution lines in proximity of the local planning scheme amendment area and a restriction zone of 3m applies.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Committee Voting – 5/0**

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

Not Applicable

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

Not Applicable
## Reference No & Subject:

**PDS-021/15** Proposed Street Naming Theme - 'Prominent Gardens from Around the World'

**File No:** LUP/1859

**Risk Register No:**

**Applicant:** McMullen Nolan Group

**Owner:** Australand Industrial No.63 Pty Ltd and Ms J O Borlaug

**Author:** Mrs Sharon Peacock, Projects Research Officer

**Other Contributors:**

**Date of Committee Meeting:** 16 March 2015

**Previously before Council:**

**Disclosure of Interest:**

**Nature of Council’s Role in this Matter:** Legislative

### Site:

**Lot Area:** 38.7593ha

**LA Zoning:** Development

**MRS Zoning:** Urban

### Attachments:

1. Location Plan
2. Plan of Subdivision

### Maps/Diagrams:

1. Location Plan
2. Plan of Subdivision
Purpose of Report

To consider an application seeking approval for a street naming theme based on ‘Prominent Gardens from around the world’ for a residential subdivision located at Lots 335 and 1001 Pike Road and Lot 9501 Mandurah Road, Baldivis to be marketed as ‘Baldivis Grove Estate’.

Background

In November 2014, the Western Australian Planning Commission (WAPC) approved a proposed Structure Plan prepared over Lots 335 and 1001 Pike Road and Lot 9501 Mandurah Road, Baldivis for the land now referred to as the ‘Baldivis Grove Estate’.

The Structure Plan contains the following elements:

- The creation of approximately 360 residential lots ranging in size from 2,000m² to 225m² (residential coding from R5 to R40);
- A 2.84ha Public Open Space reserve;
- A 1ha site for an Early Childhood School;
- Two pedestrian and emergency service vehicle connections into the Woodleigh Grove Estate via Levey Way and Maddren Way;
- New roundabouts at the intersections of Eighty Road/Taggert Avenue and Eighty/Pike Roads; and
- Upgrades to Eighty and Pike Roads.

In December 2014, the WAPC granted Subdivision Approval over Lots 335 and 1001 Pike Road and Lot 9501 Mandurah to facilitate the development of the above land for residential purposes in accordance with the approved Structure Plan.
In January 2015, the City (under delegated authority) adopted the decision of the WAPC to approve the proposed Structure Plan.

2. Plan of Subdivision

Details

The applicant proposes that the selection of street names within the estate reflect the theme of ‘Prominent Gardens from around the world’ to represent the former use of the lots as a market garden.

Examples of the proposed street names are as follows:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amberley</td>
<td>Hawkstone</td>
<td>Savill</td>
</tr>
<tr>
<td>Gibside</td>
<td>Thornton</td>
<td>Hathaway</td>
</tr>
</tbody>
</table>

Implications to Consider

a. Consultation with the Community

   Nil

b. Consultation with Government Agencies

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

c. Strategic

   Community Plan

   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:
**Aspiration D:** Sustainable Environment

**Strategic Objective:** Land-Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
Nil
e. Financial
Nil
f. Legal and Statutory
The Land Administration Act 1997 (section 26A) requires developers of new subdivisions to submit street names for support by the Council. The responsibility for approving street names rests with Geographic Names. The proposed theme is in accordance with Geographic Names Committee Principles, Procedures and Guidelines.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

**Comments**

The proposed theme of ‘Prominent Gardens from around the world’ is compliant with the City’s Planning Procedure 1.4 and the Geographic Names Committee Principles, Procedures and Guidelines which outlines street names which are ‘thematic’ as one of the preferred sources of street names.

In light of the above, it is recommended that the Council support the street naming theme as it represents an association with the original use of market gardens for the landholdings.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **SUPPORT** the proposed street naming theme of ‘Prominent Gardens from around the world’ for the residential subdivision located at Lots 335 and 1001 Pike Road and Lot 9501 Mandurah Road, Baldivis.

**Committee Recommendation**

Moved Cr J Smith, seconded Cr Whitfield:

That Council **SUPPORT** the proposed street naming theme of ‘Prominent Gardens from around the world’ for the residential subdivision located at Lots 335 and 1001 Pike Road and Lot 9501 Mandurah Road, Baldivis.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Reference No & Subject:
PDS-022/15 Joint Development Assessment Panel Application - 51 Multiple Dwellings - Lot 153 Nairn Drive, Baldivis

<table>
<thead>
<tr>
<th><strong>File No:</strong></th>
<th>DD020.2015.00000045.001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Risk Register No:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>The Planning Group WA Pty Ltd</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Access Housing Australia Ltd</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Ms Erika Barton, Projects Officer, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>16 March 2015</td>
</tr>
</tbody>
</table>

**Previously before Council:**

**Disclosure of Interest:**

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

### Site:
Lot 155 Nairn Drive, Baldivis

**Lot Area:** 4,978m²

**LA Zoning:** District Town Centre

**MRS Zoning:** Urban

### Attachments:
Responsible Authority Report

### Maps/Diagrams:
1. Location Plan
2. Aerial Photo
3. Site and Ground Floor Plan
4. First Floor Plan
5. Second Floor Plan
6. Roof Plan
7. Nairn Drive and Internal (Eastern) Elevations
8. Sherry Street (Southern) and Northern Elevations
9. Perspective Plan (Nairn Drive and Sherry Street Intersection)
10. Perspective Plan (Central Pedestrian Entry - Nairn Drive)
11. Indicative Development Guide Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 APRIL 2015

PRESIDING MEMBER
**Purpose of Report**

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a 51 Multiple Dwellings on Lot 153 Nairn Drive, Baldivis.

**Background**

The site is bounded by Nairn Drive to the west, Sherry Street to the south, a grouped dwelling development to the north (currently under construction), and undeveloped land to the east.

The site is an irregular shaped corner allotment with a southern frontage to Sherry Street of approximately 30m and a western frontage to Nairn Drive of approximately 120m.

**Details**

The proposal involves the development of a 12m high three story residential development comprising of 51 multiple dwellings ranging from 50m² to 65m² in size.

Specifically the application proposes the following:

- Six one bed x one bath units;
- 12 two bed x one bath units;
- 33 two bed x two bath units;
- 55 covered resident and visitor parking bays (plus two accessible bays); and
- 18 bicycle bays;

The vehicular entrance to the development is proposed to be obtained from Sherry Street. An at-grade surface car park runs the length of the eastern side of the site and provides 55 on-site car bays, including four on-site visitor bays (plus two accessible bays). It is proposed to utilise the nine on-street bays on Nairn drive as visitor bays for the development.

The construction materials consist of masonry walls (a mix of rendered and face brickwork), and metal framed roofing for the main buildings. Other construction materials proposed are stud frame with weatherboard cladding, metal cladding, glazed windows, composite timber screens and custom patterned perforated metal screens.
3. Site and Ground Floor Plan
4. First Floor Plan
5. Second Floor Plan
6. Roof Plan
7. Nairn Drive and Internal (Eastern) Elevation
8. Sherry Street (Southern) and Northern Elevations
9. Perspective Plan (Nairn Drive and Sherry Street Intersection)
10. Perspective Plan (Central Pedestrian Entry - Nairn Drive)
Implications to Consider

a. Consultation with the Community
The City has the discretion, pursuant to TPS2, to advertise the proposal. The City, however, did not consider it necessary to advertise the proposal.

b. Consultation with Government Agencies
As the subject lot abuts an Other Regional Road under the Metropolitan Region Scheme (MRS), the application was referred to the Department of Planning (DoP) for comment.

<table>
<thead>
<tr>
<th>1. Department of Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong> Given the proximity of the proposed development to the Other Regional Road, the WAPC’s SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4) is applicable, The Local Government must ensure that due considerations have been given to the SPP requirements and that all necessary measures, as detailed in the SPP Implementation Guidelines, have been applied.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong> The City’s Health Services has advised that road traffic noise is not a concern in this location. SPP 5.4 requires acoustic attenuation when a development fronts an existing major road. Nairn Drive North, which does not exceed 20,000 VPD, is not considered to be a major road in terms of SPP5.5. The development is therefore not considered to require acoustic attenuation.</td>
</tr>
</tbody>
</table>

c. Strategic Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment
**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
State Planning Policy 3.1 Residential Design Codes

<table>
<thead>
<tr>
<th>R-Codes</th>
<th>Required (Deemed to Comply)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-Coding</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6.1 Context</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6.1.1 Building Size</strong></td>
<td></td>
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</tr>
<tr>
<td>C1 Development complies with the maximum plot ratio requirements set out in Table 4.</td>
<td>As per PP3.2.4, there is no maximum RCoding for this site.</td>
<td>0.74</td>
<td>Yes. This is comparable to R60 which is considered appropriate within a District Centre.</td>
</tr>
</tbody>
</table>

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^2 Correction of typographical error.
### Required (Deemed to Comply) | Provided | Compliance |
--- | --- | --- |
#### 6.1.2 Building Height
| C2 Development complies with the maximum height set out in Table 4, except where stated otherwise in the scheme, relevant local planning policy, local structure plan or local development plan (refer Figure Series 7). | As per PP3.2.4, there is no maximum RCoding for this site | 12 | Yes. The three storey building is comparable to what will be seen in land coded R60. This is considered appropriate within a District Centre. The building height is compliant with the provision of PP3.2.4 which requires a minimum two storey maximum three storey. |

#### 6.1.3 Street Setback
| C3.1 Development complies with the minimum setback from the primary and secondary street(s) in accordance with Table 4. | As per PP3.2.4, reduced front setbacks are required to encourage an urban rather than suburban form of development. | Nil | Yes |
| C3.2 Balconies located entirely within the property boundary. | Within | Yes |

#### 6.1.4 Lot Boundary Setbacks
| C4.1 In areas coded R30–R60, the development complies with minimum lot boundary setback requirements as set out in Tables 2a and 2b. Subject to any additional measures in other elements of the R-codes (refer to Figure Series 3 and 4). | N/A | N/A |
| C4.2 In areas coded R80–R160 and/or R-AC, the development complies with minimum lot boundary setback requirements as set out in Table 5 subject to any additional measures in other elements of the R-Codes; and if applicable: | 4 | Northern Boundary: 6m Eastern Boundary: 5.4m | Yes |
### Required (Deemed to Comply)

<table>
<thead>
<tr>
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<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. the wall has a zero setback where it abuts an existing or simultaneously constructed wall of equal or greater proportions; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. a wall built to one side boundary has a maximum height and average height as set out in Table 4 and a maximum length of two-thirds the length of this boundary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C4.3 Separate multiple dwellings facing multiple dwellings on the same site, are to be set back from each other as though there were a boundary between them.</td>
<td>As per PP3.2.4 zero lot lines are required to encourage an urban rather than suburban form of development</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 6.1.5 Open Space

| C5 Development complies with minimum open space set out in Table 4 (refer to Figure Series 6).                                                                 | 45%                                                                      | 53%        | Yes        |

### 6.2 Streetscape

#### 6.2.1 Street Surveillance

<p>| C1.1 The street elevation(s) of the building to address the street, with facades generally parallel to the street and with clearly definable entry points visible and accessed from the street. | Overall facade follows road alignment. Balconies and windows to habitable rooms front Nairn Drive and Sherry Street. Pedestrian access to ground floor units as well as three pedestrian access points to overall development. | Yes        |
| C1.2 The building has habitable room windows or balconies that face the street.                                                                                                                                         | Balconies and windows to habitable rooms overlook Nairn Drive and Sherry Street.                                                                                      | Yes        |</p>
<table>
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<th>Compliance</th>
</tr>
</thead>
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<tr>
<td><strong>C1.3</strong> Basement parking structures between a street frontage and the main front elevation are no more than 1m above natural ground level at any point.</td>
<td>No basement parking proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>6.2.2 Street Walls and Fences</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2 Front fences within the primary street setback area that are visually permeable to 1.2m above natural ground level.</td>
<td>Solid to max. 1.2m above NGL (including retaining on sloping site). Visually permeable thereafter to a max of 2.2m.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.2.3 Sight Lines</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer to Figure Series 9).</td>
<td>Unobstructed sight lines 1.8m from vehicular crossovers.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.2.4 Building Appearance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C4 Buildings that comply with the provisions of a special control area, with the provisions of a local planning policy made under the scheme or with the provisions of the scheme, in respect of the design of carports and garages, the colour, scale, materials and roof pitch of buildings including outbuildings, the form and materials of retaining walls and the extent to which the upper levels of buildings as viewed from the street should be limited.</td>
<td>Urban Design Requirements of PP3.2.4. The proposal is considered to comply with the Urban Design requirement of PP3.2.4. See assessment in Local Policy section of this report.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.3 Site Planning and Design</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6.3.1 Outdoor Living Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C1 Each unit is to be provided with at least one balcony or equivalent accessed directly from a habitable room with a minimum area of 10m² and a minimum dimension of 2.4m.</td>
<td>Minimum 10sqm. Minimum 2.4m dimension. Balconies have a minimum area of 14m² with a minimum dimension of 3.5m. Additional rear courtyards provided to each dwelling.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
6.3.2 Landscaping

C2 Landscaping of open spaces in accordance with the following:

i. the street setback areas developed without car parking, except for visitors’ bays, and with a maximum of 50 per cent hard surface;

ii. separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;

iii. landscaping between each six consecutive external car parking spaces to include shade trees;

iv. lighting provided to pathways, and communal open space and car-parking areas; and

v. Clear sight lines at pedestrian and vehicle crossings.

<table>
<thead>
<tr>
<th>Required (Deemed to Comply)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.  Landscaping plan to be conditioned;</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>ii. Four communal pedestrian entries. Common walkway provided between the car parking area and the dwellings. Ramps for universal access also provided;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Covered car bays are proposed;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv. To be conditioned; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>v. Unobstructed sight lines 1.8m from vehicular crossovers.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6.3.3 Parking

C3.1 The following minimum number of on-site car parking spaces is provided per dwelling:

<table>
<thead>
<tr>
<th>Type and Plot Ratio of Dwelling</th>
<th>Car Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Location A</td>
</tr>
<tr>
<td>Small (&lt;75m² or 1 br)</td>
<td>0.75</td>
</tr>
<tr>
<td>Medium (75-100m²)</td>
<td>1</td>
</tr>
<tr>
<td>Large (&gt;110m²)</td>
<td>1.25</td>
</tr>
<tr>
<td>Visitor car parking spaces (per dwelling)</td>
<td>0.25</td>
</tr>
</tbody>
</table>

The development is compliant in this regard. See detailed parking assessment in the Comments section of this report.

Yes
<table>
<thead>
<tr>
<th>Required (Deemed to Comply)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> = within:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 250m of a high frequency bus route, measured in a straight line from along any part of the route to any part of a lot.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B</strong> = not within the distances outlined in A above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C3.2</strong> In addition to the above, one bicycle space to each three dwellings for residents; and one bicycle space to each ten dwellings for visitors, designed in accordance with AS2890.3 (as amended).</td>
<td>The development is compliant in this regard. See detailed bicycle assessment in the Local Policy section of this report.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 6.3.4 Design of Car Parking Spaces

| **C4.1** Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended). | A condition of Planning Approval is recommended ensuring bays are provided in accordance with user class 1A of AS2890.1 | Yes        |
| **C4.2** Visitor car parking spaces:                                                                 | Visitor carparking spaces have been identified. A condition of Planning Approval requiring visitor carparking bays to be clearly signposted is recommended. | Yes        |
| • marked and clearly signposted as dedicated for visitor use only, and located close to or visible from the point of entry to the development and outside any security barrier; and |                                                                          |            |
| • provide an accessible path of travel for people with disabilities.                                    |                                                                          |            |
| **C4.3** Car parking areas comprising six or more spaces provided with landscaping between each six consecutive external car parking spaces to include shade trees. | To applied as a condition of approval.                                    | Yes        |
| **C4.4** All car parking spaces except visitors’ car parking spaces fully concealed from the street or public place. | Carparking located behind the building.                                    | Yes        |
### 6.3.5 Vehicular Access

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>C5.1 Vehicle access is limited to one opening per 20m <strong>street frontage</strong> that is visible from the street.</td>
<td>One vehicular access is proposed via Sherry Street.</td>
<td>Yes</td>
</tr>
<tr>
<td>C5.2 Access to on-site car parking spaces to be provided:</td>
<td>Access is from Sherry Street which is considered to be secondary to Nairn Drive.</td>
<td>Yes</td>
</tr>
<tr>
<td>- where available from a right-of-way available for the lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- from a secondary street where a right-of-way does not exist, or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- from the primary street frontage where no secondary street or right-of-way exists.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C5.3 Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:</td>
<td>5.5m wide vehicular access sufficient for two way access as per Australian Standards has been provided.</td>
<td>Yes</td>
</tr>
<tr>
<td>- the driveway serves five or more dwellings;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- The distance from a car space to street alignment is 15m or more; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C5.4 Driveways to be adequately paved and drained.</td>
<td>To be applied as a condition of approval.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 6.3.6 Site Works

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>C6.1 Excavation or filling between the <strong>street</strong> and <strong>building</strong>, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a <strong>dwelling</strong>.</td>
<td>The development follows the contours of the site with minimal cutting and filling required.</td>
<td>Yes</td>
</tr>
<tr>
<td>C6.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.</td>
<td>The development follows the contours of the site with minimal cutting and filling required.</td>
<td>Yes</td>
</tr>
<tr>
<td>Required (Deemed to Comply)</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>C6.3</strong> Subject to clause 6.3.6 C6.2, all excavation or filling behind a street setback line and within 1m of a lot boundary shall not be more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in a local planning policy or local development plan.</td>
<td>The development follows the contours of the site with minimal cutting and filling required.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.3.7 Retaining Walls</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C7</strong> Where a retaining wall less than 0.5m high is required on a lot boundary, it may be located up to the lot boundary subject to the provisions of clauses 6.1.4 and 6.4.1, or within 1m of the lot boundary to allow for an area assigned to landscaping subject to clauses 6.3.6 and 6.4.1.</td>
<td>The development follows the contours of the site with minimal retaining required.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.3.8 Stormwater Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C8</strong> All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.</td>
<td>To be applied as a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.4 Building Design</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6.4.1 Visual Privacy</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **C1.1** Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:  
  i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below (refer Figure Series 10): | 6m setback for balconies  
  Northern boundary balconies are set back 6m from property boundary; Southern and Western Balconies are separated from surrounding lots by road reserves. | Yes        |
<table>
<thead>
<tr>
<th>Types of habitable rooms/active habitable spaces</th>
<th>Location</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback for areas coded R50 or lower</td>
<td>4.5m</td>
<td>3m</td>
</tr>
<tr>
<td>Setback for areas coded higher than R50</td>
<td>6m</td>
<td>4.5m</td>
</tr>
</tbody>
</table>

or;

- Major openings to bedrooms and studies
  - 4.5m
  - 3m

- Major openings to habitable rooms other than bedrooms and studies
  - 6m
  - 4.5m

- Unenclosed outdoor active habitable spaces
  - 7.5m
  - 6m

or;

- are provided with permanent screening to restrict views within the cone of vision from any major opening or an unenclosed outdoor active habitable space.

| C1.2 Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property. | N/A | N/A | N/A |

Note:

- i. Where the subject site and an affected adjoining site are subject to a different R-Codes, the setback distance is determined by reference to the lower density code.
- ii. Line of sight setback distances shall be measured by application of the cone of vision set out in Figure Series 10.
### Required (Deemed to Comply) | Provided | Compliance |
--- | --- | --- |
iii. Line of sight **setback** distances include the width of any adjoining **right-of-way, communal street** or battleaxe leg or the like.  
iv. These provisions apply to adjoining **sites** only where that land is zoned to allow for **residential development**.  

#### 6.4.2 Solar Access for Adjoining Sites

**C2.1** Notwithstanding the **lot boundary setbacks** in clause 6.1.4, **development** in climatic zones 4, 5 and 6 of the State shall be so designed that its shadow cast at midday, 21 June onto any other **adjoining property** does not exceed the following limits:

- on adjoining properties coded R25 and lower – 25 per cent of the **site area**;
- on adjoining properties coded R30 to R40 inclusive – 35 per cent of the site area;
- on adjoining properties coded higher than R40 – 50 per cent of the site area.

The site is orientated North – South. As such, there will be no overshadowing of lots to South across the Sherry Street road reserve.  

**C2.2** Where a **development site** shares its southern boundary with a **lot**, and that lot is bound to the north by another lot(s), the limit of shading for the development site set out in clause 6.4.2 C2.1 shall be reduced proportionate to the percentage of the affected property’s northern boundary that the development site abuts (refer to **Figure 11b**).  

Note: This context site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level.  

The development site does not share its southern boundary with a lot.  

**N/A**
### Required (Deemed to Comply) | Provided | Compliance
---|---|---
#### 6.4.3 Dwelling Size

| C3.1 | Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows:  
• minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and  
• minimum of 40 per cent 2 bedroom dwellings; and | Minimum 11 and Maximum of 25 - One bedroom; and Minimum 20 - Two Bedroom | 12% One Bedroom; and 88% Two Bedroom.  
No  
Not compliant, however, the proposed development is considered to meet the Design Principles in that each dwelling is of a sufficient size to cater for the needs of residents. |
| C3.2 | The development does not contain any dwellings smaller than 40m² plot ratio area. | Minimum size of 50m² | Yes |
#### 6.4.4 Outbuildings

| C4 | Outbuildings that:  
i. are not attached to a dwelling;  
ii. are non-habitable;  
iii. do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;  
iv. do not exceed a wall height of 2.4m;  
v. do not exceed ridge height of 4.2m;  
vi. are not within the primary or secondary street setback area;  
vii. do not result in the non-compliance with open space set out in Table 4; and  
viii. are set back in accordance with Tables 2a, 2b and Figure Series 3. | No outbuildings proposed. | N/A |
#### 6.4.5 External Fixtures

<p>| C5.1 | Solar collectors installed on the roof or other parts of buildings. | None proposed. | N/A |
| C5.2 | Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes. | Condition of approval. | Yes |</p>
<table>
<thead>
<tr>
<th>Required (Deemed to Comply)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>C5.3 Other external fixtures provided they are:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. not visible from the primary street;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. are designed to integrate with the building; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. are located so as not to be visually obtrusive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C5.4 Antennae, satellite dishes and the like not visible from the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.4.6 Utilities and Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C6.1 An enclosed, lockable storage area, constructed in a design and material matching the building/dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m and an internal area of at least 4m² shall be provided for each multiple dwelling.</td>
<td>A total of 51 storage areas have been provided which meet the minimum area and dimension requirements.</td>
<td>Yes</td>
</tr>
<tr>
<td>C6.2 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there shall be provision of a communal pick-up area or areas which are:</td>
<td>The City is satisfied with the capacity and location of the bin store.</td>
<td>Yes</td>
</tr>
<tr>
<td>i. conveniently located for rubbish and recycling pick-up;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. accessible to residents;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. adequate in area to store all rubbish bins; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv. fully screened from view from the primary or secondary street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C6.3 Clothes-drying areas screened from view from the primary or secondary street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The purpose of SPP4.2 inter alia is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baldivis is identified as a ‘District Centre’ under the Activity Centres Hierarchy in SPP4.2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District centres have a greater focus on servicing the daily and weekly needs of residents. Their relatively smaller scale catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchments.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Walkable Catchment for residential density target is identified as 400m for a District Centre.

