City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on

Monday 16 May 2011

4:00pm

Council Boardroom
Council Administration Building
Civic Boulevard, Rockingham
City of Rockingham
Planning Services Standing Committee Meeting
4:00pm Monday 16 May 2011

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City of Rockingham
Planning Services Standing Committee Meeting
4:00pm Monday 16 May 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 Brian Warner  |             |
|      | Cr Ann Prince    |             |
|      | Cr Les Dodd      |             |

| 2.2  | Executive       |
|      | Mr Andrew Hammond | Chief Executive Officer |
|      | Mr Robert Jeans  | Director, Planning & Development Services |
|      | Mr Brett Ashby   | A/Manager, Strategic Planning & Environment |
|      | Mr Richard Rodgers | Manager, Building Services (until 4.17pm) |
|      | Mr Mike Ross     | Manager, Statutory Planning |
|      | Mr Rod Fielding  | Manager, Health Services (until 4.17pm) |
|      | Ms Melinda Wellburn | Secretary to Director, Planning & Development Services |

| 2.3  | Members of the Public: 4 |
|      | Press: Nil |
| 2.4  | Apologies: Nil |
|      | Approved Leave of Absence: Nil |
3. **Responses to Previous Public Questions Taken on Notice**

Nil

4. **Public Question Time**

Mr Peter Tesoriero, Amex Corporation asked the following question:-

"Would the Committee be prepared to either defer consideration of Item SPE-017/11 - Proposed Modification to Planning Policy 6.3, or agree to the withdrawal of the Item from the Agenda?"

The Chairman advised that the matter would be considered later in the meeting.

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

Moved Cr Dodd, seconded Cr Prince:

That Council **CONFIRM** the Minutes of the Planning Services Standing Committee Meeting held on 18 April 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**

Nil

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

Nil

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

Nil

11. **Bulletin Items**

**Planning Services Information Bulletin - May 2011**

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

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

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 Annual Sign Licence
  4.6 Community Sign Approvals
  4.7 Excavation Licence
  4.8 Building Approval Certificates for Unauthorised Building Works
  4.9 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 Local Planning Strategy - Community Engagement Strategy (LUP/1352)

**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 WAPC
   4.3 Notifications & Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
   4.8 Delegated Building Envelope Variations
   4.9 Subdivision/Amalgamation Supported
   4.10 Subdivision/Amalgamation Refused

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

**Appendices**

**Committee Recommendation:**
That Councillors acknowledge having read the Planning Services Information Bulletin – May 2011 and the contents be accepted.

Committee Voting - 4/0

**12. Agenda Items**
# Planning Services

## Building Services

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<td>Proponent/s:</td>
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<tr>
<td>Author:</td>
<td>Mr Richard Rodgers, Manager, Building Services</td>
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<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director, Planning &amp; Development Services</td>
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## Purpose of Report

To seek Council’s endorsement to implement a new fee structure to ensure compliance with the 4 yearly swimming pool and spa barrier inspection programme.

## Background

As required by S.245A Local Government (Miscellaneous Provisions) Act, the City has a statutory obligation to inspect all residential premises, once in a 4 year period, that have a swimming pool &/or spa installed, to ensure that the barriers are sufficient to prevent drowning and injury to young children (A “young child” is defined as a child under the age of 5 years as per Australian Standard 1926-2007).
The legislation provides that this statutory obligation is able to be funded by a fee, to a maximum of $55.00 per annum.

The City charges, via the Rates Notice, an annual fee of $13.75 (including GST) and has done so since the amended fee inception in 2000 (Note that in 1992 the Regulations set the fee at $50.00 and the charge was $12.50 per annum). The current fee equates to $55 per four years, for a single inspection during that period.

The City's 4 year swimming pool/spa inspection regime is currently resourced as follows:-
- one Compliance Officer, performing the functions of :-
  - assessing and processing Building Licence Applications and Building Approval Certificates for Swimming Pools and/or Spas.
  - preliminary inspections and final inspections (approx 0.7FTE).
  - enforcing local law provisions including litter, signs management, sand drift nuisance abatement (approx 0.3FTE).
- a private contractor, who undertakes limited swimming pool/spa inspections.
- an Administration Officer, who assists with the organisation of the 4 Yearly Inspection Program, both for the City's Compliance Officer and the private contractor, and other compliance related matters (approx 0.7FTE).

The private contractor is financed by an annual Budget allocation of approximately $40,000.

3. Details

The Manager of Building Services has recently undertaken a review of the 4 year inspection programme.

That review has established:-
- as at February 2011, the City has within its district 6984 premises with swimming pools &/or spas. Approximately 450 new pools are being approved each year.
- it is estimated that over the next 5 years (up to 2015/16), the number of premises with swimming pools/spas will rise to approximately 9050.
- it now takes (on average) 1.7 inspections per pool to ensure compliance.
- the original fee regime was calculated on the basis of one (1) inspection per pool.
- the Compliance Officer currently averages 7 inspections per day.
- in order to complete all required inspections within the statutory 4 Year timeframe, the Compliance Officer would need to undertake 13 inspections per day.
- the current fee of $13.75 per annum is insufficient to cover existing operating costs.
- the current fee has not increased since 2000 (11 years).
- the existing staff resources (in-house and private contractor) are insufficient to inspect all swimming pools/spas within the City once every 4 years.
- an additional Swimming Pool Compliance Officer and vehicle is required to manage the 4 year inspection programme.
- the additional resources should be funded by an increase in the statutory fee, based on a cost recovery/cost neutral basis.

4. Implications to Consider

a. Consultation with the Community

Not required.
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 15:** Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant.

d. **Policy**
   Nil.

e. **Financial**

   **Existing Compliance Costs**
   
   - 1 x Compliance Officer (0.7FTE) $43,995
   - 1 x Administration Officer (0.7FTE) $31,058
   - 1 x Existing Compliance Vehicle (0.7 allocated) $3,920
   - 1 x Private Contractor $40,000
   
   **Total Costs (existing)** $118,973

   **Proposed Compliance Costs**
   
   - 1 x Existing Compliance Officer (0.7FTE) $43,995
   - 1 x Proposed Compliance Officer (1.0FTE) $61,312
   - 1 x Administration Officer (1.0FTE) $44,369
   - 1 x Existing Compliance Vehicle (0.7 allocated) $3,920
   - 1 x Proposed Compliance Vehicle (purchased and fully allocated) $24,500
   
   **Total Costs (proposed)** $178,096

   **Proposed Fee**
   
   Calculated by dividing total costs by total number of pools, as follows:-
   
   $178,096 ÷ 7250 = $24.56

   This equates to an inspection fee disbursed amongst the (by 2011/12 Financial year) 7250 properties of $24.56 (or $27.02 incl GST - say $27.00).

   It is proposed to increase the existing charge/fee pursuant to Reg 38F Building Regulations 1989 by $13.25 per annum per property, such that the new annual charge is $24.56 (ex GST) or $27.00 (incl GST).

   A further fee is set annually in the Budget (“Fees & Charges”) to allow for the costs imposed on the City to perform a one off inspection (say at the time the property is sold or should the barrier not comply after the second inspection). Following the review, this fee is to be set at the standard rate of $108 (incl GST).

f. **Legal and Statutory**

   In accordance with the Local Government Act 1995 Section 6.16 Imposition of Fees and Charges, a local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

   The Local Government (Miscellaneous Provisions) Act Section 245A(5)(aa) requires, for the purposes of ascertaining whether the requirement to provide suitable safety barriers to swimming pools and spas has been complied with, a mandated inspection to be performed by a person authorised by local government, once in every 4 year period.
Section 245A(8) enables the local government to fix the charge to be imposed on each owner or occupier of land on which there is a swimming pool or spa, to meet the estimated cost in that financial year of carrying out the inspections required by subsection (5)(aa), but the charge fixed:-

(a) shall not exceed the estimated average cost of carrying out the inspections in that year; and

(b) shall not exceed the maximum charge, if any, prescribed by regulation.

Note that Regulation 38F Building Regulations 1989 sets the maximum fee of $55 per financial year that may be imposed by the local government. (Originally the fee was set at $50 in 1992 and amended in 2000 to $55).

Section 245A(10) requires any charge to be published in the Gazette every year.

5. Comments

The inspections are mandatory and linked to a very real safety aspect around the residential home. Fees are able to be charged by local government to cover the costs of the inspection program required (ie. cost neutral).

By way of comparison, fees charged by other local governments for the Swimming Pool Inspection Programme are:-

- Stirling $33.00pa
- Cockburn $24.20pa
- Gosnells $16.50pa
- Melville $25.60pa
- Mandurah $13.75pa ($26pa 2011/12)

The following message is iterated as often as possible to swimming pool and spa owners:-

“All swimming pools and spas holding water to a depth greater than 300mm requires a compliant barrier to be erected around the pool/spa to restrict access by young children-including “portable” type pools.

The barrier requirement is aimed at restricting access by young children (under the age of 5 years), who may live at the property or may be visiting the site.

The owner (or occupier) is responsible to ensure that the barrier is compliant at all times (not just for the 4 Yearly Inspection Program),

A responsible adult is to supervise young children at all times whilst they are within the enclosure, and

Drowning is preventable."

6. Voting Requirements

Absolute Majority

7. Officer Recommendation

That Council ADOPT a revised 4 yearly Swimming Pool & Spa Inspection Fee (“Swimming Pool Inspection Fees”) of $27.00 (incl GST) per annum and the fee for 3rd and successive inspections or one off inspections be set at $108.00 (incl GST).

8. Committee Recommendation

That Council ADOPT a revised 4 yearly Swimming Pool & Spa Inspection Fee (“Swimming Pool Inspection Fees”) of $27.00 (incl GST) per annum and the fee for 3rd and successive inspections or one off inspections be set at $108.00 (incl GST).

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.

4.17pm - Mr Richard Rodgers, Manager, Building Services and Mr Rod Fielding, Manager, Health Services left the Planning Services Committee meeting.
1. Purpose of Report

To consider the initiation of an Amendment to Town Planning Scheme No.2 introducing a Development Contribution Plan ("DCP") to assist in the funding of community infrastructure in accordance with State Planning Policy 3.6 - Development Contributions for Infrastructure ("SPP3.6").

2. Background

SPP3.6 was gazetted on the 20th November 2009. The objectives of the SPP3.6 are to:-
- promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- ensure consistency and transparency in the system for apportioning, collecting and spending the development contributions; and
- ensure the social well-being of communities arising from, or affected by, development.

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

In June 2010, the Council resolved to initiate Amendment No.101 to Town Planning Scheme No.2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure, as set out in SPP3.6.

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

3. Details

The provisions introduced under Amendment No.101 alone do not permit development contributions to commence; rather they are enabling provisions which allow the process to commence when the preparatory work under the SPP3.6 has been undertaken, which includes preparation of the following:

- a Community Infrastructure Plan for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments);
- a Capital Expenditure Plan (with at least 5 out years), which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provisions;
- projected growth figures, including the number of new dwellings to be created at catchment level (suburb of district);
- a methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas;
- a DCP Report;
- a DCP for inclusion in Schedule No.12 of the Scheme; and
- a Cost Apportionment Schedule.

The City has now largely completed this preparatory work as follows:

(i) A draft Community Infrastructure Plan has been advertised for public comment and is the subject of a separate report to Council (see Item CIP-009/14 to the Community Development Services Committee).

(ii) A draft Capital Expenditure Plan has been prepared and incorporated into the City's draft Business Plan 2011/12 – 2020/21, which is the subject of a separate report to Council (see Item CS-019/11 to the Corporate and Engineering Services Committee).

(iii) A draft DCP Report has been prepared which sets out the City’s projected growth within the various infrastructure catchments, explains the methodology for determining the proportion of costs to be attributed to growth, outlines the cost estimates for the various administrative and infrastructure items, and contains the Cost Apportionment Schedule; and

(iv) A draft DCP has been prepared for insertion into the City’s Scheme.

It is now appropriate to consider the initiation of an Amendment to Town Planning Scheme No.2 to introduce a DCP for community infrastructure.

The proposed Scheme Amendment essentially comprises two parts:

(i) Modifications to the provisions of clause 5.6; and
(ii) Introduction of a DCP under clause 5.6.

The Scheme Amendment seeks to fund the provision of the following community infrastructure (as identified in the Community Infrastructure Plan):-

- Lark Hill Sportsplex Stage 2
- Secret Harbour Surf Club Redevelopment
- Rockingham Youth Recreation Space Redevelopment
- Baldivis District Sporting Complex
- Kent Street Community Arts Centre
- Rockingham Youth Venue
- Baldivis Indoor Recreation Centre
- Rockingham Aquatic Centre Redevelopment/Relocation
- Aqua Jetty Stage 2
- Baldivis Library and Community Centre
- Secret Harbour Community Library
- Baldivis Youth Recreation Space
- Stan Twight Reserve Active POS Clubroom Redevelopment
- Lawrie Stanford Reserve Active POS Master Plan
- Lot 1507 Active POS Development
- Baldivis South Youth Recreation Space
- Waikiki / Warnbro Youth Recreation Space
- Port Kennedy Outdoor Sport and Recreation Hardcourts
- Rhonda Scarrott Reserve Active POS Masterplan
- Baldivis South Active POS Development
- Baldivis South Multipurpose Community Centre
- Baldivis South HS Outdoor Sport and Recreation Hardcourts
- Baldivis Primary School Shared Use Reserve

The draft DCP, which supports the Amendment and which will be included in the advertising material, is attached.

The draft DCP can be summarised as follows:-

- The infrastructure to be funded through the DCP, as set out above, has been identified in the City's Community Infrastructure Plan and incorporated in the draft Business Plan.

- The Development Contribution Area (ie. the land to which the Plan applies) includes all land where the Scheme provides for the development of dwellings or the subdivision of land that can be developed with a dwelling or dwellings. This primarily includes land zoned Residential, Rural, Special Rural, Special Residential, Development, Primary Centre City Centre and Baldivis Town Centre, although it can include other zones where the development of dwellings is proposed.

- The Keralup area is not currently included in the Development Contribution Area, as the land is not yet zoned for urban development. The inclusion of Keralup into the Development Contribution Area will need to be considered if or when the land is zoned appropriately.

- In accordance with SPP3.6, contributions are demand based under the Plan, meaning that Owner's are only required to contribute an amount that is proportional to the overall demand generated by its development. The effect of this arrangement is that the City is responsible for funding, through Municipal Funds, an amount proportional to the demand generated by existing development at the time the Plan is gazetted. The proportion of the City's contribution varies according to the amount of existing development (ie. the City must make a higher contribution in established areas than developing areas). A detailed breakdown of the estimated Municipal contribution, and the anticipated revenue from contributions under the DCP, is set out in the Cost Apportionment Schedule (Section 6 of the DCP Report).

- The calculations utilised to determine contributions are set out in sections 8, 9 and 10 of the DCP.
- In order to apply to both development and subdivision, the calculations in the DCP are based on the number of "Dwelling Units" being created. "Dwelling Units" is defined in the DCP and generally includes lots being created through subdivision and dwellings being created through development.

- In accordance with SPP3.6, the DCP requires, where practicable, for the City to return any excess funds to the Owner’s in the event of excess funds being available when all contributions have been accounted.

- By adopting the DCP, the City is committing to the provision of infrastructure identified.

### 4. Implications to Consider

#### a. Consultation with the Community

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

#### b. Consultation with Government Agencies

Consultation with Government Agencies is not considered necessary for the proposed Amendment.

#### c. Strategic

Community Plan

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

**Aspiration 5:** Community facilities delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods.

#### d. Policy

Nil

#### e. Financial

The financial implications of the proposed DCP have been considered in the preparation of the draft Business Plan 2011/12.

#### f. Legal and Statutory

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

### 5. Comments

**Modifications to Clause 5.6 of TPS2**

Preparation of the proposed Scheme Amendment has been undertaken in conjunction with the City’s legal advisor. In preparation of the Scheme Amendment, a number of issues have been identified with the standard provisions recommended by SPP3.6, as follows:-

Both “Administrative Costs” and “Infrastructure Costs” are defined to mean “costs... reasonably incurred”. This definition is unduly restrictive and would permit only costs actually incurred. The proposed definition broadens the scope to include estimated costs (i.e. yet to be “incurred”) and also amounts paid to others such as developers who have carried out Infrastructure works.

(i) The standard definitions for ‘Administrative Costs’, ‘Administrative Items’, ‘Infrastructure’ and ‘Infrastructure Costs’ are flawed and should not be implemented.
In this regard, the definition of 'Administrative Items' refers to 'Standard Infrastructure Items', which is not defined. It also implies that implementation costs are only applicable to 'Standard Infrastructure Items'.

Similarly, the definition of 'Infrastructure' again refers to 'Standard Infrastructure Items', and also references Appendix 1 of SPP3.6. Given Appendix 1 does not form part of the Scheme, it should not be referred to in a Scheme definition. Further, the proposed Plan does not include standard infrastructure items. Given a DCP must articulate what infrastructure items are included, the current definitions should be amended such that the DCP specifically defines what is included.

(ii) Clause 5.6.7 outlines the principles which a DCP is to be prepared in accordance with. Effectively, one part of the Scheme is dictating how another part of the Scheme should be prepared, which is illogical, unnecessary and could potentially undermine the operation of the Scheme.

Given the Council is required to have due regard to SPP3.6 in preparation of a Scheme, and the Minister for Planning ultimately determines whether a proposed Scheme is introduced, the relevant clause is unnecessary and should be removed. The principles should, more properly, be set out in the Policy text and not in the Scheme Text.

(iii) Clause 5.6.8(d) requires that a DCP specify the priority and timing for the provision of infrastructure. It is considered that the priority and timing should not be specified in the DCP, as such an approach would require a Scheme Amendment to be undertaken whenever the timing is reviewed. Given the rate of development is likely to vary over time, which will directly influence the timing of infrastructure, it is necessary and appropriate that the Council have the ability to review timing on an annual basis and adjust such without the need to amend its Scheme. The clause is proposed to be deleted accordingly, and replaced with a provision in the DCP which requires the City to specify its priority and timing in the DCP Report and review such on at least an annual basis.

(iv) Clause 5.6.14.2 is inconsistent with SPP3.6 which states that contributions should be paid prior to development commencing. The clause is proposed to be amended accordingly.

(v) Clause 5.6.15.3 states that payment by an Owner constitutes full and final discharge of its liability. Under the proposed DCP, however, there is not necessarily a final payment, as Cost Contributions are payable whenever an owner increased the number of 'Dwelling Units', whether through subdivision or development. The clause is proposed to be deleted accordingly.

Development Contribution Plan

Further, it is proposed to vary from the suggested DCP format set out in SPP3.6 as follows:

(i) The description of infrastructure items is not proposed to describe the size of the facility; or any other details which are unknown at this stage. Including such detailed information in the DCP is considered impractical without the detailed work envisaged by the DCP. It is also inappropriate as it would require a Scheme Amendment for any departure from the detailed description, or potentially open the Scheme to challenge in the event there are were minor departures from the details specified in the Scheme. Instead, the Community Infrastructure Plan and DCP Report will provide a detailed description of the proposed infrastructure.

(ii) The method for calculating contributions has been redrafted, as the SPP3.6 example is vague, open to interpretation and does not clearly articulate the methodology for calculations, contrary to the intent of the SPP3.6.

(iii) The review process outlined in the SPP3.6 example has not been included as the Scheme already specifies when the cost estimates must be reviewed, and the need for review of the Scheme itself is set out in Division 5 of Part 5 of the Planning and Development Act 2005. It is preferred that any inconsistency between the Scheme and the Act be avoided.

The DCP is proposed to form part of Town Planning Scheme No.2 and provide the statutory basis for collection of the contributions. The Plan incorporates the following elements:-
1. Title
2. Application: identified the area that the DCP will apply to, being Development Contribution Area No.2 as shown on the Development Contribution Area No.2 Map. It is intended that the DCP apply to all areas currently zoned under the Metropolitan Region Scheme for residential development.
3. Definitions: contains additional definitions of terms utilised in the Plan.
4. Meaning of Dwelling Unit: defines the term "Dwelling Unit" which is a key component in the calculation of an Owner's contribution. The term is intended to apply to both lots created through subdivision, and dwellings.
5. Description of items of Infrastructure: describes the infrastructure items to be the subject of development contributions.
6. Sub-Areas and Catchment Areas: the DCP divides the Development Contribution Area into a number of sub-areas, which generally represent the various suburbs within the City, with exception of Baldivis which is divided into North and South sub-areas. There are also minor variations from the exact suburb boundaries to better reflect the relevant local catchments.
7. Items of Infrastructure applicable to Catchment Areas: the Catchment Areas for each infrastructure item are then articulated by describing which Sub-Areas are within the catchment for each particular item of infrastructure.
8. Calculation of Cost Contributions: sets out the mathematical formulas to be applied in the calculation of an Owner's Cost Contribution.
9. Reduction to certain items of Infrastructure: provides for a portion of the infrastructure costs of certain items to be excluded from calculations. This is intended to ensure that, where a portion of demand for an infrastructure item is external of the Development Contribution Area, that proportion is not attributed to the DCP (ie. an Owner is not responsible for funding demand from outside of the Development Contribution Area).
10. Calculation of Owner's Proposed Yield: provides for any existing Dwelling Units to be excluded from the Owner's cost contribution calculation. For example, an Owner subdividing an existing residential lot into two lots would only pay a contribution for the additional lot being created.
11. When a cost contribution is not payable: outlines the circumstances where contributions are not payable.
12. Matters included in Infrastructure: clarifies what constitutes Infrastructure under the DCP.
13. Matters included in Infrastructure Costs: clarifies what constitutes Infrastructure Costs under the DCP.
14. Matters included in Administrative Costs: clarifies what constitutes Administration Costs under the DCP.
15. Period of Operation: confirms the period of operation of the DCP.
16. Priority and timing for the provision of Infrastructure: requires the Council to identify its priority and timing for infrastructure in the DCP Report, and to review such at least annually in conjunction with review of the cost estimates.
17. Review of this Plan: requires the Council to review the operation of the DCP after every 5 years from the Operative Date, having regard to the extent to which development has occurred, the potential for further development in the Development Contribution Area, and any other matters relevant to the operation of the Plan.

Development Contribution Area No.2 Map
The Development Contribution Area Map forms part of the Scheme Maps and defines both the boundary of the Development Contribution Area, but also the boundaries of the Sub-Areas.

The Sub-Areas generally reflect the respective Suburb boundaries, with the following exceptions:
(i) East Rockingham, Peron and Keralup are not included in the Development Contribution Area as they are not currently zoned for applicable development or subdivision; and

(ii) The boundaries of the Secret Harbour, Golden Bay, and Singleton Sub-Areas extend further east, as it is considered that the areas of Karnup west of the 'Rockingham Lakes Regional Park' Parks and Recreation Reserves are more likely to access facilities within those Sub-Areas.

**Development Contribution Plan Report**

Clause 5.6.11 of the Scheme requires the Council to adopt and make available a DCP Report and Cost Apportionment Schedule ('the Schedule') within 90 days of the Development Contribution Plan coming into effect. The DCP Report and Schedule are required to set out in detail the infrastructure costs and estimates, the calculation of the Cost Contribution of each Owner in the Development Contribution Area, and the City's priority and timing for the provision of infrastructure. Whilst the DCP Report and Schedule do not form part of the Scheme, the State Planning Policy requires that such be prepared and advertised with the Scheme Amendment.

To this end, a draft DCP Report has been prepared which satisfies the requirements of the State Planning Policy, along with providing additional information to assist Owners in understanding the Development Contribution Plan. The draft DCP Report is set out as follows:

1. **Overview**: Generally explains the intent and methodology of the DCP, providing information on:
   - The purpose of the DCP;
   - The area to which the DCP applies;
   - The period of operation of the DCP;
   - The City's intended review program for the document;
   - Implementation of the DCP;
   - Application requirements;
   - Principles that have been applied in preparation of the DCP; and
   - Explanation of the calculation methodology.

2. **Infrastructure and Administrative Items**: Outlines the items included in the DCP.

3. **Priority & Timing for Infrastructure**: Outlines the City's intended priority and timing for the infrastructure items.

4. **Current Cost Estimates and Expenditure to Date**: Outlines the actual and estimated expenditure on Infrastructure and Administration Items included in the DCP.

5. **Development and Catchment Area Yield Estimates**: Outlines the City's estimates for dwelling yields within the overall Development Area, along within the individual Catchment Areas.

6. **Cost Apportionment Schedule**: Calculates the required contribution per dwelling unit.

The content of the draft Report and Schedule outline the following contribution per Dwelling Unit within the various Sub-Areas:-

<table>
<thead>
<tr>
<th>Sub-Area</th>
<th>Contribution ($ per Dwelling Unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldivis North</td>
<td>$2,441</td>
</tr>
<tr>
<td>Baldivis South</td>
<td>$3,116</td>
</tr>
<tr>
<td>Coooolongup</td>
<td>$1,761</td>
</tr>
<tr>
<td>Golden Bay</td>
<td>$2,751</td>
</tr>
</tbody>
</table>
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 20 JUNE 2011

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillman</td>
<td>$1,761</td>
</tr>
<tr>
<td>Karnup</td>
<td>$1,603</td>
</tr>
<tr>
<td>Port Kennedy</td>
<td>$1,648</td>
</tr>
<tr>
<td>Rockingham</td>
<td>$1,761</td>
</tr>
<tr>
<td>Safety Bay</td>
<td>$1,761</td>
</tr>
<tr>
<td>Secret Harbour</td>
<td>$2,348</td>
</tr>
<tr>
<td>Shoalwater</td>
<td>$1,761</td>
</tr>
<tr>
<td>Singleton</td>
<td>$2,348</td>
</tr>
<tr>
<td>Waikiki</td>
<td>$1,636</td>
</tr>
<tr>
<td>Warnbro</td>
<td>$1,636</td>
</tr>
</tbody>
</table>

It should be noted that the draft DCP Report is in the process of being finalised and may require amendment prior to advertising of the Scheme Amendment. In particular, the cost estimates contained in the draft Report are being reviewed by appropriately qualified consultants.

Conclusion
SPP3.6 was prepared to ensure the efficient provision of infrastructure and facilities to new urban areas, along with existing areas undergoing redevelopment. It acknowledges the increasing pressures on local government for the delivery of services, and that the capacity of local government to fund new infrastructure for future growth is limited. The Policy is intended to facilitate the application of development contributions to fund the provision of community infrastructure, where required.

The City's Executive Management Team has considered the City's financial capacity in the foreseeable future and determined that the application of Development Contributions is the best method for funding the provision of facilities in a timely manner. As such, the implementation of the DCP has been considered in the preparation of the draft Business Plan.

It is also noted that the DCP has been prepared in accordance with the underlying principles set out in SPP3.6 as follows:

1. Need and Nexus: the City's draft Community Infrastructure Plan has clearly identified the need for new community infrastructure resulting from projected urban growth within the City.
2. Transparency: the proposed DCP, by incorporating calculation equations that form part of the Scheme, ensures that the methodology for calculating contributions is clear, transparent and relatively simple.
3. Equity: the DCP is proposed to apply to all development within the City of Rockingham that involves a residential component. This has required the careful preparation of provisions which apply to both subdivision and development, in both new and existing areas. Further, the methodology for calculating an Owner's contribution has been prepared to ensure that the contribution is proportional to the demand generated by its development.
4. Certainty: the infrastructure to which contributions are required are set out in the proposed DCP, along with the methodology for calculating Owner's contributions. Accounting for the escalation of costs over time is set out in the DCP Report and will be based on advice from relevant experts, such as Quantity Surveyors and Land Valuers, in the preparation of cost estimates.
5. Efficiency: the infrastructure items included in the DCP have been carefully considered against the City's ability to fund both its proportional share of costs, and to pre-fund the costs where the infrastructure is provided ahead of full development of the catchment. To this end, the infrastructure has been included in the City's Business Plan.

6. Consistency: a consistent methodology has been applied to the calculation of contributions across the Development Contribution Area, along with the identification of infrastructure for various areas.

7. Right of Consultation and Arbitration: the City is required to undertake public consultation as part of the Scheme Amendment process. Should the Amendment be gazetted, the provisions of the Scheme provide an affected Owner with the right to request the review of a calculated cost contribution by an independent expert, and ultimately for the matter to be settled by arbitration in the event agreement between the City and the Owner cannot be reached.

8. Accountable: the City is accountable for both determination and expenditure of development contributions under the provisions of the Scheme. In this regard, the Scheme provides Owners with the right to seek review of cost contribution calculations, the City may only expend funds for the purpose of carrying out administration and infrastructure items identified in the DCP, and the City is required to undertaken an annual audit of accounts.

The Council should be mindful that the decision to require contributions effectively commits the City to the provision of the identified infrastructure. In this regard, the Scheme requires that any surplus funds at the conclusion of the Development Contribution Plan are returned to Owners, if possible. By committing to a Development Contribution Plan, the City also takes on responsibility for risk associated with potential cost overruns.

It is recommended that Council initiate the Scheme Amendment in accordance with the Planning and Development Act 2005.

### 6. Voting Requirements

Simple Majority

### 7. Officer Recommendation

That Council, pursuant to Section 7 of the Planning and Development Act 2005 (as amended), initiate an Amendment to Town Planning Scheme No.2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure as follows:-

1. **ADOPT**(initiate) the following amendment to Town Planning Scheme No.2 pursuant to the Planning and Development Act 2005:-

   (i) clause 1.4(b) is amended by deleting "(Sheets 1-21)" and inserting instead "(Sheets 1-22)";

   (ii) clause 5.6.2 is amended by deleting the definitions of “Administrative Costs”, “Administrative Items”, “Infrastructure” and “Infrastructure Costs” and inserting instead –

   “Administrative Costs” means the costs and estimated costs of the City in carrying out the Administrative Items and includes any of those costs incurred prior to the Operative Date;

   “Administrative Items” has the meaning given to it in the Development Contribution Plan;

   “Infrastructure” has the meaning given to it in the Development Contribution Plan;

   “Infrastructure Costs” means:

   (a) the costs and estimated costs of the City in carrying out the Infrastructure; and

   (b) the costs and estimated costs of the City in reimbursing owners who have, with agreement of the City, carried out any Infrastructure, and includes costs and estimated costs described in the Development Contribution Plan;

   (iii) clause 5.6.7 is deleted;
(iv) clause 5.6.8 is amended by:
   (a) deleting paragraph (d);
   (b) deleting “; and” in paragraph (c) and inserting a full stop;
   (c) inserting “and” after the semi-colon in paragraph (b).

