City of Rockingham

MINUTES

Planning Services Standing Committee Meeting

Held on

Monday 14 February 2011

4:00pm

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

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City of Rockingham
Planning Services Standing Committee Meeting
4:00pm Monday 14 February 2011

MINUTES

1. Declaration of Opening

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

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

2.1 Councillors

Cr R Smith Chairman
Cr B Warner
Cr A Prince
Cr L Dodd
Cr J Stewart Observer

2.2 Executive

Mr R M Jeans Director, Planning & Development Services
Mr P Ricci Manager, Strategic Planning & Environment
Mr R Rodgers Manager, Building Services (until 4.34pm)
Mr M Ross Manager, Statutory Planning
Mr R Fielding Manager, Health Services (until 4.34pm)
Ms M Wellburn Secretary to Director, Planning & Development Services

Members of the Public: 11
Press: 1

2.3 Apologies: Mr A Hammond

2.4 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice

Nil.
4. **Public Question Time**

Mr Peter Crowe, 333 Eighty Road, Baldivis - In respect of Agenda Item SP-001/11, Mr Crowe asked several questions and raised issues with respect to grounds for compensation, property value depreciation and precedent set for others to erect 18m high antennas in the Woodleigh Grove Estate.

Cr Smith noted Mr Crowe's concerns and provided answers as necessary.

Mr Nathaniel Maxwell, 2 Dove Retreat, Baldivis - In respect of Agenda Item SP-001/11, Mr Maxwell stated that residents purchased properties in the Woodleigh Grove Estate for the quiet Rural lifestyle and that lifestyle should be maintained. It was noted that Mr Maxwell had lodged a submission on the Scheme Amendment.

Cr Smith noted Mr Maxwell's statement and thanked him for his comments.

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

Moved Cr Warner, seconded Cr Dodd:

That Council **CONFIRM** the Minutes of the Planning Services Standing Committee Meeting held on 6 December 2010, as a true and accurate record, subject to the following modification to Item SP-014/10:-

That Council **ENDORSE** the proposed street naming theme of 'WA Pastoral Properties' for use within the subdivision located at Lot 2 Warnbro Sound Avenue, Golden Bay, **subject to the possible extension of the street name "Tangadee Road" through the estate.**

Committee Voting - 4/0

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

Nil.

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

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

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

Nil.

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

5.00pm SPE/004-11 - Proposed Place of Worship - Lot 14 (No.6) Outridge Road, Cnr Mandurah Road, Baldivis Mr Iliya Hastings (Planscape) representing several owners from Outridge Road and Mr Henry Dykstra (Dykstra Planning) representing the applicant attended the meeting.

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

Nil.
### Bulletin Items

**Planning Services Information Bulletin - February 2011**

#### Health Services

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Foodsafe
   3.2 Industrial Audits
   3.3 Community Health & Wellbeing Plan
   3.4 Health Promotion
   3.5 North Rockingham Industrial Noise
   3.6 Ocean Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications - December 2010
      4.1.1 Mosquito-Borne Disease Notifications - January 2011
   4.2 Food Recalls - December 2010
      4.2.1 Food Recalls - January 2011
   4.3 Statistical Health Information - December 2010 And January 2011
      4.3.1 Food Premises Inspections
      4.3.2 Public Building Inspections
      4.3.3 Outdoor Public Event Approvals - December 2010 and January 2011
      4.3.4 After Hours Noise & Smoke Nuisance Complaint Service
      4.3.5 Complaint - Information
      4.3.6 Building Plan Assessments
      4.3.7 Septic Tank Applications
      4.3.8 Demolitions
      4.3.9 Swimming Pool Sampling
      4.3.10 Rabbit Processing
      4.3.11 Hairdressing & Skin Penetration Premises
      4.3.12 Family Day Care
      4.3.13 Correspondence

#### Building Services

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

#### Strategic Planning and Environment

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<td>3.11 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)</td>
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### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 eDA (Planning Products via the Web)
4. Information Items
   4.1 Land Use – Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals by WAPC
   4.3 Notifications & Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
   4.8 Delegated Building Envelope Variations
   4.9 Subdivision/Amalgamation Supported
   4.10 Subdivision/Amalgamation Refused
   4.11 Approved Mixed Use Development Update - Waikiki Hotel Site
   4.12 Amendment No.69 to Town Planning Scheme No.2 - Additional Use of 'Landfill' (LUP/126)
   4.13 Amendment No.88 to Town Planning Scheme No.2 - Rezonin from 'Rural' to 'Special Rural' and 'Special Residential' (LUP/860)
   4.14 Development Assessment Panels

### Director Planning and Development Services

1. Director Planning and Development Services Team Overview
2. Human Resource Update
3. Project Status Report
   3.1 Administration Building Refurbishment/Fitout
   3.2 Rockingham Primary Centre Major Public Infrastructure
   3.3 Rockingham Primary Centre Infrastructure - Business Case
   3.4 Smart Village 1 Masterplan
4. Information Items
   4.1 Disabled Access - Centrelink Tenancy - Civic Boulevard, Rockingham City Centre (28/5797)
Committee Recommendation:
That Councillors acknowledge having read the Planning Services Information Bulletin - February 2011 and the contents be accepted.

Committee Voting - 4/0

12. Agenda Items
**Reference No & Subject:**

**HS-001/11**  
Amendment to Health Policy 6.6
Outdoor Eating Facilities in Public Places

**File No:**

LWE/78

**Proponent/s:**

Mrs E Jenkin – Co-ordinator Health Services

**Author:**

Mr R Fielding – Manager, Health Services

**Other Contributors:**

Mr R Fielding – Manager, Health Services

**Date of Committee Meeting:**

14th February 2011

**Previously before Council:**

14th February 2011

**Disclosure of Interest:**

Executive Function

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

Executive Function

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**1. Purpose of Report**

To seek Council’s authorisation to amend Health Policy 6.6 Outdoor Eating Facilities in Public Places, to align the Policy with the provisions of the Food Act 2008, relating to dogs in outdoor eating areas.

**2. Background**

Following the introduction of the Food Act 2008 in November 2009, there has been concern raised from the public, business and media regarding permitting dogs in al fresco dining areas. There are inconsistencies between the provisions of the Food Act 2008 and Council’s Health Policy 6.6 – Outdoor Eating Facilities in Public Places.
3. Details

Health Policy 6.6 Outdoor Eating Facilities in Public Places was adopted in May 2008 and replaced Planning Policy 2.10 Alfresco Dining and Street Furniture in Public Places. Health Policy 6.6 prohibits dogs within food businesses and alfresco dining areas.

The Food Act 2008 came into effect in November 2009. The Food Act 2008 requires compliance with Standard 3.2.2 of the Food Standards Code, which prohibits live animals in areas where food is handled.

The clause under the Food Standard’s Code has not been consistently interpreted throughout local authorities. As a result, the Department of Health has provided a guidance document on the interpretation and intent of the Food Act 2008, to ensure consistency across local authorities.

The Department of Health has advised the following:

“Compliance by a food business... in relation to an alfresco dining area is only to be actively enforced by enforcement agencies when there is evidence of a present risk of unsafe or unsuitable food being sold by a particular food business.”

“A food business that has procedures in place that appropriately manage any food safety or suitability risk posed by the presence of live animals in an alfresco dining area should be considered by the appropriate enforcement agency to comply.”

4. Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government agencies
   A guidance note has been provided to all Local Authorities from the Department of Health on the interpretation and intent of the Food Act 2008 with respect to dogs in alfresco dining areas.

c. Strategic
   The matter falls within Function Area 3: Land Use and the Environment, under the scope of Health.

d. Policy
   The City’s Health Policy 6.6 Outdoor Eating Facilities in Public Places states the following:
   4.7 Dogs -
   (i) No dog is allowed within a food business (i.e. inside a shop), or an alfresco dining area, unless it is a “service / assistance animal” for example servicing the visually or hearing impaired.
   (ii) Dogs are not permitted within a food preparation, handling, packing, or storage area at any time.

e. Financial
   Nil

f. Legal and Statutory
   The Food Act 2008 requires compliance with Standard 3.2.2 of the Food Standard’s Code, which states as follows:-
   24. Animals and Pests
   (1) A food business must:
(a) subject to paragraph (b), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish;

(b) permit an assistance animal only in dining and drinking areas and other areas used by customers;


5. Comments

The City’s Health Services has received a number of submissions from local residents requesting a review of Health Policy 6.6 with respect to allowing dogs in alfresco dining areas.

The potential benefits of allowing dogs in alfresco dining areas (such as encouraging physical activity and social interaction, encouraging more people to the area etc) have been considered along with the potential risks (such as tripping hazards, cleanliness and staff hygiene).

Expanding on the Department of Health position, and with a view to achieve consistency across Local Authorities on this issue, it is proposed to amend Health Policy 6.6 Outdoor Eating Facilities in Public Places to allow dogs in alfresco dining areas on the following conditions:

- Area is to be sufficiently signed to advise patrons that dogs are permitted in the alfresco dining area under the control of the owner;
- Premises is to implement a dog management policy, which is to include staff training on appropriate cleaning and hygiene practices, and corrective action procedures if there is an incident with a dog;
- Ensuring that dogs do not enter inside of the food premises; and
- Ensuring the pedestrian access ways remain unobstructed at all times.

Proprietors would then be able to use discretion as to whether they allow dogs in an alfresco area or not, however, if they chose to allow dogs, the premises must have procedures in place to ensure public health and public safety is not compromised.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council AMEND part 4.7 of Health Policy 6.6 Outdoor Eating Facilities in Public Places as follows:

“4.7 Dogs –
Dogs are only permitted in the outdoor eating area under the following conditions:

(i) Area is to be sufficiently signed to advise patrons that dogs are permitted in the alfresco dining area under the control of the owner;
(ii) Premises is to implement a Dog Management Policy, including staff training on appropriate cleaning and hygiene practices, and corrective action procedures, to the satisfaction of the Manager, Health Services;
(iii) Dogs do not enter inside of the food premises;
(iv) Pedestrian access ways remain unobstructed at all times.”
8. **Committee Recommendation**

That Council *NOT AMEND* part 4.7 of Health Policy 6.6 Outdoor Eating Facilities in Public Places.

Committee Voting - 3/1

(Cr Warner voted against)

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

The Committee did not support the change to the policy to permit dogs within alfresco areas serving food.

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

Without modification to the policy, Council will be in conflict with the Food Act 2008 and the directive from the Department of Health WA.

4.34pm - Mr Richard Rodgers, Manager, Building Services and Mr Rod Fielding, Manager, Health Services left the Planning Services Committee meeting.
1. **Purpose of Report**

To provide preliminary comments to the Western Australian Planning Commission (WAPC) on a proposal to amend the Metropolitan Region Scheme, by zoning 'Stage 1' of the Keralup development from 'Rural' to 'Urban', in light of additional information provided by the Proponent.
2. **Background**

A detailed progress report on the Keralup development was provided to the Council in September 2010, which provided the following key information:-

- The site is about 4,000ha under the ownership of the Department of Housing ('Housing'), which is likely to develop the landholding in partnership with private parties. It is currently zoned 'Rural' under the Metropolitan Region Scheme and the City's Town Planning Scheme.
- More than half the site falls within the south eastern portion of Rockingham (east of the Kwinana Freeway) with the balance being in the Shire of Murray.
- The site straddles the Serpentine River and development of the land for residential purposes poses a range of environmental issues (as identified by the Environmental Protection Authority) that require effective management.
- A Master Plan, released in June 2007, outlined a vision for the development of 'a state of the art fully integrated community' which will eventually accommodate up to 90,000 people.
- The future Karnup Railway Station (Paganoni Road) is in close proximity to Keralup and will be central to the transport network that is established.
- The future regional industrial node of Nambeelup abuts the southern boundary of Keralup.
- Some key design principles put forward by Housing in developing the concept centre around transit orientated development, effective regional road and transport connections, a high degree of self containment (services, education, employment etc), housing diversity/affordability and early 'community formation'.

On the 19th July 2010, the City received a copy of a proposal to the WAPC to initiate amendments to the Metropolitan Region Scheme and Peel Region Scheme (for the area outside of Rockingham).

Three elements comprised the proposed rezoning amendments, as follows:-

1. Portion west of the Serpentine River (approximately 102ha) - 'Rural' to Urban' through a minor amendment to the MRS.
2. Portion east of the Serpentine River, within the City of Rockingham - 'Rural' to 'Urban' and 'Parks & Recreation' through a major amendment to the MRS.
3. Portion east of the Serpentine River, within the Shire of Murray - 'Rural' to 'Urban Deferred' through a major amendment to the PRS.

The rezoning request was supported by a comprehensive submission, including a proposed District Structure Plan.

At its ordinary Meeting held on the 28th September 2010, the Council resolved to take the following action:-

1. **ENDORSE** the actions of the Chief Executive Officer in advising the Department of Housing that it will not be in a position to respond to the proposed major rezoning amendments to the Metropolitan Region Scheme at Keralup until the Western Australian Planning Commission's regional planning framework is in place.
2. **ENDORSE** the Chief Executive Officer holding discussions with the Shire of Murray to determine the suitability of jointly assessing aspects of the proposal."

The WAPC subsequently invited the Council's preliminary comment on a request seeking the initiation of an Amendment to the MRS to rezone 'Stage 1' from 'Rural' to 'Urban'.

Stage 1 comprises an area of approximately 102ha and (according to the draft District Structure Plan) is proposed to accommodate about 1,000 dwellings, an Activity Corridor (comprising a mix of retail, commercial and residential uses) along the eastern extension of Paganoni Road, a Primary School and local Public Open Space (POS).
The matter was considered by the Council at its ordinary Meeting held on the 26th October 2010, when it resolved that consideration of the proposed Amendment to the Metropolitan Region Scheme to rezone Stage 1 of Keralup be deferred to allow the Proponent the opportunity to address the matters raised in the Officer's Report.

3. Details

In response to the Council’s resolution, Taylor Burrell Barnett has provided a written submission responding the following concerns raised in the Officer’s Report:

- Political Direction/Governance;
- Regional Planning Framework;
- District Structure Plan;
- Sustainability;
- Environmental Assessment;
- Mosquito Management;
- District Water Management Strategy; and
- Access/Egress.

The submission follows several meetings between the Proponent and the City’s Officers.

4. Implications to Consider

a. Consultation with the Community

Consultation is undertaken by the WAPC in accordance with the Planning and Development Act 2005.

b. Consultation with Government agencies

Consultation is undertaken by the WAPC in accordance with the Planning and Development Act 2005.

c. Strategic

Function Area 3 - Land Use & Environment in Council’s Strategic Plan under the Scope of Land Use Planning and Structure Planning.

d. Policy

N/A

e. Financial

N/A

f. Legal and Statutory

N/A

5. Comments

As noted in the October 2010 Report, the WAPC has sought the Council’s preliminary comments on the Amendment request in order to assist it in establishing whether the proposal has been adequately justified. In this regard, the WAPC will consider the views of the Council in considering whether the Amendment should be initiated.

If the Amendment proceeds, the Council will have the opportunity to provide more detailed assessment and comment through the public consultation process. Accordingly, the primary consideration at this stage is whether there are any matters which should prevent the Amendment from proceeding to initiation, and as such, the comments provided below are not intended to be comprehensive.
Political Direction/ Governance

October 2010 Comment

“As noted in the September Report, there have not been any official announcements from Housing that clearly set the direction and aspirational objectives for Keralup which would provide a better understanding of the Government’s intent for the development. A strong commitment to the funding and early provision of key infrastructure is considered critical to the project and the Council should seek State Government commitments to certain aspects early in the planning process.

Similarly, the governance structure for the consideration, approval and management of the development has yet to be confirmed. The mere fact that Keralup falls across two local authorities warrants that an appropriate statutory approval structure, for example, be established as a matter of urgency."

Proponent Response

- “The State Government’s Department of Planning released Directions 2031 and Beyond and associated draft Outer Metropolitan Perth and Peel Sub-Regional Strategy in August 2010. These documents identify Keralup West as an ‘urban expansion area 2011-2015’ reflecting the State Government’s recognition of Keralup as being suitable for urbanisation within the surrounding context.

- Whilst no official statements have been made by the State Government, the development of Keralup has been identified as a key project by the State Government Land Availability Working Group (LAWG) which is chaired by the Director General of the Department of the Premier and Cabinet and reports to the Ministerial Task Force on Approvals, Development and Sustainability.

- The DoH has prepared a draft Cabinet Submission detailing the vision, strategies and objectives for the Keralup project, which is to be presented to the Minister for Housing in the first quarter of this year for consideration by State Cabinet. Consistent with the Keralup Masterplan, the DoH is intent on creating a Mixed Use Town, which incorporates best practice in sustainable land use. The scale of the Keralup development offers the opportunity to provide a point of difference as opposed to a standard suburban subdivision.

- It is also noted the DoP has allocated resources internally and established a team of personnel to progress the project which further emphasises government's commitment to progress Keralup.

- The DoH agrees with the City's comments regarding the importance of an appropriate governance structure to deliver Keralup and is committed to facilitating this process.

- Notwithstanding the City's comments, Keralup West can proceed within the present governance framework as it is located within one Local Authority and can be progressed within the statutory environment provided by the City of Rockingham.

- Investigations into the governance structure, approval and management for the balance of the Keralup development are underway, including a review of the Rockingham City Centre zoning provisions and associated local planning policy, and discussions with the DoP regarding the process to progress the DSP.

- The DoH is committed to ongoing engagement with the City of Rockingham, Shire of Murray and the DoP to establish a suitable governance framework.”

Recommendation

It is noted that Housing is seeking the necessary government commitments such that the development imperatives, which have long been espoused through the preliminary processes, can be confirmed. At Officer level, Housing seems to be advocating the type of innovative and sustainable development that has always been promoted at Keralup. It remains, however, that there is no government commitment to the important ‘place-making’ elements of Keralup which is concerning.
The City has consistently requested that Housing facilitate the necessary government commitments and interventions and it is not considered appropriate that the proposal progress to an ‘Urban’ zoning, regardless of the size of the Stage 1 landholding, in the absence of such. It is critical that the development imperatives be confirmed for Keralup in its formative stages to ‘set the standard’ for the balance of the development to follow.

The Governance Structure also remains largely unresolved with some preliminary work currently being undertaken. Until a suitable structure is advanced that allows for the planning parameters to have statutory effect, and there is a means by which to have integrated consideration and determination of the various proposals, this matter remains outstanding.

**Regional Planning Framework**

**October 2010 Comment**

"As noted in the September Report, the WAPC has only recently acknowledged Keralup within its regional planning initiatives. Prior to the release of the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy on the 30th August 2010, Keralup was identified as nothing more than a 'Strategic State Government Landholding'. The status of the Stage 1 land has now been elevated to 'Urban Expansion Area 2011-2015' with the balance of the Keralup area now 'Urban Investigation Area 2011-2020'.

Under the regime being implemented by the WAPC, a Sub-Regional Structure Plan will be developed for the South-West corridor, South-East corridor and Peel following adoption of the abovementioned Sub-Regional Strategy. It is understood that the Sub-Regional Structure Plan is at least twelve months from being finalised.