Clause 5.2.2 (1) of SPP4.2 states that residential growth should be optimised through appropriately-scaled buildings and higher-density development in walkable catchments of centres.

Clause 5.2.2 (2) of SPP4.2 states 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.

SPP4.2 identifies a minimum residential density of 25 dwellings per gross hectare and a desirable residential density of 35 dwellings per gross hectare.

The development proposes a plot ratio of 0.74 which is comparable to an R60 density coding. The development is located within 200m Baldivis Town Centre Main Street therefore justifying density targets. As such the proposal is considered to be consistent with the intent of SPP4.2

Clause 5.3.2 (5) of SPP4.2 requires that the responsible authority should ensure safe and convenient access for pedestrians and cyclists (including end-of-trip facilities) and people with a disability. These include weather-protected car bays for workers and visitors with a disability. The development is compliant in this regard.

Clause 6.6.1 of SPP4.2 requires the preparation of an Activity Centre Structure Plan prior to approval of any major development within an activity centre and for the development to be located within an appropriate level centre of the activity centre hierarchy. The BACSP, which is discussed below, was prepared to fulfil this requirement.

Baldivis Activity Centre Structure Plan (BACSP)

The BACSP is a strategic planning document prepared to fulfil the requirements of SPP4.2 as outlined above. The BACSP provides a strategic framework for the Centre and informs and guides changes to the IDGP and the Baldivis Town Centre Policy. It was adopted by Council in July 2012 and endorsed by the WAPC in December 2012.

Centre Vision

Northern Precinct

The majority of the subject lot is located in the Northern Precinct. This precinct is predominantly residential in character, the Northern Precinct is intended to link the urban housing form within the Transition Precinct and retail/commercial core to the more traditional 'suburban' housing product within adjacent residential developments to the north. Housing will range from walk up apartments and terrace housing to grouped housing and cottage lots, reinforcing that the Northern Precinct remains part of the Baldivis Activity Centre and is not part of standard suburban development. The proposal is considered to be consistent with the vision for the Northern Precinct.

Transition Precinct

The southern section of the subject lot is located in the Transition Precinct which provides for a mix of land uses, including small format retail in mixed-use configurations, commercial and residential dwellings in an urban setting. The Transition Precinct provides a clear buffer from the more intensely developed areas of the Core Precinct and the Eastern Precinct, which will generate the highest amount of vehicle trips and activity.

The expectations of the Transition Precinct are to provide an ‘urban lifestyle’ for the residents within it. The dwellings sizes will be generally smaller than the areas to the north, and the Precinct will offer a very high level of amenity due to its proximity to the Core Precinct and associated retail, entertainment uses, civic spaces and transportation options.

The ground floor units fronting Sherry Street have been designed to permit future change of use to commercial, including 3.2m floor to ceiling heights, open plan living, individual access, and car parking in close proximity.

The proposal is considered to be consistent with the vision for the Transition Precinct.
Activity

Northern Precinct

The Northern Precinct will be primarily residential in nature, offering a range of housing types. While largely single detached dwellings, multi-unit development will be located on Nairn Drive overlooking Tamworth Swamp.

This Precinct should not accommodate any shop-retail floorspace with the exception of possible small convenient store-type facilities. Given that this Precinct is intended to function as a transition between the higher density forms of residential development to the south and low density residential to the north, no dedicated commercial areas will be co-located in this precinct. Residential is identified as a preferred use in the Northern Precinct.

The proposal is considered to be consistent with the intent of the Northern Precinct in this regard.

Transition Precinct

The Transition Precinct will provide for a mix of land uses that creates opportunities for residential dwellings to be collocated with small scale non-residential development in an urban setting. This will involve predominantly residential uses, however, will allow a mix of uses such as office, consulting rooms, eating and drinking premises, leisure and recreation and showrooms. A minimum residential density of R30 within an aspiration density of R60 has been identified for this Precinct.

The proposal is considered to be generally consistent with the intent of the Transition Precinct in this regard.

Urban Form

Northern Precinct

The Northern Precinct will offer a simple urban form, comprising a leafy, suburban character. Buildings will be predominately single dwellings, however there will be provision of multi-unit development on Nairn Drive, and townhouse-style development closer to the Transition Precinct.

The proposal is considered to be consistent with the intent of the Transition Precinct in this regard.

Transition Precinct

The urban form of the Transition Precinct will vary significantly. The areas east of the gas pipeline corridor will consist of largely one and two storey detached dwellings. Some larger sites straddling the pipeline corridor will accommodate multiunit development, offering attractive frontages with passive surveillance opportunities.

The proposal is considered to be generally consistent with the intent of the Northern Precinct in this regard.

Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)

PP3.2.4 provides guidance on development of land within the Baldivis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The proposed development is considered to be consistent with the provisions of PP3.2.4 as outlined below.

Integrated Development Guide Plan (IDGP)

PP3.2.4 contains an IDGP for the Baldivis Town Centre. The purpose of the IDGP is to illustrate 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. The approved IDGP is shown in Figure 11.
11. Approved IDGP

The proposal is generally consistent with the IDGP.

Requirements

PP3.2.4 includes general requirements as well as specific precinct requirements applying to development. These requirements are outlined below, along with comments on compliance with these requirements.

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Movement Network</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whilst provision for kerbside parking will be made, the majority of parking will occur to the rear of buildings that front the street.</td>
<td>A combination of on street parking to the rear of the development is proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>To achieve street front continuity, and limit vehicular/pedestrian conflict points, the number of access driveways crossing pavements will be minimised.</td>
<td>One crossover is proposed to Sherry Street. This is considered to be acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>The number of on-street parking spaces may contribute towards the parking required for adjacent non-residential uses.</td>
<td>Nine existing on-street car parking bays, constructed on a slip road off Nairn Drive adjacent to the subject site, have been included as visitor bays. These could be utilised by future commercial uses should the units front Sherry Street be adapted as envisioned.</td>
<td>Partial compliance</td>
</tr>
<tr>
<td>Provision must be made for delivery and service vehicles to have rear access to buildings via laneways or rights-of-way.</td>
<td>Access for service vehicles is proposed to be attained from Sherry Lane which is considered to be secondary to Nairn Drive. This is considered to be suitable within the context of the site.</td>
<td>Yes</td>
</tr>
<tr>
<td>---</td>
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</tr>
</tbody>
</table>

**Residential Development**

<table>
<thead>
<tr>
<th>Residential development shall meet the requirements of the Residential Design Codes, except where otherwise specified by Town Planning Scheme No.2 and/or this Policy.</th>
<th>An assessment against the R Codes has been supplied as part of this application.</th>
<th>Yes</th>
</tr>
</thead>
</table>

**Urban Design**

<table>
<thead>
<tr>
<th>The height of buildings will generally be set at a minimum two stories or equivalent parapet height.</th>
<th>The proposed building achieves an equivalent three-storey height level.</th>
<th>Yes</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>To ensure that the main pedestrian areas remain substantially sunlit throughout the day, particularly in winter months, buildings will be limited in height to three stories except where it can be demonstrated that an equivalent degree of sunlight penetration can be achieved by a stepped-back building profile for taller structures. In practice, the standard will be sun penetration to substantial areas of pedestrian streets and spaces between 12 noon and 2 pm on June 22.</th>
<th>The proposal is three storeys at its maximum.</th>
<th>Yes</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>The built form of the Town Centre is to be framed around the public street system with generally contiguous and active building frontages positioned at the streetscape boundary, subject to minor variations for residential development.</th>
<th>The building frames both Sherry Street and Nairn Drive. Ground floor units will obtain pedestrian access from both streets ensuring an active frontage.</th>
<th>Yes</th>
</tr>
</thead>
</table>

<p>| Variety and articulation of street front building facades will be encouraged to avoid monotony and to break up the horizontal scale of contiguous building frontages. | The development proposes articulated facades to the street frontages, with varying setbacks and staggered units, as well as using a variety of materials and colours. This creates a visually interesting and legible façade; | Yes |</p>
<table>
<thead>
<tr>
<th>Precinct Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transition Precinct</strong></td>
</tr>
<tr>
<td>The Precinct is to be developed as a mixed use area conforming to an urban townscape discipline.</td>
</tr>
<tr>
<td>All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character.</td>
</tr>
<tr>
<td>Building frontages must abut the road reserve boundary as generally illustrated on the Integrated Development Guide Plan.</td>
</tr>
<tr>
<td>The development of mixed use buildings, rather than single purpose buildings, is preferred.</td>
</tr>
<tr>
<td>Where buildings are intended to be used for commercial purposes, either immediately or ultimately, a minimum ground floor to first floor height of 3.2 metres, with a minimum 3.0 metres ceiling height is required.</td>
</tr>
<tr>
<td>Carparking will not be permitted between the road reserve boundary and building frontages.</td>
</tr>
<tr>
<td>Broad façades or blank walls must be ‘broken down’ to create variety and interest through architectural design elements, blank walls facing roads and public parkland is not acceptable.</td>
</tr>
<tr>
<td>Residential development shall achieve a minimum density of 30 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.</td>
</tr>
</tbody>
</table>

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

The development is sufficiently separated from commercial activity so that this is not required. Yes

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

Verge treatments would be conditioned to be upgraded if the application were to be approved. Yes

### Northern Precinct

Residential development shall achieve a minimum density of 20 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.

A plot ratio of 0.74 is proposed. This is consistent with 60 dwellings per hectare. Yes

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

The building addresses the Tamworth Swamp across Nairn Drive. Yes

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

Reduced setbacks proposed. Yes

---

**Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)**

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

**Bicycle Parking Requirement**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Short Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Residential (51 Dwellings)</td>
<td>1/10 Dwellings</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>
The application proposes 18 bicycle bays. This is in excess of the six short term bays required. For residential development it is considered that long term bicycle bays can be accommodated within the dwelling and it is therefore necessary for the development to only provide short term bays.

**End-of-Trip Facilities**

End of trip facilities will be provided for in each of the units.

e. **Financial**

Nil

f. **Legal and Statutory**

**Metropolitan Region Scheme (MRS)**

The subject lot is zoned ‘Urban’ under the MRS.

The subject lot abuts a road reserved as an ‘Other Regional Road’ under the MRS. For this reason the proposal was referred to the Department of Planning for comment. (See consultation section).

**Town Planning Scheme No. 2 (TPS2)**

*Clause 3.2 - Zoning Table*

The subject site is zoned 'District Town Centre' under TPS2. The proposed use of ‘Multiple Dwellings’ is a use that is not permitted (D), unless the Council has exercised its discretion by granting Planning Approval.

*Clause 4.5 - District Town Centre Zone*

**Objective**

The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of 'Main Street' Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy, and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.

As is highlighted in the assessment of the proposal against the provisions of Planning Policy 3.2.4 - Baldivis Town Centre, the proposal is considered to be consistent with the objective of the District Town Centre Zone.

**Special Application of Residential Design Codes**

Clause 4.5.5 of TPS2 state that in order to encourage residential development consistent with the precinct policies established by the Policies, and subject to Clause, 4.1.3(c) of the Scheme, the Council may exercise its discretion in respect of the Residential Design Codes in relation to: carparking; street and side setbacks; distances between buildings in different occupancies on the same lot; and open space.

It is noted that a specific Residential Design Coding has not been applied to the District Town Centre Zone under TPS2. As such it is considered appropriate to defer to the density requirements of the applicable Baldivis Town Centre Planning Policy (PP3.2.4) which is a minimum density R20 for the Northern Precinct and a minimum density of R30 for the Transition Precinct. There is no maximum density for either Precinct.

As is highlighted in the assessment of the proposal against the provisions of State Planning Policy 3.1 Residential Design Codes (RCodes), the proposal is considered to be consistent with the design principles of the RCodes.

*Clause 4.15 - Carparking*

**Parking Requirements and Provision**

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2.
A full assessment of the car parking requirements and provision is contained within the Comments Section where it can be seen that the development provides sufficient car parking compliant with TPS2.

Clause 6.6 - Matters to be considered by the Council

Clause 6.6 outlines the matters to which Council is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Comments section.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

Site Context and Design

The site forms part of the larger Baldivis Activity Centre, which includes the Settlers Avenue “main street” and the Baldivis Shopping Centre. The site is located within the Northern and Transition Precincts of the Baldivis Activity Centre Structure Plan, which are planned to provide for a mix of land uses, including small format retail in mixed-use configurations, commercial and residential dwellings in an urban setting.

The design of the building proposes articulated facades to the street frontages, with varying setbacks and staggered units, as well as using a variety of materials and colours. This is consistent with PP3.2.4 and the BACSP.

Carparking

TPS Requirement

Pursuant to Clause 4.6.3 of TPS2, car parking is to be provided in accordance with Clause 4.15.1.1 TPS2 and Table 3 of TPS2.

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Small (&lt;75m²)</td>
<td>1 bay per Unit</td>
<td>51</td>
</tr>
<tr>
<td>Visitor</td>
<td>0.25 bay per Unit</td>
<td>12.75 (13)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>64</td>
</tr>
</tbody>
</table>

Under the parking provision of TPS2, the proposed development requires the provision of 51 parking spaces plus 13 visitor bays.

Parking Provision

The development proposes 55 on site car bays inclusive of four visitor bays. There are nine on-street car bays within Nairn Drive directly adjacent to the subject site. This application proposes to include the on-street car bays in the calculation for visitor parking. This is considered to be acceptable in terms the BACSP which permits on-street parking spaces to contribute towards the parking required for adjoining lot. As such a total of 64 bays have been provided for the development. This is complaint with requirements of TPS2 and RCodes.

Waste

A Waste Management Plan, detailing how waste will be managed during and post construction, has been submitted as part of the proposal. The City is satisfied with this information. Should the application be approved, a condition requiring the implementation of the waste management plan is recommended.
**Eastern Boundary Wall**

The development proposes a new parapet wall along the eastern boundary. The wall runs for approximately 65m metres along this boundary. The Baldivis Town Centre IDGP identifies a road reserve along this boundary (see figure 11). There has therefore been some discussion with the applicant as to the appropriate treatment of this boundary wall. At present, it is a lot boundary wall but in the future it could potentially be a street boundary wall. A condition of approval is therefore recommended requiring details of the boundary wall to be submitted to the satisfaction of the City.

**Conclusion**

The proposal for the multiple dwellings is consistent with SPP4.2, the R Codes, the BACSP and PP3.2.4. It provides a residential density that is appropriate for a district centre and a design that is reflective of a town centre. For these reasons it is recommended for approval.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ADOPT the Responsible Authority Report for the proposed Multiple Dwelling Development Lot 153 Nairn Drive, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West JDAP resolve to:*

**Approve** the DAP Application reference 20.2015.00000045 as detailed on the DAP Form 1 dated 4 February 2015 and accompanying Site and Ground Floor Plan (Drawing No. DA1.01 Rev A), First Floor Plan (Drawing No. DA2.01, Rev A), Second Floor Plan (Drawing No. DA2.02, Rev A) and Elevations (Drawing No. DA3.01, Rev A) dated 9 January 2015, Roof Plan (Drawing No. DA2.03, Rev A) dated 9 January 2015, Perspective Plan (Drawing No. DA11.01, Rev A) and Perspective Plan (Drawing No. DA11.02, Rev A) dated 30 January 2015 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed Multiple Dwelling development at Lot 153 Nairn Drive, Baldivis subject to the following conditions:

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

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

3. Aboveground meter boxes must not be located in a street setback area at any time.

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

5. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

6. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

7. All stormwater generated by the development shall be designed to be contained of on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.
8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.

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

(b) Any lawns to be established;

(c) Any natural landscape areas to be retained;

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

(e) The street setback area and all verge areas.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

9. The carpark must:

(a) provide a minimum of 55 parking spaces;

(b) be designed in accordance with User Class 1A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to issue of a Building Permit;

(c) include Four (4) visitor carparking spaces clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to occupation of the development, and must be retained and maintained in good condition at all times.

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

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

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

Should the carpark include spaces dedicated to people with disabilities, the spaces must be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work.

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

10. Nine (9) on-street car parking spaces must be provided for visitor parking along the Nairn Drive slip road. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the develop

Prior to the occupation of the development a footpath must be constructed linking the visitor bays on the Nairn Drive slip road to the vehicular access point on Sherry Street to the specifications and satisfaction of the City of Rockingham.

11. Six (6) short-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

12. Fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres prior to applying for a Building Permit, and must be retained and maintained in good condition at all times.

13. Prior to applying for a Building Permit the applicant must submit details of the eastern boundary wall for approval to the satisfaction of the City of Rockingham.
14. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:
   (a) the location of bin storage areas and bin collection areas;
   (b) details of screening of the bins from view from the street;
   (c) the expected volume of waste to be disposed of;
   (d) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (e) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
   (f) frequency of bin collections; and
   (g) the bin storage area drainage details.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

15. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

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

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

4. With respect to Condition 8, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Elliott:

That Council ADOPT the Responsible Authority Report for the proposed Multiple Dwelling Development Lot 153 Nairn Drive, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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3. Aboveground meter boxes must not be located in a street setback area at any time.

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

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   (b) Any lawns to be established;
   (c) Any natural landscape areas to be retained;
   (d) Those areas to be reticulated or irrigated; and
   (e) The street setback area and all verge areas.
   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

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   (a) provide a minimum of 55 parking spaces;
   (b) be designed in accordance with User Class 1A of the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to issue of a Building Permit;
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Should the carpark include spaces dedicated to people with disabilities, the spaces must be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*.

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

10. Nine (9) on-street car parking spaces must be provided for visitor parking along the Nairn Drive slip road. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development.

Prior to the occupation of the development a footpath must be constructed linking the visitor bays on the Nairn Drive slip road to the vehicular access point on Sherry Street to the specifications and satisfaction of the City of Rockingham.

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14. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:

- the location of bin storage areas and bin collection areas;
- details of screening of the bins from view from the street;
- the expected volume of waste to be disposed of;
- the number, volume and type of bins, and the type of waste to be placed in the bins;
- management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- frequency of bin collections; and
- the bin storage area drainage details.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

15. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.
3. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

4. With respect to Condition 8, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
# Planning and Development Services

## Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-023/15 Proposed Tavern</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2015.00000009</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Stockland Property Management Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>The Trust Company Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 March 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
</tbody>
</table>

| Site:                   | Lot 9000 Safety Bay Road, Baldivis |
| Lot Area:               | 7.8ha                                  |
| LA Zoning:              | District Town Centre                   |
| MRS Zoning:             | Urban                                  |
| Attachments:            | 1. Location Plan                       |
| Maps/Diagrams:         | 2. Aerial Photo                        |
|                        | 3. Floor Plan                          |
1. Location Plan

2. Aerial Photo

Subject Tenancy
Purpose of Report

To consider an application seeking Planning Approval for a Tavern at Lot 9000 Safety Bay Road, Baldivis.

Background

In March 2013, the Metro South-West Joint Development Assessment Panel approved Additions and Alterations to the Baldivis District Shopping Centre, which included the subject tenancy approved as a Restaurant.

In December 2014, the applicant lodged an application for a Section 40 Certificate for a Tavern Restricted Licence for Brotzieit Bavarian (Germany) Bar & Restaurant. The City advised the applicant that the Section 40 Certificate could not be supported, as the licence was inconsistent with the approved land use. Planning Approval had been granted for a Restaurant, and the liquor licence application was for a Tavern.

The application subsequently lodged an application for a Change of Use from a Restaurant to a Tavern, which is the subject of this report.

Details

The applicant seeks approval for a Change of Use for a Restaurant to a Tavern. The proposal is summarised as follows:

- The Tavern will be used by the same tenant as the Restaurant (Brotzieit Bavarian (Germany) Bar & Restaurant), which is a German themed establishment serving alcohol and German food;
- The proposed hours of operation are as follows:
  - Monday to Friday - 9:00am to Midnight;
  - Saturday - 8:00am to Midnight; and
  - Sunday - 10:00am to 10:00pm;
- Food will be available at all times the premises is trading;
- Live music is proposed 1-2 times per week;
- The use of a third party security company is proposed to manage patrons.

3. Floor Plan
Implications to Consider

a. Consultation with the Community

The proposal was referred to 48 nearby and adjacent property owners and occupiers, including the operators of the Affinity Village Retirement Village, for a period of 17 days as shown on the Consultation Plan below. At the close of the advertising period, one objection was received.

The issues raised in the submission, along with the City’s comments, are provided below:

<table>
<thead>
<tr>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Proximity of development in relation to residential property.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The subject tenancy is located within the Baldivis Town Centre, where eating and drinking premises are a preferred use. The nearest residential property is located approximately 50m from the subject tenancy in the ‘Settlers Hills - Townside’ Estate, on the adjacent side of Safety Bay Road. Safety Bay Road is considered to provide a sufficient physical barrier between the Baldivis Town Centre and adjacent residential development. The proposed development is considered to be consistent with the objectives of the Baldivis Town Centre, which was approved prior to the subdivision of adjacent Estate, and is not considered to adversely impact the amenity of adjacent residential properties due to the physical barrier of Safety Bay Road.</td>
</tr>
</tbody>
</table>

| Submission: |
| (ii) Proximity of development in relation to existing licenced venues. |
| **City’s Comment:** |
| The subject tenancy is located approximately 150m from an existing Tavern (the Chase). The proximity to existing licenced premises does not prevent consideration of another licenced venue. Each application for licenced premises is individually assessed to ensure the proposal does not adversely impact the amenity of the locality. It should be noted that the proposed development operates more akin to a Restaurant, and has only made the application for a Change of Use to enable the sale of alcohol without a meal. The sale and supply of packaged liquor to patrons for consumption off the licences premises is not permitted under a Restricted Tavern licence. |

<table>
<thead>
<tr>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iii) Concerned with noise, live music and rowdiness of patrons.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>Given the tenancy is separated from residential properties by Safety Bay Road and the majority of the premises is indoor, with only a small alfresco area to the rear of the premises. It is not considered that there will be significant noise impacts to residential properties. The applicant has proposed the use of a third party security company to manage patrons. Regardless, a Noise Management Plan is recommended to ensure the proposal complies with the requirements of the Environmental Protection (Noise) Regulations 1997. A Management Plan is also recommended to ensure the principles of harm minimisation in accordance with section 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, and is to be adhered to at all times.</td>
</tr>
</tbody>
</table>
**Public Health**

**Submission:**

(iv) Encouraging the sale and consumption of alcohol.

**City’s Comment:**

The Department of Racing Gaming and Liquor (DRGL) is responsible for issuing Liquor Licences. The applicant will be required to obtain approval from the DRGL prior to the sale of alcohol being permitted.

**Property Value**

**Submission:**

(v) Devaluation of property value.

**City’s Comment:**

Property values are not a relevant Planning consideration. There is no evidence to suggest that property values would be affected by the Tavern use.

**b. Consultation with Government Agencies**

Consultation with Government Agencies is not required.