(v) clause 5.6.14.2 is amended by:
   (a) deleting “Owner’s liability to” and inserting “Owner must pay”, and deleting “arises on” and inserting “immediately prior to”;
   (b) inserting a new paragraph (a) as follows:
       “(a) the Local Government giving advice to the Commission that conditions of subdivision approval of the Owner’s land within the Contribution Area, which conditions are supervised by the Local Government, have been complied with;”;
   (c) renumbering paragraphs (a), (b), (c) and (d) to (b), (c), (d) and (e) respectively; and
   (d) deleting the following:
       “The liability arises only once upon the earliest of the above listed events.”;

(vi) clause 5.6.15.3 is deleted;

(vii) Schedule No. 12 is deleted and the following new Schedule is inserted:

“SCHEDULE NO. 12
DEVELOPMENT CONTRIBUTION PLAN NO. 2

1. Title
   This Development Contribution Plan is Development Contribution Plan No. 2.

2. Application
   This Development Contribution Plan No. 2 applies to Development Contribution Area No. 2.

3. Definitions
   (1) In this Plan -
       “Administrative Items” means:
       (a) preparation, administration and review of this Plan;
       (b) preparation and review of the Development Contribution Plan Report and the Costs Apportionment Schedule;
       (c) any arbitration and valuation with respect to this Plan; and
       (d) advice and representation with respect to this Plan including legal, accounting, planning, engineering and other professional advice and representation;

       “Catchment Area” means a Catchment Area described in column 2 of the Table to clause 6 of this Plan;

       “Catchment Area Yield”, in relation to a Catchment Area, means the City’s estimate, from time to time, of the number of dwellings that are likely to be developed within the Catchment Area during the operation of this Plan;

       “Development Contribution Area No. 2” is that part of the Scheme Area shown and described as Development Contribution Area No. 2 on the Development Contribution Area No. 2 Map which forms part of the Scheme maps;

       “Development Area Yield” means the City’s estimate, from time to time, of the number of dwellings that are likely to be developed within the Development Area during the operation of this Plan;
“Infrastructure” means an item of infrastructure referred to in column 1 of the Table to clause 6 of this Plan and includes the things referred to in clause 9 of this Plan;

“Operative Date” means the date on which this Plan first comes into operation;

“Owner’s Land” means the Owner’s land referred to in clause 5.6.13 of the Scheme;

“Owner’s Proposed Yield” means the number determined in accordance with clause 10 of this Plan;

“Sub-Area” means a Sub-Area referred to in clause 5 of this Plan;

“subdivision approval” includes a strata scheme or a survey-strata plan as those terms are defined in the Strata Titles Act 1985;

“Total Catchment Area Dwellings”, in relation to a Catchment Area, means the sum of the City’s estimate, from time to time, of:

(a) the number of dwellings likely to be developed within the Catchment Area during the operation of this Plan; plus

(b) the number of dwellings existing within the Catchment Area immediately prior to this Plan coming into operation.

(2) Subject to sub-clause (1), words and expressions defined in clause 5.6.1 of the Scheme have the same meaning where appearing in this Plan.

4. Meaning of Dwelling Unit

(1) In this Plan –

“Dwelling Unit”

(a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;

(b) in the case of the proposed development, means a dwelling which is the subject of the proposed development.

(2) Paragraph (a) of the definition of “Dwelling Unit” in subclause (1) only applies where the proposed subdivision is of land within:

(a) the Primary Centre City Centre Zone;

(b) the Waterfront Village Zone;

(c) the Baldivis Centre Zone;

(d) the Residential Zone;

(e) the Rural Zone;

(f) the Special Rural Zone;

(g) the Special Residential Zone; or

(h) the Development Zone.

5. Description of items of Infrastructure

For the purpose of clause 6 of this Plan and the Table to that clause:

“Aqua Jetty Stage 2” means the development of group fitness rooms, basketball courts, offices, consulting rooms, spectator seating, first aid room, change rooms, creche, outdoor cafe, play area and swimming club room at the Aqua Jetty in the Warnbro Sub-Area;

“Baldivis Library and Community Centre” means the development of a library and community centre to be located in the Baldivis North Sub-Area;
“Baldivis South Active POS Development” means the development of sporting reserves to be located in the Baldivis South Sub-Area;

“Baldivis South HS Outdoor Sport and Recreation Hardcourts” means the development of sport and recreation hardcourts to be located in the Baldivis South Sub-Area;

“Baldivis South Multipurpose Community Centre” means the development of a multipurpose community centre in the Baldivis South Sub-Area;

“Baldivis South Youth Recreation Space” means the development of a recreation space for youth to be located in the Baldivis South Sub-Area;

“Baldivis Youth Recreation Space” means the development of a recreation space for youth in the Baldivis North Sub-Area or the Baldivis South Sub-Area;

“Baldivis District Sporting Complex” means the development of a district sporting complex to be located in the Baldivis North Sub-Area;

“Baldivis Indoor Recreation Centre” means the development of the indoor recreation centre to be located in the Baldivis North Sub-Area;

"Baldivis Primary School Shared Use Reserve" means the development of a playing field and car parking to be adjoining the Baldivis Primary School located in the Baldivis North Sub-Area.

"Kent Street Community Art Centre“ means the development of a community art centre to be located in the Rockingham Sub-Area;

“Lark Hill Sportsplex Stage 2” means the development of playing fields, clubroom, indoor sports court facility, outdoor sports courts, flood lighting and carparking to be located at the Lark Hill Sportsplex in the Port Kennedy Sub-Area;

“Lawrie Stanford Reserve Active POS Masterplan” means the redevelopment of the Lawrie Stanford Reserve located in the Singleton Sub-Area;

“Lot 1507 Active POS Development” means the development of a subdistrict sporting reserve to be located in the Baldivis South Sub-Area;

“Port Kennedy Outdoor Sport and Recreation Hardcourts” means the development of sports and recreation hardcourts to be located in the Port Kennedy Sub-Area;

“Rhonda Scarrott Reserve Active POS Masterplan” means the redevelopment of Rhonda Scarrott Reserve in the Golden Bay Sub-Area;

“Rockingham Aquatic Centre Redevelopment/Relocation” means the redevelopment of the Rockingham Aquatic Centre located in the Rockingham Sub-Area or the development of a new aquatic centre to be located in the Rockingham Sub-Area;

“Rockingham Youth Recreation Space Redevelopment” means the redevelopment of the Rockingham Youth Recreation Space Premises in the Rockingham Sub-Area;

“Rockingham Youth Venue” means the development of a facility for youth to be located in the Rockingham Sub-Area;

“Secret Harbour Community Library” means the development of a community library to be located in the Secret Harbour Sub-Area;

“Secret Harbour Surf Club Redevelopment” means the redevelopment of the Secret Harbour Surf Life Saving Club premises in the Secret Harbour Sub-Area;

“Stan Twight Reserve Active POS Clubroom Redevelopment” means the redevelopment of the Stan Twight Reserve clubrooms Rockingham Sub-Area;

“Waikiki/Warnbro Youth Recreation Space” means the development of a recreation space for youth to be located in the Waikiki Sub-Area or the Warnbro Sub-Area.

6. Sub-Areas and Catchment Areas

(1) For the purpose of this Plan:

(a) Development Contribution Area No. 2 is divided into Sub-Areas; and
(b) Catchment Areas are comprised of one or more Sub-Areas and are described in column 2 of the Table to clause 7 of this Plan.

(2) The Sub-Areas are shown and described on the Development Contribution Area No. 2 Map which forms part of the Scheme maps.

(3) The Sub-Areas are referred to in this Plan as follows:
   (a) the Baldivis North Sub-Area;
   (b) the Baldivis South Sub-Area;
   (c) the Cooloongup Sub-Area;
   (d) the Golden Bay Sub-Area;
   (e) the Hillman Sub-Area;
   (f) the Karnup Sub-Area;
   (g) the Port Kennedy Sub-Area;
   (h) the Rockingham Sub-Area;
   (i) the Safety Bay Sub-Area;
   (j) the Secret Harbour Sub-Area;
   (k) the Shoalwater Sub-Area;
   (l) the Singleton Sub-Area;
   (m) the Waikiki Sub-Area; and
   (n) the Warnbro Sub-Area.

7. **Items of Infrastructure applicable to Catchment Areas**

An item of Infrastructure shown in column 1 of the following Table is applicable to the Catchment Area or Catchment Areas shown opposite that item in column 2 of the Table.

<table>
<thead>
<tr>
<th>Table</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items of Infrastructure</td>
<td>Catchment Area to which the item applies</td>
<td></td>
</tr>
<tr>
<td>REGIONAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Lark Hill Sportsplex Stage 2</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>DISTRICT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Secret Harbour Surf Club Redevelopment</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>(3) Rockingham Youth Recreation Space Redevelopment</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>(4) Baldivis District Sporting Complex</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>(5) Kent Street Community Arts Centre</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>(6) Rockingham Youth Venue</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>(7) Baldivis Indoor Recreation Centre</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>(8) Rockingham Aquatic Centre Redevelopment/Relocation</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>(9) Aqua Jetty Stage 2</td>
<td>All of the Sub-Areas</td>
<td></td>
</tr>
<tr>
<td>SUB DISTRICT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) Baldivis Library and Community Centre</td>
<td>Baldivis North Sub-Area and Baldivis South Sub-Area</td>
<td></td>
</tr>
<tr>
<td>(11) Secret Harbour Community Library</td>
<td>Secret Harbour Sub-Area, Golden Bay Sub-Area and Singleton Sub-Area</td>
<td></td>
</tr>
<tr>
<td>(12) Baldivis Youth Recreation Space</td>
<td>Baldivis North Sub-Area and Baldivis South Sub-Area</td>
<td></td>
</tr>
<tr>
<td>(13) Stan Twight Reserve Active POS Clubroom Redevelopment</td>
<td>Rockingham Sub-Area, Hillman Sub-Area, Cooloongup Sub-Area, Safety Bay Sub-Area and</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Project Description</td>
<td>Location</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>14</td>
<td>Lawrie Stanford Reserve Active POS Master Plan</td>
<td>Shoalwater Sub-Area</td>
</tr>
<tr>
<td>15</td>
<td>Lot 1507 Active POS Development</td>
<td>Secret Harbour Sub-Area, Golden Bay Sub-Area and Singleton Sub-Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Baldivis South Youth Recreation Space</td>
<td>Baldivis South Sub-Area</td>
</tr>
<tr>
<td>17</td>
<td>Waikiki/Warnbro Youth Recreation Space</td>
<td>Waikiki Sub-Area and Warnbro Sub-Area</td>
</tr>
<tr>
<td>18</td>
<td>Port Kennedy Outdoor Sport and Recreation Hardcourts</td>
<td>Port Kennedy Sub-Area</td>
</tr>
<tr>
<td>19</td>
<td>Rhonda Scarrott Reserve Active POS Masterplan</td>
<td>Golden Bay Sub-Area</td>
</tr>
<tr>
<td>20</td>
<td>Baldivis South Active POS Development</td>
<td>Baldivis South Sub-Area</td>
</tr>
<tr>
<td>21</td>
<td>Baldivis South Multipurpose Community Centre</td>
<td>Baldivis South Sub-Area</td>
</tr>
<tr>
<td>22</td>
<td>Baldivis South HS Outdoor Sport and Recreation Hardcourts</td>
<td>Baldivis South Sub-Area</td>
</tr>
<tr>
<td>23</td>
<td>Baldivis Primary School Shared Use Reserve</td>
<td>Baldivis North Sub-Area</td>
</tr>
</tbody>
</table>

In this Table the headings “REGIONAL”, “DISTRICT”, “SUB DISTRICT” and “NEIGHBOURHOOD” are for ease of reference only and are not to be taken into account for the purpose of construing it.

8. **Calculation of Cost Contribution**

   (1) The Cost Contribution for which an owner of land is liable under clause 5.6.13 of the Scheme is to be calculated in accordance with the following formula:
   
   \[
   \text{OACC} + \text{OICC}
   \]
   
   Where:
   
   - **OACC** is the Owner’s Administrative Cost Contribution calculated in accordance with subclause (2);
   - **OICC** is the Owner’s Infrastructure Cost Contribution is the total amount referred to in subclause (4).

   (2) An Owner’s Administrative Cost Contribution is to be calculated in accordance with the following formula:
   
   \[
   \text{AC} \times \frac{\text{OPY}}{\text{DAY}}
   \]
   
   Where:
   
   - **AC** is the Administrative Costs;
   - **OPY** is the Owner’s Proposed Yield;
   - **DAY** is the Development Area Yield.

   (3) An Owner’s Infrastructure Cost Contribution is to be calculated:
   
   (a) separately for each item of Infrastructure which is applicable to a Catchment Area in which the Owner’s Land is located; and
   
   (b) in accordance with the following formula:
   
   \[
   \text{ICI} \times \frac{\text{OPY}}{\text{TCAD}}
   \]
   
   Where:
   
   - **ICI** is the Infrastructure Costs for that item of Infrastructure;
   - **OPY** is the Owner’s Proposed Yield;
   - **TCAD** is the Total Catchment Area Dwellings for that Catchment Area.
(4) An Owner’s Infrastructure Cost Contribution is the total of the Owner’s Infrastructure Cost Contributions calculated in accordance with subclause (3).

9. Reduction to certain items of Infrastructure
For the purpose of calculating an Owner’s Infrastructure Cost Contribution under clause 8, where an item of Infrastructure is shown in Column 1 of the following Table, the Infrastructure Costs for that item of Infrastructure are to be reduced by the percentage shown opposite that item in Column 2 of the Table.

Table

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items of Infrastructure</td>
<td>Percentage by which Infrastructure Costs are to be reduced</td>
</tr>
<tr>
<td>(1) Lark Hill Sportsplex Stage 2</td>
<td>17.59%</td>
</tr>
</tbody>
</table>

10. Calculation of Owner’s Proposed Yield

(1) The Owner’s Proposed Yield is to be calculated in accordance with the following formula:

\[ \text{PDU} - \text{EDU} \]

Where:

- PDU is the number of Dwelling Units proposed to be developed or subdivided by the Owner on the Owner’s land in accordance with the relevant development approval or subdivision approval;
- EDU is the number of dwellings or vacant lots which existed on the Owner’s Land prior to the issue of the relevant development approval or subdivision approval.

(2) For the purpose of determining EDU under subclause (1), where a dwelling is developed after the Operative Date, that dwelling is only to be included in the number of dwellings where an Owner’s Cost Contribution has been paid in respect of that dwelling.

11. When a cost contribution is not payable
Clause 5.6.13 of the Scheme does not apply where:

(a) the only development approved and commenced is the development of a single house;
(b) the subdivisional approval relates only to the creation of a lot or lots for the purpose a road, public open space, drainage or common property; or
(c) the subdivisional approval or the development approval, as the case may be, will not create an additional number of Dwelling Units than existed prior to the approval.

12. Matters included in Infrastructure
For the purpose of this Plan, Infrastructure is taken to include:

(a) land acquisition and purchase;
(b) earthworks;
(c) provision of services;
(d) parking; and
(e) landscaping,
considered necessary or desirable by the City for the development of the Infrastructure.

13. Matters included in Infrastructure Costs
For the purpose of this Plan, Infrastructure Costs are taken to include costs and estimated costs of the City with respect to:
(a) planning and design;
(b) invitation and determination of tenders;
(c) implementation and administration of contracts;
(d) provision for contingencies; and
(e) any borrowing by the City including interest and fees,
for the development of the Infrastructure.

14. **Matters included in Administrative Costs**

For the purpose of this Plan, Administrative Costs are taken to include costs and estimated costs of the City:

(a) in the carrying out of the Administrative Items; and
(b) with respect to the preparation and review from time to time of the Development Contribution Plan Report and the Costs Apportionment Schedule.

15. **Period of operation**

This Plan is to be in operation until the expiry of a period of 20 years commencing on the Operative Date.

16. **Priority and timing for the provision of Infrastructure**

(1) Contemporaneously with its adoption and subsequent review, from time to time of a Development Contribution Plan Report under clauses 5.6.10 and 5.6.11 of the Scheme, the City is to consider and determine the City's desired timing and priority for the provision of the items of Infrastructure.

(2) The City is to make available its determination under subclause (1) whenever its makes available a Development Contribution Plan Report.

17. **Review of this Plan**

The Council is to carry out a review of the operation of this Plan as soon as is practicable after the expiration of every 5 years from the Operative Date, and in the course of that review the Council is to consider and have regard to:

(a) the extent to which development has occurred in Development Contribution Area No. 2 since the Operative Date or the date of the last review under this clause, whichever is the later;

(b) the potential for further development in Development Contribution Area No. 2; and

(c) any other matters that appear to the Council to be relevant to the operation of this Plan.

(viii) Amending the Scheme Map by including new Sheet 22 - Development Contribution Area No.2 Map.
8. **Committee Recommendation**

That Council, pursuant to Section 7 of the Planning and Development Act 2005 (as amended), initiate an Amendment to Town Planning Scheme No.2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure as follows:-

1. **ADOPT** (initiate) the following amendment to Town Planning Scheme No.2 pursuant to the Planning and Development Act 2005:-

   (i) clause 1.4(b) is amended by deleting "(Sheets 1-21)" and inserting instead "(Sheets 1-22)";

   (ii) clause 5.6.2 is amended by deleting the definitions of “Administrative Costs”, “Administrative Items”, “Infrastructure” and “Infrastructure Costs” and inserting instead -

   “Administrative Costs” means the costs and estimated costs of the City in carrying out the Administrative Items and includes any of those costs incurred prior to the Operative Date;

   “Administrative Items” has the meaning given to it in the Development Contribution Plan;

   “Infrastructure” has the meaning given to it in the Development Contribution Plan;

   “Infrastructure Costs” means:

   (a) the costs and estimated costs of the City in carrying out the Infrastructure; and

   (b) the costs and estimated costs of the City in reimbursing owners who have, with agreement of the City, carried out any Infrastructure, and includes costs and estimated costs described in the Development Contribution Plan;

   (iii) clause 5.6.7 is deleted;

   (iv) clause 5.6.8 is amended by:

   (a) deleting paragraph (d);

   (b) deleting “; and” in paragraph (c) and inserting a full stop;

   (c) inserting “and” after the semi-colon in paragraph (b).

   (v) clause 5.6.14.2 is amended by:

   (a) deleting “Owner’s liability to” and inserting “Owner must pay”, and deleting “arises on” and inserting “immediately prior to”;

   (b) inserting a new paragraph (a) as follows:

   “(a) the Local Government giving advice to the Commission that conditions of subdivision approval of the Owner’s land within the Contribution Area, which conditions are supervised by the Local Government, have been complied with;”;

   (c) renumbering paragraphs (a), (b), (c) and (d) to (b), (c), (d) and (e) respectively; and

   (d) deleting the following:

   “The liability arises only once upon the earliest of the above listed events.”;

   (vi) clause 5.6.15.3 is deleted;

   (vii) Schedule No. 12 is deleted and the following new Schedule is inserted:

   **“SCHEDULE NO. 12**

   **DEVELOPMENT CONTRIBUTION PLAN NO. 2**

1. **Title**

   This Development Contribution Plan is Development Contribution Plan No. 2.

2. **Application**

   This Development Contribution Plan No. 2 applies to Development Contribution Area No. 2.
3. Definitions

(1) In this Plan -

“Administrative Items” means:

(a) preparation, administration and review of this Plan;
(b) preparation and review of the Development Contribution Plan Report and the Costs Apportionment Schedule;
(c) any arbitration and valuation with respect to this Plan; and
(d) advice and representation with respect to this Plan including legal, accounting, planning, engineering and other professional advice and representation;

“Catchment Area” means a Catchment Area described in column 2 of the Table to clause 6 of this Plan;

“Catchment Area Yield”, in relation to a Catchment Area, means the City’s estimate, from time to time, of the number of dwellings that are likely to be developed within the Catchment Area during the operation of this Plan;

“Development Contribution Area No. 2” is that part of the Scheme Area shown and described as Development Contribution Area No. 2 on the Development Contribution Area No. 2 Map which forms part of the Scheme maps;

“Development Area Yield” means the City’s estimate, from time to time, of the number of dwellings that are likely to be developed within the Development Area during the operation of this Plan;

“Infrastructure” means an item of infrastructure referred to in column 1 of the Table to clause 6 of this Plan and includes the things referred to in clause 9 of this Plan;

“Operative Date” means the date on which this Plan first comes into operation;

“Owner’s Land” means the Owner’s land referred to in clause 5.6.13 of the Scheme;

“Owner’s Proposed Yield” means the number determined in accordance with clause 10 of this Plan;

“Sub-Area” means a Sub-Area referred to in clause 5 of this Plan;

“subdivision approval” includes a strata scheme or a survey-strata plan as those terms are defined in the Strata Titles Act 1985;

“Total Catchment Area Dwellings”, in relation to a Catchment Area, means the sum of the City’s estimate, from time to time, of:

(a) the number of dwellings likely to be developed within the Catchment Area during the operation of this Plan; plus

(b) the number of dwellings existing within the Catchment Area immediately prior to this Plan coming into operation.

(2) Subject to sub-clause (1), words and expressions defined in clause 5.6.1 of the Scheme have the same meaning where appearing in this Plan.

4. Meaning of Dwelling Unit

(1) In this Plan -

“Dwelling Unit”

(a) in the case of a proposed subdivision, means a lot, as defined by the Act, or a lot in relation to a strata scheme or a lot in relation to a survey-strata plan, as those terms are defined in the Strata Titles Act 1985, and which lot is the subject of the proposed subdivision;
(b) in the case of the proposed development, means a dwelling which is the subject of the proposed development.

(2) Paragraph (a) of the definition of “ Dwelling Unit” in subclause (1) only applies where the proposed subdivision is of land within:

(a) the Primary Centre City Centre Zone;
(b) the Waterfront Village Zone;
(c) the Baldivis Centre Zone;
(d) the Residential Zone;
(e) the Rural Zone;
(f) the Special Rural Zone;
(g) the Special Residential Zone; or
(h) the Development Zone.

5. Description of Items of Infrastructure

For the purpose of clause 6 of this Plan and the Table to that clause:

“Aqua Jetty Stage 2” means the development of group fitness rooms, basketball courts, offices, consulting rooms, spectator seating, first aid room, change rooms, creche, outdoor cafe, play area and swimming club room at the Aqua Jetty in the Warnbro Sub-Area;

“Baldivis Library and Community Centre” means the development of a library and community centre to be located in the Baldivis North Sub-Area;

“Baldivis South Active POS Development” means the development of sporting reserves to be located in the Baldivis South Sub-Area;

“Baldivis South HS Outdoor Sport and Recreation Hardcourts” means the development of sport and recreation hardcourts to be located in the Baldivis South Sub-Area;

“Baldivis South Multipurpose Community Centre” means the development of a multipurpose community centre in the Baldivis South Sub-Area;

“Baldivis South Youth Recreation Space” means the development of a recreation space for youth to be located in the Baldivis South Sub-Area;

“Baldivis Youth Recreation Space” means the development of a recreation space for youth in the Baldivis North Sub-Area or the Baldivis South Sub-Area;

“Baldivis District Sporting Complex” means the development of a district sporting complex to be located in the Baldivis North Sub-Area;

“Baldivis Indoor Recreation Centre” means the development of the indoor recreation centre to be located in the Baldivis North Sub-Area;

“Baldivis Primary School Shared Use Reserve” means the development of a playing field and car parking to be adjoining the Baldivis Primary School located in the Baldivis North Sub-Area.

“Kent Street Community Art Centre” means the development of a community art centre to be located in the Rockingham Sub-Area;

“Lark Hill Sportsplex Stage 2” means the development of playing fields, clubroom, indoor sports court facility, outdoor sports courts, flood lighting and carparking to be located at the Lark Hill Sportsplex in the Port Kennedy Sub-Area;

“Lawrie Stanford Reserve Active POS Masterplan” means the redevelopment of the Lawrie Stanford Reserve located in the Singleton Sub-Area;

“Lot 1507 Active POS Development” means the development of a subdistrict sporting reserve to be located in the Baldivis South Sub-Area;
“Port Kennedy Outdoor Sport and Recreation Hardcourts” means the development of sports and recreation hardcourts to be located in the Port Kennedy Sub-Area;

“Rhonda Scarrott Reserve Active POS Masterplan” means the redevelopment of Rhonda Scarrott Reserve in the Golden Bay Sub-Area;

“Rockingham Aquatic Centre Redevelopment/Relocation” means the redevelopment of the Rockingham Aquatic Centre located in the Rockingham Sub-Area or the development of a new aquatic centre to be located in the Rockingham Sub-Area;

“Rockingham Youth Recreation Space Redevelopment” means the redevelopment of the Rockingham Youth Recreation Space Premises in the Rockingham Sub-Area;

“Rockingham Youth Venue” means the development of a facility for youth to be located in the Rockingham Sub-Area;

“Secret Harbour Community Library” means the development of a community library to be located in the Secret Harbour Sub-Area;

“Secret Harbour Surf Club Redevelopment” means the redevelopment of the Secret Harbour Surf Life Saving Club premises in the Secret Harbour Sub-Area;

“Stan Twight Reserve Active POS Clubroom Redevelopment” means the redevelopment of the Stan Twight Reserve clubrooms Rockingham Sub-Area;

“Waikiki/Warnbro Youth Recreation Space” means the development of a recreation space for youth to be located in the Waikiki Sub-Area or the Warnbro Sub-Area.

6. **Sub-Areas and Catchment Areas**

   (1) For the purpose of this Plan:

   (a) Development Contribution Area No. 2 is divided into Sub-Areas; and

   (b) Catchment Areas are comprised of one or more Sub-Areas and are described in column 2 of the Table to clause 7 of this Plan.

   (2) The Sub-Areas are shown and described on the Development Contribution Area No. 2 Map which forms part of the Scheme maps.

   (3) The Sub-Areas are referred to in this Plan as follows:

   (a) the Baldivis North Sub-Area;

   (b) the Baldivis South Sub-Area;

   (c) the Cooloongup Sub-Area;

   (d) the Golden Bay Sub-Area;

   (e) the Hillman Sub-Area;

   (f) the Karnup Sub-Area;

   (g) the Port Kennedy Sub-Area;

   (h) the Rockingham Sub-Area;

   (i) the Safety Bay Sub-Area;

   (j) the Secret Harbour Sub-Area;

   (k) the Shoalwater Sub-Area;

   (l) the Singleton Sub-Area;

   (m) the Waikiki Sub-Area; and

   (n) the Warnbro Sub-Area.

7. **Items of Infrastructure applicable to Catchment Areas**

   An item of Infrastructure shown in column 1 of the following Table is applicable to the Catchment Area or Catchment Areas shown opposite that item in column 2 of the Table.
# Table

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items of Infrastructure</td>
<td>Catchment Area to which the item applies</td>
</tr>
<tr>
<td><strong>REGIONAL</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Lark Hill Sportsplex Stage 2</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td><strong>DISTRICT</strong></td>
<td></td>
</tr>
<tr>
<td>(2) Secret Harbour Surf Club Redevelopment</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>(3) Rockingham Youth Recreation Space Redevelopment</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>(4) Baldi1is District Sporting Complex</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>(5) Kent Street Community Arts Centre</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>(6) Rockingham Youth Venue</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>(7) Baldi1is Indoor Recreation Centre</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>(8) Rockingham Aquatic Centre Redevelopment/Relocation</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td>(9) Aqua Jetty Stage 2</td>
<td>All of the Sub-Areas</td>
</tr>
<tr>
<td><strong>SUB DISTRICT</strong></td>
<td></td>
</tr>
<tr>
<td>(10) Baldi1is Library and Community Centre</td>
<td>Baldi1is North Sub-Area and Baldi1is South Sub-Area</td>
</tr>
<tr>
<td>(11) Secret Harbour Community Library</td>
<td>Secret Harbour Sub-Area, Golden Bay Sub-Area and Singleton Sub-Area</td>
</tr>
<tr>
<td>(12) Baldi1is Youth Recreation Space</td>
<td>Baldi1is North Sub-Area and Baldi1is South Sub-Area</td>
</tr>
<tr>
<td>(13) Stan Twight Reserve Active POS Clubroom Redevelopment</td>
<td>Rockingham Sub-Area, Hillman Sub-Area, Cooloongup Sub-Area, Safety Bay Sub-Area and Shoalwater Sub-Area</td>
</tr>
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<td>(14) Lawrie Stanford Reserve Active POS Master Plan</td>
<td>Secret Harbour Sub-Area, Golden Bay Sub-Area and Singleton Sub-Area</td>
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<td>(15) Lot 1507 Active POS Development</td>
<td>Baldi1is North Sub-Area and Baldi1is South Sub-Area</td>
</tr>
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<td><strong>NEIGHBOURHOOD</strong></td>
<td></td>
</tr>
<tr>
<td>(16) Baldi1is South Youth Recreation Space</td>
<td>Baldi1is South Sub-Area</td>
</tr>
<tr>
<td>(17) Waikiki/Warnbro Youth Recreation Space</td>
<td>Waikiki Sub-Area and Warnbro Sub-Area</td>
</tr>
<tr>
<td>(18) Port Kennedy Outdoor Sport and Recreation Hardcourts</td>
<td>Port Kennedy Sub-Area</td>
</tr>
<tr>
<td>(19) Rhonda Scarrott Reserve Active POS Masterplan</td>
<td>Golden Bay Sub-Area</td>
</tr>
<tr>
<td>(20) Baldi1is South Active POS Development</td>
<td>Baldi1is South Sub-Area</td>
</tr>
<tr>
<td>(21) Baldi1is South Multipurpose Community Centre</td>
<td>Baldi1is South Sub-Area</td>
</tr>
<tr>
<td>(22) Baldi1is South HS Outdoor Sport and Recreation Hardcourts</td>
<td>Baldi1is South Sub-Area</td>
</tr>
<tr>
<td>(23) Baldi1is Primary School Shared Use Reserve</td>
<td>Baldi1is North Sub-Area</td>
</tr>
</tbody>
</table>

In this Table the headings “REGIONAL”, “DISTRICT”, “SUB DISTRICT” and “NEIGHBOURHOOD” are for ease of reference only and are not to be taken into account for the purpose of construing it.

8. **Calculation of Cost Contribution**
   
   (1) The Cost Contribution for which an owner of land is liable under clause 5.6.13 of the Scheme is to be calculated in accordance with the following formula:  
   
   \[ \text{OACC} + \text{OICC} \]
Where:
OACC is the Owner’s Administrative Cost Contribution calculated in accordance with subclause (2);
OICC is the Owner’s Infrastructure Cost Contribution is the total amount referred to in subclause (4).

(2) An Owner’s Administrative Cost Contribution is to be calculated in accordance with the following formula:
\[ AC \times \frac{OPY}{DAY} \]
Where:
AC is the Administrative Costs;
OPY is the Owner’s Proposed Yield;
DAY is the Development Area Yield.

(3) An Owner’s Infrastructure Cost Contribution is to be calculated:
(a) separately for each item of Infrastructure which is applicable to a Catchment Area in which the Owner’s Land is located; and
(b) in accordance with the following formula:
\[ ICI \times \frac{OPY}{TCAD} \]
Where:
ICI is the Infrastructure Costs for that item of Infrastructure;
OPY is the Owner’s Proposed Yield;
TCAD is the Total Catchment Area Dwellings for that Catchment Area.

(4) An Owner’s Infrastructure Cost Contribution is the total of the Owner’s Infrastructure Cost Contributions calculated in accordance with subclause (3).

9. Reduction to certain items of Infrastructure
For the purpose of calculating an Owner’s Infrastructure Cost Contribution under clause 8, where an item of Infrastructure is shown in Column 1 of the following Table, the Infrastructure Costs for that item of Infrastructure are to be reduced by the percentage shown opposite that item in Column 2 of the Table.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items of Infrastructure</td>
<td>Percentage by which Infrastructure Costs are to be reduced</td>
</tr>
<tr>
<td>(1) Lark Hill Sportsplex Stage 2</td>
<td>17.59%</td>
</tr>
</tbody>
</table>

10. Calculation of Owner’s Proposed Yield
(1) The Owner’s Proposed Yield is to be calculated in accordance with the following formula:
\[ PDU - EDU \]
Where:
PDU is the number of Dwelling Units proposed to be developed or subdivided by the Owner on the Owner’s Land in accordance with the relevant development approval or subdivision approval;
EDU is the number of dwellings or vacant lots which existed on the Owner’s Land prior to the issue of the relevant development approval or subdivision approval.
(2) For the purpose of determining EDU under subclause (1), where a dwelling is developed after the Operative Date, that dwelling is only to be included in the number of dwellings where an Owner’s Cost Contribution has been paid in respect of that dwelling.