The submission of the rezoning request and the preparation of a District Structure Plan, in the absence of the WAPC's Sub-Regional Structure Plan, means that there is a lack of planning context within which to consider Keralup. The lack of a regional planning structure around Keralup resulted in the studies produced by the TAG's effectively addressing the Keralup landholding in isolation or assumptions being made on regional planning parameters.

This unstructured planning approach is concerning and could potentially undermine the proposed District Structure Plan. In response to this, Housing has been advised that the Council is unlikely to be in a position to respond to the major rezoning requests for the large eastern portions of Keralup until it has a regional planning framework against which to make informed decisions.

It was also advised that the Council may be in a position to consider Stage 1, separate to the balance of the landholding, if it could be demonstrated that it can be self-contained and function in a sustainable manner. This Report seeks to address this matter."

**Proponent Response**

- "Keralup is a substantial land parcel under the control of a single state government owner which presents a rare opportunity to, firstly, comprehensively masterplan a significant, fully integrated new community; and secondly to deliver the community in a coordinated manner.

- The proposed urban development of Keralup is not a recent proposal and has been identified for future urban development over a number of years, most notably the Inner Peel Region Structure Plan (1997) identifies Keralup for future urbanisation.

- The Outer Metropolitan Perth and Peel Sub-Regional Strategy provides a framework for delivering the objectives of Directions 2031 and Beyond and identified Keralup West as an 'Urban Expansion area 2011-2015' described as “Areas of rural land identified as potential urban expansion areas for rezoning in the short term (within five years) subject to statutory rezoning processes.”

- In the absence of any district planning framework DoH has prepared a comprehensive DSP to address as many issues as possible.

- The draft Southern Metropolitan and Peel Sub-Regional Structure Plan was released for public comment in June 2009 and identified Keralup as a strategic government landholding. The DoP expect to release an updated Sub-Regional Structure Plan towards the end of 2011. Importantly the DoP recognise the Keralup DSP can be progressed in parallel with the Sub-Regional Structure Plan, stating each will inform the other."
- It is noted the DoP are progressing the Nambeelup DSP which adjoins Keralup to the south. The DoP have expressed their intent for the Nambeelup DSP to be advertised for public comment in the third quarter of this year. It is anticipated the Keralup DSP will follow a similar statutory process.

Recommendation

The progress of Keralup has been clearly hindered by the lack of sub-regional planning in the region. The WAPC is working in this area but the process has been protracted and it is likely to be unresolved for at least twelve months. Although the DoP may hold the view that the sub-regional and district structure planning processes can run concurrently and inform each other, the City has fundamental problems with an over-lapping approach.

As stated in the October 2010 Report, without a sub-regional structure, there is a lack of planning context in which to consider the proposal, particularly in terms of regional transport planning.

State Government Policy Context

October 2010 Comment

*The WAPC's Development Control Policy 1.9 - Amendments to Region Schemes, outlines the following considerations that must be applied in determining the substantiality of a proposed amendment:-*

- Present land use and character of the land and its relationship to its immediate setting, to the surrounding district, to the sub-region and to the region as a whole as a prelude to evaluation of the impact of new proposals.
- The particular purposes for which the land is to be set aside and the proposal for changes to the zoning and/or reservation of land and the impact on present land use and existing land classifications in the region scheme.
- The area of land involved in the rezoning and the scale and purpose of the proposal and its impact on the region scheme.
- The likely impact of the proposal on the environment of the affected land and its surroundings.
- The history of the land in its setting, the factors which determined the present zoning or reservation of the land and its environs, and the reasons justifying the proposed change to be made.
- The future planning needs of the region and the factors justifying changes in the use of land generally and the subject land in particular.
- Any other proposals in the same general locality promoted or likely to be promoted for changes to existing land classifications and their combined impact on the region scheme as a whole.
- The number of land holdings and land owners likely to be directly affected by the proposals contained in the amendment.
- The complexity of the proposal.
- The degree to which the proposal reflects any significant changes to the planning strategy for the region.
- The relationship of the proposal to any current or proposed strategic plans or policies for the region or sub-regions within that region.
- Any other land use, transport, environmental or planning implications associated with the proposal.
- For proposals to change the region scheme text, the impact on procedures and the operation of the region scheme as a whole.

As is noted below, there are various land use, transport, environmental and planning implications that have not been adequately addressed in the rezoning submission. These matters should be addressed prior to the Amendment being initiated.
The Council should also be mindful of the principles established by the WAPC's Guidelines for the Lifting of Urban Deferment, which states that:-

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

Whilst a draft District Structure Plan has been prepared in conjunction with the proposed Amendment, it has not been identified how the District Structure Plan will be progressed or determined. The proper assessment, advertising and adoption of the District Structure Plan should be a prerequisite to the land achieving an 'Urban' zoning. Should the Amendment precede consideration of the District Structure Plan, an 'Urban Deferred' zoning should be applied.

Given that Keralup is isolated from existing urban development, it is not considered to be a logical progression of development unless it is functional and sustainable in its own right. In this regard, the sustainability of Stage 1 has not been adequately demonstrated, and the proponent has not yet adequately demonstrated that all constraints to urban development can be satisfactorily addressed. These matters are discussed in more detail below."

Proponent Response

- "As stated above, the DoP has indicated the Keralup DSP will be progressed in parallel to the Sub Regional Structure Plan. It is anticipated this process will be similar to the process for the Nambeelup DSP which is to be released for advertising in the third quarter of 2011.
- The DoP has indicated that whilst the Keralup DSP provides the context for the MRS amendment for Keralup West, the DSP is not needed to advance the amendment.
- We will continue to work with DoP and the City to progress the Keralup DSP."

Recommendation

The comments relating to 'Regional Planning Framework, equally apply to this matter.

Furthermore, examination of the WAPC's criteria against which 'Urban Deferment' can be lifted (such that the land will be zoned 'Urban') emphasises the unresolved nature of the Stage 1 proposal. In this regard, the following comments are provided against the main criteria:

- planning is sufficiently advanced to depict an acceptable overall design to guide future development;

The guide to development will logically be the District Structure Plan that is informed (in this case) by the Outer-Metropolitan Perth and Peel Sub-Regional Strategy. Both documents remain in draft and it has been stated that they will be considered in parallel over the next twelve months. Although an adopted guide to development will emerge, the fact remains that there is no such mechanism at this time.

- the proposed urban development represents a logical progression of development;

The development of Keralup does not represent a logical progression of development, given its relative isolation and it is apparent that one of the primary reasons its is being progressed is due to it being a strategic government landholding. It is the City's view that land tenure should not be a key determining factor in establishing the merits of a proposal.

Given that it is not a logical progression of development, the initiation of an amendment should not be contemplated without a firm commitment from the Government to fund high quality infrastructure, including public transport infrastructure.
- regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and

In the absence of an adopted sub-regional and district planning framework, the extent of the regional requirements cannot be confirmed.

**Sustainability**

**October 2010 Comment**

"The proponent's submission has not justified the sustainability of Stage 1 as a self contained development. In this regard, Stage 1 is being proposed in advance of rezoning the balance of the Keralup area and it cannot be assumed that the remaining stages will proceed.

The draft District Structure Plan shows the provision of a Primary School, Activity Corridor and local Public Open Space within Stage 1.

Stage 1 is proposed to accommodate approximately 1,000 dwellings, and it has not been indicated whether the Department of Education would construct a Primary School in the absence of full demand. The proponent's submission does not address whether suitable access to a High School facility is available, both in terms of proximity to and capacity of existing facilities.

Liveable Neighbourhoods recommends that Neighbourhood Centres should have a minimum catchment, within a 450m radius, of 2,000 people and be located on a road/s with exposure to 5,000 to 10,000 vehicles per day. Based on the estimated dwelling yield of 1,000 dwellings for Stage 1, it is likely that Stage 1 would accommodate a population of approximately 2,000 to 2,500. Traffic modelling for the development suggests Stage 1 would generate traffic volumes of approximately 8,000 vehicles per day on the eastern extension of Paganoni Road. Based on the above, Stage 1 appears to satisfy the minimum requirements for the provision of a Neighbourhood Centre, although the limited catchment is likely to result in the development of a relatively small centre that will only provide for the local convenience needs.

The proponent's submission indicates that the Public Transport Authority's ability to deliver bus services to the site is dependent upon construction of the Karnup Station. Whilst development of the Karnup Station is expected in the short to medium term, it has not yet received funding or been approved. The proponent's submission is also not clear as to whether bus services would be provided to Stage 1, given its small population. A commitment from the Public Transport Authority to provide adequate services to Stage 1, in the absence of the greater Keralup development, should be provided.

Finally, the submission has not addressed the provision of community and sporting facilities, along with social infrastructure, in the event that the remaining stages do not proceed. The proponent should undertake a Social Needs Assessment which demonstrates that the needs of the population can be catered within and in proximity to Stage 1.

The proponent should also demonstrate where the residents of Stage 1 are likely to find employment under the scenario where the remaining stages of Keralup are not realised."

**Proponent Response**

- "A detailed Economic Development Strategy for the whole of Keralup in support of the DSP has been prepared.

**Community Needs Assessment**

- The DoH has prepared a scope of works for a Community Needs Assessment, with the input of the City of Rockingham. The scope separates Keralup West from all of Keralup and has identified the following infrastructure and services to be audited and modelled:
  
a) Primary, secondary, tertiary and vocational education (public and private)
  b) Primary and secondary healthcare
  c) Aged care
  d) Public transport
  e) Policing
f) Social services (indigenous, youth and disabled)
g) Library and Information services
h) Sports and recreation
i) Non-retail consumer services including postal and Centrelink offering
j) FESA
k) Arts and Culture
l) Cultural and Linguistic Diversity

- The process of the Community Needs Assessment will run concurrently with the MRS Amendment process and the outcome will inform future Local Structure Plans.

School

- The Community Needs Assessment will include an assessment of demand for education services including Primary and Secondary Schools and engage with the Department of Education (DoE) regarding the provision of services to Keralup West.
- It should be noted the DoE has raised no objection to the proposed MRS Amendment for Keralup West.
- The DoE has been consulted regarding the distribution of Primary Schools throughout the Keralup DSP area including for Keralup West. More recent detailed dwelling yield calculations have been undertaken which indicate a potential dwelling yield of between 1,200 and 1,600 dwellings being a sufficient Primary School catchment.
- Furthermore, investigations into the capacity of surround Primary and Secondary Schools (public and private) indicate capacity exists for future Keralup West students until such time as a primary school is constructed for Keralup West.

Employment

- Sub-regional employment for residents of Keralup West will likely be within the major employment nodes of the South-West and Peel Sub-Regions (Kwinana, Rockingham, Mandurah and Pinjarra) in the eventuality of the remainder of Keralup not being realised.
- Industrial development at Nambeelup will also be a potential location source for Keralup West residents in the future. A small amount of residents are also likely to work within the local neighbourhood centre, and potentially within the Primary School.

Public Transport

- Whilst there are no existing nearby services that could easily be extended to service Keralup West the Public Transport Authority (PTA) has confirmed an initial bus service from Karnup Station is likely to be extended to Keralup West in the event Karnup Station is constructed.
- The DoH is mindful of the need to ensure adequate public transport services and will work with the PTA, and the community to subsidise the initial bus service to Keralup West, if required."

Recommendation

The comments received from the Proponent have generally addressed the concerns with respect to sustainability in terms of the provision of community facilities and schools. In this regard, Housing has committed to undertaking a Community Needs Assessment that will guide the provision of community facilities and the preparation of a Structure Plan. The City has been involved in preparing the Scope for the Community Needs Assessment to ensure that the methodology is consistent with other similar Council initiated studies.

It is evident, however, that Stage 1 cannot be sustainable in its own right in terms of employment, given its limited size, relying instead of existing employment nodes in Kwinana, Rockingham, Mandurah and Pinjarra, along with the proposed Nambeelup industrial development. As such, public transport connection to these employment nodes is critical to the success of the development.
The City understands that the Public Transport Authority has not committed to providing a bus service for Stage 1, and the State Government is yet to agree to funding the construction of a train station at Karnup. Whilst Housing has indicated that it would consider subsidising an initial bus service, such interim arrangements are unlikely to deliver acceptable access to employment nodes. Accordingly, it is considered that the development of Keralup, including Stage 1, should not proceed until the State Government has committed to funding and timing for the construction of a train station at Karnup, and the provision of a high quality transit connection between Keralup and Karnup station.

In the interim, the land should be considered for an 'Urban Deferred' zoning pending such commitments from the State Government.

Environmental Assessment

October 2010 Comment

*A number of matters have been identified in reviewing the Environmental Assessment Report and District Water Management Plan that should be addressed, as follows:-

- There is insufficient information to determine the nutrient impacts of Stage 1, and Keralup as a whole, on the Peel Harvey system. The District Water Management Strategy has not addressed the Total Phosphorus Concentration targets outlined within the Peel Harvey Water Quality Improvement Plan (WQIP) and provided no modelling on the possible water quality and water quantity impacts of the Keralup development.

  The City has received correspondence from the Department of Water raising significant concern with respect to the West Keralup District Water Management Strategy, noting several inconsistencies and contradictions in the document, and a disconnect with the draft District Structure Plan. These matters need to be addressed to ensure a clear understanding of the hydrological 'behaviour' of the site.

- Due to possible impacts on the endangered Carnaby Black Cockatoo, the proposal should be referred to the Commonwealth Department for Environment, Water, Heritage and the Arts as it is a declared protected species under the Environmental Protection and Biodiversity Conservation Act.

- The Assessment Report indicates that the Department of Planning has agreed to the creation of a Serpentine River Peel Regional Park that would encompass the Serpentine River and the Bushforever site. The creation of such a park needs the involvement, and agreement, of the Department for Environment and Conservation (DEC) as it would be responsible for its management.

- The implications of climate change on the Serpentine River and floodplain, and its impact on Keralup have not been investigated. Climate change will potentially affect the extent and profile of the Serpentine River and floodplain and the implications of such need to established prior to the development footprint being confirmed."

Proponent Response

*Regional Park

- The proposed MRS amendment for Keralup West does not seek to reserve land for the purposes of 'Parks and Recreation', therefore ownership and management issues associated with land reserved for such a purpose do not arise.

- Notwithstanding this, the DoH and its consultants met with Officers of the DEC to discuss the future regional reserve to cover the Serpentine River and environs.

- DEC is supportive of the Serpentine River and environs being included into a Regional Reserve, subject to the resolution of funding arrangements.

- DEC would need to prepare a Cabinet submission regarding both the creation and management (by DEC) of the Regional Reserve.
Climate Change

- The DoW has updated the flood plain mapping for the Serpentine River as part of the Murray Drainage and Water Management Plan (DWMP) (currently in Draft release). The plan considers the effects of climate change, sea level rise and storm surge. It should be noted that the DWMP modelling is intended for regional application and may be refined (with the approval of the DoW) for local application.

- Emerson Stewart has provided separate commentary in relation to climate change as it relates to the District Water Management Strategy in section 3.7.3.

District Water Management Strategy

- Emerson Stewart has prepared a District Water Management Strategy (DWMS) in support of Keralup West. The Department of Water (DoW) has completed a review of this document and has advised that the DMWS meets with the DoW's approval. The DoW has provided interim advice to this effect.

Nutrients and Water Quantity

- The DWMS includes a commitment to modelling nutrients and water quality when an appropriate modelling tool is available. The DoW has accepted a commitment to achieving particular levels in the interim.

Climate Change

- The effect of the Serpentine River and its floodplain have been incorporated into the DWMS. The modelling undertaken by the DoW as part of the Murray District Water Management Plan (DWMP) have considered the effects of climate change, and the floodplain and flood levels used in the DMWS were generated from DoW's work."

Recommendation

The additional information provided by the Proponent has adequately addressed the matters raised in October 2010 with respect to environmental assessment.

Mosquito Management

October 2010 Comment

"The location of the Keralup presents a serious health concern due to its proximity to extensive areas of salt marsh and freshwater wetlands that regularly breed significant populations of Ross River virus vector mosquitoes.

The EPA's Objective and Policy Context in relation to the control of nuisance mosquitoes are to ensure that:

- Mosquito numbers on-site and off-site do not adversely affect the health, welfare and amenity of future residents; and

- The breeding of mosquitoes is controlled to the satisfaction of the Department of Health (DoH) without adversely affecting the environment.

The consultant's Mosquito Management Strategy (July 2009 version) includes a number of approaches to reduce the impact of mosquitoes breeding on-site and off-site. While the information in the Strategy is useful, it has not established whether management approaches will actually be able to control mosquitoes to acceptable levels. The Strategy needs to demonstrate that it is capable of achieving suitable mosquito control.

The documentation has also not addressed the cost and funding sources for implementation of the proposed management measures.

The proponent has sought to progress environmental assessment under Section 48 of the Environmental Protection Act which involves the WAPC referring the initiated Amendment to the Environmental Protection Authority which will then determine if the proposal should be assessed or otherwise. The EPA's decision on its level of assessment is not a public process.
As such, it is recommended that the Council advise the EPA of the concerns it has identified within the Environmental Assessment such that they can be taken into account in setting the level of assessment (in the event that the Amendment is initiated)."

Proponent Response

- "DoH and its consultants, including Rankine Mosquito Management (RMM) met with the City's Environmental Health Officers on 12 January 2011 to discuss the proposed Mosquito Management Strategy and outcome of 2 years of baseline mosquito monitoring. As a consequence of this meeting it is understood the City is satisfied that the work completed to date is sufficient to enable the MRS amendment to proceed, but acknowledges significant work is still to be done at the various stages of development.
- Correspondence from RM confirms the outcome of the meeting.
- DoH and its consultants acknowledge that a Mosquito Management Plan will be required at later more detailed planning stages and is committed to working with the City of Rockingham in the establishment of the Management plan."

Recommendation

The City's Environmental Health Services has advised, following discussions with Rankine Mosquito Management, that the issue of mosquito breeding in and around the site can theoretically be addressed. There are a range of practical issues, however, that may affect the success of measures outlined in the Mosquito Management Strategy, including:-

- availability of aerial larvacide spraying services, which are currently limited;
- access to monitor and treat breeding areas; and
- funding and resourcing.

These matters will need to be addressed prior to a Structure Plan being adopted for the site and development proceeding.

Access/ Egress

October 2010 Comment

"The City's Emergency Services has advised that the provision of a single access/egress point to Stage 1 represents an unacceptable risk to future residents, as the single access point could potentially prevent residents from evacuating the development in the case of a significant bushfire or other event. In this regard, the WAPC's Planning for Bushfire Protection Guidelines requires a minimum of two separate road connections. The proposal should demonstrate how appropriate access can be achieved."

Proponent Response

- "At present Keralup West is serviced by one access/egress point via the Vine Road / Kwinana Freeway interchange connecting Keralup to the freeway north and south, and to Paganoni Road to the west.
- Main Roads Western Australia (MRWA) has provided 'in principle' support for temporary access to the Freeway both to the North and South of Paganoni / Vine Road interchange.
- The City has also requested that emergency access be provided to the east of Keralup West and indicated the use of an existing timber deck bridge across the Serpentine River. An inspection of the bridge by SKM found the bridge structure is potentially unsafe to remain in service in its current state and condition.
- Notwithstanding the present bridge condition DoH is committed to investigating the options for providing emergency access east and acknowledges the City's comment that this access be constructed prior to the occupation of the first dwelling."
Recommendation

The response from the Proponent has been considered by the City’s Emergency Services which has advised that the provision of a single access/egress point presents an unacceptable risk to future residents, who could be ‘trapped’ within the subdivision in the event of a fire or other hazardous situation resulting in the Freeway, and Paganoni Road interchange, being closed. The proposed emergency arrangements put forward by the Proponent are unlikely to address the issue as they are located parallel to the Freeway and would also likely be closed in the event the Freeway is closed.

