MINUTES
Planning Services Committee Meeting
Held on Monday 16 September 2013 at 4:00pm
City of Rockingham Boardroom
## CONTENTS

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Declaration of Opening</td>
<td>4</td>
</tr>
<tr>
<td>2.</td>
<td>Record of Attendance/Apologies/Approved Leave of Absence</td>
<td>4</td>
</tr>
<tr>
<td>3.</td>
<td>Responses to Previous Public Questions Taken on Notice</td>
<td>4</td>
</tr>
<tr>
<td>4.</td>
<td>Public Question Time</td>
<td>4</td>
</tr>
<tr>
<td>5.</td>
<td>Confirmation of Minutes of the Previous Meeting</td>
<td>4</td>
</tr>
<tr>
<td>6.</td>
<td>Matters Arising from the Previous Minutes</td>
<td>5</td>
</tr>
<tr>
<td>7.</td>
<td>Announcement by the Presiding Person without Discussion</td>
<td>5</td>
</tr>
<tr>
<td>8.</td>
<td>Declaration of Member’s and Officer’s Interest</td>
<td>5</td>
</tr>
<tr>
<td>9.</td>
<td>Petitions/Deputations/Presentations/Submissions</td>
<td>5</td>
</tr>
<tr>
<td>10.</td>
<td>Matters for which the Meeting may be Closed</td>
<td>5</td>
</tr>
<tr>
<td>11.</td>
<td>Bulletin Items</td>
<td>6</td>
</tr>
<tr>
<td>13.</td>
<td>Agenda Items – Planning Services Committee</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Statutory Planning</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SP-049/13 Final Approval of Scheme Amendment No.134 - Permissibility of Night Clubs</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>SP-050/13 Lifting of Urban Deferment - Lot 89 Millar Road and Pt Lot 1219 Wellard Road, Wellard - City of Kwinana</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Director Planning and Development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DPD-006/13 Proposed Planning Policy No.3.2.6 – Development Policy Plan Northern Waterfront Sector</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>DPD-007/13 Final Approval - Scheme Amendment No.129 – ‘Primary Centre - City Living Zone’</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>DPD-008/13 Proposed Keralup Town Planning Scheme Framework and Amendment to Town Planning Scheme No. 2 - Keralup ‘Special Control Area’</td>
<td>45</td>
</tr>
<tr>
<td>14.</td>
<td>Reports of Councillors</td>
<td>54</td>
</tr>
<tr>
<td>15.</td>
<td>Addendum Agenda</td>
<td>54</td>
</tr>
<tr>
<td>16.</td>
<td>Motions of which Previous Notice has been given</td>
<td>54</td>
</tr>
<tr>
<td>17.</td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
<td>54</td>
</tr>
<tr>
<td>18.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td>54</td>
</tr>
<tr>
<td>19.</td>
<td>Matters Behind Closed Doors</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>Date and Time of Next Meeting</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
<td>54</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
<td>54</td>
</tr>
<tr>
<td>1. Declaration of Opening</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Chairperson declared the Planning Services Committee Meeting open at 4.00pm, welcomed all present, and recited the Acknowledgement of Country.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Record of Attendance/Apologies/Approved Leave of Absence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1 Councillors</strong></td>
</tr>
<tr>
<td>Cr Richard Smith, Chairperson</td>
</tr>
<tr>
<td>Cr Chris Elliott</td>
</tr>
<tr>
<td>Cr Leigh Liley</td>
</tr>
<tr>
<td>Cr Joy Stewart, Observer</td>
</tr>
<tr>
<td><strong>2.2 Executive</strong></td>
</tr>
<tr>
<td>Mr Andrew Hammond, Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr John Woodhouse, Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Peter Ricci, Project Manager Keralup</td>
</tr>
<tr>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr Richard Rodgers, Manager Building Services (until 4.05pm)</td>
</tr>
<tr>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding, Manager Health Services (until 4.05pm)</td>
</tr>
<tr>
<td>Ms Melinda Wellburn, PA to Director Planning and Development Services</td>
</tr>
<tr>
<td><strong>2.3 Members of the Gallery:</strong></td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td><strong>2.4 Apologies:</strong></td>
</tr>
<tr>
<td>Cr Allan Hill</td>
</tr>
<tr>
<td><strong>2.5 Approved Leave of Absence:</strong></td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Responses to Previous Public Questions Taken on Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Public Question Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.01pm The Chairperson invited members of the Public Gallery to ask questions. There were none.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Confirmation of Minutes of the Previous Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved Cr Liley, seconded Cr Elliott:</td>
</tr>
<tr>
<td>That Council CONFIRM the Minutes of the Planning Services Committee Meeting held on 19 August 2013, as a true and accurate record subject to the following amendment:</td>
</tr>
</tbody>
</table>
Amend the Committee Voting for Item SP-043/13 - Proposed Home Occupation (Hairdressing) to recognise Cr Elliott voting against the Committee Recommendation, as follows:

**Committee Recommendation:**

That Council APPROVE the application for Home Occupation (Hairdressing) at Lot 2580 (No.13) Cheney Loop, Baldivis subject to the following conditions:-

1. Clients must only arrive and depart the premises between the hours of 9:00am and 5:00pm Monday to Friday and 9:00am and noon on Saturdays and not at all on Sundays and Public Holidays.
2. The Home Occupation must only operate from the front bedroom, in accordance with the submitted application.
3. All clients must park within the on-street carparking bays along Cheney Loop. No client vehicle parking is permitted within the rear laneway at any time.
4. Clients are not permitted to attend the premises except by appointment and, with an interval of at least 15 minutes between clients.
5. Not more than one client is permitted to attend the premises at any one time.
6. A maximum of seven clients are permitted to attend the premises each day.
7. The Home Occupation must only be operated by the proponent who must be a member of the occupier’s household. No staff may be employed with the Home Occupation.
8. The display and retail sale or hire of goods must not be carried out from the premises.
9. A sign displaying the Home Occupation must not exceed 0.2m².
10. This approval is valid for a period of 12 months only, following which a fresh application for Planning Approval is required.

Committee Voting – 3/1
(Cr Elliott voted against)
Committee Voting – 3/0

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

Nil

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

4.02pm 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**

4.02pm 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
### Bulletin Items

<table>
<thead>
<tr>
<th>Planning Services Information Bulletin – September 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health Services</strong></td>
</tr>
<tr>
<td>1. Health Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>3.1 FoodSafe</td>
</tr>
<tr>
<td>3.2 Industrial and Commercial Waste Monitoring</td>
</tr>
<tr>
<td>3.3 Community Health and Wellbeing Plan</td>
</tr>
<tr>
<td>3.4 Healthy Communities Initiative</td>
</tr>
<tr>
<td>3.5 Health Promotion</td>
</tr>
<tr>
<td>3.6 Mosquito Control Program</td>
</tr>
<tr>
<td>3.7 Ocean Water and Storm Water Sampling</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Mosquito-Borne Disease Notifications</td>
</tr>
<tr>
<td>4.2 Food Recalls</td>
</tr>
<tr>
<td>4.3 Food Premises Inspections</td>
</tr>
<tr>
<td>4.4 Public Building Inspections</td>
</tr>
<tr>
<td>4.5 Outdoor Event Approvals</td>
</tr>
<tr>
<td>4.6 After Hours Noise and Smoke Nuisance Complaint Service</td>
</tr>
<tr>
<td>4.7 Complaint - Information</td>
</tr>
<tr>
<td>4.8 Building Plan Assessments</td>
</tr>
<tr>
<td>4.9 Septic Tank Applications</td>
</tr>
<tr>
<td>4.10 Demolitions</td>
</tr>
<tr>
<td>4.11 Swimming Pool and Drinking Water Samples</td>
</tr>
<tr>
<td>4.12 Rabbit Processing</td>
</tr>
<tr>
<td>4.13 Hairdressing and Skin Penetration Premises</td>
</tr>
<tr>
<td>4.14 Family Day Care</td>
</tr>
<tr>
<td><strong>Building Services</strong></td>
</tr>
<tr>
<td>1. Building Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Legal</td>
</tr>
<tr>
<td>4.2 Monthly Building Permit Approvals - (All Building Types)</td>
</tr>
<tr>
<td>4.3 Private Swimming Pool and Spa Inspection Program</td>
</tr>
<tr>
<td>4.4 Continued Service System – where a Certificate of Design Compliance &amp; Building Permit are produced individually</td>
</tr>
<tr>
<td>4.5 Demolition Permit</td>
</tr>
<tr>
<td>4.6 Permanent Sign Licence</td>
</tr>
<tr>
<td>4.7 Community Sign Approval</td>
</tr>
<tr>
<td>4.8 Temporary Sign Licence</td>
</tr>
<tr>
<td>4.9 Street Verandah Approval</td>
</tr>
<tr>
<td>4.10 Occupancy Permits</td>
</tr>
<tr>
<td>4.11 Stratas</td>
</tr>
<tr>
<td>4.12 Unauthorised Building Works</td>
</tr>
<tr>
<td>4.13 Monthly Caravan Park Site Approvals</td>
</tr>
<tr>
<td>4.14 R Code Variations</td>
</tr>
</tbody>
</table>
### 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 Karnup District Water Management Strategy (EVM/136)
   - 3.3 Water Campaign (EVM/56-02)
   - 3.4 Karnup District Structure Plan (LUP/1546)
4. Information Items
   - 4.1 Updated of Dwelling Estimates - Development Contribution Plan No.2

### Statutory Planning

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

### Director Planning and Development Services

1. Director Planning and Development Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Rockingham Primary Centre Centre Plan Implementation (LUP/137-08)
   - 3.2 Northern Waterfront Sector - Development Policy Plan and Masterplan (LUP/1617)
   - 3.3 Northern Smart Village Sector - Development Policy Plan and Masterplan (LUP/1595)
   - 3.4 Campus Sector - Development Policy Plan and Masterplan (LUP/1618)
   - 3.5 Eastern Sector - Development Policy Plan and Masterplan (LUP/1619)
   - 3.6 Keralup
   - 3.7 Karnup Station Transit Oriented Development

### Committee Recommendation

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

Committee Voting – 3/0

4.05pm - Mr Richard Rodgers, Manager Building Services and Mr Rod Fielding, Manager Health Services left the Planning Services Committee meeting.
12. Agenda Items

Statutory Planning

### Planning Services
Statutory Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-049/13</th>
<th>Final Approval of Scheme Amendment No.134 - Permissibility of Night Clubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1652</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr John-Paul MacDonagh, Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, A/Coordinator Statutory Planning</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 September 2013</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>April 2013 (SP-012/13)</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Purpose of Report
To consider granting Final Approval to Amendment No.134 to Town Planning Scheme No.2 (TPS2) for the purpose of prohibiting ‘Night Clubs’ within the ‘Primary Centre - Waterfront Village’ Zone, the ‘Primary Centre - Urban Village’ Zone, the ‘District Town Centre’ Zone, and the ‘Commercial’ Zone and changing the land use class from a ‘D’ use to an ‘A’ use in the ‘Primary Centre - City Centre’ Zone.
Background

The City has, over a long period of time, received complaints regarding the antisocial behaviour occurring in the Waterfront Village Precinct. The antisocial behaviour has, on many occasions, been linked to nightclub patrons.

