City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on

Monday 14 November 2011

4:00pm

Council Boardroom
Council Administration Building
Civic Boulevard, Rockingham
City of Rockingham  
Planning Services Standing Committee Meeting  
4:00pm Monday 14 November 2011  

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### Statutory Planning

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<td>Date and Time of Next Meeting</td>
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<td>20.</td>
<td>Closure</td>
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# City of Rockingham
## Planning Services Standing Committee Meeting
### 4:00pm Monday 14 November 2011

## MINUTES

### 1. Declaration of Opening

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

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

#### 2.1 Councillors
- Cr Richard Smith Chairperson
- Cr Chris Elliott
- Cr Leigh Liley
- Cr Allan Hill

#### 2.2 Executive
- Mr Robert Jeans Director, Planning & Development Services
- Mr Brett Ashby Manager, Strategic Planning & Environment
- Mr Mike Ross Manager, Statutory Planning
- Mr Rod Fielding Manager, Health Services (until 4.13pm)
- Mr Peter Ricci Project Manager, Keralup (until 4.13pm)
- Mr Dave Waller Co-ordinator, Statutory Planning
- Mr James McKay Co-ordinator, Building Services (until 4.13pm)
- Ms Melinda Wellburn Secretary to Director, Planning & Development Services

**Members of the Public:** Nil

**Press:** 1

#### 2.3 Apologies:
- Mr Andrew Hammond, Chief Executive Officer

#### 2.4 Approved Leave of Absence:
- Nil

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

Nil
4. **Public Question Time**

Nil

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

Moved Cr Hill, seconded Cr Elliott:

That Council **CONFIRM** the Minutes of the Planning Services Standing Committee Meeting held on Wednesday 19 October 2011, as a true and accurate record.

Committee Voting - 4/0

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

Nil.

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

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

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

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<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Councillor/Officer</th>
<th>Type of Interest</th>
<th>Nature of Interest</th>
<th>Extent of Interest (if applicable)</th>
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<tbody>
<tr>
<td>8.1</td>
<td>Item SP-060/11 Proposed Entry of Lake Richmond onto the State's Register of Heritage Places</td>
<td>Cr A Hill</td>
<td>A Proximity Interest</td>
<td>He lives very close to Lake Richmond</td>
<td>N/A</td>
</tr>
<tr>
<td>8.2</td>
<td>Item SP-061/11 Proposed Amendment to Planning Policy 6.3 - Local Commercial Strategy - ‘Waikiki Village’ Shopping Centre</td>
<td>Mr B Jeans</td>
<td>An Impartiality Interest</td>
<td>Impartiality via Association</td>
<td>His daughter works for the proponent - Dynamic Planning and Developments</td>
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</table>

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

Nil

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

Nil
## 11. Bulletin Items

### Planning Services Information Bulletin - November 2010

#### Health Services

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health & Wellbeing Plan
3.4 Health Promotion
3.5 North Rockingham Industrial Noise
3.6 Ocean Water Sampling

#### Information Items

4. Mosquito-Borne Disease Notifications - October 2011
4.2 Food Recalls - October 2011
4.3 Statistical Health Information - October 2011
   4.3.1 Food Premises Inspections
   4.3.2 Public Building Inspections
   4.3.3 Outdoor Public Event Approvals - October 2011
   4.3.4 After Hours Noise & Smoke Nuisance Complaint Service
   4.3.5 Complaint - Information
   4.3.6 Building Plan Assessments
   4.3.7 Septic Tank Applications
   4.3.8 Demolitions
   4.3.9 Swimming Pool Sampling
   4.3.10 Rabbit Processing
   4.3.11 Hairdressing & Skin Penetration Premises
4.3.12 Family Day Care

#### Building Services

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

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Policy Manual Review (LUP/1265)
   3.2 Local Planning Strategy (LUP/1352)
   3.3 Visual Landscape Study (LUP/1419)
   3.4 Dixon Road Area Assistance Grant (LUP/516)
   3.5 Developer Contribution Scheme (LUP/909)
   3.6 Local Biodiversity Strategy Review (EVM/22)
   3.7 Karnup District Water Management Strategy (EVM/136)
   3.9 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)
   3.10 Water Campaign (EVM/56-02)

4. Information Items
   4.1 Submission on the draft Public Transport Network Plan "Public Transport for Perth in 2031"

**Statutory Planning**

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

**Director Planning & Development Services**

1. Director Planning & Development Services Team Overview
2. Human Resource Update
3. Project Status Report
### Committee Recommendations:

That Councillors acknowledge having read the Planning Services Information Bulletin - November 2011 and the contents be accepted.

**Committee Voting**: 4/0

### Agenda Items

4.13pm - Mr Richard Rodgers, Manager, Building Services, Mr Rod Fielding, Manager, Health Services and Mr Peter Ricci, Project Manager, Keralup left the Planning Services Standing Committee Meeting.
<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>SPE-031/11 Proposed Amendment to the Baldivis Town Centre Integrated Development Guide Plan and Proposed Amendment to Planning Policy 6.3 - Local Commercial Strategy</th>
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<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/862-07</td>
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<tr>
<td><strong>Proponent/s:</strong></td>
<td>MGA Town Planners</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Ross Underwood, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Jeff Bradbury, Co-ordinator, Strategic Planning Mr Brett Ashby, Manager Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>14th November 2011</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>May 2005 (PD57/5/05), September 2005 (PD147/9/05), April 2006, October 2008 (PD196/10/08), February 2009 (PD8/2/09), October 2009 (PD115/10/09), December 2009 (PD151/12/09), March 2010 (PD33/3/10), May 2010 (PD33/3/10), December 2010 (SPE-011/10), June 2011 (SPE-020/11)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Executive Function - Amendment to Policy Tribunal - Amendment to Integrated Development Guide Plan</td>
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<tr>
<td><strong>Site:</strong></td>
<td>Lot 9001 Norseman Approach, Baldivis</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>8.6061ha</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>Baldivis Town Centre</td>
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<tr>
<td><strong>MRS Zoning:</strong></td>
<td>Urban</td>
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<td><strong>Attachments:</strong></td>
<td>1. Current Adopted IDGP 2. Proposed IDGP</td>
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1. **Purpose of Report**

To consider a proposed modification to the Integrated Development Guide Plan (‘IDGP’) for the Baldivis Town Centre, and retail floorspace allocation under Planning Policy 6.3 - *Local Commercial Strategy*, relating to Lot 9001 Norseman Approach, Baldivis.

2. **Background**

Adoption and Modifications to the Integrated Development Guide Plan

An IDGP (Figure 2) and Planning Policy for the Baldivis Town Centre were originally adopted by the Council in June 1999. The planning framework seeks to create an integrated town centre that is based around ‘main street’ principles.
2. Baldivis Town Centre IDGP - 1999

In 2005, the Council adopted a modified IDGP (Figure 3) following a request from Stockland (which acquired the land previously owned by Taylor Woodrow), to facilitate the development of the main shopping centre, amongst other things. The main change to the Plan was the western relocation of the ‘main street’, in order to provide a larger, consolidated mall. Minor amendments to the Baldivis Town Centre Policy were also adopted.

3. Baldivis Town Centre IDGP - 2005

In February 2009, the Council adopted major modifications to the IDGP (Figure 4) in association with amendments to Planning Policy 3.2.4 - Baldivis Town Centre.
4. Baldivis Town Centre IDGP - February 2009

Since February 2009, various minor modifications to the IDGP have been adopted, along with substantial modifications to the south-east corner of the Centre to accommodate a large scale hardware development.

The most recent modification to the IDGP was adopted by the Council in June 2011 (Figure 5).

5. Current Adopted IDGP - June 2011

Previous Proposals for Lot 9001 Norseman Approach

In December 2009, the Council considered an application to modify the IDGP over Lot 9001 Norseman Approach. Proposed variations to the IDGP (Figure 6) included:

- Settlers Avenue, the main street through the area, being extended north through Lot 9001;
The road layout being generally altered through Lot 9001 to provide a grid-shaped road layout;
- The precinct boundaries through Lot 9001 being realigned;
- The location of public parkland and drainage being amended; and
- 'Notes' being included on the IDGP to state the purpose of public parkland areas and to state that "extension of shop/retail activities along Settlers Avenue to be restricted to non-core retail uses, that is no supermarkets, department stores or discount department stores."

6. Proposed Amendment to the IDGP in December 2009 - Lot 9001

The Council resolved to request that the proponent make the following modifications to the IDGP:

(i) the recent amendments to the South East Precinct being reflected;
(ii) precinct boundaries in Lot 9001 being modified by moving the General/Northern Precinct boundary north so that it follows the lane mid-block;
(iii) the boundary of Lot 9001 being clearly shown and labelled (for advertising purposes);
(iv) a transport assessment being undertaken in accordance with the Department of Planning's Transport Assessment Guidelines for Developments;
(v) a building envelope being included along the street in the southeast corner of Lot 9001 adjacent to the linear public open space;
(vi) an indicative drainage plan being prepared for Lot 9001 that confirms the area required for drainage in accordance with Liveable Neighbourhoods;
(vii) a Public Open Space Schedule for Lot 9001 being prepared in accordance with Liveable Neighbourhoods and Planning Policy 3.4.1 - Public Open Space;
(viii) the three 'Notes' being deleted;
(ix) the legend being modified to include a designation for 'public open space', and
(x) the colours being consistent with those shown on the current Integrated Development Guide Plan.
The Council further resolved to, following receipt of a modified IDGP amended in accordance with the above, advertise the proposal for a period of 28 days.

3. Details

The City has now received an amended proposal to modify the IDGP (Figure 7). The most significant change from the proposal that was considered in December 2009 is the proposed inclusion of part of Lot 9001 in the Core Precinct, to facilitate the development of 2,500m² of shop/retail floorspace on Settlers Avenue within Lot 9001.

7. Proposed Amendment to IDGP – Lot 9001

The proponent has also applied to modify the City's Planning Policy 6.3 - Local Commercial Strategy ('LCS') by increasing the total shop/retail floorspace of the Baldivis Town Centre from 25,000m² net lettable area ('NLA') to 27,500m², with 2,500m² of the floorspace dedicated to Lot 9001. The proponent provided a report titled Baldivis Lot 9001, WA, Retail Needs Assessment prepared by PitneyBowes Business Insight in support of the proposed modification to the retail floorspace.

The proponent advises that the following outlets are likely to be established on Settlers Avenue in Lot 9001:

- A variety of food retailing/catering outlets, including liquor, takeaways, cafe/restaurants.
- Apparel and household goods.
- Retail services including a hairdresser and salon, clothing, video rentals.
- Non-retail establishments, including uses such as a library, banks, travel agents, real estate agents and medical practitioners.
4. **Implications to Consider**

**a. Consultation with the Community**

Given the relevant matters were not addressed, the December 2009 proposal did not proceed to advertising. Whilst Town Planning Scheme No.2 (‘TPS2’) does not specify advertising requirements for an IDGP, it is recommended that advertising be undertaken for a period of 28 days in the following manner (consistent with the Council’s December 2009 decision):

(i) surrounding/nearby landowners being notified in writing and invited to comment;
(ii) a notice being published in a local newspaper for 2 consecutive weeks; and
(iii) a sign being erected in a prominent location on the site.

The proposed modification to the LCS must also be advertised in accordance with clause 8.9.4 of Town Planning Scheme No.2 (‘TPS2’). This requires, as a minimum, a notice being published in a local newspaper for 2 consecutive weeks, with the advertising period being not less than 21 days.

Advertising of both proposals should be undertaken concurrently in accordance with the above, for a period of 28 days. The owners of district centres in the City and neighbourhood centres in Baldivis will also be notified of the proposal and invited to comment.

**b. Consultation with Government Agencies**

If the IDGP is advertised for public comment, the City will seek the comment of relevant government agencies.