**c. Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

- **Aspiration D:** Sustainable Environment
- **Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

**d. Policy**

**Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)**

The purpose of PP3.2.4 is to establish Council’s policy requirements for the development of the Baldivis Town Centre.

**Objectives:**

The objectives of this Planning Policy are as follows:

- **(i)** To ensure that the centre provides for both the needs of the existing community and the future population of the area;
- **(ii)** To ensure the integration of a diverse mix of activities so as to avoid the sterility of a single function land use. Town centre living, as well as offices, shops, restaurants, community and recreation should be interspersed;
- **(iii)** To ensure that the centre contributes to the character of the locality and provides an environment with which Baldivis residents can identify;
- **(iv)** To make the centre a communal focal point which will provide an opportunity for social and community interaction;
- **(v)** To achieve a centre designed in accordance with recognised townscape principles having a high quality public domain;
- **(vi)** To integrate and link community facilities and recreation with commercial, business and retail activities within the centre;
- **(vii)** To establish a centre that can be developed in stages commensurate with the demonstrated needs of the growing population in the locality;
(viii) To make the centre accessible by public, private and communal transport systems and link it to adjacent areas by way of pedestrian and cycle access paths;
(ix) To integrate the centre with surrounding housing and regional open space;
(x) To ensure that appropriately located land is set aside in the centre for public open space and community requirements; and
(xi) To ensure that the centre is safe and secure, by incorporating crime prevention through environmental design in all parts of the centre."

The proposed development is considered to comply with the objectives of PP3.2.4 as it contributes to the mix of activities in the Baldivis Town Centre, adheres to Main Street and Town Centre Living principles by virtue of creating and active land use that allows social interaction.

Urban Design:

The urban design objectives of PP3.2.4 have been met, as the building in which the proposed development will operate has already been granted Planning Approval by the Metro South-West Joint Development Assessment Panel as part of its approval for the Additions and Alterations to the Baldivis District Shopping Centre.

Precinct Requirements:

The subject tenancy is located within the 'Core Precinct, which is focused on the creation of an urban scaled, mixed use 'main street' that achieves a lively character with an emphasis on land uses which will generate interest and pedestrian activity.

Eating and drinking premises are a preferred use within the Core Precinct.

The performance/standards of the Core Precinct are as follows:

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

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

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

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

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

(vi) Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.

(vii) Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.

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

(ix) Within an urban streetscape discipline, variety and high design standards will be encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast concrete construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail consistent with the spirit and intent of the Policy requirements.
(x) Street entries and window frontages are to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times.

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

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

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

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

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

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

The proposed development has met the performance standards/requirements of the Core Precinct by virtue of occupying an existing building which meets the urban design requirements and providing a land use with an active, ground floor street frontage.

Should the application be approved, conditions of Planning Approval requiring public/customer access from Settlers Avenue and ensuring entries and window frontages facing Settlers Avenue remain transparent to ensure a commercial, interaction frontage in accordance with the performance/standards of PP3.2.4 is recommended.

Planning Policy 3.3.19 - Licences Premises (PP3.3.19)

The purpose of PP3.3.19 is to provide guidance for the assessment and determination of Liquor Licence applications within the City of Rockingham. PP3.3.19 also aims to protect the safety and amenity of existing and future residents and businesses against alcohol related problems such as property damage, anti-social behaviour, violence and to promote the responsible sale and consumption of alcohol.

The following is an assessment of the proposed development against the assessment criteria of PP3.3.19:

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties.</td>
<td>The subject tenancy is located within the Baldivis Town Centre, which is a mixed use precinct. The proposed development is considered to be consistent with existing commercial/entertainment land uses within the precinct and will therefore not adversely impact the amenity of neighbouring properties.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Location

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or</td>
<td>The proposed development is not located in the vicinity of a place of public worship, hospital or school. A child care centre is located approximately 150m from the subject tenancy, on the adjacent side of Safety Bay Road, which is not considered to be affected by the proposed development given Safety Bay Road acts as a physical barrier to the child care centre. Whist the amenity of residents on the adjacent side of Safety Bay Road is not considered to be compromised due to Safety Bay Road acting as a physical barrier to the proposed development, should the development be approved, conditions of Planning Approval requiring a Noise Management and Harm Minimisation Plan are recommended.</td>
<td>Yes</td>
</tr>
<tr>
<td>The amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.</td>
<td>The subject tenancy is located in the Baldivis Town Centre, and the use is considered consistent with the existing retail/commercial/entertainment land uses in the Town Centre.</td>
<td>Yes</td>
</tr>
<tr>
<td>Licensed premises should generally have an active street front.</td>
<td>The subject tenancy has an active street front to Settlers Avenue, which is the main street of the Baldivis Town Centre. Should the application be approved, a condition of Planning Approval requiring public/customer access from Settlers Avenue is recommended to ensure the active street front is maintained.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Number of Patrons

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premises are restricted to maximum patron numbers under the Health (Public Building) Regulations 1992, and those numbers are to be complied with at all times.</td>
<td>The applicant will be advised of the need to comply with the Health (Public Building) Regulations 1992.</td>
<td>Noted</td>
</tr>
</tbody>
</table>
## Previous History

| The City will generally review the history of complaints regarding an existing licensed premises when considering an Application for Planning Approval for a “Change of Use” or an Extended Trading Permit. In this regard, the City is interested in past complaints regarding noise, vandalism, anti-social behaviour or traffic/parking issues. The City may request the applicant to supply full and complete details of any complaints regarding an existing licensed premises including details of any complaints or prosecutions commenced by the Police, the Liquor Licensing Division, the Health Department or FESA. | There is no previous history associated with the proposed development. | Not applicable |

## Noise

| To address noise impacts from a proposed licensed premises, the City may require that an applicant submit a noise report, prepared by a suitably qualified acoustic consultant (as determined by the City), in order to ensure that the noise emanating from the licensed premises is not excessive and indicating the likely noise nuisance and what sound attenuation measures are needed. | Should the application be approved, a condition of Planning Approval requiring the preparation and implementation of a Noise Management Plan is recommended. The Noise Management Plan must be prepared by an acoustic consultant and approved by the City prior to occupation of the development and demonstrate that the proposed development will comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997. | Yes |

## Harm Minimisation

| The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, | The applicant has proposed a third party security company to manage patrons. Should the application be approved, a condition of Planning Approval requiring the applicant to prepared and adhere to a Harm Minimisation Plan in accordance with the requirements of PP3.3.19 is recommended. | Yes |
Harm Minimisation

Code of Conduct and Management Plan in accordance with the Director of Liquor Licensing Guidelines.

Consultation

Where the Manager, Statutory Planning considers that an Application for Planning Approval for a ‘Licensed Premises’ is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 6.3.3 of TPS2 and Planning Procedure No. 1.3 - Community Consultation.

The proposal was advertised in accordance with Clause 6.3.3 of TPS2 and Planning Procedure No. 1.3 - Community Consultation. This has been further discussed in the Community Consultation section of this report.

Yes

The delegation requirements of PP3.3.19 require all applications for Taverns to be referred to the Council for determination.

The proposed development is considered to comply with the objectives and requirements of 3.3.19.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The proposed development is interpreted as a ‘Tavern’, which is a ‘D’ use within the District Town Centre, which means the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Clause 4.5.1 - District Town Centre Zone (Objective)

Clause 4.5 provides the objective of the District Town Centre Zone, which is to establish a clear and concise statement of planning and main street principles to guide the development of ‘Main Street’ Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy, and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the zone.

The proposed development is considered to comply with Clause 4.5.1 as the development adheres to main street principles and is a land use consistent with the objectives of the relevant District Town Centre Policy (Planning Policy 3.2.4 - Baldivis Town Centre). This has been further discussed in the Policy section of this report.

Clause 4.15 Carparking:

The following is an assessment of the carparking requirement under Table No.3 - Minimum requirements and maximum allowances, District Town Centre Zones:
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 APRIL 2015

PRESIDING MEMBER

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TPS2 Requirement</th>
<th>Bays Required</th>
<th>Bays Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern (402m² bar and public area and 75m² alfresco area)</td>
<td>1 bay for every 5(4)m² of bar and public areas including lounges, beer gardens and restaurants</td>
<td>96</td>
<td>1,381 (for overall Baldivis District Shopping Centre Development), with 157 bays allocated to the existing Restaurant use.</td>
</tr>
</tbody>
</table>

Given the tenant and proposed seating arrangement/occupancy numbers) is not proposed to change, the carparking provided as per the original planning approval is considered acceptable.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The proposed development is compliant with TPS2 and Policy requirements. The proposed development is considered to be consistent with the objectives and requirements of the Baldivis Town Centre, and will contribute to the activation of the centre by providing a recreational/entertainment land use for the community. The concerns raised by the submitter can be adequately addressed via conditions of Planning Approval.

It is recommended the application be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application for a Tavern at Lot 9000 Settlers Avenue, Baldivis, subject to the following conditions:

1. Prior to occupation of the development, a Noise Management Plan prepared by an acoustic consultant must be prepared and approved by the City, demonstrating the proposed development will comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.

   The Tavern must operate in accordance with the Noise Management Plan at all times.

2. A Harm Minimisation Plan, demonstrating how noise from the Tavern will be managed and the principles of harm minimisation in accordance with section 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, must be prepared to the satisfaction of the City, prior to occupation of the development.

   The Tavern must operate in accordance with the Harm Minimisation Plan at all times.

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

4. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit, and implemented as such for the duration of the development.
5. Entries and window frontages facing Settlers Avenue (as marked in red) must not be covered, closed or screened off (including by means of shutters, dark tinting, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.

6. All doors facing the Settlers Avenue frontage of the building must be kept open and not locked during all hours when the subject premises is trading.

7. Public or customer access must be from Settlers Avenue.

Advice Note:

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

Committee Recommendation

 Moved Cr Whitfield, seconded Cr J Smith:

That Council APPROVE the application for a Tavern at Lot 9000 Settlers Avenue, Baldivis, subject to the following conditions:

1. Prior to occupation of the development, a Noise Management Plan prepared by an acoustic consultant must be prepared and approved by the City, demonstrating the proposed development will comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.

The Tavern must operate in accordance with the Noise Management Plan at all times.

2. A Harm Minimisation Plan, demonstrating how noise from the Tavern will be managed and the principles of harm minimisation in accordance with section 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, must be prepared to the satisfaction of the City, prior to occupation of the development.

The Tavern must operate in accordance with the Harm Minimisation Plan at all times.

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Advice Note:

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

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-024/15 Proposed Planning Policy 3.2.9 – Development Policy Plan Eastern Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1619</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Sharon Peacock, Project Research Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 March 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2014 (PDS-075/14)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                  | Residential R20, Residential R40, Public Open Space Reserves and Public Purposes Reserve |
| Lot Area:              | Central City Area and Urban                                                        |
| LA Zoning:             | Draft Planning Policy No.3.2.9 - Eastern Sector                                     |
| MRS Zoning:            | 1. Location Plan                                                                   |
| Attachments:           | 2. Rockingham Strategic Metropolitan Centre Boundary                                |
| Maps/Diagrams:        | 3. Overall Sector Plan                                                             |
                                        | 4. Regional Centre Concept Plan                                                    |
                                        | 5. Regional Centre Framework Plan                                                  |
                                        | 6. Regional Centre Height and Density Overlay                                      |
                                        | 7. Consultation Plan                                                               |
                                        | 8. Location Plan - Submissions                                                    |
1. Location Plan – Eastern Sector

Purpose of Report

To consider the adoption of ‘Planning Policy No.3.2.9 – Development Policy Plan – Eastern Sector’, following the completion of public advertising on the draft Policy.

Note: This Report should be read in conjunction with Agenda Report PDS-025/15 for Amendment No.141 to Town Planning Scheme No.2, which proposes to introduce the ‘Primary Centre – Urban Living Zone’ to provide the statutory framework to the Development Policy Plan for the Eastern Sector.

Background

Under ‘Statement of Planning Policy 4.2 - Activity Centres for Perth and Peel’ (August 2010), the WAPC requires the City of Rockingham to prepare and maintain an endorsed Activity Centre Structure Plan (Centre Plan) to guide the development of public and private property within the Rockingham Strategic Metropolitan Centre.

In 2006, the City commissioned a review of its 1995 Development Policy Plan with the goal of producing a new Centre Plan that would cover the full extent of the area to be serviced by the Rockingham City Centre Transit System (RCCTS).

The scope of the Centre Plan project covers an area of almost 600 hectares between the Rockingham Train Station and Rockingham Beach and includes the area covered by the existing Central City Area zone in the Metropolitan Region Scheme. The location of the Centre Plan planning envelope is shown in Figure 2.
2. Rockingham Strategic Metropolitan Centre Boundary

Stage 1 of the Centre Plan Review laid down an overall Concept Plan that addressed the priority issues of a better connected access and movement network and a land use pattern based on contemporary ‘Main Street’ and ‘Transit Oriented Development’ (TOD) principles. A Framework Plan translated the Concept Plan into a general arrangement of legible street blocks, built form and public space.

The overall Centre Plan area was divided into 11 Sectors (refer to Figure 3) as follows:

- City Centre
- Waterfront Village
- Smart Village (South)
- Smart Village (North)
- Northern Gateway
- Campus
- Eastern
- Leeuwin
- Northern Waterfront
- Southern Gateway
- Rockingham Station
3. Sector Plan

In February 2008, following an extensive consultation process, the City of Rockingham endorsed the long term planning framework and transport network recommendations for the Strategic Metropolitan Centre, as proposed in the Stage 1 Report.

Stage 2 of the Centre Plan Review updated the 1995 Development Policy Plan (DPP) for the City Centre Sector, with a revised Indicative Development Plan and related Precinct Policies and Guidelines. The Council endorsed the Stage 2 Final Reports in September 2009.

In November 2009, the WAPC Statutory Planning Committee considered the Stage 2 Final Reports on the Review of the Rockingham Strategic Metropolitan Centre and resolved to endorse the documents as an appropriate Centre Plan to guide future planning and development.

Planning Context – Approved Centre Plan

The 2009 Centre Plan sets the broad planning framework for the Strategic Metropolitan Centre and provides general direction for the detailed planning investigations to follow, ie. the preparation of Development Policy Plans (DPPs) for each Sector.

The Centre Plan developed a ‘Vision’ to guide planning and development of the Centre:

“The vision is for a modern, distinctly coastal centre offering a wide range of mixed uses including retail, commercial, office, civic, residential, education and recreation within an accessible and highly inter-connected, urban-scaled townscape, comprising a major activity centre and related urban villages based on ‘Main Street’ principles.”

In addition, the Centre Plan laid out a series of guiding ‘planning and development’ principles covering:

- Built Form and Urban Design
- Access and Parking
- Public Domain
- Land Uses
- Safety and Security
- Sustainability
Regional Centre Concept Plan

An overall Regional Centre Concept Plan (refer to Figure 4) was developed in conjunction with the preparation of Access and Movement Network options. The Concept Plan sets out generalised land uses, with the local public transit system (i.e. the Rockingham City Centre Transit System) the focus of an intensified corridor of mixed-use development between the City Centre, education campuses and the beachfront.

The Concept Plan envisages the:
- ongoing development of commercial and retail land in the core of the City Centre.
- development of two new Smart Villages (north and south of Dixon Road).
- creation of a ‘main street’ mixed use activity corridor along the route of the transit system.
- intensification of residential development (densities and built form) along the coastal route of the transit system.

4. Regional Centre Concept Plan

Transit Oriented Development Potential

The approved Activity Centre Plan applied sustainable development principles to land development and redevelopment options, with particular emphasis on the TOD potential of land within the Centre.

The Centre Plan committed to achieving the vision of a fixed route, streetcar transit system as the focus of a corridor of high intensity, mixed-use development between the rail station and the beachfront.

The Activity Centre planning envelope was divided into eleven sectors (refer to Figure 3), to enable the TOD potential of each Sector to be assessed.

With respect to TOD potential of the Eastern Sector, the Centre Plan states:

"Sector 7 – Eastern Sector
Comprising residential properties between Ennis Avenue and a re-aligned Goddard Street, opportunities exist to progressively upgrade residential capacity and introduce an urban built form consistent with proximity to transit."
Regional Centre Framework Plan

The approved Centre Plan presented a Framework Plan (refer to Figure 5), covering the 600 hectare Strategic Centre planning envelope, to illustrate a generalised arrangement of built form, movement networks, public and private spaces, which was consistent with the strategic arrangement of generalised land use functions, as shown on the Concept Plan.

The Framework Plan:
- recognises the potential for transit oriented development in each Sector.
- builds on the adopted Access and Movement Network.
- illustrates a long term (greater than 10 years) view of development and redevelopment.
- provides a platform for detailed master planning (ie. DPP’s) of each Sector.

Residential Density and Height

A ‘Residential Density and Height’ overlay plan was prepared in conjunction with the Regional Centre Framework Plan (refer to Figure 6). In respect of Residential Density, the overlay plan is designed to:
- guide the density of development, generally in accordance with the ‘Planning and Development Principles’ and the TOD framework, as described in the Centre Plan.
- distribute residential density in response to the land use functions, amenity and levels of mixed-use anticipated in each Sector.
- Locate high density residential development within 250 metres of the transit route, concentrated in the core of the City Centre, and along the central spine of the Smart Village, Northern Waterfront and Waterfront Village Sectors.

Building Height is proposed to increase as development gets closer to the central transit route and also activity generators such as the core the City Centre, the Smart Village ‘main street’, the coast and beachfront. The Centre Plan provided further guidance with respect to the profile of building bulk and scale, in relation to public streets and spaces.
6. Regional Centre Height and Density Overlay

**Frontage Type**

A ‘Frontage Type’ overlay plan was also prepared with the Regional Centre Framework Plan, in accordance with consolidated ‘main street’ principles, to generally require buildings to frame, address and activate the street network.

The Frontage Plan illustrates an orderly arrangement of frontage types in ‘main street’ and mixed-use areas, based on the common principle that buildings to all streets, major laneways and public spaces should be activated.

At least four Frontage Types are envisaged, with building frontages positioned (from the street boundary) and managed (level of required activation) according to the required streetscape character.

**Sector Planning Guidelines**

The approved Centre Plan recommended that more detailed master planning should be undertaken in each Sector, in accordance the adopted required planning framework. The Centre Plan contains ‘Guidelines for each Sector’, to facilitate the preparation of DPPs.

In respect of ‘Sector 7 – Eastern Sector’, the following planning guidelines are specified:

<table>
<thead>
<tr>
<th>Desired Future Character:</th>
<th>This Sector will be redeveloped over time with medium and high density housing, having an urban townscape character more commensurate with the area’s proximity to transit and central area activities.</th>
</tr>
</thead>
</table>
| Preferred Uses:          | Medium to high density residential  
Local service retail (corner shops)  
Retention and enhancement of existing parkland |

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES  
MEETING HELD ON MONDAY 20 APRIL 2015  
PRESIDING MEMBER
### Elements:

Prepare a Sector Development Plan with relevant changes to residential density codings to guide the progressive urban consolidation and transformation of this area consistent with its TOD planning context.

Upgrade the landscape at all levels to convey a more distinctly urban townscape character.

Give particular attention to the landscape treatment of Ennis Avenue and the Council Avenue and Simpson Avenue entry points where planting, lighting and signage should convey a clear sense of arrival at the edge of a major urban centre.

Ensure that all new development is planned in accordance with the sustainability principles listed in Section 3.1.6 and designed in detail to meet any applicable sustainability Key Performance Indicators endorsed by the City of Rockingham.

### Statutory Implementation – Approved Centre Plan

As part of its September 2009 decision to endorse the Activity Centre Plan, Council directed that City Officers prepare any necessary changes to the Policy framework, Town Planning Scheme and Metropolitan Region Scheme.

In this regard, the following has occurred:

- **Amendment No.91 to Town Planning Scheme No.2** was initiated in February 2010 and Final Approval was gazetted in February 2011. This Amendment introduced new provisions into the Scheme to create the ‘Primary Centre’ and the ‘Primary Centre - City Centre Zone’.
  
  The Amendment set up the Scheme to define the entire Strategic Metropolitan Centre as the ‘Primary Centre’, not as a single zone, but comprising up to eight (8) ‘Primary Centre’ zones.

- **‘Planning Policy 3.2.1: Development Policy Plan - City Centre Sector’**. The draft DPP was endorsed for public consultation in February 2010, and adopted (without modification) in August 2010. It came into effect in February 2011, upon gazettal of Amendment No.91.

- **Amendment No.113 to Town Planning Scheme No.2** was initiated October 2011 and Final Approval was gazetted in September 2012. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre – Urban Village Zone’ (a new zone for the Smart Village Sector) and the ‘Primary Centre – Waterfront Village Zone’ (existing Waterfront Village Zone updated), together with enabling provisions to give effect to associated DPP’s.

- **‘Planning Policy 3.2.2: Development Policy Plan - Smart Village Sector’**. The draft DPP was endorsed for public consultation in October 2011, and adopted (with minor modifications) in April 2012. It came into effect in September 2012, upon gazettal of Amendment No.113.

- **‘Planning Policy No.3.2.5: Development Policy Plan - Waterfront Village Sector’**. The draft DPP was endorsed for public consultation in October 2011, and adopted (with minor modifications) in April 2012. It came into effect in September 2012, upon gazettal of Amendment No.113.

- **Amendment No.129 to Town Planning Scheme No.2** was initiated in March 2013 and was Gazetted in June 2014. The Amendment introduced new provisions into the Scheme to create the ‘Primary Centre – City Living Zone’ and updated the provisions for the Primary Centre area to include reference to the ‘Primary Centre – City Living Zone.’

- **‘Planning Policy No.3.2.6: Development Policy Plan – Northern Waterfront Sector’**. The DPP was adopted (with minor modifications) in September 2013. It came into effect upon gazettal of Amendment No.129 in June 2014.

- **Amendment No.137 to Town Planning Scheme No.2** was initiated in February 2014 and will be advertised concurrently with Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Enterprise Zone’ and, include additional land within the existing ‘Primary Centre Urban Village Zone.’ The City is currently awaiting State Government approval to proceed.
• ‘Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector’. The draft DPP was endorsed for public consultation in February 2014 and will be advertised concurrently with Amendment No.137 to Town Planning Scheme No.2. The City is currently awaiting State Government approval to proceed.

• Amendment No.140 to Town Planning Scheme No.2 was initiated in July 2014 and is currently with the Minister for Planning for consideration. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Campus Zone’.

• ‘Planning Policy No.3.2.8: Development Policy Plan – Campus Sector’. The draft DPP was adopted by the Council in November 2014 and will come into operation following Gazettal of Amendment No.140 to Town Planning Scheme No.2.

Sector Planning and Approved Centre Plan - Alignment

The preparation of detailed masterplans for each Sector (ie. the DPPs) are required to be consistent with the endorsed regional planning framework, which is contained within the 2009 Centre Plan. As such, each DPP which is prepared for each individual Sector, is required to demonstrate consistency with Centre Plan in the following disciplines:

- the ‘Planning and Development Principles’.
- the TOD development framework model.
- the ‘Residential Density, Building Height and Frontage Type’ requirements of the Framework Plan.
- the ‘Sector Planning Guidelines’.