In 2010, the City conducted a survey to ascertain the views of local residents and businesses on the form and degree of inconvenience, disturbance, undue offence and annoyance experienced. The survey focused on the two nightclubs in the precinct. Amongst other things, the survey identified that almost half the respondents had experienced damage to their property, one third were frequently disturbed in their property (i.e. once or twice a week), and just under a third had experienced intoxicated members of the public entering their premises.

The results of this survey reinforced the City’s concerns that a ‘Night Club’ was not compatible with the Planning objective of the Primary Centre - Waterfront Village Zone, being a boutique and family oriented waterfront.

Details

Under TPS2, a ‘Night Club’ land use is not permitted in the ‘Primary Centre - City Centre’ Zone, the ‘Primary Centre - Waterfront Village’ Zone, the ‘Primary Centre - Urban Village’ Zone, and the ‘District Town Centre’ Zone, unless the Council has exercised its discretion (‘D’) by granting Planning Approval. It is an ‘A’ use in the ‘Commercial’ Zone. An ‘A’ use requires mandatory consultation and advertising in accordance with TPS2 requirements.

It is proposed to change the permissibility of ‘Night Club’ to prohibit (‘X’) the use in the ‘Primary Centre - Waterfront Village’ Zone, the ‘Primary Centre - Urban Village’ Zone, the ‘District Town Centre’ Zone and the ‘Commercial’ Zone. It is also proposed to change the permissibility of the ‘Night Club’ to an ‘A’ use in the ‘Primary Centre - City Centre’ Zone, to require public comment into the Council’s consideration of Planning applications for Night Clubs.

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 for a period of 54 days, ending on the 30 August 2012, with advertising being undertaken in the following manner:-

(i) A notice was published in the Public Notices section of the Weekend Courier newspaper on the 7 July 2013; and

(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.

As existing Night Club operations may continue unaffected, as a Non-Conforming Use, Night Club owners were not individually consulted.

At the conclusion of the advertising period, no submissions were received.

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 Amendment was referred to the Western Australian Planning Commission where it was noted that Council intended to advertise the Amendment.

c. Strategic Community Plan

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

d. Policy
Planning Policy 3.2.5 – Waterfront Village Sector
Planning Policy 3.2.5 - Waterfront Village Sector (the Policy) applies to development in accordance with the endorsed Centre Plan for the Rockingham Strategic Metropolitan Centre.

The Policy has a key principle of promoting land uses which reflect the coastal nature and lifestyle of Rockingham and its community to achieve a Centre designed in accordance with recognised townscape principles promoting a high quality public domain. Further objectives give priority to the ‘Main Street’ retail model for commercial centres, with an emphasis on land uses which will generate interest and pedestrian activity within the public domain.

A prohibition on ‘Night Clubs’ is considered necessary to protect the amenity of residents within the ‘Primary Centre - Waterfront Village’ Zone and avoid future land use conflicts in the ‘District Town Centre’ Zone and ‘Commercial’ Zone. The ‘Primary Centre - City Centre’ Zone would be the only location where ‘Night Clubs’ could be considered by the Council.

‘Night Clubs’ within the ‘Primary Centre - Waterfront Village’ Zone has resulted in poorly activated ground floor tenancies which are closed during day time business hours. This situation is contrary to the Policy objectives of facilitating a retail ‘main street’ model and a high quality public realm.

A ‘Night Club’ functions in a manner contrary to Policy objectives of creating interest and activity in the public domain where the safety and amenity of existing and future business proprietors and residents are reasonably ensured.

Planning Policy 3.3.19 – Licensed Premises
Planning Policy 3.3.19 – Licensed Premises provides guidance in the consideration of liquor license applications and aims to protect the safety and amenity of residents and business proprietors against alcohol related problems such as anti-social behaviour, violence, property damage, and promote the responsible sale and consumption of alcohol. The proposed Scheme Amendment is considered to be consistent with the aims of this Policy.

e. Financial
Nil

f. Legal and Statutory
TPS2 defines ‘Night Club’ as follows:-

“Night Club means premises-
(a) Used for entertainment with or without eating facilities; and
(b) Licensed under the Liquor Control Act.”

TPS2 Non-Conforming Use provisions will apply to existing Night Clubs in the ‘Primary Centre - Waterfront Village’ Zone. A Non-Conforming Use means a use of land which, though lawful immediately before the coming into operation of a Planning Scheme or Amendment to a Planning Scheme, is not in conformity with a provision of that Scheme (ie. zoning or controls applying to the land).

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.

The Council’s decision to either adopt the Scheme Amendment for Final Approval, or not proceed with the Scheme Amendment, must be forwarded to the Western Australian Planning Commission for consideration by the Minister for Planning.
<table>
<thead>
<tr>
<th><strong>Comments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>In recognition of the existing and potential land use conflicts associated with 'Night Clubs', it is recommended that Council amend Town Planning Scheme No.2.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Voting Requirements</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Majority</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Officer Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council <strong>ADOPT</strong> for Final Approval Amendment No.134 to Town Planning Scheme No.2 without modification.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Committee Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council <strong>ADOPT</strong> for Final Approval Amendment No.134 to Town Planning Scheme No.2 without modification.</td>
</tr>
</tbody>
</table>

Committee Voting – 3/0

<table>
<thead>
<tr>
<th><strong>The Committee's Reason for Varying the Officer's Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Implications of the Changes to the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
## Purpose of Report

To provide a submission to the Western Australian Planning Commission (WAPC) on a proposal to lift the Urban Deferment under the Metropolitan Region Scheme (MRS) over Lot 89 Millar Road and a portion of Lot 1219 Wellard Road Wellard, within the City of Kwinana.
Background

The following outlines the history of Planning Approvals on the site:

In January 2008, the WAPC rezoned the Wellard East Cell, being the land bound by Millar Road, Kwinana Freeway, Mortimer Road and Woolcoot Road, from Rural to Urban Deferred under the MRS. All of the land is located within the City of Kwinana.

In December 2009, the WAPC lifted the Urban Deferment for the northern two-thirds (first portion) of the cell and the land was transferred from the Urban Deferred zone to the Urban zone under the MRS.

The southern third of the cell was excluded because of a 2km buffer to the WA Water Ski Park on St Albans Road and a 1km buffer to the Wellard Sheep Holding Facility on Telephone Lane. A 500m buffer to a ‘Priority Resource Area’ for clay mining in Baldivis also affected the southern third of the Cell.

1. First portion of the Wellard East Cell to be lifted (2009)

The land immediately south of the subject site has been identified in the WAPC’s Economic and Employment Lands Strategy: non-heavy industrial Perth Metropolitan and Peel Regions (2012) as a ‘Priority Industrial Site’. In February 2010, the Council, in considering the draft Economic and Employment Lands Strategy noted that the development of urban areas in close proximity to this Priority Industrial Site should be addressed through future detailed planning to ensure the amenity of residential areas are not adversely affected.

Noise has been the subject of further investigation by the City’s Environmental Health Services and the City of Kwinana, specifically regarding the potential noise impacts from the WA Water Ski Park (Jet Boats), in Baldivis. The City’s investigations show that noise levels at the subject site could comply with the Environmental Protection (Noise) Regulations 1997. Austral Bricks has advised that the land within 500m of Millar Road (i.e. the required buffer distance) was unlikely to be mined for clay due to the low quality of the resource. The Department of Mines and Petroleum confirmed that the northern portion of the ‘Priority Resource Area’ (within 500m of Millar Road) has been excised from the Department’s maps.
In March 2011, the Council resolved to support the proposal to lift the Urban Deferment over the unaffected remainder (second portion) of the Wellard East Urban Cell within the City of Kwinana.

2. Second portion of the Wellard East Cell to be lifted (2011)

In May 2013 the City responded to a request from the City of Kwinana to provide comment on the proposed Structure Plan prepared over the Wellard East Cell and provided the following advice:

- The City recommended imposing a Notification on the Certification of Title at subdivision stage informing prospective residents of likely noise generated by the WA Water Ski Park located at Lot 101 (No.136) St Albans Road, Baldivis.

- It was understood that the odour impacts from the Wellard Sheep Holding Facility were yet to be resolved to the satisfaction of the Department of Environment and Conservation (DEC). The City recommended that further advice be sought from the DEC to determine if the Structure Plan area is not impacted by the odour buffer.

In August 2013, the City received a letter from the WAPC seeking comments on an application for the lifting of Urban Deferred on the subject properties. To meet the WAPC's deadline by which comments are required, City Officers provided an interim response to the WAPC advising that it did not support the lifting of the Urban Deferment over the subject properties because the odour impacts from the sheep holding facility have not yet been resolved to the satisfaction of the former DEC.