**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**

**Integrated Development Guide Plan**

Clause 6.4(2) of State Planning Policy 4.2 - Activity Centres for Perth and Peel (‘ACPP’) requires an activity centre structure plan to be prepared for district centres (which includes the Baldivis Town Centre) and endorsed prior to major development being approved (‘major development’ being development for shop/retail purposes where a new building is more than 10,000m² NLA or an existing building is extended by more than 5,000m² NLA). The modifications to the IDGP will not facilitate any ‘major development’. Clause 6.4(4) of the ACPP notes that an existing endorsed structure plan will remain effective in the interim until an activity centre structure plan is endorsed.

It is the City’s view that the IDGP modification can be progressed under the current framework of TPS2 without requiring the preparation of an activity centre structure plan, however, the IDGP requires the endorsement of the Western Australian Planning Commission (‘WAPC’) which may require the application to demonstrate compliance with the ACPP.

**Local Commercial Strategy**

The LCS states:-
"Wherever a new centre or expansion of an existing centre is proposed beyond the shop/retail floor areas which are recommended below, it should be in accordance with an approved Centre Plan as contemplated in Section 5.6 and Appendices 1.1.3 and 1.1.4 of the Metropolitan Centres Policy (2000). The onus should be on the proponent to demonstrate to Council's satisfaction, that the proposal to increase beyond the recommended floor areas would not have a significant adverse impact on any other existing or planned centres."

The Metropolitan Centres Policy referred to above has been superseded by the ACPP, which make no reference to a 'centre plan', however, the IDGP performs a similar role to a centre plan.

Clause 6.5.2(4) of the ACPP requires a retail sustainability assessment ('RSA') where a local commercial strategy includes an indicative amount of shop/retail floorspace and a significant increase to this shop/retail floorspace is proposed. A RSA assesses the potential economic and related effects of a significant retail expansion on the network of activity centres in a locality.

The proponent has prepared a report titled Baldivis Lot 9001, WA, Retail Needs Assessment (PitneyBowes Business Insight, August 2011) to consider the market demand and potential for the retail component which is to be provided as part of the development of the site. The City's retail consultant (Belingwe) has considered the PitneyBowes report. Belingwe concluded that the proposal "will have no noticeable impact on competing centres" and was worthy of advertising for comment.

e. Financial
Nil

f. Legal and Statutory

Integrated Development Guide Plan

The requirements relating to the IDGP are set out in clause 4.5.4(b) of TPS2, which requires the IDGP to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council.

The proposed IDGP requires the LCS to be amended. Accordingly, the proposed IDGP must be forwarded to the WAPC for endorsement pursuant to clause 4.5.4(d) of TPS2.

Clause 4.5.4(f) states that an applicant aggrieved by a decision of the Council with respect to a proposed IDGP has a right of appeal under Part 14 of the Act.

Local Commercial Strategy

Clause 4.6.6(a) of TPS2 provides that the Council may modify the LCS, provided that it is satisfied that such modification is in the interest of orderly and proper planning and will not detract from the amenity of the locality. Such amendments must follow the procedures of section 8.9 of TPS2.

5. Comments

The proposal represents a logical northern extension to the retail main street, and demonstrates that it is satisfactory from an economic, traffic and urban design perspective. It is suitable that the City advertise the proposal for public comment before making a decision on the matter.

The Council's December 2009 resolution required a number of matters to be addressed before the proposal could be advertised for public comment. These matters have been addressed as follows:-

(a) Proposed Amendments being based on the current version of the IDGP

The proposal includes all recent amendments to the IDGP that have been adopted by the City.

(b) Precinct Boundaries

The precinct boundaries proposed are appropriate and reflect modifications requested in December 2009. The proposed amendments to the precinct boundaries to incorporate part of the Core Precinct in Lot 9001 are also appropriate for the purposes of public advertising.
(c) The site boundary being clearly shown and labelled
The boundaries of Lot 9001 have been identified on the IDGP, for advertising purposes. It will be removed on the final version.

(d) Transport Assessment
A Transport Assessment was provided to the City in accordance with the Department of Planning's Transport Assessment Guidelines for Developments.

(e) Building Envelope
A building envelope has been included along the street in the southeast corner of the site adjacent to the linear parkland.

(f) Indicative Drainage Plan
A Site Drainage Strategy has been provided which identifies a stormwater drainage basin in the southwest corner of the site that incorporates the stormwater drainage requirements for Stockland's land south of Mennock Approach (including Settlers Avenue and Atwick Terrace) and the subject land. The proposed stormwater detention area is much larger than the area identified on the IDGP. The Strategy also proposes to retain Stockland's temporary drainage basin adjacent to Nairn Drive, including the part of the existing basin that is located within a building envelope area on the IDGP.

The proponent's submission fails to address how the detention basin will be designed and configured in a manner suitable for a high-amenity town centre environment. A revised drainage plan should be provided demonstrating how the basin can be designed to retain the main street amenity of Settlers Avenue and minimise the area of land required for stormwater infiltration, prior to the proposal being advertised for comment.

Once the drainage plan for this area is complete, the IDGP should be amended to reflect the area required for the drainage prior to it being advertised for public comment.

(g) Public Open Space Schedule
The proponent has prepared a public open space schedule. The schedule does not satisfy the requirements of Liveable Neighbourhoods in that it does not adequately distinguish between 'restricted' and 'non-restricted' public open space based on land used for drainage in a 1:5 year storm event. Furthermore, the areas in the schedule do not correlate with the areas shown on the IDGP. A revised public open space schedule is required to address the above and demonstrate the provision of parkland in accordance with Liveable Neighbourhoods.

The proponent has indicated that to meet the 10% requirement for the provision of public open space under Liveable neighbourhoods, the amount of public open space provided may need to increase beyond what is shown on the proposed IDGP. It is expected that if additional public open space is required, it will be shown on the IDGP prior to advertising.

(h) Notes
The proponent's notes have been deleted from the IDGP in accordance with the Council's instructions.

(i) Legend
The legend of the IDGP does not show a designation for 'public open space.' This should be addressed via a revised IDGP.

(j) Colours
The colours shown on the proposed IDGP are now consistent with the current IDGP.

It is recommended that the proposed modification to the IDGP and the proposed modification to the LCS be advertised for public comment, following the receipt of a drainage plan for the shared drainage area, a revised parkland schedule and modified Plan. This information must be to the City's satisfaction, and should be provided in a consolidated planning report that is suitable for the purposes of public consultation. The LSC and IDGP modifications will be advertised concurrently.
Following the close of the submission period, the Council will consider any submissions received and decide to approve or reject the proposal. If approved, the IDGP will require the endorsement of the WAPC before it can be implemented.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:-

1. **ENDORSE** the publishing of a notice that the City has received an application to amend the Integrated Development Guide Plan for the Baldivis Town Centre for public comment, subject to the following matters being addressed prior to the proposal being advertised:-
   (a) An amended drainage plan and supporting information being provided for the proposed drainage area shared with Lot 9001 and Lot 9071 (owned by Stockland), that confirms the location and configuration of drainage in a manner suitable for a high-amenity town centre environment.
   (b) A public open space schedule being provided in accordance with *Liveable Neighbourhoods*.

2. **ENDORSE** the publishing of a notice that the City has prepared an amendment to Planning Policy 6.3 - *Local Commercial Strategy* to increase the maximum recommended shop/retail floorspace of the Baldivis Town Centre to 27,500m², with 2,500m² being allocated to the portion of the Core Precinct north of Mennock Approach (Lot 9001).

8. Committee Recommendation

That Council:-

1. **ENDORSE** the publishing of a notice that the City has received an application to amend the Integrated Development Guide Plan for the Baldivis Town Centre for public comment, subject to the following matters being addressed prior to the proposal being advertised:-
   (a) An amended drainage plan and supporting information being provided for the proposed drainage area shared with Lot 9001 and Lot 9071 (owned by Stockland), that confirms the location and configuration of drainage in a manner suitable for a high-amenity town centre environment.
   (b) A public open space schedule being provided in accordance with *Liveable Neighbourhoods*.

2. **ENDORSE** the publishing of a notice that the City has prepared an amendment to Planning Policy 6.3 - *Local Commercial Strategy* to increase the maximum recommended shop/retail floorspace of the Baldivis Town Centre to 27,500m², with 2,500m² being allocated to the portion of the Core Precinct north of Mennock Approach (Lot 9001).

Committee Voting – 4/0

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

Not applicable

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

Not applicable
1. Purpose of Report

To consider a proposed amendment to Planning Policy No.3.3.17 - Variations to Building Envelopes in light of submissions received following community consultation.

2. Background

At its ordinary Meeting held on the 23rd August 2011, the following Notice of Motion was received from Cr Warner:

MOTION:

That Town Planning Policy 3.3.17 - Variations to Building Envelopes be amended to reflect the town sites of Singleton and Golden Bay.
Reason for MOTION:
On the 27th May 2008 Council resolved to revoke sixteen Statements of Planning Policy and replace them with eighteen alternatives in order to comply with the Town Planning Scheme No.2. Planning Policy 2.8 Applications to Vary the Location of Building Envelopes was revoked and replaced with Planning Policy 3.3.17. Variations to Building Envelopes

In the wording of Planning Policy 2.8 specific mention was made of the hills to the east of Singleton and Golden Bay and the viewshed from the town sites. This was (presumably) as a result of the CER and PER that was conducted in the area in 1992.

When the planning policies were changed in May 2008 Council were faced with the enormous task of reading and absorbing the thirty four policies in less than one weekend. As such the wording specific to Singleton and Golden Bay was overlooked.

Recently residents of Singleton have been made aware of the omission of the mention of Singleton and Golden Bay and the relationship with the Eastern hills visual landscape as previously put in place in PP 2.8.

This motion is proposed in order to rectify that omission.

The matter was considered by the Council at its ordinary Meeting in September 2011 when it resolved to endorse the publishing of a notice of the amendment to Planning Policy No.3.3.17 - Variations to Building Envelopes for public inspection for a period of 21 days, pursuant to clause 8.9.4 of Town Planning Scheme No.2.

Background to Planning Policy No. 3.3.17 - Variation to Building Envelopes

At its ordinary Meeting held on the 24th May 1994, the Council adopted the following recommendation from the (then) Environment, Planning, Health and Building Committee:-

"That the Manager of Planning and Development Services investigate the preparation of a Statement of Planning Policy for presentation to a future meeting of the Environment, Planning, Health and Building Committee, to deal with the relocation of Building Envelopes; such policy to examine aspects of net environmental benefit, consultation with adjoining owners and a realistic fee structure."

At its ordinary Meeting held on the 25th October 1994, the Council adopted Statement of Planning Policy No.2.10 - Applications to Vary the Location of Building Envelopes. The purpose of the Planning Policy was to identify in what circumstances a building envelope may be modified and the process by which such an application would be considered.

At its ordinary Meeting held on the 28th May 1996, the Council considered an application to vary the location of a building envelope in the Singleton Special Rural zone. In assessing the proposal, the Council noted that whilst the existing Policy specified that building envelopes may only be modified after consideration of environmental issues, no specific reference was made in the Policy to broader development issues.

In this regard, the Council resolved that the Principal Planner prepare a report on a possible amendment to Statement of Planning Policy No.2.10 to ensure that the visual amenity of the locality, building materials and colours used, building construction methods and building heights were taken into account when variations to buildings envelopes were considered.

At its ordinary Meeting held on the 23rd July 1996, the Council approved amendments to Statement of Planning Policy No.2.10 which addressed the abovementioned issues. The amended Policy included the following specific reference to Singleton and Golden Bay:-

"In the case of the Golden Bay and Singleton Special Rural zones, the location of the envelopes were specifically intended to maintain the rural attributes and appearance of the land, from Mandurah Road and the townsites to the west."

Following the adoption of Town Planning Scheme No.2 in 2004, the City undertook an overall policy review process where each Statement of Planning Policy was reviewed to ensure consistency between the Planning Policies and Town Planning Scheme No.2. This review process resulted in the majority of the City's Planning Policies being superseded and replaced with new policies.
At its ordinary Meeting held on the 27th May 2008, the Council adopted Planning Policy No.3.3.17 – Variations to Building Envelopes which superseded Statement of Planning Policy No.2.10 (which had since been renumbered to Statement of Planning Policy No.2.8).

