



City of Rockingham

MINUTES

Planning and Engineering Services Committee Meeting

Held on Monday 20 June 2022 at 4:00pm
City of Rockingham Council Chamber



City of Rockingham
Planning and Engineering Services
Committee Minutes
Monday 20 June 2022



CONTENTS

1.	Declaration of Opening	4
2.	Record of Attendance/Apologies/Approved Leave of Absence	4
3.	Responses to Previous Public Questions Taken on Notice	5
4.	Public Question Time	5
5.	Confirmation of Minutes of the Previous Meeting	5
6.	Matters Arising from the Previous Minutes	5
7.	Announcement by the Presiding Person without Discussion	5
8.	Declaration of Member's and Officer's Interest	5
9.	Petitions/Deputations/Presentations/Submissions	6
10.	Matters for which the Meeting may be Closed	6
11.	Bulletin Items	6
	Planning and Development Services Information Bulletin - June 2022	6
	Asset Services Information Bulletin - Bulletin 2022	6
12.	Agenda Items - Planning and Engineering Services Committee	
	Planning and Development Services	11
	PD-018/22 Proposed Standard Structure Plan Amendment ('Baldivis Grove') - Lot 780 Eighty Road, Baldivis	11
	PD-019/22 Scheme Amendment No.187 - Additional Use No.34 - Medical Centre, Consulting Rooms and Health Studio (Baldivis District Sports Complex)	21
	PD-020/22 Heritage Rates Concessions - Heritage Strategy 2020-2025	37
	PD-021/22 Revised Local Planning Policy No.3.3.21 - Heritage Development and Design	44
	PD-022/22 Proposed Local Planning Policy No.3.3.26 - Guidelines to Establishing a Heritage List	65
	PD-023/22 Draft Rockingham Strategic Centre Precinct Structure Plan and Amendment No.191 to Town Planning Scheme No.2	82
13.	Reports of Council Members	126
14.	Addendum Agenda	126
15.	Motions of which Previous Notice has been given	126
16.	Notices of Motion for Consideration at the Following Meeting	126
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee	126

18.	Matters Behind Closed Doors	126
19.	Date and Time of Next Meeting	126
20.	Closure	126



	2.3	Members of the Gallery:	4
	2.4	Apologies:	Nil
	2.5	Approved Leave of Absence:	Nil
3.	Responses to Previous Public Questions Taken on Notice		
	Nil		
4.	Public Question Time		
	4:01pm	The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions. There were none.	
5.	Confirmation of Minutes of the Previous Meeting		
	Moved Cr Jones, seconded Mayor Hamblin: That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee meeting held on 16 May 2022, as a true and accurate record. Committee Voting (Carried) - 6/0		
6.	Matters Arising from the Previous Minutes		
	Nil		
7.	Announcement by the Presiding Person without Discussion		
	4:01pm	The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.	
8.	Declarations of Members and Officers Interests		
	4:01pm	Cr Jones and Cr Wormall declared the following Declarations of Interest:	
	8.1	Item PD-018/22	Proposed Standard Structure Plan Amendment ('Baldivis Grove') - Lot 780 Eighty Road, Baldivis
		Council Member:	Cr Wormall
		Type of Interest:	Impartiality
		Nature of Interest:	Fraser Property is a client of Cr Wormall's employer.
		Extent of Interest:	Not Applicable
	8.2	Item PD-020/22	Heritage Rates Concessions - Heritage Strategy 2020-2025
		Council Member:	Cr Jones
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Jones is the Secretary of the Seaside Camp for Children - 1 Humus Street is listed as a Category B Heritage Place under Council Policy 3.3.21
		Extent of Interest:	Not Applicable

	8.3	Item PD-021/22	Revised Local Planning Policy No.3.3.21 - Heritage Development and Design
		Council Member:	Cr Jones
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Jones is the Secretary of the Seaside Camp for Children - 1 Humus Street is listed as a Category B Heritage Place under Council Policy 3.3.21
		Extent of Interest:	Not Applicable
	8.4	Item PD-022/22	Proposed Local Planning Policy No.3.3.26 - Guidelines to Establishing a Heritage List
		Council Member:	Cr Jones
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Jones is the Secretary of the Seaside Camp for Children - 1 Humus Street is listed as a Category B Heritage Place under Council Policy 3.3.21
		Extent of Interest:	Not Applicable
9.	Petitions/Deputations/Presentations/Submissions		
	Nil		
10.	Matters for which the Meeting may be Closed		
	Nil		
11.	Bulletin Items		
	Planning and Development Services Information Bulletin - June 2022 Health Services 1. Health Services Team Overview 2. Human Resource Update 3. Project Status Reports 3.1 FoodSafe 3.2 Industrial and Commercial Waste Monitoring 3.3 Mosquito Control Program 3.4 Environmental Waters Sampling 3.5 Food Sampling 4. Information Items 4.1 Food Recalls 4.2 Food Premises Inspections 4.3 Public Building Inspections 4.4 Outdoor Event Approvals 4.5 Permit Approvals 4.6 Complaint - Information 4.7 Noise Complaints - Detailed Information 4.8 Health Approvals 4.9 Septic Tank Applications 4.10 Demolitions 4.11 Swimming Pool and Drinking Water Samples		

	<ul style="list-style-type: none">4.12 Rabbit Processing4.13 Hairdressing and Skin Penetration Premises4.14 Bookings for Halls and Reserves <p>Building Services</p> <ul style="list-style-type: none">1. Building Services Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Monthly Building Permit Approvals - (All Building Types)4.2 Other Permits4.3 Monthly Caravan Park Site Approvals <p>Compliance and Emergency Liaison</p> <ul style="list-style-type: none">1. Compliance and Emergency Liaison Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Ranger Services Action Reports4.2 Building and Development Compliance4.3 Emergency Liaison - Rockingham SES Volunteer Activity for May 20224.4 Fire Prevention - CRMs May 20224.5 SmartWatch Key Result Areas4.6 Compliance Community Engagement <p>Strategic Planning and Environment</p> <ul style="list-style-type: none">1. Strategic Planning and Environment Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Local Planning Strategy and New Town Planning Scheme3.2 Local Commercial Strategy Review3.3 Greening Plan3.4 Lake Richmond Management Plan Implementation - Thrombolite Study3.5 Karnup District Structure Plan3.6 Foreshore Management Plan4. Information Items<ul style="list-style-type: none">4.1 Structure Plan Assessment Status4.2 Tree Removals - Approvals Issued Under Delegated Authority4.3 Native Plants Giveaway 2022 <p>Land and Development Infrastructure</p> <ul style="list-style-type: none">1. Land and Development Infrastructure Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Managed Aquifer Recharge (MAR) - Feasibility Study4. Information Items<ul style="list-style-type: none">4.1 Referrals4.2 Delegated Land and Development Infrastructure Assets Approvals4.3 Handover of Subdivisional Roads4.4 Delegated Subdivision Engineering and Public Open Space Practical Completions4.5 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works <p>Statutory Planning</p> <ul style="list-style-type: none">1. Statutory Planning Team Overview
--	---

	<ol style="list-style-type: none"> 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 3.1 Review of Planning Policy 3.3.1 - Control of Advertisements 3.2 Review of Planning Policy 3.3.21 - Heritage Conservation and Development and Website Heritage Information Sheet 3.3 Proposed Planning Policy 3.3.26 - Guidelines to Establishing a Heritage List 3.4 Proposed Planning Policy 7.5 - Heritage Incentives 3.5 Small Business Approvals Program - Action Plan 4. Information Items <ol style="list-style-type: none"> 4.1 Subdivision/Development Approval and Refusals by the WAPC 4.2 Notifications and Gazettals 4.3 Subdivision Clearances 4.4 Subdivision Survey Approvals 4.5 Subdivision Lot Production 4.6 Delegated Development Approvals 4.7 Delegated Development Refusals 4.8 Delegated Building Envelope Variations 4.9 Subdivision/Amalgamation Approved 4.10 Strata Plans 4.11 Subdivision/Amalgamation Refused 4.12 Proposed Change of Use to Tavern (Upstairs Above VAT 116) <p>Planning and Development Directorate</p> <ol style="list-style-type: none"> 1. Planning and Development Directorate Team Overview 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 3.1 Rockingham Strategic Metropolitan Centre Local Planning Framework Review 3.2 Design Review Panel 4. Information Items <p>Advisory Committee Minutes</p>
--	---

Committee Recommendation

Moved Cr Buchan, seconded Cr Jones:

That Council Members acknowledge having read the Planning Services Information Bulletin - June 2022 and the content be accepted.

Committee Voting (Carried) - 6/0

	<p>Asset Services Information Bulletin - June 2022</p> <p>Asset Services Directorate</p> <ol style="list-style-type: none"> 1. Asset Services Directorate Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items <ol style="list-style-type: none"> 4.1 Bushfire Risk 4.2 Strategic Asset Management 4.3 Petition - Roses at 27 Karunjie Road and 2 Yanrey Street, Golden Bay <p>Operations and Fleet Services</p> <ol style="list-style-type: none"> 1. Operations and Fleet Services Team Overview 2. Human Resource Update 3. Project Status Reports
--	--

	<ul style="list-style-type: none">4. Information Items<ul style="list-style-type: none">4.1 Building Maintenance - Operations4.2 Building Maintenance - Buildings4.3 Building Maintenance - Reserves4.4 Graffiti Program 2021/2022 <p>Infrastructure Project Delivery</p> <ul style="list-style-type: none">1. Infrastructure Project Delivery Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Baldvis Road (Kerosene Lane to Fifty Road), Baldvis - Widen and Install Median Island4.2 Belgravia Terrace (Anduril Lane to Existing Path), Rockingham - Footpath Construction4.3 Bus Shelter Replacements4.4 Dixon Road (Goddard Street to Ennis Avenue), Rockingham - Footpath Upgrades4.5 Ennis Avenue (Hillman Park to Carvie Street), Rockingham - Construct Shared Path4.6 Gascoyne Way (Willmott Drive to Grange Drive), Cooloongup - Install Raised Safety Platforms4.7 George Street (Bay View Street to William Street), Rockingham - Footpath Construction4.8 Lark Hill Sporting Complex Soccer and Cricket Club Building Refurbishments, Port Kennedy4.9 Lark Hill Sporting Complex Softball and Hockey Club Building Refurbishments, Port Kennedy4.10 Playground Replacements 2021/20224.11 Point Peron Boat Launching Facility, Peron - Construct Carpark Extension4.12 Read Street/Chalgrove Avenue, Rockingham - Extend Right Turn Pockets4.13 Read Street/Council Avenue, Rockingham - Extend Right Turn Pockets4.14 Rockingham Arts Centre Improvements4.15 Rockingham Aquatic Centre LED Sign4.16 Safety Bay Road/Mandurah Road, Baldvis - Install Road Safety Crash Barriers4.17 Safety Bay Road/Settlers Avenue, Baldvis - Extend Right Turn Pocket4.18 Safety Bay Tennis Club - Fence Replacement4.19 Secret Harbour - Street Lighting Upgrade4.20 Shoalwater Reserve - Construction of Activity Node4.21 Tranby Drive (Arpenteur Drive to Existing Path), Baldvis - Footpath Construction <p>Parks Services</p> <ul style="list-style-type: none">1. Parks Services Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Communities Environment Program Projects4. Information Items<ul style="list-style-type: none">4.1 Delegated Public Open Space Handovers4.2 CRM Statistics4.3 Contract Management - Requests for Quote and Tender4.4 Weed Management4.5 Reserve and POS Maintenance4.6 Natural Area Maintenance4.7 Bushfire Mitigation
--	--

	<ul style="list-style-type: none">4.8 Irrigation Maintenance4.9 Tree Maintenance4.10 Greening Plan 20174.11 Litter Program 2021/2022 <p>Technical Services</p> <ul style="list-style-type: none">1. Technical Services Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Strategic Boating Provision Plan (SBPP)3.2 Bent Street Dredge Material - Environmental Study3.3 Coastal Sediment Management Plan and Beach Renourishment3.4 Footpath Defect Inspection3.5 Rockingham Future Traffic Modelling (Traffic Counts)4. Information Items<ul style="list-style-type: none">4.1 Delegated Authority for Temporary Thoroughfare Closure4.2 Delegated Authority for approval of Directional Signage4.3 Delegated Authority for approval of Heavy Haulage4.4 Authorised Traffic Management Plans for Works on City Controlled Roads4.5 Civil Works Program 2021/20224.6 Civil Maintenance Program 2021/20224.7 Civil Maintenance Program 2021/20224.8 Road Rehabilitation & Renewal Programs 2021/20224.9 Local Roads and Community Infrastructure Program (LRCI Phase 2 and 3)4.10 Drainage Renewal Program Municipal Works 2021/20224.11 Footpath Renewal Program Municipal Works 2021/20224.12 Carpark Renewal Program Municipal Works 2021/20224.13 Delegated Authority for the payment of crossover subsidies4.14 Third Party Works within the City4.15 Asset Inspections4.16 Verge Treatment Applications4.17 Verge Issues4.18 Coastal Capital Projects4.19 Coastal Infrastructure Management <p>Advisory Committee Minutes</p>
--	---

Committee Recommendation

Moved Cr Buchan, seconded Cr Jones:

That Council Members acknowledge having read the Asset Services Information Bulletin - June 2022 and the content be accepted.

Committee Voting (Carried) - 6/0

12. Agenda Items

Planning and Development Services

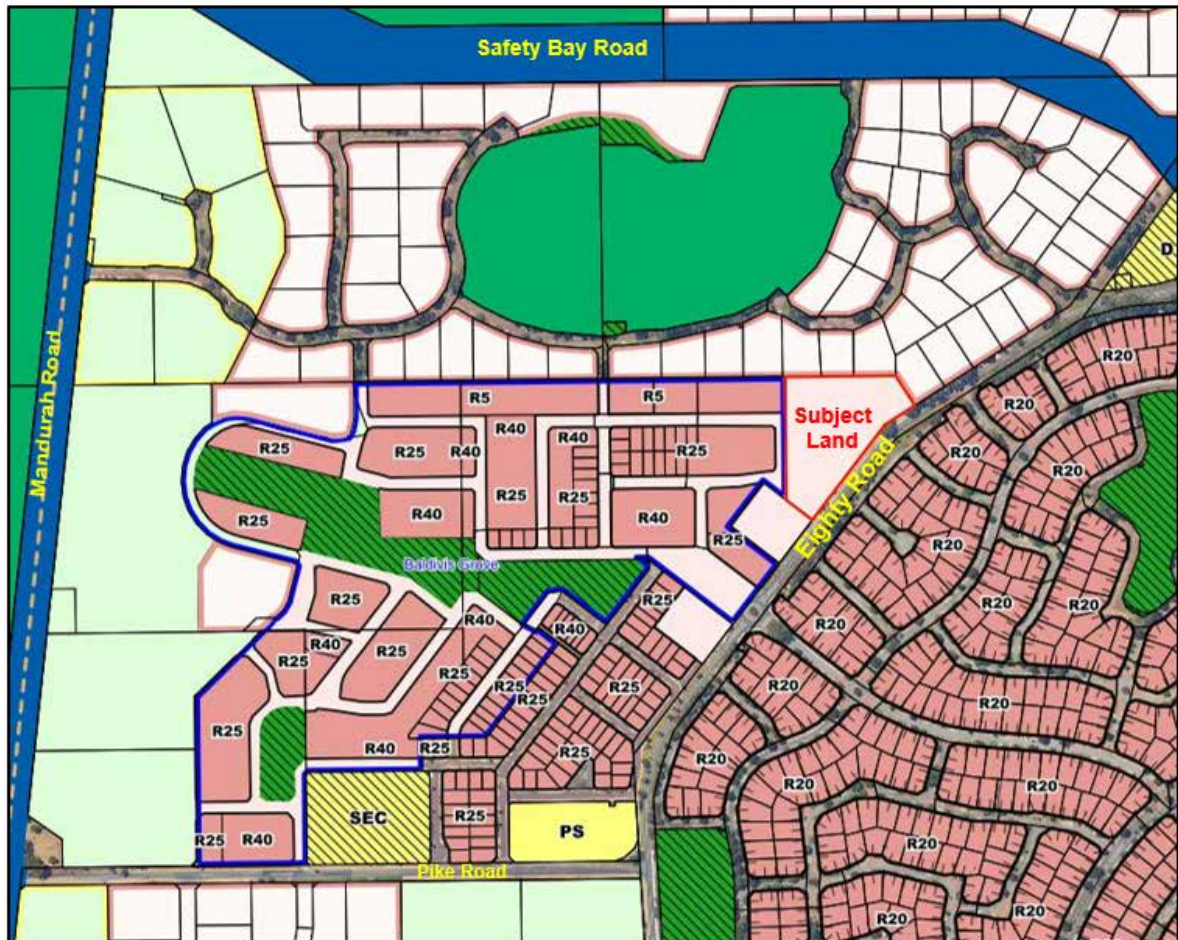
Planning and Development Services Strategic Planning and Environment Services



Reference No & Subject:	PD-018/22	Proposed Standard Structure Plan Amendment ('Baldvis Grove') - Lot 780 Eighty Road, Baldvis
File No:	LUP/285-12	
Applicant:	CLE Town Planning and Design on behalf of Frasers Property Group	
Owner:	Australand Industrial No.63 Pty Ltd trading as Frasers Property Group	
Author:	Mr Tristan Fernandes, Coordinator Strategic Planning	
Other Contributors:	Mr Paul Compe, Senior Strategic Planning Officer Mr Brett Ashby, Manager Strategic Planning and Environment	
Date of Committee Meeting:	20 June 2022	
Previously before Council:	24 June 2014 (PDS-046/14); 23 February 2016 (PDS-005/16)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Lot 780 Eighty Road, Baldvis.	
Lot Area:	1.4891ha	
LA Zoning:	Development	
MRS Zoning:	Urban	
Attachments:	1. Schedule of Submissions 2. Schedule No. 2 - Assessment of Submission Issues	
Maps/Diagrams:	1. Location Plan 2. Amendment 6 - Inclusion of Lot 780 in Baldvis Grove Structure Plan 3. Subdivision Concept Plan 4. Advertising Area 5. Interface to Lot 377 Eighty Road, Baldvis	

Purpose of Report

To consider a proposed Standard Structure Plan Amendment (referred to as the 'proposed Structure Plan Amendment' hereafter) to introduce Lot 780 Eighty Road into the 'Baldivis Grove' Structure Plan area following the completion of public advertising.



1. Location Plan

Background

Western Power Substation

In 1997, Western Power acquired the subject land for the purpose of constructing a substation.

In April 2009, Western Power undertook community consultation with respect to the planned construction of the substation, and during this process, nearby residents raised concern over the visual impact of the proposed facility.

Western Power was subsequently approached by the owner of the adjacent 'Baldivis Grove' Estate proposing a land-swap to facilitate the relocation of the proposed substation. As a result of this process, the substation site was relocated to Lot 3001 Pike Road (shown as 'SEC' on Figure 1 above), which is adjacent to the southern boundary of the broader Structure Plan area.

Previous Approvals

The 'Baldivis Grove' Structure Plan was approved by the Western Australian Planning Commission on 22 December 2014 and adopted by the City on 14 January 2015.

Since being adopted, the 'Baldivis Grove' Structure Plan has been amended several times as detailed below:

Amendment No.	Date Approved	Details
1.	10 May 2015	Minor boundary changes to Lot 335 Eighty Road, Baldivis.
2.	10 May 2015	Introduced Residential Design Code Variations - Single House (RMD) Standards for Medium Density Housing.
3.	28 July 2015	Select lots rezoned from R40 to R25 on lot 335 Eighty Road.
4.	26 October 2016	Introduced Lot 123 Pike Road, Baldivis within the 'Baldivis Grove' Structure Plan by applying residential densities ranging from R25 - R40, along with a single parcel of land for the purpose of Public Open Space.
5.	6 September 2021	Changed selected pockets of R25 and R40 lots and realigned selected local roads to reflect current subdivision approvals. Also, deleted all references to the <i>Residential Design Codes Variations - Single House (RMD) Standards for Medium Density Housing</i> and removes land from the Structure Plan area.

Details

Site Context

The site's northern boundary adjoins the 'Woodleigh Grove' Special Residential area. The site was cleared over 50 years ago and features several large trees, primarily Tuart (*Eucalyptus gomphocephala*) and Jarrah (*Eucalyptus marginate*) and areas of Acacia scrub that have regrown across the site.

Description of the Proposal

The proposed Structure Plan Amendment proposes to incorporate Lot 780 Eighty Road, Baldivis into the 'Baldivis Grove' Structure Plan to guide subdivision and development of the site.

The proposed Structure Plan Amendment provides for:

- An R5 residential density along the site's northern boundary abutting Special Residential zoned lots, providing for the development of three (3) larger lots of approximately 2000m²;
- An R25 residential density for the balance of the site, providing for the development of approximately 21 lots with an average lot size of around 350m²;
- Access to the development area via the existing local road network to the east; and
- No Public Open Space (POS) given the limited size of the site and the existing over-provision of POS in the estate.

The Structure Plan Map and Subdivision Concept Plan are shown in Figures 2 and 3.



2. Amendment 6 - Inclusion of Lot 780 in Baldvis Grove Structure Plan



3. Subdivision Concept Plan

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations'), the applicant submitted the following Reports for assessment:

- Y Structure Plan Map
- Y Structure Plan Report

- Y Bushfire Management Plan
- Y Traffic Impact Statement
- Y Urban Water Management Plan

Implications to Consider

a. Consultation with the Community

Advertising Methodology

Advertising was undertaken in accordance with the requirements of Schedule 2, Part 4, Clause 18 of the Regulations.

The advertising period commenced on 30 March 2022 and concluded on 11 May 2022 (42 days) and was carried out in the following manner:

- (i) 65 nearby owners and occupiers of properties, which may be directly or indirectly impacted by the proposed Structure Plan amendment area, were notified of the proposal by letter (refer to Figure 4);
- (ii) One (1) sign erected on the site on Lot 780 Eighty Road fronting Eighty Road, Baldivis.
- (iii) A Notice was placed through the City's 'Rock Port' portal; and
- (iv) Copies of the proposed Structure Plan Amendment and relevant documents were made available for inspection at the City of Rockingham's Administrative Offices and on the City's website.



4. Advertising Area

At the close of the advertising period, the City received no public submissions.

b. Consultation with Government Agencies

As part of the advertising process, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment pursuant to Schedule 2, Part 4, Clause 18(1)(b) of the Regulations. In this regard, the City of Rockingham (City) invited comments from the following agencies:

- ATCO Gas Australia
- Department of Transport
- Department of Health
- Department of Planning Lands and Heritage
- Department of Biodiversity, Conservation and Attractions
- Department of Fire and Emergency Services
- Telstra
- Water Corporation
- Department of Water and Environmental Regulations

At the close of the advertising period, the City received seven (7) submissions from State Agencies and Service Authorities.

A full copy of the submissions received during the advertising period is set out in the Schedule of Submissions (Attachment 1).

The following key matters were raised in submissions received from State Agencies:

- (i) Department of Water and Environment Regulation: The proposed Structure Plan Amendment should not be finalised prior to the amendment and subsequent endorsement of the Urban Water Management Plan by the Department and the City.
- (ii) Department of Health (DoH):
A Mosquito Management Plan (MMP) is to be developed and approved by both the DoH and the City to ensure the risk to the community of exposure to nuisance and/or disease carrying mosquitoes is considered. The MMP is to be approved by the City and DoH prior to any subdivision.
- (iii) Department of Fire and Emergency Services:
Asset Protection Zones (APZs) should be solely contained within the boundaries of the lot on which the building is situated, in lieu of overlapping APZs as part of future subdivision design.

The matters raised in submissions relate to actions required at subdivision stage and do not impact the design of the Structure Plan Amendment area.

The City's detailed assessment of submission issues, including the applicant's response to the matters raised are detailed within Attachment 2 - Schedule No.2 - Assessment of Submission Issues.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for future generations*

Strategic Objective: *Responsive Planning and Control of Land Use - plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

d. Policy

Assessment of the proposed Structure Plan Amendment has been informed by the following strategies and policies:

State Planning Framework

- Y South Metropolitan and Peel Sub-Regional Planning Framework (2018)
- Y SPP 2.8 - Bushland Policy for the Perth Metropolitan Region
- Y SPP 3.7 - Planning in Bushfire Prone Areas

Y SPP 7.0 - Design of the Built Environment

Y Liveable Neighbourhoods

Local Planning Framework

Y Planning Policy 3.4.3 - Urban Water Management

These Policies are stated where relevant to discussion of the key issues identified in the Comment section of this Report. Further detailed technical comments will be included in the Local Government Report when submitted to the WAPC for determination.

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations (2015)

In accordance with Clause 19(1) of the Regulations, the local government:

- (a) *must consider all submissions made to the local government within the period specified in a notice advertising the Structure Plan; and*
- (b) *may consider submissions made to the local government after that time; and*
- (c) *may request further information from a person who prepared the Structure Plan; and*
- (d) *may advertise any modifications proposed to the Structure Plan to address issues raised in submissions.*

Determination of a Structure Plan ultimately rests with the WAPC. In accordance with Clause 20 of the Regulations, the local government must perform the following actions:

- “(1) *The local government must prepare a report on the proposed Structure Plan and provide it to the WAPC no later than 60 days after the day that is the latest of:*
 - (a) *The last day for making submissions specified in a notice given or published under clause 18(2); or*
 - (b) *The last day for making submission after a proposed modification of the structure plan is advertised under clause 19(2); or*
 - (c) *A day agreed by the Commission.*
- (2) *The report on the proposed Structure Plan must include the following:*
 - (a) *a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the Structure Plan advertised under clause 19(2)*
 - (b) *any comments by the local government in respect of those submissions;*
 - (c) *a schedule of any proposed modifications to address issues raised in the submissions;*
 - (d) *the local government’s assessment of the proposal based on appropriate planning principles;”*

A recommendation by the local government on whether the proposed Structure Plan should be approved by the WAPC, including a recommendation on any proposed modifications. In accordance clause 22(1) of the Regulations, the WAPC must then consider the Structure Plan amendment submitted by the City and make a decision to:

- “(a) *approve the structure plan; or*
- (b) *require the local government or the person who prepared the structure plan to*
 - (i) *modify the plan in the manner specified by the Commission; and*
 - (ii) *resubmit the modified plan to the Commission for approval; or*
- (c) *refuse to approve the structure plan.”*

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposal generally conforms to the requirements specified in Liveable Neighbourhoods and provides for an appropriate planning response to the intent of the 'Development' zone.

The proposed residential densities are consistent with the existing Structure Plan, with the planned R5 density along the northern boundary providing an appropriate interface to the adjoining 'Woodleigh Grove' Estate.

No additional POS is required for the Amendment area, given the overall Structure Plan meets the POS requirements of Liveable Neighbourhoods.

The City expects that significant trees will be retained in the proposed R5 lots and within road verges where possible, however, the extent to which this can be achieved will be determined through detailed planning and design at subdivision stage. A tree survey will be required via conditions of subdivision approval under Part 1 of the Structure Plan Report, including completion of a Tree Survey and Tree Protection Management Plan.

The following matter was identified during the assessment that requires a change to the advertised Structure Plan Amendment Map.

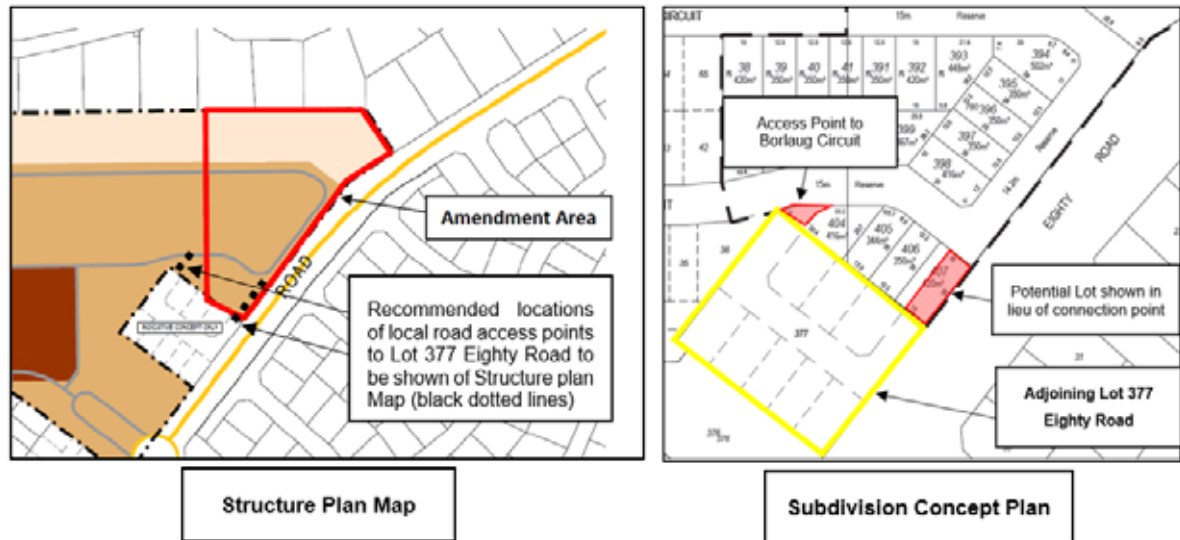
Interface and Integration to Lot 377 Eighty Road, Baldvis

Lot 377 is located immediately to the south-west of the subject site and is in separate ownership to the balance of the Development Area. The original Structure Plan for the area depicted an indicative subdivision layout for the lot, showing connections through to the balance of the development to the north.

Supplemental provision 27(4)(c) of TPS2 states "*a proponent (applicant) may be required to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangement for implementation*".

The proposed Structure Plan map does not show road connections to the adjoining Lot 377 Eighty Road and the amendment documentation does not provide information to demonstrate that the proposal will not impact future planning for the adjoining land.

The Concept Plan provided with the proposal provides for a northern connection from Lot 377 to the subject site, however, it does not provide a southern connection consistent with the indicative layout for Lot 377 and the original Structure Plan. It is considered that this southern connection should be provided in order to improve the development interface to Eighty Road, by allowing for lots to orientate development towards it, whilst being serviced by an internal local road. This is consistent with the interface shown on the remainder of the Estate.



5. Interface to Lot 377 Eighty Road, Baldvis

It is recommended that the Concept Plan be amended to depict a second local road access to Lot 377 to the south, and that both local road connections be shown on the Structure Plan Map to guide subsequent stages of the planning process.

Recommendation 1:

Modify the Structure Plan Map and Concept Plan to show two local road connections to Lot 377 Eighty Road from the Amendment area.

Other Matters

It is noted that there are technical matters relating to the Structure Plan Report and appendices requiring clarification and/or modification. These matters relate to:

- Urban Water Management Plan - provision of geotechnical investigation report, clarification on groundwater flow direction, provision of additional landscaping plans, and other minor corrections;
- Traffic Impact Assessment - minor corrections; and
- Structure Plan Report - other minor corrections.

These changes relate to matters informing subsequent planning processes and do not impact the design layout. These matters will be addressed in the Local Government Report submitted to the WAPC to ensure the Structure Plan effectively guides subsequent stages of the planning process.

Recommendation 2:

Other technical matters identified in the Local Government Report, relating to the Urban Water Management Plan and Traffic Impact Assessment, being addressed to the City's satisfaction.

Conclusion

The Structure Plan Amendment generally provides for an appropriate planning response to its surrounding context.

It is recommended that the Council approve the lodgement of a Local Government Report recommending approval of the proposed Structure Plan Amendment subject to the applicant modifying the Structure Plan Map to show two local road connections to Lot 377 Eighty Road in the locations specified in Recommendation 1.

Other minor technical changes will also be conveyed to the WAPC to ensure the Structure Plan effectively guides subsequent stages of the planning process.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the lodgement of a Local Government Report to the Western Australian Planning Commission, with respect to the proposed Structure Plan Amendment prepared over Lots 335 and 780 Eighty Road, Lot 1001 Pike Road and portion of Lot 601 Mandurah Road, Baldivis, recommending that the Structure Plan be approved, subject to the following matters being satisfactorily addressed:

1. Modify the Structure Plan Map and Concept Plan to show two local road connections to Lot 377 Eighty Road from the Amendment area.
2. Other technical matters identified in the Local Government Report, relating to the Urban Water Management Plan and Traffic Impact Assessment, being addressed to the City's satisfaction.

Committee Recommendation

Moved Cr Jones, seconded Cr Wormald:

That Council **APPROVES** the lodgement of a Local Government Report to the Western Australian Planning Commission, with respect to the proposed Structure Plan Amendment prepared over Lots 335 and 780 Eighty Road, Lot 1001 Pike Road and portion of Lot 601 Mandurah Road, Baldivis, recommending that the Structure Plan be approved, subject to the following matters being satisfactorily addressed:

1. Modify the Structure Plan Map and Concept Plan to show two local road connections to Lot 377 Eighty Road from the Amendment area.
2. Other technical matters identified in the Local Government Report, relating to the Urban Water Management Plan and Traffic Impact Assessment, being addressed to the City's satisfaction.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

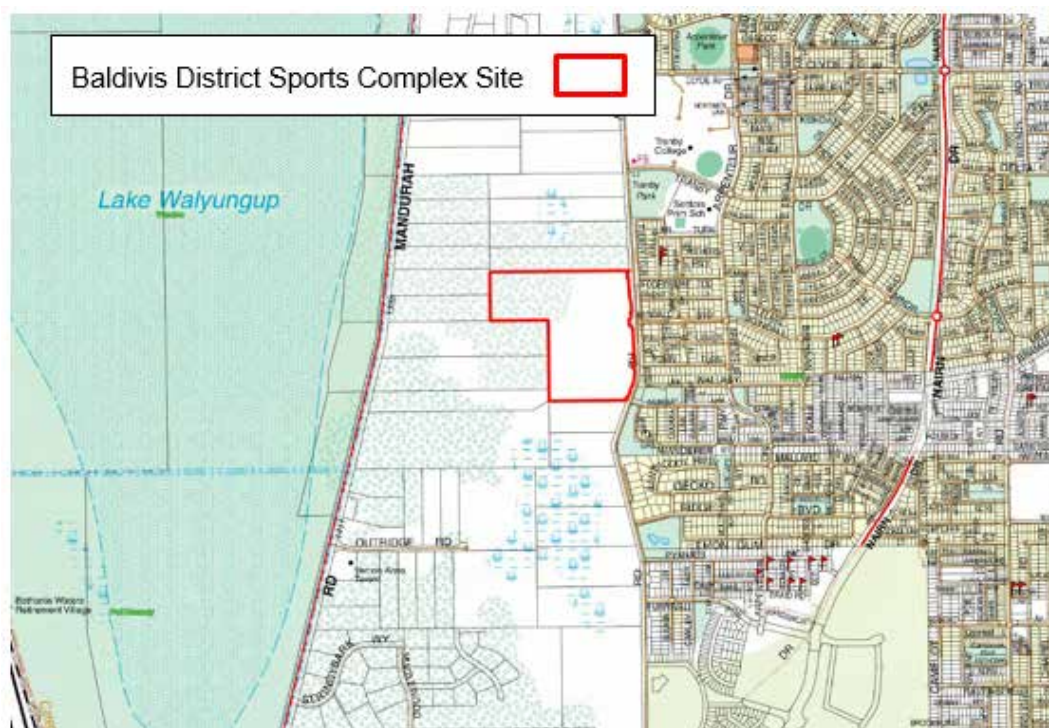
4:19pm Cr Robert Schmidt joined the Planning and Engineering Services Committee meeting

Planning and Development Services Statutory Planning Services

Reference No & Subject:	PD-019/22	Scheme Amendment No.187 - Additional Use No.34 - Medical Centre, Consulting Rooms and Health Studio (Baldivis District Sports Complex)
File No:	LUP/2991	
Applicant:	Taylor Burrell Barnett (on behalf of the City)	
Owner:	City of Rockingham	
Author:	Mr Kevin Keyes, Planning Officer	
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning	
Date of Committee Meeting:	20 June 2022	
Previously before Council:	21 December 2021 (PD-038/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Legislative	
Site:	Lot 5000 (No.531) Eighty Road, Baldivis	
Lot Area:	19.27ha	
LA Zoning:	Rural	
MRS Zoning:	Rural	
Attachments:		
Maps/Diagrams:	<ol style="list-style-type: none">1. Location Plan2. Aerial Photograph3. Current Zoning4. Proposed Zoning (Additional Use - A34)5. Indicative Site Plan and Perspective (Concept Only)6. Indicative Perspective7. Public Consultation Plan8. Aerial Context Plan9. View from No.5 Gerboa Garden, facing BDSC10. View from Eighty Road (in front of the entrance to Evermore Heights Estate), facing BDSC	

Purpose of Report

To consider Scheme Amendment No.187 to Town Planning Scheme No.2 (TPS2), following the close of advertising, to include Additional Uses of 'Medical Centre', 'Consulting Rooms' and 'Health Studio' on the Baldivis District Sports Complex (BDSC) site.