Details

The subject site is located wholly in the City of Kwinana, adjacent to the northern boundary of the City of Rockingham. The Proponent has applied to lift the Urban Deferred zoning over Lot 89 Millar Road and a portion of Lot 1219 Wellard Road (Wellard) to facilitate urban development over the south-eastern portion of the Cell. This land is affected by the 1000m buffer to the nearby Wellard Sheep Holding Facility.

The location of the proposal is shown on the following plan:
3. Location of Subject Properties

The Proponents engaged the services of Environmental Consultancy Services (ECS) to conduct a study to provide scientific field-based modelling information. The findings of the study by ECS are that the odour buffer (1000m from the Sheep Holding Facility) can be reduced as only the south east corner of Lot 89 is affected.

In April 2012, the DEC indicated that the current odour buffer that conflicts with an ‘Urban zone’ over the subject properties will not be varied. The Proponent’s Environmental Report was referred to DEC’s Air Quality Management Branch for review which provided the following advice:

1. The modelling study documented in the report has serious flaws which results in a serious under-estimation of both individual facility and cumulative odour impact predictions at the proposal site.

2. The close proximity of the proposal site relative to the size of the facility means that there is an unacceptable risk that there will be odour impacts at the proposed development site.

3. We note that during field work undertaken by the Odour Unit in 2009, “strong” odours were recorded at the proposal site boundary and some distinct odours were experienced at a distance of 1,050m from the livestock facility. Odours rated to be “very strong” were experienced at distances from the livestock facility which are similar to that of the proposal site.

It is outside of DEC’s jurisdiction to develop individual buffer definitions to maintain separation of incompatible land uses; however, given that distinct odours were detected at around 1000m from the boundary we recommend that the minimum separation distance should not be less than 1000m between the boundary of the livestock facility and the nearest sensitive receptor.”

**Implications to Consider**

a. Consultation

The WAPC is not required to advertise a proposal to lift an Urban Deferment or to seek public comment. Consultation was undertaken for the proposal by the WAPC when the land was proposed to be rezoned from Rural to Urban Deferred in the Metropolitan Region Scheme (MRS).
b. **Consultation with Government Agencies**

The WAPC has sought the comment of the City as an affected Local Government, on the proposal.

c. **Community Plan**

Community Plan

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

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

d. **Policy**

The WAPC’s Guidelines for the Lifting of Urban Deferment state that before agreeing to transfer the land from the ‘Urban Deferred’ zone to the ‘Urban’ zone, the WAPC will require evidence that:

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

e. **Financial**

Nil

f. **Legal and Statutory**

Clause 27 of the MRS provides that, by resolution of the WAPC notified in the Government Gazette, land may be transferred from the Urban Deferred Zone to the Urban Zone.

---

**Comments**

The City's consideration of this matter is limited to the potential impacts to existing and future land uses within the City's boundaries, given the proposal will be determined by the WAPC and is wholly located within the City of Kwinana. In this regard, the main issue remains the buffer to the Wellard Sheep Holding Facility.

The City does not support the proposed lifting of ‘Urban Deferred’, because the former DEC, as per their letter dated 30 April 2012, **confirmed that the minimum separation distance should not be less than 1000m** between the boundary of the livestock facility and the nearest sensitive receptor. The City’s Health Services consulted with officers of the former DEC in August 2013, who advised that the 1000m odour buffer is still applicable and needs to be retained. It was on the above basis that the City provided its interim response to the WAPC advising that it does not support the proposal. It is recommended that the City's interim response to the WAPC be confirmed.

---

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ENDORSE the City's interim response to the Western Australian Planning Commission that the lifting of the Urban Deferment over Lot 89 Millar Road and a portion of Lot 1219 Wellard Road Wellard, is not supported, based upon the former Department of Environment and Conservation advice dated 30 April 2012, confirming that the minimum separation distance should not be less than 1000m between the boundary of the existing livestock facility and the nearest odour sensitive premises (residential).
Committee Recommendation

That Council ENDORSE the City's interim response to the Western Australian Planning Commission that the lifting of the Urban Deferment over Lot 89 Millar Road and a portion of Lot 1219 Wellard Road Wellard, is not supported, based upon the former Department of Environment and Conservation advice dated 30 April 2012, confirming that the minimum separation distance should not be less than 1000m between the boundary of the existing livestock facility and the nearest odour sensitive premises (residential).

Committee Voting – 3/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Planning Services**

**Planning and Development Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>DPD-006/13</th>
<th>Proposed Planning Policy No.3.2.6 – Development Policy Plan Northern Waterfront Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1617-03</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
<td>Mrs Sharon Peacock, Special Projects Research Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td></td>
<td>16 September 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
<td>March 2013 (DPD-003/13)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Site:                   |                                      |                                                                                   |
| Lot Area:               |                                      | Residential R30, Residential R40, Additional Use A5 (Medical Centre and Ancillary Offices) and Community Purposes (Child Minding Centre) |
| LA Zoning:              |                                      |                                                                                   |
| MRS Zoning:             |                                      | Urban                                                                               |
| Attachments:            |                                      | 1. Schedule of Submissions                                                          |
|                         |                                      | 2. Draft Planning Policy No.3.2.6 - Development Policy Plan Northern Waterfront Sector |
| Maps/Diagrams:         |                                      | 1. Location Plan - Northern Waterfront Sector                                       |
|                        |                                      | 2. Regional Centre Concept Plan                                                    |
|                        |                                      | 3. Sector Plan                                                                     |
|                        |                                      | 4. Regional Centre Framework Plan                                                  |
|                        |                                      | 5. Regional Centre Height and Density Overlay                                       |
|                        |                                      | 6. Consultation Plan                                                               |
|                        |                                      | 7. Location Plan - Submissions                                                    |
1. Location Plan - Northern Waterfront Sector

**Purpose of Report**

To consider the adoption of ‘Planning Policy No.3.2.6 - Development Policy Plan – Northern Waterfront Sector’, following the completion of public advertising on the draft Policy.

Note: This Report should be read in conjunction with Agenda Report DPD-007/13 for Amendment No.129 to Town Planning Scheme No.2, which proposes to introduce the ‘Primary Centre - City Living Zone’ to provide the statutory framework to the Development Policy Plan for the Northern Waterfront Sector.

**Background**

In September 2009, the Council endorsed the Final Strategic Planning Reports (Volumes 1 and 2) as the approved ‘Centre Plan’ for the Rockingham Strategic Metropolitan Centre. The Western Australian Planning Commission (WAPC) endorsed the Final Reports in November 2009.

**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 (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 2) 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 (ie. 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.

2. Regional Centre Concept Plan
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 3), to enable the TOD potential of each Sector to be assessed.

3. Sector Plan

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

“Sector 9 – Northern Waterfront

A residential area between Rockingham Beach Road, Victoria Street, Patterson Road and Wanliss Street with good access to the beach, the Waterfront Village and the transit route. Opportunity to progressively upgrade residential capacity and introduce an urban built form consistent with proximity to transit and central uses.”

Regional Centre Framework Plan

The approved Centre Plan presented a Framework Plan (refer to Figure 4), covering the 600hectare 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.
4. Regional Centre Framework Plan

Residential Density and Height

A ‘Residential Density and Height’ overlay plan was prepared in conjunction with the Regional Centre Framework Plan (refer to Figure 5). 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.
5. 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 DPP’s.

In respect of ‘Sector 9 – Northern Waterfront’, the following planning guidelines were specified:

<table>
<thead>
<tr>
<th>Desired Future Character:</th>
<th>The Sector will be redeveloped progressively over time resulting in upgraded residential capacity with an urban form more consistent with proximity to transit, the coast and central uses.</th>
</tr>
</thead>
</table>
| Preferred Uses:          | Medium and high density residential  
                           Serviced apartments  
                           Local retail (corner shops)  
                           Existing parkland |
Elements:

<table>
<thead>
<tr>
<th>Elements:</th>
<th>Prepare a sector Development Policy 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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Upgrade the landscape at all levels to convey a more distinctly urban townscape character.</td>
</tr>
<tr>
<td></td>
<td>Give particular attention to the landscape treatment of Patterson Road, Victoria Street, Rockingham Beach Road and Wanliss Street and the related entry points where planting, lighting and signage should convey a clear sense of arrival at the edge of a major urban centre.</td>
</tr>
</tbody>
</table>

Statutory Implementation – Approved Centre Plan

As part of its September 2009 decision to endorse the Activity Centre Plan, Council also directed that City Officers proceed to 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.

Sector Planning and Approved Centre Plan - Alignment

The preparation of the detailed masterplans for each Sector (i.e. the DPP’s) 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, Height and Frontage Type’ requirements of the Framework Plan.
- the ‘Sector Planning Guidelines’.

Details

In March 2013, Council resolved to advertise draft ‘Planning Policy No.3.2.6 - Development Policy Plan – Northern Waterfront Sector’ for public comment.
At the conclusion of the advertising period, 34 submissions had been received, 12 in support, 20 in objection (some conditionally) and 2 from State Government agencies. 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 seven (7) weeks, commencing on the 10 June and concluding on the 26 July 2013. Public advertising was carried out in the following manner:

- Of the approximately 780 properties contained within Northern Waterfront sector, approximately 970 landowners and occupiers (as shown on Figure 6), servicing agencies and major stakeholders were notified of the proposal in writing, provided with a detailed information brochure and invited to comment;
- The proposal was posted on the City’s Facebook page and updates were also posted as the advertising progressed;
- Information banners and brochures were displayed in the City’s Administration Foyer for the duration of the advertising period;
- Half page notices were placed in the local Sound Telegraph and Weekend Courier newspapers on the 12 June, 21 June and the 12 July 2013;
- A public information session was held at the Gary Holland Community Centre, between 4:00pm and 7:00pm on the 26 June 2013; and
- Copies of the draft DPP were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

Advertising was undertaken in accordance with (and beyond) the requirements of Clause 8.9.4 of Town Planning Scheme No.2.