Planning Policy 3.3.17 did not make the same reference to the "townsites to the west" as in the superseded Planning Policy, however, it did include the following statement:

"Building Envelopes are positioned after considering issues associated with land degradation, the extent of any foreshore reservation, particular on-site landform and vegetation characteristics, the possible form of residential development by a potential purchaser and the impact of a future development on the visual amenity of the locality."

3. **Details**

Nil

4. **Implications to Consider**

a. **Consultation with the Community**

The proposed amendment to Planning Policy No.3.3.17 was advertised for a period of 21 days from the 5th to 26th October, 2011.

Advertising of the proposal was carried out in the following manner:

- The Golden Bay Progress Association and Singleton Residents Association were notified of the proposal in writing and invited to comment;
- A Notice was advertised in the Sound Telegraph newspaper for two consecutive weeks (5th and 12th October 2011) inviting written submissions from the community in respect of the proposal;
- The draft Planning Policy, Explanatory Report and Newspaper Notice were placed on the City's webpage for the duration of the advertising period; and
- A Notice was placed on the Planning Services notice board for the duration of the advertising period.

At the conclusion of the community consultation period, a total of 28 submissions and a petition (29 signatures) had been received. Refer to the Schedule of Submissions attached to this Officer Report.

Each submission supported the proposed modification to Planning Policy No.3.3.17 and sought an additional modification requiring that applications to vary building envelopes in the Golden Bay and Singleton Special Rural and Special Residential zones be referred to the Council for determination.

Only two of the submissions gave a reason why they wanted applications to vary building envelopes in the Golden Bay and Singleton Special Rural and Special Residential zones be referred to the Council for determination. The reason given was that the Policy required applications within the Warnbro Dunes Special Residential zone to be referred to the Council for determination and as such, applications in Golden Bay and Singleton should also be determined by the Council. Otherwise it implied that the Council considered applications in the Warnbro Dunes to be more important than applications in Golden Bay and Singleton.

b. **Consultation with Government Agencies**

Consultation with Government agencies is not required.

c. **Strategic Community Plan**

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

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

Planning Policy No. 3.3.17 – Variations to Building Envelopes

The purpose of this Planning Policy is to set out the objectives and policy provisions which the City shall have due regard to in the assessment and determination of applications to vary the location and size of building envelopes. In this regard, the City will consider variations to existing building envelopes only where it can be demonstrated by the Proponent that there is no adverse environmental impact and where the City's objectives for the locality are realised.

The Policy notes that building envelopes are positioned after considering issues associated with land degradation, the extent of any foreshore reservation, particular on-site landform and vegetation characteristics, the possible form of residential development by a potential purchaser and the impact of a future development on the visual amenity of the locality.

In dealing with applications to vary the location and size of an approved building envelope, the City must be satisfied that the proposed site will accommodate development that is consistent with its objectives for the area. In this regard, the City may require supporting information with an application that will demonstrate the form of future development. Such information will enable an informed assessment of the application to determine the likely impact upon the visual qualities of an area, the amenity of adjoining properties and the environment.

The City will consider variations to existing building envelopes only where it can be demonstrated by the Proponent that there is no adverse environmental impact and where the City's objectives for the locality are realised.

The City may also require a report from a qualified and experienced Environmental Consultant substantiating that there is no adverse environmental impact. In the Warnbro Dunes Special Residential Zone, the Town Planning Scheme No. 2 requires that such a report be produced.

Where no substantiated objections have been received following community consultation, applications that comply in all respects with the objectives and provisions of the Planning Policy will be dealt with under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No. 2 and Planning Procedure 1.1 – Delegated Authority. This delegation of authority does not apply to applications within the Warnbro Dunes Special Residential zone, which will be referred to the Council for determination.

e. Financial

Nil

f. Legal and Statutory

Policy Modification

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

If the Council resolves to amend a Planning Policy, it is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:-

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

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

After the expiry of the period within which submissions may be made, the Council is to review the proposed Policy in the light of any submissions made and resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
If the Council resolves to adopt the Policy, the Council is to publish notice of the Policy once in a newspaper circulating in the Scheme area and if, in the opinion of the Council, the Policy affects the interests of the Western Australian Planning Commission (WAPC), forward a copy of the Policy to the WAPC. A Policy has effect on publication of a notice.

Delegation of Authority

Schedule No.4, clause 7(c) of Town Planning Scheme No.2 (relating to Special Residential zones) states that the size and location of an approved building envelope may be varied with the approval of the Council.

Schedule No.5, clause 7(c) of Town Planning Scheme No.2 (relating to Special Rural zones) states that the size and location of an approved building envelope may be varied with the approval of the Council.

Planning Procedure 1.1 - Delegated Authority outlines the decision-making powers that the Chief Executive Officer has delegated to nominated Officers under Section 5.44(1) of the Local Government Act 1995 and clause 8.10.2 of Town Planning Scheme No.2. In this regard, the power to determine and vary the size and location of any approved building envelope under Schedule Nos.4 and 5 of Town Planning Scheme No.2 has been delegated to nominated Officers, with the exception of building envelopes within the Warnbro Dunes Special Residential zone which are required to be referred to the Council for determination.

5. Comments

All submissions received during the community consultation period supported the proposed amendment to Planning Policy No.3.3.17 and each submission also sought an additional modification to the Planning Policy requiring that applications to vary building envelopes in the Golden Bay and Singleton Special Rural and Special Residential zones be referred to the Council for determination.

These submissions are basically requesting that the Council revoke the delegation of authority that was granted to the Chief Executive Officer in July 2003 to approve variations to Building Envelopes (as it applies to the Golden Bay and Singleton Special Rural and Special Residential zones).

By way of background, at its ordinary Meeting held in June 2003, the Council resolved that a report be presented to the next meeting of the Planning Services Committee examining the possibility of amending Statement of Planning Policy No.2.8 – Applications to Vary the Location of Building Envelopes to delegate authority to the Chief Executive Officer to approve such applications. The intent of the resolution was to enable applications to be determined in a timely manner.

At its ordinary Meeting held in July 2003, the Council resolved to amend Statement of Planning Policy No.2.8 by including the following paragraphs relating to delegation of authority:-

"With the exception of applications within the Warnbro Dunes subdivision, authority is delegated to the Chief Executive Officer to approve applications to vary the location of Building Envelopes where such applications satisfy the criteria set down in this Policy and where no substantiated objections have been received during the advertising period.

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

The Policy stated that the Council would consider variations to existing building envelopes only where there was no adverse environmental impact. In this regard, the Officer Report acknowledged that the nature of the Warnbro Dunes Special Residential zone was such that substantiation of no adverse environmental impact tended to be more complex than in other Special Rural and Special Residential zones.

Due to this complexity, it was a requirement that a report from a qualified and experienced Environmental Consultant be submitted to substantiate that there was no adverse environmental impact. On this basis, it was recommended that the delegation of authority not apply to applications within the Warnbro Dunes.
Conclusion
Given that all submissions received during the community consultation period supported the proposed amendment to Planning Policy No.3.3.17, it is recommended that the proposed amendment be adopted, as advertised.

All submissions received also requested that the Policy be further amended to require that applications in Golden Bay and Singleton be determined by the Council, rather than being dealt with under delegated authority, consistent with the approach for such applications within the Warnbro Dunes.

As stated above, applications within the Warnbro Dunes are determined by the Council due to the level of complexity of such applications. It is considered, however, that the criteria set out in Planning Policy No.3.3.17 is clearly articulated and provides sound guidance to Officers in the exercise of the authority that has been delegated by the Chief Executive Officer. As such, it is recommended that the Council not accede to the request that applications to vary building envelopes in the Golden Bay and Singleton Special Rural and Special Residential zones be referred to the Council for determination.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:
1. **ADOPT** the amendment to Planning Policy No.3.3.17 – *Variations to Building Envelopes*, pursuant to clause 8.9.5 of Town Planning Scheme No.2.
2. **DISMISS** the submissions requesting that Planning Policy No.3.3.17 – *Variations to Building Envelopes* be further amended to require that applications to vary building envelopes in the Golden Bay and Singleton Special Rural and Special Residential zones be referred to the Council for determination.

8. Committee Recommendation

That Council:
1. **ADOPT** the following amendment to Planning Policy No.3.3.17 – *Variations to Building Envelopes*, pursuant to clause 8.9.5 of Town Planning Scheme No.2:

   **PLANNING POLICY 3.3.17**
   **VARIATIONS TO BUILDING ENVELOPES**

   Red and underlined font means text proposed to be added

   1. **Introduction**

   The City of Rockingham Town Planning Scheme No.2 defines a ‘Building Envelope’ as an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

   Where local environmental conditions are considered to be significant enough to restrict the location of building development and vegetation clearing, Building Envelopes can be imposed. Building Envelopes are positioned after considering issues associated with land degradation, the extent of any foreshore reservation, particular on-site landform and vegetation characteristics, the possible form of residential development by a potential purchaser and the impact of a future development on the visual amenity of the locality.

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

   **CONFIRMED AT A PLANNING SERVICES MEETING**
   **HELD ON MONDAY, 5 DECEMBER 2011**

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

In dealing with applications to vary the location and size of an approved Building Envelope, the Council must be satisfied that the proposed site will accommodate development that is consistent with its objectives for the area. In this regard, the Council may require supporting information with an application that will demonstrate the form of future development. Such information will enable an informed assessment of the application to determine the likely impact upon the visual qualities of an area, the amenity of adjoining properties and the environment.

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

2. Policy Application

In Town Planning Scheme No.2, where Building Envelopes are designated, no clearing or development, other than for fire management purposes or to construct a vehicle accessway, which has received the prior written approval of the Council, shall be approved outside the designated building envelopes. The location and size of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.

Warnbro Dunes Special Residential Zone

In the Warnbro Dunes Special Residential Zone, building envelopes may be varied at the discretion of the Council, if:-

(a) The Council receives advice from a qualified environmental consultant that the variation will result in an environmental benefit; and

(b) Only after consultation with the owners of affected or adjoining properties.

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

3. Policy Objective

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

4. Policy Statement

4.1 Assessment Criteria

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

To ensure that the above matters can be assessed, the Council will generally require specific details regarding the building/s to be constructed within the Building Envelope. Such details should include method of construction, existing and finished site levels, retaining walls, building materials and colours and the proposed height of the buildings.

The Council may also require a report from a qualified and experienced Environmental Consultant substantiating that there is no adverse environmental impact. In the Warnbro Dunes Special Residential Zone, the Scheme requires that such a report be produced.

Unless otherwise approved by the Council, only minor increases to the size of Building Envelopes will be considered (to a maximum of 10% of the area of the original Building Envelope) and all Building Envelopes are required to be of a regular shape and comprise a single contiguous area.

In reaching a decision on an application to vary the location and/or size of a Building Envelope, the Council will generally impose restrictions on the building form in order that its objectives are acknowledged.
4.2 **Consultation**

All applications seeking approval to vary the location and size of Building Envelopes will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2.

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

5. **Application Procedure**

Applications to vary the location and size of approved Building Envelopes shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

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

(b) Such plans and other information that the Council may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2 and section 4.1 above;

(c) Any specialist environmental studies that the Council may require the applicant to undertake in support of the application;

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

6. **Authority**

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

7. **Interpretations**

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

*Council* means the Council of the City of Rockingham.

8. **Delegation**

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

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

All applications within the Warnbro Dunes Special Residential Zone will be referred to the Council for determination.

9. **Adoption**

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

10. **Revocation**

This Planning Policy supersedes the Council’s Statement of Planning Policy No.2.8 - Applications to Vary the Location of Building Envelopes.
2. **DISMISS** the submissions requesting that Planning Policy No.3.3.17 – *Variations to Building Envelopes* be further amended to require that applications to vary building envelopes in the Golden Bay and Singleton Special Rural and Special Residential zones be referred to the Council for determination.