1. Location Plan



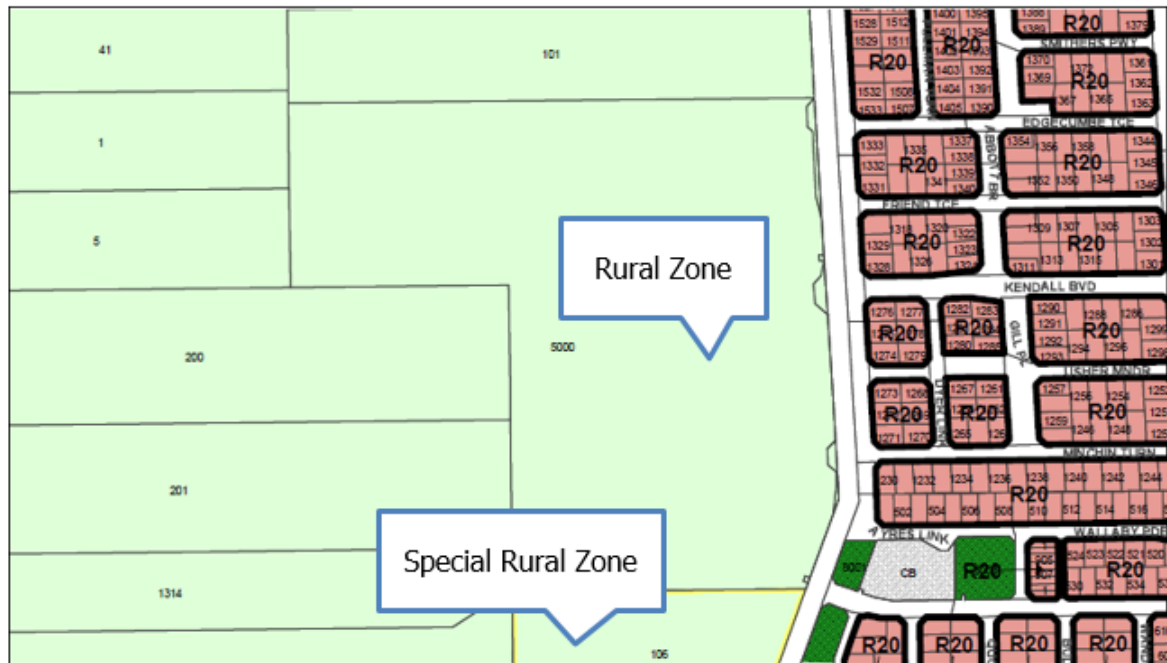
2. Aerial Photograph

Background

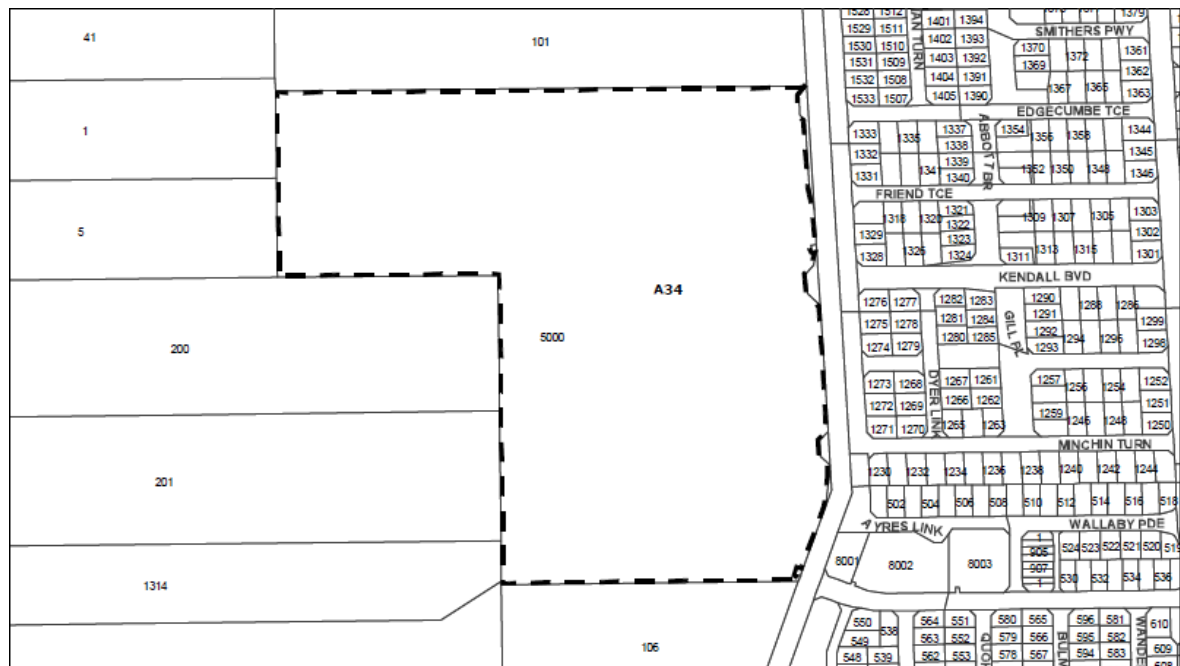
In December 2021, Council resolved to adopt Scheme Amendment No.187 to TPS2, for the purposes of public advertising, to include Additional Use No.34 (Medical Centre, Consulting Rooms and Health Studio) at the BDSC.

A Special Condition was included with the Additional Use for a minimum 3.0m primary building street setback from Eighty Road and a minimum 10.0m setback to all other lot boundaries.

The BDSC is zoned Rural under the City's Town Planning Scheme No.2 (TPS2). The subject land is bordered by the Rural Zone, Special Rural Zone and is adjacent to the Residential Zone under TPS2, as shown in Figure 3 below.



3. Current Zoning

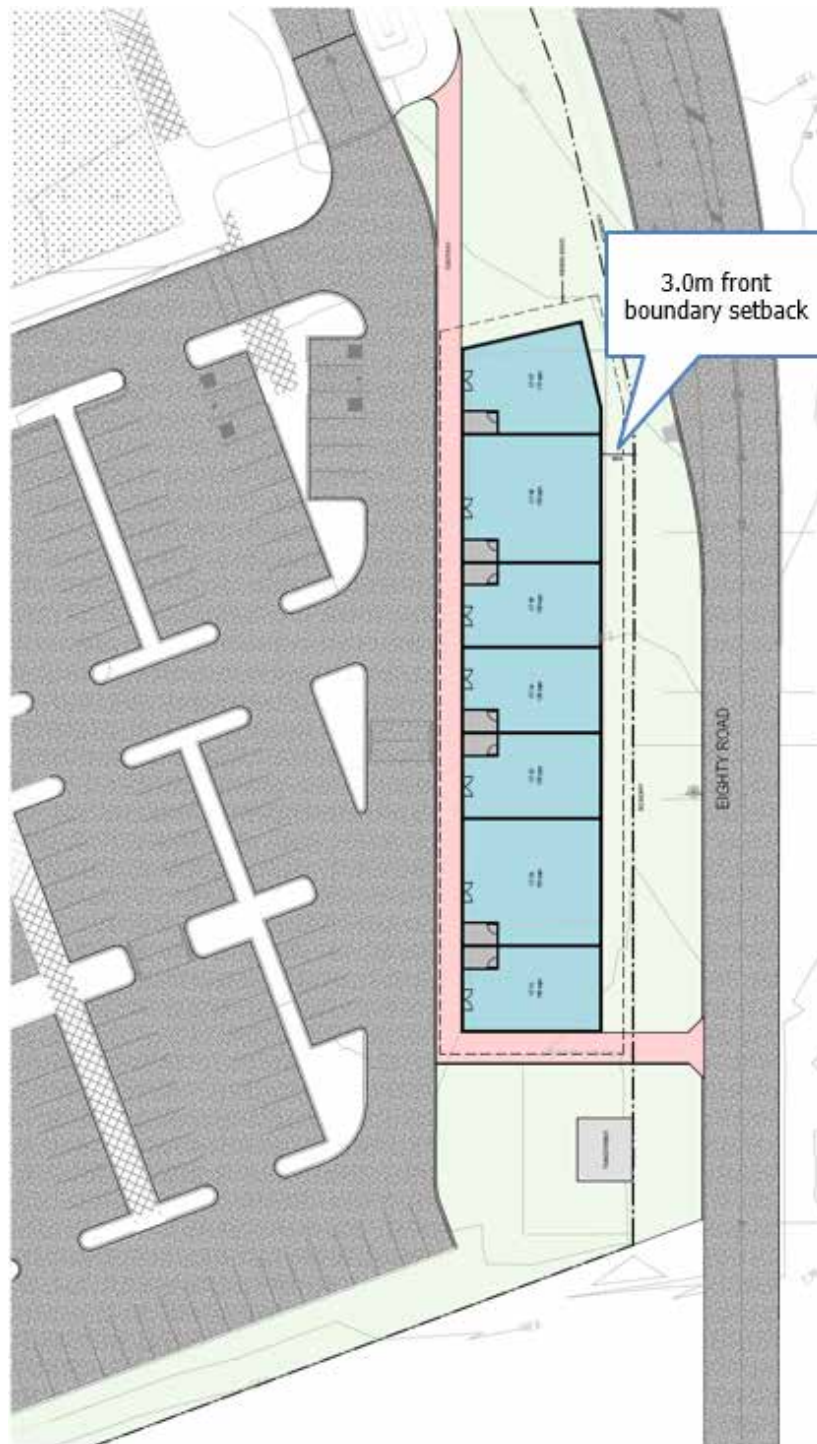


4. Proposed Zoning (Additional Use - A34)

Details

The proposed Scheme Amendment for the Additional Uses of 'Medical Centre', 'Consulting Rooms' and 'Health Studio', is proposed to complement the future sporting and recreational activities to be undertaken as the BDSC. The proposal is ancillary to the district sporting activities on-site.

The development site is likely to be located at a small south-west portion of BDSC as conceptually shown in Figure 5.



5. Indicative Site Plan (Concept Only)



6. Indicative Perspective (Concept Only)

Implications to Consider

a. Consultation with the Community

The Scheme Amendment was considered a Standard Scheme Amendment and advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) between 30 March 2022 and 13 May 2022:

Public advertising was carried out in the following manner:

- Ÿ The proposal was advertised to all surrounding properties within a 200m radius;
- Ÿ The Scheme Amendment document was published on the City's website;
- Ÿ A copy of the Scheme Amendment document was made available for public inspection at the City's Administration Offices; and
- Ÿ The proposal was published in a newspaper circulating in the locality.

At the close of the consultation period, three submissions objecting to the Scheme Amendment were received.



7. Public Consultation Plan

A summary of the submission concerns is provided below, which includes the Applicant's comments and City's responses to the matters raised.

Note: With respect to this application, it should be noted that the City of Rockingham is the landowner and the applicant for this proposed Scheme Amendment.

In this regard, the proposed Scheme Amendment has been progressed through Community Infrastructure Planning, within the City's Community Development Directorate, who engaged a contractor (Taylor Burrell Barnett) to prepare and lodge the application. The application was received and assessed by Statutory Planning within the Planning and Development Services Directorate.

'Applicant's Comment' below of that provided by Taylor Burrell Barnett.

Financial and City Value

Submission:

Who is paying for the development and what value is there to the "City" in this development.

Applicant's Comment:

Resources have been allocated towards the development of the BDSC through the City's Business Plan and budget. Some infrastructure in the Baldivis Sporting Complex is included in the City's Development Contribution Plan No. 2. Notwithstanding, this scheme amendment only seeks to permit the land uses under TPS2 and the funding of the development is not a pertinent consideration on planning grounds. Potential funding opportunities will be further explored prior to any commercial development on part of the site taking place.

The proposed additional use provides an opportunity to connect the City's local community to facilities, services and experiences that enhance overall health and wellbeing, while maintaining the broader function of the site as a sporting complex.

Financial and City Value (cont...)

City Response:

The development is subject to future commercial leasing arrangements and agreements with the City. Prior to any development on-site, funding and delivery opportunities for the proposal will be required to be explored under the purview of the *Local Government Act 1995*. The Scheme Amendment is consistent with the existing development of the approved BDSC Master Plan and seeks to provide opportunities for community health services such as sports physiotherapists, chiropractors and massage therapists to locate within the sporting hub and leverage off these uses.

Commercial Use

Submission:

Are the individual units to be sold or rented upon completion and why is the “City” supplying facilities for private Medical Practitioners”?

Applicant's Comment:

1. *The units are proposed to be leased; and*
2. *The proposed additional use is considered to create strong synergies with the current health and sports related operational uses of the site. Any sale/leasing will be subject to further commercial leasing arrangements and agreements with the City.*

City Response:

The future tenure of the units is not a valid planning consideration and has no influence on the progress of the Scheme Amendment.

The proposed medical uses are considered complementary to the recreational activities to be undertaken at the BDSC and is therefore appropriate.

Alternative Recreation Use

Submission:

A swimming complex added to the existing sports complex would be a better development.

Applicant's Comment:

The proposed additional uses are considered in alignment with the vision of the Baldivis District Sport Complex Master Plan (2018). The Master Plan has been finalised based on the outcomes of extensive stakeholder engagement to ensure the services and facilities proposed meet community demand and needs.

City Response:

This matter relates to recreational use of the BDSD and broader recreational needs of the Baldivis catchment. This concern is not related to the purpose of the Scheme Amendment.

Commercial Competition

Submission:

Proposed development is commercial in nature and therefore should be located in Baldivis town centre. The Medical Centre will turn the site into a commercial zoning.

Applicant's Comment:

The Master Plan identifies 800m² to 1000m² of area for commercial development. The proposed additional uses have been selected as they are considered to have synergies and linkages with the sporting complex. The proposal is not considered to be of a scale that would impinge on amenity or undermine surrounding commercial areas.

City Response:

The TPS2 'Rural' zoning of the BDSC will remain unchanged. The proposed Additional Uses will not operate as a stand-alone commercial development, but are considered complementary in nature to the recreational use of the land as BDSC. The future development of the medical uses will be ancillary to these recreational uses, providing health services to athletes and the general public in the locality, and as such, given the synergies of such uses, is considered to have planning merit.

Impact on Rural Lifestyle

Submission:

This proposal will detract from semi-rural lifestyle and will ruin the aspect of Eighty Road.

Applicant's Comment:

The site is opposite a suburban locality and is not considered to undermine the general amenity of the area. The City of Rockingham has adopted the Baldivis District Sporting Complex Master Plan, to guide the future development of the subject site and provide recreation, community and commercial facilities.

City Response:

This concern was raised by two residents that live at No.5 and No.7 Jerboa Green. Jerboa Green is located to the south-east of the BDSC site. These residents are separated from the BDSC site by a 29m wide Public Open Space (POS) which adjoins Eighty Road which is 20m wide. The nearest resident to BDSC (No.5 Jerboa Green) that raised a visual objection is likely to be at least 90m from the proposed building.



8. Aerial Context Plan

The reserve/park located in between Eighty Road and Jerboa Green contains significant trees and vegetation (see photo below).

It is accepted that the proposed development is likely to be partially visible from the closest submissioner at No.5 Jerboa Garden. The level of visual impact of the development upon this resident is considered minimal given the setback of 90m to the proposed development site and due to the screening of vegetation within the POS, which is positioned directly in front of their dwelling (see photo below). The proposed development is unlikely to be visible from the other objector at No.9 Jerboa Garden. It is also the case that, when viewed from this location, the proposed development will be in the foreground of the large indoor recreation centre that is currently being built at the BDSC.

Impact on Rural Lifestyle (cont...)



9. View from No.5 Gerboa Garden, facing BDSC

Furthermore, the western side of Eighty Road is considered to be a transitional area and the Rural vista has changed in recent years, due to various uses which have been developed along Eighty Road. These include a Supply Yard, Child Care Premises, Mother Teresa Catholic College and the BDSC. The rural setting of the locality has been altered over time by these different developments and is now less sensitive to further change.



10. View from Eighty Road facing BDSC.

The BDSC has already been established on the property and the natural rural setting of this property has changed. Given the size of the BDSC property, it is considered that the proposed building can be accommodated on-site without significantly changing or diminishing the existing rural character of this locality. Furthermore, additional landscaping can be considered at the Development Application stage to further soften the impact of the development.

Traffic and Car Parking

Submission:

The traffic impact due to the sporting facilities will be substantial without the inclusion of these additional facilities. Car parking will not be sufficient for the sporting facilities in addition to the additional uses proposed, which will also increase traffic.

Applicant's Comment:

- 1. The Scheme Amendment is supported by a TIA that confirms the facility will have minimal to no impact on the adjacent road network, existing residences and land uses;*
- 2. The Baldivis District Sporting Complex Master Plan identifies this locality for future development with parking accommodated elsewhere on the site;*
- 3. The TIA provides an assessment of parking provision for the subject site, and notes that the car parking requirements for the recreational facilities are exceeded; and*
- 4. The TIA anticipates that parking demand for the additional uses will be low, as a large portion of the users of the commercial facilities will be also be users of the recreational facilities.*

City Response:

The Traffic Impact Assessment report (TIA) confirms that any additional traffic generated by the development will have a minimal impact on the adjacent road network, existing residences and land uses.

The provision of car parking for this development is outside the scope of the Scheme Amendment and will be considered at the Development Application stage pursuant to TPS2.

The location of the building is indicative only and has yet to be determined. The Additional Use is of an incidental nature to the BDSC and the additional demand will be generated for car bays on-site will likely be complimentary to users of recreational facilities. The TIA notes that the car parking provision of 430 parking bays on-site exceeds the overall parking requirements for the BDSC.

The indicative development site has no impact on the planned location of carparking bays.

b. Consultation with Government Agencies

The following Government Agencies were also consulted:

- Environmental Protection Agency (EPA);
- Water Corporation;
- ATCO;
- Western Power;
- Department of Fire and Emergency Services (DFES); and
- Telstra.

At the end of the consultation period, the Water Corporation, ATCO Gas and Department of Fire and Emergency Services (DFES) provided submissions to the City as follows:

Water Corporation

Submission:

The Water Corporation advised they have no objection to the amendment, subject to the proposal requiring a Development Application.

ATCO

Submission:

ATCO has advised they had no objection to the proposal.

Applicant's Comment:

Noted.

City Response:

Noted.

Department of Fire and Emergency Services

Submission:

At the scheme amendment stage, consideration should be given to the intensification of land use and how this relates to identified bushfire hazards at this location. DFES is not satisfied that the BMP has adequately considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages. As the modifications will not affect the scheme amendment, DFES recommends the amendment to proceed and the applicant be advised that these modifications be undertaken to support subsequent stages of the planning process.

Applicant's Comment:

Noted.

City Response:

The BDSC undertook a rigorous bushfire assessment regarding location and intensification of the site. This Scheme Amendment will not significantly intensify the subject site any further. This amendment does not restrict the development to a specific location for the development on-site and therefore a full bushfire assessment cannot occur at this stage.

The City considers that a future building can be accommodated on the site and comply the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*. The City will ensure that DFES's requested modifications on a future BMP will be considered at the time of the assessment of the Development Application, when a site location will be determined.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of a growing population, with consideration of future generations.*

d. Policy

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7)

The application was referred to DFES during the consultation period and a summary of their response is provided in the Consultation with Government Agencies Section. The City considers that a future building can be accommodated on BDSC site and comply the requirements of SPP 3.7.

e. Financial

Nil.

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations (2015) ('the Regulations')

The procedures for dealing with a proposal to amend TPS2, as per the *Planning and Development Act 2005* are set out in the Regulations.

Under Regulation 50(3) a Local Government must:

"Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution —

(a) to support the amendment without modification; or

(b) to support the amendment with proposed modifications to address issues raised in the submissions; or

(c) *not to support the amendment*”.

The proposed amendment is considered by Council in accordance with Regulation 50(3)(b).

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

Three public submissions were received during the consultation period. Concerns included the financial cost, value to the City, the future tenure of the building, impact on rural amenity and additional traffic/ car parking impacts.

As discussed in the 'Consultation with the Community' section of this Report, the manner in which the development is funded and future tenure arrangements is not valid to the consideration of the Scheme Amendment.

The City assessed the rural amenity impact of the Scheme Amendment as raised by two submissioners. Given the parkland between Eighty Road and Jerboa Green, and the separation, the City considers that the future commercial development site is already partially screened from those houses and front landscaping to Eighty Road can be provided.

It is recommended that the Council support Scheme Amendment No.187 to TPS2, without modification. Following Council's decision, Final Approval of the Scheme Amendment is required from the Minister for Planning.

Voting Requirements

Simple Majority

Officer Recommendation

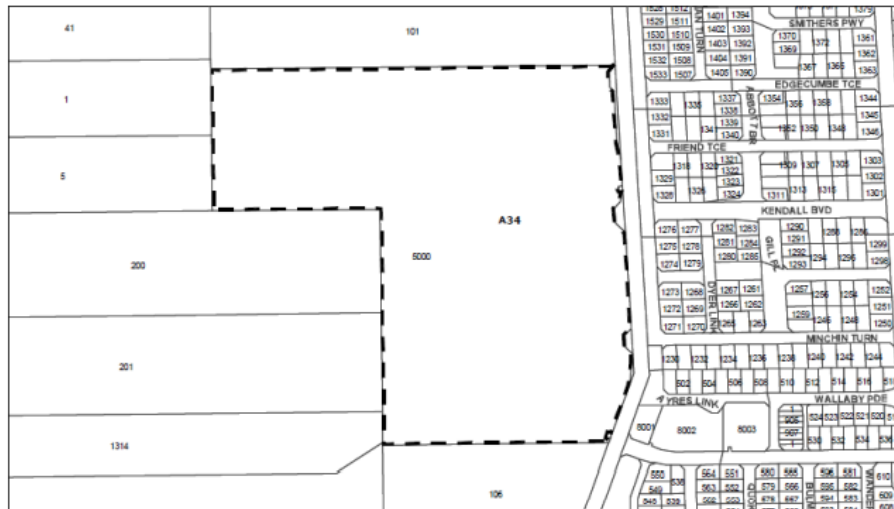
That Council:

1. **SUPPORTS** Amendment No.187 to Town Planning Scheme No.2, as follows:

(i) Include Additional Use No.34 in Schedule 2 as follows:

No.	Site description	Additional Uses	Special Conditions
34.	Lot 5000 (No.531) Eighty Road	Medical Centre, Consulting Rooms and Health Studio	1. The primary street setback to be a minimum of 3m and 10m to all other lot boundaries.

(ii) Amend the Scheme Maps as follows:



Proposed Zoning (Additional Use - A34)

2. **ADOPTS** the recommendations contained in the Schedule of Submissions.

Committee Recommendation

Moved Cr Buchan, seconded Cr Jones:

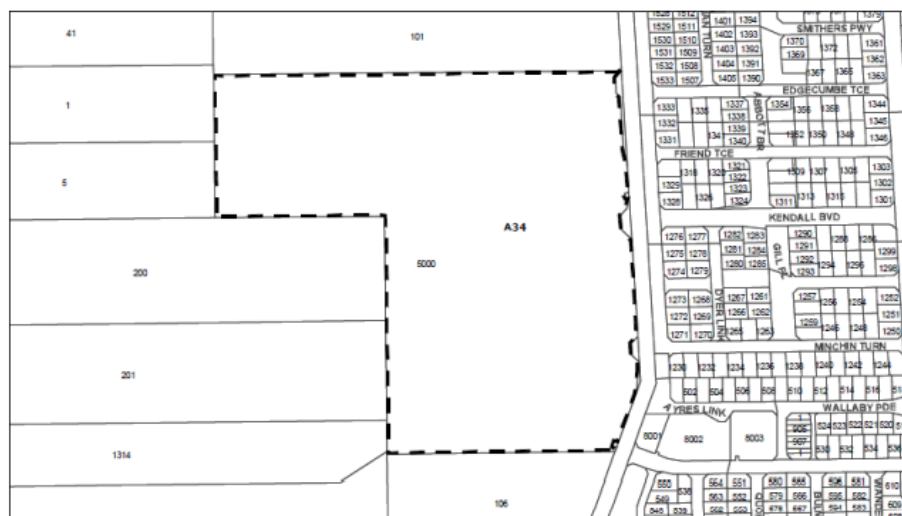
That Council:

1. **SUPPORTS** Amendment No.187 to Town Planning Scheme No.2, as follows:

- (i) Include Additional Use No.34 in Schedule 2 as follows:

No.	Site description	Additional Uses	Special Conditions
34.	Lot 5000 (No.531) Eighty Road	Medical Centre, Consulting Rooms and Health Studio	1. The primary street setback to be a minimum of 3m and 10m to all other lot boundaries.

- (ii) Amend the Scheme Maps as follows:



Proposed Zoning (Additional Use - A34)

2. **ADOPTS** the recommendations contained in the Schedule of Submissions as follows:

**CITY OF ROCKINGHAM
AMENDMENT NO.187 TO TOWN PLANNING SCHEME NO.2
SCHEDULE OF SUBMISSIONS**

Name	Comment	Recommendation
1. Mr Rodney Brown, PO Box 5015, Rockingham Beach WA 6969 1. Who is paying for the development? 2. Are they (individual units) to be sold or rented on completion? 3. Why is the "City" supplying facilities for private medical practitioners? 4. I do not see any value to the "City" in this development 5. A swimming complex added to the proposed/existing sports facilities would be a better development	<p>The financial cost of the proposal is not a relevant planning consideration.</p> <p>The tenure of the proposal is not a relevant planning consideration.</p> <p>The Scheme Amendment is consistent with the existing development of the approved Master Plan and seeks to provide opportunities for community health services such as sports physiotherapists, chiropractors and massage therapists to locate within the sporting hub and leverage off these uses.</p> <p>This not a relevant planning consideration.</p> <p>Refer to comment above.</p> <p>A swimming complex is not part of the BDCS. District swimming facilities are provided at the City's Aqua Jetty.</p>	<p>That this part of the submission not be upheld.</p> <p>That this part of the submission not be upheld.</p> <p>That this part of the submission not be upheld.</p> <p>That this part of the submission not be upheld.</p> <p>That this part of the submission not be upheld.</p> <p>That this part of the submission not be upheld.</p>
2. Mr Gregory Richards, No.9 Jerboa Garden, Baldivis WA 6171 The sporting complex was developed on a rural zoning and due to the nature of it being recreational space this causes no concern. Our concern is that a medical centre is turning it into a commercial zoning.	<p>The proposed additional use is not a stand-alone commercial development, but a use that is complementary and ancillary to the recreational use of the land as a sports district centre. The proposal will be a community facility providing health services to athletes and the general public in the locality.</p>	<p>That this part of the submission not be upheld.</p>

Name	Comment	Recommendation
<p>2. cont...</p> <p>We moved to the area due to the fact that it is of a rural nature. By doing this you are taking away the concept of a semi-rural lifestyle attraction. Baldivis has areas already zoned commercial that these tenants are more than welcome to look at for their relative businesses. It will ruin the aspect of Eighty Road and add issues around increased traffic flow.</p>	<p>The City assessed the rural amenity impact and visual impact of the proposed development and is satisfied that it will not be detrimental.</p>	<p>That this part of the submission not be upheld.</p>
<p>3. Mrs Stacie Hunter, No.5 Jerboa Garden, Baldivis WA 6171</p> <p>An unnecessary over saturation of commercial buildings i.e medical centre, consulting room, health studio as there is the same facilities less than 5 minutes away. The sporting complex will be a welcome addition as it supports physical activity, but the additional facilities are not necessary.</p> <p>The traffic impact due to the sporting facilities will be substantial without the inclusion of these additional facilities.</p> <p>I propose the space be used as additional carparking as the currently allocated carparking will not be large enough for the amount of sporting facilities proposed. Additional carparking will prevent the need for cars to park on verges and therefore will be less of a risk for accidents along a soon to be congested road.</p>	<p>The proposed development is not a retail/ shop use and will not change the core retail floor space of any surrounding commercial centres. Therefore, the proposal will not conflict with the City's Planning Policy No.3.1.2; <i>Local Commercial Strategy</i>.</p> <p>The applicant has adequately demonstrated by means of a TIA that any additional traffic generated by the development will have a minimal impact on the adjacent road network, existing residences and land uses.</p> <p>The TIA notes that the car parking requirements for the recreational facilities are exceeded. It is considered by the City that the number of existing car bays within the complex will not be reduced as a result of the development.</p>	<p>That this part of the submission not be upheld.</p> <p>That this part of the submission not be upheld.</p>
<p>4. Mr Brett Coombes, Water Corporation</p> <p>The Water Corporation has no objections to the proposal. It is assumed that the proposed uses will require separate development applications and building licence applications, which will provide the Cooperation with further opportunities to determine the water and wastewater servicing requirements for the proposed buildings.</p>	<p>Noted.</p>	<p>That the submission be noted.</p>
<p>5. Mr Chris Crowson, ATCO</p> <p>ATCO Gas Australia (ATCO) has no objection to the proposed application, based on the information and plan provided.</p>	<p>Noted.</p>	<p>That the submission be noted.</p>

Name	Comment	Recommendation						
<p>6. Mr Richard Trinh, DFES</p> <p>I refer to your email dated 30 March 2022 regarding the submission of a Bushfire Management Plan (BMP) (Version C), prepared by Emerge Associates and dated 8 October 2021, for the above proposal.</p> <p>This advice relates only to <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p> <p>Assessment</p> <p>1. Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map</p> <table border="1"> <thead> <tr> <th>Issue</th><th>Assessment</th><th>Action</th></tr> </thead> <tbody> <tr> <td>Vegetation Exclusion</td><td> <p>Plot 10 - Excluded 2.2.3.2 (f)</p> <p>Areas north of the subject lot within Plot 10 have been excluded from classification. However, there is no enforcement mechanism to accept this exclusion and ensure that the area in question will be maintained as low threat as per AS3959 in perpetuity.</p> </td><td>Modification to the BMP is required.</td></tr> </tbody> </table>	Issue	Assessment	Action	Vegetation Exclusion	<p>Plot 10 - Excluded 2.2.3.2 (f)</p> <p>Areas north of the subject lot within Plot 10 have been excluded from classification. However, there is no enforcement mechanism to accept this exclusion and ensure that the area in question will be maintained as low threat as per AS3959 in perpetuity.</p>	Modification to the BMP is required.	Noted. The City does not intend to make any changes to this Scheme Amendment as a result of the submission received.	That the submission be noted.
Issue	Assessment	Action						
Vegetation Exclusion	<p>Plot 10 - Excluded 2.2.3.2 (f)</p> <p>Areas north of the subject lot within Plot 10 have been excluded from classification. However, there is no enforcement mechanism to accept this exclusion and ensure that the area in question will be maintained as low threat as per AS3959 in perpetuity.</p>	Modification to the BMP is required.						

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-020/22	Heritage Rates Concessions - Heritage Strategy 2020-2025
File No:	LUP/1995	
Applicant:		
Owner:		
Author:	Mr Mike Ross, Manager Statutory Planning	
Other Contributors:	Mr Peter Ricci, A/Director Planning and Development Services	
Date of Committee Meeting:	20 June 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

For Council to consider not supporting Heritage Rates Concessions for Heritage Listed properties in the City of Rockingham (City) and instead support an investigation into Heritage Assistance Grants.

Background

Following a review of the City's Heritage Framework, the following actions are proposed to make a clearer demarcation of the key heritage areas, as follows:

1. Proposed LPP No.3.3.21 - Heritage Development and Design;
2. Proposed LPP No.3.3.26 - Guidelines to Establishing a Heritage List; and
3. Heritage Incentives being investigated for Heritage Listed properties.

The City has significant Aboriginal, Natural, European and Maritime heritage places. There is a total of 105 heritage places, comprising six State Heritage Listed places, 89 Local Heritage places and 10 Aboriginal Heritage Sites on the City's Municipal Heritage Inventory (Local Heritage Survey).

Heritage Strategy 2020-2025

On 23 June 2020, Council adopted the Heritage Strategy 2020-2025, which is based on four main themes, as follows:

- *Understand* - identifying, assessing and documenting the City's heritage
- *Protect* - securing statutory protection for significant places, developing policy and guidelines
- *Sustain* - incentives, education/training, resourcing
- *Celebrate* - raise awareness and appreciation of the City's heritage

The *Sustain* objective is to facilitate management of the City's heritage through collaboration and cooperation amongst all stakeholders. This will be achieved by building knowledge and sharing experiences/expertise among community stakeholders.

An Action under *Sustain* includes investigating Rates Concessions, as follows:

"3. *Explore and make available funding opportunities for heritage:*

S3.2 Investigate the cost of Rates Concessions incentives which further encourage conservation of privately owned heritage places."

This Heritage Strategy Action was included as private owners of Heritage Listed properties currently have no ability to seek financial support from the City.

Heritage Incentives (Generally)

Heritage Rates Concessions have been identified by the Department of Planning, Lands and Heritage (DPLH), as opportunities for local governments to offer assistance to owners of heritage properties, through heritage incentives. The type of heritage incentives offered, however, varies between Local Governments, but can include:

- Refund or waiving of planning fees;
- Flexibility with statutory requirements such as application of the Local Planning Scheme or Residential Design Codes;
- Variation to Development Standards, lot sizes, plot ratio, setbacks, car parking or landscaping requirements;
- Development bonuses;
- Heritage Conservation Strategy (i.e. works);
- Free advice from a heritage consultant;
- Local Heritage Awards;
- Heritage Rates Concessions;
- Heritage Assistance Grant; and
- Heritage plaques.

For the purpose of this Report, Heritage Rates Concessions has been investigated which has led to the City's consideration of Heritage Assistance Grants for comparison.

Details

The City's Heritage Strategy 2020-2025 Action includes an investigation of Heritage Rate Concessions, which has been undertaken.

Financial Heritage Incentives

Ten local governments in Western Australia were identified which provide financial heritage incentives to owners of heritage listed properties.

These local government heritage incentives are generally either Heritage Rates Concessions or Heritage Grants Funds.

A brief description of **Heritage Rates Concession** programs offered by some WA Local Governments follows:

- (i) City of Perth
 - The City of Perth apply a full range of incentives, including Heritage Rate Concessions, Heritage Grants, and other heritage incentives
 - Council Policy for Heritage Rates Concessions include a 10% of the general rates for heritage listed places
 - Maximum cap of \$20,000 per annum
 - Conditional on owner signing a Property Maintenance Agreement
- (ii) City of Bunbury
 - Heritage Rates Concessions
 - 30% rates concessions per annum up to \$1,000 per annum for 5 years
 - Maximum \$5,000
 - Schedule of eligible heritage works prepared by the owner
- (iii) City of Stirling
 - Heritage Rates Concessions apply
 - 50% concession of the rates levied
 - The property must be rated residential or commercial
 - The applicant must be the registered ratepayer
 - Owner is bound by a heritage agreement committing to the care of the heritage building
- (iv) City of Swan
 - Heritage Rates Concessions apply
 - General residential rate levied
 - 50% concession of the rates levied
 - Owner is bound by a heritage agreement committing to the care of the heritage building

Summary Heritage Rates Concession Programs

The following are common features of the Heritage Rates Concessions:

- Conditional on property maintenance or heritage agreement;
- Funding is generally a 50% concession of the rates levied;
- Applies to general residential rate levied;
- Some cap rate concession between \$1,000 per property; and
- Some cap concession for commercial property at \$2,000.

Heritage Rates Concession outcomes are explained in the 'Comments' section of this Report, however, in the course of investigating the matter, the City generally considers that Heritage Assistance Grants are a more equitable approach to apply and could achieve better heritage outcomes.