11. When a cost contribution is not payable

Clause 5.6.13 of the Scheme does not apply where:

(a) the only development approved and commenced is the development of a single house;

(b) the subdivisional approval relates only to the creation of a lot or lots for the purpose a road, public open space, drainage or common property; or

(c) the subdivisional approval or the development approval, as the case may be, will not create an additional number of Dwelling Units than existed prior to the approval.

12. Matters included in Infrastructure

For the purpose of this Plan, Infrastructure is taken to include:

(a) land acquisition and purchase;

(b) earthworks;

(c) provision of services;

(d) parking; and

(e) landscaping,

considered necessary or desirable by the City for the development of the Infrastructure.

13. Matters included in Infrastructure Costs

For the purpose of this Plan, Infrastructure Costs are taken to include costs and estimated costs of the City with respect to:

(a) planning and design;

(b) invitation and determination of tenders;

(c) implementation and administration of contracts;

(d) provision for contingencies; and

(e) any borrowing by the City including interest and fees,

for the development of the Infrastructure.

14. Matters included in Administrative Costs

For the purpose of this Plan, Administrative Costs are taken to include costs and estimated costs of the City:

(a) in the carrying out of the Administrative Items; and

(b) with respect to the preparation and review from time to time of the Development Contribution Plan Report and the Costs Apportionment Schedule.

15. Period of operation

This Plan is to be in operation until the expiry of a period of 20 years commencing on the Operative Date.”

16. Priority and timing for the provision of Infrastructure

(1) Contemporaneously with its adoption and subsequent review, from time to time of a Development Contribution Plan Report under clauses 5.6.10 and 5.6.11 of the Scheme, the City is to consider and determine the City’s desired timing and priority for the provision of the items of Infrastructure.
(2) The City is to make available its determination under subclause (1) whenever its makes available a Development Contribution Plan Report.

17. Review of this Plan

The Council is to carry out a review of the operation of this Plan as soon as is practicable after the expiration of every 5 years from the Operative Date, and in the course of that review the Council is to consider and have regard to:

(a) the extent to which development has occurred in Development Contribution Area No. 2 since the Operative Date or the date of the last review under this clause, whichever is the later;

(b) the potential for further development in Development Contribution Area No. 2; and

(c) any other matters that appear to the Council to be relevant to the operation of this Plan.

(viii) Amending the Scheme Map by including new Sheet 22 - Development Contribution Area No.2 Map.
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>SPE-015/11 Proposed Modification to Structure Plan - ‘Evermore Heights’ Estate</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/422-04</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Greg Rowe &amp; Associates</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, A/Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16th May 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>September 2006 (PD173/9/06); May 2007 (PD57/4/07); and August 2007 (PD150/8/07)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Quasi Judicial</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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</table>

- Site: Lot 9003 Arpenteur Drive, Baldivis
- LA Zoning: Development, Other Regional Roads
- MRS Zoning: Urban
- Lot area: 15.9986 ha

<table>
<thead>
<tr>
<th>Attachments:</th>
<th>Maps/diagrams:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Existing Structure Plan</td>
</tr>
<tr>
<td></td>
<td>2. Proposed Structure Plan - as advertised (dated 2nd March 2011)</td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

To consider a proposed modification to the approved Structure Plan over Lot 9003 Arpenteur Drive, Baldivis following the completion of public consultation.

2. **Background**

In May 2007, the Council approved a Structure Plan over Lots 300 and 1351 Eighty Road, Baldivis (‘Evermore Heights’ Estate).

In June 2007, the Western Australian Planning Commission (WAPC) advised that it was prepared to support the proposed Structure Plan subject to a number of modifications, detailed as follows:

1. The portion of the Structure Plan to the east of the eastern north-south connector road being excluded from the approval noting that:
   a) the design relies on a future amendment to the Metropolitan Region Scheme Nairn Road Other Regional Roads reserve;
   b) the design raises interface issues with the approved plan of subdivision to the north; and
   c) the ability to provide for appropriate vehicle access to proposed Lot 250 in the south east corner of the Structure Plan has not been demonstrated.

2. The legend being amended by inserting the word “Residential” before the relevant r-coding so that it is clear that land use and development is to be assessed under the Residential zone;

3. The legend being amended to identify the proposed community purpose sites;

4. Reference to the Structure Plan relating to Lot 655 being replaced with Lot 300; and

5. The Structure Plan being amended to incorporate a scale and north point.

The Proponent subsequently submitted a revised Structure Plan and information that addressed the abovementioned issues, which was adopted by the Council in August 2007.

Various subdivision approvals have since been issued and development has commenced in the western portion of the landholding.

3. **Details**

In January 2011, the City received an application seeking approval of a revised Structure Plan for the previously excluded eastern section of the subject land, incorporating changes to the road layout, residential density and Public Open Space (POS).

The modification shows land uses similar to those of the 2007 advertised LSP, such as a mix of residential densities, POS in the north of the site and Community Purposes lot in the south of the site.
The plan does differ in its detailed design, with road and lot layouts reflecting current development trends. An explanation of the proposed changes is detailed below.

(i) **Public Open Space**

The proposal seeks to reduce the size of POS G from 9,276.5m² to 5,631m². The changes result in an overall reduction in POS provision of 3,645m². Due to an over-provision of POS in the approved Structure Plan, the modified POS does not result in a shortfall of POS provisions over the broader 'Evermore Heights' Estate.

(ii) **Road Layout**

The road layout has been modified to enhance the interface between lots and POS. The basic east-west block pattern reflects the 2007 advertised LSP.

(iii) **Residential Density**

The number of lots proposed within the Structure Plan area is proposed to increase by approximately two dwellings, from 54 to 56.

Although the proposed modifications are relatively minor, the proposal was considered worthy of advertising for public comment due to the proximity of existing residences. In this regard, the proposal was advertised for a period of 28 days, concluding on the 21st April 2011.

Eleven submissions were received during the consultation period, ten from servicing authorities (Department of State Development, Main Roads WA, Department of Indigenous Affairs, Water Corporation, Public Transport Authority, Department of Planning, Department of Environment and Conservation, Department of Health, Department of Education and Western Power) and one from the applicant.

The servicing authority submissions did not raise any objections to the proposal, however, the Department of Indigenous Affairs, Water Corporation and Department of Health advised of the owner's responsibilities regarding development of the subject land.

The submission from the Proponent requested the plan be further modified seeking redesignation of land to the immediate south of the central laneway from Residential R30 to R40 and redesignation of the four lots opposite the POS from Residential R20 to Residential R30.

The Proponent advised that the modification was being pursued to add housing choice and affordability within the Estate and maximise the residential population in a high amenity area between POS and a future community site.

The additional density raises the potential lot yield from 56 to 62 dwellings.

### 4. Implications to Consider

**a. Consultation with the Community**

The proposal was advertised in accordance with clause 4.2.6.5 of Town Planning Scheme No.2 by the placement of two signs advertising the proposal on-site, a Public Notice being placed in the Weekend Courier for two consecutive weeks, and nearby landowners being notified in writing of the proposal and invited to comment.

**b. Consultation with Government Agencies**

In conjunction with the above, relevant government agencies were notified of the proposal in writing and invited to comment.

**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.*
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 20 JUNE 2011
PRESIDING MEMBER

d. **Policy**
   Nil

e. **Financial**
   Nil

f. **Legal and Statutory**
   Clause 4.2.6 of the Scheme governs changes or departures from Structure Plans.

## 5. **Comments**

**Assessment of Advertised Plan**

With respect to the modifications proposed by the advertised plan, the following comment is provided:

**Public Open Space**: As noted above, it is proposed to reduce the size of POS G from 9,276.5m² to 5,631m². The changes result in an overall reduction in POS provision of 3,645m². Due to an over provision of POS in the approved Structure Plan (11.5%), and over provision during development, 12.04% POS is provided. This complies with the 10% minimum POS prescribed in Element 4 – Public Parkland in Liveable Neighbourhoods.

**Road Layout**: The City’s Engineering Services has reviewed the proposed Structure Plan and have raised no objections to the road layout. The road reserve to the north of the POS was increased to 15.4 metres to facilitate on-street parking for users of the abutting POS, as well as visitors to nearby R40 dwellings. The regular lot layout and block dimensions are consistent with Element 1 – Community Design and Element 2 – Movement Network – of Liveable Neighbourhoods.

**Residential Density**: The residential density of the Structure Plan has changed to reflect current development trends. The 2007 Structure Plan showed the lots near the POS and Community Use site as R60 and R30 respectively, while the modified Structure Plan shows lots abutting the POS as R40, gradually reducing in density to R30 then R20 heading south towards the Community Purpose site. The revised densities are lower than the advertised plan, however, overall they result in a slightly higher lot yield for the subject area. Density increase is supported in the area due to nearby amenities such as POS and a Community Purpose Site.

**Servicing Authority Submissions**

As noted above, the submissions received from servicing authorities generally raised no objection to the proposal, with the Department of Indigenous Affairs, Water Corporation and Department of Health advising of the owner’s responsibilities regarding development of the subject land.

The submissions do not impact on assessment of the proposed Structure Plan, however, copies will be provided to the Proponent for its information.

**Subsequent Modification**

The Proponent has sought a further modification of the Structure Plan to rezone two areas from R30 to R40 and from R20 to R30 respectively. The change will facilitate the development of up to six additional lots.

It is considered appropriate to adopt the additional changes without further advertising for the following reasons:

(i) The proposed increase in density is relatively minor and within the density range specified under Town Planning Scheme No.2;

(ii) The subject area is not immediately adjacent to existing residences; and
(iii) The changes do not affect road layout or lot orientation and are consistent with the objectives of Liveable Neighbourhoods regarding increasing densities.

Conclusion
In light of the above, it is recommended that the Council adopt the amended Structure Plan (dated 30th March 2011) in accordance with clause 4.2.6.7 of Town Planning Scheme No.2.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That the Council **ADOPT** the amended Structure Plan (dated 30th March 2011) for the 'Evermore Heights' Estate over Lot 9003 Arpenteur Drive, Baldivis in accordance with clause 4.2.6.7 of Town Planning Scheme No.2.

8. Committee Recommendation

That the Council **ADOPT** the amended Structure Plan (dated 30th March 2011) for the 'Evermore Heights' Estate over Lot 9003 Arpenteur Drive, Baldivis in accordance with clause 4.2.6.7 of Town Planning Scheme No.2.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
### Purpose of Report

To consider the Western Australian Planning Commission's proposed amendments to State Planning Policy 2.5 - Land Use Planning in Rural Areas (‘SPP2.5’) and Development Control Policy 3.4 - Subdivision of Rural Land (‘DCP3.4’).
2. Background

The current State Planning Policy 2.5 - Agricultural and Rural Land Use Planning was gazetted on the 12th March 2002. The objectives of this Policy are to:

1. Protect agricultural land resources wherever possible;
2. Plan and provide for rural settlement;
3. Minimise the potential for land use conflict; and
4. Carefully manage natural resources.

Related to the above is the WAPC’s Development Control Policy 3.4 - Subdivision of Rural Land (February 2008). This operational policy guides the subdivision of rural land to achieve the abovementioned key objectives of Agricultural and Rural Land Use Planning, and supersedes an earlier version prepared in March 2002.

The Council applies the provisions of the above policies through its Planning Policy 5.2 - Rural Land Strategy, which was adopted by Council in December 2003.

3. Details

The WAPC has prepared amendments to the abovementioned State Planning Policy and Development Control Policy which it has released for public comment until the 27th May 2011. The general changes to the policies are outlined as follows.

a. Draft State Planning Policy 2.5 - Land Use Planning in Rural Areas

The proposed amendments to SPP2.5 include amended Policy Objectives, which are:

"a) to protect rural land from incompatible uses by:
   • requiring comprehensive planning for rural areas;
   • making land-use decisions for rural land that support existing and future primary production and protection of priority agricultural land;
   • providing investment security for the existing and future primary production sector;

b) to promote regional development through provision of economic opportunities on rural land;

c) to promote sustainable settlement in, and adjacent to, existing urban areas;

d) to protect and improve environmental, landscape and cultural assets; and

e) to minimise land use conflicts that compromise rural land uses."

Changes to the Policy provisions can be outlined as follows:-

- Under when should this policy be applied, it states that if, in the view of the WAPC, the endorsed strategy or scheme (i.e. a rural land strategy, local planning strategy or local planning scheme) is considered to be out-dated (greater than 10 years old) and inconsistent with SPP2.5, the provisions of SPP2.5 shall prevail.

- Provisions relating to the establishment of priority agriculture zones and general agriculture zones have been removed and replaced by a section for protection of rural land which includes the requirement for the protection of rural land identified as priority agriculture in a planning strategy endorsed by the WAPC.

- A new section relating to rural land in the metropolitan region states "rural living proposals will be considered by exception in WAPC endorsed planning strategies, where topography, environmental or servicing constraints do not permit urban forms of development, and where bushfire risk is not extreme."
A new section is included on tree farming. It identifies the recent trend for the planting of trees solely for the purpose of carbon sequestration (as opposed to harvest) and notes that tree farming is supported, but should generally not be permitted on land identified as priority agriculture.

A new section on other policy measures to support economic development in rural areas promotes the establishment of precincts for primary produce processing, as well as the concept of rural enterprise zones (which combine light industry and ancillary housing close to urban areas).

Provisions relating to rural smallholding zones, which relates to land used for residential in association with a rural pursuit, are to be removed.

Provisions relating to rural living precincts are to be amended. Locational criteria for rural living precincts (where lot sizes are in the order of 1ha to 40ha) is to include precincts being located adjacent to urban areas, avoid areas for urban expansion, serviced by reticulated water except where there are 10 or less lots, in areas cleared of vegetation and where it can be demonstrated that bushfire risks are not extreme.

A new section on managing and improving environmental and cultural attributes which addresses the protections of conservation areas, environmental corridors and Aboriginal sites.

Provisions on water resource areas and flood risk areas are to be removed.

Responsibilities, including local government responsibilities, are to be removed (these responsibilities are still implied and, in the case of the preparation of local planning strategies, outlined elsewhere in SPP2.5).

The draft SPP2.5 notes that the WAPC will prepare a Guideline 2.5.1 - Land Use Planning in Rural Areas to assist local governments with specific scheme provisions or permissibilities.

b. Draft Development Control Policy 3.4 - Subdivision of Rural Land

Proposed changes to DCP3.4 include:

- An expanded list of Policy Objectives which take into account the rural living provisions of draft SPP2.5.
- A new sentence is included which states "ad-hoc, unplanned subdivisions for rural living will not be permitted."
- The water for rural living development section has been amended to reflect the provisions of draft SPP2.5, including removing the current reference to water required for lots between 1-4ha, and including new provisions on alternative water supply requirements including rainfall.
- Servicing requirements are now listed under other infrastructure.
- The existing section relating to subdivision of rural land and more intensive agricultural uses has been modified to confirm that the WAPC does not support the subdivision of rural land for more intensive agricultural proposals (the current provisions only refer to broadacre lots).
- The prevailing lot size section has been amended so that it only applies where lots being created are greater than 100ha, and excludes lots created in the early days of European settlement from being used to determine the prevailing lot size.
- The provisions relating to the subdivision of lots affected by significant physical divisions has been expanded to clarify that controlled access highways and rivers are considered to be significant divisions.
- A new section on subdivision for the purposes of carbon sequestration relates to tree farms for carbon sequestration which are affected by covenants for 50 years or more and where the average rainfall is lower than 400mm.
- The requirement for management by-laws for strata proposals for agriculture have been removed.
4. Implications to Consider

a. Consultation with the Community
Consultation has been undertaken by the WAPC.

b. Consultation with Government Agencies
Consultation has been undertaken by the WAPC.

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 Council's Planning Policy 5.2 - Rural Land Strategy was prepared in accordance with State Planning Policy 2.5 - Agricultural and Rural Land Use Planning (March 2002) and Development Control Policy 3.4 - Subdivision of Rural Land (March 2002). Should the WAPC amend these policies, the Rural Land Strategy will need to be reviewed.

e. Financial
Nil

f. Legal and Statutory
"State planning policies" can be amended pursuant to s.31 of the Planning and Development Act 2005.

"Development control policies" are operational policies which have been adopted by the WAPC to guide its decision-making on subdivision and development applications, and are not subject to any statutory controls.

5. Comments

SPP 2.5 and DCP 3.4 are relevant considerations primarily with respect to any review of the Council's Rural Land Strategy (RLS) and local planning scheme (TPS2). The RLS and TPS2 are used to guide proposals to rezone, subdivide and develop rural land.

Should these policies be adopted by the WAPC, the Council will need to take the amended policies into account in the preparation of its Local Planning Strategy. A Local Planning Strategy sets out the long-term planning directions for a local government, which is used to inform the preparation of a local planning schemes.

It is noted, however, that SPP2.5 also supersedes the provisions of a RLS where a RLS is more than 10 years old. The City's RLS was adopted in December 2003. Whilst the City has commenced preparation of a Local Planning Strategy, which will incorporate a new RLS, it is not expected to be completed prior 2013 when SPP2.5 may supersede its provisions. Accordingly, the City should seek clarification from the WAPC as to whether an interim review of the existing RLS, against SPP2.5, can be considered prior to the preparation of a Local Planning Strategy.

In terms of the specific changes to the provisions of SPP2.5 and DCP3.4, the proposed changes are generally supported as they provide improved advice on the zoning and subdivision of rural land and the development of rural land for tree farms. Conflicts with the RLS are as follows:

Subdivision on land identified for future urban - The RLS currently supports the subdivision of land to a minimum lot size of 2ha in areas identified for future urban, however, draft SPP2.5 provides that "areas required for urban expansion are avoided."
The term 'urban expansion' is not defined in draft SPP2.5 and it is not clear whether the intent is to protect land contained within just the 'Urban Expansion Areas' depicted in the WAPC's Directions 2031 and Beyond, and associated strategies, or whether it is also intended to protect land within the 'Urban Investigation Areas'. It is recommended that the term 'urban expansion' be more clearly defined in this regard.

Provision of reticulated water - The Council's RLS requires reticulated water to be provided for all lots less than 2ha in area. This conflicts with the draft SPP2.5, which requires reticulated water to be provided for all rural-living precincts (characterised by predominately residential uses on large lots in the order of 1 to 40ha in a peri-urban location) except for proposals with 10 lots or less where the WAPC may consider an alternative domestic water supply.

Given both reticulated water supply and groundwater allocation are controlled by the Water Corporation and the Department of Water respectively, there is no reason for the Council to object to the provisions, however, the changes will necessitate a review of the Council's RLS.

Guidelines for Land Use Planning in Rural Areas - In the absence of the guidelines referred to in SPP2.5, no comment can be provided on changes to TPS2. Any requirements coming out of the publication of these guidelines can be considered in preparation of the Local Planning Strategy and new Town Planning Scheme.

Other changes to SPP2.5 and DCP3.4 are either minor in nature or do not apply to the City of Rockingham. Having regard to the above comments, it is recommended that the Council advise the WAPC that it supports the proposed amendments to SPP2.5 and DCP3.4, subject to the term 'urban expansion' referred to in provision 5.4(a) of SPP2.5 being defined and whether a review of the existing RLS can be considered in lieu of the preparation of a local planning strategy.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADVISE the Western Australian Planning Commission that it supports the proposed amendments to State Planning Policy 2.5 - Agricultural and Rural Land Use Planning and Development Control Policy 3.4 - Subdivision of Rural Land subject to:

(a) the term 'urban expansion' referred to in provision 5.4(a) of SPP2.5 being clearly defined; and
(b) it being clarified whether an interim review of the Council's Rural Land Strategy can be undertaken prior to the preparation of the Local Planning Strategy, given the time estimated for completing the local planning strategy will exceed the 10 year anniversary of the Rural Land Strategy.

8. Committee Recommendation

That Council ADVISE the Western Australian Planning Commission that it supports the proposed amendments to State Planning Policy 2.5 - Agricultural and Rural Land Use Planning and Development Control Policy 3.4 - Subdivision of Rural Land subject to:

(a) the term 'urban expansion' referred to in provision 5.4(a) of SPP2.5 being clearly defined; and
(b) it being clarified whether an interim review of the Council's Rural Land Strategy can be undertaken prior to the preparation of the Local Planning Strategy, given the time estimated for completing the local planning strategy will exceed the 10 year anniversary of the Rural Land Strategy.

Committee Voting – 4/0
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<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>9.</td>
<td>The Committee’s Reason for Varying the Officer’s Recommendation</td>
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<tr>
<td></td>
<td>Not applicable.</td>
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<td>10.</td>
<td>Implications of the Changes to the Officer’s Recommendation</td>
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<td></td>
<td>Not applicable.</td>
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## Planning Services

### Strategic Planning & Environment Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>SPE-017/11 Proposed Modification to Planning Policy 6.3 - Local Commercial Strategy - 'Tuart Ridge' Neighbourhood Centre</th>
</tr>
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<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/420-03</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Cardno on behalf of Amex</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Ross Underwood, Senior Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Brett Ashby, A/Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>16th May 2011</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>October 2010 (SPE-006/10)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Executive Function</td>
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### Site:

<table>
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<tr>
<th><strong>Site:</strong></th>
<th>Lot 9011 Makybe Drive, Baldivis</th>
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</thead>
<tbody>
<tr>
<td><strong>Lot Area:</strong></td>
<td>33.7468ha</td>
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<td><strong>MRS Zoning:</strong></td>
<td>Urban</td>
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</tbody>
</table>

### Attachments:

1. Schedule of Submissions
2. Response from MacroPlan (March 2011)
3. Response from Essential Economics (May 2011)

### Maps/Diagrams:

1. South Baldivis District and Tuart Ridge

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**Note:** A letter from Amex Corporation requesting withdrawal of this Item was tabled at the Planning Services Standing Committee meeting.

This Item was withdrawn from the Agenda at the request of the Amex Corporation (applicant).
Planning Services
Advisory & Occasional Committee Minutes
Strategic Planning & Environment Services

Reference No. & Subject: SPE-018/11  Minutes of the Heritage Reference Group
File No: LUP/449-21
Author: Mr Ross Underwood, Senior Planning Officer
Other Contributors: Mr Brett Ashby, A/Manager, Strategic Planning & Environment
Mr Mike Ross, Manager, Statutory Planning
Date of Committee Meeting: 16th May 2011
Terms of Reference: To provide a Forum to discuss the conservation and preservation of natural and culturally significant heritage sites within the Rockingham district.
Composition: 1 Councillor, 2 representatives from the Rockingham District Historical Society, Rockingham Regional Heritage Advisor Executive Support - Planning Services
Disclosure of Interest:
Nature of Council’s Role in this Matter: Executive Function
Attachments: Minutes dated 27th April 2011
Maps/Diagrams:

1. Receipt of Minutes

That Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 27th April 2011.

2. Recommendations to Standing Committee

There are no recommendations arising from the Heritage Reference Group meeting.

3. Committee Recommendation

That Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 27th April 2011.

Committee Voting - 4/0
4. **The Committee’s Reason for Varying the Officer’s Recommendation**

Not applicable.

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

Not applicable.
## Reference No & Subject:

**SPE-019/11**  
**Final Adoption - Proposed Structure Plan - Lots 635, 739 and 740 Baldivis Road, Baldivis**

### File No:

LUP/1430

### Proponent/s:

Roberts Day Pty Ltd (on behalf of Novalee Nominees Pty Ltd and Estates 77 Pty Ltd)

### Author:

Mr Regan Travers, Planning Officer

### Other Contributors:

Mr Brett Ashby, A/Manager, Strategic Planning & Environment

### Date of Committee Meeting:

16th May 2011

### Previously before Council:

July 2010 (PD66/7/10)

### Disclosure of Interest:

Quasi Judicial

### Site:

Lots 635, 739 and 740 Baldivis Road, Baldivis

### Lot Area:

88.5608 ha

### LA Zoning:

### MRS Zoning:

### Attachments:

1. Proposed Structure Plan (July 2010)
2. Proposed Structure Plan - as advertised (January 2011)
4. Submissions

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

To consider the adoption of a Structure Plan for Lots 635, 739 and 740 Baldivis Road, Baldivis following the completion of public advertising.

2. **Background**

In March 2010, the Council received an application seeking approval of a Structure Plan for Lots 635, 739 and 740 Baldivis Road, Baldivis, incorporating the following elements:

- 876 Residential lots ranging from ‘R20’ to ‘R30’;
- 4 ‘R40’ sites with the potential to create 76 dwellings;
- 1 Aged Care Facility potentially creating 91 dwellings;
- 1 Neighbourhood Centre (2ha site) to accommodate a maximum of 4,500m² floorspace;
- 1 Community Use Site (5000m²);
- 10 areas of Public Open Space (8.22ha in total); and
- 1 Primary School (3.5ha)

The matter was considered by the Council in July 2010, when it resolved to advertise the proposed Structure Plan subject to the following matters being satisfactorily addressed:-

**Prior to Advertising Commencing:-**

1. The Structure Plan being modified to demonstrate consistency with the dwelling density requirements of Liveable Neighbourhoods, Element 3 - Lot Layout Requirement No.6 and No.12;
2. A Pipeline Risk Management Plan being submitted in accordance with the requirement of Planning Bulletin 87, or alternatively, documented evidence being submitted demonstrating that agreement has been reached with the pipeline owner on the mitigation measures to be proposed, responsibility for the implementation of those mitigation measures, and the need for risk assessment to the satisfaction pipeline operator and the City of Rockingham; and
3. Pipeline, Sand Mining and Market Garden buffer areas being shown on the Structure Plan.

**During the Advertising Period:-**

4. Additional information being submitted demonstrating that Public Open Space areas No.2 and No.3 satisfy the intent of the Council’s design criteria, given that they are less than the minimum 2,000m² recommended size, in accordance with Planning Policy 3.4.1 - Public Open Space;
5. The Local Water Management Strategy being modified to reflect the revised drainage regime and the Department of Water's requirements for a hybrid District and Local Water Management Strategy;

6. A tree survey being undertaken by a fauna specialist to determine possible habitat of the Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-tailed Black Cockatoo;

7. Details of proposed staging of development being provided;

8. The Structure Plan being modified to depict a dual use path connections to the west of the site, connecting to the dual use paths shown on the approved Smirk Road (North) Structure Plan;

9. Footpaths and bus routes being shown on the Structure Plan. In addition, pedestrian and cycle paths being shown on both sides of the road along bus routes;

10. A revised Traffic Modelling Report being submitted in accordance with the comments in the Officer Report, and any modifications to the Structure Plan required as a result of the revised Report, being implemented;

11. An indicative finished levels plan being submitted demonstrating how the proposed finished levels will tie into the adjoining Structure Plans; and

12. The indicative lot layout being depicted on the Structure Plan.

The Structure Plan considered by the Council is included as Attachment 1.

3. Details

The Proponent responded by submitting the additional information in response to the Council resolution, which was finalised in late 2010 as follows:-

1. a residential density calculation was provided which demonstrated compliance with Liveable Neighbourhoods Element 3 - Lot Layout. This required a density between 20 and 30 dwellings per site hectare and the proposed LSP has a density of 26.63;

2. the preparation of a Pipeline Risk Management Plan ('PRMP') was undertaken which determined that the proposed Primary School and Aged Care Facility should be setback a minimum of 279m from the centre of the Parmelia High Pressure Gas Pipeline. The proposed Structure Plan was amended in accordance with the PRMP recommendations by relocating the Primary School, Aged Care Facility and Neighbourhood Centre, and realigning the Neighbourhood Connector Road, along with other minor changes; and

3. a plan was provided showing the Extractive Industry and Pipeline buffers, minus the Market Garden buffer which the City's Environmental Health Services confirmed was acceptable.

The Structure Plan incorporating the above changes is included as Attachment 1.

The Structure Plan (as amended) was subsequently advertised for public comment for a period of 28 days, concluding on 18th March 2011.

At the conclusion of the advertising period, a total of fourteen (14) submissions had been received comprising twelve (12) from servicing authorities and two (2) from landowners/developers of adjoining or nearby properties. The matters raised in the submissions can be summarised as follows:-

- APA Group, Department of Indigenous Affairs, Heritage Council of WA, Main Roads WA and Western Power raised no objections to the proposal;

- Water Corporation advised that it does not support adoption of the Structure Plan as it could lead to premature subdivision of the land. Water Corporation also objected to the number of roads crossing the pipeline easement and recommended that the applicant liaise with them in this regard;
- Department of Education was satisfied with the plan subject to it being satisfied with the final contours and final POS configuration. Urbanplan also made a submission on behalf of the Department of Education, noting that the levels of Lot 740 will not have a detrimental impact on the High School site to the south;

- Department of Water advised that a license is required to draw groundwater. It was also noted that it had received a Local Water Management Strategy which it provided comment on in February 2010 and was waiting for a revised strategy to endorse.

- Department of Environment and Conservation noted the potential impact on Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoo and the need to consider the structure plan in accordance with the Environmental Protection Act 1986, the Wildlife Conservation Act and the EPBC Act. The potential for the site contamination was also noted and the Department of Environment and Conservation agreed with the recommendation of the Structure Plan Report to undertake a Detailed Site Investigation and condition any subdivision approvals for appropriate remediation to be undertaken.

- Department of Health advised that the Government Sewerage Policy – Perth Metropolitan Region requires the development to connect to reticulated sewerage. Provision of reticulated water would also be necessary. Department of Health also noted that developments within 500 metres of the sand quarry should not be supported until a technical study can demonstrate that a lesser distance is sufficient to avoid adverse impacts on the health and amenity of residents. Such a study will need to be to the satisfaction of the Department of Environment and Conservation.

- Urban Endeavour, acting on behalf of the owners of Lot 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road objected to the location of the neighbourhood connector due to inconsistencies with Liveable Neighbourhoods separation distances. It recommended that the main north-south road be moved to the western side of the Neighbourhood Centre and Primary School.

- Taylor Burrell Barnett, acting on behalf of nearby land owners Rockingham Park queried the connections from Baldivis Road into the subject site. It requested that the intersection treatments to Baldivis Road, particularly those affecting the Heritage Park Estate be shown on the LSP.

The above submissions are attached.

Following advertising, the Proponent further revised the Structure Plan by shifting the Primary School slightly to the south, relocating the Community Purpose site to between the Primary School and Neighbourhood Centre, and undertaking other minor associated modifications. This Plan is included as Attachment 3.

4. Implications to Consider

a. Consultation with the Community

The Structure Plan was advertised for public comment for a period of 28 days, ending on 18th March 2011, in the following manner:-

- An advertisement was placed in the Public Notices section of the Weekend Courier on the 18th and 25th February 2011;

- Signs were erected on the property by the 18th February 2011, remaining on site for the duration of the advertising period; and

- The landowners of twelve (12) adjoining/nearby properties were notified of the proposal by the City and invited to comment.

b. Consultation with Government Agencies

The following authorities were notified of the proposal by the City and invited to comment:-

- Westnet
CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 20 JUNE 2011

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- Department of Water
- Public Transport Authority
- Telstra
- Water Corporation
- Department of Housing
- Western Power
- Tourism WA
- Main Roads WA
- FESA
- Department of Environment and Conservation
- Alinta
- Department of Health
- Department of Education
- APA Group
- Department of State Development
- Heritage Council of WA
- Department of Indigenous Affairs

c. Strategic

Community Plan

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

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

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

In accordance with the Local Government Act 1995 Section 5.42 - Delegation of Some Powers and Duties to the Chief Executive Officer.