Details

In September 2014, Council resolved to advertise draft Planning Policy No. 3.2.9 – Development Policy Plan – Eastern Sector’ for public comment.

At the conclusion of the advertising period 15 submissions had been received, 5 from State Government agencies and 10 from residents affected by the proposal. The comments received are detailed in the attached Schedule of Submissions.

Each submission has been assessed by City Officers and the City Centre Planning Consultant (Max Margetts and Associates) and comments provided in response, as shown below in the ‘Comments’ section of this Report.

Implications to Consider

a. Consultation with the Community

Advertising Methodology

The draft DPP was advertised for a period of approximately seven (7) weeks, commencing on the 10 December 2014 and concluding on the 31 January 2015. Public advertising was carried out in the following manner:

- Approximately 900 landowners and occupiers (as shown on Figure 7), servicing agencies and major stakeholders were notified of the proposal in writing and invited to comment;
- The proposal was posted on the City’s Facebook;
- The proposal was advertised on the City’s website and included the following:
  - background information;
  - supporting documents;
  - invitation to comment;
  - the option to provide on-line submissions; and
  - a schedule, containing anticipated ‘Frequently Asked Questions’.
- 3 pull up Information Banners were displayed in the City’s Administration Foyer for the duration of the advertising period;
7. Consultation Plan

b. Consultation with Government Agencies

The following Government Agencies were also consulted:
- Alinta Gas
- Water Corporation
- Western Power
- Public Transport Authority
- Telstra
- Main Roads WA
- Department of Education

c. Strategic Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

Aspiration A: Tourism Lifestyle

Strategic Objective: Investment Attraction - A strategic and focussed approach to attracting major investment to the City's coastal nodes, City Centre and inland settlements that promotes quality retail, commercial and residential development, improved civic infrastructure and leisure tourism experiences for residents and visitors.
d. **Policy**

The draft Planning Policy No.3.2.9 for the Eastern Sector has been prepared and advertised in accordance with Clause 8.9 (Planning Policies) of Town Planning Scheme No.2.

The draft DPP has also been prepared in accordance with the WAPC approved Centre Plan (November 2009), and in compliance with ‘State Planning Policy 4.2 - Activity Centres for Perth and Peel’ (August 2010).

The draft DPP is also consistent with the WAPC’s ‘Directions 2013 and beyond’ (August 2010).

WAPC ‘State Planning Policy 2.6 – State Coastal Planning Policy’ (July 2013) is relevant to this Sector. The planning principles contained in WAPC ‘Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development’ (January 2006) were also applied.

e. **Financial**

Nil

f. **Legal and Statutory**

Under the provisions of section 8.9 of Town Planning Scheme No.2, the Council may prepare, modify or revoke a Planning Policy.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

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**Comments**

A total of 15 written submissions were lodged in response to the public advertising of the draft DPP:

- 5 submissions from Government Agencies, offering no objection/comment;
- 1 submission supporting;
- 9 submissions of objection, raising various matters as noted below:

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8. Location Plan - Submissioners

5 Submissions were received from Service Agencies and 4 Submissions were received from outside of the Sector and are not shown on this plan.
Issues of Concern Raised in Submissions

Concerns raised in the submissions have been summarised into the following issues:

1. Planning context (endorsed Centre Plan, completed adjoining Sector DPP’s)
2. Public infrastructure (scope for increased capacity)
3. Road network (extensions, impact on amenity)
4. Aquatic Centre
5. Residential density, building height and overshadowing
6. Changes to parkland (protection, streetscaping and tree planting)
7. Bus routes
8. Social issues and security

Response to Issues of Concern

<table>
<thead>
<tr>
<th>1. Planning Context</th>
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<tbody>
<tr>
<td><strong>Consultant Response:</strong></td>
</tr>
<tr>
<td>A number of submissions question structural and strategic aspects of the plan which have already been confirmed following the advertising and endorsement of the overall Centre Plan in 2009.</td>
</tr>
<tr>
<td>The full version of the Eastern Sector DPP, which can be accessed from the City of Rockingham website, sets out the regional and local planning context within which the DPP has been prepared.</td>
</tr>
<tr>
<td>Planning for development within the Eastern Sector has been undertaken within an over-arching strategic planning context. Sections 1-4 of the DPP document summarises WAPC Policy with respect to planning for development in nominated Activity Centres and along major public transport routes. It also explains the need for change in the Eastern Sector and the planning context of the WAPC endorsed Centre Plan for the Strategic Metropolitan Centre.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The draft DPP has been prepared to be consistent with the endorsed 2009 Activity Centre Plan (City of Rockingham; WAPC) for the Rockingham Strategic Metropolitan Centre and the ‘State Planning Policy 4.2 – Activity Centres for Perth and Peel’ (August 2010). The draft Policy is also consistent with WAPC ‘Directions 2031 and beyond’ (August 2010), which is the State Government principal strategic planning policy framework for the Perth metropolitan region.</td>
</tr>
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<td>The planning principles contained in WAPC ‘Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development’ (January 2006) were also applied.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Public infrastructure</th>
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</thead>
<tbody>
<tr>
<td><strong>Consultant Response:</strong></td>
</tr>
<tr>
<td>It is noted that none of the Government infrastructure agencies other than the Public Transport Authority (refer to ‘Bus routes’ issue and response) have raised any objections to the Eastern Sector DPP, as the proposals generally fall within the capacity of planned infrastructure networks.</td>
</tr>
<tr>
<td>The contents of the submissions are noted.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The draft DPP has been prepared to be consistent with the endorsed 2009 Activity Centre Plan (City of Rockingham; WAPC) for the Rockingham Strategic Metropolitan Centre and the ‘State Planning Policy 4.2 – Activity Centres for Perth and Peel’ (August 2010). The draft Policy is also consistent with WAPC ‘Directions 2031 and beyond’ (August 2010), which is the State Government principal strategic planning policy framework for the Perth metropolitan region.</td>
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<tr>
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</tr>
</tbody>
</table>
### 3. Road Network

**Consultant Response:**

A number of submissions raised concerns about the impact and necessity of the proposed Goddard Street extension through to Council Avenue.

The extension of Goddard Street through to Council Avenue has been part of the structure plan for the Rockingham Centre for more than 40 years. The proposed alignment has varied somewhat over time, but the need for the road link has not gone away and it would have been constructed well before now had sufficient funds been available.

The construction of the road is vital to the development and functioning of the Centre as it provides the only viable north-south distributor road that can properly service planned land uses and improve connectivity in the central and eastern Sectors.

There is no doubt that the orderly economic development of Rockingham Strategic Metropolitan Centre has been hampered because the road network is structurally incomplete and is therefore difficult to navigate.

It is appreciated that the location and arrangement of the existing Rockingham aquatic centre on the preferred alignment of the road has constrained the City from proceeding with this vital link. As a consequence, the Eastern Sector DPP illustrates both a preferred and alternative alignment for Goddard Street that would allow the road to be constructed without necessarily being constrained by the presence of an aquatic facility. The alternative road alignment would be subject to partly reconfiguring the grounds of the aquatic centre to allow the road project to proceed once funds become available.

It is intended that Goddard Street will be developed to an inner-city, boulevard standard with associated urban landscaping, lighting and pedestrian amenities, including signalised pedestrian crossings.

Submissions opposing the construction of an extended Goddard Street are not supported.

**City’s Comment:**

_The status of Goddard Street as the major ‘north-south’ connector road servicing the eastern part of the Strategic Regional Centre has long been recognised. It has formed part of the proposed road network for the Centre for many years, and has been endorsed by the Council in various Centre Plans since the mid-1970’s. The 2009 endorsed Activity Centre Plan has further refined the alignment to better serve the needs of the Centre and its growth._

_The current road arrangement does not adequately service the Strategic Centre, and in the medium to long term the alignment of Goddard Street will be required to be constructed according the proposed alignment, to provide clear, direct and efficient traffic movement to and from the Centre._

_The draft DPP provides two road alignment options to allow for any future Council decisions on the existing Aquatic Centre. Either option can be implemented, but the road will be required in either case._

### 4. Aquatic Centre

**Consultant Response:**

As referred to above, a number of submissions argue for the retention of the existing aquatic centre. It has long been assumed by Centre planners that if an aquatic facility is to be retained in this part of Rockingham it would sooner or later need to be refurbished or reconstructed to a contemporary standard, either in its current location or nearby. Aquatic facilities throughout the metropolitan region have regularly been reconfigured, reconstructed and refitted with essential infrastructure. Decision-making around that process will inevitably influence the future function, layout and land requirements of the Council Avenue facility.
In the meantime, plans for the orderly development of the Eastern Sector of the Strategic Metropolitan Centre should continue to show how surrounding development, including essential road infrastructure, can proceed – with or without a reconfigured and updated aquatic facility.

The concerns raised in submissions are noted.

City's Comment:

The draft DPP provides two road alignment options to allow for any future decisions on the existing Aquatic Centre. Either option can be implemented, but the road extension will be required in either case. The draft DPP can accommodate the retention or relocation of the Aquatic Centre, displaying an in-built robustness.

5. Residential Density and Building Height

Consultant Response:

The provisions which relate to increased residential density are generally consistent with the overall density model that was adopted as part of the endorsed Centre Plan in 2009.

Section 4.1 of the Eastern Sector DPP refers to the residential density targets set down in State Planning Policy 4.2 - "Activity Centres for Perth and Peel". SPP 4.2 refers to a minimum net residential density target of 60-90 dwellings per hectare and the modest proposals for increasing residential density in the Eastern Sector will contribute to the attainment of the overall density target for the Rockingham Centre.

In reality, the residential densities and building heights proposed for the Eastern Sector are low by contemporary urban consolidation standards. This reflects the reality that existing, strata-titled medium density housing in the Ashford Precinct to the north of Simpson Avenue is unlikely to undergo significant redevelopment in the foreseeable future. The density and scale of that existing medium density housing influences the proposed redevelopment density and scale of nearby housing in the Hawkins and Adina Precincts.

We note that the minimum lot size of 1500 m² referred to in the text for the Precinct Policies in Section 6 of the DPP should be changed to the correct figure of 1200 m², as referred to in Section 5.2.

The submissions opposing modest increases in residential density and height are not supported.

City's Comment:

The draft DPP recommends residential densities and building heights, which are consistent with the approved Centre Plan.

Whilst the draft Policy provides for densities in the range of 40 – 60 and 60 - 100 dwellings per hectare, and for building heights up to 3 - 5 storeys, it recognises that redevelopment options within these ranges may not always be possible, and will be dependent on existing lot configurations and built form decisions over recent years.

The draft DPP contains sufficient flexibility to allow the City the discretion to allow redevelopment outside these recommended density and height ranges, providing the overall policy objectives are not compromised.

The draft DPP recommends minimum residential densities for each of the three Precincts within the Eastern Sector as follows:

- Ashford Precinct – 60 dwellings per hectare.
- Hawkins Precinct – 60 dwellings per hectare.
- Adina Precinct – 40 dwellings per hectare.

These recommended minimum residential densities are consistent with the 2009 Centre Plan.

The draft Policy also states (for each Precinct) that ....“In general, a rectilinear subdivision pattern will be preferred with a minimum lot size of 1,500sqm to allow for a simple and cohesive layout.”

The recommended modification to 1200sqm instead of 1500sqm is supported.
Although the draft Policy provides for minimum densities in the range of 40 - 60 dwellings per hectare, and for a preferred minimum lot size of 1,200sqm (modified), it recognises that redevelopment may not always be possible within these requirements, and will be dependent on existing lot configurations and built form decisions over recent years.

In particular, the draft DPP states in Clause 5.2 (Minimum Site Area):

“- Sites for higher density development should be of sufficient area with dimensions to permit a feasible, functional development. Typically, this will require a minimum site width of 30-40 metres and minimum site area of 1,200m2. With existing single residential lots this will typically require the amalgamation of at least 2 lots.

- The suitability of smaller lot sizes for such developments should be determined on urban design merit taking into account the Planning Principles listed in Section 2.2.”

Each Precinct Statement contains the following qualifying comment:

“Within the scope and meaning of the planning and development principles listed in Section 2.2, there is scope for further flexibility in the interpretation of the Centre Plan in relation to the scale and configuration of particular developments.”

The draft DPP contains sufficient flexibility to allow the City the discretion to allow redevelopment outside these recommended minimum density and lot size requirements, providing the overall policy objectives are not compromised.

6. Changes to Parkland

Consultant Response:
The Eastern Sector DPP does not propose any reduction in area or amenity of existing developed public open space.

Modest upgrades to both Sycamore Park and Ashford Avenue Reserve and streetscape planting are recommended and this is normally a welcomed initiative in planning for urban renewal around metropolitan Perth. The objective is to improve the level of shade, amenity and utilisation of managed parkland and the public domain of streets and pathways.

Improved residential amenity is normally reflected in higher property values and a greater sense of neighbourhood pride.

The submissions opposing modest improvements to existing parkland are not supported.

City's Comment:
The City has recognised that the streets and parks within the Eastern Sector should be progressively upgraded to improve the overall public amenity of these spaces. This method has been successfully applied to the City Centre and Waterfront Village Sectors, with substantial public and private investment occurring as a result.

7. Bus Routes

Consultant Response:
The submission from the Public Transport Authority supports the overall thrust of the Eastern Sector DPP proposals for increased residential density, as this will support the operation of existing public transport services.

However the submission opposes the depiction in Figure 2.4 – Proposed Public Transport Routes, of southern bus routes running to and from the Rockingham Station via Simpson Avenue in the City Centre.

The submission states,

“The PTA does not support Simpson Avenue as being the primary route for southern feeders to Rockingham Station. This is because it is considered that there is little community benefit for such an alignment due to the convoluted route from the southern Rockingham suburbs to Rockingham Station.”
Raising this bus route issue in the context of the advertising of the Eastern Sector DPP is surprising and somewhat out of context given the step by step consultative process that has been followed by the City of Rockingham in planning for the development of the Strategic Metropolitan Centre. The public transport proposals illustrated in Figure 2.4 are part of the greater Centre Plan for the Strategic Metropolitan Centre, which was subject to extensive advertising and consultation with government agencies through the period from 2006 to December 2009, when the WAPC considered and endorsed the Centre Plan.

The proposed routing of buses through the City Centre was quite properly proposed by the specialist transport consultants Sinclair Knight Merz to support the development and ongoing viability of the Rockingham Strategic Metropolitan Centre.

It should be noted that Figure 2.4 also made provision for an express route from the southern suburbs of Rockingham along Rae Road to the Rockingham Station.

It is sometimes overlooked that the strategic function of the Rockingham Centre is to ultimately provide most of the higher order economic, social and employment needs of Rockingham residents who would otherwise travel by bus, rail or in private motor vehicles to distant activity and employment destinations such as the Perth CBD. That assumption is unsustainable.

The content of Figure 2.4 is still relevant to the development of a full complement of land uses in the Rockingham Centre and provides an appropriate planning context for proposals included in the advertised Eastern Sector DPP.

Issues of this nature could be reviewed in consultation with stakeholders such as the PTA when a scheduled review of the overall Centre Plan is initiated in coming years.

The PTA submission is noted.

City’s Comment:

The draft DPP has been prepared to be consistent with the endorsed 2009 Activity Centre Plan (City of Rockingham; WAPC) for the Rockingham Strategic Metropolitan Centre and the ‘State Planning Policy 4.2 – Activity Centres for Perth and Peel’ (August 2010). The draft Policy is also consistent with WAPC ‘Directions 2031 and beyond’ (August 2010), which is the State Government principal strategic planning policy framework for the Perth metropolitan region.

The planning principles contained in WAPC ‘Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development’ (January 2006) were also applied.

The 2009 Activity Centre Plan contains the adopted ‘Access and Movement Network’, which dealt extensively with ‘Public Transport Network Planning’ (refer Section of 7.3 of the 2009 Plan). The PTA has been well aware of the City’s proposals, and was consulted during the preparation of the 2009 Plan.

Further discussion with the PTA will occur as the 2009 Plan is reviewed, scheduled to commence in 2016.

8. Social and Security Issues

Consultant Response:

Several submissions raised concerns about social issues linked to higher density housing and popular perceptions that security for residents declines with urban consolidation.

The DPP canvasses a range of development forms and typologies that would be consistent with the desired future character and level of townscape consolidation of the Sector.

The City and its consultants have researched and analysed completed development models from comparable Activity Centres such as Joondalup, Midland and Cockburn Central. These centres share similar demographic and economic circumstances to that of Rockingham. The DPP report includes photo examples of a representative and realistic range of development forms that could be applied to the development of the Sector.
As far as possible planning throughout the Centre Plan area (including the Eastern Sector) is founded on CPTED (Crime Prevention Though Environmental Design) urban design principles which include keeping eyes on the street, activation of spaces and safe landscaping.

There has also been a revolution in the way public housing is now architect designed and constructed to levels of quality and durability that encourage pride in surroundings, irrespective of tenure.

The Precinct guidelines make references to the character and detailed architectural requirements of development and the City has a highly developed capacity to guide prospective developers in pursuit of quality development outcomes.

The concerns raised in submissions are noted.

City’s Comment:

The draft DPP has been prepared applying ‘best practice’ urban design principles, and is consistent with CPTED design principles. It seeks high quality redevelopment options, with an emphasis on public realm quality and activation.

The recommended densities are consistent with the approved 2009 Centre Plan, and are appropriate with the location of the Sector as part of the Strategic Regional Centre, close to major facilities and public transport.

Conclusion

The submissions received during the advertising period did not raise any substantiated planning matters, which would provide cause for not adopting the proposed Planning Policy.

As such, it is recommended that Council adopt ‘Planning Policy No.3.2.9 - Development Policy Plan - Eastern Sector’ – (September 2014), subject to the following minor editorial modifications (identified by Officers):

1. Amend Section 5.1 – The Indicative Development Plan - Paragraph 12 dot point 1 - “service visitor parking needs close to adjoining land uses” – after the words “service visitor parking needs..” include the words “to be”

2. Amend Clause 6.1.4 (Required Elements – Hawkins Precinct), sub-clause (l) to replace the number ‘1500m2’ with the number ‘1200m2’.

3. Amend Clause 6.2.4 (Required Elements – Ashford Precinct), sub-clause (k) to replace the number ‘1500m2’ with the number ‘1200m2’.

4. Amend Clause 6.3.4 (Required Elements – Adina Precinct), sub-clause (g) to replace the number ‘1500m2’ with the number ‘1200m2’.

Adoption of the proposed Development Policy Plan - Eastern Sector will ensure consistency with the adopted Centre Plan for the Rockingham Strategic Metropolitan Centre.

The Policy is also linked with Scheme Amendment No.141 to Town Planning Scheme No.2, which seeks to create the ‘Primary Centre - Urban Living Zone’ (for the Eastern Sector).

In this regard, the Development Policy Plan cannot be adopted until such time as Scheme Amendment No.141 is granted Final Approval by the Hon Minister for Planning.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT ‘Planning Policy No.3.2.9 – Development Policy Plan – Eastern Sector (September 2014), subject to the following minor editorial modifications (changes to Policy highlighted in red) and Amendment No.141 to Town Planning Scheme No.2 being granted Final Approval by the Hon Minister for Planning:

1. Amend Section 5.1 (The Indicative Development Plan), paragraph 12, dot point 1 as follows:
From: “service visitor parking needs close to adjoining land uses”;
To: “service visitor parking needs to be close to adjoining land uses”

2. Amend Clause 6.1.4 (Required Elements – Hawkins Precinct), sub-clause (l) to replace the number ‘1500m²’ with the number ‘1200m²’.

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4. Amend Clause 6.3.4 (Required Elements – Adina Precinct), sub-clause (g) to replace the number ‘1500m²’ with the number ‘1200m²’.

Committee Recommendation

Moved Cr R Smith, seconded Cr Elliott:

That Council ADOPT ‘Planning Policy No.3.2.9 – Development Policy Plan – Eastern Sector (September 2014), subject to the following minor editorial modifications (changes to Policy highlighted in red) and Amendment No.141 to Town Planning Scheme No.2 being granted Final Approval by the Hon Minister for Planning:

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Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Development Services
Directorate, Planning Services

Reference No & Subject: PDS-025/15
Final Approval – Scheme Amendment No.141 to Town Planning Scheme No.2 - Introducing the new ‘Primary Centre - Urban Living Zone’

File No: LUP/1769
Risk Register No:

Applicant:
Owner:
Author: Mrs Sharon Peacock, Projects Research Officer
Other Contributors: Mr Bob Jeans, Director Planning and Development Services

Date of Committee Meeting: 16 March 2015
Previously before Council: September 2014 (PDS-076/14)
Disclosure of Interest: Legislative

Nature of Council’s Role in this Matter:

Site:
Lot Area:
LA Zoning: Residential R20, Residential R40, Local Public Open Space Reserves and, Public Purposes Reserve
MRS Zoning: Central City Area and Urban
Attachments: Scheme Amendment No.141 Report
Maps/Diagrams:
1. Proposed ‘Primary Centre – Urban Living Zone’
2. Consultation Plan
3. Location Plan - Submissions

Purpose of Report

To consider granting Final Approval to Amendment No.141 to Town Planning Scheme No.2 to introduce a new statutory planning framework for the ‘Eastern Sector’ of the approved Centre Plan for the Rockingham Strategic Metropolitan Centre, as adopted by the Council in September 2009. Amendment No.141 introduces new provision into the Scheme to create the ‘Primary Centre - Urban Living Zone’.

Note: This Report should be read in conjunction with Agenda Report PDS-024/15 ‘Development Policy Plan No.3.2.9 – Eastern Sector’ which deals with the planning objectives and requirements to guide future development in this area.
Background

Statutory Implementation – Approved Centre Plan

In September 2009 Council endorsed the Final Strategic Planning Reports (Volumes 1 and 2) as the Centre Plan for the Rockingham Strategic Metropolitan Centre. The Western Australian Planning Commission endorsed the Final Reports in November 2009. Council also directed that City Officers prepare any necessary changes to the Policy framework, Town Planning Scheme and Metropolitan Region Scheme.

In this regard, the following has occurred:

- Amendment No.91 to Town Planning Scheme No.2 was initiated in February 2010 and Final Approval was gazetted in February 2011. This Amendment introduced new provisions into the Scheme to create the ‘Primary Centre’ and the ‘Primary Centre - City Centre Zone’.
- The Amendment set up the Scheme to define the entire Strategic Metropolitan Centre as the ‘Primary Centre’, not as a single zone, but comprising up to eight (8) ‘Primary Centre’ zones.
- ‘Planning Policy 3.2.1: Development Policy Plan - City Centre Sector’. The draft Development Policy Plan (DPP) was endorsed for public consultation in February 2010, and adopted (without modification) in August 2010. It came into effect in February 2011, upon gazettal of Amendment No.91.
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‘Planning Policy No.3.2.6: Development Policy Plan – Northern Waterfront Sector’. The DPP was adopted (with minor modifications) in September 2013. It came into effect upon gazettal of Amendment No.129 in June 2014.

