MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 20 October 2014 at 4:00pm
City of Rockingham Boardroom
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# Planning and Engineering Services Committee Minutes

Monday 20 October 2014

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 NOVEMBER 2014

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## City of Rockingham

Planning and Engineering Services Committee

Meeting Minutes

Monday 20 October 2014 - Council Boardroom

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### Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4.00pm**, welcomed all present, and recited the Acknowledgement of Country.

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

#### 2.1 Councillors

- Cr Richard Smith (Deputy Mayor) **Chairperson**
- Cr Justin Smith **(Deputy for Cr Elliott)**
- Cr Ron Pease JP
- Cr Deb Hamblin
- Cr Allan Hill OAM JP
- Cr Joy Stewart **(Observer)**
- Cr Matthew Whitfield **(Observer until 5.07pm)**

#### 2.2 Executive

- Mr Andrew Hammond **Chief Executive Officer**
- Mr Bob Jeans **Director Planning and Development Services**
- Mr John Woodhouse **Director Legal Services and General Counsel**
- Mr Chris Thompson **Director Engineering and Parks Services**
- Mr Peter Ricci **Project Manager Keralup**
- Mr Brett Ashby **Manager Strategic Planning and Environment**
- Mr Richard Rodgers **Manager Building Services (until 4.35pm)**
- Mr Mike Ross **Manager Statutory Planning**
- Mr Rod Fielding **Manager Health Services (until 4.35pm)**
- Mr Scott Lambie **Manager Engineering Services**
- Mr Gary Rogers **Manager Procurement and Projects**
- Mr Adam Johnston **Manager Parks Operations**
- Mr James Henson **Manager Parks Development**
- Ms Melinda Wellburn **PA to Director Planning and Development Services**

#### 2.3 Members of the Gallery:

- 6

#### 2.4 Apologies:

- Cr Chris Elliott

#### 2.5 Approved Leave of Absence:

- Nil

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

Nil

### 4. Public Question Time

<table>
<thead>
<tr>
<th>Time</th>
<th>Question</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.02pm</td>
<td>The Chairperson invited members of the Public Gallery to ask questions.</td>
<td></td>
</tr>
<tr>
<td>4.1</td>
<td>Mr Nick Thompson, No.126 Penguin Road, Safety Bay - PDS-078/14 - Home Business: Personal Training and Remedial Massage (Renewal)</td>
<td>The Chairperson invited Mr Thompson to present his question to the Planning and Engineering Services Committee. Mr Thompson advised the Committee that he considered the changes to the Home Business relating to on-site parking, reduced hours were compliant with the City's planning requirements. Mr Thompson also argued that client traffic volumes were low and there had been no complaints while the business was operating. He explained that he and his partner had a substantial investment in the business and previously operated from the City. Mr Thompson asked the Committee to approve the Remedial Massage Business operating between 8.00am to 7.00pm weekdays and 9.00am to 12 noon on Saturday. Mr Thompson also advised the Committee that he would then need to relocate the Gym to a commercial premises.</td>
</tr>
<tr>
<td>4.2</td>
<td>Mr Matthew Adams, No.582 St Albans Road, Baldivis - PDS-085/14 - Proposed Building Envelope Variation</td>
<td>The Chairperson invited Mr Adams to present his questions to the Planning and Engineering Services Committee. Mr Adams advised the Committee that he seeks approval to vary the Building Envelope to build another shed. Mr Adams questioned the basis of the Officer Recommendation as he considered there would be no fire risk to his proposed shed, environmental impact would be minimal and he committed to replant double the number of trees to be removed. Mr Adams asked the Committee to defer the matter until the next month.</td>
</tr>
<tr>
<td>4.20pm</td>
<td>There being no further questions the Chairperson closed Public Question Time.</td>
<td></td>
</tr>
</tbody>
</table>

### 5. Confirmation of Minutes of the Previous Meeting

Moved Cr Hill, seconded Cr Pease:

That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 15 September 2014, as a true and accurate record.

Committee Voting – 5/0

### 6. Matters Arising from the Previous Minutes

Nil

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

<table>
<thead>
<tr>
<th>Time</th>
<th>Announcement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.21pm</td>
<td>The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.</td>
<td></td>
</tr>
</tbody>
</table>
8. Declarations of Members and Officers Interests

4.21pm The Chairperson asked if there were any interests to declare.
There were none.

9. Petitions/Deputations/Presentations/Submissions

Nil

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – October 2014

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 Mosquito Control Program
   3.7 Ocean Water and Storm Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 After Hours Noise and Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Noise Complaints - Detailed Information
   4.9 Building Plan Assessments
   4.10 Septic Tank Applications
   4.11 Demolitions
   4.12 Swimming Pool and Drinking Water Samples
   4.13 Rabbit Processing
   4.14 Hairdressing and Skin Penetration Premises
   4.15 Family Day Care Approvals
   4.16 Emergency Services
   4.17 Hydrant Maintenance
   4.18 Restricted Burning Period – Permits Issued
   4.19 Hazard Reduction Burns
   4.20 Volunteer Bush Fire Brigade/Emergency Services Training
   4.21 Emergency Support Vehicle
   4.22 Volunteer Liaison Officer Training
   4.23 Volunteer Bush Fire Brigade & SES – Maintenance of Vehicles
   4.24 Social Media
   4.25 Community Engagement
### Building Services

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - Monthly Building Permit Approvals - (All Building Types)
   - Private Swimming Pool and Spa Inspection Program
   - Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually
   - Demolition Permit
   - Permanent Sign Licence
   - Community Sign Approval
   - Temporary Sign Licence
   - Street Verandah Approval
   - Occupancy Permits
   - Strata Titles
   - Unauthorised Building Works (Section 51 of the Building Act)
   - Monthly Caravan Park Site Approvals
   - R-Code Variations

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   - Local Planning Strategy (LUP/1352)
   - Water Campaign (EVM/56-02)
   - Karnup District Structure Plan (LUP/1546)
4. Information Items
   - Proposed Metropolitan Region Scheme Amendment – Heritage Park Phase 2 - Lots 986 and 993 Baldivis Road, Baldivis
   - Urban Growth Monitor July 2014

### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   - CouncilsOnline (Planning Products via the Web) formerly eDA
4. Information Items
   - Land Use – Planning Enforcement
   - Subdivision/Development Approvals and Refusals by the WAPC
   - Notifications and Gazettals
   - Subdivision Clearances
   - Subdivision Survey Approvals
   - Subdivision Lot Production
   - Delegated Development Approvals
4.8 Delegated Development Refusals
4.9 Delegated Building Envelope Variations
4.10 Subdivision/Amalgamation Approved
4.11 Strata Plans
4.12 Subdivision/Amalgamation Refused

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.3 Campus Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.5 Keralup
   3.6 Mangles Bay Marina
   3.7 Rockingham Beach Foreshore Masterplan

Advisory Committee Minutes

Committee Recommendation
Moved Cr J Smith, seconded Cr Hamblin:
That Councillors acknowledge having read the Planning Services Information Bulletin – October 2014 and the content be accepted.