![Image of map](image_url)

6. Consultation Plan

#### b. Consultation with Government Agencies

The following Government Agencies and stakeholders were also consulted:

- Department of Planning
- Department of Transport
- Department of Training & Workforce Development
- Murdoch University
- Colonial First State Property Management Ltd
- Westgate Property Group Pty Ltd

c. Strategic

Community Plan

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

**Aspiration 6:** Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

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

d. Policy

The draft Planning Policy No.3.2.6 for the Northern Waterfront Sector has been prepared and advertised in accordance with Clause 8.9 (Planning Policies) of Town Planning Scheme No.2.

The draft Planning Policy No.3.2.6 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.

### Comments

The following summary is provided on the submissions received:
- 2 people lodged 2 submissions each.
- 2 submissions from Government Agencies, offering no objections/comments.
- 12 submissions were received from 6 households.
- 12 submissions strongly supported, conditionally supported or had no objection to the draft Policy proposals.
- 20 submissions of objection, raising various concerns as noted below:

#### Issues of Concern Raised in Submissions

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

1. Planning context, including Western Australian Planning Commission Policy
2. Public consultation
3. Residential density, building height and overshadowing
4. Financial implications of minimum lot sizes and minimum density provisions
5. Employment consequences and viability of development
6. Development forms, typologies and quality of future development
7. Impact on property values and rates of any rezoning
8. Vehicle traffic and related noise impacts on amenity
9. Effects of proposed marina on the environment
10. Streetscaping and shade tree planting
11. Street parking
12. Funding of Infrastructure
13. Clarity of DPP text

Response to Issues of Concern

1. Planning Context, including WAPC Policy

Consultant Response:
The full version of the 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.

Planning for development within the Northern Waterfront 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 Northern Waterfront Sector and the planning context of the WAPC endorsed Centre Plan for the Strategic Metropolitan Centre.

Concerns about a lack of planning context and conflicts with WAPC Policy are unfounded and not supported.
1. **Planning Context, including WAPC Policy**

**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.

2. **Public Consultation**

**Consultant Response:**

Within the strategic context of preparing a sustainable Centre Plan, the City of Rockingham has undertaken extensive rounds of public consultation with major stakeholders and the general public. This followed years of high profile public debate over the form and configuration of rapid transit and related central transit systems to service the Strategic Metropolitan Centre.

Throughout the process it has been clearly acknowledged by Government and the City that a piecemeal, "business as usual" approach to development infill and urban renewal would not meet the long term objectives of the Strategic Metropolitan Centre. Development would need to be more consolidated, with substantially higher residential densities in areas close to the route of the central transit system and major activity generators.

The proposals that are described and illustrated in the Northern Waterfront DPP are generally consistent in scope and scale with those more broadly described and illustrated in the Centre Plan and it would be unrealistic to assume that the next phase of planning would be subject to reviewing the guiding planning framework and the associated structure planning assumptions as some have argued in their submissions.

It is reasonable for the City to call for public comment on the next level of detail of planning for development in the Northern Waterfront Sector, following a similar process to that already followed in the preparation of the completed in the City Centre and Waterfront Village DPP's and related Scheme Amendments.

Concerns about a lack of public consultation in the formulation of the proposals are not consistent with the record of public engagement of the City with the Centre Plan project and are not supported.

**City’s Comment:**

The draft DPP was advertised for a period of seven (7) weeks, commencing on the 10 June and concluding on the 26th July 2013. Public advertising was carried out in the following manner:

- Approximately 970 landowners and occupiers, servicing agencies and major stakeholders were notified of the proposal in writing, provided with a detailed information brochure and invited to comment;
- The proposal was posted on the City’s Facebook page and updates were also posted as the advertising progressed;
- Information banners and brochures were displayed in the City’s Administration Foyer for the duration of the advertising period;
- Half page notices were placed in the local Sound Telegraph and Weekend Courier newspapers on the 12 June, 21 June and the 12 July 2013;
- A public information session was held at the Gary Holland Community Centre, between 4:00pm and 7:00pm on the 26 June 2013; and
- Copies of the draft DPP were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

Advertising was undertaken in accordance with (and beyond) the requirements of Clause 8.9.4 of Town Planning Scheme No.2.
3. Residential Density, Building Height and Overshadowing

**Consultant Response:**

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

Section 4.1 of the 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 of 60-90 dwellings per hectare and the Northern Waterfront minimum density provisions are consistent with that State Policy context.

Some of the submissions appear to have overlooked that the DPP proposes that the R-AC0 density code of SPP 3.1 - Residential Planning Codes (as amended) will apply to all new residential development. In at least one submission it has been erroneously assumed that normal R-Code density and site planning provisions from Table 4 of SPP 3.1 would apply to the minimum residential densities set down for each of the Precincts.

The Northern Waterfront DPP acknowledges that a proportion of the Sector has already been redeveloped in recent years, albeit at densities that are generally lower than those set down as minimum densities in the DPP. The DPP also acknowledges that in some places a piecemeal, site by site redevelopment pattern may have isolated potential redevelopment sites to the extent where lower density redevelopment of the remaining pockets of land is the only practical option. This means that a wider range of residential densities and building typologies is likely to result in years to come.

In relation to building height, the DPP acknowledges that the recommended maximum height limits of 5 and 8 storeys is unlikely to be replicated across the nominated street blocks because new development will need to respect the scale and streetscape context of adjoining development. The same applies to the potential for overshadowing, which is clearly referred to as a height limiting factor in the Precinct guidelines.

The submissions on this issue 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 60 - 100, 80 - 100 and 100 - 200 dwellings per hectare, and for building heights up to 5 - 8 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.

Overshading has been properly dealt with through each of the Precinct Statements, which requires that the design of buildings minimise any overshadowing of adjoining properties and public spaces. The Residential Design Codes also address overshadowing and would be applicable to development within this Sector.


**Consultant Response:**

A number of the submissions refer to possible negative financial implications for individual property owners from the adoption of minimum lot sizes and minimum density provisions.

While economic development is a key objective in the preparation of the Centre Plan, it is generally understood that integrated planning for a sustainable long term outcome will not always result in the highest financial return to individual property owners.

The City is aware that the piecemeal development of individual sites may carry the least amount of risk and potentially highest returns for small investors. The evidence from completed piecemeal redevelopment in the Northern Waterfront Sector and from elsewhere in metropolitan Perth is that this approach to redevelopment will not deliver the infill population targets and integrated townscape outcomes that have been set down by the WAPC and City of Rockingham.

Notwithstanding the need to achieve more sustainable residential infill, the City is conscious of the challenges that confront all parties involved in site amalgamation and achieving minimum densities. There will be instances where minimum lot sizes and other criteria cannot be achieved for various reasons and Section 5.2 of the DPP allows the City to assess development proposals for such sites on their urban design merits. The DPP also makes regular references to the City exercising a flexible approach in assessing development applications that meet the spirit of Policy without necessarily complying with all of the detailed requirements of the DPP.

While the main thrust of the concerns on this issue are not supported, the City should ensure that the text of the DPP contains sufficient references to the City adopting a flexible approach to the assessing on merit non-compliant but otherwise worthy infill development applications.

City's Comment:

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

- Northern Foreshore Precinct – 80 dwellings per hectare.
- Lewington Precinct – 80 dwellings per hectare.
- Alexandra Precinct – 60 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.

Although the draft Policy provides for minimum densities in the range of 60 - 80 dwellings per hectare, and for a preferred minimum lot size of 1,500sqm, 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:

- “Lots should be of sufficient area with dimensions to permit a feasible functional development. The dimensions of grouped multiple dwelling and mixed use lots should permit conventional carp parking layouts. Typically, this requires a minimum lot width of 30-40 metres and minimum lot area of 1,500m².
- 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.

5. Employment Consequences and Viability of Development

Consultant Response:

A key objective of the Centre Plan is to foster economic and employment growth in the Strategic Metropolitan Centre, consistent with the objectives of SPP 4.2.

It is not within the scope of the Northern Waterfront DPP to speculate on the viability of particular forms of development. Development viability changes from year to year subject to a range of factors beyond the control of the City and the planning process. That applies to everything from a possible marina to individual residential developments.

What is known is that successful Activity Centres attract ongoing public and private investment with positive consequences for local employment.
5. Employment Consequences and Viability of Development

The concerns expressed about this issue are not relevant to the preparation of sound planning policy and are not supported.

City’s Comment:

The strategic planning framework contained within the endorsed Centre Plan, and which is being implemented via statutory policies and zones in the TPS2, is consistent with the WAPC’s SPP 4.2 - Activity Centres Policy. Increasing the range of economic activities and fostering employment growth in activity centres (through a diversity of mixed-use activities) is one of the key objectives of SPP4.2. The approved Centre Plan seeks to implement this economic and employment objective of SPP4.2 through the provision of a range of commercial, mixed use and housing opportunities. The Northern Waterfront Sector is predominantly focused towards providing a mix of housing options.

6. Development Forms, Typologies and Quality of Development

Consultant Response:

Several submissions raised concerns about the appropriateness of proposed forms of development.

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 Midland and Cockburn Central. These centres share similar demographic and economic circumstances to that of Rockingham. The DPP report includes both photo examples and artist's sketches of a representative and realistic range of development typologies that could be applied to the development of the Sector.

The Precinct guidelines make many 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 not supported.

City’s Comment:

Consistent with the approved Centre Plan, the draft DPP for the Northern Waterfront Sector provides for a range of appropriate residential development options, and provides various visual examples to illustrate the desired future character.

Each Precinct Statement contains references to the desired built form and quality expectations anticipated by the Policy. The City’s intent on these matters is clear from the Policy.

7. Impact on Property Values and Rates of any Rezoning

Consultant Response:

A number of submissions raised concerns about the impact on property values and rates of any rezoning that would facilitate higher residential densities.

These concerns are speculative and are not relevant to the preparation and implementation of a local planning policy that is consistent with the objectives of SPP 4.2.

The concerns raised in submissions are not supported.