A brief description of **Heritage Grants Funds** programs for six local governments follows:

- (i) City of Subiaco
 - Conservation works which are in the public view and enhance and reveal heritage significance;
 - Urgent conservation works to stabilise a building; and

- Eligible projects entitled to 50% of the total cost up to \$5,000.
- (ii) Town of Claremont
 - Maintenance works associated with the conservation of significant heritage fabric for buildings on the Heritage List; and
 - Matched funding (dollar for dollar) between \$1,000 and \$5,000.
- (iii) City of Vincent
 - Maintenance or improvement works to heritage listed properties;
 - Funding amount is up to 50% of the total cost up to a maximum of \$5,000;
 - City has budgeted \$60,000 in 2020/2021 financial year as the demand has grown; and
 - Messaging and marketing the program is important for success.
- (iv) Town of Cambridge
 - Conservation works to heritage places that are assessed on urgency, level of significance, previous grant assistance and consistency with planning and building requirements;
 - Eligible projects entitled to 50% of the total cost up to \$5,000; and
 - Annual budget of \$25,000.
- (v) City of Bayswater
 - Maintenance, conservation and improvement of buildings on Heritage List;
 - Funding provided is for the lesser of 50% of the total cost or \$4,000; and
 - Entitled to one grant every 5 year period.
- (vi) City of Kalgoorlie-Boulder
 - Eligible projects are on the Local Heritage Survey or located in a Heritage Precinct;
 - Broad range of works covered, including adaptive reuse; urgent remedial work and reinstating lost features that are important to the historic character of the City;
 - Level of funding is graded according to the significance of the place. \$10,000 for works to a place of exceptional significance and \$2,500 to a place of some significance; and
 - Conservation Management Strategy funding (\$2,000) available for places of considerable and some significance.

Summary Heritage Grant Fund Programs

The following are common features of the Heritage Grant Fund Programs:

- Eligible works are for maintenance and/or conservation of places on the Local Heritage Survey; The City of Kalgoorlie-Boulder includes funding for Conservation Management Strategies to ensure proposed major works are in line with cultural heritage values;
- Funding is generally on a 50/50 basis up to \$5,000. City of Kalgoorlie-Boulder funds up to \$10,000;
- Annual budgets range from \$25,000 to \$60,000; and
- Marketing of the program to raise awareness is critical to its success.

On 23 March 2022, the City's Heritage Reference Group supported the City investigating Heritage Assistance Grants for owners of heritage listed properties in the City, instead of Heritage Rates Concessions.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

d. Policy

Community Grants Program Policy

The City's Community Grants Program Policy (CGPP) provides financial assistance to community groups and individuals that build capacity within the community, stimulates volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

The Council Policy Scope is funding for individuals (resident) and incorporated not-for-profit organisations/associations, or those limited by guarantee based on providing services within the Rockingham community. In a heritage sense, the program aims to provide assistance to individuals and incorporated organisations/associations that can deliver meaningful benefits and outcomes to target areas which include 'heritage'.

Grant Categories currently include:

- Y Minor Grants up to \$3,000 (individuals)
- Y Major Grants up to \$10,000
- Y Major Event Sponsorship up to \$20,000
- Y City Property Grants up to \$10,000
- Y Community Infrastructure Grants up to \$20,000
- Y Infrastructure Capital Grants up to \$50,000

The CGPP is, however, limited to heritage funding for not-for-profit organisations such as the Rockingham District Historical Society Inc. and the scope does not apply to individuals, such as owners of heritage listed properties in the City.

If Heritage Assistance Grants for owners of heritage listed properties are supported by Council, the CGPP will need to be amended. In addition, there is also a need for a separate Planning Policy and Applicant Guidelines which:

- Y Provides guidance on the criteria for applying a Heritage Assistance Grant
- Y Explains how it applies to places on the Heritage List adopted pursuant to the Regulations
- Y Details the procedures for making applications for a Heritage Assistance Grant

e. Financial

Applying Heritage Rates Concessions costs \$48,150 based on 2021/22 Council Rates figures. This is based on the method of applying a 50% residential Rates Concession, and the Rates Concession capped at \$2,000 for commercial properties, plus \$5,000 Building Condition Report. The lowest Council Rates concession is \$609 for a residential property and the highest Rates concession is \$2,000 for a commercial/industrial property. This calculation excludes the Emergency Services Levy and Rubbish Fees.

The financial implications of the City applying a new Heritage Assistance Grant within the Community Grants Program Policy would need to be investigated further, however, preliminary findings suggest this could be initially capped at around \$30,000 each financial year.

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations 2015

The City's Local Heritage Survey (LHS) is important as a first point of identification of heritage places and is used, among other functions, to inform the preparation of a Heritage List. The LHS, however, itself has no specific planning or legal weight. Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Council is required to establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

Of the 105 places on the City's LHS, 63 places are on the City's Heritage List, however, only 31 of these are privately owned. Thirty two heritage places are managed by the City of Rockingham or apply to reserved land managed by Government Agencies. The main difference between the Local Heritage Survey and Heritage List is that Historic Sites ('E') category places on the Local Heritage Survey are not included on the Heritage List.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: : High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

Following review of four Local Governments which provide Heritage Rate Concessions, this approach is not recommended for the following reasons:

Y Rates Concessions are difficult to remove once provided; and

Y Rates Concessions for building maintenance are difficult to ascertain.

Rates Concessions for building maintenance work may not be visible from the street. Heritage Assistance Grants are considered to be a better approach for the following reasons:

Y Heritage Assistance Grants have a better 'visibility' where works may be evident from the street;

Y Heritage Assistance Grants can be measured with tangible results and could achieve better heritage outcomes;

Y Heritage Assistance Grants are more performance based;

Y The frequency of a Heritage Assistance Grant can be controlled, for example, by a maximum of one grant every 5 years for a Heritage Listed property; and

Y Heritage Assistance Grants have a beginning and an end.

A Heritage Assistance Grant approach is recommended for investigation.

Heritage Assistance Grant

A Heritage Assistance Grant could be an important tool for the City to incentivise owners to have their properties places on the City's Heritage List, and has been successfully applied to other Local Governments, such as the City of Vincent.

The key reasons for a Heritage Assistance Grant approach could be:

- Heritage Assistance Grant and Guidelines are aligned to the main theme, of *Sustain - incentives, education/training, and resourcing* from the City's Heritage Strategy 2020-2025.
- The Heritage Assistance Grant would promote community interest in the retention and conservation of privately owned heritage places. It would provide ongoing support and financial assistance to eligible owners to enable maintenance and conservation works.

- The Heritage Assistance Grant would assist owners of Heritage Listed places, together with guidance included in proposed Planning Policy No.3.3.21 - Heritage Development and Design
- A heritage documentation grant for a [Conservation Management Strategy](#) (CMS) or a Heritage Impact Grant application could be included with any Conservation Works Grant Application. A Heritage Documentation Grant could be waived if the City considers that the works are urgent conservation works.
- Heritage Assistance Grant applications could be administered through the City's Community Grants Program Policy (as above), which includes procedures for acquittal.

It is recommended that Council not proceed with Heritage Rates Concessions and supports the investigation of Heritage Assistance Grant incentives, which could encourage the conservation of privately owned Heritage Listed properties in the City.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **NOT SUPPORT** Heritage Rates Concessions, as recommended for investigation in the Heritage Strategy 2020-2025, for the reasons detailed in the Officer Report.
2. **SUPPORTS** an investigation into the suitability of Heritage Assistance Grant incentives, as a means of encouraging the conservation of privately owned heritage places in the City.

Committee Recommendation

Moved Mayor Hamblin, seconded Cr Wormall:

That Council:

1. **NOT SUPPORT** Heritage Rates Concessions, as recommended for investigation in the Heritage Strategy 2020-2025, for the reasons detailed in the Officer Report.
2. **SUPPORTS** an investigation into the suitability of Heritage Assistance Grant incentives, as a means of encouraging the conservation of privately owned heritage places in the City.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-021/22	Revised Local Planning Policy No.3.3.21 - Heritage Development and Design
File No:	LUP/641-02	
Applicant:		
Owner:		
Author:	Mr Mike Ross, Manager Statutory Planning	
Other Contributors:		
Date of Committee Meeting:	20 June 2022	
Previously before Council:	25 March 2008 (PD37/3/08), 14 December 2010 (SPE-009/10), 28 February 2012 (SP-011/12), 26 June 2012 (SP-033/12), 26 June 2018 (PD-024/18)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	<ol style="list-style-type: none">1. Current Planning Policy No.3.3.21 - Heritage Conservation and Development2. Revised Heritage Information Sheet to Owners of Heritage Listed Sites	
Maps/Diagrams:	<ol style="list-style-type: none">1. Diagram for New Built Form within Policy2. Diagram for Alterations and Additions within Policy	

Purpose of Report

To consider advertising *Local Planning Policy No.3.3.21 - Heritage Development and Design* (LPP3.3.21) which replaces *Planning Policy No.3.3.21 - Heritage Conservation and Development* (PP3.3.21), to seek public comment.

Background


In March 2008, PP3.3.21 was adopted by Council and was last reviewed in 2018.

PP3.3.21 currently includes development guidance for Applicant's undertaking development on Heritage Listed places within the City. In a practical sense, it also provides direction and guidance to the City when assessing applications for Development Approval. The review of PP3.3.21 has provided an opportunity to take a fresh perspective on the policy to make it more practical and easier to understand.

The City's Heritage Framework is as follows:

1. The City's Heritage Strategy 2020-2025, provides an overarching City Heritage Framework and tasks to be completed.
2. The City's Municipal Heritage Inventory (MHI), also known as a Local Heritage Survey (LHS), includes places the Council considers to be of cultural heritage significance, but it has no legal status.
3. The City's Heritage List is a list of places the Council considers to be of cultural heritage significance and has been adopted under Town Planning Scheme No.2 (TPS2). Any changes that could affect a place on the Heritage List requires Development Approval.
4. The current PP3.3.21, provides Policy guidance to Council and Applicants on development control principles for any alterations, extensions or change of use affecting a Heritage Listed place, including demolition, the level of significance of a place, variation to site and development standards, incentives for heritage conservation, and other matters.

On 23 June 2020, Council adopted the City's Heritage Strategy 2020-2025, which identified the following task:

	Protecting		
	OBJECTIVE: to embed heritage management in the strategic and statutory planning framework for the City thereby ensuring the conservation and sensitive development of the district's heritage places is undertaken in a fair and consistent manner.		
Action	Tasks	New/ Ongoing	
2. Ensure appropriate Guidelines and Policies are in place to manage change	P2.1 Undertake a review of the City's Heritage Conservation and Development Policy to understand how it can be more accessible and usable for the City's planners and community stakeholders.	New	

Following a review of the City's Heritage Framework, the following actions are proposed to make a clearer demarcation of the key heritage areas, as follows:

1. Proposed LPP No.3.3.21 - Heritage Development and Design (this Report);
2. Proposed LPP No.3.3.26 - Guidelines to Establishing a Heritage List (Report PD-022/22); and
3. Heritage Incentives being investigated for Heritage Listed properties (Report PD-020/22).

Heritage Reference Group

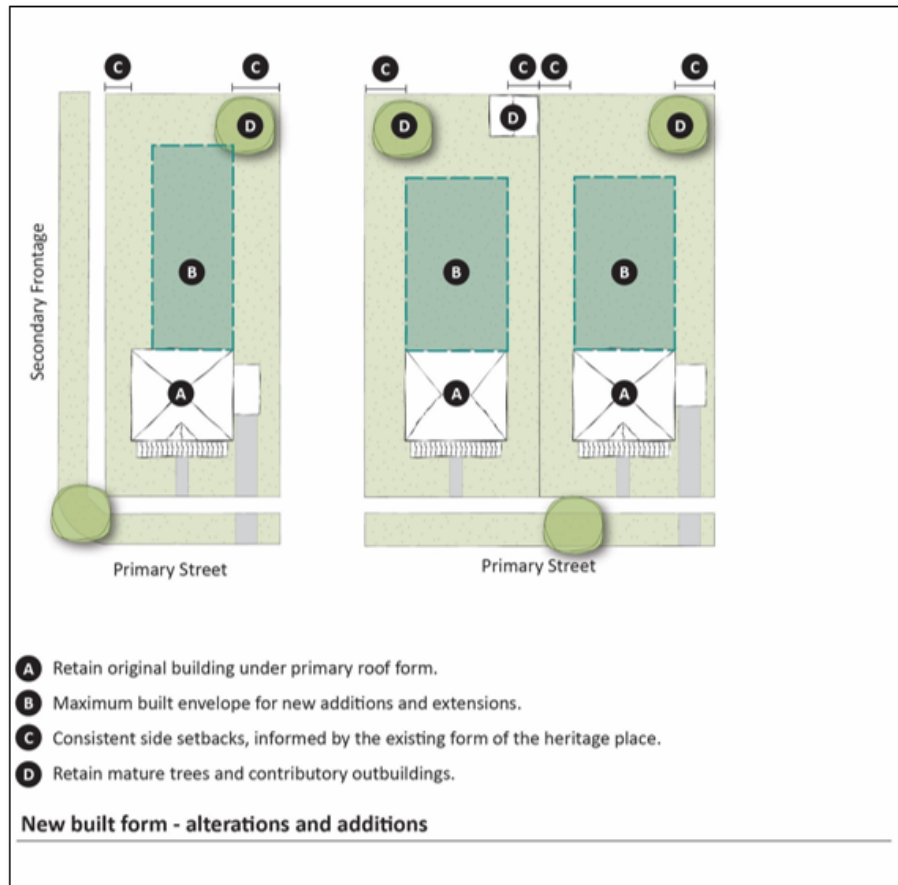
On 23 March 2022, the City's Heritage Reference Group (HRG) considered the proposed LPP No.3.3.21. The HRG noted the update on the draft Policy.

Details

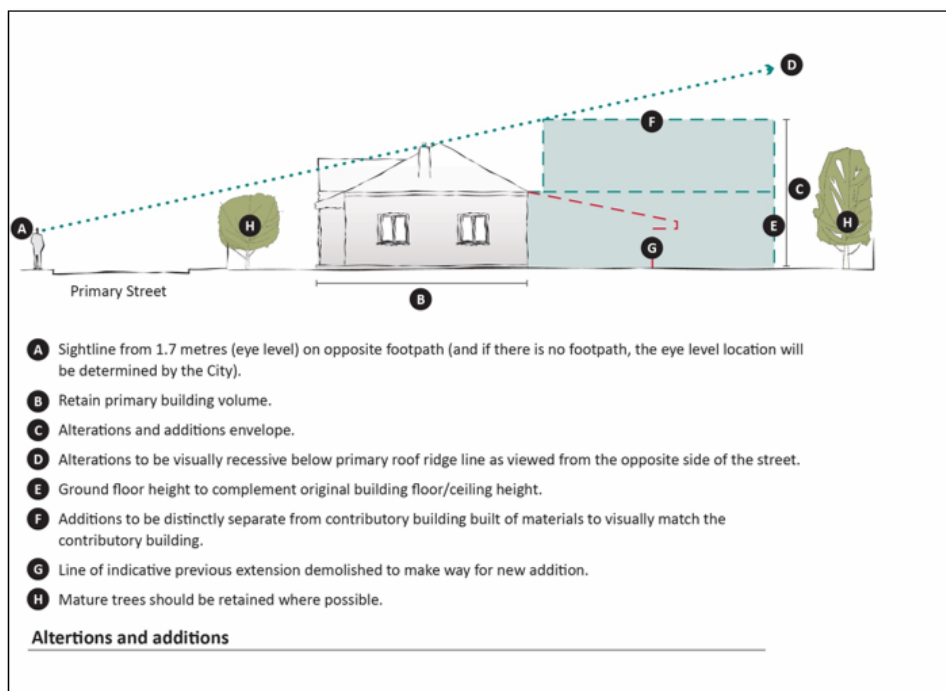
The following changes are proposed to the current PP3.3.21:

1. The policy layout and language used has been simplified, so that it is easier to read;
2. Two new flowcharts are included for when Development Approval is required and a process for Development Approval for work on a Heritage Place;
3. Seven new diagrams for guidance on conservation, new built form and subdivision are included;
4. The Policy Objectives include assistance to owners and managers to conserve the cultural heritage significance of their heritage places;
5. Heritage principles for management are included, which provide guidance to the assessment of Development Applications, with diagrams;
6. Updated terminology reflects the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations);
7. Heritage Conservation Notices and Protection Orders are included;
8. Revised Heritage Impact Assessment section; and

9. Removed procedure for Adding, Deleting or Amending Entries in the Heritage List.
Below are examples of diagrams in proposed LPP3.3.21.



1. New Diagram for New Built Form within Policy



2. New Diagram for Alterations and additions within Policy

Implications to Consider

a. Consultation with the Community

Under clause 4(1) of the deemed provisions of TPS2, if the Local Government resolves to amend a Planning Policy, it is to advertise the proposed amendments as follows:

- “(a) *publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:*
- (i) the subject and nature of the proposed amendment Policy; and*
 - (ii) the objectives of the proposed amended Policy; and*
 - (iii) where the proposed amended Policy may be inspected; and*
 - (iv) to whom, in what form and during what period submissions (being not less than 21 days from the day the notice is published) may be made;*
- (b) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;*
- (c) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate.”*

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

d. Policy

Nil

e. Financial

The City engaged a Heritage Consultant to prepare the draft LPP at a cost of \$11,700. This included preparation of Design Guidelines with diagrams and flowcharts to provide specific built form guidance to owners and the City. The City's Heritage Information Sheet to owners has also been reviewed.

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Under the deemed provisions of TPS2, the Local Government may prepare, modify or revoke a LPP. If the Local Government resolves to amend a Policy, the City is required to publicly advertise the proposed changes.

Heritage Act 2018

Under s.103 of the Heritage Act 2018, the Local Government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance. This is known as a Local Heritage Survey (LHS)

Under s.104, the purpose of a LHS by a Local Government includes –

- “(a) *identifying and recording places that are, or may become, of cultural heritage significance in its district; and*

- (b) *assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) *providing a cultural and historical record of its district; and*
- (d) *providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) *assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.”*

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety : Medium, High and Extreme Risks

Nil

Comments

The revised LPP3.3.21 will assist property owners and managers to understand and appreciate the cultural heritage significance of heritage places. LPP3.3.21 provides for the future development of heritage places, including conservation or adaptation of existing buildings and construction of new buildings which respects and enhances the identified heritage values and character of heritage places.

The draft LPP3.3.21 includes specific guidance for new built form, extensions or change of use affecting a heritage place together with diagrams. Other changes simplify the current PP3.3.21 by removing the procedures associated with entries and changes to the Local Heritage List. These procedures are now included in proposed LPP3.3.26, Guidelines to Establishing a Heritage List. The City’s current adopted Heritage List will also need to be retained as it forms part of PP3.3.21.

The demolition provisions of the current PP3.3.21 are generally retained, and reflect that destruction of significant fabric through demolition or inappropriate redevelopment is a permanent change that cannot be reversed and is considered contrary to good heritage management.

As LPP3.3.21 will replace the current version of PP3.3.21 in its entirety, the proposed LPP3.3.21 does not include any tracked changes as it is a replacement Policy. For ease of reference the current policy number PP3.3.21 has been retained.

It is recommended that Council approve revised PP3.3.21 for the purpose of advertising and seeking public comment.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the advertising of the revised Local Planning Policy No.3.3.21 - Heritage Development and Design, for public comment.:
2. **SUPPORTS** the retention of the current adopted Heritage List in Planning Policy No.3.3.21 Heritage Conservation and Development.

Committee Recommendation

Moved Cr Buchan, seconded Cr Jones:

That Council:

1. **APPROVES** the advertising of the revised Local Planning Policy No.3.3.21 - Heritage Development and Design, for public comment, as follows:

**LOCAL PLANNING POLICY No.3.3.21 -
HERITAGE DEVELOPMENT AND DESIGN**

1. INTRODUCTION

The City of Rockingham has a collection of heritage places as identified in its *Heritage List*. These places have been assessed and recognised to have cultural heritage significance to the local community. They are protected under the heritage provisions of the City's Town Planning Scheme No.2 (TPS2) and owners of these places should conserve the property in a manner that retains the assessed cultural heritage significance.

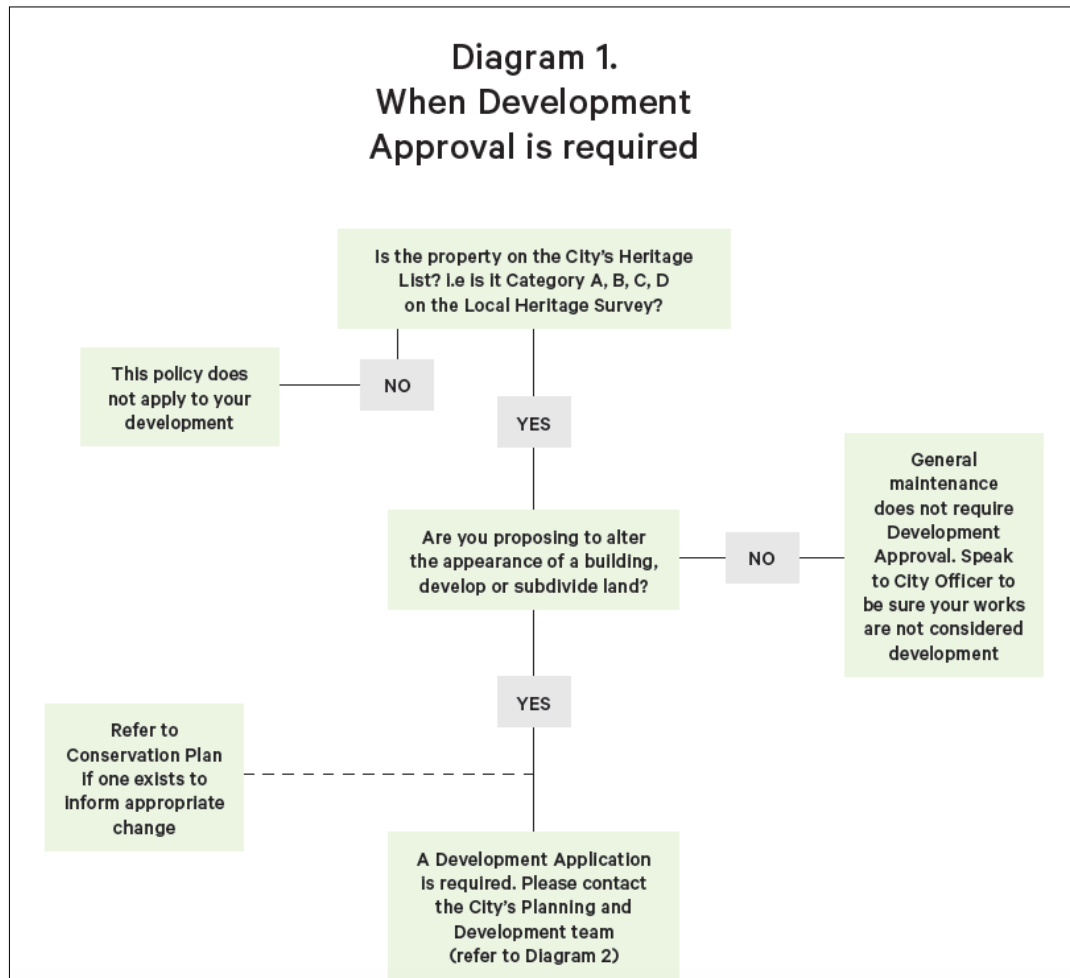
This Policy:

- Y Provides general information and policies applicable to the conservation and development of places in the Heritage List;
- Y Explains the City's application of the heritage provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Y Applies the development control principles contained in the State Planning Policy 3.5 - Historic Heritage Conservation; and
- Y Details the process and procedures for making a development application for heritage listed places.

2. POLICY APPLICATION

This Policy applies to all places entered in the Heritage List pursuant to TPS2. This does not include the undertaking of internal building works where they do not visually or physically affect the external appearance of the building, unless the development is located in a place that is listed on the State Heritage Register; is the subject of an order under the *Heritage Act 2018*, the subject of a Heritage Agreement, or has been included on the Heritage List due to having an interior which has been recognised for its cultural heritage significance.

Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972* and will be replaced by *Aboriginal Cultural Heritage Act 2021* following a 12 month transition. This Policy does not apply to the conservation of Aboriginal heritage, except in cases where Aboriginal heritage places are entered into the Heritage List or a designated Heritage Area.



3. POLICY OBJECTIVES

The objectives of the Policy are:

- (i) to conserve and protect places of cultural heritage significance within the City of Rockingham as identified under the Heritage List (including those entered onto the State Register of Heritage Places);
- (ii) to assist property owners and managers to conserve the cultural heritage significance of their heritage places;
- (iii) to ensure that future development, including conservation or adaptation of existing buildings and construction of new buildings does not adversely affect the significance of heritage places and respects and enhances their identified heritage values; and
- (iv) to ensure that heritage significance is given due weight in decision making for applications for Development Approval.

4. POLICY STATEMENT

4.1 Relevant Considerations for Development Approval

In considering any development applications in relation to a place entered in the Heritage List, the City will apply and have regard to:

- (i) the conservation and protection of any place or area that has been registered in the State Register of Heritage Places under the *Heritage Act 2018*, or is the subject of a Conservation Order under that Act;

- (ii) the conservation and protection of any place which is included in the City of Rockingham Heritage List as established under Schedule 2, Clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (iii) whether the proposed development will adversely affect the significance of any heritage place, including adverse effect resulting from the location, bulk, form or appearance of the proposed development;
- (iv) the level of heritage significance of the place, based on a relevant heritage assessment;
- (v) measures proposed by the applicant to conserve the heritage significance of the place and its setting;
- (vi) the structural condition of a place, and whether a place is reasonably capable of conservation, noting that there is a general presumption against demolition of heritage places and an approval for demolition shall not be expected simply because a building has been neglected;
- (vii) whether the place is capable of adaptation to a new use which will enable its retention and conservation;
- (viii) State Planning Policy 3.5 - Historic Heritage Conservation; and,
- (ix) the principles and processes of the Australia ICOMOS Burra Charter (2013) as the recognised standard for best practice in heritage and conservation. Where there is no specific provision in this policy, Burra Charter principles will be applied to development applications for heritage places.

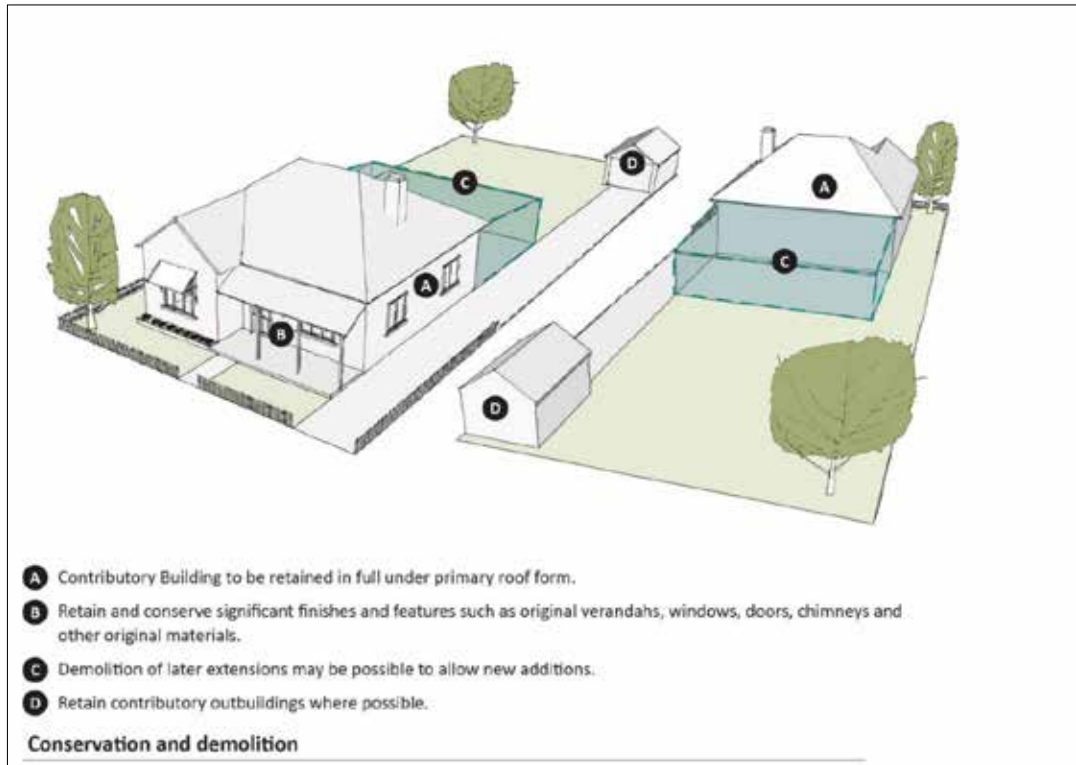
4.2 Development Control Principles

The following development control principles must be applied when considering development applications in relation to a place entered in the Heritage List under the TPS2. The consideration given to heritage in the City's assessment will be dependent on the cultural heritage significance that place possesses, in addition to any other pertinent planning considerations made on the basis of TPS2 and any other relevant document.

4.2.1 Demolition of a Heritage Listed Place

- (i) Demolition of a heritage listed place is rarely appropriate and there is a presumption against it occurring. Any application for demolition of a heritage place requires strong justification to be supplied by the applicant.
- (ii) Demolition of a place with recognised heritage significance should be avoided wherever possible, although there may be circumstances where demolition is justified. There is a general presumption against the demolition of places of heritage value and the onus rests with the applicant to provide a clear justification. Although not on the Heritage List, Historic Sites included on the Local Heritage Survey (LHS) (Management Category E) should be interpreted and protected as part of any development of the site. When historic remnant fabric remains, in these circumstances, it should be retained in-situ.
- (iii) Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; and the extent to which the community would benefit from the proposed redevelopment.
- (iv) Demolition of any building will not be permitted where there has been a demonstrable period of neglect leading to deterioration in the building's condition.
- (v) Part demolition or removal of contributory elements of a heritage place may only be supported where:

- (a) It is demonstrated to the City's satisfaction that the cultural heritage significance of the heritage place will not adversely be affected by the demolition of all or part of its fabric;
 - (b) The affected fabric has previously been substantially altered beyond the ability to effectively return it to its original or most significant condition; or
 - (c) A Structural Condition Assessment by a registered structural engineer with demonstrable experience in working with heritage places can provide conclusive evidence that the structural integrity of the building has failed, to the point where it cannot be rectified without substantial alteration.
- (vi) The removal of original character features from a heritage place will generally not be supported without significant justification in the form of a Heritage Impact Assessment. Removal of inappropriate later alterations, additions and works that detract from the cultural significance of the place can be supported where it is demonstrated that this will not have a negative impact on the heritage significance of the place.
- (vii) The context of a heritage place can often contribute significantly to its understanding and value. Relocation of a heritage place should not be supported without clear justification which considers the contribution of the surrounding context on the cultural heritage value of the place.
- (viii) The applicant for a proposal to develop or alter a heritage place should seek advice from a qualified and experienced heritage architect or experienced heritage consultant prior to progressing any application. Proposals for demolition of a property on the Heritage List must be accompanied by a Heritage Impact Statement prepared by a suitably qualified heritage professional.
- (ix) In addition to the above requirements, partial or complete demolition of a heritage place should not be supported in the absence of a proposal for new development which is reflective of its heritage context.
- (x) The applicant for a proposal to develop or alter a heritage place should seek advice from a qualified and experienced structural engineer and any new structure should not rely structurally on the existing heritage structure.



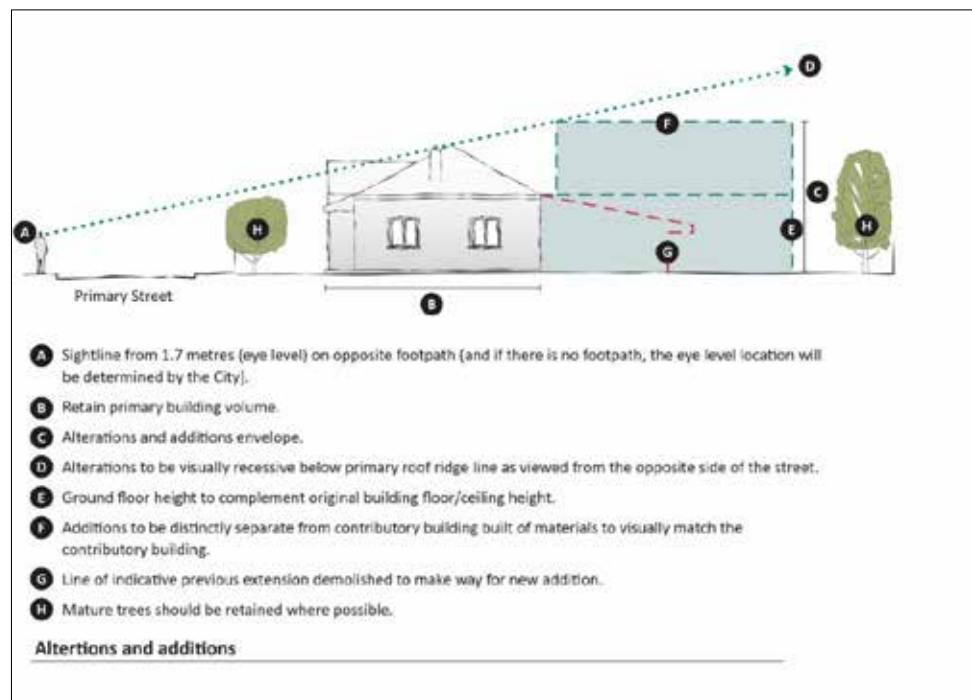
4.2.2 Conservation

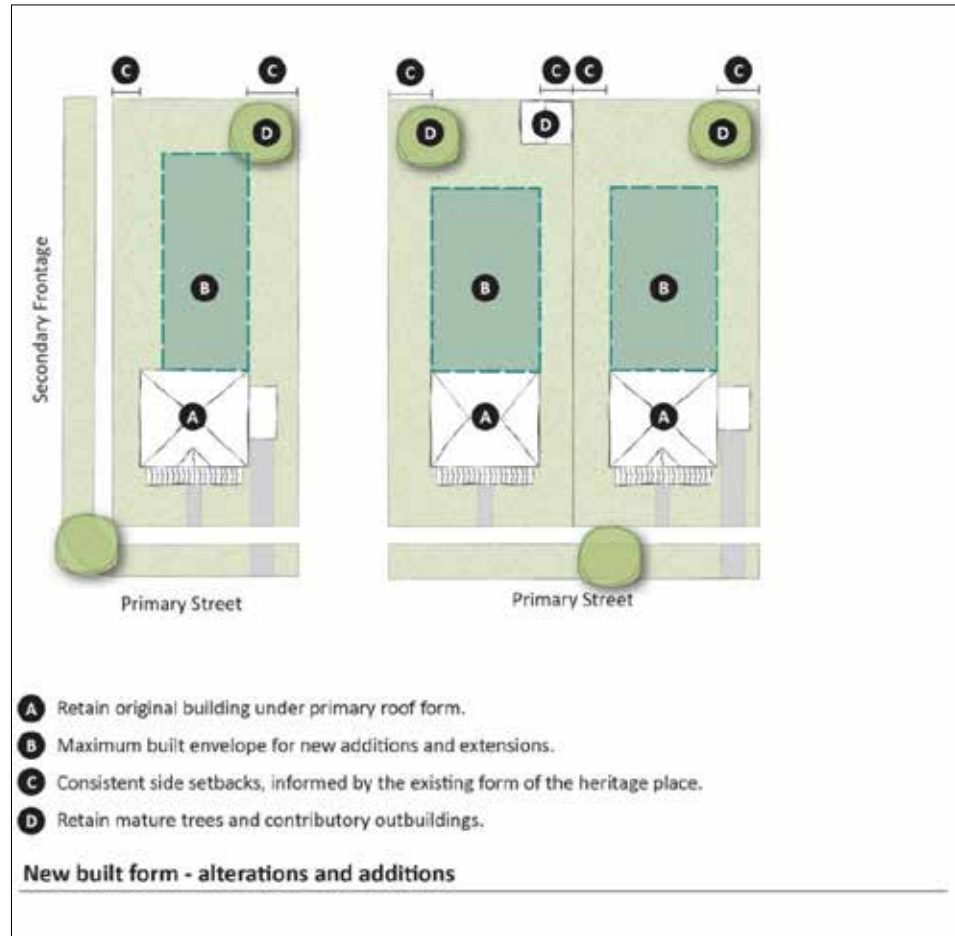
- (i) Conservation works are essential to ensure the long-term survival of a heritage place. Conservation works can include, repair, maintenance, restoration and reconstruction of contributory buildings and elements and should be undertaken with the advice of a heritage architect or consultant.
- (ii) Maintenance and repairs to heritage places must minimise visual impact on significant fabric and should be undertaken on a 'like for like' basis.
- (iii) Conservation works should retain the original appearance of a place where it remains evident and seek to match traditional techniques, material and finishes based on archival, photographic and/or physical evidence.
- (iv) Restoration of original finishes and features is encouraged where appropriate where fabric has significantly deteriorated, previously been removed or unsympathetically altered. A 'like for like' approach based on physical or documentary evidence should be followed, and only undertaken where sufficient archival evidence is available to support the proposal.