Clause 4.2.6 of the Scheme governs adoption and approval of Structure Plans.

5. Comments

With respect to the matters raised by the Council previously and the various matters raised during the public comment period, the following comments are provided.

**Matters Previously Raised by Council**

Minimum 2,000m² Public Open Space

Clarification has been provided by the Proponent demonstrating that all POS areas are a minimum of 2,000m². This is noting that the POS in the south-west corner at 1,789m² is adjacent to an existing approved POS area, making the overall size of the POS at that location in excess of 2,000m².
Local Water Management Strategy

The proponent has advised that revisions to the Local Water Management Strategy ('LWMS') to reflect a revised drainage regime and the Department of Water's requirements for a hybrid District and Local Water Management Strategy are nearing completion and are expected to be lodged with the Department of Water late May. It is recommended that the LWMS be finalised prior to adoption of the Structure Plan.

Tree Survey

The Proponent has advised that a tree survey has been conducted and that it is liaising with DEWHA to determine whether a Federal referral is required. The Proponent advises that the incomplete nature of this requirement would have no implications for Council resolving its own position on the Structure Plan. It is considered, however, that a survey of potential habitat should be finalised, prior to the adoption of the Structure Plan.

Staging

A Staging Plan has been provided for the Structure Plan, however, the detail does not reflect the most recent layout which the City supports. It is recommended that the boundaries of the Staging Plan be revised accordingly prior to adoption of the Structure Plan.

Dual Use Paths to the West

Dual Use Path (DUP) connections have been shown on the revised Structure Plan. These DUP's connect to paths shown for the Structure Plan to the west, Avalon Estate. Linking these DUP's creates an acceptable pedestrian movement network providing alternative transport methods to services such as the Neighbourhood Centre, Community Use and Primary School sites.

Footpaths and Bus Routes shown on LSP

Footpaths and Bus Routes have been shown on the Structure Plan. The footpaths reflect the requirements of Liveable Neighbourhoods, providing paths on one side of the road, or where there is high pedestrian activity such as schools and shops, both sides of the road. Footpaths connect to all surrounding lots.

Bus routes are generally consistent with the Baldivis Road Needs Study (BRNS) with a connection coming from the north east, moving through the centre of the Structure Plan area and connecting to the south. An additional north-south bus connection is proposed, which would add servicing capacity past the Neighbourhood Centre and Primary School. This layout is consistent with Liveable Neighbourhoods which notes that bus routes should be located on Neighbourhood Connectors to provide highly accessible and relatively direct routes.

Revised Traffic Modelling

A revised Traffic Modelling Report was received on the 28th April 2011 reflecting changes made to the Structure Plan. Assessment of the revised Traffic Modelling Report should be finalised, prior to the Structure Plan being adopted.

Indicative levels

A plan requesting indicative levels for the proposed Structure Plan was requested due to concerns regarding the interface to the Sand Quarry to the south and the height of the pipeline.

Levels decrease approximately one metre per lot from west to east along the boundary to the Sand Quarry. A Structure Plan currently being considered by the City for the Sand Quarry indicates finished levels very similar to the proposed Structure Plan. This is also similar to the existing levels of the site. As such no concerns are raised in this regard.

Concern is raised, however, with respect to the proposed levels in the south-eastern corner of the landholding, which appear to show a grouped housing site significantly below the existing (fixed) level of the adjoining Pipeline Easement / proposed POS. Where adjoining POS, residential lots should be at the same grade or higher than the POS to ensure an appropriate interface and passive surveillance. It is recommended that this matter be addressed, prior to the Structure Plan being adopted.
Indicative Lot Layout

The Proponent has provided a lot layout plan which indicates individual lot boundaries in acceptable detail.

Matters raised during advertising

Servicing

The Proponent has advised that future development of the site can be serviced. While the Water Corporation contends that subdivision of the land would be premature, the timing for the provision of services such as the Rockingham Waste Water Treatment Plant does not impact on the Structure Plan design. As such, and given the land is currently zoned 'Development' under Town Planning Scheme No.2, it is appropriate for the Structure Plan to be determined by Council. Matters such as the lifting of Urban Deferment and consideration of subdivision approvals over the subject site will be determined by the WAPC in due course.

Primary School

Department of Education was satisfied with the proposed plan, subject to final contours and final POS configuration. The Proponent should be requested to obtain agreement from the Department of Education on proposed levels for the Primary School site, prior to the lodgement of detailed plans with the City.

Local Water Management Strategy

As mentioned previously in this report, the Proponent has advised that revisions to the LWMS to reflect a revised drainage regime and the Department of Water's requirements for a hybrid District and Local Water Management Strategy are nearing completion and are expected to be lodged with the Department of Water in late May. It is recommended that the LWMS be finalised prior to adoption of the Structure Plan.

Reduce number of Pipeline Crossings

The Water Corporation advised of its objection to the number of roads crossing the pipeline easement and requested that the proponent liaise with the Corporation. The proposed Structure Plan shows two road connections from Baldivis Road crossing the pipeline easement, one which connects through to the estate to the west (Avalon) and the other which terminates at the southern end of the Primary School site. The northern crossing is considered an essential access point to the Structure Plan area, providing direct access to the Neighbourhood Centre, Community Use site and Aged Care facility.

The southern connection provides an eastern link to the Primary School site. The pipeline provider APA Group has no objections to the crossings and has nominated a number for mitigation measures for the proponent to implement. As both of the links provide direct access from Baldivis Road to sites within the Structure Plan which are likely to feature higher levels of traffic flow, it is recommended that the Structure Plan be supported in its current configuration.

Carnaby’s Black Cockatoo

As mentioned previously in this report, the Proponent has advised that a tree survey has been conducted and that it is liaising with DEWHA to determine whether a Federal referral is required. The matter should be addressed, prior to the Structure Plan being determined.

Proximity to Sand Quarry

The Department of Health advised that developments within 500 metres of the sand quarry should not be supported until a technical study can demonstrate that a lesser distance is sufficient to avoid the adverse impacts on the health and amenity of residents. Such a study will need to be to the satisfaction of the Department of Environment and Conservation. It is recommended that a technical study to demonstrate an appropriate separation distance to the sand quarry prior to subdivision approval.
Connections to Baldivis Road

The submission by Taylor Burrell Barnett, on behalf of an adjacent landowner to the east queried the connections of the proposed Structure Plan onto Baldivis Road, suggesting that there are potentially three access points. The proposed Structure Plan only shows two access points onto Baldivis Road, however, the configuration of the intersections created by the access points are not shown.

The submission raised concern regarding the creation of a 4-way intersection (south connection to Baldivis Road) and its impact on future subdivision of land east of Baldivis Road. The BRNS shows a single lane roundabout but does not show any details for a connection further south.

Given land to the east of the subject area is not yet zoned for urban development, and therefore is not subject to an approved Structure Plan, the configuration of possible future 4-way intersections is not relevant to assessment of the current proposal.

Location of Neighbourhood Connector

The submission by Urban Endeavour, on behalf of the owner to the south objected to the location of the neighbourhood connector due to inconsistencies with Liveable Neighbourhoods separation distances, and requested that it be relocated to the west of the Primary School and Neighbourhood Centre. It noted that Liveable Neighbourhoods recommends spacing for Neighbourhood Connectors at 800m to 1km whereas the proposed north-south connector is approximately 400m from Baldivis Road. In this regard, it requested that the main north-south road be moved to the western side of the Neighbourhood Centre and Primary School.

The submission also contained a conceptual plan demonstrating how the proposed Structure Plan could be amended to accommodate movement of the Neighbourhood Connector to the west. It is noted that the conceptual plan differs from the draft Structure Plan previously submitted, which was considered by the Council in July 2010 when it resolved to advertise subject to, amongst other things, the locations of road connections to the north being amended.

Notwithstanding the recommendations of Liveable Neighbourhoods, the proposal is generally consistent with the Baldivis (South) District Structure Plan which was prepared and adopted by the Council as a guide to ensure that urban development undertaken by individual owners occurred in a co-ordinated manner. In the circumstances, the proposed location of the Neighbourhood Connector is considered reasonable, and compliance with the Baldivis (South) District Structure Plan should be the overriding consideration.

In light of the above, the submission is not supported.

Other matters

As noted above, the Proponent further amended the Structure Plan following advertising.

Further assessment of the amended Structure Plan has been undertaken which identified the following issues:-

- the provision of curved laneways is inconsistent with Liveable Neighbourhoods in terms of surveillance of portions of the laneway from the street network;
- the new road abutting the northern boundary of the Primary School should be configured as an ‘Access Street B’ in accordance with the requirements of Liveable Neighbourhoods;
- the street and lane configuration in the north-west corner of the Structure Plan area (immediately to the south of the 2.389ha POS Reserve) raises traffic safety issues and should be redesigned as an east-west laneway stemming from a cul-de-sac head; and
- on-street car parking must be shown to provide for the visitor parking requirements for the lots abutting the parkland.

Subject to the above matters being addressed, the additional amendments are considered to be relatively minor, do not materially alter the intent of the proposed Structure Plan, and do not require further consultation.
Conclusion

In light of the above comments, the proposed Structure Plan is considered acceptable, subject to the following matters being addressed:-

(i) The Local Water Management Strategy being finalised;
(ii) A tree survey being undertaken by a fauna specialist to determine possible habitat of the Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-tailed Black Cockatoo;
(iii) The amended Traffic Modelling Report being finalised;
(iv) A suitable interface between the Pipeline Easement/proposed POS and surrounding development being demonstrated, particularly in terms of proposed levels;
(v) The configuration of laneways being amended in accordance with the requirements of Liveable Neighbourhoods;
(vi) Road configurations being in accordance with the requirements of Liveable Neighbourhoods;
(vii) the street and lane configuration in the north-west corner of the Structure Plan area (immediately to the south of the 2.389ha POS Reserve) being redesigned as an east-west laneway stemming from a cul-de-sac head;
(viii) On-street parking to service laneway precincts and Public Open Space being depicted on the Structure Plan; and
(ix) All supplementary information being revised to reflect the amended plan and incorporated into a consolidated Structure Plan Report.

These matters are not expected to require significant changes or impact on the intent of the Structure Plan. In the event of significant changes being required to the Structure Plan, the matter will be referred back to Council for consideration.

6. Voting Requirements

Absolute Majority

7. Officer Recommendation

That Council delegate authority to the Chief Executive Officer to adopt the Structure Plan for Lots 635, 739 and 740 Baldivis Road, Baldivis in accordance with clause 4.2.6.7 of Town Planning Scheme No.2, subject to the following matters being addressed:-

(i) The Local Water Management Strategy being finalised;
(ii) A tree survey being undertaken by a fauna specialist to determine possible habitat of the Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-tailed Black Cockatoo;
(iii) The amended Traffic Modelling Report being finalised;
(iv) A suitable interface between the Pipeline Easement / proposed POS and surrounding development being demonstrated, particularly in terms of proposed levels;
(v) The configuration of laneways being amended in accordance with the requirements of Liveable Neighbourhoods;
(vi) Road configurations being in accordance with the requirements of Liveable Neighbourhoods;
(vii) the street and lane configuration in the north-west corner of the Structure Plan area (immediately to the south of the 2.389ha POS Reserve) being redesigned as an east-west laneway stemming from a cul-de-sac head;
(viii) On-street parking to service laneway precincts and Public Open Space being depicted on the Structure Plan; and
(ix) All supplementary information being revised to reflect the amended plan and incorporated into a consolidated Structure Plan Report.
8. Committee Recommendation

That Council **DELEGATE** authority to the Chief Executive Officer to adopt the Structure Plan for Lots 635, 739 and 740 Baldivis Road, Baldivis in accordance with clause 4.2.6.7 of Town Planning Scheme No.2, subject to the following matters being addressed:-

(i) The Local Water Management Strategy being finalised;

(ii) A tree survey being undertaken by a fauna specialist to determine possible habitat of the Carnaby’s and Baudin’s Black Cockatoo, and Forest Red-tailed Black Cockatoo;

(iii) The amended Traffic Modelling Report being finalised;

(iv) A suitable interface between the Pipeline Easement / proposed POS and surrounding development being demonstrated, particularly in terms of proposed levels;

(v) The configuration of laneways being amended in accordance with the requirements of Liveable Neighbourhoods;

(vi) Road configurations being in accordance with the requirements of Liveable Neighbourhoods;

(vii) the street and lane configuration in the north-west corner of the Structure Plan area (immediately to the south of the 2.389ha POS Reserve) being redesigned as an east-west laneway stemming from a cul-de-sac head;

(viii) On-street parking to service laneway precincts and Public Open Space being depicted on the Structure Plan; and

(ix) All supplementary information being revised to reflect the amended plan and incorporated into a consolidated Structure Plan Report.

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>SPE-020/11 Proposed Modification to Integrated Development Guide Plan - Baldivis Town Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/862</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Urbis (on behalf of Stockland Pty Ltd)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Brett Ashby, A/Manager, Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Other Contributors:</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>16th May 2011</td>
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<tr>
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<td>Baldivis Town Centre Zone</td>
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<td>MRS Zoning:</td>
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<tr>
<td>Attachments:</td>
<td>1. Existing Integrated Development Guide Plan</td>
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<td></td>
<td>2. Proposed Integrated Development Guide Plan (as advertised)</td>
</tr>
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<td></td>
<td>3. Indicative Masterplan Overlay</td>
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<td>Maps/Diagrams:</td>
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1. Purpose of Report

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

2. Background

An extensive history of planning for the Baldivis Town Centre was provided to the December 2010 meeting of Council (SPE-011/10).

At that meeting, the Council considered an application, prepared on behalf of Stockland Pty Ltd, to alter the IDGP in the Core Precinct by:-

- expanding the shopping centre to the south, incorporating a decked parking area above and vehicle access from the upper level, adjacent to the POS corridor, down to the existing carparking area;
- deleting the 'sleeved' development to the north east of the shopping centre, adjacent to 'Link Road' and the POS corridor; and
- modifying the indicative stand alone tenancies adjacent to Safety Bay Road.

Source: Stockland
The Proponent's submission included the following comments which explained the basis for the proposed modifications:-

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

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

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

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

At its December 2010 meeting, Council resolved to delegate authority to the Chief Executive Officer to advertise the proposed modification subject to the following matters being satisfactorily resolved:

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

3. **Details**

In response to Council's resolution, the Proponent amended the IDGP to provide a suitable interface to 'Link Road' and the linear POS corridor by providing buildings to the eastern side of the shopping centre. Agreement was also reached that the proposed IDGP would not impact on Settlers Avenue as the retail focus of the centre, following a design workshop and preparation of a conceptual plan demonstrating how the site may be further developed, in the future, in support of the 'main street'.

Following further discussions with the Proponent, it was evident that point (iii), concerning compliance with the 25,000m² retail floorspace allocation, could not be reasonably addressed in the absence of detailed plans for the shopping centre being prepared. In this regard, the classification of floorspace as 'retail' can be dependant on the detailed design and fit-out of the tenancy, which can not be reasonably determined at this stage of the process. Accordingly, the City's Officers agreed that the proposal could be advertised on the understanding that support to the proposed IDGP did not constitute agreement that the shopping centre could be expanded to the extent depicted.

With the other matters being addressed, the application was subsequently advertised for public comment for a period of 28 days, concluding on the 29th April 2011. No submissioners were received on the proposal.
4. Implications to Consider

a. Consultation with the Community

The proposal was advertised in accordance with clause 4.5.7 of Town Planning Scheme by:-

(i) the erection of a sign on-site;
(ii) publication of a notice in the Weekend Courier for on the 1st and 8th April 2011; and
(iii) nearby landowners being notified of the proposal in writing and invited to comment.

b. Consultation with Government Agencies

Consultation with the owner of the Parmelia Gas Pipeline was not deemed necessary as the proposal is not seeking to increase residential density or introduce sensitive uses within 356m of the Pipeline. Further, the proposal is exempt from the requirements of the WAPC's Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region as, per section 3.1, the setback requirements have already been set at 32m by the EPA.

c. Strategic Community Plan

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

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

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

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

5. Comments

With respect to the matters raised by the Council previously, the following comment is provided:-

Interface to 'Link Road' and Linear POS Corridor

The amended Plan has included buildings along the eastern boundary of the shopping centre site, providing for an appropriate built form outcome adjacent to 'Link Road' and the linear POS corridor. In this regard the amended Plan is considered acceptable.

Impact on Settlers Avenue

The Proponent has committed to the provision of active uses along the Settlers Avenue frontage, to be provided in the next stage of development, and has also provided an Indicative Masterplan Overlay demonstrating how further development in the future may reinforce Settlers Avenue's role as the retail 'main street' for the centre.

Following a workshop involving the Proponent, Mackay Urban Design (City's consultant), and the City's Officers, it was determined that the proposal should not detract from Settlers Avenue's role as the retail 'main street'. It is considered, however, that a notification be included on the IDGP to ensure the construction of the tenancies fronting Settlers Avenue, as depicted on the IDGP, as part of the next stage of expansion.
Compliance with the Local Commercial Strategy

The LCS specifies a maximum of 25,000m² NLA retail floorspace to the Baldivis Town Centre. Whilst the Core Precinct is the intended focus for retail activities in the Centre, the retail floorspace is not allocated exclusively to the Core Precinct and any proposed development needs to consider existing and approved developments throughout the Centre (which currently totals 10,853m²).

Furthermore, it is considered that any proposal should ensure that the intent of the Baldivis Town Centre Policy, to achieve a 'main street' based town centre, is not compromised. It is essential that retail uses can be developed along the length of the 'main street', Settlers Avenue. In this regard, it is calculated that the IDGP provides for at least 5,150m² main street retail within the Core Precinct, based on the indicative building footprints depicted on the IDGP.

Based on the above, the maximum retail floorspace (NLA) currently available to the shopping centre is 15,197m², including the existing stage. This may not be sufficient to permit the scale of expansion proposed by Stockland, however, the exact retail floorspace of the shopping centre cannot be established at this early stage.

In order to ensure that expansion of the shopping centre does prevent the development of the 'main street' retail uses identified by the IDGP within the Core Precinct, as a result of the retail floorspace allocation for the Centre being fully utilised by the shopping centre, it is recommended that a notification be included on the IDGP which ensures that expansion of the shopping centre is conditional upon compliance with the City of Rockingham Local Commercial Strategy retail floorspace allocation, taking into account existing and approved retail development within the Baldivis Town Centre, and the priority allocation of floorspace to future 'main street' tenancies within the Core Precinct.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADOPT the amended Integrated Development Guide Plan for the Baldivis Town Centre in accordance with clause 4.5.4(e) of Town Planning Scheme No.2, subject to the following notation being included in the Integrated Development Guide Plan:

"Expansion of the shopping centre in accordance with the Integrated Development Guide Plan is conditional upon the following:-

(i) compliance with the City of Rockingham Local Commercial Strategy retail floorspace allocation, taking into account existing and approved retail development within the Baldivis Town Centre, and the priority allocation of floorspace to future 'main street' tenancies within the Core Precinct; and

(ii) construction of the tenancies fronting Settlers Avenue, as depicted on the IDGP, as part of the first stage of expansion."

8. Committee Recommendation

That Council ADOPT the amended Integrated Development Guide Plan for the Baldivis Town Centre in accordance with clause 4.5.4(e) of Town Planning Scheme No.2, subject to the following notation being included in the Integrated Development Guide Plan:

"Expansion of the shopping centre in accordance with the Integrated Development Guide Plan is conditional upon the following:-

(i) compliance with the City of Rockingham Local Commercial Strategy retail floorspace allocation, taking into account existing and approved retail development within the Baldivis Town Centre, and the priority allocation of floorspace to future 'main street' tenancies within the Core Precinct; and
(ii) construction of the tenancies fronting Settlers Avenue, as depicted on the IDGP, as part of the first stage of expansion.

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

<table>
<thead>
<tr>
<th>Reference No. &amp; Subject:</th>
<th>SP-021/11 Proposed Street Naming Theme - Lots 323, 529 &amp; 530 Baldivis Road &amp; Lot 98 Ingram Road, Baldivis</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/294-03</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Development Planning Strategies</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Nicole D'Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Sharon Peacock, Senior Planning Administration Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16th May 2011</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Legislative</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lots 323, 529 &amp; 530 Baldivis Road, &amp; Lot 98 Ingram Road, Baldivis</td>
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<td>Lot Area:</td>
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<td>Maps/Diagrams:</td>
<td>Location Plan, Street Name Plan</td>
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![Subject Site](image-url)
1. **Purpose of Report**

To consider an application seeking approval for a street naming theme based on 'Inspirational Places, Locations and Landmarks around the Globe' for the Spires Private Estate located at Lots 323, 529 and 530 Baldivis Road, and Lot 98 Ingram Road, Baldivis.

2. **Background**

A Local Structure Plan for the site was adopted by the Council and the Western Australian Planning Commission (WAPC) in 2009 and subsequent conditional subdivisional approval was granted for a portion of the land in 2010.

The Spires Private Estate covers approximately 130ha and will produce approximately 1500 lots.

3. **Details**

The applicant proposes that the street names within the Spires Private Estate be based on a theme of 'Inspirational places, locations and landmarks from around the globe', where 'best' development has occurred.

The intent of the landowner is to create an 'inspirational' feel and the selection of proposed street names reflects best practice, high quality and/or highly recognisable features and landmarks.

The rationale behind this choice of street naming theme is that the estate is to be developed to a high standard with quality street furniture, public art features and landscaping treatments.

An example of the proposed street names are as follows:-

- Everest Avenue
- Maldives Bend
- Amazon Drive
- Venezia Fairway
- Nile Lane
- Tower Lane
- Niagara Street
- Copenhagen Street
- Sistine Street
- Sahara Drive

4. **Implications to Consider**

a. **Consultation with the Community**

   Nil

b. **Consultation with Government agencies**

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

c. **Strategic**

   Community Plan

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

   **Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative, legally and ethically compliant.
d. Policy
Nil

e. Financial
Nil

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

5. Comments
It is considered that many existing street naming themes based on 'locally significant' items or persons have been largely utilised within portions of the City.

Further, that the proposed theme is compliant with the City's Planning Procedure 1.4 and the Geographic Names Committee Principles, Procedures and Guidelines which outlines names which are 'descriptive names appropriate to the features' as one of the preferred sources of street names.

In light of the above, it is recommended that the Council support the street naming theme based on ‘Inspirational places, locations and landmarks around the globe’ for the Spires Private Estate, Baldivis.

6. Voting Requirements
Simply Majority

7. Officer Recommendation
That Council ENDORSE the proposed street naming theme of 'Inspirational Places, Locations and Landmarks around the Globe' for use within the Spires Private Estate located at Lots 323, 529, 530 Baldivis Road and Lot 98 Ingram Road, Baldivis.

8. Committee Recommendation
That Council ENDORSE the proposed street naming theme of 'Inspirational Places, Locations and Landmarks around the Globe' for use within the Spires Private Estate located at Lots 323, 529, 530 Baldivis Road and Lot 98 Ingram 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**  
Strategic Planning & Environment Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th><strong>SP-022/11 Final Approval - Amendment No.100 to Town Planning Scheme No.2</strong></th>
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<tr>
<td><strong>File No:</strong></td>
<td>LUP/1454</td>
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<tr>
<td><strong>Proponent/s:</strong></td>
<td>Ms Jan Davies</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr David Waller, Co-ordinator, Statutory Planning</td>
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<tr>
<td></td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
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<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>16th May 2011</td>
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<td><strong>Previously before Council:</strong></td>
<td>June 2001 (PD129/6/01) and June 2010 (PD57/6/10)</td>
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**Site:**  
Lot 685 (No.2) Grange Drive, Cooloongup

**Lot Area:**  
682.5m²

**LA Zoning:**  
Residential R20 - Additional Use 23 [Ambulance (Transport) Depot]

**MRS Zoning:**  
Urban

**Attachments:**  
Location Plan

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

To consider granting Final Approval to Scheme Amendment No.100 to modify Additional Use (‘A23’) to permit ‘Office and Consulting Rooms’.

2. **Background**

In June 2010, Council resolved to adopt (initiate) Amendment No.100 to Town Planning Scheme No.2 to modify Additional Use (‘A23’) to permit ‘Office and Consulting Rooms’.

3. **Details**

At the conclusion of the advertising period, three submissions were received from Government Agencies. The Water Corporation provided advice relating to the future servicing of the lot. The Public Transport Authority (‘PTA’) identified that vehicle noise levels from Ennis Avenue may be an issue for the future office. Western Power raised no objection to the proposal.

4. **Implications to Consider**

   a. **Consultation with the Community**

      The Scheme Amendment was advertised to seven (7) affected landowners for a period of forty-two (42) days, with the advertising period closing on the 1st April 2011.

      A notice was placed in the Weekend Courier on the 18th February 2011. A sign was erected on the property and remained on-site for the duration of the advertising period. Copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices and placed on the City’s website.

   b. **Consultation with Government Agencies**

      The Scheme Amendment was referred to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986. In January 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:

      - Western Power;
      - Water Corporation;
      - Telstra
      - Mains Roads WA (MRWA); and
      - Public Transport Authority (PTA);

   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 made within 42 days of the publication of the advertisement and submit to the Western Australian Planning Commission, for recommendation to the Minister for Planning, its decision to proceed or not to proceed with the Amendment.

---

**5. Comments**

The advice provided by the Water Corporation regarding the provision of services to the subject land can be addressed as part of future conditions of approval.

The submission by the PTA relating to noise generated by Ennis Avenue is not considered relevant given that the Office and Consulting Rooms uses are not considered Noise Sensitive Premises under the Environmental Protection (Noise) Regulations (1997).

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

---

**6. Voting Requirements**

Simple Majority

---

**7. Officer Recommendation**

That Council:-

1. **ADOPT** Scheme Amendment No.100 to Town Planning Scheme No.2, which seeks to modify Additional Use No.23 to Schedule No.2, to permit ‘Offices and Consulting Rooms’ on Lot 685 (No.2) Grange Drive, Cooloongup, for Final Approval without modification.

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

---

**CITY OF ROCKINGHAM**

**SCHEDULE OF SUBMISSIONS**

**AMENDMENT NO.100 TO TOWN PLANNING SCHEME NO.2 - ADDITIONAL USE ('A23') 'OFFICE AND CONSULTING ROOMS' TO LOT 685 (NO.2) GRANGE DRIVE, COOLOONGUP**

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
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<tbody>
<tr>
<td>No. 1 - Public Transport Authority - PO Box 8125, Perth Business Centre, Western Australia WA 6849</td>
<td>Thank you for your letter dated 11 February regarding an additional use of &quot;Office and Consulting Rooms&quot; for the site at lot 685 Grange Drive. Rail Noise may be an issue but given it is separated by busy Ennis Avenue, it is likely road noise will be more of an issue for what would generally be a quiet office (office/consulting rooms).</td>
<td>That the submission be noted. Given that the proposed use is to be commercial in nature noise is not considered to relevant factor.</td>
</tr>
<tr>
<td>No.2 - Water Corporation, PO Box 100, Leederville WA 6902</td>
<td>Thank you for your letter received 15 February 2011 requesting comment on the abovementioned application. The Corporation has no objection to the proposal detailed above. The lot is currently serviced by water and wastewater connection. If the proponent wishes to develop the lot further then the following may apply:</td>
<td>That the submission be noted.</td>
</tr>
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The principle followed by the Water Corporation for funding of the subdivision, development or redevelopment is one of the user pays and the developer is expected to provide all water and sewerage reticulation, service connection points. In addition the developer may be required to fund new works or the upgrading of existing work to provide for the increase demand resulting form the development.

No.3 - Western Power - Locked Bag 2520 Perth WA 6001
1. To the best of my knowledge, there are no objections to the changes you propose to carry out for the abovementioned project

That the submission be noted.

8. Committee Recommendation

That Council:-

1. **ADOPT** Scheme Amendment No.100 to Town Planning Scheme No.2, which seeks to modify Additional Use No.23 to Schedule No.2, to permit 'Offices and Consulting Rooms' on Lot 685 (No.2) Grange Drive, Cooloongup, for Final Approval without modification.

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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

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th><strong>SP-023/11 Domestic Wind Turbine</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>28/6225</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Mr C &amp; Mrs J Harvey</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Regan Travers, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Dave Waller, Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td><strong>Mr Mike Ross, Manager, Statutory Planning</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>16th May 2011</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Quasi Judicial</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Lot 30 (No.6) Erlistoun Street, Golden Bay</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>Residential (R20)</td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td>Urban</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>890m²</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Site Plan, Elevation Plan, Submission &amp; Applicant's response to objection</td>
</tr>
<tr>
<td><strong>Maps/diagrams:</strong></td>
<td>Location Plan</td>
</tr>
</tbody>
</table>

![Location Plan](image_url)

**Location Plan** – Lot 30 (No.6) Erlistoun Street, Golden Bay
1. **Purpose of Report**

To consider an application seeking Planning Approval for a Wind Turbine at Lot 30 (No.6) Erlistoun Street, Golden Bay.

2. **Background**

Nil.

3. **Details**

The applicant seeks planning approval to construct a Wind Turbine in the backyard of the subject property.

The proposal comprises two vertically orientated cylindrical-shaped barrels mounted on a monopole. The output of the turbine is approximately of 1-2kw. The manufacturer (Windpods) describes the Turbine as having the following characteristics:

- Extremely low noise and vibration;
- Able to operate vertically, horizontally or any angle in-between (vertically in the case of this application);
- Able to operate efficiently in gusty and turbulent winds, such as typically found in urban environments;
- Able to be mounted onto buildings at low cost in a location where wind is at its highest concentration;
- Slender, elongated turbines of only 460mm diameter; and
- Save to birds, given the Windpods have larger, smooth blades plus a frame surround that are visually obvious.

The Wind Turbine is to be powder coated and coloured Rivergum Green. The structure has an overall height of eight (8) metres and is proposed to be located in the middle of the backyard, abutting an existing garden shed. The pole is to be located 8.6 metres from the boundary to No.4 Erlistoun Street, 10 metres from No. 8 Erlistoun Street; and 9 metres from No.5 Mileura Street. The mount pole is to be mid-hinged so that the Wind Turbine can be folded down for servicing.

The proposed Wind Turbine will be two metres higher than the roof of the dwelling at its highest point.

4. **Implications to Consider**

a. **Consultation**

In accordance with Clause 6.3.3 of TPS.2, eight adjoining landowners were notified in writing of the proposal and invited to comment for a period of 14 days ending on the 10th April 2011.

At the completion of the advertising period two submissions had been received. An objection was received from the owner of No.8 Erlistoun Street raising concern over potential visual impacts and noise, but supportive of renewable energy. Specific concerns relate to the impact of backyard activities given the proximity of a pool and gazebo, along with the possibility of non-stop droning noise from the Turbine. One submission of support was also received.

The applicant has provided a response to submisioneer concerns, which is attached to the report.

b. **Consultation with Government Agencies**

Consultation with Government agencies is not required.
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**

Council has no Planning Policy for Wind Turbines, however, a draft Policy is currently being prepared by City Officers for consideration by Council at a future meeting.

e. **Financial**

Nil

f. **Legal and Statutory**

Nil

5. **Comments**

The key considerations of the application are the potential noise and visual impacts on neighbours. The applicant notes that for the Wind Turbine to function efficiently it needs to receive air flow with a minimum of interference, and therefore needs to project above the ridge-line of the existing house.