Engineering and Parks Services Information Bulletin – October 2014
Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Authority for approval of Directional Signage
   4.2 Delegated Authority for Thoroughfare Closures
   4.3 Engineering Services Design Projects 2014/2015
   4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions
   4.5 Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions
   4.6 Delegated Authority to approve the release of Bonds for private subdivisional works
   4.7 Handover of Subdivisional Roads
   4.8 Delegated Authority for the payment of Crossover Subsidies
   4.9 Main Roads upgrades on Ennis Avenue

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
### 4.1 Road Construction Program Roads to Recovery 2014/2015
### 4.2 Road Construction Program Main Roads Direct Grant 2014/2015
### 4.3 Road Construction Program Main Roads Grant 2014/2015
### 4.4 Road Construction Program State Black Spot 2014/2015
### 4.5 Road Construction Program Municipal Works 2014/2015
### 4.6 Road Resurfacing Program Municipal Works 2014/2015
### 4.7 Footpath Construction Program Municipal Works 2014/2015
### 4.8 Road Maintenance Program 2014/2015
### 4.9 Passenger Vehicle Fleet Program 2014/2015
### 4.10 Light Commercial Vehicles Program 2014/2015
### 4.11 Heavy Plant Program 2014/2015
### 4.12 Establishment of the Litter Busters Team

#### Parks Development
1. Parks Development Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Golden Bay Shared Use Oval
   3.2 Reef Place Reserve Development
   3.3 Vegetation Prioritisation Review
   3.4 Tamworth Hill Swamp, Revegetation
   3.5 City Parks - Central Irrigation Management System
   3.6 Safety Bay Foreshore Infrastructure CIL upgrades
   3.7 Richmond Avenue Drainage Reserve Upgrade
4. Information Items
   4.1 Groundwater Monitoring
   4.2 Mundijong Road Environmental Offsets
   4.3 Climate Change Mitigation
   4.4 Lake Richmond Heritage Listing
   4.5 Dixon Road Conservation Reserve AAG Funding
   4.6 Urban Water Management Referrals
   4.7 Structure Plan Approval Referrals
   4.8 Subdivision Approval Referrals
   4.9 Development Application Referrals
   4.10 Delegated Subdivision Public Open Space Practical Completion
   4.11 Delegated Subdivision Public Open Space Handovers
   4.12 Delegated Public Open Space Approvals
   4.13 Memorial Seat Approvals

#### Parks Operations
1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Replace Footpath, Lookup Pad and Fencing to Lookup at Singleton Beach Foreshore
   3.3 Limestone Access Footpath Upgrades – Warnbro Foreshore - Cote D'Azur Gardens, Dieppe Lane and Bayeux Avenue.
   3.4 Replace Foreshore Conservation Fencing - Rockingham
   3.5 Replace Foreshore Conservation Fencing - Shoalwater
   3.6 Replace Foreshore Conservation Fencing – Safety Bay
   3.7 Install and Upgrade Conservation Fencing – Alf Powell Reserve (Greening Plan)
3.8 Secret Harbour Boulevard to Secret Harbour Foreshore – Limestone Emergency Vehicle Access Road
3.9 Kennedy Bay – Firebreak / Limestone Emergency Vehicle Access Road (Ocean Point Close – Long Beach Rise)
3.10 Singleton Foreshore Disability Access Footpath
3.11 Alf Powell Reserve – Install Formal Limestone Access Paths (Greening Plan)
3.12 Baldiivis Nature Reserve – Install Formal Limestone Access Paths (Greening Plan)
3.13 Play Equipment Replacements
3.14 Practice Cricket Net Upgrades – Shoalwater and Achiever Ovals
3.15 Warnbro Foreshore – Lower Turf to Foreshore Footpath along Warnbro Beach Road

4. Information Items
4.1 Parks Maintenance Program 2014/2015

Asset Management
1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Pavement Deterioration Modelling
   3.2 Underpass and bridge inspections
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems

Building Maintenance
1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Waikiki Foreshore - Replacement LED Lighting
   3.2 Anniversary Park - Upgrade of Poles, Luminaires and Switch Gear
   3.3 Autumn Centre/Warnbro Library - HVAC replacements
   3.4 Sepia Court Childcare - Replace Asbestos Fence
   3.5 City of Rockingham Depot – Air Conditioning Installation
   3.6 Aqua Jetty – Replacement of Perimeter Fencing
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal
   4.3 Lighting Inspections

Procurement and Capital Projects
1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
   4.4 Shoalwater North Underground Power Project
4.5 2014/2015 Public Area Lighting and Arterial Lighting
4.6 Lark Hill Wind Turbine
4.7 Bent Street Boat Launching Facility – Navigation Channel
4.8 Secret Harbour Surf Life Saving Club - Renovation
4.9 Val Street Jetty Design
4.10 Settlers Hill Toilet Installation (Grice Reserve)
4.11 Mike Barnett Sporting Complex Roof Replacement
4.12 Administration Building Upgrade of BMS
4.13 City Centre Infrastructure Works Car Park Design and Construction
4.14 Anniversary Park Change Rooms
4.15 Lark Hill Sub Metering
4.16 Administration Building Solar System
4.17 Aqua Jetty Roof Replacement
4.18 Aqua Jetty Condensation Issue
4.19 Lions Park Upgrade
4.20 Recreational Boating Facilities Scheme Round 19 Grants
4.21 Coastal Adaptation and Protection Grant
4.22 Baldvis Reserve Public Toilet Replacement
4.23 Rockingham Day Care Centre Fire Panel Replacement
4.24 Lotteries House Replacement of Elevator
4.25 Administration Building Replacement of Elevator
4.26 Aqua Jetty Swimming Club Office
4.27 Proposed Coastal Management Plan

Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Kerbside collection
   4.2 Bulk verge collection
   4.3 Waste Diversion Percentage
   4.4 Waste and Recycling Collection Round Changes

Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility’s Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill access road off Mundijong Road
   3.2 Cell construction – Cell 16
   3.3 New leachate dams
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics
   4.4 Education and Promotion
   4.5 Mattress Recycling
   4.6 Millar Road Landfill Business Plan
   4.7 Carbon Tax Repeal Update

Advisory Committee Minutes
Committee Recommendation

Moved Cr J Smith, seconded Cr Hamblin:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – October 2014 and the content be accepted.

Committee Voting – 5/0
### 12. Agenda Items

#### Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Planning and Development Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>PDS-077/14 Declaration of Dog Exercise Areas and Dog Prohibited Areas</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>CUS/8-05 440</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Michael Howes, Coordinator Ranger Services</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms Jelette Edwards, Governance Coordinator  Ms Julia Dick, A/Manager Health and Ranger Services</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 August 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Circular No.18-2014</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Dog Beach Exercise Areas</td>
</tr>
</tbody>
</table>

#### Purpose of Report

The State Government published the *Dog Amendment Regulations 2014* on 20 May 2014, which removed a local government’s ability to make or enforce sections of local laws establishing dog exercise areas, or specifying areas where dogs are prohibited, under the local government’s control (Refer to Circular No.18-2014 attached).

This report recommends re-establishing these dog exercise areas and dog prohibited areas through a Council resolution, in accordance with section 31 of the Dog Act 1976.
There are no changes proposed in the re-establishment of the dog exercise areas and dog prohibited areas.

**Background**

The City of Rockingham, like most local governments, has a Dog Local Law, which establishes dog exercise areas or prohibits dogs from areas, under the local government’s control. Without industry consultation, the *Dog Amendment Regulations 2014*, published on 20 May 2014, removed a local government’s ability to make or enforce local laws in respect to these two areas.

The *Dog Amendment Regulations 2014* provided a sunset date of 31 July 2014 for the operation of these clauses within local laws, rendering these clauses inoperable from this date on.