4.2.3 New Built Form, Alterations, Extensions or Change of Use Affecting a Heritage Place

- (i) Development must conserve and protect the cultural heritage significance of a heritage place based on respect for the existing building or structure and its setting, and the least possible change to the significant fabric.
- (ii) Alterations to a heritage place must be sympathetic to the significant fabric and setting of the heritage place and must not detract from its identified cultural heritage significance. Development must be compatible with the siting, scale, architectural style and form, materials, external finishes and function of the place.
- (iii) Additions must be sympathetic to the predominant form and scale of the existing building, its streetscape context and its contribution to the urban character in the surrounding area.

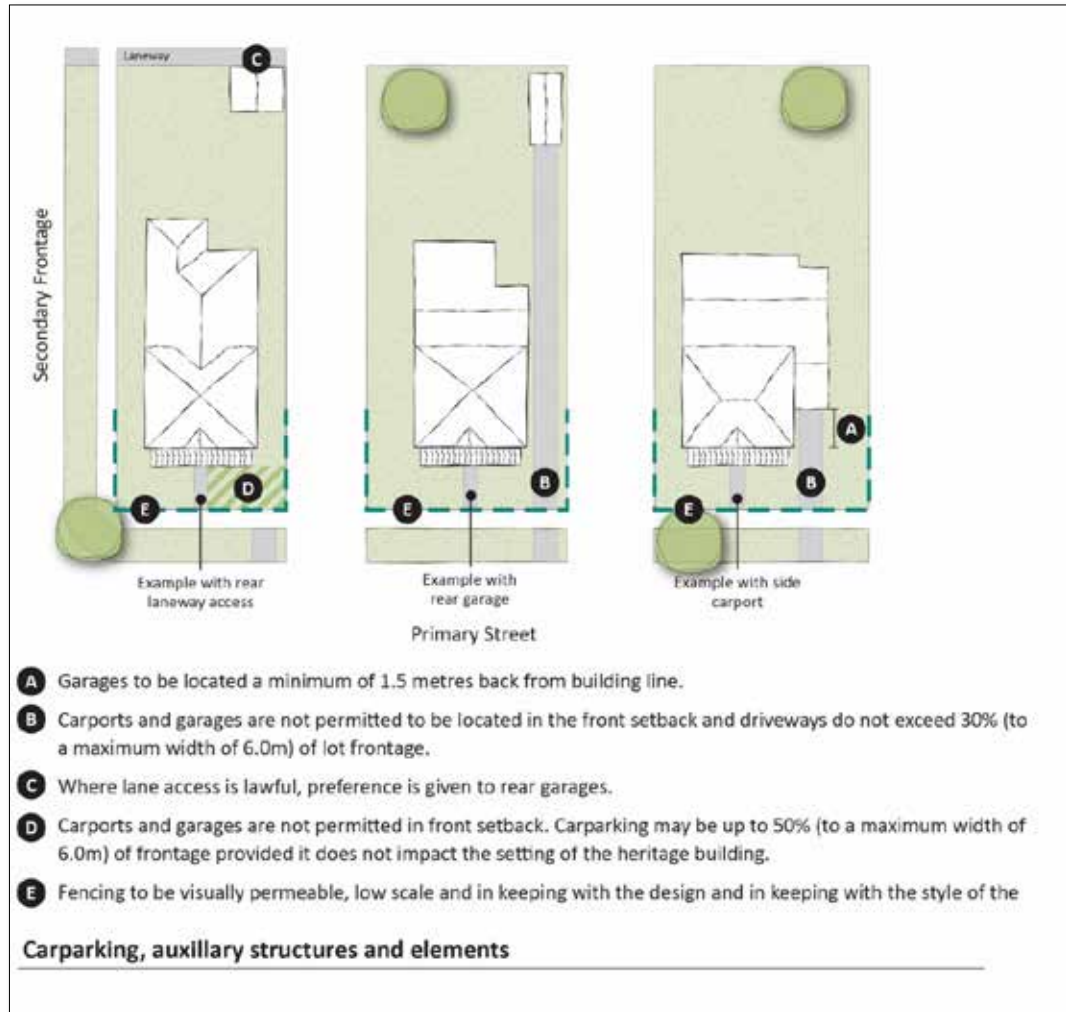
- (iv) Alterations should not generally remove, change or obscure significant materials or detailing other than that which may be necessary as part of required conservation works.
- (v) Where an opportunity arises, any features or elements that are intrusive to the heritage values of the place should be removed, replaced or altered to more sympathetic detailing.
- (vi) Additions or alterations must compliment the original fabric rather than seeking to copy or mimic it in design, style or finish. They must be easily distinguishable from the significant fabric.
- (vii) Additions are not to be dominant from the primary street frontage.
- (viii) Upper storey additions or modifications should be designed to minimise the impact on the original roofline, and to retain an appreciation for the original form of the building.
- (ix) In some cases, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial use or return. Sympathetic adaptation and change of use will be considered on its planning merits.
- (x) Development should be in accordance with any Planning Policies relating to heritage.
- (xi) Where a Conservation Management Plan has been prepared for a place, development must be in accordance with the conservation policies under the Plan.
- (xii) The proponent of any proposal to develop or alter a heritage place should seek advice from a qualified and experienced heritage architect or experienced heritage consultant prior to progressing any application. Proposals for additions to a property on the Heritage List must be accompanied by a Heritage Impact Statement prepared by a suitably qualified heritage professional.





4.2.4 Auxiliary Structures and Elements

- (i) Auxiliary structures (e.g. sheds, awnings, garden constructions) and boundary elements (e.g. fences, gates, driveways and paths) must not impact upon the presentation of the heritage place to the public realm, obstruct views to significant aspects of a place, or have a visual impact on its appearance.
- (ii) Auxiliary structures and elements must be well designed in an appropriate style and form to complement the period of development of the individual place to which it is associated.
- (iii) The materiality of auxiliary structures must be in keeping with the traditional materials of the individual place but can be interpreted in a contemporary manner.



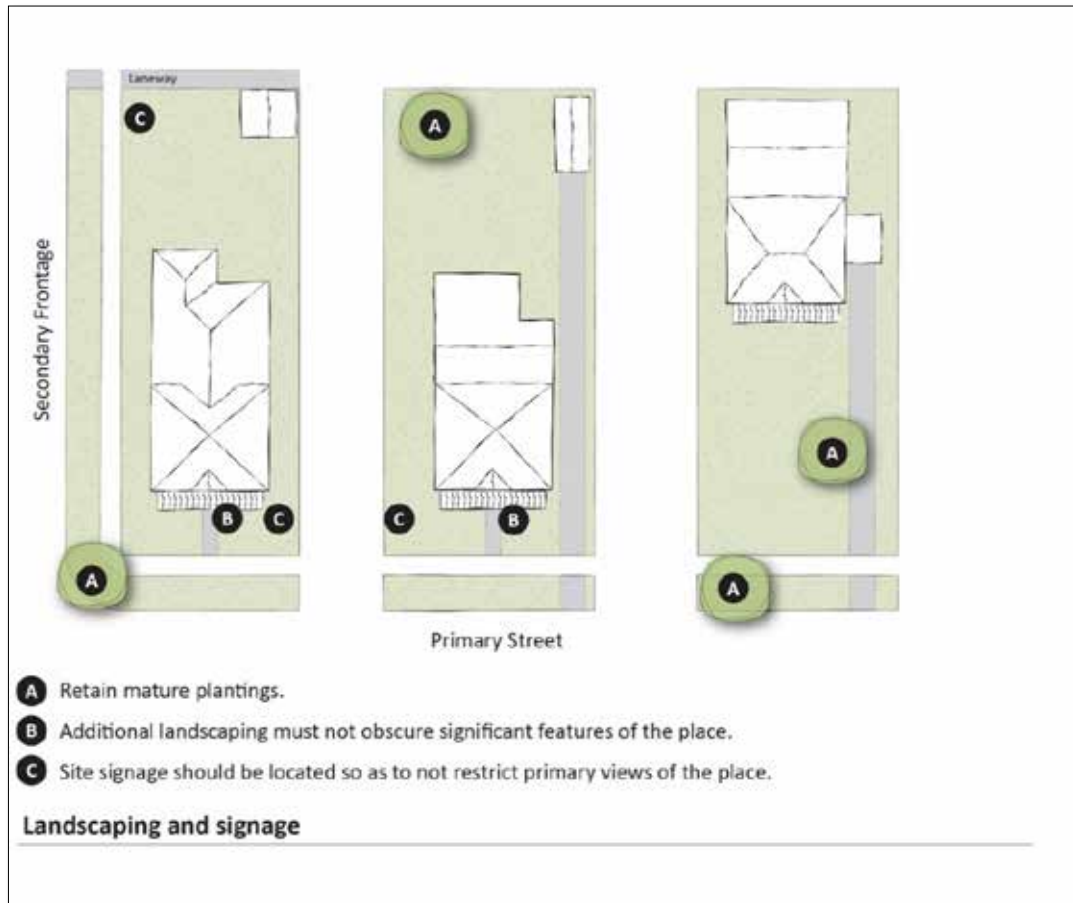
4.2.5 Car Parking

- (i) Carports and garages are not permitted to be located within the primary street frontage or within key view lines towards a heritage place.
- (ii) Where there is an existing driveway this should continue to be used for vehicular access.
- (iii) Where there is an existing right-of-way behind the property, this should be used for vehicular access where possible.
- (iv) New driveways and hardstand areas should be designed and sited to avoid having a negative impact on any original mature landscaping, garden areas, and other natural or landscaping features where these are considered to form an important part of the setting of the heritage place, and/or contribute to its heritage significance.
- (v) Only one driveway and associated crossover is permitted per lot and should not exceed 30% of the lot width, but areas for hardstand may be up to 50% of lot frontage.

4.2.6 Landscaping

- (i) Where the landscape or setting of a heritage place has been recognised as part of its significance, any proposed development must ensure this relationship is not detrimentally impacted as part of the proposed works.

- (ii) The materials used for landscaping should reflect the history and significance of the place. New materials should complement rather than detract from the setting of the heritage place.
- (iii) Mature trees relating to a heritage place should be maintained and protected where possible and replaced with an equivalent mature planting when they reach the end of their lifespan.
- (iv) Those places that have significance for their indigenous habitat should be conserved in a manner that preserves that significance. Maintenance should be informed by a qualified environmental specialist.



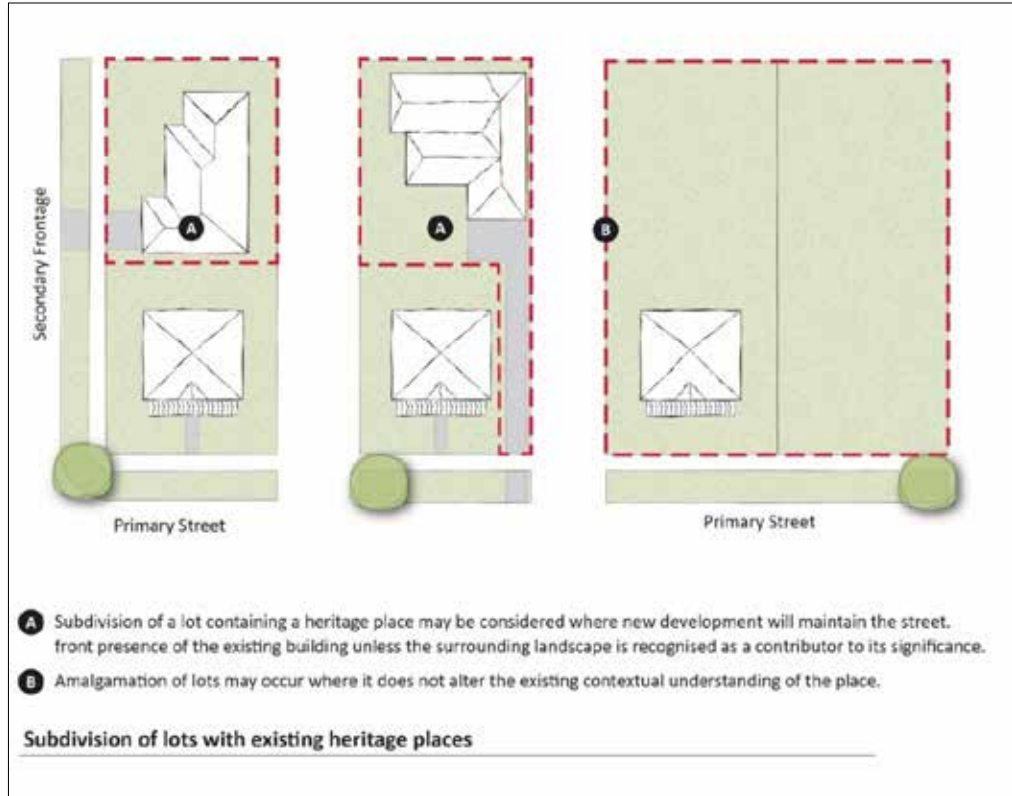
4.2.7 Signage

- (i) Signage must be designed in a manner which does not impact upon the recognised significant characteristics of a place. Signage must compliment and not obstruct any important architectural details of the place.
- (ii) Any signage to a heritage place must be in keeping with the scale and character of the building upon which it will be attached, must be appropriate in the number, scale and positioning, and must not detract from the design and form of the building.
- (iii) Signage must not obscure views into or out of a heritage place.

4.2.8 Subdivision and Amalgamation

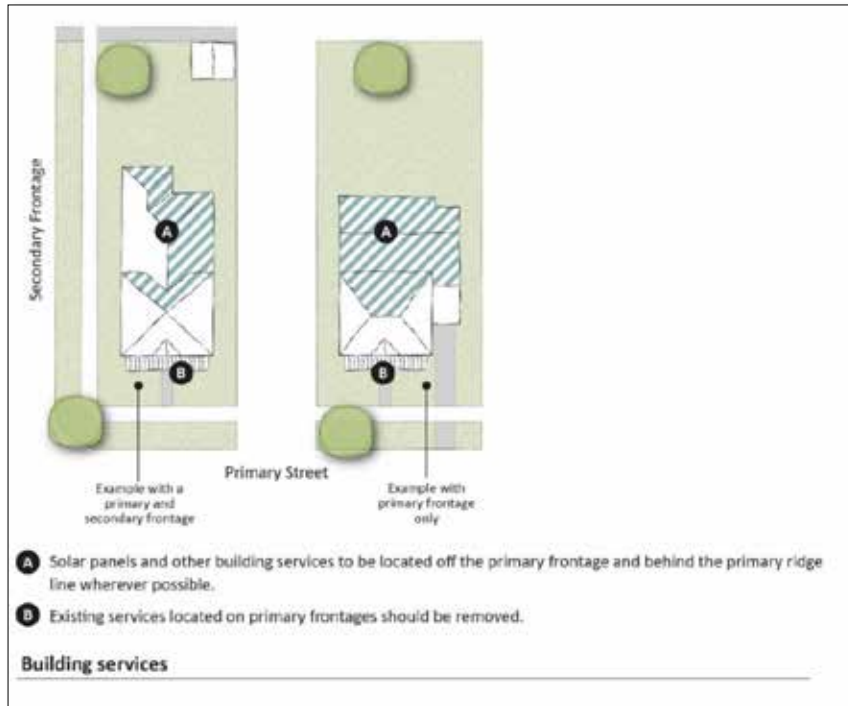
- (i) Any subdivision or amalgamation of lots containing or adjacent to a heritage place must ensure the protection and conservation of heritage listed buildings, gardens and settings.

- (ii) Subdivision or amalgamation of lots must not sever the relationship between elements of a heritage place which are recognised to contribute to its significance (i.e. a house, its associated gardens and the primary street).
- (iii) Potential new development due to subdivision or amalgamation must not affect the setting and visual prominence of the heritage place.



4.2.9 Locating Building Services or Renewable Energy Systems

- (i) Sustainable energy solutions to heritage places are encouraged where they can be achieved without impacting the cultural heritage significance of the place.
- (ii) New servicing additions to a heritage place are located so as not to impact upon the significant characteristics or design of a heritage place.
- (iii) External fixtures, such as satellite dishes, TV and radio antennae, exhaust vents, air conditioning units, solar panels, and the like, must be sited so that they are not visible from a public street or place.
- (iv) Servicing elements should be situated behind the front setback zone and off the primary frontage wherever possible.
- (v) New fixtures, fittings and services should be well considered and designed to complement the characteristics of the heritage place.
- (vi) Where later services have been previously added which detract from or impact the heritage values of a place, these should be removed and repaired in line with the original design of the place wherever possible.
- (vii) Landscapes of significance should not be selected for the location of renewable energy systems such as solar panels, wind turbines and the like. Locating these services should be undertaken with the setting of the landscape in mind ensuring that significant views, setting or landscaping are not impacted.



4.3 Variation to Site and Development Standards

Clause 12 of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the City with the ability to vary any site or development requirement specified in the Scheme or the Residential Design Codes to facilitate the conservation of a place in the Heritage List.

The City may consider varying one or more of the following site or development requirements set out in the Scheme and State Planning Policy 7.3 - Residential Design Codes of Western Australia (R-Codes) where it involves the conservation of a building on the Heritage List.

- (i) In accordance with Clause 5.1.1 of the R-Codes, the City may support the creation of a lot of a lesser area or approving a minimum site area of a grouped dwelling on a site area lesser than that specified on Table 1 of the R-Codes provided the proposed variation is no more than 5% less in area than that specified on Table 1.
- (ii) The City may consider variations to other development requirements to the Scheme or R-Codes not listed above.
- (iii) Any proposed variation to site and development standards will only be permitted where the proposed variation is consistent with the general and specific provisions of the Scheme and the objectives of the zone. Furthermore, variations will only be considered where there is a beneficial conservation outcome for the heritage place or heritage area.
- (iv) For any variation to site and development requirements under the R-Codes, the City may give notice to nearby owners and occupiers who, in the opinion of the City, are likely to be affected by the proposal, shall be notified of the proposal in writing, and provided with an opportunity to comment on the proposed variations to the site and development requirements.

4.4 Incentives for Heritage Conservation

Not-for-profit clubs, groups and organisations that are providing economic, social, community or environmental services may be eligible for minor grants and sundry donations for heritage and conservation incentives under the City's Community Grants Program Policy. For further information about applying for a Minor Grant or a Sundry Donation under the Community Grants Program Policy, contact the City's Community Capacity Building Services.

Incentives provided by other organisations, such as grants and tax rebates, may apply for proposals to conserve heritage places. These are offered by the Heritage Council of Western Australia, the Federal Department of Sustainability, Environment, Water, Population and Communities, LotteryWest and The National Trust of Australia (WA). Contact the City's Planning Services and the Department of Planning, Lands and Heritage for assistance in determining what grants may be available.

4.5 Heritage Conservation Notices and Protection Orders

The City may find cause to issue a Heritage Conservation Notice in accordance with Clause 13 Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. Such enforcement would be undertaken in accordance with the following steps:

- (i) The Owner, occupier or any other person in possession of or with control over a place on the heritage list shall ensure the protection of the place from demolition by neglect.
- (ii) If the City forms the view that a heritage place is not being maintained in a good condition or is at risk of demolition by neglect, the City may give a written notice to the Owner or occupier requiring the repair of all matters contributing to the deterioration of the place. This written notice is to:
 - (a) Identify the matters for attention leading to the issue of the order, and
 - (b) Specify a time that is not less than 60 days after the day on which the notice is given, within which the notice is to be complied with.
- (iii) For places included on the State Register of Heritage Places the Heritage Council may advise the Minister for Heritage to enact a Protection Order where they believe the place is at risk of damage which will impact on the significance of that place.

4.6 Heritage Agreements

Clause 10 of the deemed provisions of TPS2 allows the City to enter into a Heritage Agreement with an owner or occupier of land or building, pertaining to a heritage place.

Heritage Agreements may be required where a development proposal seeks to improve a heritage place, particularly where a site or development standard is varied under section 4.3 of this Policy.

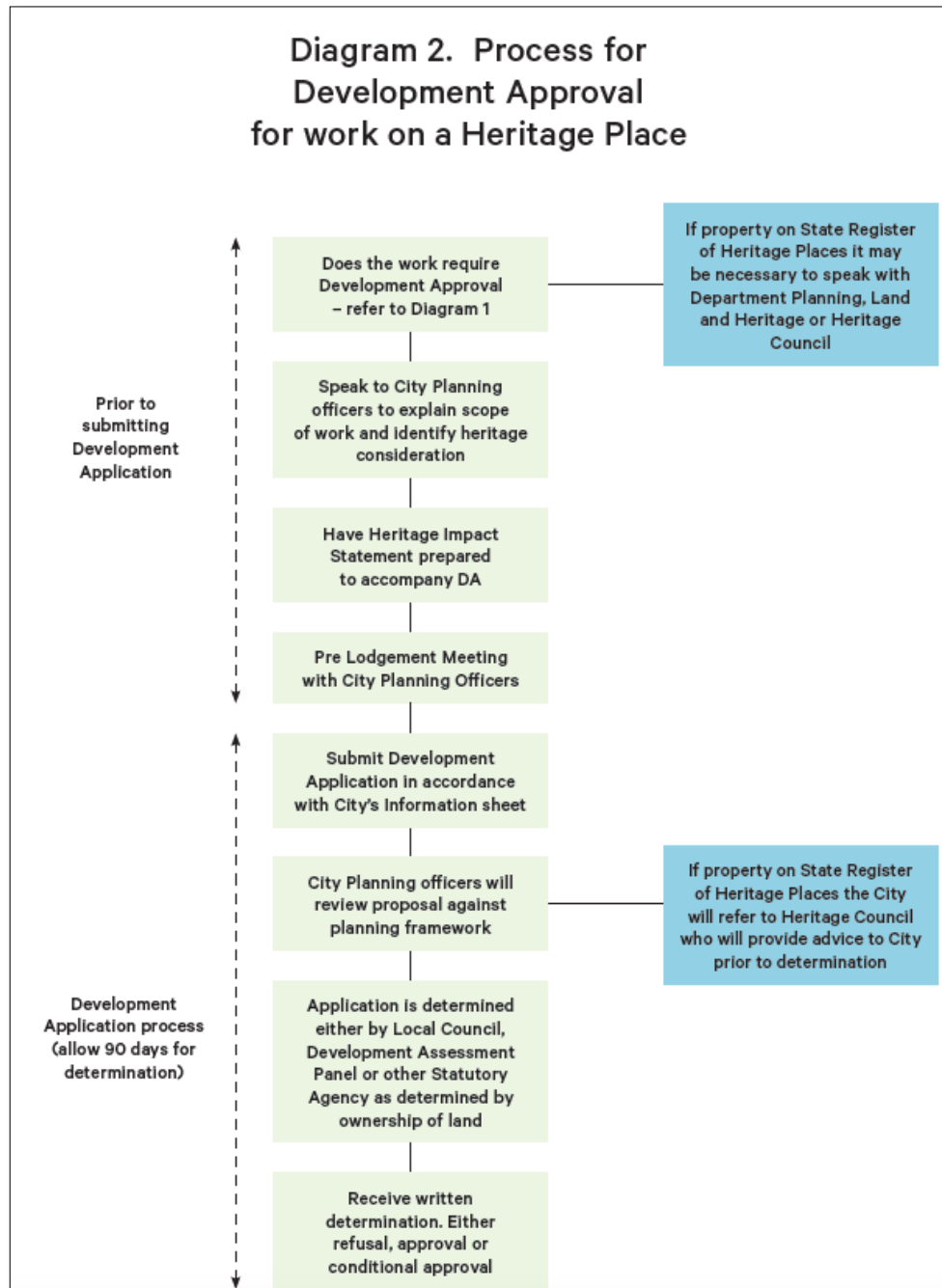
Where a caveatable agreement is proposed, it shall be prepared by the City's solicitors (or via the State Solicitors Office) at no cost to the applicant. The agreement is usually binding to successors in Title.

5. APPLICATION PROCEDURE

Applications for Development Approval for the development or demolition of places entered on the Heritage List under Town Planning Scheme No.2, shall be made on the form prescribed by the City, and shall be signed by the owner(s), and accompanied by the following information:

- (i) A written submission describing the nature of the proposal, and which includes confirmation that the requirements of this Planning Policy can be achieved;
- (ii) A break-up of the cost of the development, itemising a schedule of conservation works;
- (iii) Such plans and other information that the City may reasonably require to enable the application to be determined. Refer to Clause 63 under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (iv) In addition to the above information, the City may require an applicant to provide one or more of the following to assist the City in the determination of an application.
- (v) A completed Development Application and the payment of an Administration Fee as detailed in the City's Scale of Fees for Planning Services.

This information is found on the City's Website [Lodge Development Application](#)



5.1 Heritage Impact Assessment

Clause 11 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out that, 'despite any existing assessment on record, the local government may require a heritage assessment to be carried out before the approval of any development proposed in a heritage area or respect of a place entered in the heritage list.'

The City may request that as part of any Development Application that a Heritage Impact Assessment be undertaken.

A Heritage Impact Assessment is a brief, independent evaluation by a qualified and experienced heritage architect or heritage consultant. It is not to be confused with a Heritage Council Heritage Assessment or a Conservation Management Plan, which are more extensive and detailed documents.

If a proposal is likely to have a substantial impact on the exterior fabric of a place in the Heritage List, the City may require a Heritage Impact Statement to be submitted addressing three main questions:

- Y How will the proposed works affect the significance of the place?
- Y What alternatives have been considered to ameliorate any adverse impacts?
- Y Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

For more information on how to prepare a Heritage Impact Statement please refer to:

[Heritage Impact Statement Guide](#)

5.2 Conservation Management Plan

If a proposal affects a place that is entered in the State Register of Heritage Places, or a large or complex place of exceptional significance, the City may require a Conservation Management Plan (CMP) to be prepared.

A CMP a guiding document for the conservation and future use of a place. It is best practice to have a CMP prepared prior to considering future changes to a heritage place.

A CMP should be prepared in accordance with HCWA's 'An Information Guide to Conservation Management Plans' (2013), and by a qualified heritage architect or heritage consultant.

5.3 Structural Condition Assessment in the Case of Demolition

If structural failure is cited as a justification for the demolition of a place in the Heritage List, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric.

5.4 Archival Record in the Case of Demolition

If a proposal is for the demolition of a place entered in the Heritage List, or entered in the Local Heritage Survey, the City may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the standard specified in HCWA's *Guide to Preparing an Archival Record* (July 2019), and lodged with the City and the Rockingham District Historical Society.

6. AUTHORITY

This Planning Policy has been adopted by the City under Clause 4 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and whilst it is not part of the Scheme and does not bind the City in respect of any application for Development Approval, the City is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. INTERPRETATIONS

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

City:

means the City of Rockingham.

Conservation:

means, in relation to any place or Heritage Precinct, the management of that place or precinct in a manner that will:

- (i) enable the cultural heritage significance of that place or precinct to be retained; and
- (ii) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaption and maintenance of that place or precinct having due regard to relevant professional standards and the provision of an appropriate visual setting.

- Council: means the Council of the City of Rockingham.
- Heritage List: means a list of those heritage places which have sufficient cultural heritage significance to be protected under the provisions of the Town Planning Scheme. These places will be the most significant places included in the Local Heritage Survey.
- Heritage Impact Statement: means a written report to be undertaken by a qualified heritage professional in accordance with the Department of Planning, Lands and Heritage publication 'Heritage Impact Statement: A Guide' addressing:
- (i) How will the proposed works affect the cultural significance of the place and the Heritage Area?
 - (ii) What measures (if any) are proposed to ameliorate any adverse impacts?
 - (iii) Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?
- Place: means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable and includes:
- (i) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
 - (ii) any works or building situated there, their contents relevant to the purpose of this Scheme and a much of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
 - (iii) as much of the land beneath the place as is required for the purposes of its conservation.
- Meaning as in the *Heritage Act 2018*:
- Heritage Council: means the Heritage Council of Western Australia established pursuant to Part 2 Division 1 of the *Heritage Act 2018*.
- ICOMOS Burra Charter, 2013: The Burra Charter defines the guiding principles and procedures to be followed in the assessment and conservation of Australian heritage places. It defines cultural significance as aesthetic, historic, scientific, social or spiritual values for past, present or future generations.
- Protection Order: means an Order made under the *Heritage Act 2018* Part 4 Division 1.
- Setting: The visual relationship between the heritage place and its immediate location.
- State Register: means the Register of Heritage Places compiled and managed by the Heritage Council pursuant to Part 3 Division 1 of the *Heritage Act 2018*.
- For the purposes of this Planning Policy, the following terms shall have the following meaning:
- Building Line: means the longest vertical plane of the exterior wall to a dwelling fronting the primary street.

Cultural Heritage Significance: In accordance with the Principles of the Australia ICOMOS Burra Charter (2013), it means the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

The integrity, authenticity, rarity or representativeness of the place will also be assessed to determine its level of significance.

General Maintenance (or Maintenance):

means the regular repair of the building or structure to avoid its decay.

Primary Street Frontage:

means the area between the building and the street boundary to which it is orientated.

8. DELEGATION

Unless otherwise determined by the Manager of Statutory Planning, applications for Development Approval for development of a place on a Heritage List under the Scheme with a Management Category of 'B', 'C', or 'D' and demolition of a place with a Management Category of 'D', which comply in all respects with the objectives and provisions of this Planning Policy will be dealt with under delegated authority, pursuant to Clause 83 of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*; and Planning Procedure 1.1 - Delegated Authority.

All other applications for Development Approval for the development or demolition of a place on a Heritage List will be referred to the Council for determination.

9. ADOPTION

This Planning Policy was adopted by the Council at its Ordinary meeting held on 25 March 2008.

10. AMENDED

This amended Policy was adopted by Council on _____ 2022.

2. **SUPPORTS** the retention of the current adopted Heritage List in Planning Policy No.3.3.21 Heritage Conservation and Development.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-022/22	Proposed Local Planning Policy No.3.3.26 - Guidelines to Establishing a Heritage List
File No:	LUP/2193	
Applicant:		
Owner:		
Author:	Mr Mike Ross, Manager Statutory Planning	
Other Contributors:	Ms Nyah Cheater, Planning Assistant	
Date of Committee Meeting:	20 June 2022	
Previously before Council:	25 March 2008 (PD38/3/08), 25 September 2012 (SP-054/12), 24 April 2018 (PD-012/18)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Legislative	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	Guidelines-for-establishing-a-heritage-list-mar2021.pdf www.wa.gov.au	
Maps/Diagrams:	Table 1 - Heritage List Level of Significance	

Purpose of Report

To consider advertising draft Local Planning Policy No.3.3.26 - Guidelines to Establishing a Heritage List (LPP3.3.26) for public comment.

Background

The Heritage Framework

The Heritage Council of Western Australia (HCWA) has prepared *Guidelines for Establishing a Heritage List* (Guidelines) to support local government in conserving local heritage places through the establishment of Heritage Lists. To enable a consistent and transparent framework for the operation and administration of Local Heritage Lists, Local Governments are encouraged to adopt a Local Planning Policy (LPP) under their Local Planning Scheme.

Heritage Strategy 2020-2025

Council has an on-going role in managing and conserving the broad range of natural and cultural heritage sites throughout the City, within the framework of the City's Heritage Strategy 2020-2025, adopted by Council on 23 June 2020.

The City's Heritage Strategy 2020-2025 includes the main theme of Understanding, as follows:



Understanding

OBJECTIVE: to identify, gain detailed understanding and maintain a record of the places, stories and objects that represent the unique and diverse history of the district.

Action	Tasks	New/ Ongoing
1. Ensure the City's Heritage List is representative of the diverse range of places found within the City's boundaries	U1.1 Undertake a process to identify, assess and protect individual places that are of heritage value in their own right.	Ongoing

A criterion for including heritage sites on the Heritage List has been prepared in the context of the above Action.

Municipal Heritage Inventory

The City's Municipal Heritage Inventory (Local Heritage Survey, LHS) is important as a first point of identification of heritage places and is used, among other functions, to inform the preparation of a Heritage List. The LHS, however, itself has no specific planning or legal weight.

The City's LHS also includes Management Categories for guidance on the heritage significance of the place, along with recommendations.

Heritage List

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Council is required to establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

There are currently 63 local heritage places on the Council's Heritage List which apply the LHS Management Categories. The City's Heritage List has been continually reviewed in response to changes made to the LHS. The City's Heritage List will be updated separately together with a review of the LHS.

The Regulations specify that the Heritage List includes a description of each place and the reasons for its entry on the Heritage List. The adopted Heritage List provides a brief description of the place and the reason for entry.

The City's adopted Heritage List excludes a number of places, as follows:

- Y The place has a Management Category of "E", which is a site only (no physical remnants remain); and
- Y The place has been demolished.

What is the difference between a LHS and Heritage List?

The HCWA recognises a LHS is important as a first point of identification of heritage places and is used, among other functions, to inform the preparation of a Heritage List. As mentioned above, the LHS has no specific planning or legal weight. In contrast, the Heritage List is an instrument under the *Planning and Development Act 2005* (the Act) and therefore carries weight when determining planning outcomes for heritage places. In this regard, the HCWA has recommended that Local Governments adopt a LPP for Heritage Lists before initiating a review of their LHS.

Following a review of the City's Heritage Framework, the following actions are proposed to make a clearer demarcation of the key heritage areas, as follows:

1. Proposed LPP No.3.3.21 - Heritage Development and Design;
2. Proposed LPP No.3.3.26 - Guidelines to Establishing a Heritage List; and
3. Heritage Incentives being investigated for Heritage Listed properties.

The approach recognises that retention and conservation of heritage places provides a community benefit, and that Council acts for the community when aiding owners to deliver this benefit. All three proposed policies interrelate and should to be considered together.

Heritage Reference Group

On 23 March 2022, the City's Heritage Reference Group (HRG) considered the draft Local LPP No.3.3.26. The HRG noted the update and the Rockingham District Historical Society Inc. provided separate advice to the City. The City's Heritage Advisor has also reviewed the draft LPP3.3.26 and provided comments.

Details

This report seeks Council's approval to a new LPP No.3.3.26 Guidelines for Establishing a Heritage List, which is based on the HCWA Guidelines.

Proposed LPP No.3.3.26 - Guidelines for Establishing a Heritage List

The Guidelines were adopted by the HCWA to enable a consistent and transparent framework for the operation and administration of Local Heritage Lists and to encourage Local Governments to adopt a LPP under their Local Planning Scheme. The Guidelines provide direction for preparing a LPP for Local Heritage Lists, and sample text for a LPP, which has been generally applied and adapted as necessary to suit local circumstances.

Inclusion of a place on the Heritage List is based on an assessment of the heritage significance of a place and the Council's opinion as to whether it is worthy of built heritage conservation. In this regard, the LHS Management Categories are criterion to consider if a heritage place should be included on the City's Heritage List, is set out in Table 1, as follows:

Table 1 - Heritage List Level of Significance

Level of Significance	Management Category	Description	Heritage List
Exceptional Significance	A	Essential to the heritage of the locality. Rare or outstanding example. Recommended for inclusion on the State Register of Heritage Places.	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place)
Considerable Significance	B	Very important to the heritage of the locality. Shows a high degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place. All works are to be supported by a detailed Heritage Impact Statement.
Some/Moderate Significance	C	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the place.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible. All works are to be supported by a detailed Heritage Impact Statement. An Archival Record is to be prepared prior to any significant alterations to the place, in accordance with Heritage Council Standards.
Little Significance	D	Significant, but not essential to an understanding of the history of the district.	Photographically record prior to major development or demolition. An Archival Record is to be prepared prior to any significant alterations to the place, in accordance with Heritage Council Standards.