Until such time as it is demonstrated that acceptable arrangements can be made for access and egress to the site, the development of Stage 1 should not proceed.

CONCLUSION

In light of the above, it is considered that there is insufficient justification to support rezoning of Stage 1 directly to ‘Urban’ under the Metropolitan Region Scheme, given:

(i) the land does not represent a logical extension of urban development, and the State Government has not committed to the necessary provision of infrastructure to support the development;

(ii) the governance structure, to allow for the planning parameters at Keralup to have statutory effect and there to be a suitable statutory approval regime, remains unresolved; and

(iii) a sub-regional planning framework has not been adopted which will provide context for consideration of the proposal.

It is, however, considered appropriate to progress rezoning to ‘Urban Deferred’, with the lifting of Urban Deferment to be considered in the future when the above matters have been addressed.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council advise the Western Australian Planning Commission that it:-

1. Does **NOT SUPPORT** the proposed initiation of the rezoning of Stage 1 at Keralup to ‘Urban’ for the following reasons:

   (i) the land does not represent a logical extension of urban development, and the State Government has not committed to the necessary provision of infrastructure to support the development;

   (ii) the governance structure, to allow for the planning parameters at Keralup to have statutory effect and there to be a suitable statutory approval regime, remains unresolved; and

   (iii) a sub-regional planning framework has not been adopted which will provide context for consideration of the proposal.

2. Is prepared to **SUPPORT** the initiation of an Amendment to the Metropolitan Region Scheme to rezone the land to ‘Urban Deferred’ as an interim measure until such time as the matters detailed above have been addressed.

8. Committee Recommendation

That Council advise the Western Australian Planning Commission that it:-

1. Does **NOT SUPPORT** the proposed initiation of the rezoning of Stage 1 at Keralup to ‘Urban’ for the following reasons:-
(i) the land does not represent a logical extension of urban development, and the State Government has not committed to the necessary provision of infrastructure to support the development;

(ii) the governance structure, to allow for the planning parameters at Keralup to have statutory effect and there to be a suitable statutory approval regime, remains unresolved; and

(iii) a sub-regional planning framework has not been adopted which will provide context for consideration of the proposal.

2. Is prepared to **SUPPORT** the initiation of an Amendment to the Metropolitan Region Scheme to rezone the land to 'Urban Deferred' as an interim measure until such time as the matters detailed above have been addressed.

   Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
## Planning Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-001/11 Proposed Amendment No.99 to Town Planning Scheme No.2 - Radio Antennae (Final Adoption)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1453</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Sparkes</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr J.P MacDonagh, Planning Assistant</td>
</tr>
</tbody>
</table>
| Other Contributors:    | Mr D Waller, Coordinator, Statutory Planning  
|                        | Mr M Ross, Manager, Statutory Planning                                                           |
| Date of Committee Meeting: | 14th February 2011                          |
| Previously before Council: | PD 59/6/10 (June 2010)                           |
| Disclosure of Interest: | Legislative                                                                                  |
| Nature of Council’s Role in this Matter: | Legislative                                                                                                   |
| Site:                  | Lot 48 (No.335) Eighty Road, Baldivis - 'Woodleigh Grove' Estate                                |
| Lot Area:              | 2340m²                                                                                         |
| Attachments:           | Consultation Plan                                                                               |
| Maps/Diagrams:         | Consultation Plan                                                                               |

**Subject Site**

**Confirmed at a Planning Services Meeting held on Monday, 14 March 2011**

**Presiding Member**
1. **Purpose of Report**

To consider granting Final Approval to Scheme Amendment No.99 which proposes an Additional Use ('A29') - 'Communications Antennae - Commercial' for Lot 48 (No.335) Eighty Road, Baldivis.

2. **Background**

In October 2009, the City received a complaint from an adjacent property owner regarding a 18m high antennae being erected on the subject land.

The City investigated the matter and determined that the antenna was classified as 'Communications Antennae - Commercial', which is not permitted within the 'Special Residential' zone. The City advised the owner on 15th February 2010 that the antennae was unauthorised and was required to be removed.

The owner subsequently submitted a request for Council to initiate an Amendment to TPS2 to allow the antennae to remain. In June 2010, Council decided to initiate a Scheme Amendment to include Additional Use ('A29') - 'Communications Antennae - Commercial' for Lot 48 (No.335) Eighty Road, Baldivis. In this regard, the proposed Additional Use clause includes a Special Condition to ensure the antennae has a maximum height of 18 metres.

3. **Details**

The Scheme Amendment was referred to the Environmental Protection Authority for assessment under the Environmental Protection Act 1986. In August 2010, the EPA advised that the Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986.

At the conclusion of the advertising period, three submissions had been received, one of which raised no objections to the proposal; refer to Attachment 1. Two submissioners objected to the proposed Scheme Amendment. One of the submissioners resides next door to the applicant while the second objector is located approximately 700m away. The submissioners objected to the proposal for the following reasons:-

- Reduced property values;
- Health risks;
- Electrical interference;
- Visual amenity impacts;
- Not an incidental use;
- Precedent; and
- Structural stability.

Submissions were received from Western Power and the Department of Environment and Conservation providing no objection to the proposal.

4. **Implications to Consider**

a. **Consultation with the Community**

The Scheme Amendment was advertised for a period of 42 days, closing on the 29th November 2010. The City notified thirteen landowners of the proposed Scheme Amendment and invited public submissions.

A public notice was placed in the Weekend Courier newspaper on the 22nd October 2010. Copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices and placed on the City’s website.

b. **Consultation with Government Agencies**

The following Government Agencies were also consulted:-
- Telstra;
- Western Power; and
- Department of Environment and Conservation.

c. Strategic

Functional Area 3 – Land Use & the Environment in Council’s Strategic Plan.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

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

5. Comments

The applicant was invited to address the objections and provided technical information on the equipment, its operation and relevant broadcasting controls. The following Officer comments are provided in response to the concerns raised by the submitters:-

Property values

Property value impacts are unsubstantiated and not a relevant planning consideration.

Health Risks

The Federal Government’s Australian Communications and Media Authority (ACMA) publish the maximum continuous electromagnetic radiation exposure limits for the public and is the responsible authority for their enforcement. Amateur Operators are legally required to be aware of these exposure limits and to adhere to them at all times. The applicant has explained how the antennae adheres to the full requirements of the ACMA.

Electrical Interference

Consideration of electrical interference resulting from antennas is considered by the ACMA as part of radio frequency interference complaints. To date, the ACMA has not received any complaints relating to the subject site/operator.

Visual and Rural Amenity

A site inspection was conducted to determine the visual amenity impacts associated with the antennae. As there are a number of mature tuart trees in close proximity, there is substantial shielding of the antennae from various directions. Although partially visible from the street, the antennae is located in the rear yard of the property and is not considered to be a significant detraction from the streetscape. It is noted, however, that the antenna is not completely screened and has a visual impact when observed from some locations. The antenna is clearly visible from the outdoor living area of Lot 47 (No.333) Eighty Road.

The applicant was advised of the visual impact concerns associated with the antennae and subsequently proposed the planting of additional vegetation to screen the structure. The City’s Horticultural Officer determined that the provision of a vegetative screen would assist in mitigating the visual impact of the proposal. It is considered appropriate for the vegetation screen to be established by way of mature, fast growing trees and plants.

The Scheme Amendment should be modified to include a new special condition that requires the planting of screen vegetation to reduce the visual impact of the antennae. The lodgement of a Development Application would then enable the assessment of a Vegetation Plan.
Incidental Use
The antennae is incidental to the predominant use of the site which is for residential purposes. In effect, the antennae is a hobby associated with the residential use of the property.

Structural Stability
The applicant must apply for a Building Licence for the antennae

Precedent
The Scheme Amendment must be considered on planning merit.

Conclusion
The existence of the antennae has enabled the City Officers to ascertain if the structure has a visual impact from surrounding properties. The large taurt trees on the subject land provide reasonable screening to Eighty Road and to the rear of the lot, but the structure would be highly visible from the neighbouring property at No. 333 Eighty Road and it is still visible from various surrounding locations. The visual impacts can be mitigated over time, through the establishment of mature, fast growing trees that will provide more screening. The Scheme Amendment should be modified to include screen vegetation as a Special Condition for the Additional Use. Objections regarding health risks and electrical interference are not within the Council’s ability to control and should be raised with the ACMA not the Council.

It is recommended that Council adopt the Scheme Amendment.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:
1. ADOPT Amendment No.99 to Town Planning Scheme No.2, which seeks to insert a new Additional Use No.29 into Schedule No.2 for Final Approval subject to the following modifications as highlighted in bold:-

   (i) Amending the Scheme Text by inserting new Additional Use No.29 into Schedule No.2 as follows:-

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Additional Use</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>Lot 48 (No.335) Eighty Road, Baldivis</td>
<td>Communications Antennae – Commercial</td>
<td>1. The antennae is to have a maximum height of 18 metres</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. The planting of screening vegetation to minimise the visual impact of the antennae from adjoining properties.</td>
</tr>
</tbody>
</table>

   (ii) Modifying the Scheme Maps to show a broken black border around Lot 48 (No.335) Eighty Road, Baldivis and an identification number of ‘A29’.

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

**Amendment No.99 to Town Planning Scheme No.2 - Additional Use**

**'Communications Antenna - Commercial' to Lot 48 (No.335) Eighty Road, Baldivis**

<table>
<thead>
<tr>
<th>Submission</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| No. 1 - Mr Mike Pengelly - Environmental Protection Authority - Locked Bag 33, Cloisters Square, Perth WA 6850 | Thank you for your letter of 14 July 2010 referring the above scheme amendment to the Environmental Protection Authority (PTA). After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations. Please note the following:  
- For the purpose of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirement of Part IV Division 4 of the EP Act.  
- There is no appeal right in respect of the EPA's decision to not assess the scheme amendment.  
- This letter will be made available to the public on request. | That the submission be noted |
| No.2 - Mr K & Mrs S Robinson - 5 Basile Street, Baldivis WA 6171 | We have no objections as long as it does not interfere with our household electrical and communications equipment. | That the submission be noted |
| No.3 - Mr N & Mrs C Maxwell - 2 Dove Retreat, Baldivis WA 6171 | We would like to express our objection to the proposed additional use No.29 ‘Communications Antenna - Commercial’ for Lot 48 (No.335) Eighty Road, Baldivis. Reasons for our objection include the following:  
- As a property owner, this commercial installation detracts from the Special Rural zoning of the estate and it not in harmony of the area.  
- If the radio operator is suitably qualified/experienced, he/she would have known the type of installation installed was not of a hobby nature but one of a commercial type installation, therefore has contravened Special Rural zoning of the estate in the first instance.  
- I request soil resistivity data for review. | The applicant was advised of the visual impact concerns associated with their proposal. The applicant subsequently proposed the planting of vegetation to screen the structure from the neighbour. An additional site inspection with the City's Horticultural Officer determined that the provision of a vegetative screen would mitigate the visual impact of the proposal. |
### SUBMISSION

#### No.3 Cont..
- If council approves this commercial radio installation, this gives the opportunity for other property owners in the estate to install similar installations.  
- Request an independent risk assessment be performed by a suitably qualified expert.  
- I disagree that the installation is incidental to the predominant use of the site.

Aerials, cabling, tie wires etc are in view. This type of installation depicts the type found in a commercial area within the City of Rockingham ie - Sea Rescue, Gout Utility radio transmitters etc.

#### No.4 - Department of Environment & Conservation - PO Box 1167, Bentley WA 6983
The Department of Environment and Conservation Swan Region has no comments on this proposal.

### COMMENT

#### No.5 - Western Power - Locked Bag 2520, Perth WA 6001
Western Power wishes to advise the following in respect to the above mentioned proposal.

1. To the best of my knowledge, there are no objections to the changes you propose to carry out for the above-mentioned project.

**Please note:** Perth One Call Service (Freecall 1100 or visit dialbeforeyoudig.com.au) must be contacted and location details (of Western Power underground cabling) obtained prior to any excavation commencing.

Work Safe requirements must also be observed when excavation work is being undertaken in the vicinity of any Western Power assets.

**Western Power is obliged to point out that any change to the existing (power) system; if required, is the responsibility of the individual developer.**

### RECOMMENDATION

#### No.6 - Mr P & Mrs J Crowe - 333 Eighty Road, Baldivis WA 6171
1. **Property Value**
   Should the antenna adversely affect our property value or the ability for us to sell our property who will then be responsible for compensation? When we purchased the property in August 2006, there was not an Antenna present and we were informed by the real estate agent and previous owner that strict guidelines exist as to what can be erected/built on a persons property.

The impact of development on property values is not considered to be a valid planning concern. The applicant was advised of the visual impact concerns associated with their proposal. The applicant subsequently proposed the planting of vegetation to screen the structure from the neighbour.
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<td>An additional site inspection with the City’s Horticultural Officer determined that there the provision of a vegetative screen would mitigate the visual impact of the proposal. Given the low risk of the antennae it is considered an independent risk assessment is not required. The submission of a Development Application will allow for the assessment of a Vegetation Plan to address the visual impact concerns.</td>
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<td>Mr Sparkes states that he has been an &quot;active radio operator since 1975&quot;, prior to erecting this unsightly antenna Mr Sparkes has confirmed to us that he serviced his hobby through the other various forms of antenna that he had strewn all over his property - although these are not desirable ether they are by no means as imposing as the 17m antenna.</td>
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<td>From my understanding and investigations, TPS2 is about the different types of Antennas that transmit or receive television or radio signals. Mt Sparkes’ antenna clearly transmits and receives radio signals for it to operate, thus it should not be more than 2 metres vertically or horizontally. The fact that it is ised for a hobby is irrelevant, the Council is here to administer the law based on the equipment/antenna being utilised - not to judge what is a valid hobby or use of antennae.</td>
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<td>We are requesting that the Council applies the law as it is written and given that the 2 metre height limit has been specified for TPS2 in the Council laws it should be upheld and therefore Mr Sparkes antenna should be removed.</td>
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I have asked Mr Gordon Bukur on three occasions to call at my property to discuss the following concerns we have:
Visual impact
Effect on health of my family
Property valuation
Interference with electrical devices
Structural stability of the Antenna
Mr Bukur has never called at our property or telephones. It is understood that he has been able to call Mr Sparkes’ property so why not ours to discuss our concerns? We are still waiting to see the test results relating to health, soil resistivity, electrical interference and structural stability - surely the Council or Mr Sparkes would have conducted these tests and have the appropriate documentation to show us.

6. Conclusion
Mr Sparkes is able to utilise a number of other avenues for his hobby whilst we cannot escape from the eyesore that his antenna is.

We ask the council to apply the law as it is written and uphold the domestic nature of the estate rather than inflicting commercial type constructions on the residents.

We also ask that the Council be consistent in its approach to keeping the area as natural and visually appealing by rejecting the application for this amendment to the Town Planning Scheme.

8. Committee Recommendation
That Council:

1. **ADOPT** Amendment No.99 to Town Planning Scheme No.2, which seeks to insert a new Additional Use No.29 into Schedule No.2 for Final Approval subject to the following modifications as highlighted in bold:-

   (i) Amending the Scheme Text by inserting new Additional Use No.29 into Schedule No.2 as follows:-

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Additional Use</th>
<th>Special Conditions</th>
</tr>
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<tbody>
<tr>
<td>29</td>
<td>Lot 48 (No.335) Eighty Road, Baldivis</td>
<td>Communications Antennae – Commercial</td>
<td>1. The antennae is to have a maximum height of 18 metres 2. The planting of screening vegetation to minimise the visual impact of the antennae from adjoining properties.</td>
</tr>
</tbody>
</table>
Modifying the Scheme Maps to show a broken black border around Lot 48 (No.335) Eighty Road, Baldivis and an identification number of ‘A29’.

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

---

**CITY OF ROCKINGHAM**  
**SCHEDULE OF SUBMISSIONS**  
**AMENDMENT NO.99 TO TOWN PLANNING SCHEME NO.2 - ADDITIONAL USE ‘COMMUNICATIONS ANTENNA - COMMERCIAL’ TO LOT 48 (NO.335) EIGHTY ROAD, BALDIVIS**

<table>
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<tr>
<th>Submission</th>
<th>Comment</th>
<th>Recommendation</th>
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| No. 1 - Mr Mike Pengelly - Environment al Protection Authority - Locked Bag 33, Cloisters Square, Perth WA 6850 | Thank you for your letter of 14 July 2010 referring the above scheme amendment to the Environmental Protection Authority (PTA). After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations. Please note the following:  
* For the purpose of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirement of Part IV Division 4 of the EP Act.  
* There is no appeal right in respect of the EPA's decision to not assess the scheme amendment.  
* This letter will be made available to the public on request. | That the submission be noted |

| No.2 - Mr K & Mrs S Robinson - 5 Basile Street, Baldivis WA 6171 | We have no objections as long as it does not interfere with our household electrical and communications equipment. | That the submission be noted |

| No.3 - Mr N & Mrs C Maxwell - 2 Dove Retreat, Baldivis WA 6171 | We would like to express our objection to the proposed additional use No.29 ‘Communications Antenna - Commercial’ for Lot 48 (No.335) Eighty Road, Baldivis. Reasons for our objection include the following:  
* As a property owner, this commercial installation detracts from the Special Rural zoning of the estate and is not in harmony of the area.  
* If the radio operator is suitably qualified/experienced, he/she would have known the type of installation installed was not of a hobby nature but one of a commercial type installation, therefore has contravened Special Rural zoning of the estate in the first instance.  
* I request soil resistivity data for review. | The applicant was advised of the visual impact concerns associated with their proposal. The applicant subsequently proposed the planting of vegetation to screen the structure from the neighbour. An additional site inspection with the City's Horticultural Officer determined that the provision of a vegetative screen would mitigate the visual impact of the proposal. |
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• I disagree that the installation is incidental to the predominant use of the site.  
Aerials, cabling, tie wires etc are in view. This type of installation depicts the type found in a commercial area within the City of Rockingham ie - Sea Rescue, Gout Utility radio transmitters etc. | The submission of a Development Application will allow for the assessment of a Vegetation Plan to address the visual impact concerns.  
Given the low risk of the antennae it is considered an independent risk assessment is not required.  
It is considered that the predominant use of the site remains residential with the incidental addition of the proposed antenna. |
| No.4 - Department of Environment & Conservation - PO Box 1167, Bentley WA 6983 | The Department of Environment and Conservation Swan Region has no comments on this proposal. | That the submission be noted |
| No.5 - Western Power - Locked Bag 2520, Perth WA 6001 | Western Power wishes to advise the following in respect to the above mentioned proposal.  
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We ask the council to apply the law as it is written and uphold the *domestic* nature of the estate rather than inflicting *commercial* type constructions on the residents.  
We also ask that the Council be consistent in its approach to keeping the area as natural and visually appealing by rejecting the application for this amendment to the Town Planning Scheme. | |

Committee Voting - 4/0

**9. The Committee’s Reason for Varying the Officer’s Recommendation**  
Not applicable.

**10. Implications of the Changes to the Officer’s Recommendation**  
Not applicable.
## Planning Services
### Statutory Planning

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-002/11 Proposed Scheme Amendment - Rezoning ‘Rural’ to ‘Special Residential’</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1498</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Dykstra Planning</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr R Travers Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr D Waller, Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th February 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 783 (No.29) Pike Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1.885ha</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Subdivision Guide Plan, Rural Concept Plan and Aerial Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Location Plan</td>
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</table>

[Map showing the subject site.]
1. **Purpose of Report**

To consider a request to adopt (initiate) an amendment to Town Planning Scheme No.2 to rezone Lot 783 (No.29) Pike Road, Baldivis from ‘Rural’ to ‘Special Residential’.