Local governments wishing to establish exercise areas or specify places where dogs are prohibited, are now required to do so via a Council resolution, by Absolute Majority, in accordance with amended section 31 of the *Dog Act 1976*, rather than a local law. Section 31 relates to the control of dogs in certain public places.

**Details**

The purpose of implementing dog exercise areas and areas where dogs are prohibited is to enable the City to administer the *Dog Act 1976* in areas as specified in the Schedule. There will be no changes to the current locations where dogs are prohibited absolutely or places that are dog exercise areas. Dog exercise areas refer to areas in the City where dogs are allowed to exercise off leash.

**Implications to Consider**

a. **Consultation with the Community**

In accordance with Section 1.7 of the Local Government Act 1995 the City has given local public notice of its intention to specify dog prohibited areas and dog exercise areas. Public comment was invited on the proposal with the following three submissions received:

<table>
<thead>
<tr>
<th>Resident</th>
<th>Submission</th>
<th>City’s comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms H Bedford 17 South Road SHOALWATER</td>
<td>Relocate the existing dog beach area at Mersey Point to south of Bent Street.</td>
<td>There is already an existing dog beach south of Bent Street. There are dog prohibited areas that extend for approximately 1.5 km to the north of McLarty Road and to the south of Mersey Point. The mix is considered adequate.</td>
</tr>
<tr>
<td>Mr G Spicer 76a Carlisle Street SHOALWATER</td>
<td>Move the existing dog beach area at Mersey Point to the area between the Carlisle Street boat ramp and the Safety Bay Yacht Club.</td>
<td>The area south of the Carlisle Street boat ramp is part of the Tern Island nature reserve. Dogs are prohibited from this area.</td>
</tr>
<tr>
<td>Mr K Hobley 21 Seaforth Road SHOALWATER</td>
<td>Relocate the existing dog beach area at Mersey Point to south of Bent Street.</td>
<td>There is already an existing dog beach south of Bent Street. There are dog prohibited areas that extend for approximately 1.5 km to the north of McLarty Road and to the south of Mersey Point. The mix is considered adequate.</td>
</tr>
</tbody>
</table>
All of the submissions requested the relocation of the existing dog beach located at Mersey Point (diagram below). The requests were to move the dog beach south towards Bent Street to allow beachgoers to not be troubled by dogs at Mersey Point. These requests are unable to be accommodated due to the Tern Island nature reserve to the south of Mersey Point which prohibits dogs. It is considered that there is an adequate mix between the competing land uses in this area.
b. Consultation with Government Agencies
Nil

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

Aspiration 2: A safe community where residents feel secure, relaxed and comfortable within their own home, work and social environments.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
This report is in accordance with amended section 31(2B), (3A) and (3C) of the Dog Act 1976 and the Dog Amendment Regulations 2014.

“(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
(a) at all times; or
(b) at specified times.”

“(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.”

“(3C) At least 28 days before specifying a place to be —
(a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
(b) a dog exercise area under subsection (3A); or
(c) a rural leashing area under subsection (3B),
a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.”

If the report fails to be adopted by Council resolution the City will no longer be able to legally enforce places where dogs are prohibited absolutely and places which are dog exercise areas under Section 31 of the Dog Act 1976.

Section 8 of the Dog Act 1976 defines ‘assistance dog’ and notes that a person (requiring or training an assistance dog) is entitled to be accompanied by an assistance dog in any building or place open or used by the public, for any purpose, or in any public transport and is not guilty of an offence should he or she takes that dog into any building or public place or on public transport.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
High:
- The City will be unable to enforce dog exercise areas, or dog prohibited areas.
The removal of the dog exercise areas and places where dogs are prohibited absolutely from the Dog Local Laws by the Dog Amendment Regulations 2014 has removed the power of the City to enforce the local laws regarding those sections.

In order for the City to continue to enforce places where dog exercise areas are permitted and areas where dogs are prohibited absolutely this resolution is required to be passed by Council.

Although there has been a lag time between when the Local Law becomes inoperable, and when the dog exercise areas and dog prohibited areas are adopted, the City’s Rangers have taken on an educational rather than enforcement role in relation to these matters.

The current Local Law specifying where dogs are prohibited and where they are allowed have been in operation since 2011. The City is satisfied with the current areas and the options available for both dog owners and the general public.

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That the Council:

1. **DECLARE** the following as places where dogs are prohibited absolutely:

   “1.1 Dogs are prohibited absolutely from entering or being in any of the following places:
   
   (a) where so indicated by a sign, a public building;
   
   (b) a theatre or cinema;
   
   (c) a food business as defined by section 10 of the Food Health Act 2008 (WA) including “dining and drinking areas” as stated in Standard 3.2.2, Clause 24 of the Foods Standards Code;
   
   (d) a public swimming pool;
   
   (e) any public beach except those listed in the Schedule (Table 2); and
   
   (f) any public reserve except those listed in the Schedule (Table 1).”

2. **DECLARE** the following (as shown in the Schedule) as places which are dog exercise areas (off leash areas):

   “2.1. Subject to clause 1 and subclause 2.2 of this clause, for the purposes of section 31 of the Dog Act 1976, the beaches, reserves and freehold land either owned or under the care, control and management of the local government as indicated by sign or signs as listed in the Schedule.

   2.2 Subclause (2.1) does not apply to –

   (a) land which has been set apart as a children’s playground;

   (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or

   (c) a car park.

**SCHEDULE - DOG EXERCISE AREAS**

Table 1 – Reserves and freehold land dog exercise areas

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>BALDIVIS</td>
<td>SAFETY BAY</td>
</tr>
<tr>
<td>Baldivis Reserve Volume 1 and 2</td>
<td>Bequia Reserve</td>
</tr>
<tr>
<td>Trusty Park</td>
<td>Catalina Reserve</td>
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<td>Warnbro Parklands</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
### Column 1

| Diamantina Reserve                  |
| Dixon Road Conservation Area/Patterson Road |
| Dixon Road Reserve Volume 1 and 2   |
| Dowling Street Reserve             |
| Falcon Reserve                     |
| Governor Reserve                   |
| Haselmere Circus Reserve           |
| Hercules Street Windbreak          |
| Houston Reserve                    |
| Lewington Reserve                  |
| Lynx Way Reserve                   |
| Naval Memorial Park Volume 1 and 2 |
| Rockingham Oval Volume 1 and 2     |
| Rosewood                          |
| Seabrooke Reserve                  |
| Sepia Court Reserve                |
| Stan Twight Reserve Volume 1, 2 and 3 |
| Sycamore Park                     |
| The Esplanade – Fisher to Hymus    |
| Warramunga Reserve                 |

### Column 2

| Warnbro Recreation Centre/Oval – Volume 1 and 2 |
| Welch Way Reserve                             |
| **WAIKIKI**                                    |
| Blair Court Reserve                           |
| Fairview Reserve                              |
| Java Park                                     |
| Lakemba Reserve                               |
| Gidgi Way Reserve                             |
| Gnangara Oval                                 |
| Hinds Court Reserve                           |
| Mornington Reserve                            |
| Rand Avenue Reserve Volume 1 and 2            |
| Santa Monica Reserve                          |
| Seahaven Reserve                              |
| Shelton Street                                |
| Waikiki Foreshore – Malibu to Warnbro Beach Road |

**Table 2 – Dog Beach Exercise Areas**

<table>
<thead>
<tr>
<th>Beach Exercise Areas</th>
</tr>
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<tbody>
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<td>1. The public beach bounded on the east by Rockingham Road, on the north by the northern boundary of the district, and on the west by a prolongation of Weld Street.</td>
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<td>2. The public beach bounded on the east by Hymus Street and extending generally in a westerly direction and then in a southerly direction and bounded on the south by Boundary Road.</td>
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<td>9. The public beach bounded on the north by a prolongation of Bight Reefs Road and extending in a southerly direction to the southern boundary of the district.</td>
</tr>
</tbody>
</table>
Committee Recommendation

Moved Cr Hill, seconded Cr Hamblin:
That the Council:

1. DECLARE the following as places where dogs are prohibited absolutely:

   *1.1 Dogs are prohibited absolutely from entering or being in any of the following places:
   
   (a) where so indicated by a sign, a public building;
   
   (b) a theatre or cinema;
   
   (c) a food business as defined by section 10 of the Food Health Act 2008 (WA) including “dining and drinking areas” as stated in Standard 3.2.2, Clause 24 of the Foods Standards Code;
   
   (d) a public swimming pool;
   
   (e) any public beach except those listed in the Schedule (Table 2); and
   
   (f) any public reserve except those listed in the Schedule (Table 1).”