   Committee Voting - 3/1
   (Cr Elliot voted against)

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

   Not applicable

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

    Not applicable
**Statutory Planning**

### Planning Services

**Statutory Planning Services**

<table>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-055/11 Proposed Home Occupation (Dog Grooming)</th>
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<tr>
<td>File No:</td>
<td>28/6337</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
</tr>
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<td>14th November 2011</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 5 DECEMBER 2011

PRESIDING MEMBER
1. Purpose of Report

To consider an application seeking planning approval for a Home Occupation (Dog Grooming) at Lot 59 (No.4) Bass Court, Waikiki.

2. Background

In August 2011, a complaint was received that a dog grooming business was operating from Lot 59 (No.4) Bass Court, Waikiki. The complainant raised concern regarding the noise generated by the barking of owner's two dogs when customers attended the property. The complainant also identified that client's dogs, and the resident's two dogs, on occasion, were unrestrained and allowed to roam onto adjoining properties. The issue of having to clean up dog excrement was another issue identified.

The owner of Lot 59 (No.4) Bass Court, Waikiki was subsequently advised by the City of the need to obtain Planning Approval or cease the operation of the business. An application for Planning Approval was received in September 2011 and forms the basis of this report.

3. Details

The Applicant seeks approval to continue running the Dog Grooming business from the premises. The applicant is the sole operator of the business and will be performing dog grooming within the garage of the property.

The proposed hours of operation are from Monday to Friday, 10:00am to 2:00pm. Clients are to attend the premises on an appointment only basis, with 15 minute interval between clients. The proponent anticipates a maximum of two clients per day.

4. Implications to Consider

a. Consultation with the Community

In accordance with Planning Policy 3.3.10 - Home Occupations & Home Businesses (‘the Policy’), the application was referred to adjacent and affected land owners for comment for a period of 14 days.

At close of the advertising period, one submission was received. The submission was received from the owners of Lot (No.2) Bass Court, Waikiki who objected to the business on the basis of the noise associated with dogs barking, including the owners dogs, continuing to have a detrimental impact on the peace and quiet of neighbours. The following plan shows the properties consulted and the location of the submissioner:-
b. **Consultation with Government Agencies**

Not required.

c. **Strategic Community Plan**

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

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

d. **Policy**

The City’s Town Planning Scheme No.2 defines a Home Occupation as follows:-

“(a) does not employ any person not a member of the occupier’s household;

(b) will not cause injury to or adversely affect the amenity of the neighbourhood;

(c) does not occupy an area greater than 20 square metres;

(d) does not display a sign exceeding 0.2 square metres;

(e) does not involve the retail sale, display or hire of goods of any nature;

(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(g) does not involve the use of an essential service of greater capacity than normally required in the zone.”

The proposed Home Occupation complies with all aspects of the Policy. In relation to point (b), noise issues are addressed in the comments section below.

e. **Financial**

Nil

f. **Legal and Statutory**

**Planning Approval**

Planning Approval is required for a Home Occupation, pursuant to TPS.2.
Noise Controls

Noise from dogs is controlled by the Dog Act (1997) which is enforceable by the City's Ranger Services. Section 38 (2b) of the Dog Act 1976 states that a dog shall be taken to be a nuisance if:-

“It creates a noise, by barking or otherwise, which persistently occurs or continues to a degree or extent not normally habitual in dogs and has a disturbing effect on the state of reasonable physical, mental, or social well-being of a person.”

Formal complaint can be made to the City’s Ranger Services for persistent barking.

5. Comments

The main concerns raised in the submission relates to noise generated by dogs barking. The submissioner's concern is the disturbance and noise created when clients attend the premises with their dogs and the owner's dogs bark.

The applicant has responded to the noise concerns, advising that the garage door will be closed when grooming is undertaken.

Given only one neighbour objected to the proposal, it is considered that by imposing conditions requiring a 15 minute interval between clients and requiring the owner to restrain their dogs during appointments, the noise and resultant impact on amenity of neighbours can be mitigated.

By imposing appropriate conditions the proposal can comply with the requirements of the TPS2 and Planning Policy 3.3.10 – Home Occupations and Home Businesses.

On this basis it is recommended that the application be approved subject to a condition requiring the garage door to be closed when the business is operating.

6. Voting Requirements

Simple Majority.

7. Officer Recommendation

That Council APPROVE application No.20.2011.207.1 for a Home Occupation (Dog Grooming) at Lot 59 (No.4) Bass Court, Waikiki, subject to the following conditions:-

1. The Home Occupation must only be operated from the garage, and the garage door must remain closed when grooming/washing dogs.
2. Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 15 minutes between clients.
3. Appointments must only occur between the hours of 10:00am to 2:00pm, Mondays to Fridays, and not at all on weekends.
4. The occupier's dogs must be restrained within the backyard or dwelling when clients attend the premises.
5. All wastewater must be disposed of into the Water Corporation sewer.
6. All materials and/or equipment used in relation to the Home Occupation must be stored within the residence, shed and/or rear yard, behind property fences, at all times.

8. Committee Recommendation

That Council APPROVE application No.20.2011.207.1 for a Home Occupation (Dog Grooming) at Lot 59 (No.4) Bass Court, Waikiki, subject to the following conditions:-

1. The Home Occupation must only be operated from the garage, and the garage door must remain closed when grooming/washing dogs.
2. Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 15 minutes between clients.
3. Appointments must only occur between the hours of 10:00am to 2:00pm, Mondays to Fridays, and not at all on weekends.

4. The occupier's dogs must be restrained within the backyard or dwelling when clients attend the premises.

5. All wastewater must be disposed of into the Water Corporation sewer.

6. All materials and/or equipment used in relation to the Home Occupation must be stored within the residence, shed and/or rear yard, behind property fences, at all times.

Committee Voting - 4/0

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

   Not applicable

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

    Not applicable
1. **Purpose of Report**

To consider an application to close various portions of road reserves affected by the Perth to Mandurah Railway corridor.

2. **Background**

Nil

3. **Details**

The proponent, acting on behalf of the Public Transport Authority (‘PTA’), seeks the Council’s support to close road reserves that are affected by the Perth to Mandurah Railway corridor, for the purpose of amalgamating them into a consolidated land parcel to be held by the PTA. The general location of proposed road closures are indicated on the following plan:-
The proponent has advised the City that in all cases, the road traffic capacity of the subject roads will not be affected by the proposed closures. In instances where the roads have been constructed, the road pavements will be contained within retained portions of road reserve.
4. **Implications to Consider**

a. **Consultation with the Community**  
If road closure proceedings are initiated, the City will advertise the proposal in a local newspaper for a period of 35 days.

b. **Consultation with Government Agencies**  
The following authorities will be consulted during the advertising period:

(i) Department of Planning;  
(ii) Commissioner of Main Roads;  
(iii) Western Power;  
(iv) Water Corporation;  
(v) Telstra; and  
(vi) Alinta Networks.

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 8:** Transport systems that facilitate better use of public transport and promote non-car alternatives.

d. **Policy**  
Nil

e. **Financial**  
Nil

f. **Legal and Statutory**  
Under the Land Administration Act 1997 (‘Act’), the Council is required to advertise a proposed road closure by way of a publication in a local newspaper for a period of 35 days and seek comment from servicing authorities.

5. **Comments**  
As the proposal rationalises the land requirements for the Perth to Mandurah Railway corridor, it is recommended that the City initiate road closure proceedings by advertising the proposal.

6. **Voting Requirements**  
Simple Majority

7. **Officer Recommendation**  
That Council **DIRECT** the Chief Executive Officer to initiate road closure proceedings to close various portions of road reserves affected by the Perth to Mandurah Railway corridor in Cooloongup, Hillman, Waikiki, Warnbro, Port Kennedy, Baldivis and Karnup.

8. **Committee Recommendation**  
That Council **DIRECT** the Chief Executive Officer to initiate road closure proceedings to close various portions of road reserves affected by the Perth to Mandurah Railway corridor in Cooloongup, Hillman, Waikiki, Warnbro, Port Kennedy, Baldivis and Karnup.

Committee Voting – 4/0
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</tbody>
</table>
### Reference No & Subject:
- **SP-057/11**
- Final Approval of Amendment No.102 to Town Planning Scheme No.2

### File No:
- LUP/1456

### Proponent/s:
- Gray & Lewis

### Author:
- Miss Donna Shaw, Planning Officer

### Other Contributors:
- Mr Ross Underwood, A/Co-ordinator, Statutory Planning
- Mr Dave Waller, A/Manager, Statutory Planning

### Date of Committee Meeting:
- 14th November 2011

### Previously before Council:
- May 2010 (PD62/6/10)

### Disclosure of Interest:
- Legislative

### Site:
- Lot 8 (No.1239) Mandurah Road, Baldivis

### Lot Area:
- 2.7700ha

### LA Zoning:
- Rural

### MRS Zoning:
- Rural

### Attachments:
- Figure 1 - Location Plan
- Figure 2 - Subdivision Guide Plan
- Figure 3 - Rural Concept Plan
- Figure 4 - Advertising Plan

### Maps/Diagrams:
- Figure 1 - Location Plan
- Figure 2 - Subdivision Guide Plan
- Figure 3 - Rural Concept Plan
- Figure 4 - Advertising Plan
1. **Purpose of Report**

   To consider granting Final Approval to Scheme Amendment No.102 to rezone Lot 8 Mandurah Road, Baldivis from ‘Rural’ to ‘Special Rural’ and ‘Special Residential’.

2. **Background**

   In May 2010, the Council resolved to initiate Amendment No.102 to Town Planning Scheme No.2 (‘TPS2’), to rezone Lot 8 Mandurah Road, Baldivis from ‘Rural’ to ‘Special Rural’ and ‘Special Residential’, to facilitate subdivision of the land into one ‘Special Rural’ lot of 1.04ha and two ‘Special Residential’ lots of 8,000m² and 6,169m² respectively, as shown below.
Although the Council resolved to adopt (initiate) the Amendment in May 2010, the Amendment was not referred to the Environmental Protection Authority ('EPA') and the Western Australian Planning Commission ('WAPC') until March 2011, due to the City not receiving the modified Amendment Report and Fee. The applicant for Amendment 102 also requested that advertising be deferred until June 2001, to allow it to be advertised at the same time as Amendment 107.

Amendment 107 (SP-058/11 of this agenda) seeks to rezone the adjacent Lot 783 (No.29) Pike Road, Baldivis, from ‘Rural’ to ‘Special’ Rural. Due to the close proximity of the Amendments, both items have been considered in this Council Agenda.

3. **Details**

Nil

4. **Implications to Consider**

a. **Consultation with the Community**

The Amendment was advertised for public comment in the following manner:-

- A notice was published in the "Public Notices" section of the Weekend Courier on the 17th June 2011;
- A sign was erected on the property and remained on-site for the duration of the advertising period;
- Nine adjoining owners were notified of the proposal in writing; and
- Details of the proposed Amendment were published on the City's website were available for inspection at the City’s Administration Office for the duration of the advertising period.

The comment period closed on the 1st August 2011 (a period of 42 days). At the conclusion of the advertising period, one submission was received from Lot 151 (No.1243) Mandurah Road, Baldivis. This property adjoins the southern boundary of the subject site and is used as the Baldivis Boarding Kennels. The submitter raised concerns regarding the proximity of the proposed rezoning to the Baldivis Boarding Kennels, noting that future subdivision of the subject land could result in land use conflicts and noise pollution from dogs barking.
b. **Consultation with Government Agencies**

The Scheme Amendment was referred to the EPA for assessment under the Environmental Protection Act 1986. In February 2011, the EPA advised that the Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986.

The following Government Agencies were also consulted:-
- Department of Water;
- Water Corporation;
- Department of Environment and Conservation;
- Western Power;
- Telstra;
- Main Roads WA;
- Alinta Gas;
- FESA;
- Department of Agriculture and Food;
- Department of Planning; and
- Bush Forever (Department of Planning).

Following the completion of advertising, three submissions were received from Government Agencies. The Water Corporation provided advice relating to the future servicing of the lot. The Department of Water raised no objection to the proposal yet advised that a licence would be required for the extraction of water. The Department of Planning (Bush Forever) raised no objection to the proposal.

c. **Strategic Community Plan**

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

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

The application was assessed against Planning Policy 5.2 – Rural Land Strategy, as part of the initial consideration to adopt (initiate) Amendment No.102.