Amendment No.137 to Town Planning Scheme No.2 was initiated in February 2014 and will be advertised concurrently with Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Enterprise Zone’ and include additional land within the existing ‘Primary Centre Urban Village Zone.’ The City is currently awaiting State Government approval to proceed.

‘Planning Policy No.3.2.7: Development Policy Plan – Northern Smart Village Sector’. The draft DPP was endorsed for public consultation in February 2014 and will be advertised concurrently with Amendment No.137 to Town Planning Scheme No.2. The City is currently awaiting State Government approval to proceed.

Amendment No.140 to Town Planning Scheme No.2 was initiated in July 2014 and is currently with the Minister for Planning for consideration. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Campus Zone’.

‘Planning Policy No.3.2.8: Development Policy Plan – Campus Sector’. The draft DPP was adopted by the Council in November 2014 and will come into operation following Gazettal of Amendment No.140 to Town Planning Scheme No.2.

Amendment No.141 to Town Planning Scheme No.2 was initiated in September 2014. The Amendment will introduce new provisions into the Scheme to create the ‘Primary Centre Urban Living Zone’.

‘Planning Policy No.3.2.9: Development Policy Plan – Eastern Sector’. The draft DPP was approved for public consultation by the Council in September 2014 and is the subject of a separate Report. Refer to Agenda Report PDS-023/15.

Details

At the conclusion of the advertising period, 12 submissions had been received, 2 in support, 5 from servicing agencies and, 5 in objection.

Implications to Consider

a. Consultation with the Community

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

Advertising Methodology

The draft Scheme Amendment and draft DPP were advertised concurrently for a period of approximately seven (7) weeks, commencing on the 10 December 2014 and concluding on the 31 January 2015. Public advertising was carried out in the following manner:

- Approximately 900 landowners and occupiers (as shown on Figure 10), servicing agencies and major stakeholders were notified of the proposal in writing and invited to comment;
- The proposal was posted on the City’s Facebook;
- The proposal was advertised on the City’s website and included the following:
  - background information;
  - supporting documents;
  - invitation to comment;
  - the option to provide on-line submissions; and
a schedule, containing anticipated ‘Frequently Asked Questions’.
- 3 Information Banners were displayed in the City’s Administration Foyer for the duration of the advertising period;
- Half page notices were placed in the local Weekend Courier newspaper on the 12 and 19 December 2014;
- Copies of the draft Scheme Amendment and DPP were made available for inspection at the City’s Administrative Offices.

Advertising was undertaken in accordance with (and beyond) the requirements of Town Planning Regulations 1967 (as amended).

2. Consultation Plan

b. Consultation with Government Agencies

All Scheme Amendments are required to be referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment is required, prior to advertising. The EPA advised that the Amendment should not be assessed under the Act, and that it was not necessary to provide any environmental advice or recommendations on the Amendment.

The following Government Agencies were also consulted:
- Alinta Gas
- Water Corporation
- Western Power
- Public Transport Authority
- Telstra
- Main Roads WA
c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

Aspiration A: Tourism Lifestyle
Strategic Objective: Rockingham Beach Foreshore Precinct - A world-class foreshore precinct capitalising on its unique location and aspect, delivering a quality leisure tourism experience through contemporary design, best practice facilities and seamless linkage between beach, parkland and tourism-based commercial, retail and food and beverage outlets.

d. Policy
A draft Development Policy Plan No.3.2.9 for the Eastern Sector has been prepared to detail the planning objectives and requirements for development in this area. Refer to Agenda Report PDS-023/15.

e. Financial
Nil

f. Legal and Statutory
The procedures for dealing with proposals to amend a local planning scheme, as per the Planning and Development Act 2005, are set out in the Town Planning Regulations 1967. Regulation 13(1) provides that the City shall:
(a) if it resolves to proceed with Scheme Amendment, adopt the proposed Amendment in accordance with the Act; or
(b) if it resolves not to proceed with the Scheme Amendment, notify the Western Australian Planning Commission in writing of that resolution.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
The submissions are set out in the Schedule of Submissions, together with comments and recommendations.

In summary:
• 5 Submission are from servicing agencies offering no objection;
• 2 submissions are in support of the Scheme Amendment;
• The comments contained within the objections mainly relate to residential density, the retention of the Aquatic Centre, retention of Sycamore Park, streetscaping, Goddard Street extension and removal of R40 coding. These comments are not relevant to the consideration of the proposed Town Planning Scheme Amendment No. 141 and are dealt with as part of the assessment of the draft Development Policy Plan for the Eastern Sector (refer to Agenda Report PDS-0247/15).

---

4 Correction of numerical error.
2. Location Plan - Submissions

Given that the issues raised in the submissions do not challenge the intent or the purpose of the proposed Amendment, it is recommended that the Council adopt Scheme Amendment No.141, and request the Hon Minister for Planning grant Final Approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:
1. ADOPT for Final Approval Amendment No.141 to Town Planning Scheme No.2.
2. ADOPT the recommendations contained within the Schedule of Submissions.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Elliott:

That Council:
1. ADOPT for Final Approval Amendment No.141 to Town Planning Scheme No.2.
2. ADOPT the recommendations contained within the Schedule of Submissions as follows:

CITY OF ROCKINGHAM

AMENDMENT NO.141 TO TOWN PLANNING SCHEME NO.2

SCHEDULE OF SUBMISSIONS

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.1 – Mr S Muldoon, Senior Consultant Strategic Asset Planning, Department of Education, 151 Royal Street, East Perth WA 6004 Thank you for your letter dated 9 December 2014 regarding the Draft Planning Policy No.3.2.9.</td>
<td>Government submission offering no objection.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<tr>
<td>------------</td>
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</tr>
<tr>
<td><strong>No.1 - Cont…</strong>&lt;br&gt;The Department of Education has reviewed the document and assessed the impact of the preferred residential density will have on the local primary school's should that density be realised. Based upon full development the anticipated student yield will be able to be accommodated within the nearest local primary schools. Therefore the Department has no objection to this proposal.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.2 – Mr P Gianatti, Assessment and Approvals Team Leader, Western Power, GPO Box L921, Perth WA 6902</strong>&lt;br&gt;I refer to correspondence dated 9 December 2014 regarding the above proposed draft Planning Policy and Planning Scheme amendment.&lt;br&gt;Western Power has no objection to the proposed draft Planning Policy and Planning Scheme amendment subject to future subdivision and development within the area having the following conditions applied to protect Western Power’s easement and restriction zone requirements for existing and planned new transmission and distribution infrastructure.</td>
<td>Government submission offering no objection.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.3 – Mr P Fourie, A/Manager, Road Planning, Main Roads Western Australia, PO Box 6202, Perth WA 6892</strong>&lt;br&gt;Thank you for your letter dated 9 December 2014 requesting Main Roads comments on the above proposal.&lt;br&gt;The proposed draft policy plan for the Eastern Sector and Amendment No.141 to TPS No.2 is acceptable to Main Roads subject to:&lt;br&gt;1. Main Roads reviewing the Traffic Modelling and Traffic Predictions report undertaken by Uloth and Associates and being to the satisfaction of Main Roads.&lt;br&gt;2. If the Traffic modelling indicates that the current Council Ave/Ennis Avenue and Simpson Ave/Ennis Avenue intersections require intersection improvements due to the higher density intensification earmarked for the precinct, the applicant will be required to fully fund all necessary road improvements.&lt;br&gt;3. The applicant would be required to undertake a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 “Road and Rail transport Noise and Freight Considerations in Land Use Planning”.</td>
<td>Government submission unconditional support.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>No.3 - Cont…</td>
<td>The noise report shall pay special consideration in addressing noise amelioration measures for multi-storey dwellings. The applicant shall be responsible for all costs in implementing all the recommendations in the report. Please forward a copy of Uloth and Associates Traffic impact Assessment report and Noise Assessment Report to Main Roads at your earliest convenience for Main Roads further assessment.</td>
<td></td>
</tr>
<tr>
<td>No.4 – Mr P Howard, Manager, Land Planning Development Services Branch, Water Corporation, PO Box 100, Leederville WA 6902</td>
<td>Thank you for your letter of 9 December 2014 inviting comments from the Water Corporation regarding the above amendment. The Water Corporation has no objection to the proposals. The Corporation has adopted water and wastewater scheme planning for this area that allow for relatively high development densities. This infrastructure planning may need to be revised in future as this and other land in the area is rezoned/up-coded. The Corporation’s infrastructure planning and capital works program will cover the upgrades required to headworks infrastructure (e.g. large sewers &gt;300mm diameter, permanent wastewater pump stations, large water mains &gt; 300mm diameter, water storages and water distribution mains etc.). Land developers and builders may need to fund and undertake some upgrades to the local water and wastewater reticulation system (generally sewers and water pipes &lt; 300mm diameter depending on the timing and scale of their developments and the available system capacity at the time of development. The City is requested to direct any prospective land developers and builders in this area to the Corporation’s Development Services Branch to discuss their subdivision/development and to determine what system upgrades might be required to support their proposals.</td>
<td>Government submission offering no objection.</td>
</tr>
<tr>
<td>No.5 – Mr G Merritt, Service Development Manager, Public Transport Authority, PO Box 8125, Perth Business Centre WA 6849</td>
<td>Thank you for your referral for the Draft Planning Policy No.3.2.9 – Development Policy Plan Eastern Sector and Amendment No.141 to Town Planning Scheme No.2 (City of Rockingham).</td>
<td>Government submission offering support and supplementary comments on local bus services.</td>
</tr>
</tbody>
</table>
The Public Transport Authority (PTA) makes the following submissions regarding the area covered by the scheme amendment and draft planning policy (Eastern Sector). The PTA supports the City of Rockingham’s Scheme Amendment No.141, which proposes increased residential densities in the Eastern Sector, as it will support the viability of public transport services in the area due to the greater patronage potential.

In regards to the Draft Planning Policy, Transperth operates several bus routes in the identified area. These are as follows:

<table>
<thead>
<tr>
<th>Route No.</th>
<th>Destinations</th>
<th>Roads used in the Eastern Sector</th>
</tr>
</thead>
</table>
| Route 550 | Rockingham Station to Rockingham Beach East | - Simpson Avenue  
- Hawkins Street  
- Council Avenue |
| Route 551 | Rockingham Station to Shoalwater | - Louise Street |
| Route 553 | Rockingham Station to Shoalwater | - Council Avenue |

In order to facilitate the continued use of these routes, Transperth will require a minimum 3.5m carriage way along these roads. If Simpson Avenue, Hawkins Street, Council Avenue and/or Louise Street have carriageway widths of less than this width, Transperth may have no option but to withdraw its Services from the affected roads.

The Draft Planning Policy identifies the possibility of Goddard Street/Louise Street being extended to Council Avenue. The PTA does not object to this road extension, provided that the intersection with Council Avenue (used by Route 553) and Simpson Avenue (used by Route 550 and 551) can be traversed by buses. This can be through a controlled intersection or alternatively a roundabout that is designed in accordance with the specifications as per Attachment 1 of this submission. Please be aware that if there are any intersections within the Eastern Sector that cannot be negotiated by buses, Transperth would have no option but to re-route or withdraw bus services from that particular intersection.
### No.5 - Cont...

It has been noted that in Figure 2.4 – Proposed Principal Public Transport Routes, Simpson Avenue to the immediate north of the Eastern Sector has been identified as the future principal route for the southern feeders to the Rockingham Station. The PTA does not support Simpson Avenue as being the primary route for southern feeders to Rockingham Station. This is because it is considered that there is little community benefit for such an alignment due to the convoluted route from the southern Rockingham suburbs to Rockingham Station. In addition, Transperth buses currently cannot make a right hand turn from Simpson Avenue south on to Ennis Avenue as the intersection does not allow for a right hand turn in a controlled intersection environment (i.e. traffic lights allowing a right hand turn).

In the event that the Simpson Avenue - Ennis Avenue intersection is modified to a controlled intersection in the future, Transperth would consider giving support to a re-aligning Route 550 off Hawkins Street to this intersection, better serving the Challenger TAFE Campus.

### No.6 - Ms S Skevington, 27 Adina Way, Rockingham WA 6168

No more high density housing.  
Keep Aquatic Centre for local community which expands further than this new policy covers.  
Keep our parks for family recreation; maintenance and enhancement welcome.  
Goddard St remain as present. Moving a road is not required as present one is close by.

The comments contained in this submission relating to increased density, the retention of the Aquatic Centre, preservation and maintenance of parks and road infrastructure are not relevant to the consideration of the proposed Town Planning Scheme Amendment No.141. These issues are dealt with as part of the assessment of the draft DPP for the Eastern Sector.

That the submission be not upheld.
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
</table>
| **No.7 – Ms J Read, 126 Simpson Avenue, Rockingham WA 6168**  
I don’t agree with all these big apartment blocks going up. If McNicholl St, in front of small units and another one on the corner of the City Pk. May be smaller units catering for low income people at a lower rent. Also something for the homeless on our streets. More streets need repairing, inc. Simpson Ave.  
| The comments contained in this submission relating to multi storey development, affordable housing and maintenance of infrastructure are not relevant to the consideration of the proposed Town Planning Scheme Amendment No.141. These issues are dealt with as part of the assessment of the draft DPP for the Eastern Sector. | That the submission be not upheld. |
| **No.8 – Mr A J Spalding, 26 Concordia Way, Rockingham WA 6168**  
I’m happy for rezoning to occur in this area.  
| Submission in support. | That the submission be noted. |
| **No.9 – B and A Rabone, 28 Adina Way, Rockingham WA 6168**  
No redevelopment of the Aquatic Centre whatsoever.  
No more units in the area, far too many already. Definitely more trees and street landscaping would enhance the area instead of more housing.  
| The comments contained in this submission relating to increased density, the retention of the Aquatic Centre, preservation and maintenance of parks and road infrastructure are not relevant to the consideration of the proposed Town Planning Scheme Amendment No.141. These issues are dealt with as part of the assessment of the draft DPP for the Eastern Sector. | That the submission be not upheld. |
### SUBMISSION

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Ms P Herbert</td>
<td>6/10 Hawkins Street, Rockingham WA 6168</td>
<td>The comment contained in this submission relating to multi storey development is not relevant to the consideration of the proposed Town Planning Scheme Amendment No.141. These issues are dealt with as part of the assessment of the draft DPP for the Eastern Sector.</td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>11</td>
<td>Mr R Palmer</td>
<td>8/54-56 Parkin Street, Rockingham WA 6168</td>
<td>Submission in support.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>12</td>
<td>Ms A Drane</td>
<td>28 Kanangra Crescent, Greenwood WA 6024</td>
<td>The comments contained in this submission relating to higher density and viability of development is not relevant to the consideration of the proposed Town Planning Scheme Amendment No.141. These issues are dealt with as part of the assessment of the draft DPP for the Eastern Sector.</td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>13</td>
<td>Mr G Joachim</td>
<td>20 Marr Street, Myaree WA 6154</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
## Planning and Development Services
### Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-026/15 Development Assessment Panel Application - Mixed Use Development (52 Residential Apartments, Restaurant, Shop and Office) - Lot 101 (No.45) Rockingham Beach Road, Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2015.00000003.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planning Solutions Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Grand Edition Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Barton, Projects Officer, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 March 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 101 (No.45) Rockingham Beach Road, Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,094m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Primary Centre Waterfront Village</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
</tbody>
</table>
| Maps/Diagrams:         | 1. Location Plan  
                         2. Aerial Photo  
                         3. Site Plan  
                         4. Ground Floor (Rockingham Beach Road)  
                         5. Level Two  
                         6. Level Three  
                         7. Level Four  
                         8. Level 5 (Typical for Levels Six to Ten)  
                         9. Level 11  
                         10. Level 12  
                         11. Roof Plan  
                         12. Side Elevations |
13. Kent Street (East) and Rockingham Beach Road (West) Elevations
14. Rockingham Beach Road Elevation Adjacent Existing Building
15. 3D Streetscape Looking Southwest from Rockingham Beach Road
16. 3D Streetscape Looking South from Rockingham Beach Road
17. 3D Streetscape Looking Southeast from Rockingham Beach Road
18. Rockingham Strategic Metropolitan Centre Boundary
19. Rockingham Strategic Metropolitan Centre Sector Boundary
20. Regional Centre Concept Plan
21. Regional Centre Framework Plan
22. Regional Centre Height and Density Overlay
23. Waterfront Village Indicative Development Plan
24. Residential Density Overlay
25. Building Height Overlay
26. Frontage Type Overlay
27. Foreshore Precinct Boundary
28. Policy Height Requirements
29. Policy Height Requirements in Relation to Proposed Development
30. Policy Height Requirements in Relation to Proposed Development - View from Rockingham Beach Road

1. Location Plan
2. Aerial Photo

Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed Mixed Use Development (52 Residential Apartments, Restaurant, Shop and Office) at Lot 101 (No.45) Rockingham Beach Road, Rockingham.

Background

Nil

Details

The applicant seeks Planning Approval for a 12 storey mixed used building fronting Rockingham Beach Road, and a two storey commercial building fronting Kent Street. Specifically, the development comprises the following:

Rockingham Beach Road:
- Two ground floor commercial tenancies fronting Rockingham Beach Road, with a combined floor area of 500m². Tenancy 1 has an area of 247m² and will be used as a Shop. Tenancy 2 has an area of 253m² and will be used as a Restaurant;
- Fifty-two multiple dwellings, including 48 x two bedroom apartments and 4 x four bedroom apartments; and
- Day spa, leisure area and gymnasium, for the exclusive use of residents of the multiple dwellings.

Kent Street:
- A two storey office building fronting Kent Street, comprising of a single commercial tenancy with a floor area of 359m², which will be used as an Office.

The proposed development also includes the following:
- Basement and ground level carparking for 85 cars, accessible via Kent Street;
- Bicycle Parking; and
• Associated storage and bin store areas.

It is noted that there is an existing easement which contains a sewer main traversing the centre of the site as can be seen by the hatching on Figure 3. Discussions with Water Corporation indicate this sewer main is only 3m deep. The applicant is required to liaise with Water Corporation in this regard.
4. Ground Floor (Rockingham Beach Road)
5. Level Two
6. Level Three
8. Level 5 (Typical for Levels Six to Ten)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 APRIL 2015

PRESIDING MEMBER
11. Roof Plan
12. Side Elevations
13. Kent Street (East) and Rockingham Beach Road (West) Elevations
14. Rockingham Beach Road Elevation Adjacent Existing Building
15. 3D Streetscape Looking Southwest from Rockingham Beach Road
16. 3D Streetscape Looking South from Rockingham Beach Road
17. 3D Streetscape Looking Southeast from Rockingham Beach Road
Implications to Consider

a. Consultation with the Community

In accordance with TPS2 requirements, the application was referred to 97 nearby and adjacent owners and occupiers for comment for a period of 14 days, from the 9th January 2015 to the 23rd January 2015. At the close of the advertising period, one submission was received which was generally in favour of the proposed development, with the exception of the following issues:

<table>
<thead>
<tr>
<th>Issue 1 - Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) The setback distance from Rockingham Beach Road is not adequate to ensure consistency with existing setbacks for adjacent buildings. This will impact views from adjacent apartments.</td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
</tr>
<tr>
<td>The podium levels of the proposed development provide a nil setback entirely consistent with the development controls of the City's Development Policy Plan - Waterfront Village Sector (Development Policy Plan). Above the podium level, the Development Policy Plan encourages a setback distance of 3.5m-6m from Rockingham Beach Road. The proposed development comprises a setback of 2m to the balcony area, and between 5.5m and 6.25m to the apartments themselves. As such, the setback variation applies only to the balcony areas, with view from adjoining properties impacted by the side privacy screening. The impact of views is therefore a direct result of increasing privacy of an open balcony. The existing apartment units abutting the subject site to the west are designed in a stepped back formation. In terms of impacts to views from these adjacent apartments, the stepped back formation immediately impacts the range of views. The proposed setback variation will result in only a marginal impact to the resident's right-hand periphery view, affecting only the apartments adjoining on the boundary of the apartment building. We note the proposed development will have no impact on views directly in front of the existing apartments over Cockburn Sound.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The applicant is required to comply with the setback requirements of PP3.2.5, and not the existing setbacks of adjacent buildings, regardless of any potential impact on views from existing adjacent apartments. PP3.2.5 requires a 3m setback for development from 12.5m to 19.0m, and a 6m setback thereafter. The proposed development provides a nil setback to a height of 12m /3 storeys, and a 2m setback thereafter (to a total height of 42.2m/12 storeys with pedestal above), and therefore does not comply with the front setback requirements of PP3.2.5.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issue 2 - Street Awning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) The awning over Rockingham Beach Road will result in the loss of a street tree.</td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
</tr>
<tr>
<td>The awning provided along Rockingham Beach Road is a desirable form of weather protection for both the proposed restaurant tenancy and for encouraging pedestrian activity along the commercial stretch of Rockingham Beach Road. The awning is considered to be consistent with the envisioned street form and activity along Rockingham Beach Road, with weather protection being conducive to pedestrian activity. This street tree does not provide the necessary canopy protection to function as a shade device. Further, in terms of amenity, the subject site and streetscape has direct outlook onto Bell Park, providing an established vegetation canopy. Rockingham Beach Road thereby achieved an appropriate balance between urban construction and natural greenery.</td>
</tr>
</tbody>
</table>
City's Comment:
The provision of an awning to utilise the footpath is considered appropriate however, the awning must be altered to enable the street tree to be retained. The subject tree forms part of a network of existing street trees along Rockingham Beach Road. The network of street trees is considered important to retain as the trees help to define boundaries between private and public open space, reduce traffic speeds by narrowing the perceived width of the street and provide shade for pedestrians. The trees help to create a sense of place and the network of trees should not be compromised to facilitate the awning of one building.

Issue 3 - Plan Inconsistencies

Submission:
(iii) The wording on the plans states there will be no balconies on the first three levels of the building, whilst the plans show balconies on these levels. The submission accepts balconies on these levels only if the setback is increased to align with the adjacent apartment building.

Proponent's Response:
The first three levels and associated balconies have been constructed in accordance with the desired nil setback requirement under the Development Policy plan, with a nil front setback specified for development up to 12.5m high. With the third storey of the proposed development reaching 12m, the proposed nil setback to the Rockingham Beach Road boundary is entirely consistent with the Development Policy Plan.

The Development Policy Plan has been taken to reflect the desired built form in the area, regardless of the setback area provided on adjacent apartment buildings.

City's Comment:
The proposed development provides a nil setback to a maximum height of 12m /3 storeys, in accordance with the requirements of PP3.2.5. The applicant is required to comply with the setback requirements of PP3.2.5, and not the existing setbacks of adjacent buildings.

b. Consultation with Government Agencies
Not Required

c. Strategic
Community Plan
This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
State Planning Policy 2.6 - State Coastal Planning Policy (SPP2.6)

SPP2.6 provides guidance for development decision making within the coastal zone (areas of water and land that may be influenced by coastal processes), including managing development and land use change and protecting and conserving coastal values. The objectives of SPP2.6 are to:

- ensure that the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
- ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
provide for public coastal foreshore reserves and access to them on the coast; and
protect, conserve and enhance coastal zone values, particularly in areas of
landscape, biodiversity and ecosystem integrity, indigenous and cultural
significance.