2. **Background**

Nil

3. **Details**

The applicant seeks Council approval to rezone the land from ‘Rural’ to ‘Special Residential’, to facilitate the property being subdivided into three lots (5782m², 5709m² and 7359m²), as shown on the attached Subdivision Guide Plan. All proposed lots have direct frontage and access from Pike Road.

The land is predominantly cleared, however, three Tuart Trees remain on proposed Lot 3. There is an existing dwelling and ancillary buildings on the lot, which are proposed to be located within the building envelope of proposed Lot 1.

The applicant’s justification for the Scheme Amendment is summarised as follows:-
- The proposal was assessed against the relevant State Planning Policies;
- The subject land is contained within Planning Unit No.4 of the Council’s Planning Policy No.5.2 – Rural Land Strategy, which supports a ‘Special Residential’ zoning;
- The Council’s Rural Wedge Study 2004, identified ‘Area 1’ generally north of Pike Road as being suitable for urban development. Area 1 is directly adjacent to the subject land;
- In 2004, the Council adopted the Rural Wedge Study which recommended 5,000m² minimum for the Special Residential lots to the east of the ridgeline and 1.0ha minimum lot size for the Special Rural lots to the west of the ridgeline;
- In April 2008, the Council required the proponents of Scheme Amendment No.’s 23, 43, 44 and 50 to modify their Subdivision Guide Plans for conformity with the Council’s Rural Land Strategy or alternatively the Council was to give consideration to progressing the ‘Special Rural’ component of these Amendments and offering the ‘Special Residential’ component for the consideration at a later time. Only the owners of Lot 50 proceeded with Amendment 43 in conformity with the Council resolution and it is the intention of this Scheme Amendment to enable Lot 783 to be rezoned ‘Special Residential’;
- The land is located immediately east of Lot 50 (No.11) Pike Road, which has been rezoned to ‘Special Rural’ and ‘Special Residential’;
- A Subdivision Guide Plan for Lot 783 was prepared in a manner that does not impact on the ability of other land owners to subdivide their land in accordance with the Rural Land Strategy; and
- The draft Rural Concept Plan prepared previously for nearby properties has been modified and can be updated separately through any Scheme Amendments that propose subdivision roads (e.g. through Amendment 102 or subsequent amendments proposing subdivisional roads).

4. **Implications to Consider**

   a. **Consultation**

   Following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under section 48A of the Environmental Protection Act 1986, the Scheme Amendment will be advertised under regulation 25 of the Town Planning Regulations 1967.
b. **Policy**
   Council Planning Policy 5.2 - Rural Land Strategy

c. **Financial**
   N/A

d. **Legal and Statutory**
   Nil

### 5. **Comments**

**Rural Land Strategy**

The subject lot is contained within Planning Unit 4 of the Rural Land Strategy (‘Strategy’). The primary objective for this Planning Unit is to facilitate Special Rural/Special Residential development which recognises and enhances the landscape and natural resource attributes of the area and provides a rural view shed to Mandurah Road.

Planning Unit No.4 provides a transition between the inland urban corridor and the coastal urban corridor. The subject lot is located within Precinct 4A of the Planning Unit where it serves as an interface between the future urban land to the east of the ridgeline and parallel to Mandurah Road. East of the ridgeline the Strategy recommends Special Residential subdivision with a minimum lot size of 5,000m².

**Environment**

The Subdivision Guide Plan (‘SGP’) indicates that Tuart trees located on proposed Lot 3 are to be retained through the selective location of the Building Envelope. The SGP also indicates strategic revegetation abutting Pike Road to improve natural bushland and enhance the landscape values of the area. These elements are consistent with the intent of the Strategy.

The site forms part of an old dune ridge system consisting of well drained yellow/brown sand of the Spearwood complex which is known to be suitable for subdivision.

**Building Envelopes**

A site visit confirmed that the proposed Building Envelopes were generally located to maximise the retention of remnant vegetation. It was noted that the Building Envelope proposed on Lot 2 could be moved closer towards Pike Road to retain further vegetation.

**Fire Management Plan**

A Fire Management Plan (FMP) is required to support the proposed Scheme Amendment, in accordance with the WAPC’s Planning for Bushfire Protection Guidelines (Edition 2). The applicant advises that the bush fire hazard level is ‘low’ and that the proposed lots are sufficiently large enough to accommodate ‘Building Protection Zones’ and ‘Hazard Separation Zones’. The applicant also noted in their submission that any clearing associated with a Fire Management Plan would be undertaken by the developer, prior to subdivision.

The City’s Fire and Emergency Services require a Fire Management Plan as early as possible to properly ascertain fire risk and management measures prior to subdivision. In this regard a Fire Management Plan should be included in the Scheme Amendment Report, prior to advertising.

**Rural Concept Plan**

The City's Rural Land Strategy requires that a Rural Concept Plan be provided to demonstrate the relationship between a particular proposal and the surrounding properties as a means of ensuring orderly subdivision and development. The plan provided in support of the Scheme Amendment adequately demonstrates that the proposal will not adversely affect the development potential of adjoining properties.
Conclusion
Given the proposal is consistent with the objectives of Council's Rural Land Strategy for Precinct 4, it is recommended that the Council initiate an amendment to TPS2 to rezone Lot 783 (No.29) Pike Road, Baldivis from 'Rural' to 'Special Residential', subject to the relocation of the Building Envelope of Lot 3 on the SGB and a Fire Management Plan being prepared, prior to advertising the proposal for public comment.

6. Voting Requirements
Simple Majority

7. Officer Recommendation

That Council:-

1. In pursuance of Section 75 of the Planning and Development Act 2005, **ADOPT** (initiate) Scheme Amendment No.107 to the City of Rockingham Town Planning Scheme No.2 to rezone Lot 783 (No.29) Pike Road, Baldivis 'Rural' to 'Special Residential' as follows:-
   
   (i) Modifying the Scheme Text Schedule 5 Special Residential Zone 'Portions of Planning Unit 4' provisions as follows:-
   
   (a) Include 'Lot 783 Pike Road, Baldivis' within Plan Reference 4 (ii) of the location table of Schedule 5 of the Scheme Text pertaining to 'Special Residential' zones 'Portions of Planning Unit 4 of the Rural Land Strategy'.

   (b) Amend Plan No.4 - Special Residential Zones of the Scheme to include Lot 783 Pike Road, Baldivis outlined in black and annotated as 4 (ii).

   (ii) Modify the Scheme Maps by rezoning Lot 783 (No.29) Pike Road, Baldivis from 'Rural' to 'Special Residential'.

2. **REQUIRE** the applicant to prepare a Fire Management Plan in consultation with the City's Fire and Emergency Services, which demonstrates how the proposal can mitigates fire risk to life and property, for inclusion in the Scheme Amendment documents.

8. Committee Recommendation

That Council:-

1. In pursuance of Section 75 of the Planning and Development Act 2005, **ADOPT** (initiate) Scheme Amendment No.107 to the City of Rockingham Town Planning Scheme No.2 to rezone Lot 783 (No.29) Pike Road, Baldivis 'Rural' to 'Special Residential' as follows:-

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Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
### Planning Services

#### Statutory Planning

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th><strong>Proposed Scheme Amendment - Rezoning from 'Rural' to 'Special Residential'</strong></th>
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</thead>
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<tr>
<td><strong>File No:</strong></td>
<td>LUP/1445</td>
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<td><strong>Proponent/s:</strong></td>
<td>Planscape</td>
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<tr>
<td><strong>Author:</strong></td>
<td>Mr R Travers Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr D Waller, Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr M Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>14th February 2011</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council's Role in this Matter:</strong></td>
<td>Legislative</td>
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</tbody>
</table>

| **Site:**                  | Lot 3 Fifty Road, Baldivis                                                    |
| **Lot Area:**              | 2.8115ha                                                                       |
| **Attachments:**           | Subdivision Guide Plan, Rural Concept Plan                                      |
| **Maps/Diagrams:**        | Location Plan                                                                   |

[Subject Site Image]
1. **Purpose of Report**

To consider a request to adopt (initiate) an amendment to Town Planning Scheme No.2 to rezone Lot 3 Fifty Road, Baldivis from ‘Rural’ to ‘Special Residential’.

2. **Background**

Nil

3. **Details**

The applicant seeks Council approval to rezone the land from ‘Rural’ to ‘Special Residential’, to facilitate the property being subdivided into five lots ranging from 5049m² to 6299m² (averaging 5623m²), as shown on the attached Subdivision Guide Plan (‘SGP’). Of the five proposed lots, two have direct frontage to Cudliss Close and three have direct access to Fifty Road, including one battleaxe lot.

The land contains a number of established trees, particularly in the southern and western areas. This vegetation is generally of a parkland cleared nature with no understorey and mainly comprises Marri and Peppermint Trees.

A Rural Concept Plan for the precinct is bounded by Cudliss Close to the north, Dampier-Bunbury gas pipeline and urban zoning to the east and Fifty Road to the south. The area the subject of the Rural Concept Plan is typified by smaller rural lots used primarily for lifestyle purposes, though there is some intensive agricultural uses on some lots.

The applicant’s justification for the Scheme Amendment was summarised as follows:

**PROPOSED RURAL CONCEPT PLAN**

- Provides a sound basis for the future subdivision and development of nearby land. The proposed plan provides for a high level of access and fire management.
- 700m² building envelopes on all lots are sensitively located to minimise environmental and landscape impacts.
- The provision of a future road link connecting Cudliss Close to Fifty Road is proposed. This is considered a critical component of the future subdivision of this precinct;
- Sensitive design of lots in the north eastern corner to ensure protection of the high value wetlands.
- Areas of vegetation to be protected and strategic revegetation areas have been identified. These have been located to enable linkages/corridors between existing areas of remnant vegetation.
- Concept plan incorporates 5 metre widening of Fifty Road, consistent with the Baldivis Road Needs Study.
- Indicative lots comply with the minimum 5000m² size requirement as per the Planning Unit No.4 of the Council’s Rural Land Strategy.

**SUBJECT SITE**

- Each of the proposed lots has been designed to enable dwellings and outbuildings to be accommodated without clearing remnant vegetation.
- The proposed lots provide a clear and effective transition between more intense land uses to the west and rural and reserved land to the east and south. It will retain a proportion of the rural character of the area which will be important in establishing a long term rural context for the area as urban development to the east continues to expand.
- The retention of vegetation on the land, in particularly to Fifty Road ensures that the subdivision and development will have negligible visual impacts.
- Connection of the proposed lots to a reticulated water supply will considerably increase the fire fighting capacity of the site and minimise environmental impacts on surrounding groundwater supplies and wetland areas.
- The proposal is consistent with the policies and intent of the Rural Land Strategy.
- The proposed lots and development can be adequately serviced with water, power and on-site effluent disposal.

4. Implications to Consider

a. Consultation

Following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under section 48A of the Environmental Protection Act 1986, the Scheme Amendment will be advertised in accordance with Regulation 25 of the Town Planning Regulations 1967.

d. Policy

Council Planning Policy 5.2 – Rural Land Strategy

e. Financial

N/A

f. Legal and Statutory

N/A

5. Comments

Rural Land Strategy

The subject lot is contained within Planning Unit 4 of the Rural Land Strategy. The primary objective for this Planning Unit is to facilitate Special Rural/Special Residential development which recognises and enhances the landscape and natural resource attributes of the area and provides a natural view shed to Mandurah Road and a rural context to future Urban Development to the east.

Planning Unit No.4 provides a transition between the inland urban corridor and the coastal urban corridor. The subject lot is located within Precinct 4A representing the northern section of the Planning Unit, where it serves as an interface between the future urban land to the east of the ridgeline and parallel to Mandurah Road.

Through its Rural Land Strategy, the Council has established a consistent position of requiring larger lot sizes to a minimum of 5,000m², east of the ridgeline. In this circumstance, the minimum 5,000m² has been achieved. The draft Subdivision Guide Plan takes into consideration the site topography with each of the proposed lots provided with a suitable Building Envelope.

Rural Concept Plan

A requirement of the Strategy is that a Rural Concept Plan be developed for the relevant Precinct prior to Council’s consideration of a rezoning, or subdivision proposal. Development proposals will need to accord with the objectives of the Planning Unit in which the land falls and the management guidelines set out in the Strategy and the relevant provisions of TPS2.

The applicant has provided a Rural Concept Plan required by the Rural Land Strategy. This plan demonstrates that the proposal will not adversely affect the future subdivision and development of adjoining properties and can adequately provide for all necessary roads and infrastructure.

Environment

The SGP seeks to retain vegetation through the location of Building Envelopes in cleared areas and acknowledges the prohibition (within Town Planning Scheme No.2) of removing vegetation outside the Building Envelope.
The City’s Environmental Services has assessed the proposed Building Envelope locations. The proposed Building Envelopes are consistent with the purpose of Special Residential zonings, which is in part, to retain as much of the remnant vegetation as possible. The Building Envelopes are located, where possible, in areas which are already cleared or contain sparse or degraded vegetation.

The proposed lots on the Rural Concept Plan which include Opwin Swamp, Building Envelopes have been sited outside the 50 metre EPP wetland buffer and include provision for strategic revegetation.

The site is located on the eastern side of an elevated ridge consisting of well drained yellow/brown sand of the Spearwood complex which is known to be suitable for subdivision. The City’s Health Services has advised that Nutrient Retentive Aerobic Treatments Units can be accommodated on the subject site.

**Fire Management Plan**

A broad Fire Management Plan has been prepared in accordance with the Western Australian Planning Commission’s ‘Planning for Bushfire Protection’ Guidelines. Given the subject land is proposed to form part of a Rural Concept Plan, the broad fire management arrangements for this precinct will inform the Scheme Amendment, however, detailed Fire Management Plans for each lot will need to be prepared as part of subdivision approvals.

The applicant has demonstrated that six metre strategic firebreaks to two-wheel-drive standards will be applied to the general area, with the proposed road providing alternative fire escape routes. It is noted on the Fire Management Plan that all existing and future buildings are to have a 25-30 metre fuel reduction Building Protection Zone.

**Effluent Disposal**

Where reticulated sewer is not available, Council’s Rural Land Strategy requires alternative on-site effluent disposal systems to be provided, to reclaim treated waste water for irrigation disposal on-site. The size of the proposed Building Envelopes will allow adequate area for ATU’s to be accommodated.

**Services**

Reticulated water, electricity and telecommunication infrastructure is available within the locality and can be extended to the subject site to accommodate the additional dwellings.

**Conclusion**

In the light of the above, it is considered that the proposed SGP, and the inclusion of the subject land within ‘Special Residential’ zones, will allow for development that is consistent with the objectives of the Rural Land Strategy and enable the on-going protection of environmental values of the locality.

The land use management and development control mechanisms that will apply to the land under Town Planning Scheme No.2 will require that development will be undertaken in a manner, and to a standard that will not compromise the rural integrity of the area or its ecological features.

---

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council, **ADOPT** (initiate) Scheme Amendment No.97 to the City of Rockingham Town Planning Scheme No.2, to rezone Lot 3 (No.34) Fifty Road, Baldivis ‘Rural’ to ‘Special Residential’, in pursuance of Section 75 of the Planning and Development Act 2005, as follows:-

(i) Modifying the Scheme Text Schedule 5 Special Residential Zone ‘Portions of Planning Unit 4’ provisions as follows:-

---
(a) Include 'Lot 3 Fifty Road, Baldivis' within Plan Reference 4 (iii) of the location table of Schedule 5 of the Scheme Text pertaining to 'Special Residential' zones 'Portions of Planning Unit 4 of the Rural Land Strategy'.

(b) Amend Plan No.4 - Special Rural Zones of the Scheme to include Lot 3 Fifty Road, Baldivis outlined in black and annotated as 4 (iii).

(ii) Modify the Scheme Maps by rezoning Lot 3 (No.34) Fifty Road, Baldivis from 'Rural' to 'Special Residential'.

8. Committee Recommendation

That Council, **ADOPT** (initiate) Scheme Amendment No.97 to the City of Rockingham Town Planning Scheme No.2, to rezone Lot 3 (No.34) Fifty Road, Baldivis 'Rural' to 'Special Residential', in pursuance of Section 75 of the Planning and Development Act 2005, as follows:-

(i) Modifying the Scheme Text Schedule 5 Special Residential Zone 'Portions of Planning Unit 4' provisions as follows:-

(a) Include 'Lot 3 Fifty Road, Baldivis' within Plan Reference 4 (iii) of the location table of Schedule 5 of the Scheme Text pertaining to 'Special Residential' zones 'Portions of Planning Unit 4 of the Rural Land Strategy'.

(b) Amend Plan No.4 - Special Rural Zones of the Scheme to include Lot 3 Fifty Road, Baldivis outlined in black and annotated as 4 (iii).

(ii) Modify the Scheme Maps by rezoning Lot 3 (No.34) Fifty Road, Baldivis from 'Rural' to 'Special Residential'.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
# Proposed Amendments to Planning Policy No. 3.3.20, Bed and Breakfast Accommodation

## Reference No & Subject:

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<tr>
<th>File No:</th>
<th>LUP/364</th>
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</thead>
<tbody>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr J.P MacDonagh, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr D Waller, Co-ordinator, Statutory Planning</td>
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<td>Mr M Ross, Manager, Statutory Planning</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>14th February 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>October 2010 (SP-004/10), May 2008 (PD81/5/08)</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
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## Purpose of Report

To consider amending the Council’s Planning Policy No. 3.3.2, *Bed and Breakfast Accommodation*, to reflect the *Food Act 2008*.

## Background

In May 2008, Council adopted the Bed and Breakfast Accommodation Policy No. 3.3.2, ‘the Policy’. In October 2010, Council resolved to modify the Policy to reflect the requirements of the *Food Act 2008* and advertise the proposed changes for 21 days in accordance with the requirements of TPS2.
3. **Details**

The Policy and its appendices are proposed to be amended for consistency with the new *Food Act 2008*, as detailed in the report recommendation.

Appendix 4 has been inserted which includes a *Food Premises Notification Form*, to reflect the ANZFA *Food Standards Code - Food Safety Standards*.