The subject site is located within Planning Unit 4 of the Rural Land Strategy, which recommends a minimum lot size of 1ha west of the ridgeline and 5000m² east of the ridgeline. The intent of this planning unit is to provide a transition between the extensive lake systems to the west and future higher density urban development to the east.

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**Financial**

Nil

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**Legal and Statutory**

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

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**5. Comments**

With respect to the issues raised in the submissions, the following comments are made:-

**Future Servicing**

The Rural Concept Plan outlines the proposed future subdivision intention of the site and nearby land.

The lot sizes stipulated under the City's Rural Land Strategy for this Precinct (1.0ha west of the ridge line and 5,000m² east of the ridgeline) is considered an appropriate basis for service planning.

The advice provided by the Water Corporation and the Department of Water regarding the provision of services to the subject land can be addressed at the time of subdivision of the proposed lots.

**Dog Kennel**

Dog kennels currently operate at Lot 151 (No.1243) Mandurah Road, Baldivis, which adjoins the subject site along its southern boundary. The licence for this kennel permits a maximum of 60 dogs to be kept on the site. Planning Approval was granted for the Dog Kennel in 1983.

In regard to possible land use conflicts due to the proximity of the Baldivis Boarding Kennels to future lots, the Environmental Protection Authority's ‘Guidance for the Assessment of Environmental Factor - Separation Distances between Industrial and Sensitive Land Uses’ ('Guidance Statement') recommends a 500m buffer distance between kennels and housing due to potential noise and odour impacts to sensitive uses (i.e. residential).

The EPA applies this Guidance Statement to proposals and schemes that are subject to the assessment under Part IV of the Environmental Protection Act 1986 (such as a Referral of a Scheme Amendment). As previously noted, the EPA advised that the Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986. In discussion with officers at the EPA, it was determined that placing a Notification on the title of the proposed lots advising future landowners that they could be affected by potential noise impacts from the nearby dog kennels, would be sufficient to address potential noise issues.

It should be noted that the Health (Noise) Regulations 1997, do not apply to noise from dogs barking.

It is considered that placing a Notification on the titles of newly created lots at the time of subdivision, advising potential purchasers of the close proximity of the dog kennels is an acceptable method of dealing with noise issues, as potential owners would be aware of potential impacts and can therefore make an informed decision when choosing to purchase the properties and to design dwellings accordingly.

It is recommended that Council adopt the Scheme Amendment for Final Approval.
6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.102 to Town Planning Scheme No.2, without modification.

2. **ADOPT** the Recommendations contained within the Schedule of Submissions.

3. **DIRECT** the Chief Executive Officer to request a condition at the subdivision application stage that a Notification pursuant to Section 165 of the Planning and Development Act 2005 be placed on the Certificate of Title for all proposed lots at the time of subdivision advising of the following:-

   "This land is affected by potential noise impacts from Dog Kennels at Lot 151 (No.1243) Mandurah Road, Baldivis."

8. Committee Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.102 to Town Planning Scheme No.2, without modification.

2. **ADOPT** the Recommendations contained within the following Schedule of Submissions:

<table>
<thead>
<tr>
<th>SUBMISSION</th>
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<th>RECOMMENDATION</th>
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<tbody>
<tr>
<td>No. 1 - Department of Planning, Locked Bag 2525, Perth WA 6001</td>
<td>The subject lot is not within or abutting Bush Forever, and thus there are no issues in this regard.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.2 - Water Corporation, PO Box 100, Leederville WA 6902</td>
<td>Servicing of water can be considered at subdivision stage through conditioning of the subdivision approval.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
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<td>RECOMMENDATION</td>
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<tr>
<td>The size of the main to the subdivision along the new road to the south of Pike Road requires planning. In order to assess the infrastructure required, the Corporation would need to know the overall subdivision intention southward to Sixty Eight Road. It is assumed the new road will proceed south, with services to new special rural and rural residential subdivision, with no services off Mandurah Road.</td>
<td>The lot sizes stipulated under the City's Rural Land Strategy for this Precinct (1.0ha west of the ridge line and 5,000m² east of the ridgeline) is considered an appropriate basis for service planning.</td>
<td>That the submission be noted.</td>
</tr>
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</table>

**Wastewater**

The proposed development area is currently not within a wastewater scheme area. It is adjacent to the North Baldivis Wastewater Scheme, however the lot sizes being over 2000 square metres it is not mandatory to provide sewerage in accordance with the Government Sewerage Policy, as long as the environment is not detrimentally affected, as determined by the City of Rockingham.

Connection is required to a nutrient retentive ATU system approved by the City's Environmental Health Services upon lodgement of a Building Licence application to the City.

That the submission be noted.

**Drainage**

The proposed development area is not within a Corporation main drainage scheme area.

Noted.

That the submission be noted.

**Water Efficiency**

Considering the reduction in rainfall, water efficiency is a very key item in the planning of new developments.

The Department of Water document *Better Urban Water Management 2008* refers to the State Water Plan which has a design objective for a water consumption target of 100 kl/person/year, including not more than 40-60 kl/person/year scheme water. The Corporation's Strategy for the future Water Forever supports this objection and aims to reduce current water scheme consumption levels to 85kl/person/year or less where alternative supplies are available.

Furthermore, the Corporation's requirement is that developers should apply the principles contained within the guideline *Waterwise Developers H20ptions*. The guidance contained in this document when applied translates planning target consumptions into practical application. The heart of *Waterwise Developers* is a *Water Balance Tool*, which should be applied to this development.

That the submission be noted.
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<th>Submission</th>
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<th>Recommendation</th>
</tr>
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<tbody>
<tr>
<td>No.3 - Department of Water, PO Box 332, Mandurah WA 6210</td>
<td>Drainage systems shall be designed and constructed consistent with the Stormwater Management Manual for Western Australia. (DoW) Groundwater</td>
<td>Servicing of water can be considered at subdivision stage through conditioning of the subdivision approval.</td>
</tr>
<tr>
<td>No.5 - Mr Christopher Buxton, 1243 Mandurah Road, Baldivis 6167</td>
<td>I would like to point out that with regards to this subdivision there is a fully licences dog boarding kennels less than fifty metres away. The business has been in operation for more than twenty years and supports four full time staff. My concern is that there is very little buffer zone allowed with regard to noise pollution. Perhaps some sort of acoustic barrier might be in order to reduce the effect on future development.</td>
<td>A Notification can be placed on the Titles of newly created lots at the time of subdivision, advising potential purchasers of the close proximity of the dog kennels.</td>
</tr>
</tbody>
</table>

3. **DIRECT** the Chief Executive Officer to request a condition at the subdivision application stage that a Notification pursuant to Section 165 of the Planning and Development Act 2005 be placed on the Certificate of Title for all proposed lots at the time of subdivision advising of the following:–

“This land is affected by potential noise impacts from Dog Kennels at Lot 151 (No.1243) Mandurah Road, Baldivis.”

Committee Voting – 4/0

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

Not applicable

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

Not applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-058/11 Final Approval of Amendment No.107 to Town Planning Scheme No.2</th>
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<td>File No:</td>
<td>LUP/1498</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Dykstra Planning</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Ross Underwood, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th November 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>February 2011 (SP-002/11)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 783 (No.29) Pike Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1.885ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
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<td>Attachments:</td>
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1. **Purpose of Report**

To consider granting Final Approval to Scheme Amendment No.107 to rezone Lot 783 (No.29) Pike Road, Baldivis from ‘Rural’ to ‘Special Residential’.

2. **Background**

In February 2011, the Council resolved to adopt (initiate) Amendment No.107 to Town Planning Scheme No.2 (TPS2) to rezone Lot 783 (No.29) Pike Road, Baldivis from ‘Rural’ to ‘Special Residential’, to facilitate subdivision of the land into three (3) lots of 5,782m², 5,709m² and 7,559m² respectively, as shown in the Subdivision Guide Plan (Figure 2).

A Rural Concept Plan was also considered by the Council in February 2011 and was acceptable (see Figure 3).
The Council also required the applicant to prepare a Fire Management Plan for inclusion in the Scheme Amendment documents.

3. Details

Nil.

4. Implications to Consider

a. Consultation with the Community

The Amendment was advertised for public comment in the following manner:-

- A notice was published in the "Public Notices" section of the Weekend Courier on the 17th June 2011;
- A sign was erected on the property and remained on-site for the duration of the advertising period;
- 14 adjoining owners (including Western Power, which is purchasing land on Pike Road adjacent to the subject site) were notified of the proposal in writing; and
- Details of the proposed Amendment were published on the City's website and were available for inspection at the City's Administration Office for the duration of the advertising period.

It should be noted that although the Amendment was initiated in February 2011, advertising was not undertaken until June 2011 as the Fire Management Plan provided by the applicant required further assessment by the City’s Fire and Emergency Services.

The comment period closed on the 1st August 2011 (a period of 42 days). At the conclusion of the advertising period, one submission was received from Lot 151 (No.1243) Mandurah Road, Baldivis. The submissioner raised concerns regarding the proximity of the proposed rezoning to the Baldivis Boarding Kennels, noting that future subdivision of the subject land could result in land use conflicts and noise pollution from dogs barking.
b. Consultation with Government Agencies

The Scheme Amendment was referred to the EPA for assessment under the Environmental Protection Act 1986. In June 2011, the EPA advised that the Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986.

The following Government Agencies were also consulted:
- Department of Water;
- Water Corporation;
- Department of Environment and Conservation;
- Western Power;
- Telstra;
- Main Roads WA;
- Alinta Gas;
- FESA;
- Department of Agriculture and Food;
- Department of Planning; and
- Bush Forever (Department of Planning)

Following completion of the advertising period, four submissions were received from Government Agencies. The Water Corporation provided advice relating to the future servicing of the lot. The Department of Water raised no objection to the proposal, but advised that a licence would be required for the extraction of water. The Department of Planning (Bush Forever) and Western Power raised no objections to the proposal.

c. Strategic Community Plan

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

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.
d. Policy
The application was assessed against Planning Policy 5.2 – Rural Land Strategy as part of the initial consideration to adopt (initiate) Amendment No.102.

The subject site is located within Planning Unit 4 of the Rural Land Strategy, which recommends a minimum lot size of 1ha west of the ridgeline and 5000m² east of the ridgeline. The intent of this planning unit is to provide a transition between the extensive lake systems to the west and future higher density urban development to the east.

e. Financial
Nil

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

5. Comments

With respect to the issues raised in the submissions, the following comments are made:

Future Servicing

The Water Corporation's comments relating to the new road to the south of Pike Road are not relevant to the subject proposal, as this Amendment does not propose any new roads. This matter has been addressed as part of Amendment No.102 to TPS2, which includes the new road.

The Water Corporation and Western Power's comments relating to the provision of services to the land and the requirement for easements can be addressed at the time of subdivision of the proposed lots.

Dog Kennel

Dog kennels currently operate at Lot 151 (No.1243) Mandurah Road, Baldivis, which adjoins the subject site along its southern boundary. The licence for this kennel permits a maximum of 60 dogs to be kept on the site. Planning Approval was granted for the Dog Kennel in 1983.

In regard to possible land use conflicts due to the proximity of the Baldivis Boarding Kennels to future lots, the Environmental Protection Authority's 'Guidance for the Assessment of Environmental Factor - Separation Distances between Industrial and Sensitive Land Uses' ('Guidance Statement') recommends a 500m buffer distance between kennels and housing due to potential noise and odour impacts to sensitive uses (i.e. residential).

The EPA applies this Guidance Statement to proposals and schemes that are subject to the assessment under Part IV of the Environmental Protection Act 1986 (such as a Referral of a Scheme Amendment). As previously noted, the EPA advised that the Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986. In discussion with officers at the EPA, it was determined that placing Notification on the title of the proposed lots advising future landowners that could be affected by potential noise impacts from the nearby dog kennels, would be sufficient to address potential noise issues.

It should be noted that the Health (Noise) Regulations 1997, do not apply to noise from dogs barking.