City’s Comment:

The City has consistently maintained that impact on property values is not a relevant planning consideration.
### 8. Vehicle Traffic and Related Noise Impacts on Amenity

**Consultant Response:**
At least 2 of the submissions refer to concerns about existing traffic noise and the unlawful conduct of motorists.

The reality is that traffic noise is a universal problem in urbanised society and good urban design seeks to mitigate the problem through the configuration of the road network and by employing a raft of traffic-calming strategies in local streetscape development.

The street network and narrow streetscape profiles of the Waterfront Village provides the amenity model for what is envisaged in the Northern Waterfront. With little or no retail or commercial land use envisaged, it is expected that the resulting traffic-calmed street environment in the Sector will be quiet relative to its Activity Centre context.

The unlawful conduct of motorists cannot be addressed or alleviated by planning proposals in the DPP and is not relevant to consideration of the proposals therein.

**City’s Comment:**
The basis of these objections relate to concerns about existing traffic conditions. It is expected that as the Sector progressively redevelops, associated traffic management and streetscape improvements would be undertaken by the City to control traffic numbers and speed.

### 9. Effects of Proposed Marina on the Environment

**Consultant Response:**
A number of submissions were strongly in favour of a marina being developed in the vicinity of Wanliss Street. One submission was strongly opposed to such a marina development on environmental grounds.

In preparing the Northern Waterfront DPP, the City has taken a pragmatic position on the issue of marina development by recognising that a State environmental approval has been issued. The project would be subject to further planning and engineering approvals if it were to proceed further.

The development of such a marina would undoubtedly influence future land use and investment in the Sector and the DPP has sought to set the parameters for any increase in development intensity that could flow from such a development.

The submission on this issue goes to matters beyond the scope of the DPP and is not supported.

**City’s Comment:**
Whilst the proposed marina development has been shown on the Indicative Development Plan within the draft DPP for the purposes of providing planning context, it does not form any part of the City’s proposals for the Northern Waterfront Sector.

### 10. Streetscaping and Shade Tree Planting

**Consultant Response:**
As referred to previously in relation to traffic impacts and amenity, the DPP has proposed changes and upgrades to the internal and external streetscapes of the Sector with the objective of improving overall amenity. This is a well proven strategy that has underpinned successful urban renewal throughout Australian cities. The streetscape treatments in the adjoining Waterfront Village provide a relevant benchmark for what is being recommended in the Northern Waterfront Sector.

Shade tree planting is an essential element in streetscape improvement and is an absolute prerequisite to improving the amenity of the street network and encouraging higher levels of pedestrian activity in the Sector.

The submissions on this issue are not supported.
10. **Streetscaping and Shade Tree Planting**

City’s comment:

_The City has recognised that the streets and foreshore parks within and adjacent to the Northern Waterfront Sector should be progressively upgraded to improve the overall public amenity of these spaces. This method has been successfully applied to the adjacent Waterfront Village Sector, with substantial public and private investment occurring as a result._

---

11. **Street Parking**

**Consultant Response:**

Indented street parking is proposed in the DPP because it is plays a supportive role in urban renewal by disbursing vehicle traffic, calming vehicle speeds and providing convenient visitor parking for adjoining medium to high density residential developments.

The submission on this issue is not supported.

**City’s Comment:**

_The provision of indented street parking would be provided as an integral part of the improvement works to the street upgrades within the Sector. It is a highly effective method of controlling street parking as the Sector progressively redevelops. It has been successfully applied to the adjoining Waterfront Village Sector (e.g. Flinders Lane, Smythe Street)._

---

12. **Funding of Infrastructure**

**Consultant Response:**

The City understands that existing service infrastructure has the capacity to handle additional development intensification. Improvements and upgrades to public streetscapes and the like will generally be funded from normal City resources.

The aim with many of the proposed improvements is to channel expenditure into sustainable initiatives that fit within an integrated improvement strategy.

The submission is not supported.

**City’s Comment:**

_Funding for public infrastructure upgrades to either streets, parking or foreshore parks will be provided for in the normal course of planning undertaken for the City’s 10 Year Business Plan. The City has no proposals to levy property owners to contribute towards these improvement works. Contributions are currently payable under the Residential Zone, and will continue to be payable under the newly created ‘Primary Centre - City Living Zone’, as part of the existing gazetted Development Contribution Plan, which forms part of the TPS No.2._

---

13. **Clarity of DPP Text**

**Consultant Response:**

The text of the DPP report follows a standardised model with consistent terminology that has been used throughout the Centre Plan process.

The submission is not supported.

**City’s Comment:**

_The terminology used in the draft DPP has been applied in all the City’s Policy documents to date. Should clarification of any text or diagrams be required, City Officers are always available to field enquiries and assist interpretation of the documents._
14. Impact of Short Term Accommodation

Consultant Response:

Rockingham's Northern Waterfront is part of an attractive coastal setting that has a long history as a favourite holiday destination. Well managed short stay accommodation generally makes a positive contribution to streetscape amenity and place activation.

The submission is not supported.

City’s Comment:

The existing Town Planning Scheme No. 2 allows the Council to currently consider short stay accommodation proposals within the Northern Waterfront Sector. Indeed, the area has a long history of holiday homes and short stay accommodation. The draft DPP will continue this land-use tradition.

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.3.2.6 - Development Policy Plan - Northern Waterfront Sector’ – (September 2013), subject to the following minor editorial modifications (identified by Officers):

1. Amend Section 6.1.2 – Northern Foreshore Precinct Policy - Desired Future Character - Paragraph 4 - “Three alternative tree planting profiles are illustrated in Figures 5.5.5a, 5.1.1b and 5.1.1c” - change from “5.5.5a” to “5.1.1a”.

2. Section 6.1.4 Clause (f), after the words “…with any additional height to a maximum of 19.0m…” include the additional words “to be setback a minimum of 3.5 metres”.

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

The Policy is also linked with Scheme Amendment No.129 to Town Planning Scheme No.2, which seeks to create the ‘Primary Centre - City Living Zone’ (for the Northern Waterfront Sector).

In this regard, the Development Policy Plan cannot be adopted until such time as Scheme Amendment No.129 is granted Final Approval by the Hon Minister for Planning.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT ‘Planning Policy No.3.2.6 - Development Policy Plan - Northern Waterfront Sector’ (September 2013), subject to the following minor editorial modifications (changes to Policy highlighted in red) and Amendment No.129 to Town Planning Scheme No.2 being granted Final Approval by the Hon Minister for Planning:

1. Amend Section 6.1.2 - Northern Foreshore Precinct Policy - Desired Future Character - Paragraph 4 - “Three alternative tree planting profiles are illustrated in Figures 5.5.5a, 5.1.1b and 5.1.1c” - change from “5.5.5a” to “5.1.1a”.

2. Section 6.1.4 Clause (f), after the words “…with any additional height to a maximum of 19.0m…” include the additional words “to be setback a minimum of 3.5 metres”.

Committee Recommendation

That Council ADOPT ‘Planning Policy No.3.2.6 - Development Policy Plan - Northern Waterfront Sector’ (September 2013), subject to the following minor editorial modifications (changes to Policy highlighted in red) and Amendment No.129 to Town Planning Scheme No.2 being granted Final Approval by the Hon Minister for Planning:
1. Amend Section 6.1.2 - Northern Foreshore Precinct Policy - Desired Future Character - Paragraph 4 - "Three alternative tree planting profiles are illustrated in Figures 5.5.5a, 5.1.1b and 5.1.1c" - change from "5.5.5a" to "5.1.1a".

2. Section 6.1.4 Clause (f), after the words "...with any additional height to a maximum of 19.0m..." include the additional words "to be setback a minimum of 3.5 metres".

Committee Voting – 3/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
## Planning Services
### Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>DPD-007/13 Final Approval - Scheme Amendment No.129 – ‘Primary Centre - City Living Zone’</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1674-02</td>
</tr>
<tr>
<td>Proponent/s:</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, Special Projects Research Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 September 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>March 2013 (DPD-002/13)</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></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Residential R30, Residential R40 and Community Purposes (Child Minding Centre)</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Urban, Central City Area</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Scheme Amendment No.129 Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Proposed ‘Primary Centre - City Living Zone’</td>
</tr>
<tr>
<td></td>
<td>2. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>3. Location Plan - Submissions</td>
</tr>
</tbody>
</table>

### Purpose of Report

To consider granting Final Approval to Amendment No.129 to Town Planning Scheme No.2 to introduce a new statutory planning framework for the ‘Northern Waterfront Sector’ of the Centre Plan for the Rockingham Strategic Metropolitan Centre, as adopted by the Council in September 2009. Amendment No.129 introduces new provisions into the Scheme to create the ‘Primary Centre - City Living Zone’.

Note: This Report should be read in conjunction with Agenda Report DPD-006/13 ‘Development Policy Plan 3.2.6 - Northern Waterfront Sector’ which deals with the planning objectives and requirements to guide future development in this area.

### Background

In September 2009 Council endorsed the Final Strategic Planning Reports (Volumes 1 & 2) as the Centre Plan for the Rockingham Strategic Metropolitan Centre Plan. The WAPC endorsed the Final Reports in November 2009. Council directed that City Officers prepare any necessary changes to the existing 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 renamed), 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.

Scheme Amendment No.129 proposes to introduce a new zone for the Northern Waterfront Sector, to be referred to as the ‘Primary Centre - City Living Zone’. In addition, it will update provisions for the Primary Centre Area to include reference to the ‘Primary Centre - City Living Zone’.

1. Proposed ‘Primary Centre - City Living Zone’

Council considered Amendment No.129 in March 2013 and resolved to adopt (initiate) the Scheme Amendment and to advertise the proposal for public submissions. This has occurred.