**Visual Considerations**

The subject land is situated in a Residential zone which is characterised by single-storey and two-storey dwellings. Properties in the vicinity are generally large lots around 900m² in area.

The objection to the Turbine proposal noted potential visual impact on their backyard, suggesting that the structure be lowered in an effort to reduce visual impact. The applicant has provided the following response:-

'As originally stated the pole will be mid hinged for ease of installation, yearly inspected and maintained. The pole will be galvanised for corrosion protection and powder coated Rivergum Green to match in with our backyard shed and neighbouring trees so as to be more aesthetic. The pole will be smaller and less obtrusive than the street electrical poles at the front of our property and shorter than neighbouring trees at the back of our property. The positioning of the pole in the backyard is such to provide maximum distance to all neighbouring fence lines and or own bedrooms.'
No.4 Erlistoun Street, which is situated to the south of the subject site, is vacant. No.8 Erlistoun Street, which is located to the north of the site, has been developed with a dwelling and has a pool and gazebo located in the backyard. No.5 Mileura Street (which backs onto the subject site) has some large trees along its rear boundary and elevated water tank approximately 7.5 metres in height, which will screen the proposed Turbine. The existing dwelling will limit views of the Wind Turbine from the street.

The upper portion of the Wind Turbine will be partially visible from the adjoining properties to the north and south of the site. The existing shed on the subject site will provide partial screening of the supporting structure and only the upper portion of the Turbine would be visible from adjoining properties. Further effective screen vegetation is not possible directly abutting the northern neighbour (No.8 Erlistoun Street), given the location of the shed and a driveway which runs along the northern boundary.
The form and function of the Turbine is such that it is not possible to fully screen it from neighbours, however, a central location is considered appropriate. The height of the proposed Turbine is also consistent with the maximum roof height of a two storey dwelling (9m) permissible under the Residential Design Codes.

**Noise Considerations**

Any noise source must comply with the Environmental Protection (Noise) Regulations 1997 (Regulations). The Regulations take into account the tonal component of noise and assigns a noise level accordingly.

The submissioner notes that a constant dull droning noise potentially created by the proposed Turbine is of concern given proximity to outdoor entertaining areas and nearby bedrooms. The applicant has provided the following response:-

*This is one concern I feel has been addressed already in previous letters to yourself and council and after significant noise monitoring I do not agree with the statement that “there is always going to be some form of dull droning noise” because if there is no wind, the Windpod will not be spinning. In saying this I admit that I personally have not heard a Windpod in operation as apart from the test unit in Fremantle, none have been installed but with several back up letters and discussions with Windpod’s Australia, I accept the noise tests results that have been performed.

My background noise testing has been carried out at my residence during council “Quiet hours” of 10pm to 7am. I have given a copy of early results to council and to my neighbours to point out that on most nights the Decibel level (db) is over the 35db council limit and at this stage up to 57db and this is with minimal wind speeds. Wind speeds for my testing are taken from my weather station mounted at approx the same height that the Windpod will be mounted. I will continue to monitor background noise up until possible installation of my Windpod.*
I have offered my neighbours the use of my monitoring equipment that I have purchased, for them to see and record for themselves the background noise levels if they wish.

In closing on the noise issue, please remember that noise levels supplied by Windpod's Australia (which are 35-40db) are taken on a unit at near full generation speed of approx 45klm's. These readings were taken at 2 meters and as stated in Windpod's letter to council should be significantly less at 12 meters distance to neighbouring fence lines. At 45 klm wind speed in the backyard, no one is going to be sitting outside listening to the birds. If there is no wind there will be no noise at all.

Preliminary noise testing of a similar device has indicated that the Wind Turbine has the potential to operate in compliance with the Regulations, however, it should be noted that such results cannot be transferred this location. The applicant has also provided acoustic data that indicates noise generated by ocean and trees, as wind speed increases, will exceed the noise generated by the Turbine.

The applicant has agreed to provide a post construction acoustic report demonstrating that the Wind Turbine complies with the Regulations or will be modified to comply with assigned levels. Based on the acoustic information received, the proposed Wind Turbine will be compliant with the Regulations.

**Conclusion**

The potential noise considerations associated with the proposed Wind Turbine have been adequately addressed by the applicant. It is not possible to fully screen the Wind Turbine from view of neighbours, although it could be partially screened by existing improvements. On balance of the submission and merits of the proposal, it is recommended the application be approved.

### 6. Voting Requirements

Simple Majority

### 7. Officer Recommendation

That Council, **APPROVE** the application 20.2011.1 seeking Planning Approval for a Wind Turbine at Lot 30 (No.6) Erlistoun Street, Golden Bay, subject to the following condition:-

1. The development complying with the *Environmental Protection (Noise) Regulations 1997* at all times.

### 8. Committee Recommendation

That Council, **APPROVE** the application 20.2011.1 seeking Planning Approval for a Wind Turbine at Lot 30 (No.6) Erlistoun Street, Golden Bay, subject to the following condition:-

1. The development complying with the *Environmental Protection (Noise) Regulations 1997* 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.
Planning Services
Statutory Planning

Reference No. & Subject: SP-024/11 Proposed Amendments to Planning Policy No. 3.3.14 - Bicycle Parking and End-of-Trip Facilities

File No: LUP/312
Proponent/s: City of Rockingham
Author: Mr Ross Underwood, Senior Planning Officer
Other Contributors: Mr David Waller, Co-ordinator, Statutory Planning
Mr Mike Ross, Manager, Statutory Planning
Date of Committee Meeting: 16th May 2011
Previously before Council: May 2008 (PD74/5/08), April 2009 (PD54/4/09)
Disclosure of Interest:
Nature of Council’s Role in this Matter: Executive Function

1. Purpose of Report
To consider amending Planning Policy No. 3.3.14 - Bicycle Parking and End-of-Trip Facilities (“the Policy”) to reflect the new bicycle parking requirements of the R-Codes and to reflect the footpath clearance requirements of Health Policy 6.6 - Outdoor Eating Facilities in Public Places.

2. Background
In May 2008, Council adopted Health Policy 6.6 - Outdoor Eating Facilities on Public Places, and included a new provision requiring a 1.5m clear footpath between the building line to the outdoor eating area.
In November 2010, the Western Australian Planning Commission ("WAPC") made changes to State Planning Policy 3.1 - Residential Design Codes ("the R-Codes") relating to multiple dwellings, and included the following Acceptable Development provision (7.3.3 A3.2):

"In addition to the above, 1 bicycle space to each 3 dwellings for residents; and 1 bicycle space to each 10 dwellings for visitors, and designed in accordance with AS2890.3."

### 3. Details

It is proposed to change the bicycle parking rates for multiple dwellings to refer directly to the Residential Design Codes rather than specify a rate, and relocate 'lodging houses' and 'from 1 space per 12 dwellings/lodging rooms to 1 space per 10 dwellings/lodging rooms, to provide consistency with the new R-Codes.

A further change to the Policy involves inserting a new provision requiring short-term bicycle parking to be located so as to provide a minimum clear footpath width of 1.5m directly adjacent to the building when it is built up to a street, unless otherwise approved by the City. This is consistent with Health Policy 6.6 - Outdoor Eating Facilities on Public Places.

### 4. Implications to Consider

**a. Consultation with the Community**

Under 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.

**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 Aspirations contained in the Community Plan 2011:--

**Aspiration 5:** Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

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

**Aspiration 15:** Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant.

**d. Policy**

Planning Procedure 1.3 - Community Consultation guides the public consultation associated with the draft Policy.

**e. Financial**

Nil
f. **Legal and Statutory**

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

---

5. **Comments**

The proposed Policy changes provide for consistency with the R-Codes and Council's *Outdoor Eating Facilities on Public Places* Policy. It is recommended that the Policy changes be advertised for public comment.

---

6. **Voting Requirements**

Simple Majority

---

7. **Officer Recommendation**

That Council *ENDORSE* the publishing of a notice that it has prepared the following amendments to Planning Policy No.3.3.14 - *Bicycle Parking and End-of-Trip Facilities* for public inspection for a period of 21 days, pursuant to clause 8.9.4 of Town Planning Scheme No.2:

**PLANNING POLICY 3.3.14**

**BI CYCLE PARKING & END-OF-TRIP FACILITIES**

Red and underlined font means text proposed to be added

Red and strikethrough font means text proposed to be deleted

1. **Introduction**

The City of Rockingham supports the use of sustainable transport and acknowledges the need to provide supportive environments including bicycle parking and end-of-trip facilities. New developments should endeavour to include bicycle parking alongside car parking. Large-scale development will be encouraged to also provide end-of-trip facilities including lockers, change rooms and showers.

Existing development will be encouraged to provide these bicycle parking and end-of-trip facilities when upgrading developments.

The aim of the policy is to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City. The *Perth Metropolitan Transport Strategy* aims to increase the rate of bicycle trips to 11.5% of all trips by 2029, and this Policy aims to cater for this projected demand for bicycle parking and end-of-trip facilities.

Clause 6.6 of Town Planning Scheme No.2 sets out the matters that the Council, in considering an application for planning approval, is to have due regard to as are in the opinion of the Council relevant to the use or development the subject of the application, and includes:-

"(u) whether adequate provision has been made for access for pedestrians and cyclists, and the provision of bicycle parking and end-of-trip facilities."

2. **Policy Application**

This Policy applies to all applications for planning approval, including change-of-use applications where an intensification of land use is proposed.

3. **Policy Objectives**

The objectives of this Planning Policy are as follows:-

(a) To ensure the provision of appropriate bicycle parking and end-of-trip facilities in new developments and extensions or intensification of existing developments in the City as outlined in Table 1; and
(b) To provide guidance on the development and design of bicycle parking and end-of-trip facilities.

4. **Policy Statement**

4.1 **Provision of Bicycle Parking Devices**

Bicycle parking devices are installations that allow for the secure and convenient parking of bicycles, and are separated into two different types: long-term parking and short-term parking. Long-term and short-term bicycle parking devices are to be provided at the rates shown on the following table:

**Table 1 - Bicycle Parking Rates**

<table>
<thead>
<tr>
<th>Usea</th>
<th>Minimum Long-term Parking</th>
<th>Minimum Short-term Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwelling Lodging House Residential Building</td>
<td>1 space per 3 dwellings/lodging roomsAs per the Residential Design Codes</td>
<td>1 space per 12 dwellings/lodging roomsAs per the Residential Design Codes</td>
</tr>
<tr>
<td>Lodging House Residential Building</td>
<td>1 space per 3 lodging rooms</td>
<td>1 space per 10 lodging rooms</td>
</tr>
<tr>
<td>Short Stay Accommodation Hotel (accommodation component only) Motel</td>
<td>1 space per 40 guest bedrooms</td>
<td>none required</td>
</tr>
<tr>
<td>Commercial b:- - Local Shops (less than 1,000m² NLA) - Neighbourhood Centres (between 1,001m² - 4,999m² NLA) - District Centres (greater than 5,000m² NLA)</td>
<td>1 space per 250m² NLA</td>
<td>1 space per 150m² NLA (minimum 2 spaces)</td>
</tr>
<tr>
<td></td>
<td>1 space per 500m² NLA (minimum 4 spaces)</td>
<td>1 space per 300m² NLA (minimum 6 spaces)</td>
</tr>
<tr>
<td></td>
<td>1 space per 1,500m² NLA (minimum 10 spaces)</td>
<td>1 space per 750m² NLA (minimum 16 spaces)</td>
</tr>
<tr>
<td>Office</td>
<td>1 space per 200m² NLA</td>
<td>1 space per 500m² NLA</td>
</tr>
<tr>
<td>Consulting Rooms Medical Centre</td>
<td>1 space per 8 practitioners</td>
<td>1 space per 4 practitioners</td>
</tr>
<tr>
<td>Hotel (excluding accommodation component) Tavern Small Bar Nightclub</td>
<td>1 space per 100m² of bars and public areas, including lounges, beer gardens and restaurants</td>
<td>1 space per 150m² of bars and public areas, including lounges, beer gardens and restaurants</td>
</tr>
<tr>
<td>Health Studio Private Recreation</td>
<td>1 space per 400m² NLA available to the public, including swimming pools</td>
<td>1 space per 200m² NLA available to the public, including swimming pools</td>
</tr>
<tr>
<td>Community Use Exhibition Centre Public Worship - Place of Club Premises Reception Centre</td>
<td>none required</td>
<td>1 space for every 30 people the building is designed to accommodate</td>
</tr>
<tr>
<td>Showroom</td>
<td>1 space per 750m² NLA for premises greater than 300m²</td>
<td>1 space per 1,000m² NLA</td>
</tr>
<tr>
<td>Industry - Servicec</td>
<td>1 space per 800m² NLA for premises greater than 300m² NLA</td>
<td>none required</td>
</tr>
<tr>
<td>Other Industrial Uses</td>
<td>1 space per 1,000m² for premises greater than 300m² NLA</td>
<td>none required</td>
</tr>
</tbody>
</table>
a Unless defined elsewhere by this Policy, the uses specified above are defined in Schedule No.1 - Interpretations of the City of Rockingham Town Planning Scheme No.2.

b “Commercial” includes a Shop, Bank, Betting Agency, Convenience Store, Fast Food Outlet, Homestore, Lunch Bar, Restaurant, Restricted Premises, Service Station (convenience store component).

c “Industry - Service” includes a Dry Cleaning Premises, Funeral Parlour, Landscape Supply Yard, Laundromat, Motor Vehicle and Marine Sales Premises, Motor Vehicle Repair Station, Open Air Display, Plant Nursery, Trade Display.

The Council may approve an application that does not comply with Table 1 or may approve an application for a use that is not listed in Table 1 having regard to:

(i) the Perth Metropolitan Transport Strategy aim of increasing the rate of trips made by bicycle to 11.5% of all trips by 2029;

(ii) Austroads Part 14 - Bicycles;

(iii) the nature of the proposed development;

(iv) the number of employees likely to be employed on site;

(v) the anticipated demand for employee, customer, resident and student parking; and

(vi) the orderly and proper planning of the locality.

4.2 Design of Bicycle Parking Facilities

Long-term bicycle parking facilities should be located in a convenient and secure location for employees/residents and can include the following:

- Locked compounds with communal access using duplicate keys or electronic swipe cards in a secure location and fitted with bicycle parking devices; or

- Fully-enclosed individual lockers; or

- Devices to which the bicycle frame and wheels can be locked positioned close to and directly visible from inside the place of employment.

Short-term bicycle parking facilities includes devices to which the bicycle frame and wheels can be locked, and should be located in a convenient and secure position close to the entrance of the premises.

Regardless of the type of bicycle parking, bicycle parking devices should be designed in accordance with Australian Standard AS 2890.3 - Bicycle Parking Facilities and Austroads Part 14 - Bicycles, must be convenient and secure, and should comply with the following criteria:

- enable wheels and frame to be locked to the device without damaging the bicycle;

- be placed in public view (i.e. where they can be viewed by passers-by, shopkeepers, station attendants, teachers or fellow workers);

- be located outside pedestrian movement paths;

- be easily accessible from the road;

- be arranged so that parking and unparking manoeuvres will not damage adjacent bicycles;

- be protected from manoeuvring motor vehicles and opening car doors;

- be as close as possible to the cyclist’s ultimate destination;

- be well lit by appropriate existing or new lighting;

- be protected from the weather; and

- be designed to fit in harmony with the surrounding environment.

Where the building is built up to the front boundary, the City will accept short-term parking spaces being provided in the road reserve adjacent to the building, located so as to provide a minimum clear footpath width of 1.5m directly adjacent to the building unless otherwise approved by the City, subject to the standards defined in AS 2890.3 being met. Long-term parking must be provided on site.

Signs should be provided to direct cyclists to parking devices where their purpose is not immediately apparent or are not readily visible.
4.3 Provision of End-of-Trip Facilities

End-of-trip facilities include destination facilities provided for bicycle commuters such as showers, change rooms and lockers.

Where long-term bicycle parking spaces are provided, showers must be provided at the following rate:

<table>
<thead>
<tr>
<th>Number of long-term parking spaces provided</th>
<th>Number of showers required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>0</td>
</tr>
<tr>
<td>3-5</td>
<td>1</td>
</tr>
<tr>
<td>6-10</td>
<td>2 (one male, one female)</td>
</tr>
<tr>
<td>11-20</td>
<td>4 (two male, two female)</td>
</tr>
<tr>
<td>more than 20</td>
<td>4 (two male, two female) plus additional showers at the rate of 2 showers (one male, one female) for every 10 long-term parking spaces after 20 provided thereafter</td>
</tr>
</tbody>
</table>

Where it can be demonstrated that staff of a development work predominately part-time, casual or varied hours, the requirement to provide for shower facilities may be reduced where shower facilities are used at different hours.

Where showers are required, change rooms must also be provided. They must be provided as either:

- a combined shower and change cubicle; or
- one communal change room for each gender, directly accessible from the showers for that gender without passing through a public space.

Shower and change facilities must be located so that users and their belongings have a high level of security.

All showers provided are to dispense both hot and cold water. Cold-only showers must not be counted towards the requirements of this section.

Clothing lockers encourage cycling by providing secure storage for cycling clothes, footwear and towels. Clothing lockers should be:

- provided at a minimum rate of one clothing locker for each long-term bicycle parking space;
- of suitable volume and dimensions to allow storage of clothing, towels, cycling helmets and footwear;
- well ventilated, secure and lockable; and
- located close to shower and change facilities.

Where possible, showers and clothing lockers should be located close to long-term bicycle parking facilities. Where bicycle parking lockers are provided, clothing may be stored within the bicycle parking locker provided there is adequate space and hangers.

5. 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.

6. Interpretations

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

Council means the Council of the City of Rockingham.

Net Lettable Area (NLA) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:-
(a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
(b) lobbies between lifts facing other lifts serving the same floor;
(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

**Residential Design Codes** means State Planning Policy 3.1 Residential Design Codes as amended from time to time.

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

- **Device** means a thing to or in which one or more bicycle frame(s) and wheels can be locked, and includes rails, bicycle lockers and bicycle compounds.
- **Long-term parking** includes day parking for employees, residents' parking at apartments and student parking at educational establishments.
- **Short-term parking** includes parking for shoppers and visitors to a premises.
- **Space** means parking for one bicycle.

7. **Delegation**

Applications for planning approval 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, unless otherwise required under Town Planning Scheme No.2 or a planning policy under the Scheme.

8. **Adoption**

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 28th April 2009, and modified by Council on ___.

### 8. **Committee Recommendation**

That Council **ENDORSE** the publishing of a notice that it has prepared the following amendments to Planning Policy No.3.3.14 - Bicycle Parking and End-of-Trip Facilities for public inspection for a period of 21 days, pursuant to clause 8.9.4 of Town Planning Scheme No.2:

**PLANNING POLICY 3.3.14**

**BI CYCLE PARKING & END-OF-TRIP FACILITIES**

- **Red and underlined font** means text proposed to be added
- **Red and strikethrough font** means text proposed to be deleted

1. **Introduction**

The City of Rockingham supports the use of sustainable transport and acknowledges the need to provide supportive environments including bicycle parking and end-of-trip facilities. New developments should endeavour to include bicycle parking alongside car parking. Large-scale development will be encouraged to also provide end-of-trip facilities including lockers, change rooms and showers.

Existing development will be encouraged to provide these bicycle parking and end-of-trip facilities when upgrading developments.

The aim of the policy is to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City. The **Perth Metropolitan Transport Strategy** aims to increase the rate of bicycle trips to 11.5% of all trips by 2029, and this Policy aims to cater for this projected demand for bicycle parking and end-of-trip facilities.
Clause 6.6 of Town Planning Scheme No.2 sets out the matters that the Council, in considering an application for planning approval, is to have due regard to as are in the opinion of the Council relevant to the use or development the subject of the application, and includes:

“(u) whether adequate provision has been made for access for pedestrians and cyclists, and the provision of bicycle parking and end-of-trip facilities.”

2. Policy Application

This Policy applies to all applications for planning approval, including change-of-use applications where an intensification of land use is proposed.

3. Policy Objectives

The objectives of this Planning Policy are as follows:

(a) To ensure the provision of appropriate bicycle parking and end-of-trip facilities in new developments and extensions or intensification of existing developments in the City as outlined in Table 1; and

(b) To provide guidance on the development and design of bicycle parking and end-of-trip facilities.

4. Policy Statement

4.1 Provision of Bicycle Parking Devices

Bicycle parking devices are installations that allow for the secure and convenient parking of bicycles, and are separated into two different types: long-term parking and short-term parking. Long-term and short-term bicycle parking devices are to be provided at the rates shown on the following table:

**Table 1 - Bicycle Parking Rates**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Long-term Parking</th>
<th>Minimum Short-term Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Dwelling</td>
<td>1 space per 3 dwellings/lodging rooms</td>
<td>1 space per 12 dwellings/lodging rooms</td>
</tr>
<tr>
<td>Lodging House</td>
<td>As per the Residential Design Codes</td>
<td>As per the Residential Design Codes</td>
</tr>
<tr>
<td>Residential Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodging House</td>
<td>1 space per 3 lodging rooms</td>
<td>1 space per 10 lodging rooms</td>
</tr>
<tr>
<td>Residential Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short Stay Accommodation</td>
<td>1 space per 40 guest bedrooms</td>
<td>none required</td>
</tr>
<tr>
<td>Hotel (accommodation component only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial 1:­-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Local Shops (less than 1,000m² NLA)</td>
<td>1 space per 250m² NLA</td>
<td>1 space per 150m² NLA</td>
</tr>
<tr>
<td>- Neighbourhood Centres</td>
<td>1 space per 500m² NLA (minimum 4 spaces)</td>
<td>1 space per 300m² NLA (minimum 6 spaces)</td>
</tr>
<tr>
<td>- District Centres (greater than 5,000m² NLA)</td>
<td>1 space per 1,500m² NLA (minimum 10 spaces)</td>
<td>1 space per 750m² NLA (minimum 16 spaces)</td>
</tr>
<tr>
<td>Office</td>
<td>1 space per 200m² NLA</td>
<td>1 space per 500m² NLA</td>
</tr>
<tr>
<td>Consulting Rooms</td>
<td>1 space per 8 practitioners</td>
<td>1 space per 4 practitioners</td>
</tr>
<tr>
<td>Medical Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel (excluding accommodation component)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td>1 space per 100m² of bars and public areas, including lounges, beer gardens and restaurants</td>
<td>1 space per 150m² of bars and public areas, including lounges, beer gardens and restaurants</td>
</tr>
<tr>
<td>Small Bar Nightclub</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Studio</td>
<td>1 space per 400m² NLA available to the public, including swimming pools</td>
<td>1 space per 200m² NLA available to the public, including swimming pools</td>
</tr>
<tr>
<td>Private Recreation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Community Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Car Spaces Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibition Centre</td>
<td>none required</td>
</tr>
<tr>
<td>Public Worship - Place of Club Premises Reception Centre</td>
<td>none required</td>
</tr>
</tbody>
</table>

### Showroom

1 space per 750m² NLA for premises greater than 300m² NLA

### Industry - Service

1 space per 800m² NLA for premises greater than 300m² NLA

### Other Industrial Uses

1 space per 1,000m² for premises greater than 300m² NLA

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* Unless defined elsewhere by this Policy, the uses specified above are defined in Schedule No.1 - Interpretations of the City of Rockingham Town Planning Scheme No.2.

b) "Commercial" includes a Shop, Bank, Betting Agency, Convenience Store, Fast Food Outlet, Homestore, Lunch Bar, Restaurant, Restricted Premises, Service Station (convenience store component).

c) "Industry - Service" includes a Dry Cleaning Premises, Funeral Parlour, Landscape Supply Yard, Laundromat, Motor Vehicle and Marine Sales Premises, Motor Vehicle Repair Station, Open Air Display, Plant Nursery, Trade Display.

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The Council may approve an application that does not comply with Table 1 or may approve an application for a use that is not listed in Table 1 having regard to:

(i) the **Perth Metropolitan Transport Strategy** aim of increasing the rate of trips made by bicycle to 11.5% of all trips by 2029;

(ii) **Austroads Part 14 - Bicycles**;

(iii) the nature of the proposed development;

(iv) the number of employees likely to be employed on site;

(v) the anticipated demand for employee, customer, resident and student parking; and

(vi) the orderly and proper planning of the locality.

### 4.2 Design of Bicycle Parking Facilities

Long-term bicycle parking facilities should be located in a convenient and secure location for employees/residents and can include the following:

- Locked compounds with communal access using duplicate keys or electronic swipe cards in a secure location and fitted with bicycle parking devices; or
- Fully-enclosed individual lockers; or
- Devices to which the bicycle frame and wheels can be locked positioned close to and directly visible from inside the place of employment.

Short-term bicycle parking facilities includes devices to which the bicycle frame and wheels can be locked, and should be located in a convenient and secure position close to the entrance of the premises.

Regardless of the type of bicycle parking, bicycle parking devices should be designed in accordance with **AS 2890.3 - Bicycle Parking Facilities** and **Austroads Part 14 - Bicycles**, must be convenient and secure, and should comply with the following criteria:

- enable wheels and frame to be locked to the device without damaging the bicycle;
- be placed in public view (i.e. where they can be viewed by passers-by, shopkeepers, station attendants, teachers or fellow workers);
- be located outside pedestrian movement paths;
- be easily accessible from the road;
- be arranged so that parking and unparking manoeuvres will not damage adjacent bicycles;
- be protected from manoeuvring motor vehicles and opening car doors;
- be as close as possible to the cyclist's ultimate destination;
- be well lit by appropriate existing or new lighting;
- be protected from the weather; and
- be designed to fit in harmony with the surrounding environment.

Where the building is built up to the front boundary, the City will accept short-term parking spaces being provided in the road reserve adjacent to the building, located so as to provide a minimum clear footpath width of 1.5m directly adjacent to the building unless otherwise approved by the City, subject to the standards defined in AS 2890.3 being met. Long-term parking must be provided on site.

Signs should be provided to direct cyclists to parking devices where their purpose is not immediately apparent or are not readily visible.

4.3 Provision of End-of-Trip Facilities

End-of-trip facilities include destination facilities provided for bicycle commuters such as showers, change rooms and lockers.

Where long-term bicycle parking spaces are provided, showers must be provided at the following rate:

**Table 2 - Provision of showers**

<table>
<thead>
<tr>
<th>Number of long-term parking spaces provided</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>more than 20</td>
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Where it can be demonstrated that staff of a development work predominately part-time, casual or varied hours, the requirement to provide for shower facilities may be reduced where shower facilities are used at different hours.

Where showers are required, change rooms must also be provided. They must be provided as either:

- a combined shower and change cubicle; or
- one communal change room for each gender, directly accessible from the showers for that gender without passing through a public space.

Shower and change facilities must be located so that users and their belongings have a high level of security.

All showers provided are to dispense both hot and cold water. Cold-only showers must not be counted towards the requirements of this section.

Clothing lockers encourage cycling by providing secure storage for cycling clothes, footwear and towels. Clothing lockers should be:

- provided at a minimum rate of one clothing locker for each long-term bicycle parking space;
- of suitable volume and dimensions to allow storage of clothing, towels, cycling helmets and footwear;
- well ventilated, secure and lockable; and
- located close to shower and change facilities.
Where possible, showers and clothing lockers should be located close to long-term bicycle parking facilities. Where bicycle parking lockers are provided, clothing may be stored within the bicycle parking locker provided there is adequate space and hangers.

5. 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.

6. Interpretations

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

Council means the Council of the City of Rockingham.

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(a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
(b) lobbies between lifts facing other lifts serving the same floor;
(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
(d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

Residential Design Codes means State Planning Policy 3.1 Residential Design Codes as amended from time to time.

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

Device means a thing to or in which one or more bicycle frame(s) and wheels can be locked, and includes rails, bicycle lockers and bicycle compounds.

Long-term parking includes day parking for employees, residents' parking at apartments and student parking at educational establishments.

Short-term parking includes parking for shoppers and visitors to a premises.

Space means parking for one bicycle.

7. Delegation

Applications for planning approval 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, unless otherwise required under Town Planning Scheme No.2 or a planning policy under the Scheme.

8. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 28th April 2009, and modified by Council on ....

Committee Voting - 4/0

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

Not applicable.

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

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

To seek the Council's adoption of proposed Planning Procedure 1.11 - *Standard Conditions and Footnotes for Development Approvals* and revocation of Planning Policy 3.3.15 - Standard Approval Conditions for Development Applications.
2. Background

Planning Policy 3.3.15 - Standard Approval Conditions for Development Applications, was adopted by Council in May 2008. In April 2009, amendments to conditions relating to bicycle parking were adopted by Council.

3. Details

The City has undertaken a review of standard conditions for development approvals, as currently set out in Planning Policy 3.3.15. The conditions have been primarily reviewed in the context of ensuring the City's standard conditions are consistent and legal.

The proposed Planning Procedure 1.11 includes both conditions and footnotes. Conditions are requirements placed upon Development Approvals enforceable under the Planning and Development Act 2005, whereas footnotes provide advice or information not enforceable.

In reviewing the appropriateness of conditions, advice was sought from the City's solicitor who advised that the format of conditions should generally include:

- In conditions, the verb "must" is preferred rather than "shall", "will" or "being".
- Conditions should not be directed to "owners" or "applicants"; i.e. "The applicant must lodge a plan..." is not preferred.
- Conditions should not lack certainty or finality, and conditions that include the words "to the City's satisfaction" should be reviewed to ascertain whether a written policy, guideline or standard can instead be referred to or, alternatively, the requirements can be included in the condition.
- Conditions should include a time or date by which the condition must be complied with. For example, a condition might state that it must be undertaken "prior to the issue of a building licence".
- A condition that is intended to have an ongoing effect should contain a verb such as "maintain" or "remain".

The conditions have also been reviewed with the intent of ensuring consistent wording throughout. The headings used in the policy have also been reviewed, and the conditions reordered where necessary. The proposed headings are as follows:

- GENERAL CONDITIONS
- SITE WORKS AND DUST NUISANCE
- WATER MANAGEMENT
- LANDSCAPING
- CARPARKS, BICYCLE PARKING, ACCESS AND END-OF-TRIP FACILITIES
- WORKS IN ROAD RESERVE
- SERVICING
- NOISE NUISANCE
- LIGHT NUISANCE
- AESTHETICS
- ADVERTISEMENTS
- FIRE MANAGEMENT
- HERITAGE
- AMALGAMATION
- REHABILITATION
• RURAL DEVELOPMENT
• DESIGN ELEMENTS - COMMERCIAL
• DESIGN ELEMENTS - RESIDENTIAL
• SPECIAL PURPOSE DWELLINGS
• DISPLAY HOME CENTRES
• HOME OCCUPATIONS / HOME BUSINESSES / COTTAGE INDUSTRIES
• EXCLUDED RETAIL ITEMS - SHOWROOMS AND PHARMACIES
• LICENSED PREMISES
• MOTOR VEHICLE WRECKING
• COMMERCIAL VEHICLE PARKING
• FOOTNOTES

This review has resulted in the deletion of 42 conditions and 10 footnotes and the creation of 18 new conditions and 11 new footnotes. The proposed Planning Procedure includes a total of 80 standard conditions and 28 standard footnotes.