It is considered that placing a Notification on the Titles of newly created lots at the time of subdivision, advising potential purchasers of the close proximity of the dog kennels is an acceptable method of dealing with noise issues, as potential owners would be aware of potential impacts and can therefore make an informed decision when choosing to purchase the properties and to design dwellings accordingly.
Bush Fire Protection

The Fire Management Plan prepared by the Bushfire Safety for the applicant in March 2011 was considered by the City to be suitable, and was attached to the Amendment Report that was advertised for public comment. The recommendations of the Fire Management Plan will be implemented at the time of subdivision.

It is recommended that Council adopt the Scheme Amendment for Final Approval.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.107 to Town Planning Scheme No.2, without modification.

2. **ADOPT** the Recommendations contained within the Schedule of Submissions.

3. **DIRECT** the Chief Executive Officer to request a condition at the subdivision application stage that a Notification pursuant to Section 165 of the Planning and Development Act 2005 be placed on the Certificate of Title for all proposed lots at the time of subdivision advising of the following:-

“This land is affected by potential noise impacts from Dog Kennels at Lot 151 (No.1243) Mandurah Road, Baldivis.”

8. Committee Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.107 to Town Planning Scheme No.2, without modification.

2. **ADOPT** the Recommendations contained within the following Schedule of Submissions:

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<tr>
<td>No. 1 – Department of Planning,</td>
<td>The subject lot is not within or abutting Bush Forever, and</td>
<td>That the submission be</td>
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<tr>
<td>Locked Bag 2525, Perth WA 6001</td>
<td>thus there are no issues in this regard.</td>
<td>noted.</td>
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<tr>
<td>No.2 – Water Corporation, PO Box</td>
<td>Connection to reticulated water can be imposed as a condition</td>
<td>That the submission be</td>
</tr>
<tr>
<td>100, Leederville WA 6902</td>
<td>of subdivision approval.</td>
<td>noted.</td>
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<tr>
<td>The proposed development is within the Tamworth Karnup Water Supply Scheme. A DN250 water main extension along Pike Road is required as part of the Scheme, from a DN500 main in Eighty Road. This is a reticulation size main and is to be funded by the developer. The size of the main to the subdivision along the new road to the south of Pike Road requires planning. In order to assess the infrastructure required, the Corporation would need to know the overall subdivision intention southward to Sixty Eight Road. It is assumed the new road will proceed south, with services to new special rural and rural residential subdivision, with no services off Mandurah Road.</td>
<td>The Water Corporation’s comments relating to the new road to the south of Pike Road are not relevant to the subject proposal, as this Amendment does not propose any new roads. This matter has been addressed as part of Amendment No.102 to TPS2, which includes the new road. Connection is required to a nutrient retentive ATU system approved by the City’s Environmental Health Services upon lodgement of a Building Licence application to the City.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>Wastewater</td>
<td></td>
<td></td>
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<tr>
<td>The proposed development area is currently not within a wastewater scheme area. It is adjacent to the North Baldivis Wastewater Scheme, however, the lot sizes being over 2000 square metres it is not mandatory to provide sewerage in accordance with the Government Sewerage Policy, as long as the environment is not detrimentally affected, as determined by the City of Rockingham.</td>
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<td>Drainage</td>
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<td>The proposed development area is not within a Corporation main drainage scheme area.</td>
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<tr>
<td>Water Efficiency</td>
<td>Considering the reduction in rainfall, water efficiency is a very key item in the planning of new developments. The Department of Water document Better Urban Water Management 2008 refers to the State Water Plan which has a design objective for a water consumption target of 100 kl/person/year, including not more than 40-60 kl/person/year scheme water. The Corporation’s Strategy for the future Water Forever supports this objection and aims to reduce current water scheme consumption levels to 85kl/person/year or less where alternative supplies are available.</td>
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<td>Furthermore, the Corporation’s requirement is that developers should apply the principles contained within the guideline Waterwise Developers H20ptions. The guidance contained in this document when applied translates planning target consumptions into practical application. The heart of Waterwise Developers is a Water Balance Tool, which should be applied to this development.</td>
<td></td>
<td></td>
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</table>

**No.3 – Department of Water, PO Box 332, Mandurah WA 6210**

**Urban Water Management**

Drainage systems shall be designed and constructed consistent with the Stormwater Management Manual for Western Australia. (DoW)

**Groundwater**

The subject area is located within the Stakehill Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this area for purposes other than those covered by the rights in Water and Irrigation Exemption (Section 26C) Order 2010, is subject to licensing by the Department of Water. For further information regarding Groundwater Licensing requirements in the area, please contact the Mandurah office on 9550 4224.

Please note that this area has reached its allocation limit and there is no guarantee that any request for allocation will be approved.

**No.4 – Western Power, 363 Wellington Street, Perth, WA, 6000**

Western Power is pleased to advise that it has no objections for the proposal but would like to provide the following information.

Western Power has its Mandurah to Waikiki/Meadow Springs (81) 132kV transmission line traversing Pike Rd.

If the property is subdivided/ amalgamated, we will register an easement over the certificate of title (C/T) of the property/ies as a condition of the WA Planning Commission’s subdivision approval process.

Servicing of water can be considered at subdivision stage through conditioning of the subdivision approval. That the submission be noted.
A copy of our standard easement conditions are attached.

In the absence of a formal easement registered on the C/T, building setbacks will be required. If a development encroaches upon this area we require the proponent to provide profile survey information for the line and details of the development to enable us to determine whether the development will have the required clearance to the line conductors.

Structures may be erected on the boundary of the easement/restriction zone area, however the construction works may infringe upon the 6.0m Worksafe WA Occupational Safety and Health Regulation 3.64 ‘danger’ zone associated with lines of this voltage. Our standard conditions for working in close proximity to overhead transmission lines are attached for your information.

Structures may be erected on the boundary of the easement/restriction zone area, however the construction works may infringe upon the 6.0m Worksafe WA Occupational Safety and Health Regulation 3.64 ‘danger’ zone associated with lines of this voltage. Our standard conditions for working in close proximity to overhead transmission lines are attached for your information.

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<td>A copy of our standard easement conditions are attached. In the absence of a formal easement registered on the C/T, building setbacks will be required. If a development encroaches upon this area we require the proponent to provide profile survey information for the line and details of the development to enable us to determine whether the development will have the required clearance to the line conductors. Structures may be erected on the boundary of the easement/restriction zone area, however the construction works may infringe upon the 6.0m Worksafe WA Occupational Safety and Health Regulation 3.64 ‘danger’ zone associated with lines of this voltage. Our standard conditions for working in close proximity to overhead transmission lines are attached for your information.</td>
<td>The requirement for easements can be addressed at the time of subdivision of the proposed lots.</td>
<td>That the submission be noted.</td>
</tr>
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</table>

No.5 - Mr Christopher Buxton – 1243 Mandurah Road, Baldivis 6167

I would like the planners to observe the proximity of Baldivis Boarding Kennels to this development. The areas used to exercise dogs are within 200 metres of this subdivision. My concern is noise pollution for any future dwellings built on this area. This business has been operating successfully for over 20 years serving the Rockingham and Kwinana community, and employs four full time staff.

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.5 - Mr Christopher Buxton – 1243 Mandurah Road, Baldivis 6167 I would like the planners to observe the proximity of Baldivis Boarding Kennels to this development. The areas used to exercise dogs are within 200 metres of this subdivision. My concern is noise pollution for any future dwellings built on this area. This business has been operating successfully for over 20 years serving the Rockingham and Kwinana community, and employs four full time staff.</td>
<td>A Notification can be placed on the Titles of newly created lots at the time of subdivision, advising potential purchasers of the close proximity of the dog kennels.</td>
<td>That the submission be upheld.</td>
</tr>
</tbody>
</table>

3. **DIRECT** the Chief Executive Officer to request a condition at the subdivision application stage that a Notification pursuant to Section 165 of the Planning and Development Act 2005 be placed on the Certificate of Title for all proposed lots at the time of subdivision advising of the following:-

“This land is affected by potential noise impacts from Dog Kennels at Lot 151 (No.1243) Mandurah Road, Baldivis.”

Committee Voting - 4/0

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

Not applicable

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

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-059/11 Final Approval of Amendment No.115 to Town Planning Scheme No.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1547</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Urban Endeavour</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, A/Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th November 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>June 2011 (SP-034/11)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council's Role in this Matter:</td>
<td>Legislative</td>
</tr>
</tbody>
</table>

### Site:
- Lot 1525 Baldivis Road, Baldivis
- Lot Area: 7,572m²
- LA Zoning: Local Roads Reserve
- MRS Zoning: Urban

### Attachments:
- Maps/Diagrams: Fig 1 - Location Plan

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

To consider granting Final Approval to Scheme Amendment No.115 to zone Lot 1525 Baldivis Road, Baldivis to 'Development' and include it within Development Area 20.

2. **Background**

In June 2011, Council resolved to initiate an Amendment to TPS2 to rezone the site to 'Development' zone, to facilitate the subdivision and development of a closed road reserve between the Tuart Ridge and Highbury Park estates in Baldivis, as follows:-

1. **Amending the Scheme Map by including the whole of Lot 1525 Baldivis Road, Baldivis in the 'Development' zone; and**

2. **Amending the Scheme Map by modifying the boundary of existing Development Area 20 to include Lot 1525 Baldivis Road, Baldivis.'**
3. Details

Nil.

4. Implications to Consider

a. Consultation with the Community

The Amendment was advertised for public comment in the following manner:-
- A notice was published in the "Public Notices" section of the Weekend Courier on the 26th August 2011;
- Eight adjoining owners (including the Minister for Education) were notified of the proposal in writing; and
- Details of the Amendment were published on the City's website for the duration of the advertising period.

The comment period closed on the 10th October 2011 (a period of 45 days). At the conclusion of the comment period, no submissions were received from the community.

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Authority, which advised that it considered that the proposal should not be assessed under the Environmental Protection Act 1986 and that it was not necessary to provide any advice or recommendations.

Written notice of the Amendment was sent to the following authorities:-
- APA Group
- Water Corporation
- Alcoa
- Western Power
- Alinta Networks
- Telstra

At the conclusion of the comment period, two submissions were received, as follows:-
- The Water Corporation advised that it does not object in principle to the Amendment, but commented on the potential impact on service planning. Routes for future pipelines are required through the development area to facilitate servicing.
- APA Group advised that the Parmelia high-pressure natural gas pipeline traverses the site. The Amendment to public open space will affect the easement where heavy vehicles and landscaping and irrigation will cross the easement.

c. Strategic Community Plan

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

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

d. Policy

Nil

e. Financial

Nil
f. **Legal and Statutory**

   In accordance with the Town Planning Regulations (1967), the Council is required to consider all submissions and in respect of each submission shall consider whether the Amendment should be modified accordingly or whether that submission should be rejected.

   After considering the submissions, the Council is required to pass a resolution either that the Amendment be adopted with or without modification; or that it does not wish to proceed with the Amendment, and forward the Scheme Amendment documents to the Western Australian Planning Commission for submission to the Minister for Planning.

---

5. **Comments**

   The issues raised in the submissions are not considered relevant to the Scheme Amendment as they relate to service planning and the Parmelia high-pressure natural gas pipeline easement and can be addressed at the subdivision stage.

   As the purpose of Scheme Amendment facilitates the subdivision and development of a closed road reserve between Tuart Ridge and Highbury Park estates, in accordance with approved Structure Plans, it is recommended that the Amendment be adopted for Final Approval without modification.

---

6. **Voting Requirements**

   Simple Majority.

---

7. **Officer Recommendation**

   That Council:-

   1. **ADOPT** for Final Approval Amendment No.115 to Town Planning Scheme No.2, without modification.