2. DECLARE the following (as shown in the Schedule) as places which are dog exercise areas (off leash areas):

   *2.1. Subject to clause 1 and subclause 2.2 of this clause, for the purposes of section 31 of the Dog Act 1976, the beaches, reserves and freehold land either owned or under the care, control and management of the local government as indicated by sign or signs as listed in the Schedule.

   2.2 Subclause (2.1) does not apply to –
   
   (a) land which has been set apart as a children’s playground;
   
   (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
   
   (c) a car park.

SCHEDULE - DOG EXERCISE AREAS

Table 1 – Reserves and freehold land dog exercise areas

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
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</thead>
<tbody>
<tr>
<td>BALDIVIS</td>
<td>SAFETY BAY</td>
</tr>
<tr>
<td>Baldivis Reserve Volume 1 and 2</td>
<td>Bequia Reserve</td>
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<tr>
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Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

4.35pm - Mr Rod Fielding, Manager Health Services and Mr Richard Rodgers, Manager Building Services departed the Planning and Engineering Services Committee meeting.
Note: Additional information on the construction of a new crossover, including photographs, was tabled by the applicant for members of the Committee.

Planning and Development Services
Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-078/14 Home Business: Personal Training and Remedial Massage (Renewal)</th>
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<td>File No:</td>
<td>DD020.2013.00000083.001</td>
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<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
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<tr>
<td>Applicant:</td>
<td>Mr Nick and Mrs Kelly Thompson</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Nick and Mrs Kelly Thompson</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Craig Zanotti, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 October 2014</td>
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<tr>
<td>Previously before Council:</td>
<td>September 2014 (SP-069/14); June 2013 (SP-026/13)</td>
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</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 143 (No. 126) Penguin Road, Safety Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>980m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Residential R15</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. 2013 Approved Floor Plan</td>
</tr>
<tr>
<td></td>
<td>4. Proposed Parking Plan</td>
</tr>
<tr>
<td></td>
<td>5. Photograph of car parking for Personal Training</td>
</tr>
<tr>
<td></td>
<td>6. Photograph of car parking for Remedial Massage</td>
</tr>
<tr>
<td></td>
<td>7. Photograph of Customer Parking (Unauthorised)</td>
</tr>
<tr>
<td></td>
<td>8. Photograph of Dining Room</td>
</tr>
<tr>
<td></td>
<td>9. Photograph of Gym</td>
</tr>
</tbody>
</table>
Purpose of Report
To consider an application for Planning Approval for a Personal Training and Remedial Massage Home Business at Lot 143 (No.126) Penguin Road, Safety Bay.

Background
In June 2013, Council granted approval to an application to establish a Personal Training and Remedial Massage Home Business subject to the following conditions:

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
1. This approval is valid for a period of 12 months only, following which a fresh application for Planning Approval is required.
2. All amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.
3. Noise associated with the Home Business must not be audible outside the premises.
4. All doors and windows in the training room are to be closed whilst personal training sessions occur.
5. A new crossover is to be constructed in the location marked in red on the approved plan, prior to the Home Business commencing. The crossover and parking bay is to be constructed, sealed, and drained to the satisfaction of the City.
6. Clients must only arrive and depart between the hours of 8:00am and 7:00pm Mondays to Fridays and 9:00am to 12 noon on Saturdays and not at all on Sundays and Public Holidays.
7. Personal Training and Remedial Massage activities must only operate from the designated rooms as shown on the approved plan and not at all in the backyard.
8. No parking by any client is to occur on the road pavement and verge area of Penguin Road at any time.
9. Clients must not attend the premises except by appointment only and, with an interval of at least 10 minutes between group client bookings.
10. No more than three clients are to attend the premises at any one time.
11. Only one sign measuring no more than 0.2 square metres is to be displayed.

Footnote:
(i) In regard to Condition No.1, the Proponent is advised that the approval is valid for a period of 12 months only to enable the City to monitor the impact of the proposed Home Business on neighbouring properties."
In September 2014, the application for a Personal Training and Remedial Massage Business was considered by Council, where it was resolved to defer consideration of the application to enable the applicant the proponents the opportunity to comply with the City’s requirements for a Home Business.

**Details**

**Original Application – 1 June 2014**

The applicant initially lodged an application for approval with the layout of the businesses consistent with the 2013 Approved Floor Plan (refer to figure 3). The application included the two businesses which involved ‘personal training’ (operating in the family room) and ‘remedial massage’ (operating from a bedroom). The application was largely consistent with the previous approval considered by Council in June 2013. The application sought a minor modification to the proposed hours of operation to extend Saturday trading hours by an hour to finish at 1pm.

During a site inspection of the property, City Officers observed several areas of non-compliance and that the businesses were operating in contravention of the planning approval granted in June 2013. Subsequently, the operators modified the application to reflect current operations.

**Modified Application – 21 June 2014**

The modified application included a substantial increase in floor area from 39m² to 61.5m² – mainly through the unauthorised expansion of the ‘personal training’ operations into the dining room. The applicant sought to gain retrospective approval for the expansion, which included seven cardio exercise machines (see Figure 7).
The applicant also sought to obtain retrospective approval for the relocation of the ‘remedial massage’ to another room and the reconfiguration of car parking locations.

After review of the modified application, the City advised the applicant that the proposal was not consistent with TPS2 and PP3.3.10. The City advised that the reconfiguration was not supported and subsequently the applicant modified the application in an effort to achieve compliance with the requirements of the City.

**Modified Application – 14 August 2014**

Following discussions with the City, the applicant modified the proposal again in an attempt to achieve consistency with TPS2 and PP3.3.10. The layout is consistent with the 2013 Planning Approval in terms of the total floor area of the businesses. The changes are the parking reconfiguration, relocation of the ‘remedial massage’ to the study room and the extension of Saturday trading hours to 1pm (from 12 noon). A summary of the application is outlined below.