The following is an assessment against the relevant policy measures of SPP2.6:

<table>
<thead>
<tr>
<th>Policy Measure</th>
<th>Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development and Settlement</strong></td>
<td>The proposed development is consistent with the Centre Plan for the Rockingham Strategic Metropolitan Centre, which is the overarching strategic document pertaining to the proposal. This is further discussed in the Local Policies section of this report.</td>
<td>Yes</td>
</tr>
<tr>
<td>Encourage urban development to be concentrated in and around existing settlements, particularly those with established infrastructure and services. Continuous linear urban development along the coast should be discouraged or, where it has occurred, carefully controlled. Proposed major urban development outside existing settlements will only be supported where a genuine community need has been demonstrated and the environmental capability has been properly assessed.</td>
<td>The proposed development is consistent with the Centre Plan for the Rockingham Strategic Metropolitan Centre, which is the overarching strategic document pertaining to the proposal. This is further discussed in the Local Policies section of this report.</td>
<td></td>
</tr>
<tr>
<td>Ensure that when selecting a development location, regard is given to infrastructure capacity and where possible, existing infrastructure be upgraded and improved.</td>
<td>The proposed development is consistent with the Centre Plan for the Rockingham Strategic Metropolitan Centre, which is the overarching strategic document pertaining to the proposal. This is further discussed in the Local Policies section of this report.</td>
<td></td>
</tr>
<tr>
<td>Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.</td>
<td>The proposed development is consistent with the Centre Plan for the Rockingham Strategic Metropolitan Centre, which is the overarching strategic document pertaining to the proposal. This is further discussed in the Local Policies section of this report.</td>
<td></td>
</tr>
<tr>
<td>Avoid significant and permanent negative impacts on the environment, either on or off site.</td>
<td>The proposed development is consistent with the Centre Plan for the Rockingham Strategic Metropolitan Centre, which is the overarching strategic document pertaining to the proposal. This is further discussed in the Local Policies section of this report.</td>
<td></td>
</tr>
</tbody>
</table>

| **Water Resources and Management**                  | All stormwater must be contained on-site.                                                                                                                                                    | Yes        |
| Development on or near the coast should maintain or restore pre-existing or desirable environmental flows and hydrological cycles within foreshore reserves. Development on or near the coast should not discharge any waste or stormwater that could significantly degrade the coastal environment, including the coastal foreshore reserve, coastal waters and marine ecosystems. | All stormwater must be contained on-site.                                                                                                                                                    | Yes        |

<p>| <strong>Building Height Limits</strong>                           | The subject site is located approximately 100m from the shoreline, and therefore the provisions of SPP2.6 are applicable.                                                                              | Noted      |
| The provisions of this part of the policy apply to all development within 300 metres of the horizontal shoreline datum, but do not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999). | The subject site is located approximately 100m from the shoreline, and therefore the provisions of SPP2.6 are applicable.                                                                              | Noted      |</p>
<table>
<thead>
<tr>
<th>Policy Measure</th>
<th>Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height limits should be specified as part of controls outlined in a local planning scheme and/or structure plan, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.</td>
<td>Maximum height limits are specified in Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Sector (PP3.2.5). The total height of the building is 42.2m/12 storeys. PP3.2.5 permits a maximum height of 32m/10 storeys. This has been further discussed in the Local Policies section of this report.</td>
<td>No</td>
</tr>
</tbody>
</table>

**State Planning Policy 3.1 - Residential Design Codes (R-Codes)**

The following is an assessment of the proposed development against the requirements of the R-Codes not dealt by Development Planning Policy 3.2.5 - Waterfront Village Sector.

<table>
<thead>
<tr>
<th>Required (Deemed-to Comply Provision)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.1.3 Street Setback</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3.2 Balconies located entirely within the property boundary.</td>
<td>All balconies are located entirely within the property boundary.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.2.2 Street Walls and Fences</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2 Front fences within the primary street setback area that are visually permeable to 1.2m above natural ground level.</td>
<td>No street walls or fences are proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>6.2.3 Sight Lines</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer to Figure Series 9).</td>
<td>The wall of the proposed office building adjacent Kent Street has a nil setback to the driveway.</td>
<td>No</td>
</tr>
<tr>
<td><strong>6.3.1 Outdoor Living Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C1 Each unit is to be provided with at least one balcony or equivalent accessed directly from a habitable room with a minimum area of 10m² and a minimum dimension of 2.4m.</td>
<td>Balconies of between 18m² and 40m² which meet the minimum dimensions have been provided.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### 6.3.3 Parking

<table>
<thead>
<tr>
<th>C3.1</th>
<th>The following minimum number of on-site car parking spaces is provided per dwelling:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type and Plot Ratio of Dwelling</td>
<td>Car Parking Spaces</td>
</tr>
<tr>
<td></td>
<td>Location A</td>
</tr>
<tr>
<td>Small (&lt;75m² or 1 br)</td>
<td>0.75</td>
</tr>
<tr>
<td>Medium (75-100m²)</td>
<td>1</td>
</tr>
<tr>
<td>Large (&gt;110m²)</td>
<td>1.25</td>
</tr>
<tr>
<td>Visitor car parking spaces (per dwelling)</td>
<td>0.25</td>
</tr>
</tbody>
</table>

A = within:
- 800m of a train station on a high frequency rail route, measured in a straight line from the pedestrian entry to the train station platform to any part of a lot; or
- 250m of a high frequency bus route, measured in a straight line from along any part of the route to any part of a lot.

B = not within the distances outlined in A above.

C3.2 | In addition to the above, one bicycle space to each three dwellings for residents; and one bicycle space to each ten dwellings for visitors, designed in accordance with AS2890.3 (as amended). | As assessment of the Bicycle Parking Requirements is contained within the Local Policies section of this report. | Yes |

### 6.3.4 Design of Car Parking Spaces

| C4.1 | Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended). | Car parking spaces must be provided in accordance with AS2890.1 (as amended). | Noted |
## 6.3.5 Vehicular Access

<table>
<thead>
<tr>
<th>Required (Deemed-to Comply Provision)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
</table>
| **C5.2** Access to on-site car parking spaces to be provided:  
  - where available from a right-of-way available for the lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;  
  - from a secondary street where a right-of-way does not exist, or  
  - from the primary street frontage where no secondary street or right-of-way exists. | Access is provided via one accessway to Kent Street. | Yes |
| **C5.3** Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:  
  - the driveway serves five or more dwellings;  
  - the distance from a car space to street alignment is 15m or more;  
  - or the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road. | Access has been designed for two way vehicle movements. | Yes |
| **C5.4** Driveways to be adequately paved and drained. | Access will be adequately paved and drained. | Yes |

## 6.3.6 Site Works

<table>
<thead>
<tr>
<th>Required (Deemed-to Comply Provision)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C6.1</strong> Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.</td>
<td>Approximately 2.5m of excavation is required to accommodate the carparking area.</td>
<td>No, however, the excavation is required due to the level difference across the site between Kent Street and Rockingham Beach Road and is considered acceptable</td>
</tr>
<tr>
<td><strong>C6.2</strong> Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.</td>
<td>The total height of the building (42.2m/12 storeys) exceeds the maximum 32m/10 storeys permitted by PP3.2.5. This has been further discussed in the Planning Assessment section of this report.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### 6.3.8 Stormwater Management

C8 All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.  

All stormwater must be contained and disposed of on site.  

Noted

### 6.4.1 Visual Privacy

C1.1 Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:

i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below (refer Figure Series 10):

<table>
<thead>
<tr>
<th>Types of habitable rooms/active habitable spaces</th>
<th>Location</th>
<th>Setback for areas coded R50 or lower</th>
<th>Setback for areas coded higher than R50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major openings to bedrooms and studies</td>
<td></td>
<td>4.5m</td>
<td>3m</td>
</tr>
<tr>
<td>Major openings to habitable rooms other than bedrooms and studies</td>
<td></td>
<td>6m</td>
<td>4.5m</td>
</tr>
<tr>
<td>Unenclosed outdoor active habitable spaces</td>
<td></td>
<td>7.5m</td>
<td>6m</td>
</tr>
</tbody>
</table>

The balcony and courtyard areas for apartments on the northern boundary facing Kent Street only achieve a 1.2m setback in line of sight with the cone of vision to the north eastern side boundary.  

No
<table>
<thead>
<tr>
<th>Required (Deemed-to Comply Provision)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>or;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii. are provided with permanent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>screening to restrict views within</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the cone of vision from any major</td>
<td></td>
<td></td>
</tr>
<tr>
<td>opening or an unenclosed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>outdoor active habitable space.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C1.2 Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.

Note:

i. Where the subject site and an affected adjoining site are subject to a different R-Codes, the setback distance is determined by reference to the lower density code.

ii. Line of sight setback distances shall be measured by application of the cone of vision set out in Figure Series 10.

iii. Line of sight setback distances include the width of any adjoining right-of-way, communal street or battleaxe leg or the like.

iv. These provisions apply to adjoining sites only where that land is zoned to allow for residential development.

C2.2 Where a development site shares its southern boundary with a lot, and that lot is bound to the north by another lot(s), the limit of shading for the development site set out in clause 6.4.2 C2.1 shall be reduced proportionate to the percentage of the affected property’s northern boundary that the development site abuts (refer to Figure 11b).

Note: This context site area refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground level.

<table>
<thead>
<tr>
<th>6.4.2 Solar Access for Adjoining Sites</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2.2</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Required (Deemed-to Comply Provision)</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>6.4.3 Dwelling Size</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| C3.1 Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows:  
  • minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and  
  • minimum of 40 per cent 2 bedroom dwellings; | The proposed development provides 48 x two bedroom apartments and 4 x four bedroom apartments. | No, however, the proposed development is considered to meet the Design Principles in that there is a range of dwelling types in the vicinity of the subject site to ensure there is diversity in housing types available. |
| C3.2 The development does not contain any dwellings smaller than 40m² plot ratio area. | Dwelling sizes range from 105m² to 290m². | Yes |
| **6.4.5 External Fixtures**          |          |            |
| C5.1 Solar collectors installed on the roof or other parts of buildings. | No solar collectors are proposed. | N/A |
| C5.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes. | No television aerials or external water down pipes are proposed to be visible from the street. | Yes |
| C5.3 Other external fixtures provided they are:  
  i. not visible from the primary street;  
  ii. are designed to integrate with the building; or  
  iii. are located so as not to be visually obtrusive | No external fixtures are proposed to be visible from the street. | Yes |
| C5.4 Antennae, satellite dishes and the like not visible from the street. | Fixtures are required to be screened from view of the street. | Noted |
| **6.4.6 Utilities and Facilities**   |          |            |
| C6.1 An enclosed, lockable storage area, constructed in a design and material matching the building/dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5m and an internal area of at least 4m² shall be provided for each multiple dwelling. | A total of 53 storage areas have been provided which meet the minimum area and dimension requirements. | Yes |
### Required (Deemed-to Comply Provision) | Provided | Compliance
--- | --- | ---
C6.2 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there shall be provision of a communal pick-up area or areas which are:  
   i. conveniently located for rubbish and recycling pick-up;  
   ii. accessible to residents;  
   iii. adequate in area to store all rubbish bins; and  
   iv. fully screened from view from the primary or secondary street.  
   A bin storage area has been proposed on the basement level, which is fully screened from the street. A Waste Management Plan must be prepared. | Noted

C6.3 Clothes-drying areas screened from view from the primary or secondary street.  
   No clothes-drying facilities are shown on the plans. Clothes-drying facilities must be screened from view of the street. | Noted

---

### Rockingham Strategic Metropolitan Centre Plan (Centre Plan)

Under ‘Statement of Planning Policy 4.2 - Activity Centres for Perth and Peel’ (August 2010), the WAPC requires the City of Rockingham to prepare and maintain an endorsed Activity Centre Structure Plan (Centre Plan) to guide the development of public and private property within the Rockingham Strategic Metropolitan Centre.

In 2006, the City commissioned a review of its 1995 Development Policy Plan with the goal of producing a new Centre Plan that would cover the full extent of the area to be serviced by the Rockingham City Centre Transit System (RCCTS).

The scope of the Centre Plan project covers an area of almost 600 hectares between the Rockingham Train Station and Rockingham Beach and includes the area covered by the existing Central City Area zone in the Metropolitan Region Scheme. The location of the Centre Plan planning envelope is shown in Figure 18.
18. Rockingham Strategic Metropolitan Centre Boundary

Stage 1 of the Centre Plan Review laid down an overall Concept Plan that addressed the priority issues of a better connected access and movement network and a land use pattern based on contemporary ‘Main Street’ and ‘Transit Oriented Development’ principles. A Framework Plan translated the Concept Plan into a general arrangement of legible street blocks, built form and public space.

The overall Centre Plan area was divided into 11 Sectors (refer to Figure 19) as follows:

- City Centre
- Waterfront Village
- Smart Village (South)
- Smart Village (North)
- Northern Gateway
- Campus
- Eastern
- Leeuwin
- Northern Waterfront
- Southern Gateway
- Rockingham Station
19. Rockingham Strategic Metropolitan Centre Sector Boundary

In February 2008, following an extensive consultation process, the City of Rockingham endorsed the long term planning framework and transport network recommendations for the Strategic Metropolitan Centre, as proposed in the Stage 1 Report.

Stage 2 of the Centre Plan Review updated the 1995 Development Policy Plan (DPP) for the City Centre Sector, with a revised Indicative Development Plan and related Precinct Policies and Guidelines. The Council endorsed the Stage 2 Final Reports in September 2009.

In November 2009, the WAPC Statutory Planning Committee considered the Stage 2 Final Reports on the Review of the Rockingham Strategic Metropolitan Centre and resolved to endorse the documents as an appropriate Centre Plan to guide future planning and development.

Planning Context – Approved Centre Plan

The 2009 Centre Plan sets the broad planning framework for the Strategic Metropolitan Centre and provides general direction for the detailed planning investigations to follow, i.e. the preparation of Development Policy Plans (DPP’s) for each Sector.

The Centre Plan developed a ‘Vision’ to guide planning and development of the Centre:

“The vision is for a modern, distinctly coastal centre offering a wide range of mixed uses including retail, commercial, office, civic, residential, education and recreation within an accessible and highly inter-connected, urban-scaled townscape, comprising a major activity centre and related urban villages based on ‘Main Street’ principles.”

In addition, the Centre Plan laid out a series of guiding ‘planning and development’ principles covering:

- Built Form and Urban Design
- Access and Parking
- Public Domain
- Land Uses
- Safety and Security
- Sustainability
Regional Centre Concept Plan

An overall Concept Plan (refer to Figure 20) was developed in conjunction with the preparation of Access and Movement Network options. The Concept Plan sets out generalised land uses, with the local public transit system (i.e. the Rockingham City Centre Transit System) the focus of an intensified corridor of mixed-use development between the City Centre, education campuses and the beachfront.

- The Concept Plan envisages the:
- ongoing development of commercial and retail land in the core of the City Centre.
- development of two new Smart Villages (north and south of Dixon Road).
- creation of a ‘main street’ mixed use activity corridor along the route of the transit system.
- intensification of residential development (densities and built form) along the coastal route of the transit system.

Transit Oriented Development (TOD) Potential

The approved Activity Centre Plan applied sustainable development principles to land development and redevelopment options, with particular emphasis on the TOD potential of land within the Centre.

The Centre Plan committed to achieving the vision of a fixed route, streetcar transit system as the focus of a corridor of high intensity, mixed-use development between the rail station and the beachfront.

The Activity Centre planning envelope was divided into eleven sectors (refer to Figure 19), to enable the TOD potential of each Sector to be assessed.

With respect to TOD potential of the Waterfront Village Sector, the Centre Plan states:
“Sector 2 - Waterfront Village

The Waterfront Village will continue with its transformation into a regionally significant beachfront hub with further redevelopment of under-utilised land and lower density properties. A vibrant mix of medium to high density residential and short-stay apartments, hospitality focused retail, offices and urban waterfront recreation uses will combine to make this a priority destination on the Rockingham coastline.”

Regional Centre Framework Plan

The approved Centre Plan presented a Framework Plan (refer to Figure 21), covering the 600 hectare Strategic Centre planning envelope, to illustrate a generalised arrangement of built form, movement networks, public and private spaces, which was consistent with the strategic arrangement of generalised land use functions, as shown on the Concept Plan.

The Framework Plan:

- recognises the potential for transit oriented development in each Sector.
- builds on the adopted Access and Movement Network.
- illustrates a long term (greater than 10 years) view of development and redevelopment.
- provides a platform for detailed master planning (ie. DPP’s) of each Sector.

Residential Density and Height

A ‘Residential Density and Height’ overlay plan (refer to Figure 22) was prepared in conjunction with the Regional Centre Framework Plan. In respect of Residential Density, the overlay plan is designed to:

- guide the density of development, generally in accordance with the ‘Planning and Development Principles’ and the TOD framework, as described in the Centre Plan.
• distribute residential density in response to the land use functions, amenity and levels of mixed-use anticipated in each Sector.

• Locate high density residential development within 250 metres of the transit route, concentrated in the core of the City Centre, and along the central spine of the Smart Village, Northern Waterfront and Waterfront Village Sectors.

Building Height is proposed to increase as development gets closer to the central transit route and also activity generators such as the core the City Centre, the Smart Village 'main street’, the coast and beachfront. The Centre Plan provided further guidance with respect to the profile of building bulk and scale, in relation to public streets and spaces.

22. Regional Centre Height and Density Overlay

Frontage Type
A ‘Frontage Type’ overlay plan was also prepared with the Regional Centre Framework Plan, in accordance with consolidated ‘main street’ principles, to generally require buildings to frame, address and activate the street network.

The Frontage Plan illustrates an orderly arrangement of frontage types in ‘main street’ and mixed-use areas, based on the common principle that buildings to all streets, major laneways and public spaces should be activated.

At least four Frontage Types are envisaged, with building frontages positioned (from the street boundary) and managed (level of required activation) according to the required streetscape character.

Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Sector (PP3.2.5)

Waterfront Village Sector
The Waterfront Village is one of eleven sectors within the Rockingham Strategic Centre (see Figure 19).
Indicative Development Plan

An Indicative Development Plan (IDP) (see Figure 23) has been prepared for the Waterfront Village, which illustrates a more detailed interpretation of the Centre Plan. The IDP identifies ‘main street’ mixed use development along Rockingham Beach Road.

The proposal is consistent with the IDP in that it provides mixed use development along Rockingham Beach Road, however, the indicative building footprint differs to the IDP in that the building extends between Rockingham Beach Road and Kent Street as opposed to two separate buildings facings each street frontage. This is considered acceptable given the proposed development has an apartment building facing Rockingham Beach Road and an office building facing Kent Street, giving the appearance of two separate buildings.
23. Waterfront Village Indicative Development Plan
Residential Density

PP3.2.5 provides a Residential Density Overlay (see Figure 24) which is intended to manage the density of development in accordance with the planning principles and adopted Transit Orientated Development model of the Centre Plan.

The subject site has a preferred residential density of 100-200 dwellings per hectare. The proposed development provides the equivalent of 248 dwellings per hectare, which is above the maximum of 200 dwellings per hectare prescribed in the density range. Given the proximity of the site to the transit route, this variation can be considered if it does not adversely affect the site and its surrounds by virtue of the overall scale of the development and the development is otherwise compliant with the required elements and building height development controls of PP3.2.5.

The proposed development does not comply with the built form requirements of PP3.2.5, as detailed in the assessment below.
Building Height

PP3.2.5 provides a Building Height Overlay (BHO) (see Figure 25) to the IDP, which permits building heights generally increasing in height in proximity to transit routes and activity generators.

Its intent is to ensure the building height provisions of the planning policy are generally consistent with the transit orientated development height provisions of the public advertised and Council and WAPC adopted Centre Plan.

The building heights of the BHO balance the sustainability advantages of high density mixed use development with the orderly and proper planning of the height and massing of buildings.

The subject site has a maximum building height of 32m (10 storeys). The proposed development is 42.2m (12 storeys), which is inconsistent with the maximum building height permitted. This has been further discussed in the Planning Assessment section of this report.
Frontage Types

PP3.2.5 provides a Frontage Type Overlay (see Figure 26) has been formulated in accordance with consolidated ‘Main Street’ development principles that required to require buildings to frame, address and activate an interconnected hierarchical street network.

The proposed development requires Type 1 Frontage Type to Rockingham Beach Road and Type 2 Frontage Type to Kent Street. The requirements of the frontage types are as follows:

Type 1:
A highly activated frontage with retail and small scale commercial uses at ground level and a 2 to 3 storey, contiguous facade positioned at the streetfront boundary. At the ground level, buildings should address the street with a fine grained tenancy pattern, and activated shopfronts that are transparent over at least 75% of the area of the facade.

Type 2:
A medium level of frontage activation with secondary retail, customer oriented offices, small scale commercial tenancies and residential lobbies at ground level and a 2 to 3 storey façade positioned at the streetfront boundary. At the ground level, buildings should address the street with a primary business entrance and a commercial façade that is transparent over at least 60% of the area of the facade.