Level of Significance	Management Category	Description	Heritage List
Historic Site	E	Historic site. Recognise for example, with a plaque, place name, or acknowledge in new urban or architectural design.	Recognise and interpret the site if possible. Interpretation of the site should be through a plaque, place name, or acknowledgement in new urban or architectural design.

All places with a Management Category A, B, C and D are supported for inclusion on the Heritage List in the proposed LPP, which is the current approach taken by the City. Although these places in the MHI with a D Category are below the 'threshold' for the Heritage List, they are included so a Development Application can 'trigger' an archival recording of the place and interpretation.

This LPP3.3.26 has been prepared in a manner and form which is generally consistent with the HCWA Council Guidelines. While the Guidelines consider places with Little Significance are below the threshold for the Heritage List, Council has already included these places on the Heritage List to require Development Approval and archival recording (i.e. photographs) of the place.

Revised Heritage List

Once Council has finalised the proposed LPP No.3.3.26, it will form the basis for reviewing the Heritage List together with a broader LHS review. There are no changes proposed to the current Heritage Listed properties included on the City's Heritage List.

Implications to Consider

a. Consultation with the Community

Under clause 4 of the Deemed Provisions of TPS2, if the Local Government resolves to prepare a Planning Policy, it is required to advertise the proposed Policy as follows:

- "(a) *publish in accordance with clause 87 the proposed policy and a notice giving details of:*
- (i) the subject and nature of the proposed amended Policy;*
 - (ii) the objectives of the proposed amended Policy;*
 - (iii) where the proposed amended Policy may be inspected;*
 - (iv) to whom, in what form and during what period submissions (being not less than 21 days from the day the notice is published) may be made;*
- (b) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission; and*
- (c) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate."*

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

d. Policy

Planning Policy No.3.3.21 Heritage Conservation and Development (PP3.3.21)

The guiding heritage principles set out in current PP3.3.21 Heritage Conservation and Development which include procedures for adding, deleting or amending entries in the Local Heritage List are proposed to be removed and incorporated into proposed LPP3.3.26. LPP3.3.21 will then purely guide the Heritage Development and Design of places on the City's Heritage List. As such, LPP3.3.21 is proposed to be retitled Local Planning Policy No.3.3.21 - Heritage Development and Design.

e. Financial

Nil

f. Legal and Statutory

Heritage Act 2018

The *Heritage Act 2018* requires each local government to identify places of cultural heritage significance in a LHS. Part 8, section 104 of the *Heritage Act 2018* states that the purposes of a LHS for a local government identify places of cultural heritage significance in a LHS, as follows:

"s.104 Purposes of local heritage survey

The purposes of a local heritage survey by a local government include -

- (a) identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) providing a cultural and historical record of places of cultural heritage significance to its district; and*
- (d) providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) assisting the local government in preparing its heritage list or list of heritage areas under a local planning scheme."*

When the term 'place' is used it has the following meaning under s.7(1) of the *Heritage Act 2018*:

"place means a defined or readily identifiable area of land and may include any of the following things that are in, on or over the land –

- (a) Archaeological remains;*
 - (b) Buildings, structures, other built forms, and their surrounds;*
 - (c) Equipment, furniture, fittings and other objects (whether fixed or not) that are historically or physically associated or connected with the land;*
 - (d) Gardens and man-made parks or sites;*
 - (e) A tree or group of trees (whether planted or naturally occurring) in, or adjacent to, a man-made setting.*
- (2) For the purposes of the definition of place in subsection (1) –*
- (a) the area of land may include any number of contiguous or non-contiguous parts; and*
 - (b) the area of land may be included in any number of lots, in separate titles and in different ownership; and*
 - (c) the area of land includes as much of the land beneath the surface as is required for the purposes of conservation; and*
 - (d) it is immaterial that water covers the area of land at any particular time or at all times."*

The LHS is important as a first point of identification of heritage places and is used, among other functions, to inform the preparation of a heritage list. The LHS, however, itself has no specific planning or legal implications.

In contrast, the Heritage List is an instrument that is afforded weight by the City's Town Planning Scheme No.2 (TPS2) which has effect under the Planning and Development Act 2005 (the Act) and must be considered when determining a Development Application for a heritage site.

The Department of Planning, Lands and Heritage (DPLH) recommend that Local Government adopts a Local Planning Policy for Heritage Lists before initiating a review of their LHS. This sequence of events allows City Officer's and the Council to consider the strategic implications of the Local Planning Policy in a neutral context.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Heritage List

Clause 8, Schedule 2 of the Deemed Provisions for Local Planning Schemes states:

"8. Heritage List

- (1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.*
- (2) A heritage list established under subclause (1) must set out a description of each place and the reason for its entry on the heritage list.*
- (2A) The local government must ensure that an up-to-date copy of the heritage list is published in accordance with clause 87.*
- (2B) Subclause (2A) is an ongoing publication requirement for the purpose of clause 87(5)(a).*
- (3) The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government –*
 - (a) Notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
 - (b) Invites each owner and occupier to make submissions on the proposal within a period specified in the notice; and*
 - (c) Carries out any other consultation the local government considers appropriate; and*
 - (d) Following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.*
- (3A) The period for making submissions specified in a notice under subclause (3)(b) must not be less than the period of 21 days after the day on which the notice is given under subclause (3)(a).*
- (4) If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to –*
 - (a) the Heritage Council of Western Australia; and*
 - (b) each owner and occupier of the place."*

The Regulations also allow the Local Government to require a heritage assessment prior to the approval of a proposed development in a Heritage Area or for a place entered in the Heritage List.

When a place is on the Heritage List it is referred to as a “Heritage-Protected Place” under clause 1A Schedule 2 of the Regulations, as follows:

“1A Heritage-protected places

(1) A heritage-protected place is a place –

- (a) that is in the State Register of Heritage Places under the Heritage Act 2018 section 42; or*
- (b) that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or*
- (c) that is the subject of an order under the Heritage Act 2018 Part 4; or*
- (d) that is the subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90; or*
- (e) that is included on a heritage list as defined in clause 7; or*
- (f) that is within a heritage area as defined in clause 7.”*

Planning Policy

Under Division 2, Clause 3 of the Regulations, the Council may prepare a LPP in respect of any matter related to the planning and development of the Scheme area.

A LPP:

- (i) may apply generally in respect of a particular class or classes of matters specified in the policy; and
- (ii) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified on the policy.

A LPP must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

In making a determination under TPS2, the Council must have regard to each relevant Local Planning Policy to the extent that the Policy is consistent with TPS2.

Interior Building Work

Under Clause 61, Schedule 2 of the Regulations, Development Approval is not required for internal building work that does not materially affect the external appearance of the building, when the interior of the building is specified as not being of cultural heritage significance.

g. Risk

All Local Government decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed LPP3.3.26 is generally consistent with the HCWA Guidelines.

Draft LPP3.3.26 includes a threshold for inclusion on the Heritage List which reflects the heritage-protected places currently on the Council adopted Heritage List. The City’s adopted Heritage List is retained and there are no proposed changes in draft LPP3.3.26. The main change proposed is in Schedule 1, Heritage List Template, which will include ‘Significant Interior’ and ‘Statement of Significance’.

As the Council’s adopted Heritage List forms part of PP3.3.21, it needs to be retained. When the Heritage List template in LPP3.3.26 is adopted, it will provide the basis for reviewing the adopted Heritage List and LHS.

There are no changes proposed to the current Heritage Listed properties included on the City's Heritage List.

It is recommended that Council seek public comment on proposed Local Planning Policy No.3.3.26 - Guidelines to Establishing a Heritage List.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the advertising of the proposed Local Planning Policy No.3.3.26 - Guidelines to Establishing a Heritage List and revised Heritage List for public comment.
2. **SUPPORTS** the retention of the current adopted Heritage List in Planning Policy No.3.3.21 - Heritage Conservation and Development under separate review.

Committee Recommendation

Moved Mayor Hamblin, seconded Cr Jones:

That Council:

1. **APPROVES** the advertising of the proposed Local Planning Policy No.3.3.26 - Guidelines to establishing a Heritage List and revised Heritage List for public comment, as follows:

LOCAL PLANNING POLICY NO.3.3.26 -

GUIDELINES TO ESTABLISHING A HERITAGE LIST

1. INTRODUCTION

The City's Heritage List identifies places that are of cultural heritage significance and worthy of built heritage conservation, so that development can, as far as possible, be consistent with the City of Rockingham's heritage conservation values and objectives.

This Policy:

- Y Explains how the City prepares and maintains its Heritage List established pursuant to the deemed provisions of City's Town Planning Scheme No.2 (TPS2);
- Y Applies the principles of State Planning Policy 3.5 - Historic Heritage Conservation and
- Y Provides general information and guidance on places in the Heritage List and subject to *Planning and Development (Local Planning Schemes) Regulations 2015*.

Inclusion of a place in a Heritage List does not limit the ability of a property owner to propose any works or other development, nor does it expect or require the City to determine an application solely on heritage grounds. Proposals that respect and retain the heritage values of the place are likely to be encouraged and may, where appropriate, be required.

The places that are not included on the Heritage List are historic sites where the structure is no longer evident, however, the places is outside of the jurisdiction of the City (such as Garden Island and Penguin Island) are included as they are integral to the City.

The Australia ICOMOS Charter for Places of Cultural Significance, 2013 (the Burra Charter) is recognised internationally as the standard for best practice in heritage and conservation. It is the main guiding document for heritage conservation for the City. Where there is no specific provision in this Policy, the Burra Charter principles will be applied to Development Applications on the City's Heritage List.

Throughout this Policy document there are a series of 'Notes' included within a text box. Where these are provided they are a summary of essential reference information for the Policy.

2. POLICY APPLICATION

This policy applies to the administration and operation of the Heritage List established pursuant to clause 8, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and associated with the TPS2, for the Scheme area.

Note: Clause 13A of the deemed provisions confirms that, for new schemes coming into operation after 15 February 2021, a Heritage List established under a former scheme is taken to be the Heritage List established under cl.8.

3. POLICY OBJECTIVES

The objectives of this Planning Policy are to:

- (i) To achieve transparency and consistency in the designation of places on the Heritage List;
- (ii) To provide clear guidance on how challenges to a proposed inclusion on the Heritage List will be assessed;
- (iii) To ensure that the Heritage List is maintained in a manner and form that is consistent with the TPS2; and
- (iv) To provide clear guidance on the criteria for including and excluding a place from the Heritage List.

4. POLICY STATEMENT

4.1 Format of the Heritage List

The definitive version of the Heritage List is the most recent dated document that has been adopted by a resolution of Local Government. The Heritage List is available on the City's website and for inspection during business hours at the City's offices.

The Heritage List will set out a description of each place and the reason for its entry in the Heritage List, and be presented in a format consistent with Schedule 1 of this Policy.

The place name and location details are considered sufficient to describe each place. A statement of significance drawn from the place's entry in the Local Heritage Survey (LHS) is considered sufficient to provide the reason for its inclusion in the Heritage List.

Further information on each place will be maintained in the Heritage Council's online database *inHerit* (www.inherit.stateheritage.wa.gov.au). If there is any inconsistency between sources, the City's hard copy of the Heritage List shall be determined the correct version. The inclusion of a link to the *inHerit* entry for each place shall be included in electronic versions of the Heritage List.

Note: The LPS requires the Heritage List to 'set out a description of each place and the reason for its entry in the Heritage List' (clause 8(2) of the deemed provisions). The content identified in Schedule 1 is considered sufficient to describe the place and identify key heritage values leading to its inclusion in the Heritage List.

Note: The Heritage Council's online database, *inHerit*, provides a centralised source that enables local governments to manage and publish both their LHS and Heritage List. An *inHerit* entry can be used to note whether a place is included in the Heritage List and provides all data that has been entered for the place.

4.2 Threshold for Inclusion in the Heritage List

The Local Government may consider amending the Heritage List from time to time in accordance with Clause 8 'Heritage List' under Part 3 - Heritage Protection of Schedule 2 - deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, in the following circumstances:

- (i) Inclusion of a place that is found to be of cultural heritage significance through the findings of a new or reviewed Local Heritage Survey.
- (ii) Inclusion of a place nominated by the owner where the place is identified as being of cultural heritage significance.
- (iii) Inclusion of a place found to be of significance in a Heritage Impact Statement prepared as part of an application for Development Approval.

- (iv) Removal of a place that is demolished, substantially changed to the extent that its cultural heritage significance is lost.

Level of Significance	Management Category	Description	Heritage List
Exceptional Significance	A	Essential to the heritage of the locality. Rare or outstanding example. Recommended for inclusion on the State Register of Heritage Places.	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place)
Considerable Significance	B	Very important to the heritage of the locality. Shows a high degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place. All works are to be supported by a detailed Heritage Impact Statement.
Some/Moderate Significance	C	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the place.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible. All works are to be supported by a detailed Heritage Impact Statement. An Archival Record is to be prepared prior to any significant alterations to the place, in accordance with Heritage Council Standards.
Little Significance	D	Significant, but not essential to an understanding of the history of the district.	Photographically record prior to major development or demolition. An Archival Record is to be prepared prior to any significant alterations to the place, in accordance with Heritage Council Standards.
Historic Site	E	Historic site. Recognise for example, with a plaque, place name, or acknowledge in new urban or architectural design.	Recognise and interpret the site if possible. Interpretation of the site should be through a plaque, place name, or acknowledgement in new urban or architectural design.

Table 1 - Heritage Significance and Inclusion in the Heritage List

Establishment and maintenance of the Heritage List is a requirement of the deemed provisions contained in the *Planning and Development (Local Planning Scheme) Regulations 2015*. Inclusion in the Heritage List will be based on an assessment of cultural heritage significance of a place and the City's opinion as to whether it is worthy of built heritage conservation.

The designation of cultural heritage significance for local heritage places will be taken from the City's LHS. The assessment and designation of significance will be carried out in line with the *Guidelines for Local Heritage Surveys* (Heritage Council of Western Australia, July 2019).

A place may be considered worthy of built heritage conservation irrespective of its current state of repair; ongoing requirements for conservation, care and maintenance; or economic worth.

The Local Government is of the opinion that:

- (i) All places included in the State Register have been assessed as having cultural heritage significance are worthy of built heritage conservation, and are included in the Heritage List.
- (ii) All places on the LHS and assessed as having 'exceptional' or 'considerable' significance to the local area (Category A or B) are worthy of built heritage conservation and in all cases will be included in the Heritage List.
- (iii) As to whether places designated as having 'some/moderate' significance (Category C) are worthy of built heritage conservation will be informed in consultation with the property owner.
- (iv) Category D places designated as having little significance to the local area should be included in the Heritage List to require a Development Application for an archival record prior to any significant changes to the place.

In all cases, the owner's submission will be taken into account, however, the Local Government must independently determine whether the place is of cultural heritage significance and worthy of conservation.

Note: Category D places may be sites of earlier buildings, places of some local interest, or places that are otherwise useful to note but not retain. Information on these places is still of value and data in the LHS may inform other heritage initiatives such as heritage trails, creation of heritage areas, research projects into local histories, and educational activities.

Note: It is worth noting that an historic site may have a high level of significance and should not always be assumed to be a Category D place. The significance may relate to identified or potential archaeology, a high level of historic or social significance, or other factors that do not rely on the presence of physical remains.

Note: It is important to note that identification of a Heritage Area is a separate process, and the inclusion or exclusion of an individual place in the Heritage List does not affect the potential for adoption of a heritage area.

5. CHANGES TO THE HERITAGE LIST

5.1 Consultation

Consultation on changes to the Heritage List, including addition, variation or removal of any entry, will meet or exceed minimum requirements of the TPS2.

Consultation in relation to specific actions is identified in the relevant section of this policy.

The City will give written notification of any changes to the Heritage List to the Heritage Council of Western Australia and the affected owner and occupier.

Minimum consultation requirements for modifying the Heritage List are set out in clause 8(3) of the deemed provisions and include notification to each owner and occupier, and a minimum 21 days submission period. The City will also consult with the Rockingham District Historical Society Inc. and may consult with adjacent owners and occupiers or advertise changes to the Heritage List as part of an assessment of a Development Application for a Category A and B or C place.

Note: The preferred method of notification is in writing, submitted to HCWAreferrals@dph.wa.gov.au. When information is updated on the adopted Heritage List the City will also update the relevant entries in the inHerit database.

5.2 Entry of a Place in the Heritage List

The LHS adopted by the Local Government will be used as the basis for establishing cultural heritage significance for each place. Accordingly, requests for the assessment of heritage values of a place shall be processed as a nomination for the LHS. The request should provide a sufficient description to enable accurate identification of the place, and give reasons why the nominee believes the place is of cultural heritage significance.

If a place is adopted in the LHS by resolution of Local Government and its assigned cultural heritage significance meets the threshold for possible inclusion in the Heritage List as defined in Table 1, and the Local Government considers that the place is worthy of conservation, the City will begin the consultation process to consider inclusion of the place in the Heritage List.

An objection to the level of cultural heritage significance identified for a place must be accompanied by supporting material to clearly articulate any errors or omissions in the heritage assessment documentation that may indicate why a different conclusion on the significance of the place should be reached.

The trigger for considering inclusion of a place on a Heritage List will generally be a decision on its level of cultural heritage significance, usually associated with adoption or review of a LHS. Anyone can nominate a place onto the City's LHS or Heritage List at any time. The City will advertise in the local newspapers calling for nominations during a review of the City's Heritage Survey and Heritage List.

Note: An underlying principle is that the inclusion in the Heritage List should be derived from the assessment of significance, both directly in identifying the cultural heritage significance of the place, and indirectly in defining whether it has been designated within a category that the Local Government considers worthy of conservation.

5.3 Modifying an Entry in the Heritage List

Changes to an entry in the Heritage List may be initiated by the City as part of the administration of the list, or by nomination using the form in Schedule 2 of this policy. The City will consider all requests for change, but is not obliged to make such a change.

A decision on progressing the change will take into account the relevance, necessity and benefits of updated information and the administrative requirements of the consultation process. In general, minor and inconsequential changes to the Heritage List will not be progressed immediately, but may be deferred for later consideration as part of a broader update.

Proposals for changes to the Heritage List can result from new research (for example, undertaken during a LHS review), completion of approved development works, or updated information from the owner, community or other source. In some cases this will result in a re-assessment of the heritage values of a place, with the potential for this to be reflected in the Heritage List entry for the place.

5.4 Removing an Entry from the Heritage List

Removal of a place from the Heritage List will only be considered when the Local Government considers that the heritage significance of a place has substantially changed, to the extent that it no longer displays the values for which it was included in the Heritage List and/or is no longer considered worthy of built heritage conservation. This may be the result of substantial demolition of, or damage to, a place, or presentation of new evidence about the place.

A proposal to remove a place may be made by the Local Government, or by the owner or occupier of a place. If proposed by an owner or occupier, the onus will be on them to demonstrate that the cultural heritage significance of the place and/or the extent to which it is considered worthy of built heritage conservation is below the threshold for inclusion in the Heritage List.

In addition to consultation with owners and occupiers for each place for which removal is requested, consultation on such an action may be carried out by inviting comment:

- (i) from the general community through the City's website;

- (ii) from the Rockingham District Historical Society Inc.;
- (iii) in any other manner that may reasonably result in providing relevant information on the cultural heritage values of the place.

The City's opinion as to the cultural heritage significance of a place is determined solely by a resolution of Local Government at its Ordinary Meeting.

Substantial development, demolition or loss of fabric will not automatically result in removal from the Heritage List, as the place may still retain sufficient cultural heritage significance to support inclusion in the Heritage List, particularly if the heritage values relate to social or historical significance. The City will retain a record of all places removed from the Heritage List.

A proposal to remove an entry would be a change to the Heritage List and therefore triggers the need for consultation as specified in clause 8(3) of the deemed provisions. A record of places removed from the Heritage List will form a separate table within the Heritage List document. This information may also be retained within the inHerit database.

6. SPECIFYING AN INTERIOR AS NOT OF CULTURAL HERITAGE SIGNIFICANCE

Clause 61 of the deemed provisions, requires Development Approval for internal building works to a place on the Heritage List, unless the place is designated in the Heritage List as having '*an interior that is not of cultural heritage significance*'.

The determination as to whether any interior is of cultural heritage significance will be based on the assessment of significance associated with the place, and will be noted as part of the entry of the place in the Heritage List. The entry will describe which interior elements or objects, if any, have been assessed as contributing to the cultural heritage significance of the place, and will therefore be considered when determining proposals relating to the place. The absence of such description, however, should not be taken as specification that the interior is not of cultural heritage significance.

When an assessment of the interior of a place has been prevented through refusal of access, or other action or inaction by or on behalf of the property owner, an application for Development Approval for interior building work may require the applicant to provide a heritage assessment from a competent heritage professional. Such an assessment will be required only where there are reasonable grounds to consider that the interior may be of cultural heritage significance.

Where access to assess the interior of a place has not been provided, but there is reliable evidence to support the existence of significant features (e.g. written reports, oral histories, earlier photographs, or other primary sources), the designation of '*an interior with cultural heritage significance*' may also be made.

Adding the designation that '*the interior is not of cultural heritage significance*' constitutes a modification to the place's entry in the Heritage List and must therefore follow the consultation process set out in this policy.

7. AUTHORITY

This Planning Policy has been adopted by the City under Clause 4 of the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the City in respect of any application for Development Approval, the City 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.

8. INTERPRETATIONS

For the purposes of this Planning Policy, the following terms shall have the same meaning as in TPS2.

<u>Local Government</u>	means the Local Government of the City of Rockingham.
<u>Heritage List</u>	means a Heritage List established under clause 8(1).

Unless otherwise noted, terms used in this policy have common meanings and include those defined in the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015*, and the *Heritage Act 2018*:

<u><i>Built Heritage Conservation</i></u>	means conservation as defined in the <i>Heritage Act 2018</i> section 4.
<u><i>Cultural Heritage Significance</i></u>	means aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia.
<u><i>Conservation</i></u>	<p>in relation to a place of cultural heritage significance, means the conservation of the place so as to retain its cultural heritage significance, including:</p> <ul style="list-style-type: none">(a) maintenance, preservation, restoration, reconstruction, adaptation and interpretation of the place;(b) retention of the associations and meanings of the place; and(c) retention or reintroduction of a use of the place.
<u><i>Local Heritage Survey</i></u>	<p>means survey prepared under section 103(1) as follows:</p> <p>103(1) A local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.</p>
<u><i>Place</i></u>	<p>means a defined or readily identifiable area of land and may include any of the following things that are in, on or over the land:</p> <ul style="list-style-type: none">(a) archaeological remains;(b) buildings, structures, other built forms, and their surrounds;(c) equipment, furniture, fittings and other objects (whether fixed or not) that are historically or physically associated or connected with the land;(d) gardens and man-made parks or sites; and(e) a tree or group of trees (whether planted or naturally occurring) in, or adjacent to, a man-made setting.
<u><i>State Register</i></u>	means the Register of Heritage Places established and compiled under 35(1) of the <i>Heritage Act 2018</i> .
<u><i>Heritage Council</i></u>	means the Heritage Council of Western Australia established by section 11(1) of the <i>Heritage Act 2018</i> .
<u><i>Heritage-Protected Place</i></u>	<p>is a place –</p> <ul style="list-style-type: none">(a) that is entered in the State Register of Heritage Places under the <i>Heritage Act 2018</i> section 42; or(b) that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or(c) that is the subject of an order under the <i>Heritage Act 2018</i> Part 4; or(d) that is the subject of a heritage agreement that has been certified under the <i>Heritage Act 2018</i> section 90; or(e) that is included on a heritage list as defined in clause 7; or(f) that is within a heritage area as defined in clause 7.”

9. DELEGATION

Development Applications for Category A places on the City's Heritage List will be referred to Council for its determination based on advice from the Department of Planning, Lands and Heritage and the City's Heritage Advisor.

Unless otherwise determined by the Manager Statutory Planning, applications for Development Approval for a Category B, C or D place, which comply in all respects with the objectives and provisions of this Planning Policy, will be determined under delegated authority, pursuant to Clause 83 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority.

10. ADOPTION

This Planning Policy was adopted by the Local Government at its Ordinary meeting held on _____ 2022.

Schedule 1 - Heritage List Template

Place Number	Place Name	Address	Location	Significant Interior	Statement of Significance	Further Information	Photographs
1	e.g. Baldivis Primary School	e.g. Reserve 23952, Lot 1376 (No.342) Baldivis Road	e.g. Baldivis	Y/N If Y, in detail Or Not Assessed	e.g. The place has aesthetic, historic and social value, is representative and is rare.	Hyperlink to inHerit record	

Definitions:

Place Number

Unique reference number assigned by the Heritage Council.

Place Name

Identifier based on primary use or other designation, as used in the Local Heritage Survey.

Address

Registered property address or other land information as determined by Landgate. For precincts list boundary roads or other descriptive text.

Location

Suburb, plus any additional information required to determine location.

Significant Interior

Indicates whether place has been assessed as having an interior with cultural heritage significance. If 'Y', interior elements or objects must be described here. Note that a 'N' or 'No' must be entered for the interior to be designated as 'not of cultural heritage significance'.

Statement of Significance

Reason(s) for inclusion in the Heritage List. Statement of significance as identified in the Local Heritage Survey, or a summary if extensive.

Schedule 2 - Heritage List Change request Form

This form may be used to request a change to the entry of a place already on the Heritage List, or to nominate a place for inclusion in the Heritage List, where it is already included in the local heritage survey. To nominate a place for inclusion in the local heritage survey please use the form LHS Nomination/contact the City of Rockingham.

Section 1 - Details of Nominee

1. Your details*

Name	
Address	

Phone	
Email	

*this section is mandatory

2. Please indicate your preferred method of contact

☐ Phone ☐ Email

3. Please indicate your association with the Heritage Listed place

- ☐ Owner
☐ Occupier (tenant, or user of building)
☐ Other (please state)

Section 2 - Place Information

1. Subject property information*

Place information should be taken from the entry in the Heritage List or local heritage survey. If not stated, the Heritage Council WA (HCWA) Place no. can be found via the inHerit database. <http://inherit.stateheritage.wa.gov.au/public>.

Place No. (HCWA)	
Place Name	
Address	

*this section is mandatory

2. Please indicate the purpose of the Heritage List change request.

- ☐ Proposal for entry of a place in the Heritage List (Please complete section 4)
☐ Proposal to modify Heritage List entry information (Please complete section 5)
☐ Proposal to remove a place from the Heritage List (Please complete section 6)

Section 4 - Proposal for entry of a place in the Heritage List

A place may be considered for inclusion on the Heritage List where [City/Town/Shire] considers that the cultural heritage significance of the place and/or the extent to which it is considered worthy of built heritage conservation is above the threshold for inclusion in the Heritage List.

1. Please provide reasons why you believe this to be true for the nominated place with any supporting evidence. Include details such as new evidence about the place.

Provide details here:	
-----------------------	--

Section 5 - Proposal to modify Heritage List entry information

1. Please indicate why modifications are requested.

- ☐ Inaccurate or incomplete information represented in the Heritage List

Provide details here:	
-----------------------	--

- ☐ New evidence about the place (provide historical source information below)

Provide details here:	
-----------------------	--

☐ Other

Provide details here:	
-----------------------	--

2. **Please fill the below relevant fields with the proposed information to be changed.**

Field	Proposed Heritage List data
Place No. (HCWA)	(if incorrect only)
Place name	
Address (Street no.)	
Location (Suburb)	
Significant Interior (Y/N) Additional details	
Statement of significance	
Further information (optional)	

Section 6 - Proposal to remove a place from the Heritage List

Removal of a place from the Heritage List may be appropriate where the City of Rockingham considers that the cultural heritage significance of a place has substantially changed, to the extent that it no longer displays the values for which it was included in the Heritage List and/or is no longer considered worthy of built heritage conservation.

1. **Please provide reasons why you believe this to be true for the nominated place with any supporting evidence. Include details regarding any physical changes to the place, or new evidence about the place.**

Provide details here:	
-----------------------	--

2. **SUPPORTS** the retention of the current adopted Heritage List in Planning Policy No.3.3.21 Heritage Conservation and Development under separate review.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Planning and Development Services Directorate Planning Services



Reference No & Subject:	PD-023/22 Draft Rockingham Strategic Centre Precinct Structure Plan and Amendment No.191 to Town Planning Scheme No.2
File No:	LUP/2134; LUP/2216
Applicant:	City of Rockingham
Owner:	Various
Author:	Mr David Banovic, Acting Manager Major Planning Projects
Other Contributors:	Mr Peter Ricci, Acting Director Planning and Development Services
Date of Committee Meeting:	20 June 2022
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Legislative
Site:	
Lot Area:	Existing: approximately 600ha Proposed: approximately 521ha
LA Zoning:	Development, Light Industry, Primary Centre City Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Living, Primary Centre Campus, Primary Centre Urban Living, Public Purposes, Residential
MRS Zoning:	Central City Area, Industrial, Urban
Attachments:	<ol style="list-style-type: none"> 1. Draft Rockingham Strategic Centre Precinct Structure Plan Part 1 2. Draft Rockingham Strategic Centre Precinct Structure Plan Part 2 3. Draft Water Management Strategy 4. Draft Environmental Assessment 5. Draft Transport Impact Assessment 6. Draft Economic Resilience Assessment 7. Draft Site-specific Viability Assessment 8. Draft Infrastructure and Servicing Strategy 9. Stakeholder Engagement Summary Report
Maps/Diagrams:	<ol style="list-style-type: none"> 1. Existing Town Planning Scheme Map 2. Existing Centre Plan Boundary 3. Existing Sector Plan 4. Proposed Town Planning Scheme Map

	<ol style="list-style-type: none">5. Extract from Presentation - Councillor Engagement Session - 8 February 20226. Proposed Rockingham Precinct Structure Plan Map7. Proposed Boundary Change8. Proposed Sub-Precinct Plan9. Development Potential Areas10. Proposed Precinct Local Development Plans11. Existing and Proposed RCCTS Alignment12. Public Realm Plan13. Movement and Place Frontage Types
--	--

Purpose of Report

To seek Council support for endorsement of the draft Rockingham Strategic Centre Precinct Structure Plan (RSCPSP) and to adopt Amendment No.191 to Town Planning Scheme No.2 (TPS2), for public advertising.

The purpose of the RSCPSP is to guide the Strategic Centre's transition over the decades ahead. This Report considers the draft RSCPSP, which has been prepared to respond to challenges and opportunities for the development in the Strategic Centre. The draft RSCPSP is a contemporary planning instrument, and along with other elements of the State and local planning framework, will coordinate future subdivision, zoning and development of the RSC.

In the context of the existing planning framework, this Report also requests initiation of Scheme Amendment No.191 to TPS2, to update the RSC Scheme provisions, by consolidating the existing 'Primary Centre' zones, into a single 'Strategic Centre' zone, consistent with the revised Rockingham PSP area (and boundary), and introducing key development control provisions into the Scheme. Changes to TPS2 are required to allow the RSCPSP to be implemented.

As a consequence, new RSCPSP will supersede the existing Rockingham Strategic Regional Centre - Centre Plan (Centre Plan) and associated Development Policy Plans (DPPs) or Local Planning Policies.

The final RSCPSP will take effect upon the final gazettal of proposed Amendment No.191 to TPS2.

Background

Rockingham Strategic Metropolitan Centre - Centre Plan (Centre Plan)

In September 2009, Council endorsed the Final Strategic Planning Reports (Volume 1 and 2) as the Centre Plan for the Rockingham Strategic Metropolitan Centre (previously referred to as the 'Rockingham Primary Centre'). The Western Australian Planning Commission (WAPC) endorsed the Final Reports in November 2009. Council also directed the City to prepare any necessary changes to the Policy framework, TPS2 and Metropolitan Region Scheme (MRS).

In this regard, Scheme Amendment No.91 to TPS2 was initiated in 2010 and Final Approval was gazetted in 2011. This Amendment introduced new provisions into the Scheme to create the 'Primary Centre' and the 'Primary Centre - City Centre' zone.



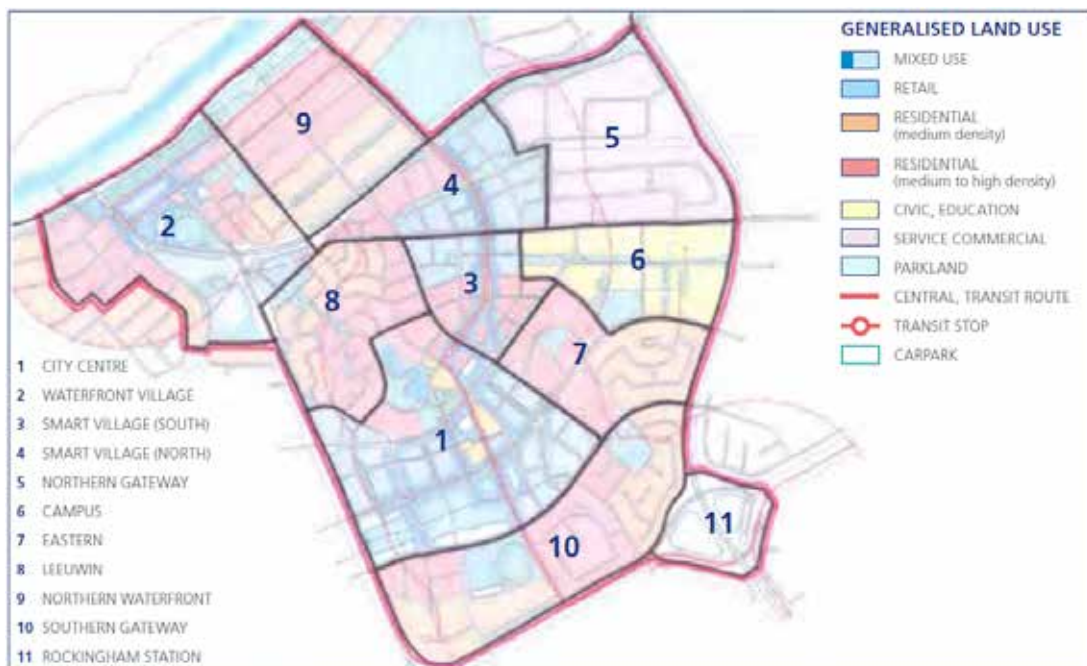
Amendment No.113, Amendment No.129, Amendment No.137, Amendment No.140, Amendment No.141 and Amendment No.150 were subsequently progressed, in order to introduce new provisions into the Scheme to create additional 'Primary Centre' zones, pursuant to outcomes of Amendment No.91 to TPS2.

The existing Centre Plan boundary is generally between the Rockingham Train Station and Rockingham Foreshore and includes the area covered by the existing 'Central City Area' zone under the MRS.



2. Existing Centre Plan Boundary

The Centre Plan set out a broad planning framework and provided general direction for the detailed planning investigations to follow which included the preparation of DPPs for each Sector, which provided further detailed design guidance.



3. Existing Sector Plan

The Centre Plan developed the following 'Vision' to guide planning and development of the Centre:

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

For clarity, a 'Sector' is referred to as a 'sub-precinct' throughout this Report.

Planning Framework - the Need for a Review

The growth and development of the Rockingham Strategic Centre has been guided by State Government endorsed planning framework's since the early 1970's. In essence, Rockingham is presently one of the ten 'Strategic Centres' within Perth and Peel, that have an objective to provide a diversity of uses and a range of economic and community services necessary for communities within their catchment.

'Capital City' is the only 'higher' order Centre within the activity centre hierarchy, comprising of Perth, West Perth, Northbridge and East Perth localities.

At approximately 600 hectares, the RSC is the largest activity centre in Western Australia. Since the endorsement of the Centre Plan, the City has undergone major changes and experienced a higher than average annual population growth rate with a current estimated resident population of 142,472, which is forecast to grow to 239,147 by 2046. To support the forecast population growth, and to ensure that the City has a sustainable and contemporary planning framework in place that encourages economic investment and employment self-sufficiency, a full review of the endorsed Centre Plan is needed.