The existing and proposed conditions and the reason for the change to the condition are set out below.

a. GENERAL

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D1</strong> Development must be carried out in accordance with the terms of the application as approved herein and any approved plan.</td>
<td><strong>F1</strong> This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Planning Approval must be submitted to the City.</td>
</tr>
</tbody>
</table>

**Comment:** The City has received advice that conditions must be specific. As D1 is written in a general sense, it is recommended that the condition be deleted and replaced with a footnote which reminds applicants that if the development is not intended to be undertaken in accordance with the approved plans then a fresh application is required.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D2</strong> This approval relates to the amended attached plan dated _________.</td>
<td><strong>D34</strong> Floodlighting must not be illuminated after 10:00pm or before 7:00am. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the Obtrusive Effects of Outdoor Lighting.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D3</strong> Floodlighting not being illuminated after 10:00pm with all illumination being confined to the limits of the development in accordance with the requirements of Australian Standard AS4282-1997 &quot;Control of the Obtrusive Effects of Outdoor Lighting&quot;.</td>
<td><strong>D34</strong> Floodlighting must not be illuminated after 10:00pm or before 7:00am.</td>
</tr>
</tbody>
</table>

**Comment:** The condition has been retained and modified to prevent floodlights from being illuminated before 7am and is intended to have an ongoing effect.
<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D4</strong> No activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.</td>
<td><strong>D30</strong> Activities causing noise and/or inconvenience to neighbours must not be carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or public holidays.</td>
</tr>
</tbody>
</table>

**Comment:** The condition has been retained.

<table>
<thead>
<tr>
<th><strong>Existing Condition and Footnote</strong></th>
<th><strong>Proposed Footnote</strong></th>
</tr>
</thead>
</table>
| **D5** The approval of the Western Australian Planning Commission being obtained prior to the issue of a Building Licence or any works commencing.  
**F4** Under the provisions of the Metropolitan Region Scheme, approval to commence development should be obtained from the Western Australian Planning Commission and therefore your application has been forwarded to the Department for Planning and Infrastructure for determination. Prior to the issue of a Building Licence approval under the Metropolitan region Scheme must be given. Until then no development or any works can proceed. | **F3** Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to the issue of a Building Licence. |

**Comment:** Conditions of planning approval must not refer to decisions made by other authorities. As such, this condition has been deleted, and the footnote simplified.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D6</strong> The excluded retail items, as identified in the interpretation of 'Showroom' in Town Planning Scheme No. 2, not being offered for sale from the subject tenancy. In this regard the interpretation of 'Showroom' is provided in Footnote [*insert].</td>
<td><strong>D74</strong> Excluded retail items, as identified in the interpretation of &lt;&lt;“Showroom’,'Medical Centre”&gt;&gt; in Town Planning Scheme No.2 must not be displayed or offered for sale or sold from the premises at any time.</td>
</tr>
</tbody>
</table>

**Comment:** The condition has been retained and modified to make reference to a similar Scheme requirement relating to pharmacies within medical centres.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D7</strong> Prior to the building being occupied or the business operation commencing in accordance with Clause 6.9 of Town Planning Scheme No.2, a separate application for planning approval is required for the occupation of the commercial tenancies.</td>
<td><strong>D3</strong> This Approval does not authorise or approve the use of any of the tenancies and separate Planning Approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.</td>
</tr>
</tbody>
</table>

**Comment:** The condition has been retained with minor modifications.
### Existing Condition

| D8 | Planning Approval for Bed and Breakfast Accommodation is issued only to the owner, or occupier, of the property to which approval is granted, and is not transferable to another person or to another property without the express approval of the Council. |

### Proposed Condition

| Nil |

**Comment:** The City’s Planning Policy 3.3.2, *Bed and Breakfast Accommodation* (adopted by Council in May 2008) does not recognise circumstances where an approval would not be transferable to another owner. Furthermore, as planning approvals are issued to a certain property it is not necessary to restrict an approval through a condition of approval. This condition is to be deleted.

### b. CAR PARKING AREAS & ACCESSWAYS

**Existing Conditions**

| D9 | The provision and maintenance of a total of ________ ( ) marked carparking bays on-site. |
| D10 | The parking bay(s), driveway(s) and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZ2890.1) unless otherwise specified by this approval and are to be constructed, sealed, kerbed, drained and marked in accordance with the design and specifications approved by the Council prior to issue of a Building Licence. The car park must be completed prior to the development being occupied and thereafter maintained to the satisfaction of City. |
| D11 | In addition to Condition _______, a minimum of ______ (___) disabled carparking bay(s) designed in accordance with Australian Standard 2890.1 - 2004 being provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Carparking bays for persons with disabilities, must be clearly marked by elevated signage and signage on the pavement displaying the International Symbol for the Disabled. (Per the Standards Association of Australia AS 1428.1 - 2001 Design for Access and Mobility, AS 2890.1 - 2004 Parking Facilities Part 1: Off Street Parking). |

**Proposed Condition**

| D14 | The carpark must: |
| (i) | be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to the issue of a Building Licence; |
| (ii) | include <<number of accessible parking spaces>> car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*; |
| (iii) | be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; |
| (iv) | have lighting installed, prior to the occupation of the development; and |
| (v) | confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times. |
**Comment:** This new condition is designed to include all carpark requirements within the one condition. The condition includes several components, including:

1. Existing Condition D9 is not considered necessary, as the number of carparking spaces is usually identified on the approved site plan. Developers are required to construct any carpark in accordance with the approved plans.

2. The new condition makes reference to the updated Australian Standard relating to off-street carparks.

3. Existing condition D11 has been incorporated into the new carpark condition, and includes reference to the required number of spaces. The condition also refers to the updated Australian Standards for off-street accessible parking spaces.

4. Requirements for construction, line marking and drainage of the carpark have been retained.

5. A new requirement for lighting of the carpark has been included in order to "mitigate shadows and potential hiding spots" in accordance with the City's Crime Prevention through Environmental Design Policy and Guidelines (adopted by Council in February 2006).

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D12 Visitor parking bays are to be permanently marked and maintained at all times for use exclusively by visitors to the property, be clearly visible from the street or communal driveway and be located, together with the reversing area, in front of security gates or barrier for the development.</td>
<td>D15 Visitor car parking spaces must be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to the issue of a Building Licence. The visitor car parking spaces must be constructed, clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to the occupation of the development, and must be retained and maintained in good condition at all times.</td>
</tr>
</tbody>
</table>

**Comment:** The condition has been modified to require a minimum number of visitor car parking spaces to be provided, to prevent the spaces being used by residents. The new condition also includes the requirement for an accessible path of travel to the building, in accordance with the R-Codes. Other design issues are resolved at the planning approval stage and are omitted from the new condition.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D13 Traffic control devices are to be designed and constructed in accordance with the requirements and specifications of the City, prior to the issue of a Building Licence.</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comment:** This condition is not specific, in that it does not provide the applicant with guidance on what kind of traffic control devices are required or where. Accordingly the condition is deleted.
### Existing Condition

D14 Where, as part of a development, the adjacent section of road requires modification, it is the responsibility of the developer to bear the cost of all roadworks, including signage and road marking.

#### Proposed Footnote

F23 All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Engineering Services in this regard.

**Comment:** This condition is not specific; furthermore, it relates to works in the road reserve which are outside the scope of a planning approval. This condition has been included as a new footnote, and makes reference to other works in road reserves including crossovers and streetscape works.

### Existing Condition

D15 No materials or goods or refuse is to be stored within the car park designated on the approved plan.

#### Proposed Condition

D18 Materials, sea containers, goods or bins must not be stored within the carpark at any time.

**Comment:** Reference has now been made to sea containers; otherwise this condition has been retained.

### c. EARTHWORKS & DRAINAGE

#### Existing Conditions

D16 All earthworks and/or associated drainage details shall be in accordance with plans and specifications to the satisfaction of the City, prior to the issue of a Building Licence.

D22 A revised site plan showing existing and proposed contours, proposed filling and retaining walls and on-site stormwater disposal being approved by the City prior to the issue of a Building Licence.

D61 Prior to the issue of a Building Licence, a drainage plan showing contours and on-site stormwater disposal and any proposed filling and/or retaining walls being submitted and approved.

#### Proposed Condition

Nil

**Comment:** This condition does not provide guidance on what earthworks are appropriate, and issues relating to earthworks are more appropriately addressed through other approval processes. Stormwater and drainage is addressed in existing conditions D17/D23, below. Approvals for retaining walls are address in existing condition D21, below. These conditions are deleted.
**Existing Conditions**

| D17 | All stormwater being contained and disposed of on-site. |
| D23 | All permanent and temporary stormwater drainage basins being designed, constructed and maintained to the specifications and satisfaction of the City to control the breeding of mosquitoes. |

**Proposed Condition**

| D9 | All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City [for commercial development, include “and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes”]. |

**Comment:** Due to the complexities in assessing drainage designs for large-scale commercial developments, a new requirement has been included in this condition for drainage to be designed by a hydraulic engineer. The requirements of D23 have been included in this new condition.

| D18 | Earthworks over the site being stabilised to prevent sand blowing and dust nuisance. |
| D20 | Batters being stabilised to the City's specifications and satisfaction. |

| Proposed Condition |
| D7 | Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development. |

**Comment:** These conditions have been combined.

| D19 | The development must comply with the Environmental Protection Authority "Guideline for the Prevention of dust and smoke pollution from Land Development Sites in Western Australia 1996", to the satisfaction of City. |

| Proposed Condition |
| D8 | A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the City, prior to the commencement of any work. All works must be carried out in accordance with the Dust Management Plan, for the duration of development. |

**Comment:** This condition has been retained, with reference now being made to the Department of Environment and Conservation's DRAFT - A guideline for the development and implementation of a dust management program.

| D21 | Retaining wall(s) must be constructed in accordance with a suitably qualified Structural Engineer's design and a Building Licence being obtained prior to construction. |

| Proposed Footnote |
| F20 | A Building Licence must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard. |

**Comment:** As this condition requires a separate approval to be obtained, it has been included as a footnote rather than a condition.
### Existing Condition

<table>
<thead>
<tr>
<th>Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D24</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comment:** This condition duplicates requirements for a pre-works geo-technical report to be provided, which is usually imposed as a condition of subdivision approval. As most large-scale developments are also subdivided, this condition is irrelevant and is deleted.

### d. LANDSCAPING & TREEPLANTING

<table>
<thead>
<tr>
<th>Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D25</td>
<td>D11</td>
</tr>
</tbody>
</table>

**Proposed Condition**

A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the issue of a Building Licence:

1. The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
2. Any lawns to be established;
3. Any natural landscape areas to be retained;
4. Those areas to be reticulated or irrigated; and
5. Verge treatments.

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

**Comment:** These two conditions have been combined, and are generally unaltered.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D26</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comment:** Where required, tree planting is generally shown on the approved plans, and is reflected in a landscaping plan. This condition is to be deleted.
### Existing Condition

<table>
<thead>
<tr>
<th>D27</th>
<th>The first ______ (   ) metres of the site being landscaped and reticulated to the satisfaction of the City.</th>
</tr>
</thead>
</table>

**Proposed Condition**

| Nil |

**Comment:** Where required, areas of landscaping are generally shown on the approved plans, and are reflected in a landscaping plan. This condition is to be deleted.

---

### Existing Condition

<table>
<thead>
<tr>
<th>D28</th>
<th>The front setback area and all verge areas being landscaped, reticulated and maintained by the owner/occupier to the satisfaction of the City.</th>
</tr>
</thead>
</table>

**Proposed Condition**

<table>
<thead>
<tr>
<th>D12</th>
<th>The street setback area and all verge areas must be landscaped and reticulated prior to the occupation of the development and must be maintained at all times.</th>
</tr>
</thead>
</table>

**Comment:** This condition is retained.

---

#### e. ENVIRONMENT

### Existing Conditions

<table>
<thead>
<tr>
<th>D30</th>
<th>The area of vegetation delineated on the approved plan for conservation is to be retained and protected from damage from on-site works.</th>
</tr>
</thead>
<tbody>
<tr>
<td>D32</td>
<td>No Grasstree plants (Xanthorrhoeaceae family) are to be removed without the prior written approval of the City. Similarly, no trees or shrubs taller than two metres high existing on the land are to be removed without the prior written approval of the City. Where such vegetation is to be retained, it shall be marked and/or protected to the City's satisfaction during the construction period.</td>
</tr>
</tbody>
</table>

**Proposed Condition**

| D6   | Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, *Protection of trees on development sites*. Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to the issue of a Building Licence. |

**Comment:** These conditions have been reworded such that vegetation is automatically protected (unless identified on the approved plans for removal), and also places the emphasis of the condition on trees and shrubs rather than grasstrees. Finally, the new condition makes reference to the Australian Standard for protection of trees on development sites.

---

### Existing Condition

| D31  | Prior to the issue of a Building Licence or any works commencing, the applicant is to have provided the City with information relating to existing contours and natural features and location of existing vegetation and the extent of earthworks and final contours for the land. |

**Proposed Condition**

| Nil |

**Comment:** This condition does not appear to serve any purpose, and is deleted.
## Existing Condition

**D33** The applicant engaging a qualified environmental consultant to certify that the land does not contain any contaminated groundwater and soil and if any contamination is found it must be remediated in accordance with the requirements of the Environmental Protection Authority and the *Contaminated Sites Act*, to the satisfaction of the City prior to the issuance of a Building Licence and any site works occurring. The site assessment shall be undertaken in accordance with the Department of Environment’s Contaminated Sites Technical Guideline for Development of Sampling and Analysis Programs.

## Proposed Condition

Nil

### Comment:

Site contamination is addressed through separate legislation; this condition is deleted.

### f. SIGNS

#### Existing Condition

**D34** All advertising associated with the development, including signage painted on the building, must be to the satisfaction of the City and approved prior to erection or painting.

#### Proposed Footnote

**F21** A Sign Licence must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.

#### Comment:

This condition refers to the need for separate approval, and therefore is not appropriate as a condition. A new footnote is proposed to address this matter.

#### Existing Condition

**D35** A Sign Strategy for all advertising and signage for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the City prior to the erection of any signage on the site/building.

#### Proposed Condition

**D38** A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to the issue of a Building Licence.

#### Comment:

This condition has been modified to refer to the City's *Control of Advertisements* Policy, which provides guidance on the requirements of a sign strategy.

#### Existing Condition

Nil

#### Proposed Condition

**D39** The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, or be, in the opinion of the City, objectionable, dangerous or offensive, at any time.

#### Comment:

A new condition designed to address the requirements of the City's *Control of Advertisements* Policy relating to advertisements that are not appropriate.
### g. AESTHETICS

<table>
<thead>
<tr>
<th><strong>Existing Conditions and Footnote</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>D36 The extensions and/or alterations shall be in materials, colour and design consistent with the existing building.</td>
<td>Nil</td>
</tr>
<tr>
<td>D37 The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments.</td>
<td></td>
</tr>
<tr>
<td>D54 The existing dwelling must be upgraded externally to an equivalent maintenance standard and appearance of the new development, to the satisfaction of the City.</td>
<td></td>
</tr>
<tr>
<td>F27 In accordance with Condition No.54, ‘equivalent maintenance standard’ in the opinion of Council means the following works to complement the proposed new development:-</td>
<td></td>
</tr>
<tr>
<td>(a) Nature and quality of roof cladding finishes;</td>
<td></td>
</tr>
<tr>
<td>(b) External wall finishes;</td>
<td></td>
</tr>
<tr>
<td>(c) External colour scheme;</td>
<td></td>
</tr>
<tr>
<td>(d) Window treatments;</td>
<td></td>
</tr>
<tr>
<td>(e) Architectural detail and trim; and</td>
<td></td>
</tr>
<tr>
<td>(f) Other matters as detailed by Council marked ‘IN RED’ on the approved plan.</td>
<td></td>
</tr>
<tr>
<td>D81 The design and external materials used in the construction of the development shall be compatible with the environment and not adversely affect the, rural character of the locality.</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:** Neither of these conditions are specific; details should be determined prior to approval being issued. The conditions and footnote are deleted.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>D38 A separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the City prior to applying for a Building Licence.</td>
<td>D35 A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to the issue of a Building Licence. The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.
h. SERVICING

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D39 Access of service vehicles to the property and the operation of forklifts shall be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and Public Holidays.</td>
<td>D31 Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained with minor changes.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D40 The development being connected to reticulated sewerage system of the Water Corporation before commencement of any use.</td>
<td>D23 The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained with minor changes.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D41 The approval of Western Power being obtained to determine whether special provisions exist for the connection of electricity supplies to the proposed development.</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comment:** This condition does not relate to any planning requirement, and is deleted.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D42 The provision of a refuse storage area being provided of a size suitable to service the development and screened from view of the street, to the satisfaction of the City.</td>
<td>D26 A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to the issue of a Building Licence. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.
### Existing Condition

**D43** The preparation of a Waste Management Strategy to the satisfaction of the City, prior to the issue of a Building Licence.

### Proposed Condition

**D28** A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Licence:

1. the location of bin storage areas and bin collection areas;
2. the number, volume and type of bins, and the type of waste to be placed in the bins;
3. management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
4. frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

**Comment:** This condition has been retained, with new requirements for waste management plans.

### Existing Condition

**D44** The bin storage areas being refrigerated, sealed and constructed to the satisfaction of the Manager of Health Services and Director, Engineering and Parks to ensure the suppression of odour and ease of access for servicing.

### Proposed Condition

**D27** The bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City prior to the issue of a Building Licence, constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

**Comment:** This condition has been retained.

### Existing Condition

**D45** The exhaust facilities associated with the proposed [insert if restaurant use] shall comply with Australian Standard 1668.2 - 1991 and be fitted with "state of the art" filtration and odour suppression devices to the satisfaction of the City, prior to the issue of a Building Licence.

### Proposed Condition

**D29** Exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002, *The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure)* and be fitted with "state of the art" filtration and odour suppression devices to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.

**Comment:** This condition has been retained.
### Existing Condition

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D46</td>
<td>The method of providing deliveries to all commercial tenancies being to the satisfaction of the City, prior to the issue of a Building Licence.</td>
</tr>
</tbody>
</table>

#### Proposed Condition

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:** This condition is not specific, and is deleted.

### i. AMALGAMATION

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D47</td>
<td>The amalgamation of all lots onto one Certificate of Title prior to the issue of a Building Licence or any works commencing or, alternatively, a deed of agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development. Such agreement to be prepared at the landowner’s expense.</td>
</tr>
</tbody>
</table>

#### Proposed Condition

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D42</td>
<td>Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to the issue of a building licence or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.

### j. ACOUSTIC ASSESSMENT

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D48</td>
<td>An Acoustic Report being prepared which demonstrates that all mechanical services associated with the development and any other noise source designated by the City's Environmental Health Services will comply to the satisfaction of the City with the Environmental Protection (Noise) Regulations 1997. The report must be prepared by a suitably qualified and experienced consultant at the applicant’s expense, prior to the issue of a Building Licence.</td>
</tr>
</tbody>
</table>

#### Proposed Condition

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D32</td>
<td>An Acoustic Report must be prepared which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City, prior to the issue of a Building Licence. All works must be carried out in accordance with the Acoustic Report, for the duration of development.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.

### Existing Conditions

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D49</td>
<td>The recommendations contained within the Acoustic Report, dated [<em>insert</em>], must be detailed on plans submitted for a Building Licence.</td>
</tr>
<tr>
<td>D86</td>
<td>The owner complying at all times with the City of Rockingham “Guidelines for the Keeping of Horses” and any Land Management Plan submitted to and approved by the City, showing the extent of paddocks and waste management and protection of any environmental areas of significance.</td>
</tr>
</tbody>
</table>

#### Proposed Condition

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>D4</td>
<td>The development must be designed and all works must be carried out in accordance with the &lt;&lt;name of Document or Management Plan&gt;&gt; prepared by &lt;&lt;author of Document or Management Plan&gt;&gt; and dated &lt;&lt;date of Document or Management Plan&gt;&gt;, for the duration of development.</td>
</tr>
</tbody>
</table>

**Comment:** These conditions have been replaced with a new, generic condition which can be applied for the implementation of any kind of management plan received by the City.
### Existing Condition

**D50** Prior to the issue of a Building Licence for an individual tenancy Fitout, an Acoustic report is to be prepared by a suitably qualified and experienced Acoustic Consultant and be submitted to the satisfaction of the City. The Acoustic Report must clearly demonstrate that all mechanical services associated with the intended use, and any other noise source designated by Council’s Environmental Health Services, complies with the Environmental Protection (Noise) Regulations 1997.

**Proposed Condition**

Nil

**Comment:** As this condition relates to aspects which are beyond the scope of the planning approval (i.e. future changes of use), this condition is not appropriate and is deleted.

### Existing Condition and Footnote

**D51** In addition to Condition No D [* ] above, a Final Acoustic Report is to be submitted to the satisfaction of the City's Manager, Health Services, prior to the issue of a Certificate of Classification. This report should be prepared by an Acoustic Consultant that confirms how every aspect of the development complies with the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act 1986 and any rectification works must be undertaken to the satisfaction of the Manager Health Services.

**Proposed Condition**

**D33** An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

(i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;

(ii) tonality, modulation and impulsiveness; and

(iii) confirm the implementation of noise attenuation measures.

**Comment:** This condition has been retained. The specifications set out in the footnote have been inserted into the condition.

### GROUPED DWELLINGS

**Existing Condition**

**D52** The proposal shall maintain the visual privacy of the adjoining property/ies by the provision of adequate semi-mature landscaping along the _________ boundary/ies.

**Proposed Condition**

Nil
**Comment:** The City has, in the past, had difficulty in ensuring compliance with this condition. Furthermore, given vegetation can change over time it is not considered to be an appropriate method for controlling overlooking. This condition is deleted.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D53</strong></td>
<td>Fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres to ensure adequate surveillance of the adjoining street or public open space.</td>
</tr>
<tr>
<td><strong>Proposed Condition</strong></td>
<td>D50</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D55</strong></td>
<td>In order to comply with Clause 3.8.1(A1) of the Residential Design Codes, the [insert details of relevant openings] of [insert number of dwellings] as shown &quot;IN RED&quot; on the approved plans being either:-</td>
</tr>
<tr>
<td><strong>Proposed Condition</strong></td>
<td>D51</td>
</tr>
<tr>
<td>(i)</td>
<td>fixed obscure glazing to a minimum height of 1.6 metres above the finished floor level; or</td>
</tr>
<tr>
<td>(ii)</td>
<td>a minimum sill height of 1.6 metres above the finished floor level; or</td>
</tr>
<tr>
<td>(iii)</td>
<td>an obscure awning type window; or</td>
</tr>
<tr>
<td>(iv)</td>
<td>reduced in size to not exceed 1.0m² in aggregate; or</td>
</tr>
<tr>
<td>(v)</td>
<td>deleted.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained with minor changes to reflect the wording used in the *Residential Design Codes*.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D56</strong></td>
<td>In order to comply with Clause 3.8.1(A1) of the Residential Design Codes, the [insert side of balcony to be screened] side of the balcony to [insert the number of dwellings] having fixed obscure screening to a minimum height of 1.6 metres above the finished floor level as shown &quot;IN RED&quot; on the approved plans.</td>
</tr>
<tr>
<td><strong>Proposed Condition</strong></td>
<td>D52</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained with minor changes.
### Existing Condition

**D57** Nil setback walls on the common boundary with [*insert street address of adjoining property*] to be reduced in height to [*insert maximum height under R-Codes*] with the gutter provided above, and the existing fence line to be reinstated following the construction of the wall.

The surface of the boundary wall on the common boundary with [*insert the address of the adjoining property*] to be the same finish as the approved external wall finish for the remainder of the dwelling, unless otherwise approved.

### Proposed Condition

**D53** Walls built up to the common boundary with <<insert street address of adjoining property>> must be designed to have a maximum height of <<insert maximum height under R-Codes>> above natural ground level, prior to the issue of a Building Licence.

**Comment:** The first part of this condition has been retained. The second part of the condition is dealt with by a separate condition and is omitted from this condition.

### Existing Condition

**D58** The standard of finish to the nil setback wall must be to the satisfaction of the adjoining landowners or in the case of a dispute, to the satisfaction of the City.

### Proposed Condition

**D37** The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

**Comment:** This condition has been retained.

### I. MULTIPLE DWELLINGS AND MIXED-USE DEVELOPMENTS

#### Existing Conditions

**D59** The entire carparking generated by the Commercial Component [*insert commercial use class here] of the development is not provided on-site. In this regard, the Council is prepared to negotiate a cash payment in lieu of the shortfall of bays in accordance with the requirements of Council Policy. The negotiations shall occur with the Director, Planning and Development Services and the results of the negotiations shall be presented to the Chief Executive Officer for approval, prior to the issue of a Building Licence.

**D60** The residential Apartment and/or Serviced Apartments component generate a cash-in-lieu payment requirement. In accordance with Council Policy a cash-in-lieu payment is required to be approved by the Chief Executive Officer on advice from the Director, Planning and Development Services.

#### Proposed Condition and Footnote

**D16** A cash contribution, in lieu of the shortfall of on-site car parking for the development of <<number of shortfall of parking spaces>> car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to the issue of a Building Licence.

**F6** With respect to Condition insert cash-in-lieu car parking condition number, the applicant and owner should refer to Planning Policy 3.3.4, *Cash-in-Lieu of Carparking*, which provides guidance on the calculation of the cash contribution.
The requirement that cash-in-lieu car parking spaces be negotiated is not appropriate as a planning condition. These conditions have been replaced with a single condition that provides more certainty to the owner as to exactly how many car parking spaces are required for the cash-in-lieu payment, and how to calculate the cost. A new footnote is also proposed which directs applicants to the City’s *Cash-in-Lieu of Carparking* Policy which provides further guidance on calculating the cash contribution.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>D17 A cash contribution being provided for &lt;&lt;number of cash-in-lieu parking spaces required (Waterfront Village)&gt;&gt; car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to the issue of a Building Licence.</td>
</tr>
</tbody>
</table>

Comment: Like the previous condition, this new condition addresses cash-in-lieu of car parking spaces, with separate provisions to address the requirements for the Waterfront Village zone.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D62 All side boundary walls being treated to ensure that the impression of mass and bulk is reduced. In this regard, details on articulation, colour and texture shall be submitted and approved by the Director, Planning and Development Services, prior to the issue of a Building Licence.</td>
<td>D36 A Schedule setting out details on articulation, colour and texture for all walls built up to boundaries, demonstrating how the impression of height and bulk can be reduced, must be provided to the satisfaction of the City, prior to the issue of a Building Licence. The walls must be finished in accordance with the Schedule provided and approved by the City prior to occupation of the development.</td>
</tr>
</tbody>
</table>

Comment: This condition has been retained.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D63 The development must be provided with an adequate common area set aside for clothes-drying, screened from view from the primary or secondary street or clothes drying facilities excluding electric clothes dryers screened from public view provided for each multiple dwelling.</td>
<td>D54 Clothes drying facilities (excluding electric clothes dryers) must be designed for each multiple dwelling, screened from public view, prior to the issue of a Building Licence.</td>
</tr>
</tbody>
</table>

Comment: This condition has been retained in a modified form, without reference to a common clothes drying area (which if provided is shown on approved plans).
Existing Condition
D64 Prior to the issue of a Building Licence, the construction cost of the building being confirmed to the Council through the provision of a report from a qualified Quantity Surveyor.

Proposed Condition
D5 The construction cost of the building must be confirmed to the City through the provision of a Report from a qualified quantity surveyor, prior to the issue of a Building Licence.

Comment: This condition has been retained.

Existing Condition
D65 The total height of the development fronting Rockingham Beach Road not exceeding [insert height in metres] above natural ground level.

Proposed Condition
D55 The total height of the development must be designed so that it does exceed a height of <<insert maximum height limit>> above natural ground level, prior to the issue of a Building Licence.

Comment: This condition has been retained.

Existing Condition
D66 All mechanical plant and equipment must be screened from view of adjoining properties the primary and secondary street. The location of plant and equipment must also minimise the impact of noise being received by future residents, such that the noise from all plant and equipment complies with the Environmental Protection (Noise) Regulations 1997.

Proposed Condition
Nil

Comment: This condition addresses elements of an application which should be addressed prior to approval being issued. It has been deleted.

Existing Condition
D67 The integrity of the façade to the public street, including external finishes and window coverings not being modified without the prior approval of the Council.

Proposed Condition
Nil

Comment: This condition is beyond the scope of the planning approval, as it relates to future development. It has been deleted. New Footnote F1 addresses this matter further.

m. ANCILLARY ACCOMMODATION

Existing Condition
D68 The ancillary accommodation may only be occupied by a member of the same family as the occupiers of the main dwelling in accordance with the requirements of the Residential Design Codes.

Proposed Condition
D58 The Ancillary Accommodation must only be occupied by a member of the same family as the occupiers of the main dwelling, at all times.

Comment: This condition has been retained.
### Existing Condition

**D69** A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Council and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the commencement of development works. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the ancillary accommodation as stipulated under Condition [*insert*] of this approval. The notification must (at the applicant's cost) be prepared by the Council's solicitor.

### Proposed Condition

**D59** A Notification must be registered on the Certificate of Title for the land, pursuant to section 70A of the *Transfer of Land Act 1893*, prior to the issue of a Building Licence. This notification must include the following detail:

"The ancillary accommodation can only be occupied by a member of the same family as the occupiers of the main dwelling."

**Comment:** This condition has been retained.

#### n. DISPLAY HOME CENTRES

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D70</strong> Prior to the issue of a Building Licence, written advice being submitted from a Licensed Surveyor certifying that the proposed dwellings will comply with Council's setback requirements on endorsement of a Survey Diagram for the subdivision.</td>
<td><strong>Nil</strong></td>
</tr>
</tbody>
</table>

**Comment:** This condition is not necessary, and is deleted.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D71</strong> Prior to the commencement of the Display Home Centre operation, the following requirements must be satisfied:- (i) all lots shown as carparking on the approved site plan being developed by the installation of hard-stand materials; (ii) all crossovers being designed and constructed to the City's satisfaction, (at the applicant's cost).</td>
<td><strong>D63</strong> The following must be installed prior to the occupation of the development, and retained and maintained in good condition at all times: (i) hard-stand materials to all lots shown as car parking on the approved site plan; (ii) crossovers; and (iii) a 1.5m wide footpath connecting the car park and each display home.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained, with an additional requirement for a footpath in accordance with the City's *Display Home Centres Policy*.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D72</strong> The office use or transportable building being removed upon the cessation of the Display Centre use, with City's Building Services being notified accordingly.</td>
<td><strong>D64</strong> The office or transportable building must be removed upon the cessation of the Display Home Centre operation.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.
<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>D73 All hard-standing material from the carparking area being removed, and the site being stabilised to prevent dust nuisance, upon the cessation of the Display Home Centre operation.</td>
<td>D65 All hard-stand material must be removed from the car parking area and the land stabilised to prevent dust nuisance, upon the cessation of the Display Home Centre operation.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>D74 A minimum of 5 on-site carparking bays per Display Home must be maintained until the cessation of the Display Home Centre operation.</td>
<td>D66 A minimum of 4 on-site car parking spaces per Display Home must be retained and maintained in good condition until the cessation of the Display Home Centre operation.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained, with reference to the number of car parking spaces required being adjusted to reflect changes to the City's Display Home Centres Policy.