   2. **ADOPT** the recommendations contained in the following Schedule of Submissions:-

<table>
<thead>
<tr>
<th>Submission</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.1 - Water Corporation, Po Box 100, LEEDERVILLE WA 6902</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>The Corporation does not object in principle to the amendment, but comment is made on the potential impact on service planning. Routes for future pipelines are required through the development area to facilitate servicing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.2 - APA Group, 9 Marchesi Street, KEWDALE WA 6105</td>
<td>The submission is noted.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>The APA Group's (APA) Parmelia high-pressure natural gas pipeline is situated within a 50 foot (15.24 metre) easement, traversing Lot 1525 Baldivis Road, Baldivis. Please refer to attached map. The proposed amendment to Public Open Space (POS) will affect the Parmelia pipeline where there is to be the following crossing APA's asset and easement:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8. Committee Recommendation

That Council:-

1. **ADOPT** for Final Approval Amendment No.115 to Town Planning Scheme No.2, without modification.

2. **ADOPT** the recommendations contained in the following Schedule of Submissions:-

<table>
<thead>
<tr>
<th>Submission</th>
<th>Comments</th>
<th>Recommendations</th>
</tr>
</thead>
</table>
| **No.1 - Water Corporation, Po Box 100, LEEDERVILLE WA 6902**
  - The Corporation does not object in principle to the amendment, but comment is made on the potential impact on service planning.
  - Routes for future pipelines are required through the development area to facilitate servicing. | The submission is noted. | That the submission be noted. |
| **No.2 - APA Group, 9 Marchesi Street, KEWDALE WA 6105**
  - The APA Group's (APA) Parmelia high-pressure natural gas pipeline is situated within a 50 foot (15.24 metre) easement, traversing Lot 1525 Baldivis Road, Baldivis. Please refer to attached map. | The submission is noted. | That the submission be noted. |
The proposed amendment to Public Open Space (POS) will affect the Parmelia pipeline where there is to be the following crossing APA's asset and easement:

- Heavy Vehicles; and
- Landscaping and Irrigation.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
## Planning Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-060/11 Proposed Entry of Lake Richmond onto the State’s Register of Heritage Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1417</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Heritage Council of WA</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood, A/Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, A/Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th November 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Cr A Hill declared an interest affecting proximity as per Section 5.60B of the Local Government Act 1995, as he lives very close to Lake Richmond.</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Advocacy</td>
</tr>
</tbody>
</table>

### Site:
- Lot 1596 Fisher Street, Rockingham, Lot 17 Safety Bay Road, Shoalwater and Lot 18 Safety Bay Road, Rockingham and Shoalwater (Reserve 9458), Lot 8001 Fisher Street, Rockingham (Reserve 47145), Lot 8018 Garden Island Highway, Shoalwater (Reserve 48310)

### Lot Area:
- 71.4346 ha

### LA Zoning:
- Lot 17 reserved for 'Local Roads', eastern portion of Lot 1596 zoned 'Development'

### MRS Zoning:
- 'Parks and Recreation' reserve, except for Lot 17 and the eastern portion of Lot 1596 which are zoned 'Urban'

### Attachments:
- 1. Location plan showing proposed area of curtilage
1. **Purpose of Report**

To consider the City's position on the proposed entry of Lake Richmond onto the State's Register of Heritage Places.

2. **Background**

In March 2008, the Council adopted its Municipal Heritage Inventory, including Place 047 - Lake Richmond. This place was afforded a Management Category of "A", meaning:

"Worthy of the highest level of protection - recommended for entry into the State Register of Heritage Places."

The adopted Municipal Heritage Inventory was forwarded to the Heritage Council of WA in accordance with the Heritage of Western Australia Act 1990.

In August 2009 the Council resolved to accept the Lake Richmond Management Plan as a guide for protecting and enhancing its conservation, social, ecological and cultural values.

3. **Details**

The Office of Heritage has advised that the Heritage Council of WA's Register Committee recently resolved that Lake Richmond is of cultural heritage significance and stakeholders should be consulted on the proposed registration. The Office of Heritage intends to present the following recommendation to the Register Committee:

"1. to advise the Minister for Heritage ("the Minister") that it is of the opinion that:
   1.1. ("the place") is of cultural heritage significance, and is of value for the present community and future generations;
   1.2. the protection afforded by the Heritage of Western Australia Act 1990 ("the Act") is appropriate;

2. to recommend that the Minister directs the Heritage Council to:
   2.1. enter the place in the Register as an interim registration, as required by s.47(1) of the Act;
   2.2. advertise the proposed permanent entry of the place in the Register pursuant to s.49(1)(a) of the Act;"
3. **to direct the Office of Heritage to:**
   - 3.1. convey to the Minister the preceding advice and recommendation, together with such supporting information as the Minister may require;
   - 3.2. give effect as required by the Act to any resulting direction to the Council received from the Minister."

The Office of Heritage seeks the City's comments on the proposed entry of Lake Richmond in the State Register of Heritage Places, prior to presenting the matter to the Register Committee, based on three documents being the draft assessment documentation, a curtilage plan and zones of significance plan.

In addition, the City has been invited to nominate a person to attend the meeting at which the proposed registration of the place will be considered. If the City chooses to nominate an attendee, that person becomes a voting member of the Register Committee when registration of Lake Richmond is considered.

### 4. Implications to Consider

**a. Consultation with the Community**

If Lake Richmond is entered onto the Register of Heritage Places on an interim basis, the proposed permanent entry of the place will be advertised for public comment by the Office of Heritage.

**b. Consultation with Government Agencies**

Consultation with Government agencies will be undertaken by the Office of Heritage.

**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 10:** Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for future generations to enjoy.

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Subsections 23(4) and 23(5) of the Act require the City to be invited to the meeting at which the proposed registration of the entry of Lake Richmond onto the Register for Heritage Places will be considered.

The process for entering a place on the Interim Register is set out in section 50 of the Act. Once entered on the Register, no development or demolition is permitted unless the prior written consent of the Heritage Council of WA has been obtained.

### 5. Comments

Lake Richmond and the surrounding bushland are located on reserves managed and maintained by the City of Rockingham. Lake Richmond is already subject to significant protection through various legislation as described below.

**Environmental Protection Wetland**

Lake Richmond contains a Threatened Ecological Community, is protected under Environmental Protection Policy (Swam Coastal Plain Lakes) Policy Approval Order 1992 and is categorised as a Conservation Category Wetland.
As a result, the City is required to consult with the Department of Environment and Conservation prior to commencing any work on the reserves. The entering of the place into the Register of Heritage Places will place an additional approval process in place that the City would be required to undertake before commencing any work, which could add complexity to the City's proposals to maintain and upgrade facilities on the Lake Richmond reserves.

**Municipal Heritage Inventory**

The place is entered onto the City's Municipal Heritage Inventory with a Management Category of 'A', which is the highest level possible at a local level. Although the 'A' category confers that the place is significant enough to be entered on the State's Register of Heritage Places, the rationale for entry should be considered against the likely threat to the significance of the place.

Given the Lake is under the City's control, the protection of the Lake's heritage and cultural significance will be ensured.

**Aboriginal Heritage Site**

Lake Richmond is a significant ceremonial and mythological site for the Nyungar people, and this is recognised by its inclusion as a registered Site under the Aboriginal Heritage Act 1972. Aspects of indigenous heritage are managed under that Act by the Department of Indigenous Affairs, and references to indigenous heritage in the Heritage Council of WA's assessment documentation could duplicate the responsibilities for managing the indigenous heritage of the place.

There are no works planned on Lake Richmond or land surrounding it that are considered would impact the cultural heritage significance of the place, and there are unlikely to be any future works that would have any major impacts on the reserves.

**Funding**

Entry on the Register of Heritage Places may provide an opportunity for additional funding under the Lotterywest Conservation of Cultural Heritage Grants Program and the Interpretation of Cultural Heritage Grants Program. Both these grant programs are generally issued on a 50/50 funding basis, and usually only where there is an adopted Conservation Plan for the place.

Given these restrictions, there is considered to be limited financial benefit to the City for supporting the entry of Lake Richmond onto the Register of Heritage Places.

**State Heritage Listing**

The assessment documentation contains a factual error in section 13.1, which in the sixth paragraph states:

"Archaeological remains have been discovered near the lake's edge, where there is evidence of Aboriginal stone arrangements, thought to be the remnants of Nyungar fish traps."

The Rockingham Lakes Regional Park Draft Management Plan 2003-2013 is identified as the source for the above information, but subsequent to this the Department of Indigenous Affairs undertook a review of its listing of the fish traps. The review concluded that the fish traps were constructed between 1954 and 1968 and not in accordance with indigenous practices. Reference to the indigenous fish traps was removed from the final version of the Rockingham Lakes Regional Park Management Plan (2011). Reference to indigenous fish traps should be removed from the assessment documentation.

**Conclusion**

It is recommended that the proposal to enter Lake Richmond onto the Register of Heritage Places not be supported given that is already afforded adequate protection under current legislation and on the basis the City's will retain control over any future developments that may occur. It is not considered necessary for a representative of the City to attend the meeting of the Register Committee to vote on the item, given the Council's position will be provided in writing.

### 6. Voting Requirements

Simple Majority
7. **Officer Recommendation**

That Council **NOT SUPPORT** the action being taken by the Heritage Council of Western Australia to enter Lake Richmond onto the Register of Heritage Places for the following reasons:

1. Lake Richmond is included on the City's Municipal Heritage Inventory and Heritage List with a Management Category of ‘A’, recognising the place as having the highest level of protection at the local level.

2. Lake Richmond is protected as a registered Site under the *Aboriginal Heritage Act 1972* for its ceremonial and mythological significance, and entry on the Register of Heritage Places could duplicate the management of indigenous heritage.

3. There are no planned works to Lake Richmond or its surrounds that could significantly reduce the cultural heritage significance of the place.

4. Registration of Lake Richmond could complicate the approval process for proposed works in the Lake Richmond reserves by introducing an additional approval layer to the process. In this regard, management of the Lake is undertaken in accordance with the Lake Richmond Management Plan (2008) and in consultation with the Department of Environment and Conservation, and this ensures that the place is adequately managed and cultural heritage significance protected.

5. Registration of Lake Richmond will not afford the City any significant additional financial assistance for maintenance and upgrading, other than Lotterywest grants which are limited in their scope and amount.

6. The assessment documentation for Lake Richmond contains a factual error in section 13.1, in the sixth paragraph, which states:

   "Archaeological remains have been discovered near the lake's edge, where there is evidence of Aboriginal stone arrangements, thought to be the remnants of Nyungar fish traps."

   The Rockingham Lakes Regional Park Draft Management Plan 2003-2013 is given as the source for the above information, but subsequent to this the Department of Indigenous Affairs undertook a review of its listing of the fish traps. The review concluded that the fish traps were constructed between 1954 and 1968 and not in accordance with indigenous practices. Reference to the indigenous fish traps was removed from the final version of the Rockingham Lakes Regional Park Management Plan (2011).

---

**Committee Recommendation**

That Council:

1. **NOT SUPPORT** the action being taken by the Heritage Council of Western Australia to enter Lake Richmond onto the Register of Heritage Places for the following reasons:

   (i) Lake Richmond is included on the City's Municipal Heritage Inventory and Heritage List with a Management Category of ‘A’, recognising the place as having the highest level of protection at the local level.

   (ii) Lake Richmond is protected as a registered Site under the *Aboriginal Heritage Act 1972* for its ceremonial and mythological significance, and entry on the Register of Heritage Places could duplicate the management of indigenous heritage.

   (iii) There are no planned works to Lake Richmond or its surrounds that could significantly reduce the cultural heritage significance of the place.

   (iv) Registration of Lake Richmond could complicate the approval process for proposed works in the Lake Richmond reserves by introducing an additional approval layer to the process. In this regard, management of the Lake is undertaken in accordance with the Lake Richmond Management Plan (2008) and in consultation with the Department of Environment and Conservation, and this ensures that the place is adequately managed and cultural heritage significance protected.
(v) Registration of Lake Richmond will not afford the City any significant additional financial assistance for maintenance and upgrading, other than Lotterywest grants which are limited in their scope and amount.

(vi) The assessment documentation for Lake Richmond contains a factual error in section 13.1, in the sixth paragraph, which states:

"Archaeological remains have been discovered near the lake's edge, where there is evidence of Aboriginal stone arrangements, thought to be the remnants of Nyungar fish traps."