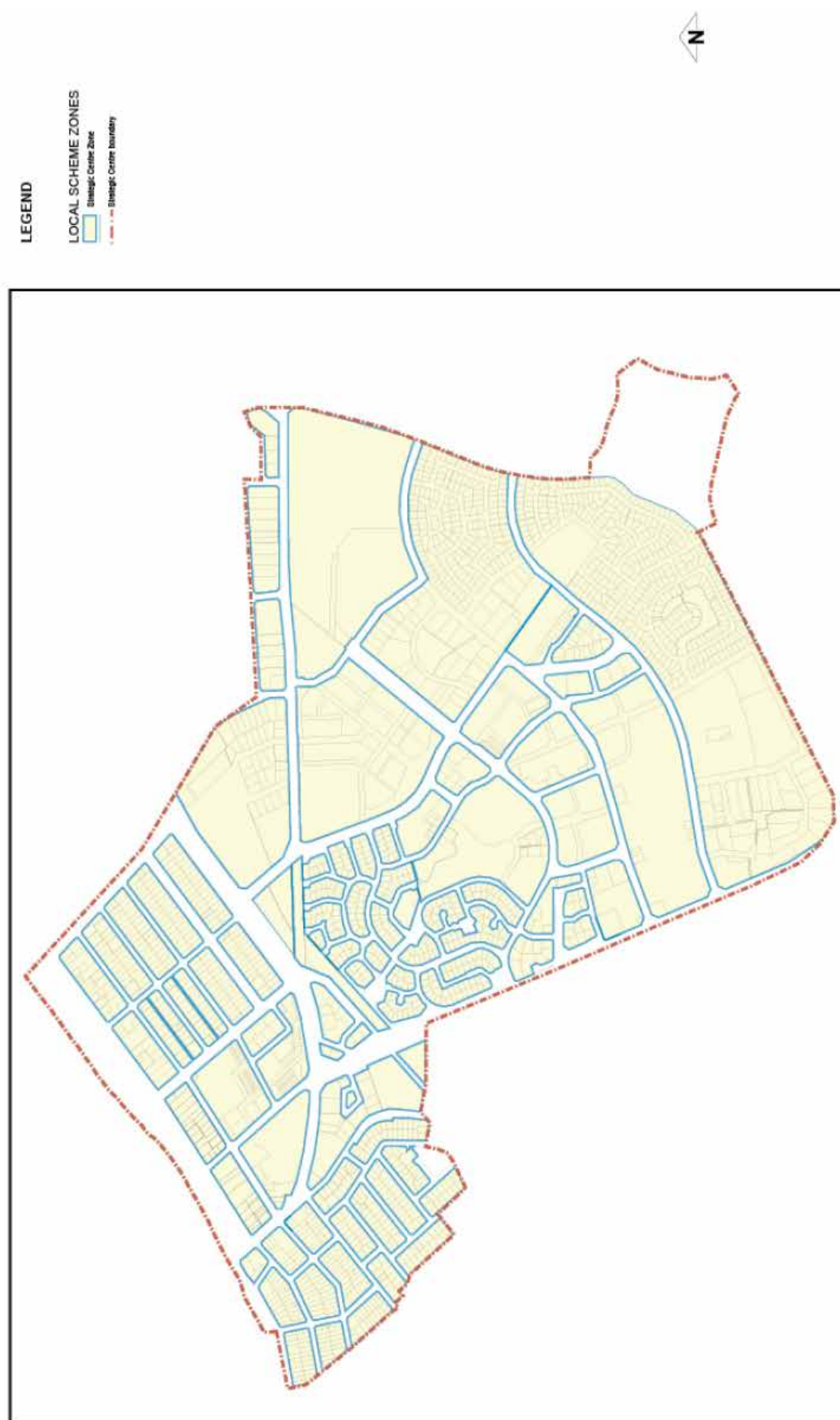
The State Planning Framework, which guides the hierarchy of Centres and content of centre plans has also evolved since 2009, with State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2) currently being reviewed and a new State Planning Policy 7.2 - Precinct Design (SPP 7.2) introduced in 2020.

A review of the current Scheme will examine the composition and content of the proposed local planning framework, including land use and development requirements and align the objectives of the PSP and TPS2. The review does not mean that the current framework will be entirely discarded but rather that the contents of the current local planning framework will be compared against the six design elements that make up a 'Centre' as contained in SPP 7.2:

- (i) Urban Ecology;
- (ii) Urban Structure;
- (iii) Public Realm;
- (iv) Movement;
- (v) Land Use; and
- (vi) Built Form.

The final RSCPS will guide future subdivision and development within the precinct boundary and bring together the six design elements to develop a more contemporary planning framework that responds to community expectations, forecast population growth, supports economic investment and employment self-sufficiency. The proposed changes to the Scheme will update the standards for land use permissibility within the draft PSP boundary and ensure that there are no existing TPS2 provisions (including development requirements) that are in conflict with the intent and provisions of the RSCPSP or those introduced as 'Deemed Provisions' under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The proposed change to the Scheme area relates to the area covered by the draft RSCPSP, as illustrated on Figure 4 below.



4. Proposed Town Planning Scheme Map

Actions Taken so Far

In terms of expectations of the existing State planning framework, the City has worked closely with the Department of Lands, Planning and Heritage (DPLH) to gauge an early understanding of what design elements may require further investigation and refinement whilst still having due regard to the contents of the current framework.

In this regard, an assessment of the existing Centre Plan was undertaken against the objectives and design elements of SPP 7.2. As identified within the table below, a gap analysis was undertaken which identified a number of key design elements that required further investigation with Urban Ecology requiring the most attention followed by Built Form and Public Realm. These six design elements have been further considered during the preparation of draft RSCPSP.

DESIGN ELEMENT	GAP ANALYSIS		
	MINIMAL	MODERATE	HIGH
Built Form		ü	
Land Use	ü		
Movement	ü		
Public Realm		ü	
Urban Structure	ü		
Urban Ecology			ü

Preliminary Stakeholder Engagement

The purpose of this phase of engagement provided an opportunity to publicly launch the RSCPSP project and gain an initial understanding of the challenges associated with implementing the current planning framework, future development intentions, community values and sentiments from the local community, key stakeholders and Government organisations, Elected Members and City staff.

A number of workshops were primarily held throughout June and July 2021. These workshops were held to seek input from the local community and enable the stakeholders to engage with the Project Team and provide feedback on the Centre Plan 'Vision'. The feedback by the Project Team was sought on the character of the area, the built form (size, shape and orientation of a building) and land uses (types of activity on a site or within a building).

Various methods of engagement to date include:

- Letters to landowners within the RSC;
- City website updates including social and print media platforms;
- Social Pinpoint Online Mapping Tool;
- Online surveys;
- Community and Business Workshops;
- Individual meetings with Government agencies and key stakeholders comprising DPLH, DevelopmentWA, Public Transport Authority, Department of Transport, Kwinana Industries Council and Rockingham Kwinana Chamber of Commerce.
- Individual meetings with major landowners including Vicinity Centres (Rockingham Centre);
- Individual meetings with major education establishments including Murdoch University and South Metropolitan TAFE;
- A total of three Councillor Engagement Sessions occurred on 9 February 2021, 28 September 2021 and 8 February 2022; and
- City of Rockingham staff workshops.

Some of the key themes identified throughout the engagement process included:

- Support for more native vegetation, greenery and landscaping;
- Support for improved pedestrian and cycle networks;

- Support for more uses such as entertainment, arts and culture, sport and recreation, play spaces and a Marina;
- Support for activating the Foreshore and suggestions to review traffic movement;
- Support for more parking facilities;
- Suggestions for free transport;
- Support for iconic design and updating old buildings;
- Improved flexibility in the planning framework to facilitate development; and
- For the City to collaborate with the businesses and major landowners to facilitate development.

Feedback received as part of the early stakeholder engagement process assisted the Project Team in understanding the views of the community and helped shape future urban design concepts for the draft RSCPS.

The Phase 1 Engagement Outcomes Report was made available to public on the City's website.

Councillor Engagement Session

As mentioned above, the project was most recently discussed at a Councillor Engagement Session on 8 February 2022. The Session was attended by representatives from Hames Sharley, the lead contractor from the Project Team, who described the findings to that time and foreshadowed the matters which were being considered for amendment to the current planning framework.

Notably, a proposed revised precinct boundary was discussed which removed disconnected light industrial and service commercial land (in proximity to the intersection of Patterson Road and Ennis Avenue) and included some residential land to the west of the Waterfront Village. A potential realignment of the Rockingham City Centre Transit System (RCCTS) was also presented.

It was also discussed that the review of the planning framework will seek to introduce various means of promoting development and investment. Part of the approach is to make the planning framework easier to understand for the benefit of landowners, developers and decision-makers. A focus was also to provide a pathway to encourage the development and activation of the large vacant lots within the central City Centre sub-precinct.

Other initiatives to promote redevelopment were said to include a 'softening' of the current land amalgamation provisions which requires many lots throughout the RSC to be amalgamated with adjoining lots to achieve the development potential.

A review of the current cash-in-lieu parking provisions at the Waterfront Village, which requires developers to provide a cash payment to the City prior to construction, was also tabled. The presentation slide relating to these elements is shown in Figure 5 below.

initiatives to promote redevelopment

- + Soften amalgamation provisions -**
Current framework requires amalgamation of two lots for development to occur in the Coastal Lots (1,500m² minimum) and Southern Residential Areas (1,200m² minimum).

New framework reduces this to 1,000m² which means development in the coastal lots precinct can occur without amalgamation. Other areas would still require amalgamation as the lots are much smaller.
- + Review of Cash in Lieu Parking Requirements -**
Current framework requires quite onerous cash in lieu parking requirements. Particularly in the Waterfront Village.

New framework is exploring a review or removal of this to a more general approach common in other city centre environments.

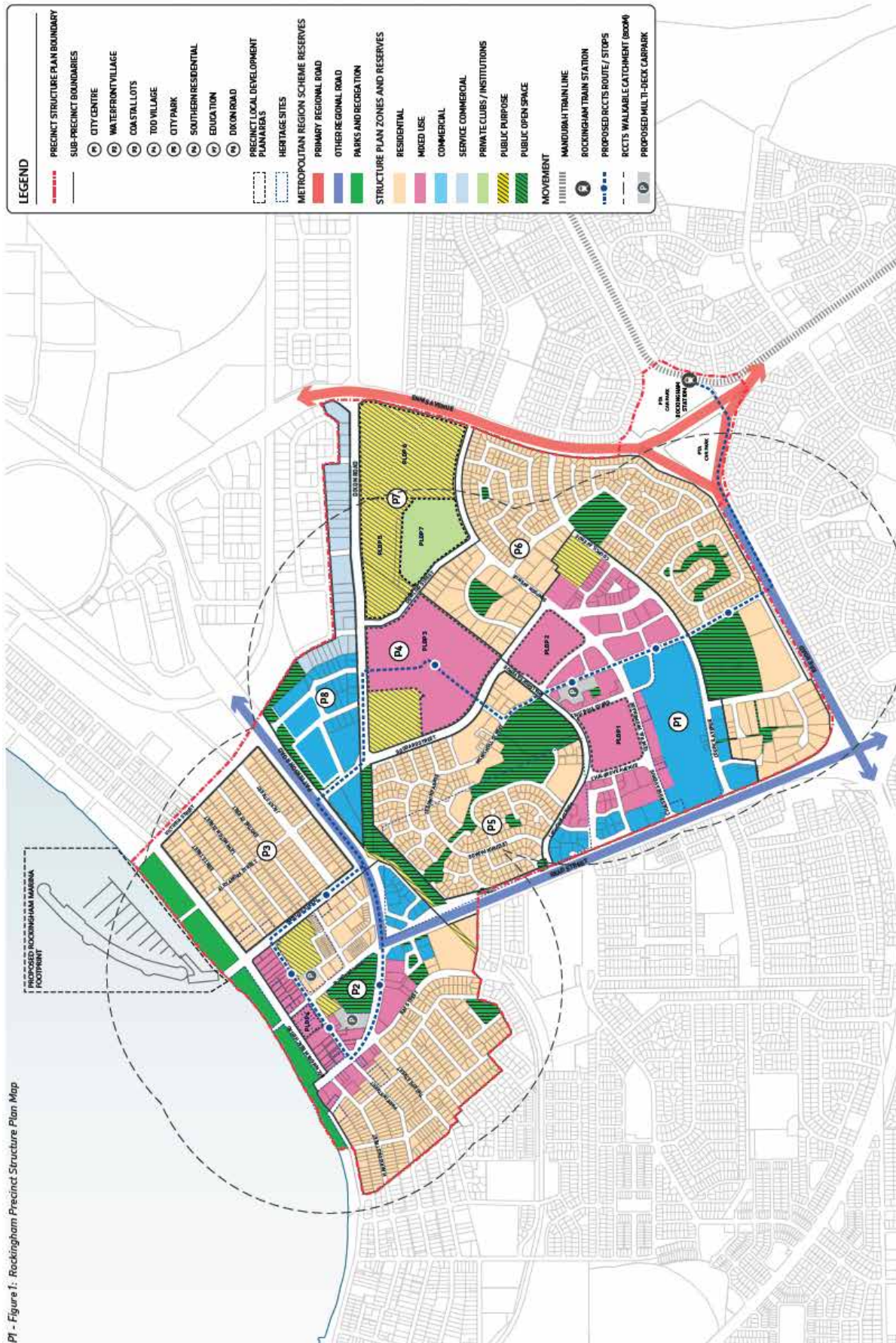
Note: Final details still being worked through with the City.

5. Extract from Presentation - Councillor Engagement Session - 8 February 2022

Many of the initiatives described above now form part of the proposed RSC Planning Framework and are further explained in the 'Details' section of this Report.

Details

The draft RSCPSP comprises of two parts. Part One, being the implementation component of the PSP, which contains the PSP map and outlines the purpose and intent of the PSP. Part Two, is the explanatory component of the PSP that contains the background and explanation of the PSP, including design response, relevance and compliance with the planning framework at the State and local levels, as well as the technical appendices (refer to Attachments 1 - 8).



6. Proposed Rockingham Precinct Structure Plan Map

The key changes, as a result of the draft RSCPSP are set out below:

Precinct Context - Boundary (and area) Change

The existing 'Primary Centre' boundary is generally defined by Read Street, Rockingham Beach, Victoria Street, Patterson Road, Ennis Avenue and Rae Road and is approximately 600 hectares.

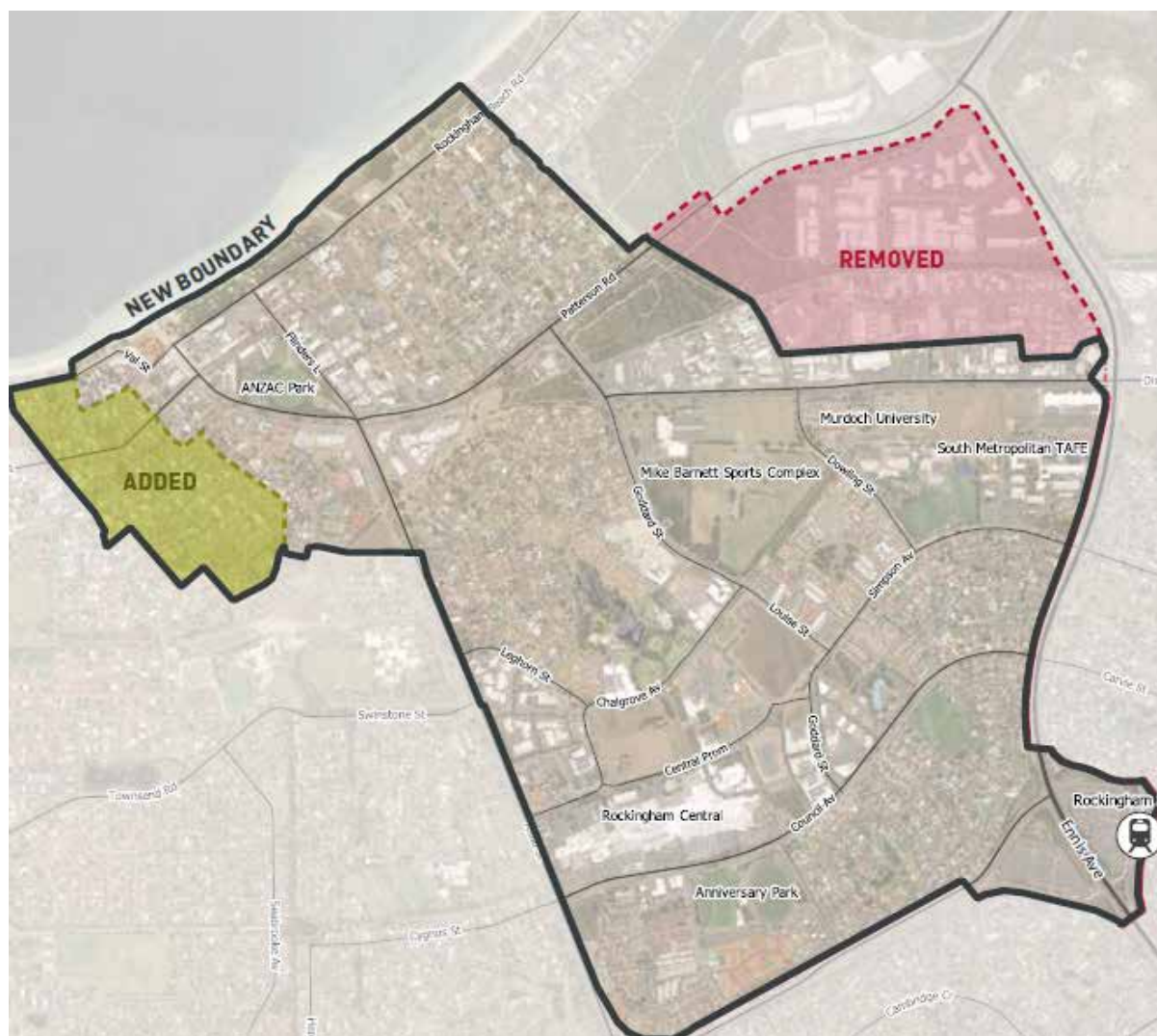
The draft RSC is proposed to be reduced to approximately 521 hectares and extends from the Rockingham Station precinct to the Rockingham Foreshore and includes:

- Y the area designated 'City Centre' in TPS2, as well as the Rockingham Waterfront Village, the joint campus of Murdoch University and South Metropolitan TAFE;
- Y a portion of the Dixon Road commercial and light industrial area, regional recreation reserves; and
- Y some additional (limited) residential zoned pockets, south-west of Florence Street, Quin Street, Gregson Street and north-west of Houston Street ('Waterfront Village' sub-precinct) and south of Goddard Street and north-west of Leghorn Street and Chalgrove Avenue ('City Park' sub-precinct).

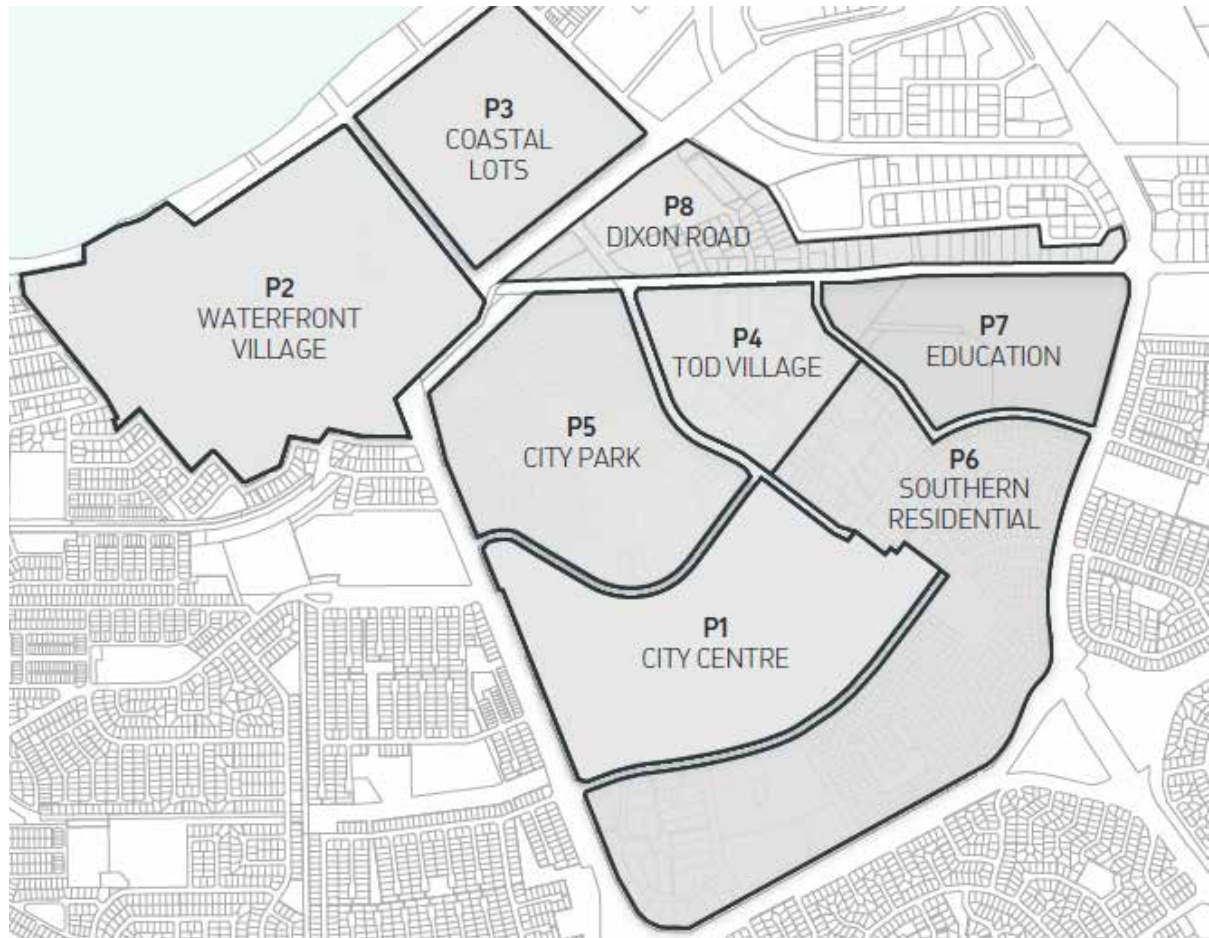
Land in proximity to the intersection of Ennis Avenue and Patterson Road is proposed to be removed from the RSC boundary. Whilst this land does provide opportunities for local employment, it is physically disconnected and has a limited relationship to the RSC. The growth of this parcel will be guided by existing Scheme provisions.

Also, from a spatial planning perspective, the refined boundary change attempts to more appropriately reflect the vision of the RSC, having regard for the established RCCTS, which presently functions as a busway, with the understanding that it will be upgraded to a more fixed system (trackless tram or light rail). The alignment of the RCCTS is subject to review as part of the draft RSCPSP process, in order to confirm that most appropriate development can occur proximate to key stops and nodes along the fixed system. The land proposed to be included within the RSC boundary is within the 'walkable catchment' of the RCCTS alignment where increased residential densities are appropriate.

The new boundary of the RSC is shown in Figure 7 and the proposed sub-precincts within the RSC are depicted in Figure 8.



7. Proposed Boundary Change



8. Proposed Sub-Precinct Plan

Future Development Potential

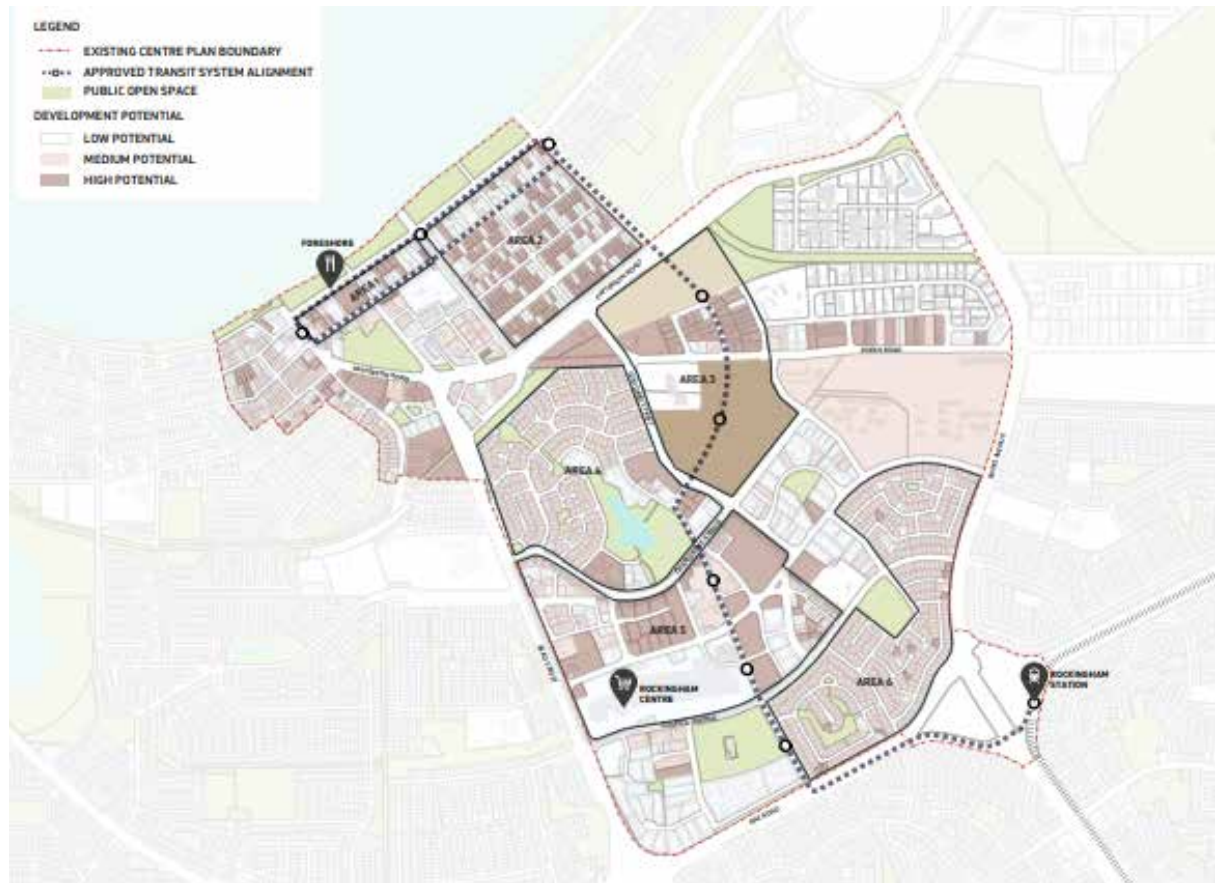
Since implementation of the Centre Plan, one of the primary observations has been that limited large-scale, redevelopment has occurred since 2010.

To provide an evidence base to support the draft RSCP design, a preliminary development potential assessment was undertaken to spatially comprehend where future development should be focused and promoted. The development potential assessment included a combination of quantitative and qualitative analysis. From a spatial perspective, the quantitative analysis considered a number of influencing factors (i.e. tenure, lot size, existing use and age/condition of housing stock).

The above indicators were supported by a 'weighted criteria' which allowed each development parcel in the RSC to be assigned a 'development potential rating', having regard for qualitative factors (i.e. Open Space proximity, Transport, or Land Use amenity and feedback received during the early stakeholder engagement workshops).

This process identified 'low, medium and high' development potential areas and determined that the highest development potential areas in the RSC, are as follows (generally in order of potential):

- Y In the 'Waterfront Village' sub-precinct along Rockingham Beach Road (Area 1);
- Y The larger 'Costal Lots' sub-precinct located generally between Rockingham Beach Road and Wanliss, Regan and Victoria Streets (Area 2);
- Y Along the Rockingham City Centre Transit Study alignment through the 'TOD Village' sub-precinct (Area 3) or former Dixon Road playing fields;
- Y The 'City Park' residential section of the sub-precinct (Area 4);
- Y The 'City Centre' sub-precinct (Area 5); and
- Y The 'Southern Residential' sub-precinct (Area 6) which share characteristics with Area 3.



9. Development Potential Areas

The areas with low development potential are either generally held in strata ownership and/or contain recent building stock that is unlikely to be redeveloped in the shorter term. In undertaking this exercise, the Project Team was mindful that the 'life' of a PSP is 10 years after which time it should be reviewed.

Vision

The RSCPSP proposes the following 'Vision' to guide planning and development of the RSC:

"Rockingham leverages off its unique coastal atmosphere to establish a green and walkable centre that offers a diversity of uses and building types, celebrates local culture, and promotes a relaxed lifestyle. It is a regional employment destination that connects its distinct activity hubs via a high-frequency public transport."

Unlocking Large Vacant and Underutilised Parcels

The 'City Centre', 'TOD Village' and 'Waterfront Village' sub-precincts include a number of large underutilised and/or vacant land parcels. Protecting these sites from 'under development' is essential in delivering on the RSCPSP vision.

A built form approach mindful of City's aspirations has been prepared as part of the draft PSP process, through implementation of a Precinct Local Development Plan (PLDP) mechanism. PLDP is a new planning assessment and guidance mechanism (under SPP 7.2), which is intended as a tool to coordinate and assist in achieving site-specific, built form outcomes by linking lot design to future development.

The draft RSCPSP identifies seven (7) land parcels which would require the implementation of PLDPs, as identified within Figure 10 below.

LDP	SUB-PRECINCT	PLDP INTENT	RESPONSIBILITY
PLDP1	P1 - City Centre	To coordinate future subdivision and development of the lots bounded by Civic Boulevard, Central Promenade, and Charlgrove Avenue in the City Centre. As the site incorporates two landowners, preparation of separate PLDPs may be considered by the City. Refer to Section 3.1.2 for further details.	Private Landowner/s
PLDP2	P1 - City Centre	To coordinate future subdivision and of the lots bounded by Charlgrove Avenue, Whitfield Street, Simpson Avenue, and Louise Street in the City Centre. Development must have consideration for environmental requirements set out in Section 2.2.12. Refer to Section 3.1.3 for further details.	Private Landowner
PLDP3	P4 - TOD Village	To coordinate future subdivision and development of the Dixon Road playing fields, to provide a balance of high density residential and employment opportunities along the RCCTS Route. Refer to Section 3.4.2 for further details	Local and State Government
PLDP4	P2 - Waterfront Village	To guide and coordinate future development of the Rockingham Beach Hotel Site. The PLDP shall have consideration for the following: + Conservation of conservation of the Rockingham Hotel and associated walls. + Retention of relocation (on-site) of existing mature trees. + Provision of a mid-block pedestrian connection between Kent Street and Rockingham Beach Road. + Contaminated site requirements set out in Section 2.2.13.	Private Landowner
PLDP5	P7- Education	To guide and coordinate future development on the Murdoch University Campus. The PLDP shall have consideration for the following: + Construction of new loop road. + Exploration for centralised public open space, capable of holding organised sport. + Potential location for a primary school.	State Government / Murdoch University
PLDP6	P7- Education	To guide and coordinate future development on the South Metropolitan TAFE Campus.	State Government
PLDP7	P7- Education	To guide and coordinate future development on the Kolbe College Campus.	Private Landowner

10. Proposed Precinct Local Development Plans

Though a PLDP is required prior to development of the above referenced parcels, it is recognised that a number of different development scenarios may evolve. The draft RSCPSP provides guidance in the form of tables and PLDP diagrams to assist in the preparation of PLDP's and set expectations for the scale and urban structure for these parcels. Hence, the City will obtain a reasonable level of certainty on intended lot configuration/orientation, land uses, development types and density (prior to lodgement of Development Application or Subdivision Application), whilst providing flexibility for the proponent.

Note: On behalf of State Government, DevelopmentWA is undertaking a feasibility study into PLDP3 – 'TOD Village' sub-precinct to determine what type and scale of development the site can accommodate. Outcomes of the study will be presented for consideration in recommending adoption of the RSCPSP and may transpire into changes to the intent and built form guidance for the site.

Short Term Uses on Vacant Development Sites

SPP 7.2 outlines the importance of 'balance between the long-term vision of the precinct plan and the economic reality of the desired outcomes', which is pertinent for the successful evolution of RSC.

Relevant to above, and as raised prior in the 'Background' section of this Report, preliminary stakeholder engagement revealed the need for some flexibility and nuance in the existing planning framework, to encourage development of larger vacant/undeveloped landholdings.

In response to the lack of development and activation of existing large vacant and underutilised parcels within the 'City Centre', the City considered that there is some opportunity for the RSCPSP to encourage 'short term' activity on lots that do not forego the long term development aspirations.

Short-term land uses and development have been accommodated for in the 'City Centre' sub-precinct only, on land referred to as 'PLDP1 and PLDP2' (refer to Figure 9 above). The focus will be on short term or interim uses which can generate activity and help stimulate development without requiring significant financial outlay. The City will again engage with the owners of these vacant parcels through the subsequent consultation phase to determine the likely success of these planning measures.

Infill Subdivision and Amalgamation

The existing planning framework for the RSC generally requires lot amalgamation in order realise the potential for residential/mixed use development. In some sub-precincts (i.e. 'Waterfront Village'), the DPPs necessitates the need for three lot amalgamation, in order to achieve the necessary minimum lot size (further discussed below). The lack of significant investment in medium to high density development in the RSC can be linked to the statutory amalgamation requirement and land acquisition difficulties and currently presents as an impediment in progression of the RSC.

As part of the design review process, built form testing was undertaken, which determined that there is opportunity to deliver 'infill' development on smaller land parcels and still satisfy the design imperatives of the current planning framework. Thus, minimum lot size restrictions are proposed to be relaxed in some sub-precincts noting that built form will be guided by the Design WA policy suite of documents.

In essence, the minimum lot size is proposed to be reduced to 1,000m², which means a substantial portion of residential lots in the 'Coastal Lots' and some within the 'Waterfront Village' sub-precinct could be developed without the need for amalgamation.

Note: the Design WA policy suite of documents are discussed within the 'Policy' section of this Report.

Built Form Testing – Infill Development

Infill development is considered likely to be the most prevalent type of development in the RSC due to the quantum of land, size of blocks and age of building stock. Analysis undertaken for the RSC determined that there is substantial opportunities to deliver infill development across the majority of the sub-precincts. A 'high-level' testing exercise was undertaken on typical sites across the sub-precincts, with primary interest being to ensure infill could be accommodated in a way responsive to both existing neighbourhood character and local market conditions.

The design testing explored a number of scenarios, consisting of:

- Y Single lot, front and rear loaded development (apartments, terraces, battle-axe); and
- Y Amalgamated lots, front and rear loaded development (apartments, terraces, battle-axe).

The testing approach was cognisant of the Design WA policy suite of documents, specifically *State Planning Policy 7.3 - Residential Design Codes*, which generally guides residential development outcomes. The testing considered building siting, vehicle access, parking, building entrances, landscaping/tree provisions and dwelling mix (for apartments), to inform preparation of built form controls.

The testing had included approaches taken to residential height/density and lot amalgamation. With respect to lot amalgamation, substantial portion of residential lots in the 'Coastal Lots' and some within the 'Waterfront Village' sub-precinct were identified as able to be developed without the need for amalgamation. In other residential based sub-precincts, it is envisioned that existing amalgamation provisions will remain, as the smaller lot sizes (ranging between 680m² – 900m²) do have an impact on the outcomes that can be achieved.

Building Height

The existing prescribed building heights are generally based on the wider transport oriented development based (density height) provisions set in the 2009 Centre Plan.

Review of planning controls for the RSC has identified several areas where building height/storey reduction is proposed within the 'City Centre', 'Coastal Lots', 'Waterfront Village', 'TOD Village' and 'Southern Residential' sub-precincts, most notably:

- Y At the western end of 'Waterfront Village' sub-precinct from 3 and 5 storeys to 3 storeys;
- Y Along Patterson Road opposite 'the Village Green' park from 13 and 15 storeys to 8 storeys;

- Y Throughout the 'City Centre' sub-precinct from 2 to 9 storeys (or higher for nominated Prominent Corner and Landmark Sites) to 8 storeys or less, unless otherwise nominated as Prominent Corner Site;
- Y Within the 'TOD Village' sub-precinct from 5, 8 and 15 storeys to 6 storeys or less;
- Y Throughout the 'Coastal Lots' sub-precinct from 5 and 8 storeys to 3 and 4 storeys; and
- Y Throughout the 'Southern Residential' sub-precinct from 3 and 5 storeys to 2 and 3 storeys.