Details

At the conclusion of the advertising period, three (3) submissions had been received, two in support of the Scheme Amendment and one 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 Scheme Amendment and draft DPP (Development Policy Plan) were advertised concurrently for a period of 7 weeks, commencing on the 10 June and concluding on the 26 July 2013. Public advertising was carried out in the following manner:-

- Approximately 970 landowners and occupiers (as shown on Figure 1), servicing agencies and major stakeholders were notified of the proposal in writing, provided with a detailed information brochure and invited to comment;
- The proposal was posted on the City’s Facebook page and updates were also posted as the advertising progressed;
- Information banners and brochures were displayed in the City’s Administration Foyer for the duration of the advertising period;
- Half page notices were placed in the local Sound Telegraph and Weekend Courier newspapers on the 12 June, 21 June and the 12 July 2013;
- A notice was also published in the Public Notices section of a local newspaper;
- A public information session was held at the Gary Holland Community Centre, between 4:00pm and 7:00pm on the 26 June 2013; and
- Copies of the Scheme Amendment and draft DPP were made available for inspection at the City’s Administrative Offices and placed on the City’s website.
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:
- Department of Planning
- Department of Transport
- Department of Training & Workforce Development

c. **Strategic**

**Community Plan**

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

- **Aspiration 6:** Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.
- **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. **Policy**

A draft Development Policy Plan for the Northern Waterfront Sector has been prepared to detail the planning objectives and requirements for development in this area. Refer to Agenda Report DPD-006/13.

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.

### Comments

The submissions are set out in the Schedule of Submissions, together with comments and recommendations.

In summary:

- Of the two submissions in support of the Scheme Amendment, one contained a series of comments relating to the Northern Waterfront Sector, which were not relevant to the consideration of the proposed Town Planning Scheme Amendment No 129. These issues are dealt with as part of the assessment of the draft Development Policy Plan for the Northern Waterfront Sector.

- The comments contained within the objecting submission related to residential density, viability of development and subdivision, parking provision and the proposed Wanliss Street marina. Again, these comments were not relevant to the consideration of the proposed Town Planning Scheme Amendment No. 129 and are dealt with as part of the assessment of the draft Development Policy Plan for the Northern Waterfront Sector.
In addition, City Officers have identified minor editorial corrections (changes to Amendment Report highlighted in red) to the Scheme Amendment document (during the assessment process), which are proposed to be incorporated.

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.129, with minor modifications, 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.129 to Town Planning Scheme No.2, subject to modifications to include the following:

   10. Clause 4.3.4 is amended by:-
       
       (a) deleting the word “and” after the semi colon in sub paragraph (f);
       
       (b) deleting the full stop at the end of sub paragraph (g) and substituting “; and”;
       
       (c) adding the following new sub paragraph after sub paragraph (g):

       “(ga) in the case of the Primary Centre City Living Zone - the provisions of Development Policy Plan (Northern Waterfront Sector) and any other Policy adopted under clause 8.9 which applies to the Primary Centre City Living Zone.”

   11. Schedule 12 Clause 4 (2) is amended by:-
       
       (a) deleting the word ‘or’ after the semi-colon in sub-clause (g);
       
       (b) deleting the full stop at the end of sub-clause (h) and inserting the following “; or”;
(c) adding the following new sub-clause (i):

“(i) the Primary Centre City Living Zone.”

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

CITY OF ROCKINGHAM

AMENDMENT NO.129 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 – David &amp; Rebecca Berry – 56 Glen Iris Drive, Jandakot WA 6164 (Property affected – No.14 Wanliss Street, Rockingham) Subject of Submission – Owners of a private residential property We are in full agreement with the proposed Amendment No. 129 to Town Planning Scheme No. 2 – Proposed Scheme Amendment to introduce the ‘Primary Centre City Living Zone’. The Amendment provides the Northern Waterfront Sector with the opportunity to develop to height and population densities in line with the Waterfront Village Sector. The height variations provide for beachfront high-rise overlooking the beach with similar lower level commercial development to the Waterfront Village Sector. The popularity of the beachfront leisure premises demonstrates that similar development continued into the Northern Waterfront Sector is warranted, particularly with the increased pedestrian traffic which would occur with potential development of the adjacent marina. The potential revenue generated by tourism and day-trippers will benefit the region enormously. The medium-rise re-zoning of the precincts back from the beach will allow for better residential utilisation of this valuable real estate and will be in keeping with modern living trends for apartments and townhouses on smaller lots. The Amendment also proposes to better utilise the existing rear laneways which run across much of the Northern Waterfront Sector and have largely fallen into disuse. Their proposed use to reduce Street crossovers and street parking will improve streetscapes in the Sector and provide ideal access for waste collection away from streets. Assuming that laneways will be better lit in any redevelopment, this should reduce the potential for crime in the area. The existing unlit laneways provide ideal access and escape corridors for residential theft. Submission in support, however, the comments contained within this submission relating to the Northern Waterfront Sector are not relevant to the consideration of the proposed Town Planning Scheme Amendment No 129. These issues are dealt with as part of the assessment of the draft Development Policy Plan for the Northern Waterfront Sector.</td>
<td></td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>
### SUBMISSION

<table>
<thead>
<tr>
<th>No.1 - Cont...</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Northern Waterfront Sector is ready for Amendment No. 129 to complement pockets of redevelopment which have already occurred in the Sector. We fully support its approval by Council.</td>
<td>Submission in support.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No.2 – Mrs A Vinciguerra, 150 Leake Street, Bayswater (Property affected – Lot No’s. 40 &amp; 41 Lewington Street) Subject of Submission</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I have no objection to any development. Amendment No.129 to Town Planning Scheme No.2 proposed scheme amendment to introduce the Primary Centre City Living Zone.</td>
<td>Submission in support.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No.3 – Mr C Redondo, 18 Lewington Street, Rockingham WA 6168 Subject of Submission</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe the purposely rezoning is not in the interest of residents in this area. A lot of home owners have invested in their dwellings with plans to subdivide themselves to fund their retirements or secure their children’s future. Current homeowners will not be able to afford building the large number of dwellings necessary. Properties would have to be sold to larger property developers who will enjoy the profits and putting petioles lives on hold. I went to a similar information session 3yrs ago and not one part of any policy as being implemented, not even one new parking bay. I find this ridiculous when parents with their children have to park on the verge of Wanliss Street almost up to Patterson Road on a hot summers day. PS. Wanliss St marina, how long has this been on the plan.</td>
<td>The comments contained within this submission relating to residential density, viability of development and subdivision, parking provision and the marina are not relevant to the consideration of the proposed Town Planning Scheme Amendment No 129. These issues are dealt with as part of the assessment of the draft Development Policy Plan for the Northern Waterfront Sector.</td>
</tr>
</tbody>
</table>

### Committee Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.129 to Town Planning Scheme No.2, subject to modifications to include the following:-

10. Clause 4.3.4 is amended by:-

   (a) deleting the word “and” after the semi colon in sub paragraph (f);

   (b) deleting the full stop at the end of sub paragraph (g) and substituting “; and”;

   and

   (c) adding the following new sub paragraph after sub paragraph (g):

   “(ga) in the case of the Primary Centre City Living Zone - the provisions of Development Policy Plan (Northern Waterfront Sector) and any other Policy adopted under clause 8.9 which applies to the Primary Centre City Living Zone.”
11. Schedule 12 Clause 4 (2) is amended by:-
   (a) deleting the word ‘or’ after the semi-colon in sub-clause (g);
   (b) deleting the full stop at the end of sub-clause (h) and inserting the following “; or”;
   (c) adding the following new sub-clause (i):
       “(i) the Primary Centre City Living Zone.”

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

---

### CITY OF ROCKINGHAM

**AMENDMENT NO.129 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 – David &amp; Rebecca Berry – 56 Glen Iris Drive, Jandakot WA 6164 (Property affected – No.14 Wanliss Street, Rockingham) Subject of Submission – Owners of a private residential property</td>
<td>Submission in support, however, the comments contained within this submission relating to the Northern Waterfront Sector are not relevant to the consideration of the proposed Town Planning Scheme Amendment No 129. These issues are dealt with as part of the assessment of the draft Development Policy Plan for the Northern Waterfront Sector.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.1 - Cont...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>Assuming that laneways will be better lit in any redevelopment, this should reduce the potential for crime in the area. The existing unit laneways provide ideal access and escape corridors for residential theft. The Northern Waterfront Sector is ready for Amendment No. 129 to complement pockets of redevelopment which have already occurred in the Sector. We fully support its approval by Council.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No.2 – Mrs A Vinciguerra, 150 Leake Street, Bayswater (Property affected – Lot No’s. 40 &amp; 41 Lewington Street) Subject of Submission</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I have no objection to any development. Amendment No.129 to Town Planning Scheme No.2 proposed scheme amendment to introduce the Primary Centre City Living Zone.</td>
<td>Submission in support.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No.3 – Mr C Redondo, 18 Lewington Street, Rockingham WA 6168 Subject of Submission</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe the purposely rezoning is not in the interest of residents in this area. A lot of home owners have invested in their dwellings with plans to subdivide themselves to fund their retirements or secure their children’s future. Current homeowners will not be able to afford building the large number of dwellings necessary. Properties would have to be sold to larger property developers who will enjoy the profits and putting petioles lives on hold. I went to a similar information session 3yrs ago and not one part of any policy as being implemented, not even one new parking bay. I find this ridiculous when parents with their children have to park on the verge of Wanliss Street almost up to Patterson Road on a hot summers day. PS. Wanliss St marina, how long has this been on the plan.</td>
<td>The comments contained within this submission relating to residential density, viability of development and subdivision, parking provision and the marina are not relevant to the consideration of the proposed Town Planning Scheme Amendment No 129. These issues are dealt with as part of the assessment of the draft Development Policy Plan for the Northern Waterfront Sector.</td>
</tr>
</tbody>
</table>

Committee Voting – 3/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td></td>
</tr>
</tbody>
</table>
Planning Services
Planning and Development Services

Reference No & Subject: DPD-008/13 Proposed Keralup Town Planning Scheme Framework and Amendment to Town Planning Scheme No. 2 - Keralup ‘Special Control Area’

File No: LUP/1724
Proponent/s: Mr Peter Ricci, Project Manager Keralup
Author: Other Contributors:
Date of Committee Meeting: 16 September 2013
Previously before Council: June 2013 (DPD-004/13)
Disclosure of Interest:
Nature of Council’s Role in this Matter: Legislative

Site: Lots 551 and 802, Keralup
Lot Area: 2,163ha
LA Zoning: Rural
MRS Zoning: Urban Deferred and Rural
Attachments:
Maps/Diagrams: Proposed Keralup Town Planning Scheme Framework

Purpose of Report
To seek endorsement of a proposed Town Planning Scheme framework for Keralup and initiate a Scheme Amendment for the initial step of the framework.