4. **Implications to Consider**

a. **Consultation with the Community**

   In accordance with the requirements of TPS2, a notice was placed in the Public Notices section of the Sound Telegraph newspaper for two consecutive weeks on the 3rd November 2010 and the 10th November 2010. Copies of documents explaining the subject and nature of the Policy changes were also made available for inspection at Council Administration Offices and placed on the City's website. At the closure of the advertising period, no submissions were received.

b. **Consultation with Government agencies**

   Consultation with Government agencies is not required.

c. **Strategic**

   Functional Area 3 - 'Land Use & the Environment' in the Council's Strategic Plan under the Scope of 'Development'.

d. **Policy**

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

e. **Financial**

   N/A

f. **Legal and Statutory**

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

5. **Comments**

The amendments to the Bed and Breakfast Accommodation Policy are necessary to reflect the *Food Act 2008*.

Given that the proposed changes are for administrative purposes and no objections were received, it is recommended that Council proceed to adopt the amended Policy.

6. **Voting Requirements**

   Simple Majority

7. **Officer Recommendation**

   That Council **ADOPT** the amended Planning Policy 3.3.2, *Bed and Breakfast Accommodation*, pursuant to clause 8.9.5(b) of Town Planning Scheme No.2 as follows:-
PLANNING POLICY 3.3.2
BED AND BREAKFAST ACCOMMODATION

1. Introduction

The City of Rockingham Town Planning Scheme No.2 defines ‘Bed and Breakfast’ as a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

The 'Council' recognises the importance of tourism development and seeks to encourage the provision of a wide range of short stay accommodation. In this regard, Bed and Breakfast provides visitors with low key, home-style, type of accommodation.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications for planning approval for the establishment of Bed and Breakfast accommodation.

In this regard, no person shall commence or carry out any development of Bed and Breakfast accommodation without first having applied for and obtained the planning approval of the Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2.

2. Policy Application

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Bed and Breakfast use in Town Planning Scheme No.2 can be summarised as follows:-

(a) the use is not permitted in the Residential, Development and Rural zones unless the use is 'incidental' to the 'predominant' use of the land as determined by the Council;

(b) the use is not permitted in the Special Rural Zone unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 6.3.3 of the Scheme;

(c) the use is not permitted in the Special Residential Zone unless the Council has exercised its discretion by granting planning approval;

(d) the use is not permitted in the Warnbro Dunes Special Residential Zone and all other zones.

This Planning Policy should be read in conjunction with Planning Procedure 1.3 - Community Consultation, the Health Act 1911, the Health (Food Hygiene) Regulations 1993, Food Act 2008, the Food Safety Standards and the Building Code of Australia.

3. Policy Objectives

The objectives of this Planning Policy are as follows:-

(a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to establish Bed and Breakfast accommodation from their homes;

(b) To secure the amenity, health and convenience of both visitors and surrounding residents through appropriate development requirements; and

---

1 In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, landuses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2.

2 Bed and Breakfast is a use not permitted in the Warnbro Dunes Special Residential Zone. Refer to Schedule No.5 of Town Planning Scheme No.2 relating to the Warnbro Dunes Special Residential Zone.
To ensure that the Bed and Breakfast accommodation is incidental to the predominant use of the property in order to maintain the amenity of the immediate area.

4. Policy Statement
4.1 Location
Applications for Bed and Breakfast accommodation are favoured in locations that present an advantage to visitors to the City, such as proximity to the beach, lakes, parks, retail and restaurant facilities.

The establishment of more than two Bed and Breakfast uses within small residential streets and culs-de-sac may not be supported where, in the opinion of the Council, traffic generation will affect the amenity of existing residents.

4.2 Scale of Operation
The applicant will need to satisfy the Council that the space to be used for the provision of Bed and Breakfast accommodation is such that the predominant use will continue to be one of 'dwelling', and it will therefore require information concerning the maximum numbers of guests and the floor space to be used.

4.3 Parking
One carparking bay for each bedroom to be used for Bed and Breakfast accommodation must be provided on-site. This requirement is in addition to the two on-site carparking bays required for the existing dwelling.

Should the occupant of the Bed and Breakfast accommodation be towing a trailer, caravan, boat or the like, these must also be parked on the subject site.

4.4 Advertising Signs
Any proposed advertising sign shall not exceed 0.2m² in area and shall not be illuminated without the prior approval of the Council.

A Bed and Breakfast sign shall only describe the name of the business and the contact name(s) and telephone numbers.

No more than one sign per lot shall be permitted and the sign shall be erected on the land on which the Bed and Breakfast is being carried out.

Pursuant to the provisions of Town Planning Scheme No.2 and the Council's Signs, Hoardings and Bill Posting Local-Law, a proposed advertising sign which does not exceed 0.2m² in area is exempt from the requirement to obtain a Planning Approval and a Sign Licence (unless the advertising sign is proposed to be illuminated, in which case a Sign Licence would be required).

4.5 Health Requirements
The City's Health Services will require the following:
(a) All Bed and Breakfast accommodation must comply with the provisions of the Health Act 1911 and the Health (Food Hygiene) Regulations 1993, the Food Act 2008 and the Food Safety Standards, to the satisfaction of the Manager, Health Services, including the following:-
- Separate shower, WC and hand basin to be provided where practical;
- Room sizes in accordance with the Health Act 1911 (14 cubic metres per person);
- Hygiene standard of premises is to be acceptable before approval given; and
- Separate approval under the Regulations to Food Handling facilities in residential premises;
- Food preparation areas to comply with "Guidelines for the Preparation of Foods in Residential Premises" (see Appendix 1);
(b) Food Act 2008 - Application for a Registration Certificate form to be completed by the applicant (see Appendix 2);
(c) Application Form for Registration of a Bed & Breakfast to be completed by the applicant (see Appendix 3);

(d) The Food Premises Notification Form is to be completed by the applicant (see Appendix 4);

(e) If the dwelling is serviced by a septic disposal system, upgrading to a new system may be required; and

(f) If there is a pool or spa on the property, approval from the Executive Director of Public Health at the Department of Health (WA) is required under the Health (Aquatic Facilities) Regulations 2007, before guests are able to utilise these facilities.

Please note that Health Services fees apply. For further information or assistance on this section, contact the City's Health Services on 9528 0315.

4.6 Fire Control and Lighting

A smoke alarm system and lighting to assist evacuation shall be installed so as to comply with the Building Code of Australia. Fire extinguishers and fire blankets must also be provided to the satisfaction of the Manager, Building Services.

4.7 Refuse Collection/Recycling

Satisfactory arrangements will need to be made with the Manager, Engineering Services to ensure that measures are put in place to cope with any additional wastes generated, such that nuisance is not created by bins being overloaded. Operators are also actively encouraged to promote recycling.

4.8 Amenity

The operator of a Bed and Breakfast shall establish 'house rules' for residents that would take into consideration the amenity of adjoining and nearby properties, particularly in relation to noise and disturbance.

4.9 Building Approval

Where a Bed and Breakfast accommodation requires the construction of a new building or modifications to an existing building, a Building Licence will be required from the Council (in addition to a Planning Approval).

5. Application Procedure

Applications for planning approval for the establishment of Bed and Breakfast accommodation shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

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

(b) A detailed house plan indicating which bedroom(s) are to be used for the Bed and Breakfast accommodation;

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

(d) Details of any proposed signage to be erected (to demonstrate that sign does not exceed 0.2m²);

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

(f) A Health (Food Hygiene) Regulations 1993 Form 2 Application for Approval of Certain Food Handling Activities in Residential Premises a Registration Certificate (Appendix 2);
(g) An Form 2A—Form of Application Form for Registration of a Bed and Breakfast (Appendix 3); and

(h) A Food Premises Notification Form (Appendix 4).

6. Authority

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

7. Interpretations

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

Council means the Council of the City of Rockingham.

Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:-

(a) a single person;

(b) a single family; or

(c) no more than six persons who do not comprise a single family.

Incidental Use means a premises which is ancillary and subordinate to the predominant use.

Predominant Use means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.

8. Delegation

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

In the event that substantiated objections are received following community consultation, the application for planning approval will be referred to the Council for determination.

9. Adoption

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

10. Revocation

This Planning Policy supersedes the Council’s Statement of Planning Policy No.2.9 – Bed and Breakfast Accommodation.

Appendices

1. “Guidelines for the Preparation of Foods in Residential Premises for Bed & Breakfast”.


3. Form 2A—Form of Application Form for Registration of a Bed and Breakfast.

4. Food Premises Notification Form.
APPENDIX 1

GUIDELINES FOR THE PREPARATION OF FOODS FOR MANUFACTURE IN RESIDENTIAL PREMISES FOR BED AND BREAKFAST

The Health (Food Hygiene) Regulations 1993 Food Act 2008 permit the preparation of foods from residential premises for personal gain or reward under certain conditions. The following guidelines have been adopted to ensure that all such activities are treated in a similar manner and to ensure that minimum standards necessary for the protection of public health are maintained.

The minimum conditions applicable in residential premises for the preparation of food for sale are:

- Written approval of an application to Council (to include a detailed floor plan of premises showing areas to be used for proposed food preparation, handling and storage) on Form 2.
- Food preparation, handling and storage shall only be carried out in the areas as shown on the approved plan.
- Premises shall be kept in good order and repair, and shall be maintained in a clean and hygienic condition at all times.
- An adequate supply of hot and cold water shall be provided at all times. A double bowl sink must be available for use and stocked with disposable hand towels and liquid soap at all times.
- Adequate sinks (preferably double bowled) shall be provided.
- Easy access to a wash hand basin shall be maintained during the food handling activity. Paper towels and soap to be provided at the wash hand basin.
- Adequate refrigeration to be provided and maintained in good order and repair. All potentially hazardous foods (eggs, meat, dairy products etc) must be stored at or below 5°C.
- Frozen foods must not be defrosted at room temperature. The use of a refrigerator or a microwave is preferred.
- Adequate dry storage shall be provided.
- Fixtures, fittings and appliances shall be clean and hygienic.
- The premises must be fully sealed to control, and be free of, vermin. Vermin includes rodents.
- No domestic animals to have access into the house kitchen.
- Preparation, only, to take place when children under 5 years and other persons not employed in the food preparation must be excluded from the food preparation area.
- Adequate and hygienic rubbish disposal facilities shall be provided and maintained at all times.
- All food handling shall be in accordance with the Health (Food Hygiene) Regulations 1993 Food Act 2008 and the Food Standards Code.
- Adequate food storage facilities for prepared products shall be provided to prevent contamination and spoilage of food.
- A basic knowledge of safe food handling principles must be demonstrated (e.g. FoodSafe Training Programme).
- Permission must be given for an Environmental Health Officer to inspect the premises used for food preparation at any reasonable time.
- Details of public liability insurance not less than $5,000,000.
REMEMBER - FOOD SAFETY IS IN YOUR HANDS!!

PBH/842 - Doc No. D09/928008 - 15/02/2010
HEALTH FOOD ACT 19112008
HEALTH (FOOD HYGIENE) REGULATIONS 1993
FORM 2

APPENDIX 2

APPLICATION FOR A REGISTRATION CERTIFICATE
APPROVAL OF CERTAIN FOOD HANDLING ACTIVITIES IN RESIDENTIAL PREMISES

To: The Chief Executive Officer
City of Rockingham
PO Box 2142
ROCKINGHAM DC 6967

(name and residential address to be in full and in block letters)

I ……………………………………………………………………………………………………………………………………………........ (Full Name)

Apply to ………………………………………………………………………………………………………………………………………… Residential Address

………………………………………………………………………………………. (Describe the Food Handling Activities)

At ……………………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………………

I enclose a copy of a direction under Regulation 57 (3) from the Executive Director, Public Health. Apply for registration of the premises described below as a:-

- High Risk Food Premises
- Medium Risk Food Premises
- Low Risk Food Premises
- Very Low Risk Food Premises
- Food Vehicle

Tick whichever is applicable

<table>
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<th>ANNUAL FOOD PREMISES FEES</th>
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<tr>
<td>High Risk</td>
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<td>$200.00</td>
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<td>Low Risk</td>
<td>$75.00</td>
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<tr>
<td>Very Low Risk</td>
<td>Nil</td>
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<tr>
<td>Food Vehicle</td>
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</tbody>
</table>

Name of Premises
Address of Premises

Phone: ____________________ Mobile: ____________________ Fax: ____________________

Dated this ………………………. day of ……………………………………………………20 ……………………………..

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 14 MARCH 2011

PRESIDING MEMBER
...-------------------------------...  
Signature of Applicant

**APPROVAL**

* The above application is granted, subject to the following terms and conditions:

...-------------------------------...  
...-------------------------------...  
...-------------------------------...  
...-------------------------------...  

* The above application is refused.  
  (Strike out whichever is not applicable)

...

Environmental Health Officer  
City of Rockingham

**NB** An Invoice will be forwarded to you regarding your Annual Food Premises Fee.
**APPENDIX 3**

**FORM OF APPLICATION FOR REGISTRATION OF A BED & BREAKFAST**

**TO THE CHIEF EXECUTIVE OFFICER**

**CITY OF ROCKINGHAM**

I, ____________________________

Hereby make application for the registration of the premises described hereunder as a Bed and Breakfast and the entry of my name as the keeper thereof:

**Situation of premises:** _____________________________________________________________

**Materials of construction:** _________________________________________________________

**Maximum number of lodgers to be accommodated:** ____________________________

<table>
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<th>Particulars to be Given in Respect of each Room to be used by Lodgers as a Sleeping Apartment</th>
<th>No. of Room</th>
<th>Measurement in Metres, Length, Width, Height</th>
<th>Cubic Capacity in Metres</th>
<th>No. of Boarders</th>
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**Signature:** ____________________________

**Address:** ____________________________

**Date:** ____________________________
APPENDIX 4

FOOD PREMISES NOTIFICATION FORM

This notification form is a requirement under Standard 3.2.2 of the ANZFA Food Standards Code – Food Safety Standards. This form has been developed to promote the consistent national implementation of the standards. Please note: the food business must notify the City of Rockingham upon any proposed change to the information provided in this form.

Contact Details

Name of Proprietor: ____________________________ Date: ____________________________

Business address of proprietor: ____________________________

Trading name of food business: ____________________________

Phone: (wk) ____________________________ (a/h) ____________________________ (fax) ____________________________

Email Address: ____________________________

Nature of Business Information

Note: The food business is required to notify the City of Rockingham of any changes to the information provided below. The new information must be provided to the City of Rockingham before the changes occur. Any changes to the information may affect the classification of a food business.

1(a) What is your business type?

Please tick all boxes that apply

- Manufacturer/processor
- Pub/Tavern
- Retailer
- Food Service
- Distributor/importer
- Packer
- Storage
- Transport
- Restaurant/Café
- Snack bar/takeaway
- Meals on wheels
- Hotel/motel/guesthouse
- Caterer
- Canteen/Kitchen
- Hospital/nursing home
- Child care centre
- Home Delivery
- Mobile Food operator
- Market stall
- Charitable or community organization
- Temporary Food Premises
- Other

1(b) Please provide more detail about your business type.

(For example: butcher, bakery, seafood processor, soft drink manufacturer, milk vendor, service station.)

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________


CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 14 MARCH 2011

PRESIDING MEMBER
2. Do you provide, produce or manufacture any of the following foods?

☐ Confectionery
☐ Prepared, ready to eat* table meals
☐ Frozen meals
☐ Raw meat, poultry or seafood
☐ Processed meat, poultry or seafood
☐ Fermented meat products
☐ Meat pies, sausage rolls or hotdogs
☐ Soft drinks/ juices
☐ Infant or baby foods
☐ Bread, pastries or cakes
☐ Egg or egg products
☐ Dairy products
☐ Prepared salads
☐ Sandwiches or rolls
☐ Raw fruit and vegetables
☐ Processed fruit and vegetables
☐ Other

Please tick all boxes that apply

3. What is the nature of your food business?

To be answered by all businesses:

(a) Are you a small business*?
☐ Yes  ☐ No

(b) Is the food that you provide, produce or manufacture ready to eat* when sold to the customer?
☐ Yes  ☐ No

(c) Do you process the food that you produce or provide before sale or distribution?
☐ Yes  ☐ No

(d) Do you directly supply or manufacture food for organizations that cater to the sick, elderly, children under 5 years of age or pregnant women (such as hospitals, nursing homes or child care centres)?
☐ Yes  ☐ No

To be answered by manufacturing/processing businesses only:

(e) Do you manufacture or produce products that are not shelf stable*?
☐ Yes  ☐ No

(f) Do you manufacturer or produce fermented meat products such as salami?
☐ Yes  ☐ No

To be answered by food service and retail businesses only (includes charitable and community organizations, market stalls and temporary food premises):

(g) Do you sell ready to eat* food at a different location from where it is prepared?
☐ Yes  ☐ No

Refer to Definitions below:-

Process, in relation to food, means activity conducted to prepare food for sale including chopping, cooking, drying, fermenting, heating, pasteurising, or a combination of these activities.

Note: This is not the same definition for process that is used in the food safety standards. Thawing and washing have been removed from this definition as these processes present a very low risk to food safety and are not relevant for the purposes of this form.

Ready to eat food means food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts totally enclosed in the shell or whole fruit and vegetables intended for further processing by the customer.

Shelf-stable means non-perishable food with a shelf life of many months to years.

Small business is a business that employs less than 50 people in the ‘manufacturing’ sector or which employs less than 10 people in the food services sector.

Note: When determining the number of employees of a business where casual and part time employees are involved, their weekly hours are added together and divided by the number of hours per week stipulated in the award for employees of that business. Only staff involved in food handling operations should be included.
**To be answered by all businesses:**

How many food handling staff are employed in the business operation?

Does the food business utilise any staff food safety program/training, eg. FoodSafe Program. If "yes" please explain.

---

**Annual Certificate of Registration Fee:**

* High Risk Food Premises $400.00 (incl. G.S.T)
* Medium Risk Food Premises $200.00 (incl. G.S.T)
* Low Risk Food Premises $75.00 (incl. G.S.T)
* Very Low Risk Food Premises Nil
* Food Vehicle $150.00 (incl. G.S.T.)

---

* Food Businesses / Vehicles with an approved Food Safety Program are entitled to a 20% discount on annual fees.

All fees should be made payable to the City of Rockingham.

---

Health Services
City of Rockingham
PO Box 2142
**ROCKINGHAM** DC WA 6967 PHONE: 9528 0315
FAX: 9592 1705
8. **Committee Recommendation**

That Council **ADOPT** the amended Planning Policy 3.3.2, *Bed and Breakfast Accommodation*, pursuant to clause 8.9.5(b) of Town Planning Scheme No.2 as follows:-

**PLANNING POLICY 3.3.2**  
**BED AND BREAKFAST ACCOMMODATION**

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

1. **Introduction**

The City of Rockingham Town Planning Scheme No.2 defines 'Bed and Breakfast' as a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

The 'Council' recognises the importance of tourism development and seeks to encourage the provision of a wide range of short stay accommodation. In this regard, Bed and Breakfast provides visitors with low key, home-style, type of accommodation.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications for planning approval for the establishment of Bed and Breakfast accommodation.

In this regard, no person shall commence or carry out any development of Bed and Breakfast accommodation without first having applied for and obtained the planning approval of the Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2.

2. **Policy Application**

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Bed and Breakfast use in Town Planning Scheme No.2 can be summarised as follows:-

(a) the use is not permitted in the Residential, Development and Rural zones unless the use is ‘incidental’ to the ‘predominant’ use of the land as determined by the Council;

(b) the use is not permitted in the Special Rural Zone unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 6.3.3 of the Scheme;

(c) the use is not permitted in the Special Residential Zone unless the Council has exercised its discretion by granting planning approval;

(d) the use is not permitted in the Warnbro Dunes Special Residential Zone and all other zones.