Essentially, the existing aspirational Centre Plan building height provisions are to be scaled back to better reflect the physical context, and strike a balance between the local market conditions and 'fit for purpose' built form needs.

Carparking and Cash-in-Lieu of Carparking

Under the current planning framework, it is mandatory that development in the Waterfront Village provide a percentage of commercial parking (minimum 60%) and residential visitor parking in the form of a cash-in-lieu payment to the City. There are other elements to the parking regime at the Waterfront Village, but it is essentially designed to allow for increased development intensity on a site and to assist in the funding of future public parking in the precinct. This approach has been in place for more than 15 years.

The City has received feedback that the cash-in-lieu parking requirements are inhibiting development by reducing the feasibility of some projects. The City has also observed it has been challenging for smaller scale developments such as Offices, Small Bars and the like to provide for cash-in-lieu of parking requirements. For 'change of use' Development Applications, which occupy an area less than 300m² Net Lettable Area in size, it is proposed to waive the cash-in-lieu requirement.

Softening of the current approach to cash-in-lieu is further proposed, as it would no longer be mandatory for a proponent to provide a specific percentage of carparking bays in a cash-in-lieu form. Instead, and if agreed by the City, a proponent may make a cash payment to the City in lieu of the provision of all or any of the required number of carparking bays.

Essentially, a unified and more flexible 'circumstance based' approach to carparking requirements is proposed across the RSC.

Rockingham City Centre Transit System

Over many years the City has advocated for the establishment of the RCCTS system, which is designed to link major activity nodes at the Rockingham Train Station and traverses through the 'City Centre', 'Education' and the 'Waterfront Village' sub-precincts.

To ensure the RCCTS route is safe and functions to meet the City's vision for the refined RSC, potential risks with the existing RCCTS route have been identified during the design review process. Specifically, locations have been identified where the route poses potential risks to the existing road and public transport network. There is also questions as to whether the existing route is the most appropriate from a spatial planning perspective.



11. Existing and Proposed RCCTS Alignment

The Project Team has recommended amendments to the alignment of the RCCTS to connect Rockingham Station with the 'City Centre', 'TOD Village' and 'Waterfront Village' sub-precincts and in more direct manner. The link provides the impetus to concentrate development activity within an 800m walking catchment of key stops and nodes along the link. The preferred alignment also seeks to reduce the number of transit stops along the route, especially along major distributor routes to potentially reduce the journey time and improve traffic safety outcomes.

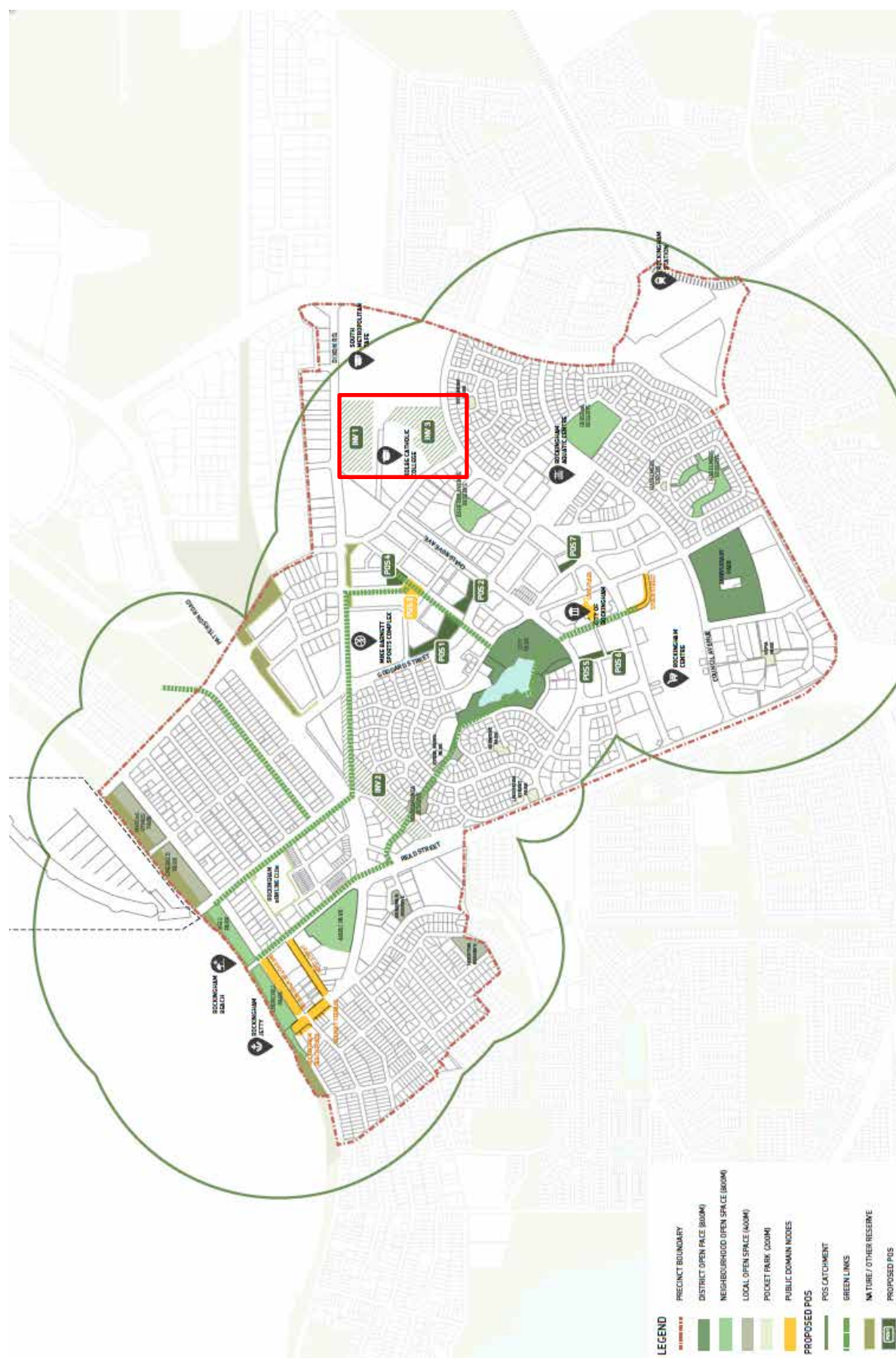
Public Open Space

Currently, there is approximately 33.74ha of usable Public Open Space (POS) within the existing RSC (excluding Foreshore reserve, Dixon Road playing fields, Murdoch University/TAFE and Kolbe College).

Through the design review exercise for POS disposition across the RSC, it was identified that it is well positioned to provide generally better and varied open spaces, when compared to other centres of its type/similar scale (i.e. Joondalup, Morley and Armadale).

It is, however, acknowledged that there may be a desire to provide additional land for organised sports as the RSC and its population grows. The planned development of the playing fields in 'TOD Village' sub-precinct will see loss of informal recreation space, and given the strategic importance of this sub-precinct to provide housing and employment (along the ultimate RCCTS route).

A 'Public Realm Plan' was developed on the basis that the RSC will be predominantly urban but also identifies two POS investigation areas for future consideration to service the population and are delineated as 'INV1 and INV3' in Figure 12.



12. Public Realm Plan

The Public Realm Plan demonstrates the RSC is capable of increasing its total (usable) POS capacity by an additional 3.94ha, equating to a total of approximately 37.68ha.

Given the location of proposed new POS areas is situated within the larger vacant and underutilised land parcels, their design and implementation will be delivered at a later stage by individual landowners/proponents.

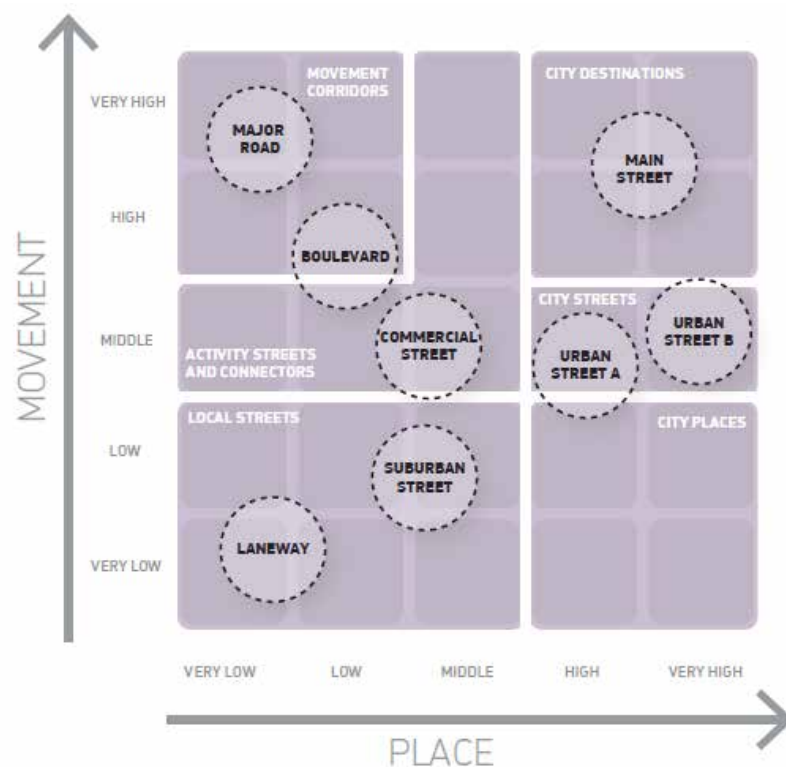
The Public Realm Plan also provides guidance on the infrastructure themes within key open spaces and streets within the RSC to ensure integration and coordination.

Street Interface

SPP 7.2 Design Guidelines introduce the notion of 'movement and place' and the Department of Transport (in collaboration with DPLH, Main Roads WA and Public Transport Authority) are developing a 'Movement and Place' framework that can assist in the precinct planning process. Whilst the framework is yet to be finalised, the draft document is a useful tool which guides the way buildings address streets and the land uses that can be contemplated within.

As part of the draft RSCSP, an assessment was undertaken which considered the value of each street against its 'place' quality. In this regard, it assigned 'very low, low, medium, high or very high' values to each road based on its length, daily volume of traffic and its connections to other higher other roads, regional and local destinations. The considerations for place included residential density and the number and variety of activity occurring on, or adjacent to the street.

Figure 13 below provides a graphic representation of these values. When combined, the movement and place values form distinct groups which become a way of organising and distilling the desired outcomes.



13. Movement and Place Frontage Types

Each street within the RSC was classified from 'Laneway' to 'Major Road', as shown above. For example, the 'City Centre' sub-precinct promotes active 'Main Street' buildings with ample space for retail, food and beverage related activities. In the 'Southern Residential' sub-precinct, streets become places for local residents ('Suburban Streets') and include generous front setback and landscaping requirements.

Different streets types require different frontage design responses to balance the movement and place qualities. As such, planning controls are proposed to ensure that a localised response can be delivered in accordance with the aspirations for the different street types.

The existing 'frontage type' requirements contained though DPP's are superseded by the new 'movement and place' frontage type approach.

Note: Any changes to the status of the 'Movement and Place' framework will be presented for consideration, in recommending adoption of the RSCPSP and may transpire into changes to how buildings address streets and the land uses that can be contemplated within.

Structure and Terminology

The applicable planning framework is consolidated into one document being the RSCPSP, for ease of use, to the benefit of all stakeholders and decision makers. At present, the Centre Plan is accompanied by individual Sector DPP's which requires users to 'go between' a number of documents to understand the development vision and requirements.

The language used is simplified for ease of use, prevents duplication where possible and includes new and revised terms used, due to legislative changes.

Staging

The draft RSCPSP advocates for a development priority based approach, rather than a 'traditional' approach to staging due to the size of the RSC and complex land assembly.

The draft RSCPSP acknowledges staging of built form and development in the RSC will largely be based on timing and willingness of individual landholders to develop their sites.

It is also acknowledged that staging will also be contingent on a number of key transport and infrastructure triggers.

Prior to the draft PSP being referred back to Council for adoption post-advertising, the Project Team will establish the infrastructure projects which are required to address growth or to stimulate development within the RSC. In doing so, the funding mechanism to deliver these projects will also be established for the Council's consideration.

Other Refinements

The draft RSCPSP also proposes a number of other contemporary refinements to the existing planning framework, to clarify the Council's desired design outcomes for the RSC, including, but not limited to:

- Y Provision for Landscape and Deep Soil areas on private land to enhance tree canopy, improve shade and shelter and improve biodiversity outcomes;
- Y Provision for improved pedestrian and cyclist connectivity through the creation of interconnected 'Green Links' to bridge the gap between green nodes and urban areas;
- Y Promote establishment of a heritage and cultural precinct in the Kent Street area; and
- Y Sub-precincts encourage land uses and developments which attract a high number of people that have the potential to activate the RSC throughout the day and night, noting land use intent remains relatively unchanged.

Amendment No.191

Amendment No.191 has been prepared to introduce the new planning framework for the RSC and assist in the statutory implementation of the PSP. Changes to the Scheme provisions, resultant from gazettal of Amendment No.191 are contained within the 'Officer Recommendation' section of this Report.

The key changes associated with Amendment No.191 are summarised as follows:-

Rockingham Strategic Centre Boundary

The boundary change for the RSC was previously discussed in the 'Detail' section of this Report.

Scheme Map

As a consequence of the boundary change, the Scheme Map has been updated to reflect the modification of the RSC boundary and also to define the area of the 'Strategic Centre'.

Zoning Table

All reference to 'Primary Centre' zones and corresponding land use annotations is deleted in its entirety from Table No.1.

Table 1(a) is introduced which transitions the 'Strategic Centre' zone and corresponding land use annotations for permissibility's. In some cases two zones are being introduced into a sub-precinct.

Table 1(a) also introduces additional land uses in order to align with the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Night Club Permissibility

It is proposed to change the permissibility of 'Night Club' land use from prohibited 'X' to discretionary 'A' use in the 'Waterfront Village' sub-precinct and from discretionary to prohibited in the 'City Park' sub-precinct.

Clause 4.3.3

As per the guidance under SPP 7.2, a refined composition of objectives is introduced into the Scheme to reinforce the overarching strategic intent for the 'Strategic Centre' zone. For greater consistency across the applicable planning framework, the objectives shall be aligned with the objectives of the accompanying RSCPSP.

Clause 4.3.3

The above Clause sets out the provisions for the 'Strategic Centre' zone by virtue of deletion all existing 'Primary Centre' provisions and reference being made to accompanying RSCPSP.

Table No.3 - Minimum and Maximum Allowances for City Centre and District Town Centre zone

Table No.3 title is updated to reflect the 'Strategic Centre' zone designation.

Table No.4 - Carparking Standards within the Primary Centre Waterfront Village Zone

Table No.4 which specifies the minimum carparking standard (ratio) for uses within the 'Waterfront Village' is deleted in its entirety along with the cash-in-lieu provisions. The carparking requirements for the Waterfront Village instead forms part of the revised Table No.3.

Schedule No.1 - General Interpretations

The proposed Amendment introduces and/or replaces a number of terms contained within the Schedule of Interpretations.

Schedule No.1 - Land use interpretations

The proposed Amendment introduces new land use definitions to align with the 'Deemed Provisions' under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Schedule No.2 - Additional Uses

Schedule, 'Schedule No.2 – Additional Uses' is amended by deleting Additional Use No.6 and Scheme Map being amended accordingly.

Schedule No.11 - Development Contribution Plan No.2

Schedule 11 has been amended by deletion of reference to 'Primary Centre' zones and inserting 'Strategic Centre' zone instead and following subclauses accordingly.

Plan No.8 - Carparking Areas for Primary Centre Waterfront Village Zone

Plan No.8 which defines areas 'A' and 'B', to delineate two different rates of cash-in-lieu for parking is deleted in its entirety.

Implications to Consider

a. Consultation with the Community

If the Scheme Amendment component of this Report is initiated by Council, as 'Complex' Amendment, it is required to be advertised in accordance with Division 2, Regulation 38(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), for a period of not less than 60 days after the day on which the notice is first published.

Given it is the City's intention to advertise the draft RSCPSP and Amendment No.191 in parallel and equal duration, the City will seek WAPC consent to extend the structure plan advertising period from 42 days to 60 days, in accordance with the requirements of Schedule 2, Part 4, Clause 18(1)(a) and Clause 18(3A)(b) of the Regulations.

Any submissions received will be addressed in a subsequent Report to Council, which will consider any submissions and:

- Y determine to finalise Amendment No.191 (with or without modifications), or not to proceed. The Amendment will then be forwarded to the Minister for Planning for final determination; and
- Y make recommendations on the draft RSCPSP through a Local Government Report to the WAPC for final determination.

Notes:

1. *In regard to section 'Implications to Consider' a. and b. of this Report, a resolution of Council is not required for the preparation of a structure plan under the Regulations. The City, however, considers it good practice to present the draft RSCPSP to Council, seeking its support for purpose of advertising along with Amendment No.191.*
2. *As detailed in the 'Background' section of this Report, and whilst not forming part of the statutory advertising requirements, preliminary stakeholder engagement was undertaken with both the local community and relevant stakeholders.*
3. *The statutory advertising of the draft RSCPSP will be undertaken concurrently with Amendment No.191. The content and material will be prepared by the Project Team in consultation with the City of Rockingham. The dissemination and publication of information, however, will be undertaken by the City of Rockingham.*

The follow stakeholder engagement methods (encompasses both local community and broader visitors) are intended to transpire, as a minimum, during the statutory advertising period:

- Y *Rock Port notification advising of advertising period;*
- Y *Advertising letters for stakeholders;*
- Y *City of Rockingham website content;*
- Y *Social Media and Newspaper content;*
- Y *Provision of feedback form; and*
- Y *Frequently Asked Questions to answer 'typical questions'.*

b. Consultation with Government Agencies

Consultation with the Environmental Protection Authority will occur if the Scheme Amendment is initiated by Council, in accordance with Section 81 of the *Planning and Development Act 2005*, for environmental assessment and consent to advertise.

Consultation with the WAPC will also occur concurrently if the Scheme Amendment is initiated by Council, in accordance with the Regulations, to advise of the Council's intentions to advertise the Amendment (Division 2, Regulation 37(2)) and to ensure the Amendment's classification is correct (Division 1, Regulation 36(1)).

Consultation with other relevant government agencies will subsequently occur, in accordance with Division 2, Clause 38(3) of the Regulations with respect to Scheme Amendment and in accordance with the requirements of Schedule 2, Part 4, Clause 18(1)(b) and Clause 18(3A)(b) of the Regulations, for the draft RSCPSP.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of a growing population, with consideration of future generations*

d. Policy

Planning in the RSC is currently guided by a range of documents including strategies, policies and other key documents. For the purpose of the draft RSCPSP and Amendment No.191, this section focus on the key State and local planning policy and strategy framework, relevant to the planning and development of the refined RSC.

A broader overview of the applicable policy framework is contained within Attachment 2 of this Report.

State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2 and draft SPP 4.2)

This State Planning Policy was adopted under Part 3 of the *Planning and Development Act 2005*, in 2010 and is currently under review. SPP 4.2 governs decision-making for the planning and development of Activity Centres and applies to precinct structure plans for activity centres and subdivision and development applications for major developments within the Activity Centre.

A final draft SPP 4.2 was realised for public consultation until 12 February 2021 and it is envisaged that the final SPP 4.2 will be endorsed mid-2022. The draft SPP 4.2 is more aligned with the current State Planning Policies, particularly the Design WA policy suite, which is discussed further below in this section of the Report.

Under SPP 7.2, Activity Centres are a type of precinct, thus activity centre plans will be replaced by precinct structure plans, which must be prepared for strategic (RSC), secondary, district (i.e. Baldivis, Secret Harbour and Warnbro) Centres. Rockingham City Centre's designation within the Centres hierarchy remains unchanged, and is classified as 'Rockingham Strategic Centre' in both the current and draft versions of the Policy.

SPP 4.2 requires the City to prepare and maintain an endorsed activity centre structure plan to guide development within the RSC. Consistent with the regional context of the Rockingham Activity Centre, and in satisfaction of the requirements of SPP 4.2, the City has completed a major two-stage review. The purpose of the review was to update the planning framework for the Centre and to prepare a contemporary overall precinct structure plan, to guide the future development of public and private property within the consolidated Centre (i.e. subject draft RSCPSP).

With regards to its alignment with current and draft SPP 4.2, the review highlighted that the existing Centre Plan had already set up a framework in which the RSC was functioning as the primary employment, entertainment, and community hub for its catchment (broader City of Rockingham/ Kwinana area). It was identified though, that employment was still a primary issues. As such, the key areas of focus with regard to the planning framework review for RSC have been:

- Exploration for how major development sites, particularly in the 'City Centre' sub-precinct can be unlocked to stimulate development and promote short-medium term economic activation. This has incorporated consideration for both interim uses, and the role of Precinct Local Development Plans as a tool to provide greater flexibility for proponents.
- Alignment with the City of Rockingham 'Needs Assessment' prepared in 2022. This has included consideration for an appropriate land use mix that will help stimulate development of employment generating land.
- A review of the Rockingham City Centre Transit Route, which is proposed as a tier 2 transport system, that will better connect key activity areas in the Centre linking local residents to local jobs.

State Planning Policy 7.0 - Design of the Built Environment (SPP 7.0)

SPP 7.0 is the foundation of the Design WA initiative and became operational following publication in the Government Gazette on 24 May 2019.

It is the lead Policy that elevates the importance of design quality across the whole built environment in Western Australia. It seeks to deliver the broad economic, environmental, social, and cultural benefits that derive from good design outcomes.

SPP7.0 includes 10 principles of good design, which are the foundation of the Policy framework and are 'Context and Character, Landscape quality, Built form and scale, Functionality and build quality, Sustainability, Amenity, Legibility, Safety, Community and Amenity'.

This Policy establishes the overarching framework for good design practice in planning and has directly informed preparation of SPP 7.2, as detailed below.

State Planning Policy 7.2 - Precinct Design (SPP 7.2)

SPP 7.2 was released in its final form in December 2020. The overall policy intent is to enable the ten principles of good design (as contained in SPP 7.0) to be applied to precinct planning, ensuring that good design quality and built form outcomes can be achieved.

The City has reviewed the planning framework for the RSC, in order to develop a more contemporary framework that is aligned with the latest State planning framework including draft SPP 4.2 and SPP 7.2. Amendment No.191 is intended to facilitate a new local planning framework driven by a new accompanying precinct structure plan (RSCPSP) in line with the requirements of SPP 4.2 and SPP 7.2.

The final RSCPSP will guide future subdivision and development and will bring together the following elements (as contained in SPP 7.2) that make up a Centre:

- (i) urban ecology;
- (ii) urban structure;
- (iii) public realm;
- (iv) movement;
- (v) land use; and
- (vi) built form.

The RSC boundary has been defined with guidance provided in section 4.1 of the draft SPP 4.2 Guidelines and factors set out in SPP 7.2 Design Guidelines.

As detailed with the 'Implications to Consider' section of this Report, final approval of PSP's ultimately rests with the WAPC.

The 'statutory' status of PSP's is outlined further below in the 'Legal and Statutory' section of this Report.

State Planning Policy 7.3 - Residential Design Codes (Volume 1,2) and Draft Density Code (Volume 1)

The R-Codes control the design of most residential development throughout Western Australia. The R-Codes aim to address emerging trends, promote sustainability, improve clarity and highlight assessment pathways to facilitate better outcomes for residents.

The R-Codes are introduced by reference into a local Scheme and it is a requirement for all residential development to comply with the R-Codes.

The R-Codes apply to the draft RSCPSP in the following manner:

- Y R-Codes Volume 1 applies for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40. R-Codes Volume 2 applies for multiple dwellings (apartments) in areas coded R40 or greater; within mixed use developments and Activity Centres.
- Y Where a Local Development Plan, Precinct Local Development Plan or Development Application prepared pursuant to the draft RSCPSP varies the development standards and requirements of the PSP, it will be assessed against the design principles of SPP 7.0 and the objectives set out in the PSP.

Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development (DCP 1.6)

The purpose of DCP 1.6 is to set out a position for planning and development around transport infrastructure, primarily aimed at improving access and increasing public transport demand. DCP 1.6 applies to 'transit-oriented precincts' within 800 metres of high frequency heavy rail or major bus transfer stations and within 400 metres of high frequency bus stops.

The RSC is very well served by public transport, including the proposed RCCTS, and bus routes that service the Centre and the adjacent Rockingham Train Station. Essentially, the entire area subject to the proposed Amendment is therefore a transit oriented precinct (as defined in DCP 1.6) and the draft RSCPSP and Amendment No.191 have been prepared with regard to the recommendations of the Policy to ensure that transport infrastructure is supported by suitable levels of population and activity.

City of Rockingham Public Open Space Community Plan Strategy (POSCPS)

The POSCPS was prepared to guide the planning, development and management of POS within the City, to ensure it best meets the needs of the community and balances competing demands for spaces.

As RSC is an area expected to experience major changes in development and density, it is important that this is delivered with consideration for the POS needs of a predominantly urban centre.

City of Rockingham Tourist Destination Strategy (TDS)

The purpose of TDS is to establish the City's strategic direction and priority actions that would inform the Rockingham region's future direction with tourism and marketing.

The key strategic objective of the TDS is to effectively and measurably promote Rockingham as Western Australia's premium coastal destination – as a place visit, live and invest in.

One of the primary strategic objectives of this Strategy is to *“facilitate and promote the development of a more vibrant foreshore and coastal strip, including the consideration of infrastructure, pedestrian traffic and parking”*.

The RSC bears a crucial role in assisting with the above objective by needing to ensure that the built form and public realm outcomes at the waterfront assist with its continued transformation into a preeminent coastal destination.

Rockingham City Centre Transit Study Advocacy Document (RCCTS)

The development vision for the Centre Plan was based around the establishment of the RCCTS, which connects the Rockingham rail station with the City Centre, education campuses and the Rockingham Foreshore. This model was centred on the route of the proposed street-based transit system.

The Advocacy Document seeks to promote the RCCTS, and encourages funding providers to commit to the project, by demonstrating the relationship between the approved planning framework and the transit route. It shows how public and private sector investment in construction projects could result in economic benefits, employment opportunities and social benefits for the City's residents.

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

The RCCTS is a separate project to the preparation of the RSCPSP, however, the proposed route has been considered as part of this process, as outlined earlier in the 'Details' section of this Report.

Rockingham Strategic Regional Centre – Centre Plan

The planning and development of the existing Strategic Metropolitan Centre was guided by the former City Centre Development Policy Plan (DPP), which was originally incorporated into the Town Planning Scheme No.1 in 1995. The DPP was prepared to reflect the principles of orderly and proper planning based on a 'main street' town centre with mixed use, street front development framing an activated public domain in the City Centre.

With continuing growth in the region and the construction of the City Centre Transit System, a broader and more comprehensive Centre Plan was required at the time to provide a long term vision and an integrated planning framework for the development of the area.

The Rockingham Strategic Regional Centre is a mature centre, and as a result, its boundary has evolved over time and the planning framework has been developed to align with this. In defining the boundary for a PSP, however, SPP 7.2 is clear that it should be focused on areas where built form guidance and/or significant change is proposed. The draft RSCPSP more readily reflects the existing and envisaged future strategic development of the RSC and Amendment No.191 facilitates a refinement of the RSC area (and boundary).

The final RSCPSP will supersede the existing Centre Plan, bringing together a consolidated planning framework for the RSC and into conformity with the State's contemporary state planning framework.

Development Policy Plans (DDP)

The Centre Plan contains 'Sector Guidelines' which assisted in preparation of DPPs for various Sectors, which are adopted as Local Planning Policies under TSP2. This suite of DPPs were prepared to help guide development within the RSC.

With respect to the implementation of the existing Centre Plan, the City had proceeded to complete the following Planning Policies: DPP 3.2.1 - City Centre Sector - Sector 1 (August 2010), DPP 3.2.2 - Waterfront Village - Sector 2 (April 2012), DPP 3.2.5 - Smart Village South - Sector 3 (April 2012), DPP 3.2.6 - Sector 9 (September 2013), DPP 3.2.8 - Campus - Sector 6 (November 2014), DPP 3.2.9 - Sector 7 (March 2015) and DPP 3.2.12 - Southern Gateway and Rockingham Station - Sectors 10 and 11 (September 2016).

Implemented actions for the following DPP's were either ongoing or did not commence:

- Y DPP 3.2.7 - Northern Smart Village (Sector 4);
- Y DPP 3.2.10 - Leeuwin (Sector 8); and
- Y Northern Gateway (Sector 5).

The draft RSCPSP supersedes the existing DPP's, which will be rescinded upon approval of the RSCPSP.

The RSCPSP will consolidate future subdivision, zoning and development requirements of the RSC into one document, simplifying the planning framework for the benefit of all stakeholders and the decision makers. Amendment No.191 will simultaneously facilitate the way in which land is used and developed within the Scheme area.

Local Planning Policy 7.4 - Design Review Panel

This Policy enables the provision of independent expert advice to the Council, the City and proponents on the site planning layout and design matters, to ensure positive urban design, public realm and build form outcomes are realised.

The Policy outlines the development categories that would benefit from design review process, which mostly involve proposals which depart from the primary controls or will likely have a significant impact on the City.

Any proposed development within the RSC that falls within the development categories outlined within the Policy, will be referred to the City's Design Review Panel for comment. The considerations provided by the Panel should be addressed by proponents to ensure high quality development outcomes are delivered in the RSC.

It is considered likely, that there will be an increase of development proposals being presented to the City's Design Review Panel, resultant from the proposed 'relaxed' infill amalgamation requirement and development incentives in general for the RSC.

e. Financial

As detailed earlier, it is proposed to remove the requirement for mandatory cash-in-lieu for carparking within the 'Waterfront Village' sub-precinct which is currently governed through provisions within the TPS2. This requirement has been in place for approximately 15 years where, through a condition of Development Approval, developers are required to make a specific cash-in-lieu payment to satisfy their commercial parking requirement. The funds received are placed in a Reserve account and can only be used for the provision of public parking within the Waterfront Village.

This cash-in-lieu requirement was originally recommended within the City's Rockingham Beach Parking Strategy (2004) on the basis that the City would generate funds through new development (which generated the parking demand) with those funds to contribute to the City building decked carparks at specific locations within the Waterfront Village (ie. Village Green carpark, Museum carpark).

As it currently stands, the Cash-in-Lieu Parking Reserve contains approximately \$2.4M.

The financial implication of this proposal is that the funding source will no longer be available and other means of funding new carparking, when required, will need to be established which will likely be through the City's Business Plan.

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations (2015) (the Regulations)
Rockingham Strategic Centre Precinct Structure Plan

Under Schedule 2, Part 4, Clause 6 of the Regulations, a local planning policy may be revoked:

- "(a) by a subsequent local planning policy that-*
 - (i) Is prepared in accordance with this Part; and*
 - (ii) Expressly revokes the local planning policy;**or*
- (b) by a notice of revocation –*
 - (i) prepared by the local government; and*
 - (ii) published by the local government in accordance with Clause 87.*

The existing DPP's will be rescinded upon final approval of the RSCPSP and gazettal of Amendment No.191, pursuant to the requirements of Clause 6 of the Regulations.

Under Schedule 2, Part 4, Clause 14 of the Regulations, the following terms are used:

"precinct structure plan means a plan for the coordination of future subdivision, zoning and development of an area of land;

standard structure plan means a plan for the coordination of future subdivision and zoning of an area of land;

structure plan means a standard structure plan or a precinct structure plan."

Under Regulation 15, a structure plan in respect of an area of land in the Scheme area may be prepared if –

- "(a) the area is –*
 - (i) all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and*
 - (ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken;**or*
- (b) a State planning policy requires a structure plan to be prepared for the area; or*
- (c) the Western Australian Planning Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning."*

SPP 4.2 requires the City of Rockingham to prepare and maintain an endorsed precinct structure plan to guide the future development of the RSC.

The draft RSCPSP has been prepared pursuant to subclause (b).

Under Regulation 16, preparation of a structure plan must:

- "(a) be prepared in a manner and form approved by the Western Australian Planning Commission;*
- (b) include any maps, information or other material required by the Western Australian Planning Commission; and*
- (c) unless the Western Australian Planning Commission otherwise agrees, set out the information required under subclause (1A)."*

The provisions of TPS 2 are to be read in conjunction with the RSCPSP (and any relevant PLDP or LDP). The preparation of the draft RSCPSP is guided by the requirements contained within SPP 4.2 and SPP 7.2.

The draft RSCPSP is consistent with the 'Manner and Form' guidelines of SPP 7.2 and comprises:

- Y Part One: Implementation Section;
- Y Part Two: Explanatory Section; and
- Y Appendices.

There is confidence that the draft RSCPSP has been prepared pursuant to Regulation 16.

Notes:

1. *The approval of a structure plan under the Regulations, has effect for a period of 10 years commencing on the day on which WAPC approves the plan or another period determined at the time of approving the plan.*
2. *A decision maker for an application for development approval or subdivision approval in an area covered by a structure plan approved by WAPC is to have due regard to, but is not bound by, the structure plan when deciding the application.*
3. *Under Regulation 22, determination of a structure plan ultimately rests with the WAPC, matter which is to be discussed in a subsequent Report to Council.*

Amendment No.191 to Town Planning Scheme No.2

The procedures for dealing with proposals to amend TPS 2, as per the *Planning and Development Act 2005*, are set out in 'Deemed Provisions' of the Regulations.

Regulation 35(1) enables the Local Government to prepare or adopt an amendment to TPS 2, in a form approved by the WAPC. The resolution must specify whether, in the opinion of the Local Government, the amendment is a 'Complex' Amendment, a 'Standard' Amendment or a 'Basic' Amendment, and include an explanation for the reason for the Local Government forming that opinion.

Under Regulation 34 a 'Complex' Amendment is defined to mean:

"any of the following amendments to a local planning scheme —

- (a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (b) an amendment that is not addressed by any local planning strategy;*
- (c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;*
- (d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;*
- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan."*

The City considers the proposed Amendment No.191 to be a 'Complex' Amendment, for the following reasons, as the land the subject of the amendment is not addressed by an adopted Local Planning Strategy; and

- (i) The amendment relates to development that is of a scale, or
- (ii) Will have an impact, that is significant relative to development in the locality; and
- (iii) The amendment is not a standard or basic amendment.

Amendment No.191 intends to update new statement of aims particularly in the role, form and function of the RSC within the local government area and the sub-region, and will facilitate the creation of a more contemporary planning instrument with greater consistency in both format and structure and terminology with the 'Deemed Provisions' and the 'Model Scheme Provisions' and assists with the implementation of a new PSP.

Metropolitan Region Scheme

The draft RSCPSP boundary extends over three zones, comprising 'Central City Area' (Council Avenue to Dixon and Patterson Road); 'Industrial' (north of Dixon Road) and 'Urban' (north of Patterson Road, west of Read Street and south of Council Avenue). The draft boundary also consists of reserved lands which include: 'Parks and Recreation' (Rockingham Beach Road Foreshore), 'Railways' (between Dixon Road and Patterson Road); 'Primary Regional Roads' (Ennis Avenue); and 'Other Regional Roads' (Patterson Road, Read Street and Rae Road).

Some minor rationalisations of the MRS 'Central City Area' zone will be required to make it consistent with the proposed extent of Strategic Centre zoning.

South Metropolitan Sub-Regional Planning Framework (the Framework)

The RSC is situated within the South Metropolitan Sub-Regional Planning Framework area, which supports a coordinated approach to urban consolidation. The framework identifies Rockingham as the 'Major Centre' of the south-western sector.

A key objective of the Framework is to promote employment opportunities and increase the number of people who live and work within the sub-region, with a focus on attracting strategic economic and employment land uses within strategic centres such as RSC. Employment self-sufficiency targets in the framework area are projected to increase. In the south-west sector, the aspirational increase is from 65 per cent to 83 per cent. The framework proposals and outcomes have been considered in the preparation of the draft RSC local planning framework.