Background

Deferral Request
At its ordinary Meeting held on the 25th June 2013, the Council resolved to defer consideration of a proposed Town Planning Scheme framework for Keralup, and the initiation of a Scheme Amendment for the initial stage of the framework, upon a request from the Department of Housing (in its capacity as landowner).

The deferral request was to allow further discussions to be held with the Department of Housing on the matter.

These discussions have occurred and are summarised under the heading of ‘Consultation with Government Agencies’ within the ‘Implications to Consider’ section below.
Project Background

The progress of the Keralup project is well known to the Council. In this regard, the Department of Housing has been active in seeking to justify the ability of its substantial landholding to support urban development.

‘Keralup West’, being about 100ha (of the 4,000ha total development site) adjacent to the Kwinana Freeway/Paganoni Road interchange, was zoned ‘Urban Deferred’ under the Metropolitan Region Scheme (MRS) in December 2012.

The balance of the site is zoned ‘Rural’ under the MRS and Town Planning Scheme No. 2.

Details

The Council has sought to take a pro-active approach with the Keralup project and influence those elements over which it has an ability to do so. The ‘Vision for Keralup’, adopted by the Council in March 2012, is a key document in the Council’s positioning on the project as it captures those matters that the community believe will result in sustainable urban outcomes.

One of the elements within the ‘Vision’ is ‘Governance’, which discusses the structure within which to deliver successful project outcomes.

A ‘Governance’ Principle is to ‘establish an effective, binding legislative framework to ensure the principles of the agreed vision are carried through to timely implementation’. The Town Planning Scheme framework is the primary mechanism by which this Principle will be achieved.

The Department of Housing’s Planning Consultant has previously examined the options available for local statutory regulation at Keralup, as follows:
- ‘Development’ Zone within the existing Town Planning Scheme;
- Special ‘Keralup’ Zones within the existing Town Planning Scheme;
- A new Town Planning Scheme dedicated to Keralup; and
- An Improvement Plan/Scheme.

The process assumed that the project would be regulated under the Planning & Development Act 2005, and not be subject to other enabling legislation such as the Metropolitan Redevelopment Authority Act 2011.

The Department of Housing’s Consultant recommended that the ‘Development’ Zone option be progressed as it was seen to be the least complicated means of achieving statutory direction as it worked within the existing framework of the Scheme. Under this scenario, as land achieves an ‘Urban’ zoning under the MRS it is zoned ‘Development’ under the Scheme, a ‘Development Area’ is created and special considerations to achieve project outcomes are contained within a Schedule of the Scheme.

The approach favoured by the Department of Housing’s Consultant is consistent with that applied to all other normal greenfield urban proposals in the City.

Although it was acknowledged that the ‘Development’ Zone provisions could achieve statutory regulation, the City offered the preliminary view that an approach which reflected Keralup’s unique circumstances was warranted.

This position was confirmed by the City’s Consultant, PCA Australia Pty Ltd which was requested to recommend a Town Planning Scheme framework that:

(i) Enables broad Objectives to be stated for Keralup;
(ii) Enables the Keralup area to be divided into specific Sectors and have Objectives for each;
(iii) Allows for general and Sector planning requirements and planning process requirements.
(iv) Provides for Sector Policies to be adopted;
(v) Enshrines key development commitments to infrastructure, services etc, in terms of the responsible party and the timing of provision;
(vi) Provides the opportunity for Keralup to be the subject of development contributions for infrastructure, consistent with the approach taken by the Council under Statement of Planning Policy 3.6 - Development Contributions for Infrastructure (Amendment 114 to Town Planning Scheme No. 2);
(vii) Accommodates the Environmental Protection Authority’s recommendations for Keralup Stage One (refer to Attachment 5); and

(viii) Provides a secure statutory framework for District Structure Plans, Local Structure Plans and other lower order planning mechanisms.

The City’s Consultant recommended that Special ‘Keralup’ Zones be applied to offer a greater focus on the project. In this regard, the City’s Consultant stated that:

“Keralup warrants a special approach given it is the largest, single ownership urban development project in Australia with a very long-term development timeframe of up to 50 years. It is the primary landholding and catalyst for a major inland potentially self-contained development in the south-west corridor east of the Freeway. It has a degree of special status having been recognised by the Department of Premier and Cabinet’s Land Availability Working Group as a priority urban development project resulting in the formation of DoP’s Project Coordination Group, and it has been a key project of the Department of Planning’s Office of Land & Housing Supply. A separate zone could also provide more ease of portability to a new scheme and to the Shire of Murray’s scheme (Keralup proposed stage 3 is within the Shire).”

The City’s Consultant also recommended that objectives and aspirations be inserted in the Scheme in the first instance to enable the Council’s desired urban outcomes to be expressed in a statutory sense. A ‘Special Control Area’ was recommended as the mechanism to contain the objectives/aspirations.

A ‘Special Control Area’ is a mechanism that applies to a dedicated area and sits above the existing zoning of the land. It contains provisions that apply in addition to the requirements of the prevailing zone.

It is not possible to insert provisions into the Scheme that relate to urban development at Keralup until the land achieves ‘Urban’ zoning under the MRS, hence the need for the ‘Special Control Area’. To do otherwise would not be supported and it pre-empts the urbanisation of the land and potentially fetters the authority of the WAPC and/or Minister for Planning.

**Implications to Consider**

a. **Consultation with the Community**

If the Scheme Amendment is initiated by the Council, it is required to be advertised in accordance with the *Town Planning Regulations 1967*, for a minimum period of 42 days.

b. **Consultation with Government Agencies**

Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council and following advice from the Environmental Protection Authority.

The City requested preliminary comment from the Department of Planning on the preferred Town Planning Scheme framework (as described in the ‘Comments’ section below). The Department of Planning advised that the existing Scheme and other mechanisms should be used in favour of formulating new zones and using additional mechanisms (such as a ‘Special Control Area’).

The Department of Planning considered that the City’s preferred planning framework adds additional and unfamiliar layers to the existing framework. Notwithstanding the above, the Department of Planning offered the City the opportunity to provide more specific justification for the planning framework that demonstrates why the approach will result in better outcomes than the existing mechanisms can achieve.

Following deferral of the matter at the June 2013 meeting of Council, City Officers met with the Department of Planning to further explain the rationale and intent of the proposed Town Planning Scheme framework and the initial Scheme Amendment. The Department of Planning confirmed that it generally does not favour of a Scheme framework that varies from what is considered to be standard (under the *Town Planning Regulations 1967*).
The Department of Planning, however, expressed an understanding of the framework and again invited the City to demonstrate why the circumstances at Keralup justify the recommended approach. It was also established that the City’s Town Planning Scheme framework should not seek to pre-empt a development potential at Keralup and that framework should be replicated in the Shire of Murray’s Town Planning Scheme in the interests of consistency.

The Department of Housing also provided comment on the proposed Town Planning Scheme framework and the proposed Scheme Amendment. The comments and a response is provided below:

(i) We consider the amendment adds an unnecessary additional layer to the planning process.

Officer Comment

The proposed ‘Special Control Area’ does not add layers or steps to the planning process which will remain unchanged. The Scheme Amendment seeks to clearly articulate the matters that the Council will have due regard for in its consideration of future Structure Plans at Keralup, in the event that its urban potential is confirmed.

The approach enables the Department of Housing and other stakeholders to focus on the matters which the Council considers to be critical. This ‘mandate’ will enable the Department of Housing to structure its planning submissions to address the Council’s objectives and potentially result in more efficient processing.

(ii) At this point we would question what benefits will be derived.

Officer Comment

As mentioned above, the benefits centre around increased transparency.

(iii) It is unclear why the City wishes to initiate an amendment to the Town Planning Scheme at this stage of the planning process.

Officer Comment

The Department of Housing has indicated an intention to have all potential urban land within the Keralup landholding zoned ‘Urban Deferred’ under the Metropolitan Region Scheme as soon as possible. A District Structure Plan, and a number of supporting technical reports, has been assembled by the Department of Housing as the primary means to justify the zoning of the land.

The Department of Housing has agreed to delay the lodgement of the District Structure pending progress being made on the WAPC’s higher order Sub-Regional Structure Plan which will confirm the urban potential of the land and provide a planning context to consider Keralup within. Current estimates suggest that the South Metropolitan and Peel Sub-Regional Structure Plan will be released for public comment mid-2014, however, it has not been established whether the District Structure Plan should be lodged at this time or at another juncture.

As a result, it is possible that, in the short-term, the Council will be requested to assess a proposed District Structure Plan (or a similar mechanism) in its consideration of the proposed rezoning requests under the Metropolitan Region Scheme.

The Scheme Amendment should be initiated at this time as it enables the Council’s objectives for Keralup to be clearly stated and allows the proponent to demonstrate how and when the objectives will be addressed.

(iv) Why the preferred approach of both the Keralup consultant team and the Department of Planning, of utilising the established planning framework, cannot manage Keralup’s circumstances.

Officer Comment

It is not the case that the ‘Keralup Scheme Amendment Sub-Group’ arrived a preferred Town Planning Scheme framework to govern Keralup. As mentioned above, the Department of Housing’s Planning Consultant established a preferred framework, to utilise the existing ‘Development’ zone Scheme provisions, which the City did not support.
The framework established by the City’s consultant, and generally supported by the City, varies from the preferred position of the Department of Housing as it seeks to elevate the status of Keralup to recognise its unique circumstances. The application of specific ‘Keralup’ zones in the Town Planning Scheme is an element of the preferred framework.