The proposed development complies with the requirements of both Frontage Types. Further detail is provided in the assessment of the proposal against the required elements of the Foreshore Precinct below.
**Precincts**

<table>
<thead>
<tr>
<th>Desired Future Character</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Precinct should aim to achieve a lively, mixed use character with an emphasis on land uses which will generate interest and pedestrian activity within the public domain.</td>
<td>The proposed development achieves a mixed use character by providing a range of land uses, including residential multiple dwellings, a restaurant and office and retail space.</td>
<td>Yes</td>
</tr>
<tr>
<td>A contemporary waterfront aesthetic of varied, yet unified, architectural style (similar to the newer architecture of East Perth and Subiaco) is seen as more appropriate than resorting to a superficially themed (e.g. ‘colonial’, ‘Federation’ etc) building appearance.</td>
<td>The proposed development provides uniform architectural style and uses modern materials such as tilt up concrete and steel.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Preferred Uses**

<table>
<thead>
<tr>
<th>Within the Foreshore Precinct the preferred uses are:</th>
<th>The proposed development provides a mix of residential multiple dwellings, a restaurant, office and retail space.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>• retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• entertainment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• eating and drinking places</td>
<td></td>
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<tr>
<td>• short-stay accommodation</td>
<td></td>
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</tr>
<tr>
<td>• offices and commercial</td>
<td></td>
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</tr>
<tr>
<td>• recreation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Multiple dwellings/residential.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other permissible uses listed under the Scheme are not preferred.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Required Elements**

<p>| The Precinct is to be developed as a quality, mixed use area, framed by generally contiguous, streetfront buildings which address the street with a mix of tenancies in a manner consistent with contemporary ‘Main Street’ principles. | The proposed development provides for a contiguous streetfront, is orientated the address the street and provides a mix of tenancies, including uses that will activate the street, consistent with Main Street Principles | Yes |
| Buildings are to be located, configured and activated to frame and address street frontages, laneways and other public spaces in a way that is generally consistent with the Precinct Concept Plan and relevant ‘Frontage Types’, as indicated in Section 3.7. | The proposed development provides a nil setback and activation to the street via commercial and office uses to both Kent Street and Rockingham Beach Road. | Yes |
| The proposed development requires Frontage Type 1 to Rockingham Beach Road and Frontage Type 2 to Kent Street. | The proposed development provides a 2 storey façade to Kent Street and a 3 storey façade to Rockingham Beach Road. Approximately 98% of the Kent Street ground floor façade is transparent (the entire façade is a glass wall) and approximately 90.3% of the Rockingham Beach Road ground floor façade is transparent. | Yes |</p>
<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City will encourage private landowners to bring about a satisfactory infilling of streetfront buildings along the Rockingham Beach Road frontage between Railway Terrace and Wanliss Street.</td>
<td>The proposed development is infill development on a currently vacant block along the Rockingham Beach Road frontage between Railway Terrace and Wanliss Street.</td>
<td>Yes</td>
</tr>
<tr>
<td>Buildings shall be designed to achieve an appropriate use profile along Rockingham Beach Road, with an active, ground floor street frontage incorporating festive, convenience or recreation related retail, entertainment, cafes, restaurants and similar uses. Short-stay accommodation, multiple dwellings, offices, function rooms, etc are the preferred upper floor uses.</td>
<td>The proposed development provides retail, office and restaurant land uses at ground floor. Multiple dwellings are provided on upper floors.</td>
<td>Yes</td>
</tr>
<tr>
<td>The City acknowledges that the most likely form of short stay accommodation in the Precinct will be serviced, residential scale apartments. The City will encourage such development, provided that it occurs in a mixed use arrangement with the ground floor allocated to an appropriately activated retail or commercial use.</td>
<td>The applicant has not proposed Short Stay Accommodation.</td>
<td>No</td>
</tr>
<tr>
<td>Consistent with Figure 3.2 ‘Residential Density’, residential development within the Precinct is to be developed to accommodate a balanced mix of dwelling sizes at preferred densities ranging from 100 to 200 dwellings per hectare, with a minimum density of 80 dwellings per hectare in any development which includes a residential component.</td>
<td>The proposed development provides the equivalent of 248 dwellings per hectare, which meets the minimum of 80 dwellings per hectare required but is above the maximum of 200 dwellings per hectare prescribed in the density range. A mix of dwelling sizes has been provided.</td>
<td>Partially compliant.</td>
</tr>
<tr>
<td>Building height, upper level setbacks, side setbacks etc are to be determined by reference to Sections 3.4 - 3.7 and 4.1.5, Figures 3.3 and 3.3.1 - 3.3.4 and are to present a minimum 2 storey (6.0m) or equivalent parapet height to the street or relevant public space.</td>
<td>The subject site has a maximum building height of 32m (10 storeys). The proposed development is 42.2m (12 storeys), which exceeds the maximum building height permitted. The proposed development does not meet the upper level street setback requirements as the development does not 'step back' 3.5m from 12.5m to 19m high and 6m for additional height thereafter. The proposed development does not meet the side setback requirement as a nil setback has been proposed for 42.2m in lieu of the 4m required above podium level. Rear of site setbacks are not applicable.</td>
<td>No</td>
</tr>
</tbody>
</table>
## Policy Requirements

<table>
<thead>
<tr>
<th>The scale and massing of buildings are to be designed to minimise overshadowing of adjoining residential properties and public spaces.</th>
<th>The additional height of the building above 32m/10 storeys results in overshadowing of 14.3m of Kent Street up to the edge of the footpath on the southern side of Kent Street. The footpath on the southern side of Kent Street will not be overshadowed.</th>
<th>No</th>
</tr>
</thead>
</table>

| Notwithstanding the constraints imposed by the high water table, ground floor levels should match the adjacent level of public footpath wherever a medium to high level of frontage activation is indicated on the 'Frontage Types' plan in Section 3.7. | The proposed development matches the adjacent level of public footpath. | Yes |

| Car parking is to be provided in accordance with Clauses 4.15, 4.16 and Table 4 of Town Planning Scheme No.2 refer to Appendix 1. | In order to comply with the requirements of the Scheme, the development would be required to make payment of 29.8 bays carparking bays in the form of cash-in-lieu to the Council. | No |

| Car parking is not permitted between the road reserve boundary and building frontages. | All carparking is located behind building frontages. | Yes |

| To complement the City’s townscape objectives for the Waterfront Village, the massing, articulation and facade treatments of all development will be required to adhere to a quality, urban waterfront aesthetic. The basic building finishes should favour materials which complement the colours and textures of the Rockingham coastal landscape to the satisfaction of the City. | The articulation and façade treatments of the proposed development are not considered consistent with a quality, urban waterfront aesthetic nor are they considered to complement existing apartment developments within the precinct, as a lack of building elements and façade treatments have been used to create articulation of the development. The massing of the development is considered to result in excessive building bulk. This is further discussed in the Planning Assessment section of this report. The applicant has not provided a schedule of colours and finishes. The applicant is required to provide a schedule of colours and finishes. | No |

<p>| Corrugated steel (whether painted or not) or similar wall cladding, face brickwork, reflective glass and curtain-walling will not be permitted. | The applicant has not provided details of wall cladding. | Applicant to provide details. |</p>
<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The frontage of any building is to incorporate and maintain the required area of transparent facade with suitably glazed shopfronts, windows and doors, consistent with the applicable 'Frontage Types' set down in Section 3.7. The proposed development requires Frontage Type 1 and Frontage Type 2 as previously noted in this section of this report.</td>
<td>Approximately 98% of the Kent Street ground floor façade is transparent (the entire façade is a glass wall) and approximately 90.3% of the Rockingham Beach Road ground floor façade is transparent.</td>
<td>Yes</td>
</tr>
<tr>
<td>Variety and high design standards will be encouraged in the fit-out, awning treatments, signage and private street furniture attached to individual premises. Where appropriate, the City will encourage businesses to use the widened and upgraded public footpaths for street side dining, subject to private street furniture meeting design and quality standards acceptable to the City.</td>
<td>The proposed development incorporates street awnings to Rockingham Beach Road, to enable the use of the adjacent footpath area. The awnings are designed with cantilevered supports so no supporting structures will be in the public domain. It should be noted that the awning results in the loss of a street tree, which is not supported by the City. This has been further discussed in the Planning Assessment section of this report.</td>
<td>Yes</td>
</tr>
<tr>
<td>Any subdivision application is to be prepared in conjunction with an Integrated Development Guide Plan (IDGP), to be prepared by or on behalf of the land owner. The IDGP should illustrate three dimensional building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative car parking layouts and any rights of way or access easements required. In general, a rectilinear subdivision pattern will be preferred with a minimum lot size of 2,200m² to allow for a simple and cohesive layout.</td>
<td>No subdivision is proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>In lieu of the normal landscaping requirements of the Scheme, developers may be required to contribute to the cost of streetscape and/or landscape works within the public domain in the general vicinity of their development site.</td>
<td>A Landscaping Plan is required to be submitted and approved by the City for works in the street verges.</td>
<td>Noted</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Building Height Development Controls</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Building Height:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rockingham Beach Road</strong></td>
<td>The proposed development provides a maximum height of 12m/3 storeys with a nil street setback to Rockingham Beach Road. The remainder of the building (total height 42.2m/12 storeys) is setback 2m from Rockingham Beach Road. The height and setback of the proposed development is compliant up to 3 storeys. The remainder of the building is only setback 2m, in lieu of the 3.5m to 6m setback required. Rear of site setback requirements are not applicable as the lot has two street frontages and no 'rear'.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Kent Street, Flinders Lane, Railway Terrace, Wanliss Street</strong></td>
<td>The proposed development provides a maximum height of 7.6m/2 storeys with a nil street setback to Kent Street. Rear of site setback requirements are not applicable as the lot has two street frontages and no 'rear'.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Ground floor to first floor:**
Minimum 3.6m with a minimum floor to ceiling height of 3.0m.

A ground floor to first floor height of 4.8m has been provided for the portion of building fronting Rockingham Beach Road. A floor to ceiling height of 3.5m has been provided for the portion of building fronting Rockingham Beach Road. Yes
<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kent Street Ground floor to first floor: Minimum 3.6m ground floor to first floor with a minimum floor to ceiling height of 3.0m.</td>
<td>A ground floor to first floor height of 3.4m has been provided to the portion of building fronting Kent Street. A floor to ceiling height of 3.1m to the portion of building fronting Kent Street has been provided.</td>
<td>No, however, the ground floor to first floor variation to Kent Street is considered acceptable as the development presents as a two storey building to Kent Street, and achieves the required floor to ceiling height to enable the building to be used for commercial purposes, which will enable activation of the street.</td>
</tr>
</tbody>
</table>

(b) Front and Rear Setbacks:

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockingham Beach Road: Street front: Nil setback for development to 12.5m high, 3.5m setback for development from 12.5m to 19.0m high, 6.0m setback thereafter. Rear of site (other than Rockingham Hotel property): Minimum 4.0m setback from centre-line of street block to development from ground level to 19.0m high, height thereafter setback in accordance with R-codes.</td>
<td>The proposed development provides a nil setback to a height of 12m /3 storeys. A setback of 2m has been provided for the remainder of the building (total height 42.2m/12 storeys). Rear of site setback requirements are not applicable as the lot has two street frontages and no 'rear'.</td>
<td>No</td>
</tr>
<tr>
<td>Kent Street, Railway Terrace, Flinders Lane and Wanliss Street: Street front: Nil setback for development to 12.5m high.</td>
<td>A nil setback has been provided. Rear of site setback requirements are not applicable as the lot has two street frontages and no 'rear'.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>3.5m setback for development thereafter, subject to Kent Street solar height plane (lowest angle of sun at noon on 21 June to reach main footpath/road kerb line on southern side of street).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rear of site</strong> (other than Rockingham Hotel property):</td>
<td>Minimum 4.0m setback from centre-line of street block for development from ground level to 19.0m high, height thereafter setback minimum 6.5m.</td>
<td></td>
</tr>
<tr>
<td>(c) <strong>Side Setbacks:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rockingham Beach Road (other than Rockingham Hotel):</td>
<td>A nil setback to the northern and southern boundaries for the development facing Rockingham Beach Road (12 storeys/42.2m) is proposed.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Side boundary:</strong></td>
<td>Nil to 2 or 3 storey podium height. Minimum 4.0m above podium height.</td>
<td></td>
</tr>
<tr>
<td>(d) <strong>Visual Separation:</strong></td>
<td>The site width is 22.8m to Rockingham Beach Road, with the height of the development facing Rockingham Beach Road proposed as 42.2m. The site width is 18.8m to Kent Street, with the height of the development facing Kent Street proposed as 7.8m</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Other sites:</strong></td>
<td>The site width is 22.8m to Rockingham Beach Road with the height of the development facing Rockingham Beach Road 12 storeys/42.2m.</td>
<td></td>
</tr>
<tr>
<td>Buildings over 19.0m in height not to exceed 45.0m in site width.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) <strong>Site Dimensions:</strong></td>
<td>The site width is 22.8m to Rockingham Beach Road with the height of the development facing Rockingham Beach Road 12 storeys/42.2m.</td>
<td>No</td>
</tr>
<tr>
<td>Minimum 25.0m site width for any building over 19.0m high.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Waterfront Village Sector Precinct Boundaries Plan divides the Waterfront Village Sector into seven precincts, which provide a more detailed explanation of the desired future character, preferred uses and required elements of development which each of the Precincts. The subject site is located within the Foreshore Precinct (see Figure 27).
27. Foreshore Precinct Boundary

The following is an assessment against the provisions of PP3.2.5 for the Foreshore Precinct:

**Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities (PP3.3.14)**

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

**Bicycle Parking**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>1/10 - dwellings</th>
<th>1/150m² NLA (minimum 2 spaces)</th>
<th>1/500m² NLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwellings</td>
<td></td>
<td>5.2</td>
<td>17.3</td>
</tr>
<tr>
<td>Shop (247m²)</td>
<td></td>
<td>1.6</td>
<td>0.9</td>
</tr>
<tr>
<td>Restaurant (253m²)</td>
<td></td>
<td>1.6</td>
<td>1</td>
</tr>
<tr>
<td>Office (359m²)</td>
<td></td>
<td>0.7</td>
<td>1.7</td>
</tr>
<tr>
<td><strong>Total Required</strong></td>
<td></td>
<td>9.1</td>
<td>20.9</td>
</tr>
<tr>
<td><strong>Total Provided</strong></td>
<td></td>
<td>0</td>
<td>32</td>
</tr>
</tbody>
</table>
The proposed development provides parking spaces for 32 bicycles which are considered to be long term bicycle parking facilities as they are located in a secure location on level 2, directly accessible via the carparking area. The number of long term bays provided is compliant.

The provision of 4 short term parking bays in accordance with AS 2890.3 - Bicycle Parking Facilities and Austroads Part 14 - Bicycles is required, being the total number of short term bays required for the commercial component of the development. It is not considered necessary to provide the 7.3 long term bays required for the multiple dwellings given each dwelling will have a store area to store bicycles if required. The location of the short term bays should be located in the road reserve adjacent to the building as is permitted by PP3.3.14, to ensure the parking bays are easily accessible and placed in public view.

**End-of-Trip Facilities**

<table>
<thead>
<tr>
<th>Number of Long Term Parking Spaces Required</th>
<th>Rate</th>
<th>Amount</th>
<th>Number of showers provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.9</td>
<td>4 (two male, two female) plus additional showers at the rate of 2 showers (one male, one female) for every 10 long-term parking spaces after 20 provided thereafter.</td>
<td>4 (two male, two female) showers and change facilities.</td>
<td>4 (two male, two female) showers and change rooms have been provided.</td>
</tr>
</tbody>
</table>

Given showers are provided in each multiple dwelling, only one unisex shower to service the commercial component of the proposed development is recommended. The applicant has proposed 4 showers (two male and two female) which exceeds this requirement.

The proposed development is compliant with PP3.3.4. The applicant is required to provide 4 short term parking bays and ensuring end-of-trip facilities are designed in accordance with PP3.3.14.

e. **Financial**

Nil

f. **Legal and Statutory**

**Rockingham Town Planning Scheme No. 2 (TPS2)**

**Clause 4.3.2 - Objectives of the Primary Centre**

The subject site is located within the Primary Centre as defined by Clause 4.3.1 of TPS2, which forms part of the Rockingham Strategic Metropolitan Centre. The proposed development is considered to be consistent with the Objectives of the Primary Centre which are:

(a) to establish a people orientated, mixed use Primary Centre through the development of urban scaled, inner city housing, which will allow people to live within walking distance of work, shops and a wide range of social and community activities;

(b) to create a series of connected villages and precincts with distinctly inner-city characteristics and a level of amenity that encourages consolidated, medium to high density residential development between the City Centre and Rockingham Beach along a fixed route transit system;

(c) to foster the provision of a balanced and diverse mix of uses within the Primary Centre which will contribute to the development of an active and interesting character in the public and private domain of the Primary Centre;
(d) to encourage and facilitate sustainable economic growth and employment self sufficiencies in the Primary Centre;

(e) to promote the Rockingham Primary Centre as the preferred location for investment in higher order public and employment generating infrastructure, to foster employment self sufficiency and to reduce travel distances for employees living in the region;

(f) to foster the development of a credible and legible Primary Centre which possesses a diversity of activities through its built form and public spaces, framed around a legible public street pattern, with generally contiguous and active building frontages positioned at the street front boundary;

(g) to facilitate efficient access to the Primary Centre and between the various social and economic activities within it (the Primary Centre), through the accommodation of pedestrian, cycle, public transport and private vehicles in a manner which supports the development of a consolidated, pedestrian-oriented urban environment;

(h) to create a permeable, well connected network of public streets, laneways, arcades and public spaces that provide high quality linkages, particularly for pedestrians, to support the full range of Primary Centre activities;

(i) to provide a range of activities in the Primary Centre, which will encourage people to mix and create a strong sense of community;

(j) to create high quality public spaces to foster community use and interaction and to create a sense of place and public ownership;

(k) to create a street-based transit system, with closely spaced stops, which will encourage a highly utilised public transport system;

(l) to develop the Rockingham Primary Centre to offer a high standard of amenity and urban design, planned according to transit oriented development principles around a fixed route public transport system;

(m) to provide an appropriate land use pattern, which will sustain a fixed route public transport system that encourages mixed use development, higher density residential development and employment patterns;

(n) to facilitate generally contiguous development along a fixed transit route that offers multiple choices in lifestyle and convenience, focused on the public transport alignment;

(o) to develop the Rockingham Primary Centre in accordance with the Western Australian Planning Commission Activity Centre hierarchy, to ensure a long-term and integrated approach by public authorities to the planning economic and social infrastructure; and

(p) to develop the Rockingham Primary Centre to provide a similar level of services and functions to the Perth Central Business District.

Clause 4.3B - Primary Centre Waterfront Village Zone

Clause 4.3B provides the Objectives, Residential Design Code requirements and Minimum Residential Density requirements of the Primary Centre Waterfront Village as outlined below.

Clause 4.3B.1 - Objectives of the Zone

The subject site is zoned 'Primary Centre Waterfront Village' under TPS2. The objectives of the Primary Centre Waterfront Village Zone are as outlined below:

"(a) to promote contemporary waterfront residential and accommodation, commercial, tourism and recreational activities, which serves local residents and visitors alike, in accordance the Development Policy Plan for the Waterfront Village Sector;"
(b) to maximise the potential of the northerly coastal aspect, sheltered beach and shady parkland of the Waterfront through appropriate quality built form and site responsive architecture;

(c) to achieve appropriate land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transit system;

(e) to provide contiguous, activated street front development;

(f) to promote active day and night time retail and social environments;

(g) to encourage vibrant and diverse uses which promote the Waterfront as a destination;"

The proposed development is considered to be consistent with the Objectives of the Primary Centre Waterfront Village Zone with the exception of (a) and (c), as it is not in accordance with the Development Planning Policy for the Waterfront Village Sector and it is not considered an appropriate built form has been achieved. The requirements of the Development Planning Policy for the Waterfront Village Sector is further discussed in the Local Policies section of this report and the built form of the proposed development is further discussed in the Planning Assessment section of this report.

Clause 4.3B.2 - Residential Design Codes (R-Codes)

Clause 4.3B.2 outlines provisions relating to residential development in the Primary Centre Waterfront Village Zone as outlined below:

"(a) Where residential development is proposed the R-AC0 density code of Residential Design Codes is to apply.

(b) In order to encourage residential development within the Primary Centre Waterfront Village Zone, consistent with the urban design objectives for individual Precincts set out in the Policy or other adopted Policies, the Council may exercise its discretion in respect to the Residential Design Codes provisions."

By virtue of Table No.4 of the R-Codes, the R-AC0 density code requires assessment against the development requirements of a local structure plan or local development plan. The applicable local development plan is Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Sector (PP3.2.5).

As assessment against the relevant provisions of the R-Codes not dealt with by PP3.2.5 is contained within the Policy section of this report.

Clause 4.3B.3 - Minimum Residential Density

A minimum density of 1 dwelling per 180m² of land area for all development for the purpose of grouped or multiple dwellings is required by Clause 4.3B.3 in the Primary Centre Waterfront Village Zone. Based on a site area of 2,094m², a minimum of 12 dwellings is required. The development provides a total of 52 dwellings. This meets the minimum density requirements.

Clause 4.15 - Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table 3 of TPS2.

Clause 4.15.2.1 of TPS2 also requires, for development other than development for any of the purposes dealt with by the Residential Design Codes, not less than 60% of the minimum number of carparking bays required by TPS2 be provided in the form of cash-in-lieu payment to the Council.

The visitor allocation as per the Residential Design Codes must also be provided in the form of cash-in-lieu payment to the Council. The number of parking spaces provided on-site must also be reduced by the number of parking spaces provided through the cash-in-lieu contribution.
As assessment of the proposed carparking against the requirements of TPS2 is provided below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Table No.3 Requirement</th>
<th>Bays Required</th>
<th>Cash-in-Lieu Requirement</th>
<th>Total Required On-Site</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multiple Dwellings</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 large (&gt;110m²)</td>
<td>1.25 per dwelling*</td>
<td>42</td>
<td>nil</td>
<td>42</td>
</tr>
<tr>
<td>19 medium (75-110m²)</td>
<td>1 per dwelling*</td>
<td>19</td>
<td>nil</td>
<td>19</td>
</tr>
<tr>
<td><strong>Visitor Parking</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.25 per dwelling</td>
<td>13</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td><strong>Shop</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>247m² NLA</td>
<td>1 bay per 22m² NLA</td>
<td>12</td>
<td>7.2</td>
<td>5</td>
</tr>
<tr>
<td><strong>Restaurant</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>253m² NLA, designed to accommodate 56 persons.</td>
<td>1 bay for every 8 (6) persons the building is designed to accommodate</td>
<td>7 (10)</td>
<td>4.2</td>
<td>3 (6)</td>
</tr>
<tr>
<td><strong>Office</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>359m² NLA</td>
<td>1 bay per 40m² NLA</td>
<td>9</td>
<td>5.4</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total Required</strong></td>
<td>106 (109)</td>
<td>29.8</td>
<td></td>
<td>73 (76)</td>
</tr>
<tr>
<td><strong>Total Provided On-Site</strong></td>
<td></td>
<td></td>
<td></td>
<td>85</td>
</tr>
</tbody>
</table>

* The carparking requirement for Multiple Dwellings is as per the R-Codes.

The applicant is required to provide a total of 73 bays on site and 29.8 bays in the form of cash-in-lieu payment to the Council.

The plans show a total of 85 bays however, 15 spaces are in a tandem formation. The tandem bays are only considered suitable to service single dwellings, as using the bays for more than one dwelling or commercial land uses results in a lack of functionality and accessibility of the bays. Excluding the tandem bays, which are only to be used for single dwellings, 55 bays are available on-site, resulting in an overall shortfall of 3 bays for the development.

The shortfall in carparking bays is not supported as it is considered necessary to provide carparking on site for all residents of the multiple dwellings. There is no on-street carparking adjacent to the site for the commercial land uses.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil
Comments

Urban Design
The City sought advice from its Urban Design Consultant (Max Margetts & Associates) with respect to the proposed development, which provided the following advice:

"Background

The proposed development is subject to publicly advertised and adopted provisions of Town Planning Scheme No.2 and Planning Policy No.3.2.5 (PP 3.2.5).

The formulation of PP 3.2.5 included detailed consideration of urban design issues that contribute to the management of built form outcomes within the context of high density urban renewal.

It was recognized for example, that the earlier ‘Building Height Model’ which was adopted over a confined area of the Waterfront Village by the Council in 2003, needed to be updated and expanded in scope and reach to address the whole of the Waterfront Village Sector as defined by the wider WAPC endorsed Centre Plan.

The updated Waterfront Village Development Policy Plan also needed to assess the positive and negative impacts of completed development within the Sector, including completed apartment towers along Rockingham Beach Road.