- **Personal Training**
  - Area of 28.6m²
  - Maximum of two clients attending at any one time
  - Located within the ‘living room’
  - Includes cable machines, free weights, one spin bike, one treadmill, squat rack

- **Remedial Massage**
  - 10m²
  - Relocation from the ‘bedroom’ to the ‘study’
  - One client at any one time

**Days and Hours of Operation**

<table>
<thead>
<tr>
<th></th>
<th>Mon</th>
<th>Tues</th>
<th>Wed</th>
<th>Thurs</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
</tr>
</thead>
<tbody>
<tr>
<td>8am-7pm</td>
<td>8am-7pm</td>
<td>8am-7pm</td>
<td>8am-7pm</td>
<td>8am-7pm</td>
<td>9am-1pm</td>
<td>Closed</td>
<td></td>
</tr>
</tbody>
</table>

**Modified Application – 3 October 2014**

After the decision of Council to defer consideration of the modified application (dated the 14 August), the applicant provided a modified proposal that addressed parking and hours of operation. The revised hours of operation are proposed as below:

<table>
<thead>
<tr>
<th></th>
<th>Mon</th>
<th>Tues</th>
<th>Wed</th>
<th>Thurs</th>
<th>Fri</th>
<th>Sat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Training Hours</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>11am-5pm</td>
<td>9am-5pm</td>
<td>11am-5pm</td>
<td>9am-5pm</td>
</tr>
<tr>
<td>Massage Hours</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>9am-7pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
</tr>
</tbody>
</table>

In consideration of the modified hours of operation, the applicant has reduced the maximum number of clients that could be accommodated over the trading hours. In comparison to the matter that was considered by Council at its September meeting, the applicant has reduced the maximum potential number of clients by approximately 30 percent. The maximum number of clients per day is highlighted in the table below.

<table>
<thead>
<tr>
<th>Maximum Number Clients</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thur</th>
<th>Fri</th>
<th>Sat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Training (2 per hour)</td>
<td>12</td>
<td>12</td>
<td>8</td>
<td>12</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Massage Therapy (1 per hour)</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>8</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Total per day</td>
<td>18</td>
<td>18</td>
<td>14</td>
<td>18</td>
<td>14</td>
<td>18</td>
</tr>
</tbody>
</table>

Further to the modified hours of operation, the applicant has provided a revised parking layout plan that allows for side-by-side vehicle parking for customers attending the personal training business. The applicant has advised that the driveway will be widened to six metres and the front courtyard wall will be partially demolished to accommodate the additional driveway width (see Figure 4).
The applicant has also indicated his intention to install a three metre crossover for the massage parking area.

4. Proposed Parking Plan

5. Carparking for Personal Training
6. Carparking for Remedial Massage

**Implications to Consider**

a. **Consultation with the Community**

The proposal was advertised to nearby and adjacent landowners for comment, for a period of 14 days. At the close of the advertising period, the City received one submission of objection. The submission is summarised below with a response from the applicant and comment by the City.

<table>
<thead>
<tr>
<th>Parking Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Parking issues will eventuate and are above that expected for a residential area.</td>
</tr>
<tr>
<td><strong>Applicant’s Response:</strong></td>
</tr>
<tr>
<td>The main driveway will be widened to six metres to allow for side-by-side parking for gym customers – to be fully accommodated for on-site.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The current proposal does not change the demand generated by the Home Business, however, parking has been identified as an issue and customer vehicles have been observed parking on the verge in contravention of the Planning Approval. The applicant proposes to reconfigure the parking arrangement to allow for side-by-side parking for the gym.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Noise</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) Noise generated from customer vehicles visiting the site.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>Noise management measures are in place as per last year’s approval. All doors and windows are closed in the gym area and rubber flooring is located in the gym to eliminate any noise from weights. No classes are conducted which would normally have loud music. The car parking spaces are not located at the rear of the property and are alongside the side and near the front boundary so there is no noise issues as suggested in the submission.</td>
</tr>
</tbody>
</table>
City's Comment:
The operations of the ‘personal training’ is considered the only likely source of noise generation – either from weights or amplified music. When City Officers undertook an inspection, the business was observed in full operation. It was considered that the music did not exceed a level that would be experienced from solely a residential premises. It is considered that noise will not be an issue.

Hours of Operation

Submission:
(ii) The hours outlined in the proposal do not comply with PP3.3.10.

Applicant's Response:
The proposed hours of operation have been amended, consistent with PP3.3.10.

City's Comment:
The City is satisfied that the amended hours of operation comply with PP3.3.10 (this is outlined in the details section of the report).

Scale of Operation

Submission:
(viii) The scale is not consistent with PP3.3.10 and is better suited to a commercial area.

Applicant's Response:
Unlike a commercial operation, we operate on an appointment only basis with no group training or classes (maximum of two clients for personal training and one for massage per hour).

The numbers are significantly less than commercial gyms which operate on memberships and therefore have no limits for client numbers or time or frequency of visits. A maximum of 18 clients per day cannot be compared to commercial membership based gyms which have far more visits. Both aspects of our business would not be financially viable in a commercial environment and that is the reasons they are operated from our residence. We characterise our business as a boutique operation.

City's Comment:
These proposed home businesses are unlike other applications dealt with by the City. Generally, only one home business is proposed within a dwelling and operates as an incidental land use. In this case, these businesses are proposed as full-time land uses over a six day working week.

b. Consultation with Government Agencies
Not Applicable

c. Strategic
Community Plan
This item does not address the Community’s Vision for the future, specifically the following Aspiration contained in the Community Plan 2011:

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

d. Policy
Planning Policy 3.3.10 Home Occupations and Home Businesses
PP3.3.10 identifies objectives and outlines criteria for proposed home occupations and home businesses.
“(a) To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to operate a Home Occupation or a Home Business from a dwelling;

(b) To secure the amenity, health and convenience of the neighbourhood through appropriate development requirements; and

(c) To provide for economic growth and employment opportunities by facilitating the development of home based businesses."

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The operation of more than one Home Occupation or Home Business or a combination of both a Home Occupation and Home Business will be carefully considered based upon the applicant demonstrating compliance with TPS2 and objectives of this Policy.</td>
<td>The proposal does not comply with the objectives of PP3.3.10 and TPS2.</td>
<td>No</td>
</tr>
<tr>
<td>The Home Business to operate between the hours of:</td>
<td>Proposed hours of operation comply with PP3.3.10.</td>
<td>Yes</td>
</tr>
<tr>
<td>(a) 9:00am and 5:00pm on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) 9:00am and 7:00pm on Thursdays; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) not at all on Sundays and Public Holidays.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When determining an application, the number of hours and/or days of clients visiting the premises or operation of a Home Occupation and Home Business may be limited, where it is necessary to protect the amenity of the surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum 15 minute appointment intervals to be provided between customer and client visits, unless there is adequate on-site car parking and the Home Occupation or Home Business is unlikely to affect the amenity of the neighbourhood.</td>
<td>There could be up to three clients arriving at the same time on the premises, but it is acknowledged that there is a separation between bookings. The online booking system used by the applicant adequately addresses this requirement. A revised design demonstrates that car parking can be fully accommodated on-site. The applicant has indicated on the revised plan that a three metre wide crossover will be constructed for the massage parking.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does not employ more than 2 people not members of the occupier’s household.</td>
<td>Only two of the residents work in the Home Business.</td>
<td>Yes</td>
</tr>
<tr>
<td>Does not occupy an area greater than 50m²</td>
<td>The Home Business has been modified to comply with the floor area requirement.</td>
<td>Yes</td>
</tr>
<tr>
<td>Vehicular traffic to the site does not have an adverse effect on the amenity of the neighbourhood.</td>
<td>The City is not satisfied that vehicular traffic will not impact on the amenity of the neighbourhood.</td>
<td>No</td>
</tr>
<tr>
<td>The operation of a Home Business is only to be permitted within a dwelling or within the boundaries of a lot where it is satisfied that car parking is provided so as to adequately cater for the expected number of visitors attending the site at any one time and any employees, in addition to the bays associated with the dwelling on-site and does not result in traffic difficulties as a result of the inadequacy of parking.</td>
<td>The modifications to the courtyard wall will allow sufficient space for two vehicles attending the personal training, to park side-by-side and on-site.</td>
<td>Yes</td>
</tr>
<tr>
<td>One sign not exceeding 0.2m² in area.</td>
<td>A sign is displayed that does not exceed the area.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

e. **Financial**

Nil

f. **Legal and Statutory**

**Town Planning Scheme No.2 (TPS2)**

A Home Business is a discretionary (‘D’) use that is not permitted in the Residential Zone, unless the Council has exercised its discretion by granting Planning Approval.