Town Planning Scheme No.2

In general terms, TPS2 sets out the way land is to be used and developed within the Scheme. TPS2 was gazetted on the 19 November 2004, predating the Regulations. Over 190 amendments to TPS2 have been initiated to keep the local scheme current and facilitate land use and development within the scheme area.

In September 2017, TPS2 was amended for consistency with the Regulations, by deleting Clauses that were superseded by the 'Deemed Provisions'. TPS2 has successfully coordinated the development of the RSC and there is confidence that the current framework is sound, subject to the proposed changes set out as proposed within Amendment No.191.

The future Local Planning Strategy, when approved, will inform the preparation of a new Scheme. It is envisaged that the LSP will reaffirm the role and function of the RSC and set out the implementation considerations for the activity centre. The preparation of the new Scheme will provide a further opportunity to 'fine tune' the provisions related to the RSCPSP, if required.

TPS2, under Clause 1.6, sets out the objectives of the Scheme with General Objectives (Clause 1.6.1) and Specific Objectives (Clause 1.6.2). It is noted that these objectives are, by their nature broad and generic, acknowledging that objectives are set out under Part 3 for each of the Centre zone designations along with the Primary Centre in totality. Amendment No.191 seeks to replace the Objectives with a single set relating to the RSC with other precinct based objectives being contained in the RSCPSP.

Table No.1 - Zoning Table of TPS 2 sets out the use class permissibility's of each zone. Amendment No.191 seeks to consolidate these zones into a single 'Strategic Centre' zone and provide land use guidance, by sub-precinct, in a separate Zoning Table (Table 1a), with additional guidance contained within the RSCPSP. Additional land uses are also defined and included to align with the 'Deemed Provisions' and a change is proposed to be made to the existing land use permissibility for a 'Night Club' land use.

In recognition of the potential land use conflicts associated with Night Clubs, in September 2013 Council resolved to adopt Final Approval of Amendment No.134 which, in part, prohibited the 'Night Club' use within majority of 'Primary Centre' zones including within the 'Waterfront Village' sub-precinct. The change to the 'Night Club' permissibility has been carefully considered upon review of the planning framework and the City's desired outcomes for the RSC, which identify an appetite to attract land uses with a high number of people, that have the potential to activate the RSC through the day and night.

The antisocial aspects arising from Night Clubs, which prompted Amendment No.134 are considered to be a matter of night club management and policing and not a land use issue, given that Strategic Centres such as Rockingham should reasonably accommodate such activities in appropriate locations (i.e. 'Waterfront Village' and 'City Centre' sub-precincts).

Part 4 - General Development Requirements of TPS2 sets out for each zone the objectives, applicability of the R-Codes (including minimum residential density), special considerations applicable for development and subdivision applications for each zone.

As part of the preparation of this Amendment, consideration has been given regarding consistency (and potential conflicts) of Scheme provisions to those development requirements set out in the RSCPSP and accompanying design guidance. Also, the Model Scheme Provisions of the Regulations sets out items to be included in Part 4 General Development Requirements, which include how the R- Codes are to be read into Schemes.

Amendment No.191 seeks to streamline Scheme provisions consistent with the approach in the Model Scheme in the Regulations.

Changes to the relevant Schedules within TPS2 are necessary due to the intended changes within the local planning framework for the 'Strategic Centre'.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

As discussed throughout this Report, it is necessary to review the existing planning framework for the RSC, to better align with the latest State planning framework including SPP 4.2 and SPP 7.2. In this regard, the draft RSCPSP has primarily been a review of the existing Centre Plan, focussing on refinement rather than a complete re-design. In a number of cases, the proposed planning framework has removed potential redevelopment impediments in an effort to promote investment.

In essence, the draft RSCPSP has been prepared to respond to the challenges and opportunities for the RSC and will guide its transition over the decades ahead. The final RSCPS will form the principal planning and design guidance document for the RSC.

The City considers that the proposed planning framework, along with other elements of the local and state planning framework will deliver a more contemporary planning instrument, which will successfully coordinate future subdivision, zoning and development of the refined Rockingham SC boundary.

In light of the above, it is recommended that Council support the draft RSCPSP and adopts Amendment No.191, for the purpose of advertising.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ENDORSES** the draft Rockingham Strategic Centre Precinct Structure Plan for the purposes of advertising, following receipt of formal consent from the Western Australian Planning Commission that the proposed extended advertising period is acceptable.
2. **ADOPTS** for the purpose of advertising Amendment No.191 to Town Planning Scheme No.2 pursuant of Section 75 of the *Planning and Development Act 2005*.
3. **CONSIDERS** the proposed Scheme Amendment to be a 'Complex' Amendment in accordance with Division 2, Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Committee Recommendation

Moved Mayor Hamblin, seconded Cr Jones:

That Council:

1. **ENDORSES** the draft Rockingham Strategic Centre Precinct Structure Plan for the purposes of advertising, following receipt of formal consent from the Western Australian Planning Commission that the proposed extended advertising period is acceptable.

2. **ADOPTS** for the purpose of advertising Amendment No.191 to Town Planning Scheme No.2 pursuant of Section 75 of the *Planning and Development Act 2005*, as tabled below.
3. **CONSIDERS** the proposed Scheme Amendment to be a 'Complex' Amendment in accordance with Division 2, Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

1.	Rezone the following landholdings (as shown on the amending map) on the Scheme map:
1.1	Rezone the landholdings generally bounded by Ennis Ave, Hurrell Way (east) Morgan St, Crocker St, Matheson Road, Cessnock Way and Dixon Road, Rockingham from "Light Industry" to "Strategic Centre" zone.
1.2	Rezone the landholdings within the Rockingham Strategic Centre from Primary Centre City Centre; Primary Centre Waterfront Village; Primary Centre Urban Village; Primary Centre City Living; Primary Centre Campus and Primary Centre Urban Living zones" to the "Strategic Centre" zone.
1.3	Rezone the landholdings (as shown on the amending map) generally bounded by Goddard Street, Lot 503 on DP 56108, Lot 1519 Read Street, Diamantina Way, Leighton Street, Success Drive and Marks Place, Rockingham from "Residential" (R20) to "Strategic Centre" Zone.
1.4	Rezone the landholdings generally bounded by Greene Street, Ryan Street, Houston Street, Langley Street, Quin Street, Thorpe Street, Florence Street, Esplanade, Samuel Street, Harrison Street, William Street, Langley Street, McLean Street, Christison Way, Gregson Street, Ledgard Street, Farris Street and Read Street Rockingham from "Residential" (R5/20, R20, R30 and R40) to "Strategic Centre" Zone.
1.5	Rezone Lot 503 on DP 56108, Lot 1519 Read Street, Lot 502 on DP 56108, Lot 1515 Dixon Road, portion of Lot 501 Patterson Road, Rockingham from "Development" Zone to "Strategic Centre" Zone.
1.6	Rename 'Primary Centre Boundary' to 'Strategic Centre boundary' and realign with P1 - Rockingham Strategic Centre Precinct Structure Plan area.
1.7	Delete any references/legend references to Primary Centre City Centre; Primary Centre Waterfront Village; Primary Centre Urban Village; Primary Centre City Living; Primary Centre Campus; Primary Centre Urban Living zones to be replaced with Strategic Centre or deleted where no longer relevant.
2.	Amend the scheme text as follows:
2.1	<p>In cl. 3.1.1, delete the following zones:</p> <ul style="list-style-type: none"> • Primary Centre City Centre • Primary Centre Waterfront Village • Primary Centre Urban Village • Primary Centre City Living • Primary Centre Campus • Primary Centre Urban Living <p>And insert the "Strategic Centre" zone.</p>
2.2	Amend cl. 3.2.2 to amend 'IP' to 'I' use and amend annotations in Table 1: Zoning Table accordingly.
2.3	<p>Amend cl. 3.2.4 to insert new subclause (d) as follows:</p> <p>"or</p> <p>(d) have due regard to any of the following plans that apply to the land — (i) a structure plan; (ii) an activity centre plan; (iii) a local development plan; and/or (iv) precinct local development plan.</p>

2.4	<p>Amend Table 1: Zoning Table as follows:</p> <p>Delete reference to the following zones and corresponding use class annotations (X,D,A,P, I):</p> <ul style="list-style-type: none">• Primary Centre City Centre• Primary Centre Waterfront Village• Primary Centre Urban Village• Primary Centre City Living• Primary Centre Campus• Primary Centre Urban Living <p>Insert an additional Zone in the Table 1: Zoning Table "Strategic Centre" and include the following annotation for corresponding Use Class permissibility's:</p> <p>"Subject to Clause 27 of the deemed provisions, use class permissibility shall be determined in accordance with Table 1(a): Rockingham Strategic Centre Zoning Table and the provisions of the relevant Precinct Structure Plan".</p>
2.5	<p>Insert an additional Table 1(a): Rockingham Strategic Centre Zoning Table as set out below:</p>

	Strategic Centre Zone									
	City Centre	Waterfront Village		Coastal Lots	TOD Village	City Park		Southern Residential	Education	Dixon Road
USE CLASS	SC-P1	SC-P2		SC-P3	SC-P4	SC-P5		SC-P6	SC-P7	SC-8
		Mixed Use RAC-O	Other R-Codes Apply ¹			Mixed Use RAC-O	Other R-Codes Apply ¹			
RESIDENTIAL USES										
Ancillary Accommodation	X	X	I	X	X	I	X	X	X	X
Bed and Breakfast	D	D	I	D	D	I	D	D	X	X
Caravan Park	X	X	X	X	X	X	X	X	X	X
Caretaker's Dwelling	I	I	I	I	I	I	I	I	I	I
Display Home Centre	X	X	D	X	X	D	X	X	X	X
Holiday Accommodation	D	D	A	D	D	A	D	D	X	X
Holiday House	X	D	D	D	X	D	D	D	X	X
Hotel	D	D	X	D	D	X	D	X	X	X
Lodging House	D	D	A	D	D	A	D	D	X	X
Motel	D	D	X	D	D	X	D	X	X	X
Nursing Home	X	D	X	D	X	X	X	D	X	X
Residential:										
(a) Single House	D	D	P	P	D	P	D	P	X	X
(b) Grouped Dwelling	D	D	D	D	D	D	D	D	X	X
Multiple Dwelling	D	D	D	D	D	D	D	D	X	X
Park Home Park	X	X	X	X	X	X	X	X	X	X
Residential Building	D	D	D	D	D	D	D	D	X	X
Serviced Apartment	D	D	X	D	D	X	D	X	X	X
COMMERCIAL USES										
Amusement Parlour	D	D	X	X	D	X	D	X	X	X
Art Gallery ³	D	D	X	X	D	X	D	X	D	X
Betting Agency	D	D	X	X	D	X	D	X	X	X
Brewery	D	D	X	X	D	X	D	X	X	X
Bulky Goods Showroom	D	X	X	X	X	X	D	X	X	D
Child Care Premises	D	D	A	D	D	A	D	D	I	X
Cinema/Theatre ³	D	D	X	X	D	X	D	X	X	X
Club Premises	D	D	X	X	D	X	D	X	X	X
Convenience Store	D	D	X	D	D	X	D	D	D	X
Consulting Rooms	D	D	X	D	D	X	D	D	I	X

	Strategic Centre Zone									
	City Centre	Waterfront Village		Coastal Lots	TOD Village	City Park		Southern Residential	Education	Dixon Road
USE CLASS	SC-P1	SC-P2		SC-P3	SC-P4	SC-P5		SC-P6	SC-P7	SC-8
		Mixed Use RAC-O	Other R-Codes Apply ¹			Mixed Use RAC-O	Other R-Codes Apply ¹			
COMMERCIAL USES										
Dry Cleaning Premises	D	D	X	X	D	X	D	X	X	D
Fast Food Outlet/Lunch Bar	D	D	X	X	D	X	D	X	X	X
Freeway Service Centre	X	X	X	X	X	X	X	X	X	X
Funeral Parlour	D	D	X	X	D	X	D	X	X	D
Garden Centre	X	X	X	X	X	X	X	X	X	D
Health Studio	D	D	X	X	D	X	D	X	I	D
Home Business	D	D	D	D	D	D	D	D	X	X
Home Occupation	D	D	D	D	D	D	D	D	X	X
Home Office	P	P	P	P	P	P	P	P	X	X
Homestore	X	X	A	X	X	A	X	X	X	X
Industry: Cottage	D	D	D	D	D	D	D	D	X	X
Laundromat	D	D	X	X	D	X	D	X	X	D
Liquor Store - Large	D	D	X	X	A	X	D	X	X	X
Liquor Store - Small	D	D	X	X	D	X	D	X	X	X
Lunch Bar	D	D	X	X	D	X	D	X	I	D
Market ³	D	D	X	X	D	X	D	X	X	D
Medical Centre	D	D	X	D	D	X	D	D	X	X
Motor Vehicle Wash	X	X	X	X	X	X	X	X	X	D
Night Club	A	A	X	X	X	X	X	X	X	X
Office	D	D	X	X	D	X	D	X	I	I
Public Amusement ³	D	D	X	X	D	X	D	X	X	D
Reception Centre	D	D	X	D	D	X	D	X	X	X
Recreation - Private	D	D	X	X	D	X	D	X	X	D
Restaurant/Café ³	D	D	X	D	D	X	D	X	X	X
Restricted Premises	A ²	X	X	X	X	X	A ²	X	X	A
Service Station	D	D	X	X	D	X	D	X	X	D
Shop	D	D	X	D	D	X	D	D	I	X
Small Bar	D	D	X	D	D	X	D	X	I	X

	Strategic Centre Zone									
	City Centre	Waterfront Village		Coastal Lots	TOD Village	City Park		Southern Residential	Education	Dixon Road
USE CLASS	SC-P1	SC-P2		SC-P3	SC-P4	SC-P5		SC-P6	SC-P7	SC-8
		Mixed Use RAC-O	Other R-Codes Apply ¹			Mixed Use RAC-O	Other R-Codes Apply ¹			
COMMERCIAL USES										
Tavern	D	D	X	X	D	X	D	X	I	X
Tourist Development	X	X	X	X	X	X	X	X	X	X
Veterinary Centre	D	D	X	X	D	X	D	X	X	D
Warehouse/Storage	D	D	X	X	D	X	D	X	X	D
INDUSTRIAL USES										
Commercial Vehicle Parking	X	X	A	X	X	A	X	X	X	D
Contractor's Yard	X	X	X	X	X	X	X	X	X	D
Fuel Depot	X	X	X	X	X	X	X	X	X	D
Industry : General	X	X	X	X	X	X	X	X	X	X
Industry : General (Licensed)	X	X	X	X	X	X	X	X	X	X
Industry : Hazardous	X	X	X	X	X	X	X	X	X	X
Industry : Light	X	X	X	X	X	X	X	X	X	P
Industry : Noxious	X	X	X	X	X	X	X	X	X	X
Industry : Service	X	X	X	X	X	X	X	X	X	D
Landscape Supply Yard	X	X	X	X	X	X	X	X	X	D
Motor Vehicle, Boat or Caravan Sale	X	X	X	X	X	X	X	X	X	A
Marina	X	X	X	X	X	X	X	X	X	X
Marina Filling Station	X	X	X	X	X	X	X	X	X	X
Motor Vehicle Repair	X	X	X	X	X	X	X	X	X	D
Motor Vehicle Wrecking Premises	X	X	X	X	X	X	X	X	X	D
Open Air Display	X	X	X	X	X	X	X	X	X	D
Resource Recovery Centre	X	X	X	X	X	X	X	X	X	X
Salvage Yard	X	X	X	X	X	X	X	X	X	X
Sawmill	X	X	X	X	X	X	X	X	X	X
Trade Display	X	X	X	X	X	X	X	X	X	D
Trade Supplies	X	X	X	X	X	X	X	X	X	D
Transport Depot	X	X	X	X	X	X	X	X	X	D

	Strategic Centre Zone									
	City Centre	Waterfront Village		Coastal Lots	TOD Village	City Park		Southern Residential	Education	Dixon Road
USE CLASS	SC-P1	SC-P2		SC-P3	SC-P4	SC-P5		SC-P6	SC-P7	SC-8
		Mixed Use RAC-O	Other R-Codes Apply ¹			Mixed Use RAC-O	Other R-Codes Apply ¹			
INDUSTRIAL USES										
Veterinary Hospital	x	X	X	X	X	X	x	X	X	D
Waste Disposal Facility	X	X	X	X	X	X	X	X	X	X
Waste Storage Facility	X	X	X	X	X	X	X	X	X	X
RURAL USES										
Abattoir	X	X	X	X	X	X	X	X	X	X
Agriculture - Extensive	X	X	X	X	X	X	X	X	X	X
Agriculture - Intensive	X	X	X	X	X	X	X	X	X	X
Animal Establishment	X	X	X	X	X	X	X	X	X	X
Animal Husbandry - Intensive	X	X	X	X	X	X	X	X	X	X
Mining Operations	X	X	X	X	X	X	X	X	X	X
Industry : Extractive	X	X	X	X	X	X	X	X	X	X
Industry : Primary Production	X	X	X	X	X	X	X	X	X	X
Produce Store	X	X	X	X	X	X	X	X	X	D
Rural Home Business	X	X	X	X	X	X	X	X	X	X
Rural Pursuit/Hobby Farm	X	X	X	X	X	X	X	X	X	X
Stockyards	X	X	X	X	X	X	X	X	X	X
Tree Farm	X	X	X	X	X	X	X	X	X	X
Wildlife Park	X	X	X	X	X	X	X	X	X	X
Winery	X	X	X	X	X	X	X	X	X	X
UTILITIES/COMMUNITY										
Carpark	D	D	X	D	D	X	D	X	D	X
Civic Use	D	D	X	D	D	X	D	X	D	X
Communications Antennae - Commercial	D	D	X	X	D	X	D	X	D	D
Communications Antennae - Domestic	P	P	P	P	P	P	P	P	P	P
Community Purpose	D	D	D	D	D	D	D	D	I	D
Corrective Institution	X	X	X	X	X	X	X	X	X	X
Educational Establishment	D	D	X	D	D	X	D	D	P	X

	Strategic Centre Zone									
	City Centre	Waterfront Village		Coastal Lots	TOD Village	City Park		Southern Residential	Education	Dixon Road
USE CLASS	SC-P1	SC-P2		SC-P3	SC-P4	SC-P5		SC-P6	SC-P7	SC-8
		Mixed Use RAC-O	Other R-Codes Apply ¹			Mixed Use RAC-O	Other R-Codes Apply ¹			
UTILITIES/COMMUNITY										
Exhibition Centre	D	D	X	X	D	X	D	X	I	X
Hospital	X	X	X	X	X	X	X	X	X	X
Hospital: Special purposes	X	X	X	X	X	X	X	X	X	X
Place of Worship	D	D	A	D	D	A	D	D	I	A
Public Utility	D	D	D	D	D	D	D	D	D	D
Telecommunications/ Infrastructure	D	D	X	D	D	X	D	D	D	D
Footnote 1 In accordance with P1 - Rockingham Strategic Centre Precinct Structure Plan - Residential Density Plan										
Footnote 2 Refer to clause 4.3A.4										
Footnote 3 In accordance with the relevant provisions of the Rockingham Strategic Centre Precinct Structure Plan relating to Interim uses for City Centre SC-P1										

2.6	<p>Amend cl. 4.1.3 (a) and (b) as follows:</p> <p>(a) In order to encourage residential development within the Strategic Centre Zone and District Town Centre Zone, the Local Government may exercise its discretion in respect of the standard Residential Design Code provisions.</p> <p>(b) Use of discretionary power by the Local Government in relation to the standard provisions of the R-Codes for residential development in the Strategic Centre Zone and District Town Centre Zone, is detailed in clause 4.5.5.</p>
2.7	Amend cl. 4.3 and rename from "Primary Centre" to "Strategic Centre Zone".
2.8	<p>Delete existing cl. 4.3.1 text and insert the following text:</p> <p><u>Operation</u></p> <p>Sets out requirements relating to development that are additional to those set out in the R-Codes, the precinct structure plan, precinct local development plans, local development plans and applicable State or local planning policies.</p>
2.9	<p>Delete existing cl. 4.3.2(a)-(p) "Objectives of the Primary Centre Zone" text and insert new subclause 4.3.2 Objectives of the Strategic Centre Zone</p> <p>"The objectives of the Strategic Centre Zone are:</p> <p>(a) <i>Urban Ecology</i></p> <p>Y Adopt an environmentally sustainable approach to development within the RSC which encourages conservation of resources, including reduced waste, energy, and water use.</p> <p>Y Create a green urban centre supported by open spaces, streets, and development sites which promote enhanced tree canopy to lessen impacts of climate change and urban heat island effect.</p> <p>Y Celebrate local Aboriginal, cultural, and built heritage in the design of buildings and public spaces to enhance Rockingham's place identity.</p> <p>(b) <i>Urban Structure</i></p> <p>Y Establish a highly interconnected urban environment that links key precincts together through a</p> <p>Y network of green links and enhanced public transport connections.</p> <p>Y Ensure that new development provides lot and block configurations that are flexible and adaptable, to change with the centre's needs over time.</p> <p>Y Planning provisions and land assembly strategies support high-quality development outcomes in nominated infill areas.</p> <p>(c) <i>Public Realm</i></p> <p>Y Create high quality connected public spaces that permit a range of recreation and social activities,</p> <p>Y retain mature trees where possible and foster high quality development along their edges.</p> <p>Y Encourage an attractive urban environment through the use of high-quality design, materials, street furniture, and public art.</p> <p>Y Enhance the quality and consistency of streetscapes through targeted greening which includes new planting and retention of existing vegetation where appropriate.</p>

2.9 cont...	<p>(d) <i>Movement</i></p> <p>ÿ <i>Establish the Rockingham City Centre Transit System (RCCTS) as a high amenity, street based public transit system that will catalyse transit oriented development and provide for sustainable movement.</i></p> <p>ÿ <i>Create a permeable, well-connected network of public streets and spaces that provide legible and high amenity linkages, prioritised towards pedestrians and cycle movement.</i></p> <p>(e) <i>Land Use</i></p> <p>ÿ <i>Encourage and facilitate a broad range of employment opportunities to promote diversity and help meet the self-sufficiency targets of the sub-region.</i></p> <p>ÿ <i>Foster the provision of a balanced and diverse mix of uses which contribute to the development of an active and interesting character in the public and private realm of the Strategic Centre.</i></p> <p>ÿ <i>Encourage increased development intensity, through mixed use and high density in key precincts and along transport corridors to increase the Strategic Centre's population base.</i></p> <p>ÿ <i>Promote active day and night time retail and social environments.</i></p> <p>(f) <i>Built Form</i></p> <p>ÿ <i>Foster the development of a Strategic Centre which possesses a diversity of built form typologies, framed around a legible public street pattern guided by the Movement and Place framework.</i></p> <p>ÿ <i>Provide high-quality streetscapes through well considered approaches to building frontages, which ensure generally contiguous and active street front buildings in the mixed use/commercial precincts.</i></p> <p>ÿ <i>Achieve appropriate built form outcomes, including a range of medium to high density housing, within the walkable catchment of the Rockingham City Centre Transit System.</i></p>
2.10	<p>Amend cl. 4.3.3 (a) to "the objectives of the Strategic Centre Zone."</p> <p>Amend cl. 4.3.3 (b) to "the provisions of the Rockingham Strategic Centre Precinct (Structure) Plan"</p> <p>Amend cl. 4.3.3 (c) to "the objectives of the Zone set out in Table 1 (a) in which the development is proposed.</p> <p>Insert new sub cl. 4.3.3 (d) to "...any additional development requirements set out in Table 4:</p> <p>(e) any other relevant planning document.</p> <p>Delete subclauses 4.3.3 (g) (i) (k) (m) and (o);</p> <p>Retain subclause (q) and renumber to (f).</p>
2.11	<p>Amend cl. 4.3.4 (a) to "the objectives of the Strategic Centre Zone."</p> <p>Amend cl. 4.3.4 (b) to "the provisions of the Rockingham Strategic Centre Precinct (Structure) Plan"</p> <p>Amend cl. 4.3.4 (c) to "the objectives of the Zone set out in Table 1 (a) in which the subdivision is proposed."</p>

2.11 cont...	Amend cl. 4.3.4 (d) to " (d) to "...any additional subdivision requirements set out in Table 4: (e) any other relevant planning document. Delete subclause cl. 4.3.4 (e) (f) (g) (h) and (i) Retain subclause (j) and renumber to (f)
2.12	Delete cl. 4.3.5 Subdivision - Need for an Integrated Development Guide Plan
2.13	Delete cl.4.3.6 Policies for Sectors
2.14	Delete cl. 4.3A Primary Centre City Centre Zone
2.15	Delete cl. 4.3B Primary Centre Waterfront Village Zone
2.16	Delete cl. 4.3C Primary Centre Urban Village Zone
2.17	Delete cl. 4.3D Primary Centre City Living Zone
2.18	Delete cl. 4.3E Primary Centre Campus Zone
2.19	Delete cl. 4.3F Primary Centre Urban Living Zone
2.20	Amend cl. 4.15.1.1 to as follow: "Where land is proposed to be developed in the Strategic Centre Zone, or the District Town Centre Zone for a purpose specified in Table No.3, the minimum number of carparking bays required, and the maximum number of carparking bays allowable, for the proposed development is to be determined in accordance with Table No.3 and the applicable precinct structure plan."
2.21	Delete cl. 4.15.1 .2
2.22	Amend cl. 4.15.1.3 to as follows: "Where land is proposed to be developed in any zones other than the Strategic Centre Zone or the District Town Centre Zone for a purpose specified in Table No.2, the minimum number of carparking bays required for the development is to be determined in accordance with Table No.2."
2.23	Amend cl 4.15.1.4 to as follows: "Where land is proposed to be developed in any zone other than the Strategic Centre Zone or the District Town Centre Zone for a purpose which is not specified in Table No.2: the local government is to determine the minimum number of carparking bays required for the development having regard to: (i) the nature of the proposed development; (ii) the number of employees likely to be employed on the site; (iii) the anticipated demand for parking; and the orderly and proper planning of the locality"
2.24	Delete cl. 4.15.2 Provision of Parking in the Primary Centre Waterfront Village Zone
2.25	Delete cl. 4.15.6.2
2.26	Amend Tables 2, 3 and 4 Carparking as follows:
2.26.1	Add updated annotation in reference to Table 2, as follows:

2.26.1 cont...	* Refer to Table No.3 for recommended carparking provision within the Strategic Centre and District Town Centre zones.							
2.26.2	Amend Table 3 Heading to: MINIMUM REQUIREMENTS AND MAXIMUM ALLOWANCES - STRATEGIC CENTRE ZONE AND DISTRICT TOWN CENTRE ZONE							
2.26.3	Delete Table 4: CARPARKING STANDARDS WITHIN THE PRIMARY CENTRE WATERFRONT VILLAGE ZONE							
2.27	<p>Insert new cl. 4.23 Additional site and development requirements for areas covered by structure plan, activity centre plan, precinct local development plan or local development plan.</p> <p>(1) Table 4 sets out requirements relating to development that are included in structure plans, activity centre plans, precinct local development plans and local development plans that apply in the Scheme area.</p> <p>(2) The specific development standards set out under this Clause and the associated Table 4 prevail to the extent of any inconsistencies with any other standard or provision of the Scheme.</p> <p>The Table sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.</p> <table border="1"> <thead> <tr> <th>No.</th><th>Description of land</th><th>Requirement</th></tr> </thead> <tbody> <tr> <td>1.</td><td>Rockingham Strategic Centre, as defined in the Rockingham Strategic Centre Precinct Structure Plan and as shown on the Scheme Map.</td><td> <p>(1) Land zoned 'Strategic Centre' within the Rockingham Strategic Centre is separated into eight (8) 'Strategic Centre - Precincts' (SC-P) as shown on the scheme map and detailed as follows:</p> <p>(i) City Centre (SC-P1);</p> <p>(ii) Waterfront Village (SC-P2);</p> <p>(iii) Coastal Lots (SC-P3);</p> <p>(iv) TOD Village (SC-P4);</p> <p>(v) City Park (SC-P5);</p> <p>(vi) Southern Residential (SC-P6);</p> <p>(vii) Education (SC-P7);</p> <p>(viii) Dixon Road (SC-P8).</p> <p>(2) Residential densities shall be in accordance with P1 – Rockingham Strategic Centre Precinct Structure Plan - Residential Density Plan coding designations.</p> <p>(3) Land use permissibility for land zoned 'Strategic Centre' within the Rockingham Strategic Centre shall be in accordance with Table 1(a): Rockingham Strategic Centre Zoning Table. The symbols used in Table 1a have the same meaning as Clause 3.2.2 of the scheme.</p> <p>(4) Subject to sub-clause 1.4 and Table 1a, where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 3.2.4 of the scheme.</p> <p>(5) A minimum building height of two (2) storeys applies to all land, the subject of Rockingham Precinct Structure Plan except for development proposals for interim uses on designated sites within PLDP 1 and PLDP 2 of the Rockingham Strategic Centre Precinct Structure Plan</p> <p>(6) Where mixed use development is proposed, the provisions of Volumes 1 and 2 of the R-Codes will apply. Where there is an inconsistency between the provisions of Rockingham Precinct Structure Plan and R-Codes, the provisions of Rockingham Precinct Structure Plan shall prevail.</p> </td></tr> </tbody> </table>		No.	Description of land	Requirement	1.	Rockingham Strategic Centre, as defined in the Rockingham Strategic Centre Precinct Structure Plan and as shown on the Scheme Map.	<p>(1) Land zoned 'Strategic Centre' within the Rockingham Strategic Centre is separated into eight (8) 'Strategic Centre - Precincts' (SC-P) as shown on the scheme map and detailed as follows:</p> <p>(i) City Centre (SC-P1);</p> <p>(ii) Waterfront Village (SC-P2);</p> <p>(iii) Coastal Lots (SC-P3);</p> <p>(iv) TOD Village (SC-P4);</p> <p>(v) City Park (SC-P5);</p> <p>(vi) Southern Residential (SC-P6);</p> <p>(vii) Education (SC-P7);</p> <p>(viii) Dixon Road (SC-P8).</p> <p>(2) Residential densities shall be in accordance with P1 – Rockingham Strategic Centre Precinct Structure Plan - Residential Density Plan coding designations.</p> <p>(3) Land use permissibility for land zoned 'Strategic Centre' within the Rockingham Strategic Centre shall be in accordance with Table 1(a): Rockingham Strategic Centre Zoning Table. The symbols used in Table 1a have the same meaning as Clause 3.2.2 of the scheme.</p> <p>(4) Subject to sub-clause 1.4 and Table 1a, where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 3.2.4 of the scheme.</p> <p>(5) A minimum building height of two (2) storeys applies to all land, the subject of Rockingham Precinct Structure Plan except for development proposals for interim uses on designated sites within PLDP 1 and PLDP 2 of the Rockingham Strategic Centre Precinct Structure Plan</p> <p>(6) Where mixed use development is proposed, the provisions of Volumes 1 and 2 of the R-Codes will apply. Where there is an inconsistency between the provisions of Rockingham Precinct Structure Plan and R-Codes, the provisions of Rockingham Precinct Structure Plan shall prevail.</p>
No.	Description of land	Requirement						
1.	Rockingham Strategic Centre, as defined in the Rockingham Strategic Centre Precinct Structure Plan and as shown on the Scheme Map.	<p>(1) Land zoned 'Strategic Centre' within the Rockingham Strategic Centre is separated into eight (8) 'Strategic Centre - Precincts' (SC-P) as shown on the scheme map and detailed as follows:</p> <p>(i) City Centre (SC-P1);</p> <p>(ii) Waterfront Village (SC-P2);</p> <p>(iii) Coastal Lots (SC-P3);</p> <p>(iv) TOD Village (SC-P4);</p> <p>(v) City Park (SC-P5);</p> <p>(vi) Southern Residential (SC-P6);</p> <p>(vii) Education (SC-P7);</p> <p>(viii) Dixon Road (SC-P8).</p> <p>(2) Residential densities shall be in accordance with P1 – Rockingham Strategic Centre Precinct Structure Plan - Residential Density Plan coding designations.</p> <p>(3) Land use permissibility for land zoned 'Strategic Centre' within the Rockingham Strategic Centre shall be in accordance with Table 1(a): Rockingham Strategic Centre Zoning Table. The symbols used in Table 1a have the same meaning as Clause 3.2.2 of the scheme.</p> <p>(4) Subject to sub-clause 1.4 and Table 1a, where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 3.2.4 of the scheme.</p> <p>(5) A minimum building height of two (2) storeys applies to all land, the subject of Rockingham Precinct Structure Plan except for development proposals for interim uses on designated sites within PLDP 1 and PLDP 2 of the Rockingham Strategic Centre Precinct Structure Plan</p> <p>(6) Where mixed use development is proposed, the provisions of Volumes 1 and 2 of the R-Codes will apply. Where there is an inconsistency between the provisions of Rockingham Precinct Structure Plan and R-Codes, the provisions of Rockingham Precinct Structure Plan shall prevail.</p>						

2.28	<p>Amend Schedule No.1 General Interpretations, as follows:</p> <p>(i) Delete the following interpretations:</p> <p>Centre Plan</p> <p>Development Policy Plan (City Centre Sector)</p> <p>Development Policy Plan (Campus Sector)</p> <p>Development Policy Plan (Eastern Sector)</p> <p>Development Policy Plan (Northern Waterfront Sector)</p> <p>Development Policy Plan (Smart Village South Sector)</p> <p>Development Policy Plan (Southern Gateway and Rockingham Station Sectors)</p> <p>Development Policy Plan (Waterfront Village Sector)</p> <p>Primary Centre</p> <p>(ii) insert the following:</p> <p>activity centre means —</p> <p>(a) an area of land identified in accordance with a State planning policy as an activity centre; or</p> <p>(b) an area of land identified by the Commission as an activity centre;</p> <p>amenity means - all those factors which combine to form the character of an area and include the present and likely future amenity;</p> <p>Rockingham Strategic Centre Precinct Structure Plan means - the Precinct Structure Plan for Rockingham Strategic Centre approved by the Western Australian Planning Commission under Part 5 of the Deemed Provisions.</p> <p>Strategic Centre means - that portion of the Scheme Area shown and designated on the Scheme Maps as the "Strategic Centre" and which the Rockingham Strategic Centre Precinct Structure Plan applies.</p>
2.29	<p>Amend Schedule No.1 Land Use Interpretations, as follows</p> <p>(i) insert the following:</p> <p>Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.</p> <p>Home Office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation -</p> <p>(a) is solely within the dwelling; and</p> <p>(b) does not entail clients or customers travelling to and from the dwelling; and</p> <p>(c) does not involve the display of a sign on the premises; and does not require any change to the external appearance of the dwelling.</p> <p>Park Home Park means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.</p>

2.29 cont...	<p>Marina means -</p> <p>(a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and</p> <p>(b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services</p> <p>Marina Filling Station means premises used for the storage and supply of liquid fuels and lubricants for marine craft.</p> <p>Resource Recovery Centre means premises other than a waste disposal facility used for the recovery of resources from waste.</p> <p>Waste disposal facility means premises used:</p> <p>(a) for the disposal of waste by landfill; or</p> <p>(b) the incineration of hazardous, clinical or biomedical waste.</p> <p>Waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.</p> <p>Mining Operations means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1), is carried out.</p>
2.30	Amend Schedule, 'Schedule No.2 – Additional Uses' by deleting Additional Use No. 6 and scheme map amended accordingly.
2.31	<p>Amend Schedule No.11 Development Contribution Plan No.2, Clause 4(2) to:</p> <p>(i) delete (a) Primary Centre City Centre zone; (b) Primary Centre Waterfront Village zone; (c) Primary Centre Urban Village zone; (d) Primary Centre City Living zone; and insert (a) Strategic Centre zone; and following subclauses, accordingly.</p> <p>(i) Delete PLAN NO.8 CARPARKING AREAS FOR PRIMARY CENTRE WATERFRONT VILLAGE ZONE</p>
2.32	Any other scheme text references to Primary Centre City Centre; Primary Centre Waterfront Village; Primary Centre Urban Village; Primary Centre City Living; Primary Centre Campus; Primary Centre Urban Living zones to be replaced with Strategic Centre zone or deleted where appropriate.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

13.	Reports of Council Members
	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 and Engineering Services Committee meeting will be held on Monday 18 July 2022 in the Council Chamber, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:31pm .