It is agreed that Keralup could be governed under the existing ‘Development’ Zone provisions of the Scheme but it is the City’s view that the recommended approach, in a local planning framework sense, ultimately provides the best opportunity for desirable outcomes to be achieved.

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

d. **Policy**
   Nil

e. **Financial**
   Nil

f. **Legal and Statutory**
   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 the Scheme Amendment.

**Comments**

Upon considering the recommendations from the City’s Consultant, and taking into account the advice from the Department of Planning and feedback from the Department of Housing as detailed above, the preferred Town Planning Scheme framework has been established.

**Specific Keralup Zones**

The application of specific (or special) Keralup zones is recommended as it recognises the unique circumstances of the project and immediately elevates its status. The approach establishes a point-of-difference to other proposed urban development areas, which are included into the generic ‘Development’ Zone.

The City is committed to raising the profile of the Keralup project such that the stakeholders and decision-makers recognise its uniqueness and the challenges it presents. The application of specific Keralup zones is a step towards this end.

Also, the use of specific Keralup zones will ensure that the provisions are more readily portable and transferred to a new Scheme should the situation arise.

The manner in which the Scheme Provisions pertaining to the specific zones are structured will be established in the coming period. In this regard, the specific zones, such as ‘Keralup Development Zone’ or ‘Keralup Town Centre Zone’, will not be brought into the Scheme until corresponding zoning is achieved in the MRS (ie. ‘Urban’ and ‘Central City Area’).

It is likely that the specific zones will have defined objectives, development requirements and planning process considerations. The Scheme arrangements for the ‘Rockingham Primary Centre’ provide a template that could be equally applicable to the proposed ‘Keralup Town Centre Zone’ and potentially other Keralup zones.

**Special Control Area**

As recommended by the City’s Consultant, it is proposed to introduce a ‘Special Control Area’ over Keralup, as the initial phase, to contain urban development objectives in the Scheme. The objectives will provide an expression of the key outcomes sought within the Council’s ‘Vision’ document.
The objectives will state matters for which the Council will have due regard in its consideration of Structure Plan proposals at Keralup.

As mentioned above, a ‘Special Control Area’ contains provisions that apply in addition to the provisions applying to the underlying zone or any general provisions of the Scheme. As such, proposals for the Keralup landholding will continue to be assessed under the existing ‘Rural’ provisions, and in the event that a Structure Plan is lodged that seeks to justify the urbanisation of the land, the ‘Special Control Area’ provisions will apply.

**Proposed Town Planning Scheme Framework**

The proposed Town Planning Scheme framework is a staged process, as follows:

(i) **Step 1 - ‘Special Control Area’;** to be introduced immediately and contain objectives for the Council to have due regard in assessing proposed Structure Plans, including a District Structure Plan.

(ii) **Step 2 - ‘Specific Keralup Zones’ (such as ‘Keralup Development Zone’ and ‘Keralup Town Centre Zone’);** to be introduced after land is zoned ‘Urban’, ‘Central City Centre’, or an equivalent zone in the MRS.

   To include precinct objectives, development requirements and planning process matters.

(iii) **Step 3 - ‘Secondary Specific Keralup Zones’ (such as ‘Keralup District Centre Zone’ and ‘Keralup Activity Corridor Zone’);** to be initially zoned ‘Keralup Development Zone’ and subsequently zoned ‘District Centre Zone’ and ‘Keralup Activity Centre Zone’ when the extent of these precincts is determined through the Local Structure Plan and subdivision processes.

   To include precinct objectives, development requirements and planning process matters.

The Scheme framework is shown diagrammatically in Figure 1 below:

1. **Proposed Keralup Town Planning Scheme Framework**

   It is therefore recommended that the Council endorse the Town Planning Scheme framework for Keralup and initiate a Scheme Amendment for the first Step of the framework involving the creation of a ‘Special Control Area’ that contains objectives against which to consider proposed Structure Plans.

   Should the Scheme Amendment be initiated, the City will address the issues raised in the feedback from the Department of Planning.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council:

1. **ENDORSE** the proposed Town Planning Scheme framework for Keralup which initially involves the creation of a ‘Special Control Area’, that establishes objectives for the consideration of proposed Structure Plans, then the staged application of specific, precinct based Keralup zones.

2. **ADOPT** (initiate) Amendment No.136 to Town Planning Scheme No.2 to introduce ‘Special Control Areas’ and to create the ‘Keralup Special Control Area’ over Lots 551 and 802, Keralup, by:-

   (i) Inserting new Part 5A immediately after Part 5, as follows:

   “PART 5A – SPECIAL CONTROL AREAS

   5A.1.1 Definitions

   In this Part:

   “Keralup Special Control Area” means the Special Control Area shown and described on the Scheme map as the Keralup Special Control Area;

   “Proposed Structure Plan” has the same meaning as given in clause 4.2.1;

   “Special Control Area” means a part of the Scheme area shown and described on the Scheme map as a Special Control Area.

   5A.2 Application of provisions

   A provision of this Part which applies to a Special Control Area, is to apply in addition to all other provisions of this Scheme which apply to that Special Control Area including provisions with respect to zones and local reserves.

   5A.3 Keralup Special Control Area

   (1) This clause applies to any land in the Keralup Special Control Area which is shown as a Development Area on the Scheme map.

   (2) In addition to any other matter which the Council may consider, when making a determination under clause 4.2.6.3 or clause 4.2.6.9 with respect to a Proposed Structure Plan in respect of land to which this clause applies, the Council is to have regard to the following objectives:

   (a) to establish a connected community where urban growth is led by the early delivery of infrastructure, services and facilities;

   (b) to create a strong sense of place that responds to the distinctive character of the Keralup location and its landscape;

   (c) to ensure that the planning for Keralup is cognisant of its wider context to enable integrated and coordinated development;

   (d) to create sustainable and vibrant activity centres that attract investment and provide the full range of residents' needs, including shopping, leisure, community services and employment;

   (e) to establish a regional and local access network that facilitates efficient movement across all modes, including public transport, that is integrated with land use and encourages walking;

   (f) to facilitate the early provision of an integrated public transport network that enables residents to conveniently commute to local and regional destinations;

   (g) to deliver a range of lot sizes and dwelling types that are located to respond to contextual considerations;

   (h) to foster a sustainable urban environment that respects and enhances the existing environmental attributes of Keralup;

   (i) to encourage and facilitate sustainable economic growth and employment self-sufficiency within Keralup;
Planning Services Committee Minutes
Monday 16 September 2013

PAGE 52

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON TUESDAY 22 OCTOBER 2013

PRESIDING MEMBER

(j) to facilitate the early provision of quality, innovative educational facilities, across all stages of learning, that integrate with complementary land uses and share facilities where practicable; and

(k) to create high quality public spaces and the full range of recreational facilities to foster community use and interaction.”

(ii) Amending the Scheme Map to depict the ‘Special Control Area’ over the subject lots.

Committee Recommendation

That Council:

1. **ENDORSE** the proposed Town Planning Scheme framework for Keralup which initially involves the creation of a ‘Special Control Area’, that establishes objectives for the consideration of proposed Structure Plans, then the staged application of specific, precinct based Keralup zones.

2. **ADOPT** (initiate) Amendment No.136 to Town Planning Scheme No.2 to introduce ‘Special Control Areas’ and to create the ‘Keralup Special Control Area’ over Lots 551 and 802, Keralup, by:-

   (i) Inserting new Part 5A immediately after Part 5, as follows:

   **“PART 5A – SPECIAL CONTROL AREAS”**

   **5A.1.1 Definitions**

   In this Part:

   “Keralup Special Control Area” means the Special Control Area shown and described on the Scheme map as the Keralup Special Control Area;

   “Proposed Structure Plan” has the same meaning as given in clause 4.2.1;

   “Special Control Area” means a part of the Scheme area shown and described on the Scheme map as a Special Control Area.

   **5A.2 Application of provisions**

   A provision of this Part which applies to a Special Control Area, is to apply in addition to all other provisions of this Scheme which apply to that Special Control Area including provisions with respect to zones and local reserves.

   **5A.3 Keralup Special Control Area**

   (1) This clause applies to any land in the Keralup Special Control Area which is shown as a Development Area on the Scheme map.

   (2) In addition to any other matter which the Council may consider, when making a determination under clause 4.2.6.3 or clause 4.2.6.9 with respect to a Proposed Structure Plan in respect of land to which this clause applies, the Council is to have regard to the following objectives:

   (a) to establish a connected community where urban growth is led by the early delivery of infrastructure, services and facilities;

   (b) to create a strong sense of place that responds to the distinctive character of the Keralup location and its landscape;

   (c) to ensure that the planning for Keralup is cognisant of its wider context to enable integrated and coordinated development;

   (d) to create sustainable and vibrant activity centres that attract investment and provide the full range of residents' needs, including shopping, leisure, community services and employment;

   (e) to establish a regional and local access network that facilitates efficient movement across all modes, including public transport, that is integrated with land use and encourages walking;
(f) to facilitate the early provision of an integrated public transport network that enables residents to conveniently commute to local and regional destinations;

(g) to deliver a range of lot sizes and dwelling types that are located to respond to contextual considerations;

(h) to foster a sustainable urban environment that respects and enhances the existing environmental attributes of Keralup;

(i) to encourage and facilitate sustainable economic growth and employment self-sufficiency within Keralup;

(j) to facilitate the early provision of quality, innovative educational facilities, across all stages of learning, that integrate with complementary land uses and share facilities where practicable; and

(k) to create high quality public spaces and the full range of recreational facilities to foster community use and interaction.”

(ii) Amending the Scheme Map to depict the ‘Special Control Area’ over the subject lots.

Committee Voting – 3/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>13.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>14.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>15.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>16.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>17.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>18.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>19.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>20.</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>