Town Planning Scheme No.2 (TPS2) interprets a Home Business as follows:

"**Home Business means an business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:**

(a) does not employ more than 2 people not members of the occupier’s household;

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

(c) does not occupy an area greater than 50 square metres;

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

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

(f) does not involve the use of an essential service of greater capacity than normally required in the zone."
Clause 4.16.1 of TPS2 similarly states that Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that the operation:

(i) does not employ more than 2 people not members of the occupier’s household;
(ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
(iii) does not occupy an area greater than 50 square metres;
(iv) does not display a sign exceeding 0.2 square metres;
(v) does not involve the retail sale, display or hire of goods of any nature;
(vi) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
(vii) does not involve the use of an essential service of greater capacity than normally required in the zone.”

No employees that do not reside within the premises are proposed and no commercial vehicles would need to attend the premises. The advertising sign complies with the size restrictions of the Policy. It is considered that the application does not, however, comply with TPS2 as the City is not satisfied that the provisions of TPS2 can be achieved, specifically point (ii).

g. Risk

Risk Implications of Implementing Officer Recommendation
Low:
- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation
Medium:
- There is the potential risk of the applicant lodging an application for review to the State Administrative Tribunal if the applicant is aggrieved by the decision of Council.

Comments

Non-Compliance with existing Planning Approval
During the course of assessing the application, several issues of non-compliance relating to the previous conditions of approval were identified as follows:
- Construction of a sealed crossover and car parking bay.
- The businesses only operating from the designated rooms.
- No parking occurring on the road pavement and verge area.
- Car parking only occurring in the designated areas.
As various objections were raised by neighbours in the previous application to the City, approval was granted for a 12 month period to “enable the City to monitor the impact of the proposed Home Business on neighbouring properties”. Several of the conditions that were imposed to address concerns were not complied with (as outlined above). In its course of deliberation, Council must consider whether the applicant is likely to or can achieve compliance with conditions if re-approval is granted.

Revised Proposal

Two of the City’s recommended reasons for refusal from the September 2014 Report have been satisfactorily addressed by the applicant. Of particular concern was the ability to sufficiently accommodate customer parking arrangements on-site that can function in an appropriate manner. In addition, the hours of operation were inconsistent with PP3.3.10 and have since been revised to the days and hours of operation outlined in PP3.3.10. While these matters have been addressed, the City still considers that there will be adverse impacts on the amenity of neighbours from vehicular traffic, due to the scale of the operation.

Floor Area

The June 2014 application for planning approval included a total aggregate area of 37.5m², consistent with the 2013 Planning Approval. Upon a routine site inspection conducted by the City, it was identified that the area of the Home Business has increased (without approval from the City) to 61.5m². During a site inspection of the Home Business it was observed that the Personal Training use had been increased and accommodated several treadmills, cross trainers and exercise bikes in the dining room of the dwelling.

The applicant previously sought to include the additional area of the dining room as part of the Home Business, however, the City advised that the proposal was not consistent with PP3.3.10 (based on the size and scale). Following this, the applicant modified the proposal, consistent with the floor area of the 2013 Planning Approval. The applicant has advised that all of the cardio equipment has been removed from the dining area and that only two machines will be located within the gym area (see Figure 8 and 9 below). While this satisfies the floor area requirements of PP3.3.10, the proposal is considered inconsistent with the scale expected for home businesses outlined under the PP3.3.10.
8. Photograph of Dining Room

9. Photograph of Gym

Scale of Operation
Home businesses approved by the City are incidental to the dwelling and are often associated with a stay-at-home resident deriving a part-time/casual income from a limited clientele base. These applications are often supported as there are no foreseeable impacts on the amenity of neighbours. In consideration of the application before Council, there are two full-time businesses operating from the dwelling concurrently, over a six day period.
Based on historical bookings (obtained from the online booking system), it is likely that maximum patronage levels will be achieved with a constant number of clients. The City considers this is inconsistent with PP3.3.10 in consideration of the scale of operations and that this is currently leading to vehicular traffic volumes exceeding that expected from a typical home business.

Based on the maximum client numbers submitted by the applicant of 100 clients per week, an additional 200 vehicle movements per week would be generated to and from the property. This is considered excessive and the City remains concerned that the residential neighbourhood could be adversely affected if the two Home Businesses are permitted to continue.

Conclusion

While the City acknowledges that the applicant has amended the proposal, it is still considered that the application fails to comply with TPS2 and PP3.3.10. If approval for the Personal Training and Remedial Massage Businesses were granted, the City considers that the amenity of neighbours could be compromised due to the scale of two businesses, combined with excessive client traffic over a six day period. It is therefore recommended that the proposal be refused.

Voting Requirements

Simple Majority

Officer Recommendation

That Council REFUSE the application for planning approval for the ‘Personal Training’ and ‘Remedial Massage’ at Lot 143 (No.126) Penguin Road, Safety Bay, for the following reasons:

1. The scale and nature of the operation being inconsistent with the objectives and interpretation of Town Planning Scheme No.2 and Planning Policy 3.3.10 - Home Occupations and Home Businesses.

2. The proposal which includes two Home Based Businesses generates vehicular traffic to the site that has the potential to adversely affect the amenity of the neighbourhood.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Pease:

That Council APPROVE the application for planning approval for the ‘Personal Training’ and ‘Remedial Massage’ at Lot 143 (No.126) Penguin Road, Safety Bay, for a further 12 month trial period, subject to the following conditions:

1. This approval is valid for a period of 12 months only, following which a fresh application for Planning Approval is required.

2. All amplified music must comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997.

3. Noise associated with the Home Business must not be audible outside the premises.

4. All doors and windows in the training room are to be closed whilst personal training sessions occur.

5. A new crossover is to be constructed in the location marked in red on the approved plans, prior to the Home Business commencing. The crossover and parking bay is to be constructed, sealed, and drained to the satisfaction of the City.

6. Clients must only arrive and depart between the hours of 8:00am and 7:00pm Mondays to Fridays and 9:00am to 12 noon on Saturdays and not at all on Sundays and Public Holidays.

7. Personal Training and Remedial Massage activities must only operate from the designated rooms as shown on the approved plan and not at all in the backyard.
8. No parking by any client is to occur on the road pavement and verge area of Penguin Road, at any time.

9. Clients must not attend the premises except by appointment only and, with an interval of at least 10 minutes between group client bookings.

10. No more than three clients are to attend the premises at any time.

11. Only one sign measuring no more than 0.2 square metres is to be displayed.

Footnote

(i) In regard to Condition No.1, the proponent is advised that the approval is valid for a period of 12 months only to enable the City to monitor the impact of the proposed Home Business on neighbouring properties.

Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>To enable the City to monitor the impact of the proposed Home Business on neighbouring properties.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td>Reference No &amp; Subject:</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>File No:</td>
</tr>
<tr>
<td>Risk Register No:</td>
</tr>
<tr>
<td>Applicant:</td>
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<td>Owner:</td>
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<td>Author:</td>
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<td>Other Contributors:</td>
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<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
</tr>
<tr>
<td>Previously before Council:</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
</tr>
<tr>
<td>Site:</td>
</tr>
<tr>
<td>Lot Area:</td>
</tr>
<tr>
<td>LA Zoning:</td>
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</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1002 Ayrton Court, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lot 133, 138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots.

Lot 1002’s approved Building Envelope is set back 8m from the southern boundary, 5m from the western boundary, 7m from the eastern boundary and 43m from the northern boundary. The existing Building Envelope is 600m².

The subject lot has several of mature Tuart trees in the northern half of the site. The topography of the lot is generally flat.

Details

The applicant seeks approval to increase the size of the approved Building Envelope from 600m² to 660m² to allow for the construction of a dwelling. Approximately 97m² of Building Envelope will be removed from the western and eastern edges of the approved Building Envelope. 120m² of Building Envelope will be added to the northern edge of the approved Building Envelope.
Implications to Consider

a. Consultation with the Community

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to seven nearby owners and occupiers for comment, for a period of 14 days, as shown on the Consultation Plan below. At the close of the advertising period, one submission of no objection was received from the adjacent owner of Lot 1001 Ayrton Court.

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

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

d. Policy

Planning Policy 3.3.17 - Variations to Building Envelopes (PP3.3.17)

The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of Golden Bay and Singleton Special Rural and Special Residential zones, the location of the envelopes was specifically intended to maintain the rural attributes and appearance of the land.
In accordance with PP3.3.17, all applications within the Golden Bay Special Residential zone must be referred to the Council for determination.

The following is an assessment of the application based on the assessment criteria of the PP3.3.17:

Size and Shape of Building Envelope

PP3.3.17 provides the following with respect to the size and shape of the Building Envelope:

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

The proposed Building Envelope provides for a more regular shape and the increase in size (10%) is compliant with PP3.3.17.

Environmental Considerations

PP3.3.17 notes that:

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

The location of the proposed Building Envelope will not require the removal of any vegetation.

Bushfire Risk

The Fire Management Plan (FMP) approved as part of the subdivision identifies the prevailing bushfire hazard as a vegetation complex west of the subject lot, across Ayrton Court. The proposed Building Envelope is not located closer to the identified bushfire hazard, and therefore the Bushfire risk is not considered to increase as a result of the proposed modification.

e. Financial
Nil

f. Legal and Statutory

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Low:
- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal.

Comments

The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. There is no impact of the proposed Building Envelope on the amenity of neighbouring properties and no objections were raised to the proposal by adjoining owners.

It is recommended that the proposed Building Envelope variation be approved.
Voting Requirements
Simple Majority

Officer Recommendation
That Council **APPROVE** the application to vary the Building Envelope at Lot 1002 Ayrton Court, Golden Bay.

Committee Recommendation
Moved Cr Hill, seconded Cr J Smith:
That Council **APPROVE** the application to vary the Building Envelope at Lot 1002 Ayrton Court, Golden Bay.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
## Planning and Development Services

### Statutory Planning Services

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<td>Owner:</td>
<td>Mr Bruce and Mrs Natalie Wotherspoon</td>
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<td>Author:</td>
<td>Mr Greg Delahunty, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>20 October 2014</td>
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Subject Site

1. Location Plan

2. Aerial Photograph

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1004 Ayrton Court, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133,138, 140 – 145 Peelfold Glen and Lots 146 – 150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process Building Envelopes were identified for the proposed lots.

Lot 1004’s approved Building Envelope is set back 6.321m from the northern side boundary, 3.42m from the southern side boundary, 16.82m from the western boundary (Ayrton Court) and 5.88m from the rear (eastern) boundary. The approved Building Envelope is 600m² in area.

The subject lot is generally devoid of significant vegetation with a small number of mature trees in the north western corner. The topography of the lot is generally flat.

Details

The applicant seeks approval to increase the size of the approved Building Envelope from 600m² to 632.19m² (an increase of 5.36%) and also change its shape.

The modification of the Building Envelope seek to allow for the construction of a shed to the rear of the future dwelling, as well as the inclusion of the septic tank to the southern side. The applicant has provided the following justification for the proposal:

- The increase is minor in nature;
- The proposed envelope will ensure that the dwelling meets adequate setbacks to adjoining properties; and
- There will be no adverse impact on privacy or amenity of the subject or adjoining properties.
3. Existing and Proposed Building Envelope Plan

Implications to Consider

a. Consultation with the Community

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, following consultation with the owners of affected or adjoining properties.

The proposal was referred to five nearby and adjacent property owners for a period of 14 days, as shown on the Consultation Plan below. At the close of the advertising period, no submissions were received.
b. Consultation with Government Agencies
   Not Applicable

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

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

d. Policy
   Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)
   The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of the Golden Bay Special Residential zones, Building Envelopes have been located to maintain the rural attributes and appearance of the land.
In accordance with PP3.3.17 all applications within the Golden Bay Special Residential zone must be referred to the Council for determination.

The following is an assessment of the application based on the assessment criteria of PP3.3.17:

**Size and Shape of Building Envelope**

PP3.3.17 provides the following with respect to the size and shape of the Building Envelope:

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

The proposal is compliant with PP3.3.17, in that an increase of 5.36% (32.19m²) is proposed and the Building Envelope will remain a single contiguous area.

**Environmental Considerations**

PP3.3.17 notes that:

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

The subject lot is devoid of significant vegetation save for a small number of mature trees in the north western corner of the lot. There are no trees within the proposed Building Envelope.

The City's Environmental Planning Services assessed the proposal and recommended that a condition be applied restricting the clearing of vegetation, other than to construct a vehicle access way, outside of the proposed Building Envelope. It was also recommended that vegetation, outside the Building Envelope, be protected during and after construction in accordance with AS4970-2009 - Protection of Trees on Development Sites. Upon receipt of a development application for a proposed dwelling, the City can impose a condition of Planning Approval to ensure that all trees located outside of the proposed Building Envelope must be retained and protected during the construction of the dwelling.

**Bushfire Risk**

The Fire Management Plan (FMP) approved as part of the subdivision identifies the prevailing bushfire hazard as a vegetation complex, west of the subject lot, across Ayrton Court. The proposed Building Envelope is not located closer to the identified bushfire hazard, and therefore the Bushfire risk is not considered to increase as a result of the proposed Building Envelope modification.

e. Financial

Nil

f. Legal and Statutory

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.
Risk Implications of Not Implementing Officer Recommendation

Medium:
- There is the potential risk of the applicant lodging an application for review to the State Administrative Tribunal if the applicant is aggrieved by the decision of Council.

Comments

The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope on the amenity of neighbouring properties is considered minimal and no objections were raised to the proposal by adjoining owners.

It is recommended that the proposed Building Envelope variation be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application to vary the Building Envelope at Lot 1004 Ayrton Court, Golden Bay.