The Rockingham Lakes Regional Park Draft Management Plan 2003-2013 is given as the source for the above information, but subsequent to this the Department of Indigenous Affairs undertook a review of its listing of the fish traps. The review concluded that the fish traps were constructed between 1954 and 1968 and not in accordance with indigenous practices. Reference to the indigenous fish traps was removed from the final version of the Rockingham Lakes Regional Park Management Plan (2011).

2. NOMINATE Cr Richard Smith to attend the meeting of the Register Committee, to represent the Council's position on this matter.

Committee Voting - 4/0

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

To ensure the Council's position (with a voting right) on this matter is represented at the meeting of the Register Committee.

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

Not applicable
**Planning Services**  
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-061/11 Proposed Amendment to Planning Policy 6.3 - Local Commercial Strategy - 'Waikiki Village' Shopping Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>Dynamic Planning and Developments on behalf of Westgate Property Investments Pty Ltd</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Miss Donna Shaw  Planning Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Ross Underwood  A/Co-ordinator, Statutory Planning  Mr Dave Waller  A/Manager, Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>14th November 2011</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>August 2004 (PD170/8/04)</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>Disclosure of Interest:  Mr B Jeans declared an interest affecting impartiality as detailed within Clause 3.3 of Council's Code of Conduct and Regulation 34C of the Local Government (Administration) Regulations 1996, as his daughter works for the proponent - Dynamic Planning and Developments.</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive Function</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1 (No.1-9) Gnangara Drive, Waikiki</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>4.4053ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Commercial</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Figure 1 - Location Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Figure 2 - Indicative Development Plan</td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

To consider a request to amend Planning Policy 6.3 - Local Commercial Strategy ('LCS') to increase the maximum shop/retail floorspace of the 'Waikiki Village' Shopping Centre from 6,963m² Net Leasable Area ('NLA') to 8,662m² NLA.

2. **Background**

Under the City's Retail Strategy 1996, the Waikiki Village Neighbourhood Centre provided for a total retail floorspace of 4,578m². With the introduction of the Metropolitan Centres Plan by the State Government, ancillary retail uses (i.e. takeaway food outlets etc) needed to be included in the total retail floorspace. As such, the floorspace for the Waikiki Village increased to 6,163m² with the adoption of the Local Commercial Strategy in February 2004 (which superseded its predecessor). The Local Commercial Strategy 2004 was endorsed by the Western Australian Planning Commission ('WAPC') in December 2006.

In August 2004, the Council granted Planning Approval for the development of an additional 800m² NLA of commercial floor space. The additional 800m² of floor space was subsequently approved as a Sporting Goods Outlet in September 2005.

In December 2009, Planning Approval was granted for a Medical Centre, which at the time did not fall into retail use and as such, did not compromise the retail floorspace maximum.

3. **Details**

The proposal is to increase the floor space of the Waikiki Shopping Centre by 1,550 m² to 8,662m² NLA of retail floorspace to provide for core retail activities. No details have been provided as to the specific uses intended to occupy the additional floorspace, however, an indicative development plan has been provided, as follows:-
The Applicant advises that 'despite the owners best efforts to accommodate the tenancy with a 'Medical Centre', due to limited or no demand for non-retail uses, the owner now wishes to expand the existing retail floorspace by approximately 1550m² to promote a complete and cohesive Neighbourhood Centre.'

The application was accompanied by a Retail Sustainability Assessment (RSA) prepared by Pitney Bowes Business Insight, in support of the proposal.

There is a minor discrepancy between the maximum floor space of the Shopping Centre identified under the LCS of 6,963m² compared to the as constructed Shopping Centre being 7,112m².

4. Implications to Consider

a. Consultation with the Community

Under Town Planning Scheme No.2 (TPS2), if Council resolves to amend a Planning Policy, the Council:

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

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

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

The City will also undertake to write to affected residential neighbours and competing commercial centres.

b. Consultation with Government Agencies

Consultation with Government agencies is not required.
c. **Strategic**

**Community Plan**

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

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

d. **Policy**

The Planning Policy 6.3 - Local Commercial Strategy identifies the Waikiki Shopping centre as a ‘Neighbourhood Centre’ with an allocated maximum shop/retail floorspace of 6,963m² NLA.

In relation to increasing retail floor space the RLS, states:-

"Wherever a new centre or expansion of an existing centre is proposed beyond the shop/retail floor areas which are recommended below, it should be in accordance with an approved Centre Plan as contemplated in Section 5.6 and Appendices 1.1.3 and 1.1.4 of the Metropolitan Centres Policy (2000). The onus should be on the proponent to demonstrate to Council’s satisfaction, that the proposal to increase beyond the recommended floor areas would not have a significant adverse impact on any other existing or planned centres."

The Metropolitan Centres Policy referred to above has been superseded by the WAPC’s State Planning Policy 4.2 - Activity Centres for Perth and Peel ('ACPP'). Clause 6.5.2(4) of the ACPP requires a retail sustainability assessment ('RSA') where a local commercial strategy includes an indicative amount of shop/retail floorspace and a significant increase to this shop/retail floorspace is proposed. A RSA assesses the potential economic and related effects of a significant retail expansion on the network of activity centres in a locality.

The proponent has prepared a Retail Sustainability Assessment (RSA) prepared by Pitney Bowes Business Insight to consider the market demand and potential for the retail component which is to be provided as part of the development of the site.

e. **Financial**

Nil

f. **Legal and Statutory**

Clause 4.6.6 of TPS2 states the Council may modify the LCS, provided that it is satisfied that such modification is in the interest of proper and orderly planning and will not detract from the amenity of the locality. Modifications shall be advertised for public comment in accordance with the provisions of clause 8.9.9, unless the proposed modification is minor.

5. **Comments**

The City engaged the services of MacroPlan, a retail and economic consultant, to undertake an assessment of Pitney Bowes Business Insight’s RSA.

Macroplan found that a large degree of escape expenditure already occurs from the catchment, which indicates there to be an economic, community and environmental need for the expansion of retail floorspace within the catchment. The analysis undertaken confirms that the additional floorspace is required in the catchment and that there are no concerning economic impacts that would result.

The report concluded that there have been many changes in the area since the 2004 LCS was adopted and that it is appropriate for the City to review its LCS to ensure the community is sufficiently serviced by a balanced retail hierarchy. It is recommended that the proposal be advertised for comment.

6. **Voting Requirements**

Simple Majority
7. **Officer Recommendation**

That Council **ENDORSE** the publishing of a Notice that the City has prepared an amendment to Planning Policy 6.3 - *Local Commercial Strategy* to increase the maximum recommended shop/retail floorspace of the 'Waikiki Village' Shopping Centre at Lot 1 Gnangara Drive, Waikiki from 6,963m² NLA to 8,662m² NLA.

8. **Committee Recommendation**

That Council **ENDORSE** the publishing of a Notice that the City has prepared an amendment to Planning Policy 6.3 - *Local Commercial Strategy* to increase the maximum recommended shop/retail floorspace of the 'Waikiki Village' Shopping Centre at Lot 1 Gnangara Drive, Waikiki from 6,963m² NLA to 8,662m² NLA.

Committee Voting – 4/0

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

Not applicable

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

Not applicable
1. **Purpose of Report**

To consider adopting the Specific Purpose Strategy for the 'Rockingham City Centre - Activity Centre Plan'.

2. **Background**

The City of Rockingham 'Community Plan' was adopted by the Council in March 2011 and launched by the Minister for Local Government in May 2011.
The Community Plan was prepared following an extensive research and consultation process.

To create the basis for the Plan, more than 4000 households were invited to participate in a series of five community workshops during August and September 2010. The workshops identified five Key Focus Areas for local residents of ‘Community’, ‘Infrastructure and Services’, ‘Environment and Land Use’ and ‘Civic Leadership’.

Each Key Focus Area covers four related Aspirations (16 in total), as follows:-

The Aspirations are then supported by a range of activities, identified in Specific Purpose Strategies. Specific Purpose Strategies are key to the achievement of the Aspirations in the Community Plan, and drive the content of the Team Plans, Asset Management Plan and Infrastructure Projects Plan.
All Implementation actions identified in Specific Purpose Strategies are represented in Team Plans.

3. Details

This Specific Purpose Strategy deals with the ‘Rockingham City Centre - Development Plan (2010)’ activity, listed under ‘Aspiration 6 - Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles’.

The relationship between the Community Plan Aspiration, the purpose of the Strategy and the Key Elements (which are required to successfully implement the Strategy) is shown below.

The purpose of the ‘Rockingham City Centre - Activity Centre Plan’ Specific Purpose Strategy is to implement the planning framework for the Strategic Metropolitan Centre, as set out in the endorsed Centre Plan. This will require:-
- completion of Master Plans and Development Policy Plans for each of the eleven Planning Sectors within the Centre. The DPP and Scheme Amendment for the City Centre Sector (Sector 1) came into effect in February 2011.
- amendments to the Metropolitan Region Scheme and Town Planning Scheme to secure the necessary City Centre zoning and Scheme text changes.
- The design and treatment of urban spaces (parks, squares and streets) within each Planning Sector being carefully considered and planned, to ensure high quality urban spaces are delivered for the community, as the City Centre is developed.

A copy of the Specific Purpose Strategy ‘Rockingham City Centre - Activity Centre Plan’ is attached.

4. Implications to Consider

a. Consultation with the Community

During the preparation of the two stage Review of the 1995 Development Policy Plan, the City undertook extensive community consultation on each stage, including static displays, public exhibition sessions and detailed briefings to Government agencies and key stakeholders. The Stage 2 Activity Centre Plan Reports were posted on the City's website and eight half page colour advertisements were placed in local newspapers.

Letterbox drops of the Summary Brochure were undertaken to over 2,500 homes within the study area. Summary brochures were sent to all commercial landowners in the City Centre core and to all Real Estate agents operating in Rockingham.

Major landowners within the Centre Plan boundaries were also consulted, through a series of one-on-one briefing sessions.

b. Consultation with Government Agencies

The Centre Plan was prepared in consultation with the Department of Planning, Western Australian Planning Commission, Landcorp, Public Transport Authority, Murdoch University, Kolbe College, Challenger TAFE and the Department of Training.

The Centre Plan was also prepared in consultation with the Rockingham Kwinana Development Office, and with the support and guidance of the Rockingham Kwinana Planning and Development Taskforce. The Taskforce is chaired by Phil Edman, MLC.

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:

Infrastructure Construction and Maintenance

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

d. Policy

Each of the Development Policy Plans which will be prepared for the various City Centre Sectors will be adopted as Planning Policies, in accordance with clause 8.9 of Town Planning Scheme No 2.

e. Financial

Costs of implementation are contained within the Specific Purpose Strategy.

f. Legal and Statutory

Nil
5. **Comments**

The Specific Purpose Strategy details the required actions of implementing the adopted Centre Plan for the Rockingham Strategic Metropolitan Centre.

It sets out the expected time frames and costs that the City is likely to incur in implementing the approved planning framework.

It is recommended that Council adopt the Specific Purpose Strategy 'Rockingham City Centre - Activity Centre Plan'.

6. **Voting Requirements**

Simple Majority.

7. **Officer Recommendation**

That Council **ADOPT** the Specific Purpose Strategy 'Rockingham City Centre - Activity Centre Plan', dated October 2011.

8. **Committee Recommendation**

That Council **ADOPT** the Specific Purpose Strategy 'Rockingham City Centre - Activity Centre Plan', dated October 2011.

Committee Voting - 4/0

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

Not applicable

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

Not applicable
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>13. Reports of Councillors</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>14. Addendum Agenda</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>15. Motions of which Previous Notice has been given</strong></td>
<td>Nil</td>
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<tr>
<td><strong>16. Notices of Motion for Consideration at the Following Meeting</strong></td>
<td>Nil</td>
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<tr>
<td><strong>17. Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
<td>Nil</td>
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<tr>
<td><strong>18. Matters Behind Closed Doors</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>19. Date and Time of Next Meeting</strong></td>
<td>The next Planning Services Standing Committee Meeting will be held on <strong>Monday, 5 December 2011</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td><strong>20. Closure</strong></td>
<td>There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 4.55pm.</td>
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