<table>
<thead>
<tr>
<th><strong>Existing Condition and Footnote</strong></th>
<th><strong>Proposed Footnote</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>D75 Compliance with the [<em>Home Occupation or Home Business</em>] provisions and interpretation set out in the City of Rockingham's Town Planning Scheme No.2 and Planning Policy - Home Occupations and Home Businesses (attached).</td>
<td>F7 The development should comply with <em>&quot;Planning Policy 3.3.10, Home Occupations and Home Businesses&quot;,Planning Policy 3.3.13, Parking of Commercial Vehicles in a Residential Zone&quot;</em>, a copy of which is attached to this approval.</td>
</tr>
</tbody>
</table>
| F15 In accordance with Condition No. [*", Council's "Planning Policy - Parking of Commercial Vehicles in a Residential Zone" is attached and must be read in conjunction with this approval. | **Comment:** The existing footnote for commercial vehicles has been updated to include reference to home occupations. The condition is not necessary and is deleted.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
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</tr>
</thead>
<tbody>
<tr>
<td>D76 All materials and/or equipment used in relation to the [*&quot;Home Occupation or Home Business&quot;] being stored within the residence, shed and/or rear yard, behind property fences.</td>
<td>D67 All materials and/or equipment used in relation to the <em>&quot;Home Occupation, Home Business&quot;</em> must be stored within the residence, shed and/or rear yard, behind property fences, at all times.</td>
</tr>
</tbody>
</table>

**Comment:** This condition is retained with minor changes.
<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>D77 A maximum of [<em>insert</em>] clients per day are permitted in accordance with the applicant’s submission.</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comment:** This condition is deleted, as amenity impacts from home occupations are usually managed by limiting the number of clients that attend at any one time (see the next condition).

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
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</tr>
</thead>
<tbody>
<tr>
<td>D78 All clients attending the premises by appointment only, with an interval of at least 10 minutes between clients.</td>
<td>D68 Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 10 minutes between clients.</td>
</tr>
</tbody>
</table>

**Comment:** This condition is retained with minor changes.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>D69 Clients must not be permitted to attend the premises at any time.</td>
</tr>
</tbody>
</table>

**Comment:** A new condition, designed to address home occupation where customers attending the premises is not appropriate.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>D79 No more than two people not members of the occupier’s household being employed in the Home Business, in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2.</td>
<td>D70 Not more than two people are to be employed in connection with the Home Business who are not members of the occupier’s household, at any time.</td>
</tr>
</tbody>
</table>

**Comment:** This condition is retained.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>D71 Any person not a member of the occupier’s household must not be employed in connection with the Home Occupation at any time.</td>
</tr>
</tbody>
</table>

**Comment:** A new condition which addresses home occupations where staff are prohibited.
<table>
<thead>
<tr>
<th>Existing Conditions</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D80 The Home Occupation and Home Business approval may be withdrawn by Council upon receipt of substantiated complaints from adjoining/surrounding residents.</td>
<td>Nil</td>
</tr>
<tr>
<td>D96 Where a noise complaint is substantiated in accordance with the Environmental Protection (Noise) Regulations 1997 made pursuant to the Environmental Protection Act 1986, the Council may restrict the hours of operation of the Commercial Vehicle or revoke its approval to park a Commercial Vehicle on the property.</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:** These conditions are not appropriate as there is no certainty, that is, the approval could be withdrawn at any time. The conditions are deleted.

### Existing Condition
Nil

### Proposed Condition
D72 The display or retail sale of goods must not be carried out from the premises.

**Comment:** This new condition is commonly applied on home occupation approvals, where retail sale of goods is prohibited by the Scheme.

### Existing Condition
Nil

### Proposed Condition
D73 The <<Home Occupation/Home Business>> must only be operated from the <<name of occupation room>>.

**Comment:** This new condition is commonly applied on home occupation approvals, where the occupations should be restricted to a particular room of the dwelling.

### Existing Condition
Nil

### Proposed Condition

<table>
<thead>
<tr>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D82 The applicant constructing a 90,000-litre rain water storage tank to the City's satisfaction, which is to be completed prior to the dwelling being occupied; alternatively, evidence being produced from a competent professional authority, that is acceptable to the City indicating that an adequate potable on-site water supply is available.</td>
</tr>
</tbody>
</table>

**Comment:** This detail should be determined at the building licence stage. Accordingly, this condition is deleted.
### Existing Condition
D83 All development being setback at least [*insert*] metres from the road frontage and at least [*insert*] metres from all other boundaries in accordance with the requirements of the Rural Land Strategy. No clearing of vegetation within these setback areas shall be permitted, other than for the purpose of providing a firebreak or a vehicular accessway.

### Proposed Condition
D44 All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to the issue of a Building Licence. Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.

**Comment:** This condition has been retained.

### Existing Condition
D84 The proposed shed being used only for approved rural/agricultural purposes and not for industrial/residential or associated uses.

### Proposed Condition
D46 The development must not be used for habitation at any time.

**Comment:** This condition has been retained with minor changes.

### Existing Condition
D85 In accordance with the provisions of Schedule No.________ of the City of Rockingham Town Planning Scheme No.2 (as attached), the proposed ________ shall be constructed wholly within the approved building envelope and no clearing or development (including earthworks), other than for fire management purposes or to construct a vehicle accessway, which has received the prior written approval of the City, shall be approved outside the designated building envelope.

### Proposed Footnote
D45 All buildings and structures must be designed to be wholly within the approved Building Envelope, prior to the issue of a Building Licence. Clearing of vegetation outside the approved Building Envelope must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.

**Comment:** This condition has been retained.

### BI CYCLE PARKING, SHOWERS AND LOCKERS

#### Existing Condition
D87 Prior to the occupation of the development, _____ (__) long-term bicycle parking spaces and _______ (__) short-term bicycle parking spaces being installed to the standards set out in AS 2890.3 and Austroads Part 14 - Bicycles, to the satisfaction of the City of Rockingham.

#### Proposed Condition
D19 <<number of short-term (customer) spaces>> short-term bicycle parking spaces and <<number of long-term (staff/resident) spaces>> long-term bicycle parking spaces must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, prior to the issue of a Building Licence. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

**Comment:** This condition has been retained, with reference now being made to the City's Bicycle Parking and End-of-Trip Facilities Policy.
### Existing Condition

**D88** The provision of ____ (__) male and ______ (__) female secure hot-water showers and change rooms, and the provision of ______ (__) clothing lockers, to the satisfaction of the City of Rockingham.

### Proposed Condition

**D20** <<half the number of showers required>> male and <<half the number of showers required>> female secure hot-water showers and change rooms and <<number of long-term (staff/resident) spaces>> clothing lockers must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, prior to the issue of a Building Licence.

The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

**Comment:** This condition has been retained, with reference now been made to the City's *Bicycle Parking and End-of-Trip Facilities* Policy.

#### r. AGED OR DEPENDENT PERSONS ACCOMMODATION

### Existing Condition

**D89** At least one permanent occupant of each dwelling is to be aged 55 years or over, or is the surviving spouse of that person, or is a person with a recognised form of disability requiring special accommodation provisions for independent living or outpatient care.

### Proposed Condition

**D60** At least one occupant of each Aged or Dependent Persons' Dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person, at all times.

**Comment:** This condition has been retained, with reference to disabled persons being deleted because this is not included in the R-Codes definition of aged or dependent persons' accommodation.
### Existing Conditions

**D90** A restrictive covenant, or other such instrument (prepared at the owners expense) to the satisfaction of the City, being registered over the Certificate of Title to the land requiring that:

(i) at least one permanent occupant of each dwelling is aged 55 years or over,

(ii) or is the surviving spouse of that person,

(iii) is a person with a recognised form of disability requiring special accommodation provisions for independent living or outpatient care.

**D91** A strata plan of the development shall, upon being lodged for registration under the Strata Titles Act 1985, as amended, be endorsed with the following restriction:

"Restriction under Section 6(1) of the Strata Titles Act 1985, as amended, affecting all lots by requiring that at least one permanent occupant of each dwelling is aged 55 years or over, or is the surviving spouse of that person, or is a person with a recognised form of disability requiring special accommodation provisions for independent living or outpatient care. All costs associated with this restriction are to be borne by the applicant, and not by the City of Rockingham."  

**Proposed Condition**

**D61** A Restrictive Covenant must be registered on the Certificate of Title for the land, pursuant to section 70A of the *Transfer of Land Act 1893* or section 6(1) of the *Strata Titles Act 1985*, prior to the issue of a Building Licence. This Covenant must include the following detail:

"At least one occupant of each aged or dependent persons' dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person."

**Comment:** These conditions have been consolidated into one, and modified to reflect the R-Codes definition of aged or dependent persons' accommodation.

### COMMERCIAL VEHICLE PARKING - RESIDENTIAL AREAS

**Existing Condition**

**D92** The commercial vehicle is to be parked entirely within the property and behind the building setback line or parked at the rear of the residence and screened from view of any public street or reserve and neighbouring lots to the satisfaction of the City in accordance with Planning Policy - Parking of Commercial Vehicles in Residential Zones.

**Proposed Condition**

**D77** The Commercial Vehicle must be parked entirely within the property and behind the street setback area or parked at the rear of the residence and screened from view of any public street or reserve and neighbouring lots, whenever the Vehicle is present on the property.

**Comment:** This condition has been retained with minor changes.
### Existing Condition

**D93** No major repairs are to be carried out at any time on-site, the verge or the road. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily contained liquid waste may be carried out on-site.

### Proposed Condition

**D78** Major repairs must not be carried out on-site, the verge or the street, at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.

**Comment:** This condition has been retained.

### Existing Condition

**D94** All vehicle wash down wastewater must be disposed of on-site, so as not to create a nuisance or pollution. At no time are washings to enter the public street.

### Proposed Condition

**D79** All Vehicle wash-down wastewater must be disposed of on-site, at all times.

**Comment:** This condition has been retained with minor changes.

### Existing Condition

**D95** The commercial vehicle must not be started between the hours of 10.00pm and 7.00am the following day.

### Proposed Condition

**D80** The Commercial Vehicle must not be started after 10.00pm or before 7.00am.

**Comment:** This condition has been retained with minor changes.

### INDUSTRIAL DEVELOPMENT

### Existing Condition

**D97** All industrial wastewater produced from the activities on-site must be disposed of to a system approved by the City, if unsewered or in liaison with the Water Corporation, if sewered. The following actions must also be carried out:-

(i) Provision of a bunded, graded and roofed washdown area, serviced by an approved petrol and oil separator when vehicle washdown or degreasing may occur.

(ii) Detailed plans and specifications of the Oil Plate Separator disposal treatment system must be submitted together with the building plans prior to the issue of a building licence.

(iii) Oil Plate Separators are to be commercially approved systems suitable for connection to the Water Corporation sewer.

(iv) In unsewered areas all liquid wastes must be discharged to a disposal system to the satisfaction of the City.

### Proposed Condition and Footnote

**D25** Washdown areas must be designed to be constructed of hard-stand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains, prior to the issue of a Building Licence.

Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.

**F14** The disposal of wastewater on-site must be with the approval of the City; the applicant and owner should liaise with the City's Health Services in this regard.
(v) Provisions must be made for the storage of waste oils and any other controlled waste on a roofed, graded hard stand area, to the satisfaction of the City.

**Comment:** The requirement for a development to be connected to the Water Corporation sewer mains is addressed in existing condition D40, which has been retained (see above). In relation to on-site disposal, as separate approval is required by the City this part of the condition has been included as new footnote F14. The requirements relating to washdown areas have been retained in new condition D25.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>D98 The heritage place identified on the approved plan is to be retained in accordance with the requirements of the City and protected from damage by all on-site works to the satisfaction of the City.</td>
<td>D41 The heritage place identified on the approved plan must be retained and protected from damage by all on-site works, at all times.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained with minor changes.

<table>
<thead>
<tr>
<th>Existing Condition</th>
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</tr>
</thead>
<tbody>
<tr>
<td>D99 Annual environmental audits of the site must be undertaken by a suitably qualified Environmental Consultant, to ensure that the operation of the facility does not lead to contamination of the surrounding environment with respect to fuel leakage and the result of such audits shall be submitted to City for its consideration.</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comment:** This condition was required under the City's Prevention of Contamination at Fuel Dispensing and Storage Sites, which was revoked by Council in February 2008 as site contamination is covered by separate legislation. This condition is deleted.

### u. CITY CENTRE DEVELOPMENT

<table>
<thead>
<tr>
<th>Existing Condition</th>
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</tr>
</thead>
<tbody>
<tr>
<td>D100 The owner and occupiers of the street front tenancies are to ensure that the entries and window frontages to the tenancies from the public road are not covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar) to ensure that a commercial, interactive frontage is available to the development from the street at all times.</td>
<td>D47 Entries and window frontages facing the street of tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.</td>
</tr>
</tbody>
</table>

**Comment:** This condition has been retained with minor changes.
## Planning Services Standing Committee Minutes
### Monday 16 May 2011

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D101</strong> All doors facing the [<em>insert street name</em>] frontage of the building shall be kept open and not locked during all hours when the subject premises is trading.</td>
<td><strong>D48</strong> All doors facing the <em>&lt;insert street name where doors must be kept open&gt;</em> frontage of the building must be kept open and not locked during all hours when the subject premises is trading.</td>
</tr>
</tbody>
</table>

Comment: This condition has been retained.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D102</strong> A House Management Policy detailing the organisations procedures relating to the safe and legal service of alcohol is to be submitted to the satisfaction of the Manager, Health Services, prior to the issuance of a Section 39 Certificate. The House Management Policy shall incorporate a Noise Management Plan that addresses the impact of all noise sources including patron noise on nearby noise sensitive premises.</td>
<td><strong>D75</strong> A Management Plan, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of Planning Policy 3.3.19, <em>Licensed Premises</em>, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate. All works must be carried out in accordance with the Management Plan, for the duration of development.</td>
</tr>
</tbody>
</table>

Comment: This condition has been retained, with specific reference being made to the City's *Licensed Premises* Policy.

### v. NEW CONDITIONS

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D2</strong> This Approval (where development has substantially commenced) is only valid until <em>&lt;date the approval expires&gt;</em>. Planning Approval must be obtained for continuation of the development past this date.</td>
<td></td>
</tr>
</tbody>
</table>

Comment: This new condition covers applications that require renewing after a certain timeframe, including applications approved for a trial period and extractive industries.

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D10</strong> All works must maintain a minimum vertical separation distance of 2m to the highest-known watertable level, for the duration of the development.</td>
<td></td>
</tr>
</tbody>
</table>

Comment: This new condition applies to extractive industries and earthwork applications, where separation to the watertable is required.
<table>
<thead>
<tr>
<th>Proposed Condition</th>
<th>Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>D21 The existing crossover must be removed and the verge, footpath, kerbing and</td>
<td>This new condition applies to development applications where defunct crossovers are</td>
</tr>
<tr>
<td>landscaping must be reinstated to the satisfaction of the City, prior to the</td>
<td>required to be removed.</td>
</tr>
<tr>
<td>occupation of the development.</td>
<td></td>
</tr>
<tr>
<td><strong>Existing Condition</strong></td>
<td><strong>Proposed Condition</strong></td>
</tr>
<tr>
<td>Nil</td>
<td>D22 &lt;&lt;number of on-street parking spaces&gt;&gt; on-street car</td>
</tr>
<tr>
<td></td>
<td>parking spaces must be designed in accordance with the</td>
</tr>
<tr>
<td></td>
<td>Australian Standard AS 2890.5—1993, Parking facilities,</td>
</tr>
<tr>
<td></td>
<td>Part 5: On-street parking, prior to the issue of a Building</td>
</tr>
<tr>
<td></td>
<td>Licence. The on-street car parking spaces must be</td>
</tr>
<tr>
<td></td>
<td>constructed, sealed, kerbed, drained and marked prior to</td>
</tr>
<tr>
<td></td>
<td>the development being occupied.</td>
</tr>
<tr>
<td></td>
<td><strong>Comment:</strong> This new condition applies car parking</td>
</tr>
<tr>
<td></td>
<td>standards for on-street spaces, which are commonly approved</td>
</tr>
<tr>
<td></td>
<td>on existing streets in commercial areas and adjacent to</td>
</tr>
<tr>
<td></td>
<td>grouped or multiple dwelling sites.</td>
</tr>
<tr>
<td></td>
<td><strong>Existing Condition</strong></td>
</tr>
<tr>
<td>Nil</td>
<td>D24 The above ground hydrocarbon storage facility must be</td>
</tr>
<tr>
<td></td>
<td>bunded, with impervious bunds, having a minimum capacity of</td>
</tr>
<tr>
<td></td>
<td>110% of the hydrocarbon store capacity, prior to the</td>
</tr>
<tr>
<td></td>
<td>occupation of the development.</td>
</tr>
<tr>
<td></td>
<td><strong>Comment:</strong> This new condition applies environmental</td>
</tr>
<tr>
<td></td>
<td>standards to fuel storage areas.</td>
</tr>
<tr>
<td></td>
<td><strong>Existing Condition</strong></td>
</tr>
<tr>
<td>Nil</td>
<td>D40 A Fire Management Plan must be prepared in</td>
</tr>
<tr>
<td></td>
<td>accordance with the Western Australian Planning Commission's</td>
</tr>
<tr>
<td></td>
<td>Planning for Bush Fire Protection Edition 2 to the</td>
</tr>
<tr>
<td></td>
<td>satisfaction of the City, prior to the issue of a Building</td>
</tr>
<tr>
<td></td>
<td>Licence. All works must be carried out in accordance with</td>
</tr>
<tr>
<td></td>
<td>the approved Fire Management Plan, for the duration of</td>
</tr>
<tr>
<td></td>
<td>development.</td>
</tr>
<tr>
<td></td>
<td><strong>Comment:</strong> This new condition addresses fire management</td>
</tr>
<tr>
<td></td>
<td>aspects of large proposals or proposals located in high-risk</td>
</tr>
<tr>
<td></td>
<td>bushfire areas.</td>
</tr>
<tr>
<td><strong>Existing Condition</strong></td>
<td><strong>Proposed Condition</strong></td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td><strong>Nil</strong></td>
<td><strong>D43</strong> Rehabilitation must be undertaken immediately following the cessation of the development, or where the development is staged, to be undertaken progressively immediately following the cessation of each stage.</td>
</tr>
</tbody>
</table>

**Comment:** This new condition requires the rehabilitation of sites where the use has ceased. It is commonly used for extractive industries.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nil</strong></td>
<td><strong>D49</strong> Street verandahs must be provided to &lt;&lt;insert name of all streets the building abuts&gt;&gt; across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street verandah.</td>
</tr>
</tbody>
</table>

**Comment:** This new condition applies standards to street verandahs (or awnings) over footpaths, which are commonly applied to buildings adjacent to streets in commercial areas.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nil</strong></td>
<td><strong>D56</strong> An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and located within the same building as their respective dwellings, being designed for each Multiple Dwelling, prior to the issue of a Building Licence.</td>
</tr>
</tbody>
</table>

**Comment:** This new condition requires storage areas to be provided for in multiple dwellings.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nil</strong></td>
<td><strong>D57</strong> Above-ground meter boxes must not be located in a street setback area at any time.</td>
</tr>
</tbody>
</table>

**Comment:** This new condition seeks to address issues where walls with meter boxes are located in street setback areas (as defined in the Residential Design Codes), particularly for grouped dwelling developments.

<table>
<thead>
<tr>
<th><strong>Existing Condition</strong></th>
<th><strong>Proposed Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nil</strong></td>
<td><strong>D62</strong> The Aged or Dependent Persons’ Dwellings must be designed to incorporate, as a minimum, door widths, corridor widths, toilets, toilet approach doors and provision for grab rails being in accordance with Australian Standard AS 4299—1995, <em>Adaptable housing</em>, prior to the issue of a Building Licence.</td>
</tr>
</tbody>
</table>

**Comment:** This new condition applies the requirements of the R-Codes that apply to aged and dependent persons’ accommodation.
**Existing Condition**

Nil

**Proposed Condition**

D76 The vehicles stored on the premises must be stacked in neat rows and must not be visible from the street, at any time.

**Comment:** This new condition applies the requirements of the City's *Motor Vehicle Wrecking Premises Policy*.

---

### w. FOOTNOTES

<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1 The use of the premises must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only). Please contact Environmental Health Services.</td>
<td>F10 The development must comply with the <em>Food Act 2008</em>, the <em>Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only)</em>; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
<tr>
<td>F2 Application for a licence and registration under the City of Rockingham Health Local Laws 1996 - Eating Houses is required prior to occupation. Please contact Environmental Health Services.</td>
<td></td>
</tr>
</tbody>
</table>

**Comment:** These footnotes have been replaced by a new footnote which makes reference to the *Food Act 2008*.

<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>F3 This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, and the Health (Public Building) Regulations 1992. Please contact Environmental Health Services.</td>
<td>F9 The development must comply with the <em>Health (Public Building) Regulations 1992</em>; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
</tbody>
</table>

**Comment:** This footnote has been retained with minor changes.

<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>F5 An Offensive Trades application pursuant to the Health Act 1911 must be approved by the Council prior to issuance of a building licence. Please liaise with the City's Environmental Health Services in this regard.</td>
<td>F11 The development must comply with the <em>Health Act 1911</em> with respect to 'offensive trades'; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
</tbody>
</table>

**Comment:** This footnote has been retained with minor changes.
### Existing Footnotes

<table>
<thead>
<tr>
<th>Footnote</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>F6</td>
<td>Where a landowner intends clearing an area of land, approval is required from the Department of Environment in accordance with the Environmental Protection Act 1986. No on-site works should commence until the Department's approval has been issued.</td>
</tr>
<tr>
<td>F20</td>
<td>The applicant is reminded of the need to obtain a permit to clear native vegetation from the Department of Environment prior to the commencement of any works, unless an exemption applies to the works under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</td>
</tr>
<tr>
<td>F7</td>
<td>The applicant is requested to consider the installation of security cameras to provide surveillance of the proposed facility, public footpath areas adjacent to the development and the area of Bell Park opposite the building; such cameras to be linked to the City's existing beachfront security camera surveillance system.</td>
</tr>
<tr>
<td>F8</td>
<td>The development may require approval under the provisions of the Aboriginal Heritage Act. You are advised to contact the Department of Aboriginal Sites for further information related to this development.</td>
</tr>
<tr>
<td>F9</td>
<td>It is the developer's responsibility to advise all contractors and sub-contractors of the requirements of condition(s) [...], and any accidental damage or removal of any heritage place, heritage area or vegetation the subject of the protection will be deemed to be unlawful by the Council and will not be accepted as a defence for such an occurrence.</td>
</tr>
</tbody>
</table>

### Proposed Footnotes

<table>
<thead>
<tr>
<th>Footnote</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>F26</td>
<td>The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.</td>
</tr>
<tr>
<td>F28</td>
<td>The installation of security cameras linked to the City's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.</td>
</tr>
<tr>
<td>F27</td>
<td>The development must comply with the Aboriginal Heritage Act 1972; the applicant and owner should liaise with the Department of Indigenous Affairs in this regard.</td>
</tr>
</tbody>
</table>

### Comment

- These footnotes have been combined.
- This footnote has been retained with minor changes.
- This footnote has been retained with minor changes.
- This footnote is unnecessary, and is covered by existing condition D98. The footnote is deleted.
<table>
<thead>
<tr>
<th><strong>Existing Footnotes</strong></th>
<th><strong>Proposed Footnote</strong></th>
</tr>
</thead>
</table>
| F10 In accordance with Condition No. [\*], the interpretation of "Home Occupation" in Town Planning Scheme No. 2 is as follows:-

"Home Occupation: means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(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 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 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."

F11 In accordance with Condition No.[\*], the interpretation of "Home Business" in Town Planning Scheme No. 2 is as follows:-

"Home Business: means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier or the dwelling which:-

(a) does not employ more than 2 people not members 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 50 square metres;

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

(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the

---

[F6 The interpretation of <<insert TPS2 word requiring interpretation>> in Town Planning Scheme No. 2 is as follows:-

[insert Scheme interpretation]
neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and

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

F12 The interpretation of “Light Industry” in Town Planning Scheme No.2 is as follows:-

"Light Industry: means an industry:-

(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;

(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply of provision of essential services."

F13 In accordance with Condition No. [*], the interpretation of “Showroom” in Town Planning Scheme as follows:-

"Showroom: means premises, or part thereof, used or intended for use for the purpose of displaying of offering for sale by wholesale or retail, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, hardware supplies or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment."

F14 In accordance with Condition No. [*], the interpretation of “Warehouse” in Town Planning Scheme No.2 as follows:-

"Warehouse: means premises used to store or display goods and may include sale by wholesale."

**Comment:** These footnotes, which set out Scheme definitions of various uses, are replaced by a generic footnote for which the Scheme interpretation for any particular use can be inserted.
Existing Footnote
F16  (a) The occupier of premises in which clinical waste is produced shall comply in all respects with the Environmental Protection (Controlled Waste) Regulations 2004. For further information please contact the Department of Environment.
(b) Any liquid waste disposal via the sewer must be with approval of the Water Corporation.
(c) If sewer is not available, any on-site liquid waste disposal must be with the approval of the Department of Environment and the City’s Health Services Branch.

Proposed Footnotes
F13 The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.
F25 The development must comply with the Environmental Protection (Controlled Waste) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

Comment: This footnote has been split into its different components, including footnotes addressing controlled waste and liquid waste disposal through Water Corporation sewer mains. In-situ wastewater disposal is included as new footnote F14, which is discussed further above.

Existing Footnote
F17 Condition No's [* ] being satisfied prior to the proposed use commencing operation.

Proposed Footnote
Nil

Comment: Timeframes for compliance with conditions has been included in all of the conditions. This footnote is therefore deleted.

Existing Footnote
F18 This approval supersedes Council's previous approval dated ___________; Ref ________________.

Proposed Footnote
F2 This approval supersedes the previous approval dated <<date of superseded approval>>.

Comment: This footnote has been retained.

Existing Footnote
F19 The applicant is reminded that the subject property is zoned (Special Rural or Special Residential) under the provisions of the City of Rockingham Town Planning Scheme No.2, and in this regard, (Schedule No.4 or Schedule No.5) establishes specific responsibilities relating to the use and management of the land. A copy of this Schedule is attached for your information.

Proposed Footnote
F8 The development must comply with Schedule <<Schedule number "4,5">> (relating to Planning Unit <<Planning Unit "3,4,5,6,7,Warnbro Dunes">> of the Rural Land Strategy) of Town Planning Scheme No.2, a copy of which is attached to this approval.

Comment: This footnote has been retained.
<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>F21 In regard to Condition No.___, please contact Council's Parks and Gardens Service to confirm Council's requirements for Landscaping Plans.</td>
<td>F22 With respect to Condition insert landscaping condition number, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.</td>
</tr>
<tr>
<td><strong>Comment:</strong> This footnote has been retained.</td>
<td></td>
</tr>
<tr>
<td>F22 The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed to the satisfaction of the City. Please liaise with the City’s Environmental Health Services in this regard.</td>
<td>F15 The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
<tr>
<td><strong>Comment:</strong> This footnote has been retained.</td>
<td></td>
</tr>
<tr>
<td>F23 Stable construction to comply in all respects with the City of Rockingham Health Local Laws 1996. Please liaise with the City’s Environmental Health Services in this regard.</td>
<td>F12 Stable construction must comply with the Health Local Laws 1996; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
<tr>
<td><strong>Comment:</strong> This footnote has been retained.</td>
<td></td>
</tr>
<tr>
<td>F24 The applicant is reminded of the need to comply with the Health (Skin Penetration Procedure) Regulations 1998. Please liaise with the City's Environmental Health Services in this regard.</td>
<td>F16 The development must comply with the Health (Skin Penetration Procedure) Regulations 1998 and the Code of Practice for Skin Penetration Procedures; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
<tr>
<td><strong>Comment:</strong> This footnote has been retained with minor changes.</td>
<td></td>
</tr>
<tr>
<td>F25 The development to comply with the Hairdressing Establishment Regulations 1974. Please liaise with the City's Environmental Health Services in this regard.</td>
<td>F17 The development must comply with the Health (Hairdressing Establishment) Regulations 1974 and the Code of Practice for Hairdressing Procedures; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
<tr>
<td><strong>Comment:</strong> This footnote has been retained with minor changes.</td>
<td></td>
</tr>
<tr>
<td>Existing Footnote</td>
<td>Proposed Footnote</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Nil</td>
<td><strong>F4</strong> The car parking requirement for this development has been calculated as <strong>&lt;&lt;insert calculated minimum car parking requirement&gt;&gt;</strong> car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of <strong>&lt;&lt;insert number of car parking spaces proposed&gt;&gt;</strong> car parking spaces which <strong>&lt;&lt;meets the minimum car parking requirement as is deemed acceptable, has a shortfall of car parking spaces required for the development, which has been deemed acceptable&gt;&gt;</strong>.</td>
</tr>
</tbody>
</table>

**Comment:** This footnote provides the applicant with guidance on how car parking for the development has been calculated by the City, and whether or not there is a shortfall or excess of spaces.

<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td><strong>F18</strong> The development must comply with the <em>Activities in Public Places and Thoroughfares and Trading Local Law 2001</em> with respect to outdoor eating areas; the applicant and owner should liaise with the City's Health Services in this regard.</td>
</tr>
</tbody>
</table>

**Comment:** This new footnote advises applicants of the need to obtain approval for outdoor eating areas.

<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td><strong>F19</strong> The development must comply with section 400 of the <em>Local Government (Miscellaneous Provisions) Act 1960</em> and the <em>Street Verandahs Local Law 2000</em> relating to encroachments into the road reserve; the applicant and owner should liaise with the City's Building Services in this regard.</td>
</tr>
</tbody>
</table>

**Comment:** This new footnote advises applicants of the need to obtain approval for encroachments into road reserves.

<table>
<thead>
<tr>
<th>Existing Footnote</th>
<th>Proposed Footnote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td><strong>F24</strong> A Licence to Take Water for the use of groundwater may need to be obtained; the applicant and owner should liaise with the Department of Water in this regard.</td>
</tr>
</tbody>
</table>

**Comment:** This new footnote advises applicants of the need to obtain approval to take water from groundwater resources.
4. **Implications to Consider**

a. **Consultation with the Community**  
Consultation with the community is not required.

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 15:** Governance systems that ensure decision making and resource allocation is accountable, participative and legally and ethically compliant

d. **Policy**  
Given conditions of approval are more appropriately related to an administrative procedure rather than a policy position, Planning Policy 3.3.15 is proposed to be revoked and replaced by the draft Planning Procedure.

e. **Financial**  
Nil

f. **Legal and Statutory**  
This matter requires the revoking of existing Planning Policy 3.3.15 - *Standard Approval Conditions for Development Applications*. Under clause 8.9.10 of TPS2, a Planning Policy may be revoked by publication of a notice of revocation by the City once a week for 2 consecutive weeks.

5. **Comments**

The revised conditions and footnotes set out in the draft Planning Procedure are an improvement over the existing conditions as they provide a consistent format. The revised conditions and footnotes were formulated after receiving legal advice on how conditions should be worded.  
It is recommended that the Council adopt the draft Planning Procedure.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council:-

1. **ADOPT** Planning Procedure 1.11 - *Standard Conditions and Footnotes for Development Approvals* as follows:-

**Planning Procedure 1.11**  
**Standard Conditions and Footnotes for Development Approvals**

1. **Introduction**

Clause 6.7.1 of Town Planning Scheme No.2 states that in determining an application for planning approval, the City may grant its approval with or without conditions or refuse to grant its approval, giving its reasons.
2. **Statement of Intent**

The City uses standard approval conditions and footnotes in respect of applications for planning approval on any land within the Scheme Area. The purpose of this Planning Procedure is to list the standard approval conditions and footnotes that may be applied in respect of applications for planning approval, as set out in Appendix 1.