This Planning Policy should be read in conjunction with Planning Procedure 1.3 - Community Consultation, the Health Act 1911, the Health (Food Hygiene) Regulations 1993 Food Act 2008, the Food Safety Standards and the Building Code of Australia.

3. **Policy Objectives**

---

3 In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, landuses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2.

4 Bed and Breakfast is a use not permitted in the Warnbro Dunes Special Residential Zone. Refer to Schedule No.5 of Town Planning Scheme No.2 relating to the Warnbro Dunes Special Residential Zone.
The objectives of this Planning Policy are as follows:-

(a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to establish Bed and Breakfast accommodation from their homes;

(b) To secure the amenity, health and convenience of both visitors and surrounding residents through appropriate development requirements; and

(c) To ensure that the Bed and Breakfast accommodation is incidental to the predominant use of the property in order to maintain the amenity of the immediate area.

4. Policy Statement

4.1 Location

Applications for Bed and Breakfast accommodation are favoured in locations that present an advantage to visitors to the City, such as proximity to the beach, lakes, parks, retail and restaurant facilities.

The establishment of more than two Bed and Breakfast uses within small residential streets and culs-de-sac may not be supported where, in the opinion of the Council, traffic generation will affect the amenity of existing residents.

4.2 Scale of Operation

The applicant will need to satisfy the Council that the space to be used for the provision of Bed and Breakfast accommodation is such that the predominant use will continue to be one of 'dwelling', and it will therefore require information concerning the maximum numbers of guests and the floor space to be used.

4.3 Parking

One car parking bay for each bedroom to be used for Bed and Breakfast accommodation must be provided on-site. This requirement is in addition to the two on-site car parking bays required for the existing dwelling.

Should the occupant of the Bed and Breakfast accommodation be towing a trailer, caravan, boat or the like, these must also be parked on the subject site.

4.4 Advertising Signs

Any proposed advertising sign shall not exceed 0.2m² in area and shall not be illuminated without the prior approval of the Council.

A Bed and Breakfast sign shall only describe the name of the business and the contact name(s) and telephone numbers.

No more than one sign per lot shall be permitted and the sign shall be erected on the land on which the Bed and Breakfast is being carried out.

Pursuant to the provisions of Town Planning Scheme No.2 and the Council's Signs, Hoardings and Bill Posting Local-Law, a proposed advertising sign which does not exceed 0.2m² in area is exempt from the requirement to obtain a Planning Approval and a Sign Licence (unless the advertising sign is proposed to be illuminated, in which case a Sign Licence would be required).

4.5 Health Requirements

The City's Health Services will require the following:

(a) All Bed and Breakfast accommodation must comply with the provisions of the Health Act 1911 and the Health (Food Hygiene) Regulations 1993, the Food Act 2008 and the Food Safety Standards, to the satisfaction of the Manager, Health Services, including the following:-

- Separate shower, WC and hand basin to be provided where practical;
- Room sizes in accordance with the Health Act 1911 (14 cubic metres per person);
- Hygiene standard of premises is to be acceptable before approval given; and

Separate approval under the Regulations to Food Handling facilities in residential premises.
- Food preparation areas to comply with "Guidelines for the Preparation of Foods in Residential Premises" (see Appendix 1);

(b) Food Act 2008 - Application for a Registration Certificate form to be completed by the applicant (see Appendix 2);

(c) Application Form for Registration of a Bed & Breakfast to be completed by the applicant (see Appendix 3);

(d) The Food Premises Notification Form is to be completed by the applicant (see Appendix 4);

(e) If the dwelling is serviced by a septic disposal system, upgrading to a new system may be required; and

(f) If there is a pool or spa on the property, approval from the Executive Director of Public Health at the Department of Health (WA) is required under the Health (Aquatic Facilities) Regulations 2007, before guests are able to utilise these facilities.

Please note that Health Services fees apply. For further information or assistance on this section, contact the City’s Health Services on 9528 0315.

4.6 Fire Control and Lighting

A smoke alarm system and lighting to assist evacuation shall be installed so as to comply with the Building Code of Australia. Fire extinguishers and fire blankets must also be provided to the satisfaction of the Manager, Building Services.

4.7 Refuse Collection/Recycling

Satisfactory arrangements will need to be made with the Manager, Engineering Services to ensure that measures are put in place to cope with any additional wastes generated, such that nuisance is not created by bins being overloaded. Operators are also actively encouraged to promote recycling.

4.8 Amenity

The operator of a Bed and Breakfast shall establish 'house rules' for residents that would take into consideration the amenity of adjoining and nearby properties, particularly in relation to noise and disturbance.

4.9 Building Approval

Where a Bed and Breakfast accommodation requires the construction of a new building or modifications to an existing building, a Building Licence will be required from the Council (in addition to a Planning Approval).

4.10 Consultation

All applications for planning approval for the establishment of Bed and Breakfast accommodation will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.

5. Application Procedure

Applications for planning approval for the establishment of Bed and Breakfast accommodation shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

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

(b) A detailed house plan indicating which bedroom(s) are to be used for the Bed and Breakfast accommodation;

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

(d) Details of any proposed signage to be erected (to demonstrate that sign does not exceed 0.2m²);

(e) The payment of an Administration Planning Services Fee as detailed in the Council’s Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services;
(f) A Health (Food Hygiene) Regulations 1993 Form 2 - Food Act 2008 - Application for Approval of Certain Food Handling Activities in Residential Premises - Registration Certificate (Appendix 2);

(g) An Form 2A - Form of Application Form for Registration of a Bed and Breakfast (Appendix 3); and

(h) A Food Premises Notification Form (Appendix 4).

6. Authority

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

7. Interpretations

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

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

**Dwelling** means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:-

(a) a single person;

(b) a single family; or

(c) no more than six persons who do not comprise a single family.

**Incidental Use** means a premises which is ancillary and subordinate to the predominant use.

**Predominant Use** means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.

8. Delegation

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

In the event that substantiated objections are received following community consultation, the application for planning approval will be referred to the Council for determination.

9. Adoption

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

10. Revocation

This Planning Policy supersedes the Council’s Statement of Planning Policy No.2.9 - Bed and Breakfast Accommodation.

**Appendices**

1. "Guidelines for the Preparation of Foods in Residential Premises for Bed & Breakfast".


3. Form 2A - Form of Application Form for Registration of a Bed and Breakfast.

4. Food Premises Notification Form.
GUIDELINES FOR THE PREPARATION OF FOODS FOR MANUFACTURE IN RESIDENTIAL PREMISES FOR BED AND BREAKFAST

The Health (Food Hygiene) Regulations 1993 Food Act 2008 permit the preparation of foods from residential premises for personal gain or reward under certain conditions. The following guidelines have been adopted to ensure that all such activities are treated in a similar manner and to ensure that minimum standards necessary for the protection of public health are maintained.

The minimum conditions applicable in residential premises for the preparation of food for sale are:

- Written approval of an application to Council (to include a detailed floor plan of premises showing areas to be used for proposed food preparation, handling and storage) on Form 2.
- Food preparation, handling and storage shall only be carried out in the areas as shown on the approved plan.
- Premises shall be kept in good order and repair, and shall be maintained in a clean and hygienic condition at all times.
- An adequate supply of The food preparation area must be provided with hot and cold water shall be provided at all times. A double bowl sink must be available for use and stocked with disposable hand towels and liquid soap at all times.
- Adequate sinks (preferably double bowlled) shall be provided.
- Easy access to a wash hand basin shall be maintained during the food handling activity. Paper towels and soap to be provided at the wash hand basin.
- Adequate refrigeration to be provided and maintained in good order and repair. All potentially hazardous foods (eggs, meat, dairy products etc) must be stored at or below 5°C.
- Frozen foods must not be defrosted at room temperature. The use of a refrigerator or a microwave is preferred.
- Adequate dry storage shall be provided.
- Fixtures, fittings and appliances shall be clean and hygienic.
- The premises must be fully sealed to control, and be free of, vermin. Vermin includes rodents.
- No domestic animals to have access into the housekitchen.
- Preparation, only, to take place when children under 5 years and other persons not employed in the food preparation must be excluded from the food preparation area.
- Adequate and hygienic rubbish disposal facilities shall be provided and maintained at all times.
- All food handling shall be in accordance with the Health (Food Hygiene) Regulations 1993Food Act 2008 and the Food Standards Code.
- Adequate food storage facilities for prepared products shall be provided to prevent contamination and spoilage of food.
- A basic knowledge of safe food handling principles must be demonstrated (e.g. FoodSafe Training Programme).
- Permission must be given for an Environmental Health Officer to inspect the premises used for food preparation at any reasonable time.
- Details of public liability insurance not less than $5,000,000.
REMEMBER - FOOD SAFETY IS IN YOUR HANDS!!

PBH/842 - Doc No. D09/928008 - 15/02/2010
HEALTH FOOD ACT 1911-2008
HEALTH (FOOD HYGIENE) REGULATIONS 1993
FORM 2

((Regulation 57 (4))

APPLICATION FOR A REGISTRATION CERTIFICATE
APPROVAL OF CERTAIN FOOD HANDLING ACTIVITIES IN RESIDENTIAL PREMISES

To: The Chief Executive Officer
City of Rockingham
PO Box 2142
ROCKINGHAM DC 6967

(name and residential address to be in full and in block letters)

I ………………………………………………………………………………………………………. (Full Name)

Apply to: ........................................................................................................... Residential Address

...................................................................................................................... (Describe the Food Handling Activities)

At: ......................................................................................................................

...................................................................................................................... (Residential Address Where Food Handling Activities Will Take Place)

I enclose a copy of a direction under Regulation 57 (3) from the Executive Director, Public Health.

Apply for registration of the premises described below as a:-

- High Risk Food Premises
- Medium Risk Food Premises
- Low Risk Food Premises
- Very Low Risk Food Premises
- Food Vehicle

Tick whichever is applicable

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<td>Medium Risk</td>
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<tr>
<td>Low Risk</td>
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<tr>
<td>Very Low Risk</td>
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<tr>
<td>Food Vehicle</td>
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Name of Premises
Address of Premises

Phone: ................................. Mobile: ................................. Fax: .................................

Dated this ................................day of .................................................................20 .................................

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 14 MARCH 2011

PRESIDING MEMBER
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY, 14 MARCH 2011

PBH/666 - Doc. No. D09/91109 - Application for Registration Certificate - 22/02/2010

REGISTRATION APPLICATION FEE = $30.00
Payment (payable to City of Rockingham) to be included with this Application

APPROVAL
* The above application is granted, subject to the following terms and conditions:

...........................................................
...........................................................
...........................................................
...........................................................
* The above application is refused.
(Strike out whichever is not applicable)

-----------------------------------------------
Environmental Health Officer
City of Rockingham

NB An Invoice will be forwarded to you regarding your Annual Food Premises Fee.

Signature of Applicant
FORM OF APPLICATION FOR REGISTRATION OF A BED & BREAKFAST

TO
THE CHIEF EXECUTIVE OFFICER
CITY OF ROCKINGHAM

I, ____________________________________________

Hereby make application for the registration of the premises described hereunder as a
Bed and Breakfast and the entry of my name as the keeper thereof:

Situation of premises:  ______________________________________________________________

Materials of construction:  __________________________________________________________

Maximum number of lodgers to be accommodated:  ______________________________________

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<th>particulars to be given in respect of each room to be used by lodgers as a sleeping apartment</th>
<th>no. of room</th>
<th>measurement in metres, length, width, height</th>
<th>cubic capacity in metres</th>
<th>no. of boarders</th>
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Signature: ____________________________________________

Address: ____________________________________________

Date: ______________________________________________

PBH/842 - Doc No. D09/928008 - 15/02/2010
FOOD PREMISES NOTIFICATION FORM

This notification form is a requirement under Standard 3.2.2 of the ANZFA Food Standards Code – Food Safety Standards. This form has been developed to promote the consistent national implementation of the standards. Please note: the food business must notify the City of Rockingham upon any proposed change to the information provided in this form.

Contact Details

Name of Proprietor: ____________________________ Date: ____________________________

Business address of proprietor: ____________________________

Trading name of food business: ____________________________

Phone: (wk) _______ (a/h) _______ (fax) _______

Email Address: ____________________________

Nature of Business Information

Note: The food business is required to notify the City of Rockingham of any changes to the information provided below. The new information must be provided to the City of Rockingham before the changes occur. Any changes to the information may affect the classification of a food business.

1(a) What is your business type?

☑ Please tick all boxes that apply

Manufacturer/processor ☐ Hotel/motel/guesthouse ☐
Pub/Tavern ☐ Caterer ☐
Retailer ☐ Canteen/Kitchen ☐
Food Service ☐ Hospital/nursing home ☐
Distributor/importer ☐ Child care centre ☐
Packer ☐ Home Delivery ☐
Storage ☐ Mobile Food operator ☐
Transport ☐ Market stall ☐
Restaurant/Café ☐ Charitable or community organization ☐
Snack bar/takeaway ☐ Temporary Food Premises ☐
Meals on wheels ☐ Other ☐

1(b) please provide more detail about your business type.

(For example: butcher, bakery, seafood processor, soft drink manufacturer, milk vendor, service station.)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
2. Do you provide, produce or manufacture any of the following foods?

<table>
<thead>
<tr>
<th>Confectionery</th>
<th>Infant or baby foods</th>
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</thead>
<tbody>
<tr>
<td>Prepared, ready to eat* table meals</td>
<td>Bread, pastries or cakes</td>
</tr>
<tr>
<td>Frozen meals</td>
<td>Egg or egg products</td>
</tr>
<tr>
<td>Raw meat, poultry or seafood</td>
<td>Dairy products</td>
</tr>
<tr>
<td>Processed meat, poultry or seafood</td>
<td>Prepared salads</td>
</tr>
<tr>
<td>Fermented meat products</td>
<td>Sandwiches or rolls</td>
</tr>
<tr>
<td>Meat pies, sausage rolls or hotdogs</td>
<td>Raw fruit and vegetables</td>
</tr>
<tr>
<td>Soft drinks/ juices</td>
<td>Processed fruit and vegetables</td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

3. What is the nature of your food business?

To be answered by all businesses:

(a) Are you a small business*?

Yes  No

(b) Is the food that you provide, produce or manufacture ready to eat* when sold to the customer?

Yes  No

(c) Do you process the food that you produce or provide before sale or distribution?

Yes  No

(d) Do you directly supply or manufacture food for organizations that cater to the sick, elderly, children under 5 years of age or pregnant women (such as hospitals, nursing homes or child care centres)?

Yes  No

To be answered by manufacturing/processing businesses only:

(e) Do you manufacturer or produce products that are not shelf stable*?

Yes  No

(f) Do you manufacturer or produce fermented meat products such as salami?

Yes  No

To be answered by food service and retail businesses only (includes charitable and community organizations, market stalls and temporary food premises):

(g) Do you sell ready to eat* food at a different location from where it is prepared?

Yes  No

Refer to Definitions below:

**Process**, in relation to food, means activity conducted to prepare food for sale including chopping, cooking, drying, fermenting, heating, pasteurising, or a combination of these activities.

**Note**: This is not the same definition for process that is used in the food safety standards. Thawing and washing have been removed from this definition as these processes present a very low risk to food safety and are not relevant for the purposes of this form.

**Ready to eat food** means food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts totally enclosed in the shell or whole fruit and vegetables intended for further processing by the customer.

**Shelf-stable** means non-perishable food with a shelf life of many months to years.

**Small business** is a business that employs less than 50 people in the ‘manufacturing’ sector or which employs less than 10 people in the food services sector.

**Note**: When determining the number of employees of a business where casual and part time employees are involved, their weekly hours are added together and divided by the number of hours per week stipulated in the award for employees of that business. Only staff involved in food handling operations should be included.
**To be answered by all businesses:**

How many food handling staff are employed in the business operation?

Does the food business utilise any staff food safety program / training, e.g., FoodSafe Program. If "yes" please explain.

---

**Annual Certificate of Registration Fee:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee (incl. G.S.T.)</th>
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<tbody>
<tr>
<td>High Risk Food Premises</td>
<td>$400.00</td>
</tr>
<tr>
<td>Medium Risk Food Premises</td>
<td>$200.00</td>
</tr>
<tr>
<td>Low Risk Food Premises</td>
<td>$75.00</td>
</tr>
<tr>
<td>Very Low Risk Food Premises</td>
<td>Nil</td>
</tr>
<tr>
<td>Food Vehicle</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

*Food Businesses / Vehicles with an approved Food Safety Program are entitled to a 20% discount on annual fees.*

All fees should be made payable to the City of Rockingham.

**Health Services**

City of Rockingham
PO Box 2142
**ROCKINGHAM** DC WA 6967 PHONE: 9528 0315
FAX: 9592 1705
## 9. The Committee’s Reason for Varying the Officer’s Recommendation

Not applicable.

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

Not applicable.
### Planning Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>SP-006/11 Proposed Road Closure - Ennis Avenue and Rae Road, Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>28/5617-02</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td>Gray and Lewis Planning Consultants</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr J.P MacDonagh, Planning Assistant</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr D Waller, Co-ordinator Statutory Planning, Mr M Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>14th February 2011</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>PD 93/9/10 (September 2010)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Legislative</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Western portion of road reserve at the corner of Ennis Avenue and Rae Road, Rockingham</td>
</tr>
<tr>
<td><strong>Lot area:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Station Road Closure Image</td>
</tr>
<tr>
<td><strong>Maps/diagrams:</strong></td>
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</tbody>
</table>

**Subject Site**

Location Plan – Intersection of Ennis Avenue and Rae Road, Rockingham
1. **Purpose of Report**

To consider an application to close the western portion of road reserve located at the corner of Rae Road and Ennis Avenue, Rockingham.

2. **Background**

In August 2010, an application was received on behalf of the Public Transport Authority of Western Australia (PTA) seeking the closure of a 4.1929ha portion of the road reserve at the corner of Rae Road and Ennis Avenue Rockingham.

In September 2010, Council resolved to advertise the proposed closure of the unnamed portion of road reserve. This included consultation with various government agencies. The Public Transport Authority was also advised that a portion of the road closure area has been identified as a possible storage area (depot) for the Light Rail Street Cars associated with the future Rockingham City Centre Light Rail Transit System.

3. **Details**

The proposed road closure will enable the construction of a future overflow car park for the Rockingham Station. The area of land required for the overflow car park has been agreed between Main Roads WA, State Land Services and the PTA. Upon the road reserve being closed, a new reserve will be created to be managed by the PTA.

4. **Implications to Consider**

a. **Consultation with the Community**

A Public Notice was placed in a local newspaper advertising the proposed closure. The only public submissions received were from Government Agencies.

b. **Consultation with Government agencies**

The proposed road closure was advertised for 35 days in accordance with the Land Administration Act 1997. Advertising closed on the 25th November 2010, with submissions received from Main Roads, Telstra, Western Power and Department of Planning. No objections were raised although Western Power advised that if it has to install an asset on this property to supply the lot, Western Power staff will require 24 hour unencumbered access.

c. **Strategic**

The proposal falls within Functional Area 3 - Land Use & the Environment in Council's Strategic Plan under the scope of Land Use Planning.