High residential densities and mixed use outcomes may be consistent with the primary objective of transit oriented development, as generally advocated in Policy. However, the development of residential apartment towers with no setbacks to side boundaries has the potential to form an uninterrupted curtain or wall of development along Rockingham Beach Road, impacting on local amenity and the wider townscape objectives of the Waterfront Village.

While PP 3.2.5 retained the previous maximum height limit of 10 storeys for properties with that designation under the now superseded 2003 Building Height Model, the Policy also addressed the need to generally locate taller development further away from the waterfront and for separation between apartment towers above podium height to retain vistas to the sky, ocean and parkland, and access to sunlight and breezes from other private properties and from within the public domain.

The massing of built form was also factored into the Policy, with taller buildings gradually stepping back from street front boundaries as they rise above podium height to maintain amenity and a sense of pedestrian scale within streetscapes.

These considerations were factored into the detail of Sections 3.5, 3.6, 3.7 and 4.1 of the PP 3.2.5 and have direct application to the proposed development.

Compliance with Planning Policy 3.2.5 – Waterfront Village Development Policy Plan

Under the DPP, relevant "Planning and Development Principles" are listed in Section 2.2. "Relevant Residential and Mixed Use Building Typologies" are referred to in Section 3.3. "Residential Density", "Building Height" and "Frontage Types" are referred to in Sections 3.5, 3.6 and 3.7. More specific requirements for development on the subject site are covered by the "Foreshore Precinct Policy" in Section 4.1.

“Required Elements” and “Development Controls” are referred to in Sections 4.1.4 and 4.1.5.

Reference is made to these provisions as necessary in the following commentary.

Section 2.2 Planning and Development Principles

Section 2.2.1 Built Form and Urban Design

The proposal does not satisfy the intent of the following Principles:
“Develop local areas in accordance with specific precinct design and development guidelines and controls minimise any detrimental impacts on neighbouring properties

Incorporate......human scale in streetfront development”.

Refer to commentary in relation to Sections 3.3, 3.5, 3.6, 3.7 and 4.1 of the Policy.

Section 2.2.4 Land Uses

The proposal satisfies the mixed use intent of the Policy.

Section 3.3 Relevant Residential and Mixed Use Building Typologies

Section 3.3 of the Policy states,

“High density residential developments (including mixed use) should predominantly take the form of street framing developments preferably with internal landscaped courtyards located over basement and/or off-street car parking areas. Developments over 4 storeys in height should generally be sited on 2-3 storey podiums, with upper floors setback from the street front building line of the podium and set back from the adjoining lot boundaries.”

The proposed development does not comply with required upper floor setbacks from either the street or side boundaries.

The Policy also states that,

“lots should be of sufficient area with dimensions to permit a feasible, functional development.

The area and width of the proposed development site are less than the minimum 2,200m² and 25 metres referred to variously in the Policy and this has impacted on the design to the extent that front and side setbacks do not comply and vehicle parking and circulation is undesirably compact with over 70% of bays being either in tandem or stacked.

Section 3.5 Residential Density

The proposed development would exceed the Preferred Residential Density of 100-200 dwellings per hectare, but given the proximity of the site to the transit route this would only be of concern if the resulting built form failed to comply with associated detailed guidelines described in Section 4 of the Policy.

In this instance, the proposed development does not comply with a number of critical provisions in Section 4 of the Policy, including front and side setbacks.

Section 3.6 Building Height

The 12 storey development would have a roof height of 39.9 metres which would be 2 storeys and 7.9 metres higher than is permitted under the Policy.

The Building Height provisions of the Policy, “......balance the urban sustainability advantages of high density, mixed use development with the orderly management of height and massing of buildings within the following parameters:

(a) Maintain a 2 to 3 storey building profile to a maximum height of 12.5 metres along all street frontages with building height above 3 storeys to be setback as specified in the Precinct Policies.

(b) Locate development over 19.0 metres (5 storeys) in height on 2-3 storey podiums, with upper floors setback a minimum of 6.0m from the street front building line of the podium and separated from adjoining buildings to maintain vistas, solar access and an appropriate level of visual permeability.

(c) Limit the height of buildings to permit winter sun (mid-day, June 21) penetration to the main kerb line of the footpath along the southern side of Kent Street between Railway Terrace and Wanliss Street. This will protect the winter amenity of "Main Street" tenancies, including sidewalk cafes and restaurants.
(d) Maintain a maximum 10 storey building height limit on properties with that designation in the 2003 Building Height Model. Extend the 10 storey building height limit to the relevant street boundaries of Railway Terrace, Rockingham Beach Road and Flinders Lane property boundaries, subject to the requirements of (a), (b) and (c) above.

(e) Ensure that new development is designed to allow solar access to neighbouring properties.

(f) Locate development over 32.0 metres (10 storeys) in height more than 300 metres from the coastline as generally indicated on Figure 3.3 (of the Waterfront Village DPP).

(g) Ensure that new development falls within the maximum building height limits depicted on Figure 3.3 (of the Waterfront Village DPP), subject to (a), (b), (c), (d) and (e) above.

(g) For the purposes of this Policy, building height means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level at the top of the ridge, parapet, or flat roof, whichever is the highest, but does not include any lift plant, water tower or similar utility or service, not exceeding 3 metres in height, or any architectural feature or decoration (other than a freestanding sign) not used for any form of accommodation, which may be approved by the Council.

The height and massing of the 3 storey podium component of the proposed development complies with Section 3.6 (a). However the height, setbacks and related massing of the apartment tower above podium height would not comply with either the second part of Section 3.6 (a) or Section 3.6 (b), (d), (f) and (g).

Section 3.7 Frontage Types

The ground level frontages of the proposed development to Rockingham Beach Road and Kent Street would comply with the activated frontage requirements of the Policy.

Section 4.1 Foreshore Precinct Policy

Section 4.1.4 Required Elements

The proposed development would generally be consistent with Sections 4.1.4 (a), (b), (c), (l), (j) and (k) of the Policy, but does not comply with Section 4.1.4 (g) which deals with building height and upper level setbacks.

Section 4.1.5 Development Controls – Foreshore Precinct

The site width, building height and upper floor setbacks of the proposed development do not comply with the Policy.

Lot 101 has a width of 22.83 metres at Rockingham Beach Road which is 2.17 metres less than the minimum 25.0 metre width required by the Policy. The Policy sets minimum site areas and site widths to encourage site amalgamations as a proper foundation for larger scale buildings that require front and side setbacks.

The failure of the proposal to comply with required upper floor setbacks from the street and side boundaries is significant. The setting back of upper floors from the street front boundary is important to the maintenance of a pedestrian scaled streetscape.

The Policy requires a minimum setback of 4.0 metres to side boundaries to achieve adequate visual separation between apartment towers allowing access to sunlight and breezes and vistas to the sky, ocean and parkland from other private properties and the public domain.

It is recognized that the adjoining 9 storey Aria Apartment tower on Lot 1718 was built to the side boundaries with blank walls in compliance with now superseded Policy. There would be merit in Council relaxing the requirement for a development setback along that part of the common boundary between Lot 101 and Lot 1718.
**Discussion and Conclusion**

The proposal is for a 12 storey, mixed use development in a part of the Waterfront Village where high density development would be appropriate as long as it is consistent with the required built form and townscape provisions of the Policy.

_In this instance, the proposed development would not comply with critical built form and townscape provisions that are set out in PP 3.2.5 and should not be approved._

**Building Bulk**

Building bulk is a function of a combination of building elements such as height, large expanses of facades, and setbacks. If not sensitively designed, bulky buildings can detract from the attractiveness and amenity of the street and result in a closed-in feeling. The intent of the provisions within the Waterfront Village Planning Policy is to avoid the effects of building bulk and to provide for buildings that provide for a pedestrian scaled streetscape. This scale was to be achieved through progressive stepping back of the buildings from the street, so as to provide a 2-3 storey pedestrian podium façade to the street, to ensure that a pedestrian at street level does not sense the bulk of the building.

![Diagram of building bulk and setback requirements](image-url)

28. **Policy Height Requirements**

The proposed development does not achieve this. Instead, it provides a 32.5m high façade above the 3 storey podium, being only setback 2m instead of the 3.5m setback to 19m height and 6m setback above 19m height. Figure 28 illustrates the policy setback requirements and compares them to the proposed development (Figures 29 and 30).
29. Policy Height Requirements in Relation to Proposed Development

Combined with the street setbacks, an impact of bulk is overall building height. As can be seen by Figure 30 and 31, the additional 2 storeys, combined with the lack of stepping back from the street, significantly adds to the effect of building bulk which dominates the street environment.

Similarly, the width of the building contributes to its bulk, particularly when combined with large unarticulated facades. The building fronting Rockingham Beach Road extends for the entire width of the frontage and for the total height of the building. When compared to the above figure that shows the requirement side setbacks, the extent of the excessive bulk can be seen.

30. Policy Height Requirements in Relation to Proposed Development - View from Rockingham Beach Road

From the above, it can be seen that the proposed development results in excessive bulk and scale and consequentially does not provide for the pedestrian scaled development as intended by the planning framework for the area.
Separation Distance

The separation of high rise buildings through appropriate setbacks is important to minimise adverse impacts on the public realm and adjacent properties such as blocking sky view, natural ventilation and daylight for the occupants of the proposed development. Visual separation between apartment towers is also important allow access to vistas to the sky, ocean and parkland from other private properties and the public domain, and allow the impact of breezes/air flows and access to sunlight.

The proposed development fronting Rockingham Beach Road has no setback to either side boundary for its total 12 storeys. The absence of the separation through the side setbacks for the development will not only adversely add to the building bulk as outlined above, but will also detract from the residential liveability. Both of which are not considered acceptable.

Street Awning

The proposed development includes a glass and steel canopy extending 6m from the building over Rockingham Beach Road footpath. There is an existing street tree located approximately 3m from the lot boundary in the road reserve, which forms a network of street trees adorning the footpath. This tree will be required to be removed to accommodate the awning structure.

Removal of the street tree is not supported by the City as the network of street trees along Rockingham Beach Road provides important functions in reducing traffic speeds, provide sun protection, create a more aesthetically pleasing pedestrian environment and soften the building bulk of adjacent high rise buildings.

Existing awnings on nearby and adjacent developments also provide awnings extending approximately 2m into the road reserve. The proposed development only ‘steps back’ 3m above 3 storeys, before extending completely vertical until the 12th storey. The protrusion of a 6m wide street awning is therefore considered too intrusive into the road reserve and inappropriate in relation to the scale of the building.

Whilst the provision of an awning is necessary, the awning should be altered to enable the street tree to be retained and provide an appropriate relationship to the building.

Vehicle Access

The access to the development is proposed to be via an existing crossover that does not conform to the City's standards. The proposed access also requires the removal of an existing on-street carparking bay on Kent Street and a street tree.

The applicant has provided the following response to this issue:

"Should the development be approved, the Kent Street carparking bay will be removed, and the paved verge re-instated. To compensate for the loss of the Kent Street Bay, a new on-street carparking embayment could be constructed in the Rockingham Beach Road verge, adjacent to the subject site. With existing carparking facilities available to the public directly opposite Kent Street, the removal of this carparking bay will not significantly impact the parking capacity of Kent Street."

There is insufficient space within the Rockingham Beach Road verge adjacent the subject site to accommodate an on-street carparking bay, without the loss of the existing street tree, which is not supported.

The loss of the one on-street parking bay on Kent Street to accommodate the driveway would not result in an adverse impact on parking supply in the area. The applicant must provide a mature street tree in a location determined by the City to compensate for the loss of the existing street tree.

Waste Collection

Bin storage areas have been included in the proposed development, including a refrigerated bin storage area. The applicant is proposing the use of a private contractor to collect commercial waste.

Conclusion

The proposed development does not comply with the following requirements of TPS2:

- Clause 4.3B.1(a) and Clause 4.3B.1(c) - Objectives of the Zone; and
- Clause 4.15.2.1 - Provision of Parking in the Primary Centre Waterfront Village Zone.
The proposed development does not comply with the following requirements of PP3.2.5:

- 4.1.4 - Required Elements - Foreshore Precinct, with respect to the following provisions:
  - (f) Residential Density;
  - (g) Building Height and Upper Level and Side Setbacks; and
  - (j) Carparking.

- 4.1.5 - Building Height Development Controls - Foreshore Precinct, with respect to the following provisions:
  - (a) Building Height;
  - (b) Front Setbacks;
  - (c) Side Setbacks; and
  - (e) Site Dimensions.

As a result of the above non-compliances, it is considered the proposed development will have a detrimental impact on the amenity of the locality, and result in an adverse impact on the streetscape as a result of the excessive building height, bulk and massing of the proposed development.

It is therefore recommended that the SWJDAP refuse the application for the proposed Mixed Use Development (52 Multiple Dwellings, Restaurant, Shop and Office).

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Responsible Authority Report for the proposed Mixed Use Development (52 Residential Apartments, Restaurant, Shop and Office) at Lot 101 (No.45) Rockingham Beach Road, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South West Joint Development Assessment Panel (SWJAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulations 2011, which recommends:

*That the Metro South-West JDAP resolves to:

**Refuse** JDAP Application reference DAP/15/00707 and accompanying plans A100, A101, A102, A103, A104, A105, A111, A112, A113, A200, A201, A300, A301, A900 dated 7 December 2014 in accordance with Clause 6.7.1(b) of the City of Rockingham Local Town Planning Scheme No.2 the following reasons:

**Reasons**

1. The proposed development is inconsistent with 4.3B.1(a) of Town Planning Scheme No.2, being the objective for the built form outcomes of the Primary Centre Waterfront Village Zone, as the proposed development is not in accordance with the Development Planning Policy for the Waterfront Village Sector.

2. The proposed development is inconsistent with Clause 4.3B.1(c) of Town Planning Scheme No.2, being the objective for the built form outcomes of the Primary Centre Waterfront Village Zone, as the proposed height of the development in conjunction with the reduced upper floor and side setbacks results in greater 'building bulk', which is considered to detract from the existing streetscape.

3. The proposed development is inconsistent with Provision 4.1.5(a) - Building Height of Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Zone, as the proposed development exceeds the maximum permitted building height and as such results in excessive building bulk which adversely affects the amenity of the streetscape in relation to urban form and loss of pedestrian scale of Rockingham Beach Road as intended by the Planning Policy.
4. The proposed development is inconsistent with Provision 4.1.5(b) Front Setbacks and 4.1.5(c) Side Setbacks of Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Zone, as the proposed development does not provide the required front and side setbacks, resulting in excessive building bulk which detrimentally impacts the amenity of the streetscape and street environment by virtue of preventing views of the sky, acting as a visual barrier to prospective views from inland development and creating a sense of built form over-crowding of Rockingham Beach Road.

5. The proposed development is inconsistent with Provision 4.1.5(e) - Site Dimensions of Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Zone, as the proposed development does not achieve the minimum site dimensions. As such, it creates a sense of overdevelopment of the subject site, which adds to the building bulk which adversely affects the pedestrian scale and amenity of Rockingham Beach Road.”

Committee Recommendation

Moved Cr Whitfield, seconded Cr R Smith:

That Council ADOPT the Responsible Authority Report for the proposed Mixed Use Development (52 Residential Apartments, Restaurant, Shop and Office) at Lot 101 (No.45) Rockingham Beach Road, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South West Joint Development Assessment Panel (SWJAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulations 2011, which recommends:

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5. The proposed development is inconsistent with Provision 4.1.5(e) - Site Dimensions of Planning Policy 3.2.5 - Development Policy Plan - Waterfront Village Zone, as the proposed development does not achieve the minimum site dimensions. As such, it creates a sense of overdevelopment of the subject site, which adds to the building bulk which adversely affects the pedestrian scale and amenity of Rockingham Beach Road."

Committee Voting – 4/1
(Cr J Smith voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report

Provide Council with details of the tenders received for Tender T14/15-74 – Period provision of Plumbing Maintenance Services, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T14/15-74 – Period provision of Plumbing Maintenance Services was advertised in the West Australian on Saturday, 17 January 2015 and the Weekend Courier on Wednesday, 21 January 2015. The Tender closed at 2.00pm, Wednesday, 4 February 2015 and was publicly opened immediately after the closing time.
Details

The intent of this tender is to provide the City of Rockingham with a contractor with the necessary qualifications, skills, experience and capacity to deliver any of the services relating to plumbing maintenance. The successful Contractor will be required to perform general plumbing and gas works (repair, maintenance and minor installations) for the City of Rockingham as per the contract specifications.

The period of the contract shall be from the date of award for 36 months.

Company

<table>
<thead>
<tr>
<th>Company</th>
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<tbody>
<tr>
<td>CPD Group Pty Ltd</td>
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<tr>
<td>R and K Wade T/As R&amp;K Wade Plumbing, Drainage and Gasfiting</td>
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<td>Swift Flow Pty Ltd Trustee for The Swift Flow Unit Trust T/As Swift Flow Plumbing and Gas</td>
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<td>RWE Robinson &amp; Sons Pty Ltd Trustee for the RWE Robinson Unit Trust T/As Robinson Buildtech</td>
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<td>Samson (WA) Pty Ltd T/As Swans Complete Plumbing</td>
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<td>Woodview Enterprises Pty Ltd Trustee for the Woodview Trust T/As Hortec Engineering</td>
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<td>Arden Building Maintenance WA Pty Ltd</td>
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<td>Add Plumbing Pty Ltd</td>
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A panel comprising of the Manager Asset Services, Building Maintenance Officer and Building Maintenance Contracts Officer undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

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<th>Max. Points</th>
<th>CPD Group Pty Ltd</th>
<th>R&amp;K Wade Plumbing</th>
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Implications to Consider

a. Consultation with the Community

Not Applicable
b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objectives contained in the Community Plan 2015-2025:

   **Aspiration A:** Tourism Lifestyle
   **Strategic Objective:** Rockingham Beach Foreshore Precinct - A world-class foreshore precinct capitalising on its unique location and aspect, delivering a quality leisure tourism experience through contemporary design, best practice facilities and seamless linkage between beach, parkland and tourism-based commercial, retail and food and beverage outlets.

   **Strategic Objective:** Coastal Facilities - A range of quality and contemporary leisure tourism facilities including a “major brand” hotel, marinas, boat ramps, jetties, boardwalks and foreshore parks that contribute to the City’s reputation as the premier metropolitan coastal tourism destination.

   **Aspiration C:** Quality Leadership
   **Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

   **Aspiration D:** Sustainable Environment
   **Strategic Objective:** Carbon Footprint and Waste Reduction - Carbon footprint reduction and waste minimisation programs focussed on community education and awareness, and the use of new technologies proven to be environmentally acceptable and financially sustainable.

d. Policy

e. Financial
   Operational expenditure will be in accordance with Engineering and Parks Operations maintenance budgets.
   The City of Rockingham currently spends approximately $200,000 on plumbing maintenance services.

f. Legal and Statutory
   ‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $100,000 unless sub regulation (2) states otherwise’.

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
Risk implications of not implementing Officer Recommendation
High
- Non-compliance with applicable legislation.

**Comments**

Following consideration of the submissions in accordance with the tender assessment criteria all companies demonstrated a capacity to undertake the works, however, the submission received from C.P.D. Group was considered the best value to the City and therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPT** the tender submitted from CPD Group Pty Ltd, 113 Kew Street, Welshpool WA for Tender T14/15-74 – Period provision of Plumbing Maintenance Services in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

**Committee Recommendation**

Moved Cr J Smith, seconded Cr Hamblin:

That Council **ACCEPT** the tender submitted from CPD Group Pty Ltd, 113 Kew Street, Welshpool WA for Tender T14/15-74 – Period provision of Plumbing Maintenance Services in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
## 13. Reports of Councillors

Nil

## 14. Addendum Agenda

Nil

## 15. Motions of which Previous Notice has been given

Nil

### Engineering and Parks Services

#### Engineering Services

<table>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-005/15 Notice of Motion – Traffic Congestion/Access Issues - Rivergums Estate</th>
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<tr>
<td>File No:</td>
<td>LUP/411</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Matthew Whitfield</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Thompson, Director Engineering and Parks Services</td>
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<td>Other Contributors:</td>
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<td>16 March 2015</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Lot Area:</td>
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<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Location Plan</td>
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Purpose of Report

To provide officer comment and advice on Cr Whitfield’s notice of motion.

Background

Cr Matthew Whitfield submitted the following motion for consideration at the March 2015 Council Meeting:

That Council DIRECT the Chief Executive Officer to investigate traffic congestion/access issues during peak times (particularly School drop off/pick up times) to and from the Rivergums Estate, Baldivis.

Details

The City has received submissions from local residents highlighting their concerns in respect to access in the Rivergums Estate, particularly during school drop off and pick up times. Further congestion is being experienced around the joint Primary and High School site.

Recent traffic reports undertaken as part of a revised Structure Plan proposal determined that Rivergums Boulevard has sufficient capacity to accommodate current and future increases in traffic volumes.

The City has listed in its Business Plan 2014/15 and 2015/2016 funds to enable the commencement of works to upgrade Baldivis Road adjacent to Rivergums.

Implications to Consider

a. Consultation with the Community
   The City recently invited comment from the community in respect to the proposed modification to the Rivergums Structure Plan which identified some traffic issues.

b. Consultation with Government Agencies
   The City will need to liaise with Main Roads WA.
c. **Strategic**

**Community Plan**

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

**Aspiration C:** Quality Leadership

**Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

Nil

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

**Comments**

Increased traffic on Baldivis Road, generated from other estate developments has impacted negatively on the level of service at the intersection of Baldivis Road and Rivergums Boulevard. The City had identified the need to upgrade Baldivis Road a number of years ago to a Boulevard standard due to the increased land development in the area. These works are currently being designed with construction scheduled for commencement in the 2015/2016 financial year.

As part of the Baldivis Road upgrade it is proposed to undertake road widening at the intersection with Rivergums Boulevard which will assist in reducing some of the current congestion.

However at the intersection of Baldivis Road and Stillwater Drive sightlines and the proximity to the large Safety Bay Road roundabout does not allow for modification to provide safe right turn access onto Baldivis Road from Stillwater Drive.

Officers will undertake a traffic analysis to understand the scope of the traffic issues and identify opportunities to improve the flow of traffic at these intersections and within the Rivergums Estate.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **DIRECT** the Chief Executive Officer to investigate traffic congestion/access issues during peak times (particularly School drop off/pick up times) to and from the Rivergums Estate, Baldivis.

**Notice of Motion from Cr Matthew Whitfield**

That Council **DIRECT** the Chief Executive Officer to investigate traffic congestion/access issues during peak times (particularly School drop off/pick up times) to and from the Rivergums Estate, Baldivis.
Committee Recommendation

Moved Cr Whitfield, seconded Cr J Smith:

That Council DIRECT the Chief Executive Officer to investigate traffic congestion/access issues during peak times (particularly School drop off/pick up times) to and from the Rivergums Estate, Baldivis.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
### 16. Notices of Motion for Consideration at the Following Meeting

Nil

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

Nil

### 18. Matters Behind Closed Doors

Nil

### 19. Date and Time of Next Meeting

The next Planning and Engineering Services Committee Meeting will be held on **Monday 20 April 2015** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

### 20. Closure

There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **5.13pm**.