Notwithstanding the standard approval conditions or footnotes listed in this Planning Procedure, the City may modify any standard approval condition or footnote or impose any non-standard approval condition or footnote after considering the nature of the particular application.

This Planning Procedure should be read in conjunction with Planning Policy 7.3, *Cockburn Sound Catchment*, which contains additional standard conditions not included in this Procedure.

3. **Planning Procedure**

The standard approval conditions and footnotes for use in respect of applications for planning approval are set out in Appendix 1.

4. **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.
- **Scheme Area** covers the whole of the area of land and waterways of the local government district of the City of Rockingham as shown on the Scheme Map.

5. **Adoption**

This Planning Procedure was adopted by Council at its ordinary Meeting held on the 24th May 2011.

**Appendices**


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**Appendix 1 - Standard Conditions and Footnotes for Development Approvals**

**GENERAL CONDITIONS**

D1 This Approval relates to the amended attached plan dated <<date amended plan received>>.

D2 This Approval (where development has substantially commenced) is only valid until <<date the approval expires>>. Planning Approval must be obtained for continuation of the development past this date.

D3 This Approval does not authorise or approve the use of any of the tenancies and separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.

D4 The development must be designed and all works must be carried out in accordance with the <<name of Document or Management Plan>> prepared by <<author of Document or Management Plan>> and dated <<date of Document or Management Plan>>, for the duration of development.

D5 The construction cost of the building must be confirmed to the City through the provision of a Report from a qualified quantity surveyor, prior to the issue of a Building Licence.

**SITE WORKS AND DUST NUISANCE**

D6 Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, *Protection of trees on development sites*.

Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to the issue of a Building Licence.
D7 Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

D8 A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation’s DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the City, prior to the commencement of any work. All works must be carried out in accordance with the Dust Management Plan, for the duration of development.

WATER MANAGEMENT

D9 All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City [for commercial development, include “and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes”].

D10 All works must maintain a minimum vertical separation distance of 2m to the highest-known watertable level, for the duration of the development.

LANDSCAPING

D11 A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the issue of a Building Licence:

(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
(ii) Any lawns to be established;
(iii) Any natural landscape areas to be retained;
(iv) Those areas to be reticulated or irrigated; and
(v) Verge treatments.

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

D12 The street setback area and all verge areas must be landscaped and reticulated prior to the occupation of the development and must be maintained at all times.

D13 The <<"landscape buffer/screen bund">> must be vegetated such that the development minimises visual impact from public spaces, to the satisfaction of the City, prior to the commencement of work and must be retained and maintained in good condition at all times.

CARPARKS, BI CYCLE PARKING, ACCESS AND END-OF-TRIP FACILITIES

D14 The carpark must:

(i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to the issue of a Building Licence;
(ii) include <<number of accessible parking spaces>> car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
(iv) have lighting installed, prior to the occupation of the development; and
(v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

D15 <<number of visitor parking spaces>> visitor car parking spaces must be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to the issue of a Building Licence.

The visitor car parking spaces must be constructed, clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to the occupation of the development, and must be retained and maintained in good condition at all times.

D16 A cash contribution, in lieu of the shortfall of on-site car parking for the development of <<number of shortfall of parking spaces>> car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to the issue of a Building Licence.

D17 A cash contribution being provided for <<number of cash-in-lieu parking spaces required (Waterfront Village)>> car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to the issue of a Building Licence.

D18 Materials, sea containers, goods or bins must not be stored within the carpark at any time.

D19 <<number of short-term (customer) spaces>> short-term bicycle parking spaces and <<number of long-term (staff/resident) spaces>> long-term bicycle parking spaces must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, prior to the issue of a Building Licence.

The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

D20 <<half the number of showers required>> male and <<half the number of showers required>> female secure hot-water showers and change rooms and <<number of long-term (staff/resident) spaces>> clothing lockers must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, prior to the issue of a Building Licence.

The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

WORKS IN ROAD RESERVE

D21 The existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

D22 <<number of on-street parking spaces>> on-street car parking spaces must be designed in accordance with the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior to the issue of a Building Licence.

The on-street car parking spaces must be constructed, sealed, kerbed, drained and marked prior to the development being occupied.

SERVICING

D23 The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.

D24 The above ground hydrocarbon storage facility must be bunded, with impervious bunds, having a minimum capacity of 110% of the hydrocarbon store capacity, prior to the occupation of the development.
D25 Washdown areas must be designed to be constructed of hard-stand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains, prior to the issue of a Building Licence. Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.

D26 A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to the issue of a Building Licence. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

D27 The bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City prior to the issue of a Building Licence, constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

D28 A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Licence:

(i) the location of bin storage areas and bin collection areas;
(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
(iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

D29 Exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with “state of the art” filtration and odour suppression devices to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.

NOISE NUISANCE

D30 Activities causing noise and/or inconvenience to neighbours must not be carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or public holidays.

D31 Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.

D32 An Acoustic Report must be prepared which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City, prior to the issue of a Building Licence.

All works must be carried out in accordance with the Acoustic Report, for the duration of development.

D33 An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

(i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest ‘noise sensitive premises’ and surrounding residential area;
(ii) tonality, modulation and impulsiveness; and
(iii) confirm the implementation of noise attenuation measures.
LIGHT NUISANCE

D34 Floodlighting must not be illuminated after 10:00pm or before 7:00am.
   All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

AESTHETICS

D35 A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to the issue of a Building Licence.
   The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.

D36 A Schedule setting out details on articulation, colour and texture for all walls built up to boundaries, demonstrating how the impression of height and bulk can be reduced, must be provided to the satisfaction of the City, prior to the issue of a Building Licence.
   The walls must be finished in accordance with the Schedule provided and approved by the City prior to occupation of the development.

D37 The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

ADVERTISEMENTS

D38 A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to the issue of a Building Licence.

D39 The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, or be, in the opinion of the City, objectionable, dangerous or offensive, at any time.

FIRE MANAGEMENT

D40 A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission’s *Planning for Bush Fire Protection Edition 2* to the satisfaction of the City, prior to the issue of a Building Licence.
   All works must be carried out in accordance with the approved Fire Management Plan, for the duration of development.

HERITAGE

D41 The heritage place identified on the approved plan must be retained and protected from damage by all on-site works, at all times.

AMALGAMATION

D42 Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to the issue of a Building Licence or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.

REHABILITATION

D43 Rehabilitation must be undertaken immediately following the cessation of the development, or where the development is staged, to be undertaken progressively immediately following the cessation of each stage.
RURAL DEVELOPMENT

D44 All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to the issue of a Building Licence.

Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.

D45 All buildings and structures must be designed to be wholly within the approved Building Envelope, prior to the issue of a Building Licence.

Clearing of vegetation outside the approved Building Envelope must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.

D46 The development must not be used for habitation at any time.

DESIGN ELEMENTS - COMMERCIAL

D47 Entries and window frontages facing the street of tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.

D48 All doors facing the <<insert street name where doors must be kept open>> frontage of the building must be kept open and not locked during all hours when the subject premises is trading.

D49 Street verandahs must be provided to <<insert name of all streets the building abuts>> across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street verandah.

DESIGN ELEMENTS - RESIDENTIAL

D50 Fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres prior to the occupation of the development, and must be retained and maintained in good condition at all times.

D51 The openings to <<insert description of openings>>, marked in red on the approved plans, must be designed in accordance with the following, prior to the issue of a Building Licence:

(i) fixed obscure glazing not able to be opened; or
(ii) having a sill height not less than 1.6 metres above floor level; or
(iii) reduced in size to not exceed 1.0m² in aggregate on the same wall; or
(iv) deleted.

D52 The <<insert side of balcony to be screened>> side of the balcony to <<insert the location of the balcony>>, marked in red on the approved plans, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level, prior to the issue of a Building Licence.

D53 Walls built up to the common boundary with <<insert street address of adjoining property>> must be designed to have a maximum height of <<insert maximum height under R-Codes>> above natural ground level, prior to the issue of a building licence.

D54 Clothes drying facilities (excluding electric clothes dryers) must be designed for each Multiple Dwelling, screened from public view, prior to the issue of a Building Licence.

The facilities, so designed, must be completed prior to occupation of the development and must be retained at all times.

D55 The total height of the development must be designed so that it does exceed a height of <<insert maximum height limit>> above natural ground level, prior to the issue of a Building Licence.
D56 An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and located within the same building as their respective dwellings, being designed for each multiple dwelling, prior to the issue of a Building Licence.

D57 Above-ground meter boxes must not be located in a street setback area at any time.

**SPECIAL PURPOSE DWELLINGS**

D58 The Ancillary Accommodation must only be occupied by a member of the same family as the occupiers of the main dwelling, at all times.

D59 A notification must be registered on the Certificate of Title for the land, pursuant to section 70A of the *Transfer of Land Act 1893*, prior to the issue of a Building Licence. This notification must include the following detail:

"The ancillary accommodation can only be occupied by a member of the same family as the occupiers of the main dwelling."

D60 At least one occupant of each Aged or Dependent Persons' Dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person, at all times.

D61 A Restrictive Covenant must be registered on the Certificate of Title for the land, pursuant to section 70A of the *Transfer of Land Act 1893* or section 6(1) of the *Strata Titles Act 1985*, prior to the issue of a Building Licence. This Covenant must include the following detail:

"At least one occupant of each aged or dependent persons' dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person."

D62 The Aged or Dependent Persons' Dwellings must be designed to incorporate, as a minimum, door widths, corridor widths, toilets, toilet approach doors and provision for grab rails being in accordance with Australian Standard AS 4299—1995, *Adaptable housing*, prior to the issue of a Building Licence.

**DISPLAY HOME CENTRES**

D63 The following must be installed prior to the occupation of the development, and retained and maintained in good condition at all times:

(i) hard-stand materials to all lots shown as car parking on the approved site plan;  
(ii) crossovers;  
(iii) a 1.5m wide footpath connecting the car park and each display home.

D64 The office or transportable building must be removed upon the cessation of the Display Home Centre operation.

D65 All hard-stand material must be removed from the car parking area and the land stabilised to prevent dust nuisance, upon the cessation of the Display Home Centre operation.

D66 A minimum of 4 on-site car parking spaces per Display Home must be retained and maintained in good condition until the cessation of the Display Home Centre operation.

**HOME OCCUPATIONS / HOME BUSINESSES / COTTAGE INDUSTRIES**

D67 All materials and/or equipment used in relation to the "Home Occupation/Home Business" must be stored within the residence, shed and/or rear yard, behind property fences, at all times.

D68 Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 10 minutes between clients.

D69 Clients must not be permitted to attend the premises at any time.

D70 Not more than two people are to be employed in connection with the Home Business who are not members of the occupier's household, at any time.

D71 Any person not a member of the occupier's household must not be employed in connection with the Home Occupation at any time.

D72 The display or retail sale of goods must not be carried out from the premises.
D73 The "Home Occupation/Home Business" must only be operated from the occupation room.

EXCLUDED RETAIL ITEMS - SHOWROOMS AND PHARMACIES

D74 Excluded retail items, as identified in the interpretation of "Showroom'/Medical Centre" in Town Planning Scheme No.2 must not be displayed or offered for sale or sold from the premises at any time.

LICENSED PREMISES

D75 A Management Plan, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate.

All works must be carried out in accordance with the Management Plan, for the duration of development.

MOTOR VEHICLE WRECKING

D76 The vehicles stored on the premises must be stacked in neat rows and must not visible from the street, at any time.

COMMERCIAL VEHICLE PARKING

D77 The Commercial Vehicle must be parked entirely within the property and behind the street setback area or parked at the rear of the residence and screened from view of any public street or reserve and neighbouring lots, whenever the Vehicle is present on the property.

D78 Major repairs must not be carried out on-site, the verge or the street, at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.

D79 All vehicle wash-down wastewater must be disposed of on-site, at all times.

D80 The Commercial Vehicle must not be started after 10.00pm or before 7.00am.

FOOTNOTES

F1 This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Planning Approval must be submitted to the City.

F2 This Approval supersedes the previous Approval dated <<date of superseded approval>>.

F3 Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to the issue of a building licence.

F4 The car parking requirement for this development has been calculated as <<insert calculated minimum car parking requirement>> car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of <<insert number of car parking spaces proposed>> car parking spaces which <<meets the minimum car parking requirement as is deemed acceptable/has a shortfall of car parking spaces required for the development, which has been deemed acceptable">>.

F5 With respect to Condition insert cash-in-lieu car parking condition number, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Carparking, which provides guidance on the calculation of the cash contribution.

F6 The interpretation of "<<insert TPS2 word requiring interpretation>>" in Town Planning Scheme No. 2 is as follows:-
F7 The development should comply with "Planning Policy 3.3.10 - Home Occupations and Home Businesses, Planning Policy 3.3.13 - Parking of Commercial Vehicles in a Residential Zone"., a copy of which is attached to this approval.

F8 The development must comply with Schedule "Schedule number "4,5" (relating to Planning Unit "3,4,5,6,7, Warnbro Dunes") of Town Planning Scheme No.2, a copy of which is attached to this approval.

F9 The development must comply with the Health (Public Building) Regulations 1992; the applicant and owner should liaise with the City's Health Services in this regard.

F10 The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.

F11 The development must comply with the Health Act 1911 with respect to 'offensive trades'; the applicant and owner should liaise with the City's Health Services in this regard.

F12 Stable construction must comply with the Health Local Laws 1996; the applicant and owner should liaise with the City's Health Services in this regard.

F13 The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.

F14 The disposal of wastewater on-site must be with the approval of the City; the applicant and owner should liaise with the City's Health Services in this regard.

F15 The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City's Health Services in this regard.

F16 The development must comply with the Health (Skin Penetration Procedure) Regulations 1998 and the Code of Practice for Skin Penetration Procedures; the applicant and owner should liaise with the City's Health Services in this regard.

F17 The development must comply with the Health (Hairdressing Establishment) Regulations 1974 and the Code of Practice for Hairdressing Procedures; the applicant and owner should liaise with the City's Health Services in this regard.

F18 The development must comply with the Activities in Public Places and Thoroughfares and Trading Local Law 2001 with respect to outdoor eating areas; the applicant and owner should liaise with the City's Health Services in this regard.

F19 The development must comply with section 400 of the Local Government (Miscellaneous Provisions) Act 1960 and the Street Verandahs Local Law 2000 relating to encroachments into the road reserve; the applicant and owner should liaise with the City's Building Services in this regard.

F20 A Building Licence must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.

F21 A Sign Licence must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.

F22 With respect to Condition insert landscaping condition number, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.

F23 All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Engineering Services in this regard.
F24 A Licence to Take Water for the use of groundwater may need to be obtained; the applicant and owner should liaise with the Department of Water in this regard.

F25 The development must comply with the Environmental Protection (Controlled Waste) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

F26 The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

F27 The development must comply with the Aboriginal Heritage Act 1972; the applicant and owner should liaise with the Department of Indigenous Affairs in this regard.

F28 The installation of security cameras linked to the City's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.

2. **REVOKE** Planning Policy 3.3.15 - Standard Approval Conditions for Development Applications, pursuant to clause 8.9.10(b) of Town Planning Scheme No.2.

### 8. Committee Recommendation

That Council:-

1. **ADOPT** Planning Procedure 1.11 - Standard Conditions and Footnotes for Development Approvals as follows:-

   **Planning Procedure 1.11**
   
   **Standard Conditions and Footnotes for Development Approvals**
   
   1. **Introduction**

   Clause 6.7.1 of Town Planning Scheme No.2 states that in determining an application for planning approval, the City may grant its approval with or without conditions or refuse to grant its approval, giving its reasons.

   2. **Statement of Intent**

   The City uses standard approval conditions and footnotes in respect of applications for planning approval on any land within the Scheme Area. The purpose of this Planning Procedure is to list the standard approval conditions and footnotes that may be applied in respect of applications for planning approval, as set out in Appendix 1.

   Notwithstanding the standard approval conditions or footnotes listed in this Planning Procedure, the City may modify any standard approval condition or footnote or impose any non-standard approval condition or footnote after considering the nature of the particular application.

   This Planning Procedure should be read in conjunction with Planning Policy 7.3, Cockburn Sound Catchment, which contains additional standard conditions not included in this Procedure.

   3. **Planning Procedure**

   The standard approval conditions and footnotes for use in respect of applications for planning approval are set out in Appendix 1.

   4. **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.

   Scheme Area covers the whole of the area of land and waterways of the local government district of the City of Rockingham as shown on the Scheme Map.
5. Adoption
This Planning Procedure was adopted by Council at its ordinary Meeting held on the 24th May 2011.

Appendices

Appendix 1 - Standard Conditions and Footnotes for Development Approvals

GENERAL CONDITIONS

D1 This Approval relates to the amended attached plan dated <<date amended plan received>>.

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D3 This Approval does not authorise or approve the use of any of the tenancies and separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.

D4 The development must be designed and all works must be carried out in accordance with the <<name of Document or Management Plan>> prepared by <<author of Document or Management Plan>> and dated <<date of Document or Management Plan>>, for the duration of development.

D5 The construction cost of the building must be confirmed to the City through the provision of a Report from a qualified quantity surveyor, prior to the issue of a Building Licence.

SITE WORKS AND DUST NUISANCE

D6 Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

Arrangements must be made to the satisfaction of the City for grasstree plants that are specifically identified for removal to be relocated, prior to the issue of a Building Licence.

D7 Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

D8 A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation’s DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the City, prior to the commencement of any work.

All works must be carried out in accordance with the Dust Management Plan, for the duration of development.

WATER MANAGEMENT

D9 All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City [for commercial development, include “and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes”].

D10 All works must maintain a minimum vertical separation distance of 2m to the highest-known watertable level, for the duration of the development.
LANDSCAPING

D11 A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the issue of a Building Licence:

(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
(ii) Any lawns to be established;
(iii) Any natural landscape areas to be retained;
(iv) Those areas to be reticulated or irrigated; and
(v) Verge treatments.

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

D12 The street setback area and all verge areas must be landscaped and reticulated prior to the occupation of the development and must be maintained at all times.

D13 The "landscape buffer/screen bund" must be vegetated such that the development minimises visual impact from public spaces, to the satisfaction of the City, prior to the commencement of work and must be retained and maintained in good condition at all times.

CARPARKS, BI CYCLE PARKING, ACCESS AND END-OF-TRIP FACILITIES

D14 The carpark must:

(i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to the issue of a Building Licence;
(ii) include <<number of accessible parking spaces>> car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
(iv) have lighting installed, prior to the occupation of the development; and
(v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

D15 <<number of visitor parking spaces>> visitor car parking spaces must be designed in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to the issue of a Building Licence.

The visitor car parking spaces must be constructed, clearly marked/signposted as visitor spaces and connected to the development via a 1.2m wide continuous accessible path of travel prior to the occupation of the development, and must be retained and maintained in good condition at all times.

D16 A cash contribution, in lieu of the shortfall of on-site car parking for the development of <<number of shortfall of parking spaces>> car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to the issue of a Building Licence.
D17 A cash contribution being provided for <<number of cash-in-lieu parking spaces required (Waterfront Village)>> car parking spaces in accordance with clause 4.15.2.1 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6.2 of Town Planning Scheme No.2, must be provided to the City, prior to the issue of a Building Licence.

D18 Materials, sea containers, goods or bins must not be stored within the carpark at any time.

D19 <<number of short-term (customer) spaces>> short-term bicycle parking spaces and <<number of long-term (staff/resident) spaces>> long-term bicycle parking spaces must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, prior to the issue of a Building Licence.

The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

D20 <<half the number of showers required>> male and <<half the number of showers required>> female secure hot-water showers and change rooms and <<number of long-term (staff/resident) spaces>> clothing lockers must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, prior to the issue of a Building Licence.

The showers and change rooms and lockers must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

WORKS IN ROAD RESERVE

D21 The existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

D22 <<number of on-street parking spaces>> on-street car parking spaces must be designed in accordance with the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, prior to the issue of a Building Licence.

The on-street car parking spaces must be constructed, sealed, kerbed, drained and marked prior to the development being occupied.

SERVICING

D23 The development must be connected to Water Corporation sewer mains prior to the occupation of the development, and must remain connected at all times.

D24 The above ground hydrocarbon storage facility must be bunded, with impervious bunds, having a minimum capacity of 110% of the hydrocarbon store capacity, prior to the occupation of the development.

D25 Washdown areas must be designed to be constructed of hard-stand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains, prior to the issue of a Building Licence.

Washdown areas, including petrol and oil separators, must be maintained for the duration of the development.

D26 A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to the issue of a Building Licence. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

D27 The bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City prior to the issue of a Building Licence, constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
D28 A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to the issue of a Building Licence:

(i) the location of bin storage areas and bin collection areas;
(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
(iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

D29 Exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with "state of the art" filtration and odour suppression devices to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.

NOISE NUISANCE

D30 Activities causing noise and/or inconvenience to neighbours must not be carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or public holidays.

D31 Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.

D32 An Acoustic Report must be prepared which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City, prior to the issue of a Building Licence.

All works must be carried out in accordance with the Acoustic Report, for the duration of development.

D33 An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

(i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
(ii) tonality, modulation and impulsiveness; and
(iii) confirm the implementation of noise attenuation measures.

LIGHT NUISANCE

D34 Floodlighting must not be illuminated after 10:00pm or before 7:00am.

All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

AESTHETICS

D35 A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to the issue of a Building Licence.

The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.
D36 A Schedule setting out details on articulation, colour and texture for all walls built up to boundaries, demonstrating how the impression of height and bulk can be reduced, must be provided to the satisfaction of the City, prior to the issue of a Building Licence.

The walls must be finished in accordance with the Schedule provided and approved by the City prior to occupation of the development.

D37 The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

ADVERTISEMENTS

D38 A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Licence.

D39 The advertisements must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into their design or structure, or be, in the opinion of the City, objectionable, dangerous or offensive, at any time.

FIRE MANAGEMENT

D40 A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission’s Planning for Bush Fire Protection Edition 2 to the satisfaction of the City, prior to the issue of a Building Licence.

All works must be carried out in accordance with the approved Fire Management Plan, for the duration of development.

HERITAGE

D41 The heritage place identified on the approved plan must be retained and protected from damage by all on-site works, at all times.

AMALGAMATION

D42 Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to the issue of a Building Licence or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.

REHABILITATION

D43 Rehabilitation must be undertaken immediately following the cessation of the development, or where the development is staged, to be undertaken progressively immediately following the cessation of each stage.

RURAL DEVELOPMENT

D44 All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to the issue of a Building Licence.

Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.

D45 All buildings and structures must be designed to be wholly within the approved Building Envelope, prior to the issue of a Building Licence.

Clearing of vegetation outside the approved Building Envelope must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular accessway.

D46 The development must not be used for habitation at any time.

DESIGN ELEMENTS - COMMERCIAL

D47 Entries and window frontages facing the street of tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
D48 All doors facing the street must be kept open and not locked during all hours when the subject premises is trading.

D49 Street verandahs must be provided to across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street verandah.

DESIGN ELEMENTS - RESIDENTIAL

D50 Fencing nominated on the approved plan must be 50% visually permeable above 1.2 metres prior to the occupation of the development, and must be retained and maintained in good condition at all times.

D51 The openings to, marked in red on the approved plans, must be designed in accordance with the following, prior to the issue of a Building Licence:

(i) fixed obscure glazing not able to be opened; or
(ii) having a sill height not less than 1.6 metres above floor level; or
(iii) reduced in size to not exceed 1.0m² in aggregate on the same wall; or
(iv) deleted.

D52 The side of the balcony to , marked in red on the approved plans, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level, prior to the issue of a Building Licence.

D53 Walls built up to the common boundary with must be designed to have a maximum height of above natural ground level, prior to the issue of a building licence.

D54 Clothes drying facilities (excluding electric clothes dryers) must be designed for each Multiple Dwelling, screened from public view, prior to the issue of a Building Licence.

The facilities, so designed, must be completed prior to occupation of the development and must be retained at all times.

D55 The total height of the development must be designed so that it does exceed a height of above natural ground level, prior to the issue of a Building Licence.

D56 An enclosed, lockable storage area of not less than 4m² in area, with a minimum dimension of 1.5m and located within the same building as their respective dwellings, being designed for each multiple dwelling, prior to the issue of a Building Licence.

D57 Above-ground meter boxes must not be located in a street setback area at any time.

SPECIAL PURPOSE DWELLINGS

D58 The Ancillary Accommodation must only be occupied by a member of the same family as the occupiers of the main dwelling, at all times.

D59 A notification must be registered on the Certificate of Title for the land, pursuant to section 70A of the Transfer of Land Act 1893, prior to the issue of a Building Licence. This notification must include the following detail:

"The ancillary accommodation can only be occupied by a member of the same family as the occupiers of the main dwelling."

D60 At least one occupant of each Aged or Dependent Persons' Dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person, at all times.
D61 A Restrictive Covenant must be registered on the Certificate of Title for the land, pursuant to section 70A of the Transfer of Land Act 1893 or section 6(1) of the Strata Titles Act 1985, prior to the issue of a Building Licence. This Covenant must include the following detail:

"At least one occupant of each aged or dependent persons' dwelling must be a physically dependent person or aged over 55, or the surviving spouse of that person."

D62 The Aged or Dependent Persons' Dwellings must be designed to incorporate, as a minimum, door widths, corridor widths, toilets, toilet approach doors and provision for grab rails being in accordance with Australian Standard AS 4299—1995, Adaptable housing, prior to the issue of a Building Licence.

DISPLAY HOME CENTRES

D63 The following must be installed prior to the occupation of the development, and retained and maintained in good condition at all times:

(i) hard-stand materials to all lots shown as car parking on the approved site plan;
(ii) crossovers; and
(iii) a 1.5m wide footpath connecting the car park and each display home.

D64 The office or transportable building must be removed upon the cessation of the Display Home Centre operation.

D65 All hard-stand material must be removed from the car parking area and the land stabilised to prevent dust nuisance, upon the cessation of the Display Home Centre operation.

D66 A minimum of 4 on-site car parking spaces per Display Home must be retained and maintained in good condition until the cessation of the Display Home Centre operation.

HOME OCCUPATIONS / HOME BUSINESSES / COTTAGE INDUSTRIES

D67 All materials and/or equipment used in relation to the <<"Home Occupation/Home Business">> must be stored within the residence, shed and/or rear yard, behind property fences, at all times.

D68 Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 10 minutes between clients.

D69 Clients must not be permitted to attend the premises at any time.

D70 Not more than two people are to be employed in connection with the Home Business who are not members of the occupier's household, at any time.

D71 Any person not a member of the occupier's household must not be employed in connection with the Home Occupation at any time.

D72 The display or retail sale of goods must not be carried out from the premises.

D73 The <<"Home Occupation/Home Business">> must only be operated from the <<name of occupation room>>.

EXCLUDED RETAIL ITEMS - SHOWROOMS AND PHARMACIES

D74 Excluded retail items, as identified in the interpretation of <<"Showroom"/'Medical Centre">> in Town Planning Scheme No.2 must not be displayed or offered for sale or sold from the premises at any time.

LICENSED PREMISES

D75 A Management Plan, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate.

All works must be carried out in accordance with the Management Plan, for the duration of development.
MOTOR VEHICLE WRECKING

D76 The vehicles stored on the premises must be stacked in neat rows and must not visible from the street, at any time.

COMMERCIAL VEHICLE PARKING

D77 The Commercial Vehicle must be parked entirely within the property and behind the street setback area or parked at the rear of the residence and screened from view of any public street or reserve and neighbouring lots, whenever the Vehicle is present on the property.

D78 Major repairs must not be carried out on-site, the verge or the street, at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.

D79 All vehicle wash-down wastewater must be disposed of on-site, at all times.

D80 The Commercial Vehicle must not be started after 10.00pm or before 7.00am.

FOOTNOTES

F1 This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Planning Approval must be submitted to the City.

F2 This Approval supersedes the previous Approval dated <<date of superseded approval>>.

F3 Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to the issue of a building licence.

F4 The car parking requirement for this development has been calculated as <<insert calculated minimum car parking requirement>> car parking spaces (this includes spaces dedicated for people with disabilities). The proposed development provides a total of <<insert number of car parking spaces proposed>> car parking spaces which meets the minimum car parking requirement as is deemed acceptable/has a shortfall of car parking spaces required for the development, which has been deemed acceptable".>>.

F5 With respect to Condition insert cash-in-lieu car parking condition number, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Carparking, which provides guidance on the calculation of the cash contribution.

F6 The interpretation of <<insert TPS2 word requiring interpretation>> in Town Planning Scheme No. 2 is as follows:-

[insert Scheme interpretation]

F7 The development should comply with <<"Planning Policy 3.3.10 - Home Occupations and Home Businesses, Planning Policy 3.3.13 - Parking of Commercial Vehicles in a Residential Zone">>, a copy of which is attached to this approval.

F8 The development must comply with Schedule <<Schedule number "4,5">> (relating to Planning Unit <<Planning Unit "3,4,5,6,7, Warnbro Dunes">> of the Rural Land Strategy) of Town Planning Scheme No.2, a copy of which is attached to this approval.

F9 The development must comply with the Health (Public Building) Regulations 1992; the applicant and owner should liaise with the City's Health Services in this regard.

F10 The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.

F11 The development must comply with the Health Act 1911 with respect to 'offensive trades'; the applicant and owner should liaise with the City's Health Services in this regard.

F12 Stable construction must comply with the Health Local Laws 1996; the applicant and owner should liaise with the City's Health Services in this regard.
The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.

The disposal of wastewater on-site must be with the approval of the City; the applicant and owner should liaise with the City's Health Services in this regard.

The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City's Health Services in this regard.

The development must comply with the Health (Skin Penetration Procedure) Regulations 1998 and the Code of Practice for Skin Penetration Procedures; the applicant and owner should liaise with the City's Health Services in this regard.

The development must comply with the Health (Hairdressing Establishment) Regulations 1974 and the Code of Practice for Hairdressing Procedures; the applicant and owner should liaise with the City's Health Services in this regard.

The development must comply with the Activities in Public Places and Thoroughfares and Trading Local Law 2001 with respect to outdoor eating areas; the applicant and owner should liaise with the City's Health Services in this regard.

The development must comply with section 400 of the Local Government (Miscellaneous Provisions) Act 1960 and the Street Verandahs Local Law 2000 relating to encroachments into the road reserve; the applicant and owner should liaise with the City's Building Services in this regard.

A Building Licence must be obtained for all retaining walls prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.

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

With respect to Condition insert landscaping condition number, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.

All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Engineering Services in this regard.

A Licence to Take Water for the use of groundwater may need to be obtained; the applicant and owner should liaise with the Department of Water in this regard.

The development must comply with the Environmental Protection (Controlled Waste) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.

The development must comply with the Aboriginal Heritage Act 1972; the applicant and owner should liaise with the Department of Indigenous Affairs in this regard.

The installation of security cameras linked to the City's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.

2. **REVOKE** Planning Policy 3.3.15 - Standard Approval Conditions for Development Applications, pursuant to clause 8.9.10(b) of Town Planning Scheme No.2.

Committee Voting - 4/0
9. **The Committee’s Reason for Varying the Officer’s Recommendation**

Not applicable.

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

Not applicable.
13. **Reports of Councillors**  
Nil

14. **Addendum Agenda**  
Nil

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

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

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

18. **Matters Behind Closed Doors**  
Nil

19. **Date and Time of Next Meeting**  
The next Planning Services Standing Committee Meeting will be held on **Monday 20 June 2011** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**  
There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 4.40pm.

21. **Attachments**  
Nil