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

The responsibility for determining applications for the closure of road reserves rests with the Minister for Lands, on advice from Landgate.

5. **Comments**

Given the road closure will facilitate the construction of overflow parking for Rockingham Station it is recommended that the Council, pursuant to Section 58 of the Land Administration Act 1997, request the Minister for Lands to proceed with the closure.
6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council *REQUEST* the approval of the Minister for Lands, to proceed with the road closure of the western portion of road reserve at the corner of Rae Road and Ennis Avenue, Rockingham, pursuant to Section 58 of the Land Administration Act 1997.

8. **Committee Recommendation**

That Council *REQUEST* the approval of the Minister for Lands, to proceed with the road closure of the western portion of road reserve at the corner of Rae Road and Ennis Avenue, Rockingham, pursuant to Section 58 of the Land Administration Act 1997.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
Reference No & Subject: SP-007/11 Proposed Amendment No.104 to Town Planning Scheme No. 2 - District Town Centre Zone (Final Adoption)

File No: LUP/1460
Proponent/s: City of Rockingham
Author: Mr T Fernandes, Planning Officer
Other Contributors: Mr D Waller, Co-ordinator, Statutory Planning
Mr M Ross, Manager, Statutory Planning

Date of Committee Meeting: 14th February 2011
Previously before Council: August 2010 (PD/71/7/10)

Disclosure of Interest:
Nature of Council’s Role in this Matter: Legislative

Site: Various
Lot Area: Various
Attachments: Advertised Scheme Amendment Provisions
Maps/Diagrams:

Rationalised Nairn Drive Reservation for Expansion of Town Centre
Proposed District Centre Zone (For Baldivis Town Centre)
1. Purpose of Report

To consider granting Final Approval to Scheme Amendment No.104, which seeks to rezone the land referred to as the ‘Secret Harbour Town Centre’ and ‘Baldivis Town Centre’ and a portion of the Nairn Drive reservation into a new ‘District Town Centre’ zone.

2. Background

In August 2010, the WAPC’s Metropolitan Centres Policy was superseded by State Planning Policy 4.2 - Activity Centres for Perth and Peel (‘the Policy’). The Policy recognises the Baldivis Town Centre, Secret Harbour Town Centre and Warnbro Shopping Centre as ‘District Centres’, as centres that focus on serving the daily and weekly needs of residents within their catchments. The Policy also emphasises the development of District Centres to include residential, commercial and retail land uses, encouraging a Main Street built form as part of an overall ‘Activity Centre’.

In August 2010, the Council resolved to provide an appropriate statutory framework for the development of the Secret Harbour Town Centre in response to the State Planning Policy. A Scheme Amendment was prepared to incorporate the District Centres with a Main Street focus into a generic ‘District Town Centre’ zone.

3. Details

The Council’s approval is sought to amend TPS2 to create a ‘District Town Centre zone’ that incorporates the Baldivis Town Centre and Secret Harbour Town Centre.

The existing TPS2 provisions for the Baldivis Town Centre are to be used as the basis for the new Scheme provisions applying to the new ‘District Town Centre’ zone. Clause 4.5 of TPS2 will simply change references to the ‘Baldivis Town Centre’ to the ‘District Town Centre’. The application of the proposed ‘District Town Centre’ generic zone can then be used to control the development of these District Town Centres.

The Scheme Amendment was referred to the Environmental Protection Authority (‘EPA’), for assessment under section 48A of the Environmental Protection Act 1986. In September 2010, the EPA advised that the Amendment will not be assessed the EPA Act 1986.
4. Implications to Consider

a. Consultation with the Community

The Scheme Amendment was advertised to forty two (42) affected landowners, and the Baldivis Community Association, for a period of forty two (42) days, with the advertising period closing on the 15th December 2010.

In accordance with the requirements of the Town Planning Regulations 1967, a notice was also placed in the Weekend Courier newspaper on the 22nd October 2010. Copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices and placed on the City’s website.

At the conclusion of the advertising period, one submission was received from Taylor Burrell Barnett, acting on behalf of Stockland (refer to Attachment 1). The submission raised the following points with respect to the amendment:

- In general terms, the submission supported a generic ‘District Town Centre’ zone, to allow the broader application of the existing Scheme provisions.
- A mapping discrepancy was identified between the proposed Scheme Map with a Metropolitan Region Scheme (MRS) amendment which is currently being considered by the Minister for Planning. It was recommended that the City reflect Metropolitan Region Scheme Amendment 1193/57 – Proposal 16 on the proposed Scheme Maps and acknowledge the MRS rezoning as part of the Scheme Amendment Report.

b. Consultation with Government Agencies

Given implications of the Scheme Amendment relating to mapping and consistent within the Scheme Text, the only Government Agency consulted was the EPA.

c. Strategic

Functional Area 3 – Land Use & the Environment in Council’s Strategic Plan.

d. Policy

Nil

e. Financial

N/A

f. Legal and Statutory

In accordance with the regulations, the Council is required to consider all submissions made within 42 days of the publication of the advertisement and submit to the Western Australian Planning Commission, for recommendation to the Minister for Planning, its decision to proceed or not to proceed with the Scheme Amendment.

5. Comments

The recommendation provided within the submission has merit. Incorporating the requested mapping change to the proposed Scheme Amendment is consistent with the proposed change to the MRS, as it will allow the development of land abutting Nairn Drive and its inclusion within the Baldivis Town Centre. The City will avoid incurring additional costs for preparing and advertising a separate Scheme Amendment.

It is recommended that the Council adopt the Scheme Amendment (as amended) for Final Approval subject to modifications incorporating the realignment of the ‘District Town Centre’ zone adjoining Nairn Drive.

6. Voting Requirements

Simple Majority
7. **Officer Recommendation**

That Council:

1. **ADOPT** Amendment No.104 to Town Planning Scheme No.2, for Final Approval, subject to the following modifications:

   (i) Modify the proposed ‘District Town Centre’ zone to align the proposed eastern boundary of the Nairn Drive Other Regional Road Reserve, as identified within the South West Metropolitan Regional Scheme Amendment 1193/57 - Proposal 16.

   (ii) Delete the legend annotation for the Baldivis Town Centre zone shown on the Scheme Maps.

2. **ADOPT** the recommendation contained in the Submission Schedule as follows:-

   **CITY OF ROCKINGHAM**
   **AMENDMENT NO.104 – DISTRICT TOWN CENTRE ZONE**
   **SUBMISSION SCHEDULE**

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.1 - Mr Tayne Evershed - Taylor Burrell Barnett - PO Box 8186 Subiaco East WA 6008</td>
<td>In general terms we wish to convey our support for the City’s proposed Scheme Amendment 104. The renaming of the ‘Baldivis Town Centre’ zone in favour of the more generic ‘District Town Centre’ zone is a practical solution that will allow the broader application of existing Scheme provisions. Indeed a renaming of the ‘Baldivis Town Centre’ zone protects the Scheme against potential administrative inefficiencies at a later stage. In reviewing the proposed Amendment map, however, we note a discrepancy in the delineation of the proposed zone. Specifically we refer to a linear portion of land that forms part of the existing Nairn Drive reserve. The land in question is currently the subject of a Metropolitan Region Scheme (MRS) Amendment that will see it rezoned from ‘Other Regional Road’ to ‘Urban’. The MRS Amendment (No. 1193-57 – Proposal 16) is well progressed and is likely to be finally approved by the Minister for planning in January or February 2011. Given the imminent determination of the MRS Amendment (which the City of Rockingham supported) we consider it appropriate that newly proposed Amendment 104 also reflect the Commission’s rezoning proposal. Therefore the land should be depicted as ‘District Town Centre’ rather than ‘Other Regional Road’ on the proposed Amendment map. Acknowledgement of the proposed rezoning should also be incorporated in the City’s associated Amendment report.</td>
<td>That the submission be upheld. It is recommended that Council modify the proposed Town Planning Scheme Maps for the Baldivis Town Centre to align the boundary of the proposed District Centre zone to the proposed boundary of the Nairn Drive Other Regional Road Reserve, identified within the South West Metropolitan Omnibus Amendment 1193/57 - Proposal 16 and acknowledge the MRS amendment within the justification report.</td>
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<td>Taylor Burrell Barnett has contacted the City to discuss this matter and we have been advised that the mapping discrepancy is merely an oversight. Nevertheless it is an oversight that could detrimentally impact on the proper functioning of the Baldivis Town Centre where it interfaces the subject land. Further, without rectification now, the mapping error could result in a delay of at least 9-12 months while a new scheme amendment is initiated and administered.</td>
<td>CONCLUSION We respectfully request that the City modify the proposed Amendment map 104 to reflect MRS Amendment 1193/57 - Proposal 16 and correspondingly rezone the subject land to 'District Town Centre' under TPS2. As a final comment in support of our submission we note the commentary provided in the commissions MRS Amendment Report: &quot;Investigation into the long-term function and role of Nairn Drive confirms that the ORR reservation for Nairn Drive can be reduced. Therefore, inclusion of the redundant portions of ORR reserve in urban zone is a more appropriate designation in the MRS.&quot; A rezoning at the locale level would therefore appear a formality.</td>
</tr>
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### 8. Committee Recommendation

That Council:

1. **ADOPT** Amendment No.104 to Town Planning Scheme No.2, for Final Approval, subject to the following modifications:
   - (i) Modify the proposed ‘District Town Centre’ zone to align the proposed eastern boundary of the Nairn Drive Other Regional Road Reserve, as identified within the South West Metropolitan Regional Scheme Amendment 1193/57 - Proposal 16.
   - (ii) Delete the legend annotation for the Baldivis Town Centre zone shown on the Scheme Maps.

3. **ADOPT** the recommendation contained in the Submission Schedule as follows:

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CITY OF ROCKINGHAM
AMENDMENT NO.104 – DISTRICT TOWN CENTRE ZONE
SUBMISSION SCHEDULE
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<td>That the submission be upheld. It is recommended that Council modify the proposed Town Planning Scheme Maps for the Baldivis Town Centre to align the boundary of the proposed District Centre zone to the proposed boundary of the Nairn Drive Other Regional Road Reserve, identified within the South West Metropolitan Omnibus Amendment 1193/57 - Proposal 16 and acknowledge the MRS amendment within the justification report.</td>
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A rezoning at the locale level would therefore appear a formality. | Committee Voting - 4/0 |

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

Not applicable.

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

Not applicable.
**Planning Services**  
**Statutory Planning Services**

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th><strong>Proposed Place of Worship</strong></th>
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<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>SP-004/11</td>
</tr>
<tr>
<td><strong>Proponent/s:</strong></td>
<td></td>
</tr>
<tr>
<td>Lester Mulder Designs/Dykstra Planning</td>
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<tr>
<td><strong>Author:</strong></td>
<td>Mr D Waller</td>
</tr>
<tr>
<td>Co-ordinator, Statutory Planning</td>
<td></td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr M Ross</td>
</tr>
<tr>
<td>Manager, Statutory Planning</td>
<td></td>
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</table>

| **Date of Committee Meeting:** | 14th February 2011 |

| **Previously before Council:** |                       |
| **Disclosure of Interest:**    |                       |
| **Nature of Council’s Role in this Matter:** | Quasi Judicial |

| **Site:** | Lot 14 (No.6) Outridge Road cnr Mandurah Road, Baldivis |
| **Lot Area:** | 2.2ha |
| **Attachments:** | 14 Submission (3 joint submissions from various landowners), Consultant Response to submissioners, letter of support from owner of Lot 15 (No.1411) Mandurah Road, Baldivis |
| **Maps/Diagrams:** | Submission Map, Superseded and Modified Development Plans |

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**Subject Location**

**Vernon Arms Tavern**

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**CONFIRMED AT A PLANNING SERVICES MEETING**  
**HELD ON MONDAY, 14 MARCH 2011**
1. **Purpose of Report**

To consider an application seeking Planning Approval for a Place of Worship (Church) at Lot 14 (No.6) Outridge Road corner Mandurah Road, Baldivis.

2. **Background**

The Free Reformed Church of Baldivis (‘FRCB’) currently consists of 220 members. The member catchment area extends from south of Safety Bay Road to Singleton. Worship Services are currently held at the Free Reformed Church of Rockingham (‘FRCR’) twice every Sunday, at separate times to the Rockingham congregation.

The FRCB was formed in July 2007, when the FRCR grew too large for its building on Old Mandurah Road. Shortly after the inception of the FRCB, the subject site was purchased.

A new dwelling was constructed on the property in 2009 and is currently occupied by the Church Pastor.

The FRCB initially started to meet at Tranby Baldivis College, however, the congregation outgrew the hall at Tranby College and separate church times commenced at the FRCR Church.

3. **Details**

**Original Proposal**

The advertised proposal for the Church on the site comprised the following elements: -

- 1005m² Church building (801m² internal areas and 204m² verandahs);
- 363m² auditorium to cater for up to 363 persons;
- Two Church Services to operate on Sundays at 9.30am and 4.00pm;
- Music to consist of singing psalms/hymns with piano or organ accompaniment;
- 90 bay car park accessible from Outridge Road;
- Modifications to intersection of Mandurah Road and Outridge Road – turning lane and passing lane (as recommended by Traffic Report);
- Crèche to operate in conjunction with Church Services times only;
- Meeting Rooms for Bible Studies (not to be used during weekday evenings - Monday to Thursday);
- Removal of existing Building and some trees;
- The proposed use of weatherboard cladding, colourbond roof cladding and a feature limestone wall fronting the intersection of Mandurah Road/Outridge Road intersection.
- Relocation of existing shed to a location adjoining the existing residence.

The application is supported by a Traffic and Car Parking Report, Acoustic Consultant’s Report and Aborist Report.

The applicant has provided the following justification in support of the proposal:-

- In terms of land use we would like to draw your attention to the fact the Town Planning Scheme (TPS) does indeed allow/provide for places of worship in land zoned rural, albeit at the discretionary (‘A’) approval by the local government, after giving special notice in accordance with clause 6.3 of the TPS. Any person(s) living on or buying land in a rural zone has this information available to them (via the TPS), and an application for a Place of Worship could be anticipated at any time.

- In terms of land use we would like to draw your attention to the existing land uses of the street which include a wood working business, flower farm, and a public bar/restaurant as well as large storage sheds/workshops. It is apparent that the neighbourhood makeup is not solely rural residences.
- Upon viewing aerial images of the site and surrounding properties it is apparent that the percentage of the site being developed as part of this application is in keeping with or less than the percentage site area developed as part of existing developments on a number of the surround allotments.

- The recommendations of the Acoustics Report will be implemented as part of the detailed design/construction of the proposed building.

- The positioning of the building, access drive as well as natural contours will provide significant screening from car headlights accessing the facility.

- The access drive location will have minimal effect on the traffic flow of the street as queuing space is kept to a minimum.

- A few of the existing trees will need to be removed. Our site plan shows proposed positions for new trees. It is intended to keep the olive grove orchard between Mandurah Road and the proposed church to form a buffer. It is proposed that new trees will be planted as part of the development and that further detail be included on a future Landscaping Plan as part of the Building Licence Application.

- The existing decommissioned house on the property would be demolished as part of the development.

- The proposed building/facilities have been planned to cater for growth of the congregation so that no additions will be required in future.

- The site is located within close proximity of the majority of the members and forms a practical central location to the member catchment area.

- The facilities will NOT be used to run a commercialized (child) day care facility from the premises. The proposed crèche will be used during worship services only.

- The proposed facilities will not be used as a half-way house.

Submissions

At the close of the submission period on 19th November 2010, a total of 14 submissions has been received. Two submissions were received after close of advertising. Three submissions were signed by multiple landowners and one submission was received from the Baldivis Residents Association. A substantial 16 page submission was received from Planscape on behalf of five owners (Lots 4, 6, 17, 70 & 71). All of the submissions objected to the proposal and the issues raised have been summarised as follows:-

1. Traffic impacts
2. Impact on Rural Character, Amenity and Landscape Impacts
3. Building scale and bulk
4. Noise
5. Environmental Issues/Servicing
6. Zoning/use
7. Lighting
8. Fire risk
9. Building Appearance
10. Temporary accommodation purposes
11. Buffers/Setbacks
1. **Traffic Impacts**

Traffic impact was raised as the major issue from the objections. Traffic increase from the proposed development onto Outridge Road was raised, especially at peak periods, just prior to the commencement and just after the finish times of Church Services. Submissioners referred to the potential for traffic banking back along Outridge Road and the high and peak traffic volumes, substantially reducing safety and the convenience for users of Outridge and Mandurah Road. One submission recommended that access be gained from Mandurah Road.

2. **Impact on Rural Character, Amenity and Landscape Impacts**

The impact on rural character and quiet lifestyle enjoyed by residents was raised by the objectioners. Most objectors believed that the proposal was inconsistent with the rural setting of the locality (being predominantly single residential and low key rural activities).

Several objectors suggested that the proposal would have an unfavourable impact on the rural viewshed enjoyed from Mandurah Road and Outridge Road, and the natural interface with Lake Walyungup. Objectors identified that the proposed building cannot be effectively screened, given its size and scale and, therefore, it will be visually intrusive when viewed from Mandurah Road and adjoining properties.

3. **Building Height and Scale**

Most objectors believed the building was too high and too large and was incompatible in its rural setting.

4. **Noise**

The submissioners identified noise as a potential issue that would impact on the amenity of residents. Noise generated from the following:-

- 700 people accessing the site every Sunday by vehicle. Noise associated with car engines, tyres, car doors etc;
- Noise associated with vehicles leaving the site during the week;
- Noise associated people talking outside the building;
- Amplified bands/recorded music; and
- Outside Crèche.

5. **Environmental Issues/Servicing**

Objections were raised that the proposal may have an environmental impact. The impact of the loss of significant vegetation on-site was considered a primary concern. A number of submissioners queried the ability of a Aerobic Treatment Unit (ATU) to service the development and the potential impact on groundwater and Lake Walyungup, especially when Mass was occurring and the number of parishioners was at its peak. The impact on ground water supply to service the development would also place undue pressure of water quality and levels for the aquifer.

Some submissioners identified that the development would have a negative impact on Lake Walyungup due to loss of habitat and impact on animals. The water level in the Lake could also be affected due to servicing requirements.

6. **Zoning/Use**

Several submissioners objected to the proposal on the basis that it is inconsistent with the ‘Rural’ zoning and intended uses that are permitted in a rural area.

7. **Lighting**

Several submissioners identified that light spill from the development, and from vehicles entering and leaving the premises, would have an adverse impact on the amenity of surrounding residents.

8. **Fire Risk**

Several submissioners were concerned that the proposal would pose a fire risk to adjoining properties as an adequate water supply would not be available in the event of a fire.
9. **Building Appearance**

A number of submissioners were concerned that the appearance of the building was not in keeping with its rural theme and setting.

10. **Temporary Accommodation**

Several submissioners raised concerns that the proposed building could be used for temporary accommodation purposes and possibly a half-way house.

11. **Buffers/Setbacks**

One submissioner identified that the proposal did not comply with the Mandurah Road setback of 40m and Outridge Street setback of 30m. The same submissioner identified that the separation distances to adjoining neighbours was insufficient and would have a detrimental impact in terms of noise, light physical imposition and general impact.

**Revised Proposal**

A summary of the submissions was provided to the proponent following the close of advertising. In response to the concerns raised by submissioners, the proponent submitted a supplementary planning report consisting of:

(i) Written response to the matters raised during advertising (attached) and clarification of a number issues as follows:

- Regular services on a Sunday at 9.30am to 10.50am-10.55am and 4.00pm 5.15pm-5.20pm for a period of approximately 75-80 minutes;
- Services on Feast days such as Christmas Day, Good Friday and Ascension Day;
- Operate occasional activities including miscellaneous Thursday Night Meetings, Saturday Weddings and funeral services (any day);
- Other regular services such as Monday night church meetings (10 attendees), Tuesday night adult Bible Studies (30 attendees), Wednesday night Youth Group meetings (10 attendees), Thursday morning Women's Bible Study (15 attendees) and Friday night youth Bible Study (30 attendees).

(ii) Revised development plans (attached) incorporating the following changes:

- Flipping of the design so that the building is now located adjoining the northern boundary and the car park is located between the building and Outridge Road;
- Increased setback of the building to Outridge Road;
- Reduced setback of the building to northern boundary (now 10m);
- Increase in car bays from 90 to 92;
- The majority of car park setback at 18m to Outridge Road with small portion near entrance setback at 10m;
- Designation of three grassed overflow car parking area adjoining the constructed parking area;
- Increased tree retention; and
- Additional planting within northern 10m setback.

(iii) An updated Traffic Report and Road Upgrading Plans (Plans attached).

(iv) Letter of support from northern neighbour Lot 15; No.1411 Mandurah Road, Baldivis (attached).

**4. Implications to Consider**

**a. Consultation with the Community**

The proposed Place of Worship was advertised for a period of 21 days, closing on the 19th November 2010, as follows:
- Written notice of the proposal was given to all landowners and occupiers within 500 metres of the proposed development. This included an explanation of the proposal and plans, including a colour drawing.
- The proponent erected one large advertising sign (2.0m x 1.5m) fronting Mandurah Road;
- The proposal was advertised on the City’s Website; and
- Plans of the proposed development were available for inspection at the City’s Administration Building

Advertising was undertaken in accordance with Town Planning Scheme No.2 requirements.

b. Consultation with Government agencies

In accordance with the delegation power from the WAPC to the Council, for development on Mandurah Road (Category 3 road reservation - Other Regional Road) the proposal was referred to the Department of Planning for comment.

The Department provided advice which agreed with the findings of the Traffic and Car Parking Impact Report, and recommended that the Outridge Road and Mandurah Road intersection be upgraded to the required Austroad’s Standard.

c. Strategic

The proposal falls within Functional Area 3 – Land Use Control and the Environment in Council’s Strategic Plan under the scope of Land Use Planning.

d. Policy

The proposed development has been assessed against the following Policies:
- Planning Policy 5.2, Rural Land Strategy
- Planning Policy 2.3, Development Considerations for Disabled Persons

e. Financial

Nil

f. Legal and Statutory

Nil

5. Comments

Site Context

The subject land is located to the west of Lake Walyungup and the Vernon Arms Tavern to the south. The site adjoins Mandurah Road (which is classified as an Other Regional Road) on its western boundary and Outridge Road on its southern boundary.

Properties along Outridge Road and adjoining properties on Mandurah Road are predominantly single residential dwellings with various rural outbuildings, small scale rural activities, one larger scale intensive agriculture activity at No.44 Outridge Road and the Vernon Arms Tavern located opposite the subject site. The Tavern currently operates as a reception and function centre, a restaurant, bar, has live music and has an 84 bay car park. The City’s Health Services advises that the Vernon Arms Tavern has a maximum capacity of 170 persons.

The land rises from Mandurah Road at its lowest point of 5.0m AHD to its highest point of 23.0m AHD. The property forms part of the Ridge line which runs north and south along the eastern side of Mandurah Road.

An existing residence is centrally located on the property. A building is also located on the western side of the site and is proposed to be removed as part of the proposed development.

The property has a number of mature Tuart trees, the majority of which are proposed to be retained. Additional landscaping is proposed within the car parking area and along the interface of the car park abutting the northern neighbour.
The eastern half of the property is devoid of vegetation. The initial siting for the proposed Church building was for it to be located near Outridge Road. In response to the issues raised in objection to the proposal, the applicant has submitted revised plans relocating the Church building closer to Mandurah Road to address amenity and traffic concerns of residents.

City of Rockingham Town Planning Scheme No.2

The subject land is zoned ‘Rural’ under Town Planning Scheme No.2 (TPS2) and is zoned ‘Rural’ under the Metropolitan Region Scheme (MRS).

A Church is interpreted as a ‘Place of Worship’ under TPS2, which is a use that is not permitted unless Council has exercised its discretion by granting planning approval after advertising the proposal for public comment.

The objective for the ‘Rural’ zone in TPS2 is:-

“To preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide for future development within the zone.”

Rural Land Strategy

The subject land is located within Precinct 4A of Council’s Planning Policy 5.2 - Rural Land Strategy (‘RLS’). Planning Unit 4A provides a transition between the inland urban corridor and the coastal urban corridor. The RLS states that the primary objective of the Planning Unit is to encourage Special Rural/Special Residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east.

Setbacks

Development setbacks in TPS2 apply through the RLS which are 40m to Mandurah Road, 30m to all other subdivisional road (i.e. Outridge Road) and 10 metres to all other boundaries. No clearing is permitted within setback areas except for fire management or for vehicular access as approved by Council.

The auditorium has been relocated to achieve a setback of 53.89m to Outridge Road and 43.87 metres setback to Mandurah Road. The revised location of the auditorium is in a less visually obstructive location, when viewed from Outridge Road and Mandurah Road. The lake vista from Outridge Road will also maintain uninterrupted views.

The development setbacks are compliant with TPS2 and the RLS.

Parking

The proposal for 92 car parking bays complies with the car parking requirements of TPS2, based on 1 bay per 4 persons accommodated.

Waste Management

The proposed development now includes a screened bin storage area.

Traffic

A revised Traffic Impact Statement (TIS) has been prepared for the development, which was based on an auditorium with an ultimate capacity of 363 people.

The TIS recommended that the proposed development, based on observed traffic generation at the existing church, will generate a maximum of 3 to 4 attendees per vehicle in the morning and afternoon. The majority of traffic entering/leaving the property will normally occur within 30 minutes prior to a service commencing and 20 minutes after the conclusion of a service. The traffic distribution based on observed directional splits on Mandurah Road for parishioners attending a mass service are 50% heading north and 50% heading south.
One of the major concerns identified by submissioners was the potential for traffic banking up along Outridge Road when parishioners leave the Church after service. Under the worst case scenario where 100% of the congregation departs within 10 minutes (similar to a forced evacuation scenario) the maximum queue length that could be accommodated on Outridge Road for a vehicle turning left or right would be 10 car lengths. Under this scenario residents would join the queue as the 11th vehicle, which would mean a maximum wait of approximately 2.5 minutes. Given this event would be an unusual circumstance and limited to twice a week on a Sunday at defined intervals, the impact on amenity would be tolerable.

In terms of the intersection design, the TIS SIDRA intersection analysis prepared by the Traffic Consultant concluded that, subject to a Short Channelized Right Turn (for the south approach) and a ‘Short Auxiliary Left Turn’ (for the north approach) being provided at the intersection of Mandurah Road and Outridge Road, the queuing room would be satisfactory with no undue delays and no operational issues during peak approval and departure times.

The City's Engineering Services has reviewed the TIS and concluded that while the proposed development would increase traffic onto Outridge Road, it would not exceed the carrying capacity of the road and therefore will be within the accepted engineering standards. The City’s Engineering Services and Department of Planning both, however, recommend that the turning lane heading south along Mandurah Road would need to be increased in length (to 45m with a 30m taper) in accordance with Austroads Standards, to ensure a safer intersection, due to bend in Mandurah Road located just north of the intersection, having an impact on sight lines and to suit the 80km/ph speed limit. The resultant changes will improve traffic safety at the intersection of Mandurah Road and Outridge Road.

Given that all existing houses along Outridge Road are located further east of the proposed Church access, the traffic impact will be limited to a small portion of Outridge Road.

**Impact on Rural Character, Amenity and Viewshed**

The impact of the proposed development on the rural character and amenity of properties along Outridge Road, and those located within the vicinity of the subject site, is a key consideration of the City's assessment of the application. Objectors raised concerns regarding the adverse impact on the rural viewshed enjoyed from Mandurah Road and Outridge Road, and the natural interface with Lake Walyungup.

The applicant has advised that the Church building is proposed in a location that minimises any impacts upon residents of Outridge Road. Furthermore, Church Services are limited to Sundays and possible weddings and other religious events, which are comparable in scale to functions at the Vernon Arms Tavern, which is open 7 days a week.

The visual impacts of the proposed development to neighbours on Outridge Road would be minimal given its low elevated position and the repositioning of the building away from Outridge Road, in accordance with the amended plans. A Church in this location is not considered out of character with the ‘Rural’ zone due to the presence of the Vernon Arms Tavern and Mandurah Road. It is considered that the submissioner concerns regarding visual impact have been suitably addressed.

**Building Scale and Bulk**

The auditorium (area where Mass is held) has a wall height of 9 metres with a tower element that has a height of 12.5m. The tower element is an architectural feature that is similar to a bell tower that would normally appear on a church. While a small portion of the building is above 9m in height, the majority of the is predominantly of a similar scale to a normal two storey dwelling.

The Church has a substantial building footprint but it is not dissimilar in scale and bulk to the Vernon Arms Tavern buildings. Furthermore, the design achieves an average of ‘cut to fill’, and has a lower position along Outridge Road. The re-location of the building, so that it is setback further from the Outridge Road boundary, towards the northern boundary, assists in reducing the scale and of the development and resultant impact on the Outridge Road streetscape.
Noise

Noise from inside the building is required to be assessed under the provisions of the Environmental Protection (Noise) Regulations 1997 ('Regulations'). With regards to Church Services, noise from divine worship is exempt from the provisions of the Regulations, however other activities will still need to comply with the 'assigned noise levels' under the Regulations.

The applicant's Acoustic Consultant has indicated that a 'rock band' noise level will exceed the assigned noise levels by 10dB, however, this noise level is not indicative of the actual noise levels to accompany a church service.

To achieve compliance with the 'assigned noise levels', a number of structural modifications can be made, and are included in the Acoustic Report recommendations. These requirements can be met through conditions of approval and are considered acceptable to the City's Health Services.

Noise from vehicles entering / leaving the site and from people gathering outside / in the Crèche are exempt from the provisions of the Regulations. These concerns can only be considered on amenity grounds, rather than under the Regulations and are discussed further below.

The Church building is now located approximately 76 metres to its closest neighbour at No.1411 (lot 5) Mandurah Road and approximately 122 metres to a dwelling at Lot 70 (No.17) Outridge Road. In order to address noise concerns in relation to the Crèche, vehicles leaving/entering the car park and people congregating at the entrance to the Church, the building has been located as far from dwellings on Outridge Road as possible.

The proposed location of the Church building is considered a reasonable attempt to address noise issues that cannot be dealt with by the Regulations. Increasing the setback of the Church building from Outridge Road helps to mitigate noise impacts.

Environmental Issues/Servicing

Objectors raised various concerns over impacts that the proposal may have on the environment with the major concern being the loss of significant vegetation on-site and the potential impacts from effluent disposal and ground water. These matters as responded to as follows:-

Trees

The Arborist Report provided by the applicant assessed 28 significant trees located on-site. The recommendations of the report were as follows:-

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<thead>
<tr>
<th>Number</th>
<th>Tree Type</th>
<th>Action</th>
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<tbody>
<tr>
<td>22</td>
<td>Tuarts (on-site)</td>
<td>4 proposed for removal</td>
</tr>
<tr>
<td>6</td>
<td>Non native (on-site)</td>
<td>6 proposed for removal</td>
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</tbody>
</table>

The City's Parks Services support the recommendations of the Arborist Report for the advertised proposal regarding the removal of selected Eucalyptus gomphocephala. The modified plans now seek to retain an additional three trees.

Aerobic Treatment Unit ('ATU')

The submissioners raised concerns relating to the ability of an Aerobic Treatment Unit (ATU) to service the development and the potential impact on groundwater and Lake Walyungup to accommodate waste from 700 people at the Church. The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 was applied to determine the volume of waste and size of the ATU required for the proposed land use. For a church with a capacity of 360 people, the size of the system required under these Regulations can be achieved with a commercial sized ATU.

The disposal area for treated wastewater has previously been raised with the applicant, who provided an indicative disposal area. The City's Health Service is satisfied that an appropriate ATU can be accommodated on-site given there is a large area on the lot that has the potential for irrigation. The applicant will need to submit an application to construct an onsite waste water system to be assessed by the Department of Health (not the City). The City's Environmental Planning Services advises there is adequate separation to ensure there is no adverse environmental impact upon groundwater and Lake Walyungup.
**Water Supply**

Reticulated water has recently become available along Mandurah Road due to a recent Special Rural subdivision at Lot 538 Mandurah Road. There is no need for a bore to supply drinking water to service the development and hence no impacts on ground water levels are expected. A requirement for the building to be connected to reticulated water can be imposed as a condition of approval.

**Buffers/Setbacks**

The revised plans now comply with the required setbacks for Mandurah Road of 40m and Outridge Street setback of 30m. The City supports the Church building being relocated towards the northern boundary to achieve compliance with the setback requirement of the RLS, which would also address visual and landscape impacts as detailed above.

**Lighting**

Light spill from the development can be controlled through a condition of approval requiring compliance with Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting', however, light spill from vehicles can only be ameliorated through design. The impact on the amenity of surrounding residents from vehicle headlights would be minimal given that ancillary activities up to a maximum of 30 persons will utilise the building at night. Furthermore, due the car park being located on a lower site level than most dwellings along Outridge Road, there would not be any visual impact or intrusion. Additional landscaping located between the car park and Outridge Road and required as a condition of approval, will provide additional screening to minimise any impacts.

**Fire Risk**

As a reticulated water supply will be available this will assist in reducing the risk of fire. A number of fire management measures can be addressed as part of a Building Licence and a requirement for a Fire Management Plan can be imposed as a condition of planning approval.

**Building Appearance**

Objectors considered the elevations were not in keeping with its rural theme and setting. The building design is generally well articulated with different use of building materials, architectural features such as the tower element and extensive verandahs and rural character. The Outridge Road elevation from the original plans had the appearance of the rear of the building. The revised plans are in improvement because the front of the church together with its spire and verandahs will address Outridge Road. The limestone feature wall and colours of the wall cladding should be changed to be more compatible with the rural character of the area. Colours and materials should blend into the landscape rather that detract from it.

**Temporary Accommodation**

The applicant has confirmed that the Church building will not to be used as a half way house.

**Conclusion**

Having considered all the issues raised by submitters it is clear there are strong objections to the proposed development proceeding. It is the City's view that the location of the proposed church and car park are generally acceptable, and the issues raised have been satisfactorily addressed to comply with the requirements of the RLS and TPS2.

The revised plans are considered appropriate as they address the objections raised by submitters. By increasing the setback of the Church from Outridge Road, the rural viewshed from Outridge Road looking west towards Lake Walyungup will be maintained.

The re-configurated car park and access also allows for additional screen landscaping to be provided to further ameliorate any impacts. The reduction of the driveway length to the car-park provides a more direct entry and reduces the extent of earthworks and retaining walls.

The proposed Church is considered an appropriate land use that is compatible with its rural setting given it is located opposite a tavern and adjoins Mandurah Road. The proponent has demonstrated through the amended proposal that the impact on the amount of adjacent properties can be mitigated though the revised plans.
It is recommended that Council grant Planning Approval to the proposed Place of Worship on Lot 14 (No.6) Outridge Road, Baldivis subject to conditions.

4.50pm - Mr Iliyah Hastings (Planscape) and Mr Henry Dykstra (Dykstra & Associates) attended the Planning Services Standing Committee meeting.

**DEPUTATION**

5.33pm - Mr Hastings and Mr Dykstra left the Planning Services Standing Committee meeting.

**6. Voting Requirements**

Simple Majority

**7. Officer Recommendation**

That Council **GRANT** conditional Planning Approval to the proposed Place of Worship at Lot 14 (No.6) Outridge Road, Baldivis, subject to:-

(i) Standard Conditions: D1, D2 (21st January 2011) D9 (90 bays), D11 (2 disabled bays), D14, D16, D17, D18, D21, D23, D25 (vi) Additional mature landscaping to be installed within the Outridge Road setback area, D28, D29, D34, D36, D37, D38, D66, D87; and

(ii) Standard Footnotes: F1, F2, F21 (D25),

Special Conditions:

(iii) The intersection of Mandurah Road and Outridge Road must be upgraded in accordance with ML Traffic Engineers Traffic and Impact Report dated January 2011 (Version 3A), and amended for compliance with Austroad Standards for an unsignalised intersection treatment to accommodate a design speed of 80kmph. The road modifications to be completed to the satisfaction of the City, prior to occupation of the development, to the satisfaction of the City's Engineering Services.

(iv) The Building must be designed and constructed to comply with all recommendations detailed in the Acoustic Consultant Report by Herring Storer Acoustics dated 16th June 2010. The recommendations must be detailed on plans submitted for a Building Licence. The works the subject of the recommendations must be retained and maintained in good condition at all times.

(v) A lighting plan for the car park to be provided to the satisfaction of the Manager Statutory Planning, prior to issue of a Building Licence. Lighting installed within the carpark and external to the building not being illuminated after 10:00pm with all illumination being confined to the limits of the development in accordance with the requirements of Australian Standard AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".

(vi) The development must be connected nutrient retentive effluent disposal system to the satisfaction of the Department of Health, prior to the issue of a Building Licence.

(vii) The development to be connected to a reticulated water supply, prior to occupation of the development.

(viii) A Fire Management Plan must be prepared and implemented in accordance with the Western Australian Planning Commissions Planning for Bush Fire Protection Edition 2 to the satisfaction of the City, prior to the commencement of any work.

(ix) Trees nominated for retention on the approved plans must be marked and retained during works to the satisfaction of the City's Parks Services.

(x) The refuse storage area must be constructed prior to occupation of the development and is to be of a size suitable to service the development and be screened from view of Outridge Road and Mandurah Road.
(xi) A geotechnical report must be prepared by a suitably qualified consultant to certify that the land does not contain any unsuitable landfill and that the land is physically capable of supporting the development.

(xii) No hiring or lending of the premises or buildings to a third party is to be undertaken unless with the prior Planning Approval of the Council.

8. Committee Recommendation

The Officer Recommendation was put and the Committee voted 2 all, Councillors Smith and Dodd in favour; Councillors Prince and Warner against.

Motion lapsed, as casting vote was not exercised.

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

Not applicable.

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

Not applicable.
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<th>Reports of Councillors</th>
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<td>Addendum Agenda</td>
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<td>Motions of which Previous Notice has been Given</td>
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<td>Notices of Motion for Consideration at the Following Meeting</td>
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<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
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<td>Matters Behind Closed Doors</td>
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<td>Date and Time of Next Meeting</td>
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<td>The next Planning Services Standing Committee Meeting will be held on <strong>Monday, 14 March 2011</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td>Closure</td>
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<td>There being no further business, the Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 5.45pm.</td>
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<td>Attachments</td>
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