Committee Recommendation

Moved Cr J Smith, seconded Cr Pease:
That Council APPROVE the application to vary the Building Envelope at Lot 1004 Ayrton Court, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Planning and Engineering Services
### Statutory Planning Services

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<td>Owner:</td>
<td>Mr Charles and Mrs Tamala Bosveld</td>
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<td>Author:</td>
<td>Mr Greg Delahunty, Planning Officer</td>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>Nature of Council’s Role in this Matter:</td>
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</tr>
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</table>
1. Location Plan

Subject Site

2. Aerial Photograph
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1025 Gaze Grove, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133,138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process Building Envelopes were identified for the proposed lots.

Lot 1025’s approved Building Envelope is set back 3.36m from the northern side boundary, 3m from the southern side boundary, 29m from the eastern (Gaze Grove) boundary and 9.3m from the western (rear) boundary. The approved Building Envelope is 609m² in area.

Parts of the subject lot are covered in significant vegetation. The topography of the lot is generally flat.

Details

The applicant seeks approval to amend the shape of the approved Building Envelope to allow for the construction of a dwelling, retain some vegetation and allow for the construction of a future shed. The size of the Building Envelope will remain 609m².

The applicant has provided the following justification for the proposal:

- Vegetation will be retained; and
- The envelope will not increase in size.
3. Existing and Proposed Building Envelope Plan

[Diagram showing proposed and existing building envelopes with marked areas to be excluded from the building envelope.]

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
Implications to Consider

a. **Consultation with the Community**

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, following consultation with the owners of affected or adjoining properties. The proposal was referred to seven nearby and adjacent property owners for a period of 14 days as shown on the Consultation Plan below. At the close of the advertising period, no submissions were received.

![Consultation Plan](image)

b. **Consultation with Government Agencies**

Not Applicable

c. **Strategic**

Community Plan

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

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

d. **Policy**

Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)

The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of the Golden Bay Special Residential zones, Building Envelopes have been located to maintain the rural attributes and appearance of the land.
In accordance with PP3.3.17 all applications within the Golden Bay Special Residential zone must be referred to the Council for determination.

The following is an assessment of the application based on the assessment criteria of PP3.3.17:

**Size and Shape of Building Envelope**

PP3.3.17 provides the following with respect to the size and shape of the Building Envelope:

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

The proposal is compliant with PP3.3.17 as the Building Envelope will not increase in size and the shape of the Building Envelope will remain a single contiguous area.

**Environmental Considerations**

PP3.3.17 notes that:

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

There are no adverse environmental impacts as there is no vegetation within the proposed Building Envelope.

**Bushfire Risk**

The Fire Management Plan (FMP) approved as part of the subdivision identifies the prevailing bushfire hazard as a vegetation complex 93m west of the subject lot. The FMP has designated the lot as Bushfire Attack Level (BAL) 12.5. The proposed Building Envelope is proposed to move 4.59m closer to the hazard however, as it will be sufficiently set back from the hazard, the BAL will not change. As such, the Bushfire risk is not considered to increase as a result of the proposed Building Envelope modification.

e. **Financial**

Nil

f. **Legal and Statutory**

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

**Risk Implications of Not Implementing Officer Recommendation**

Medium:

- There is the potential risk of the applicant lodging an application for review to the State Administrative Tribunal if the applicant is aggrieved by the decision of Council.

**Comments**

The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope on the amenity of neighbouring properties is considered minimal and no objections were raised to the proposal by adjoining owners.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
It is recommended that the proposed Building Envelope variation be approved.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *APPROVE* the application to vary the Building Envelope at Lot 1025 Gaze Grove, Golden Bay.

**Committee Recommendation**

Moved Cr Hill, seconded Cr Hamblin:

That Council *APPROVE* the application to vary the Building Envelope at Lot 1025 Gaze Grove, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
## Planning and Development Services
### Statutory Services

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<td>Author:</td>
<td>Mr Nick Michael, Planning Assistant</td>
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<td>Other Contributors:</td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
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1. Location Plan

Subject Site

2. Aerial Photograph
**Purpose of Report**

To consider an application to vary the approved Building Envelope at Lot 1026 Gaze Grove, Golden Bay.

**Background**

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133,138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process Building Envelopes were identified for the proposed lots.

Lot 1026’s approved Building Envelope is set back 5m from the western boundary, 3.5m from the northern boundary, 8m from the eastern boundary and 23m from the southern boundary.

The subject lot is devoid of vegetation with the exception of the south and south east portions of the lot. The topography of the lot is generally flat.

The approved Building Envelope has been cleared of vegetation as the applicant originally intended to construct the dwelling in the approved Building Envelope. One tree outside of the approved Building Envelope was also removed on the basis that it was deemed to be unsafe by the City’s Environmental Planning Services.

**Details**

The applicant seeks approval to shift the approved Building Envelope to be parallel with Gaze Grove to allow for the construction of a dwelling. The Building Envelope will increase from 690m$^2$ to 695m$^2$ (an increase of 0.72%). The applicant has provided the following justification for the proposal:

- To reposition the Building Envelope parallel to the roadway and crossover;
- To increase setbacks and privacy from neighbouring properties; and
- To increase the setback in north western corner to increase turning area for fire appliances.
3. Proposed Building Envelope Plan

**Implications to Consider**

a. Consultation with the Community

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, Building Envelopes may be carried at the discretion of the Council, only after consultation with the owners of affected or adjoining properties.
The proposal was referred to seven nearby and adjacent property owners for a period of 14 days as shown on the Consultation Plan below. At the close of the advertising period, one submission of no objection was received from the owner of the property to the west of the subject site.

Subject Lot  
Consulted  
No Objection

4. Consultation Plan

b. Consultation with Government Agencies
Not Applicable

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

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

d. Policy
Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)
The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of the Golden Bay Special Residential zones, Building Envelopes have been located to maintain the rural attributes and appearance of the land.

In accordance with PP3.3.17 all applications within the Golden Bay Special Residential Zone must be referred to the Council for determination.
The following is an assessment of the application based on the assessment criteria of PP3.3.17:

**Size and Shape of Building Envelope**

PP3.3.17 provides the following with respect to the size and shape of the Building Envelope:

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

The proposal is compliant with PP3.3.17 as the size of the proposed Building Envelope is only a 0.72% increase in size, and the proposed Building Envelope will remain a single contiguous area with a regular shape.

**Environmental Considerations**

PP3.3.17 notes that:

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

The location of the proposed Building Envelope will not require the removal of any vegetation.

**Bushfire Risk**

The Fire Management Plan (FMP) approved as part of the subdivision identifies the prevailing bushfire hazards as vegetation complexes 105m west and 17m north east of the subject lot. The FMP has designated the lot as Bushfire Attack Level (BAL) 12.5. The Building Envelope is not located closer to the identified bushfire hazards and therefore, the bushfire risk is not considered to increase as a result of the proposed Building Envelope modification.

**e. Financial**

Nil

**f. Legal and Statutory**

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

**g. Risk**

**Risk Implications of Implementing Officer Recommendation**

Low:
- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

**Risk Implications of Not Implementing Officer Recommendation**

Low:
- There is the potential risk of the applicant lodging an application for review to the State Administrative Tribunal if the applicant is aggrieved by the decision of Council.

**Comments**

The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope on the amenity of neighbouring properties is considered minimal and no objections were raised to the proposal by adjoining owners.

It is recommended that the proposed Building Envelope be approved.
**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVE** the application to vary the Building Envelope at Lot 1026 Gaze Grove, Golden Bay.

**Committee Recommendation**

Moved Cr Hill, seconded Cr Pease:

That Council **APPROVE** the application to vary the Building Envelope at Lot 1026 Gaze Grove, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
## Planning and Development Services
### Statutory Planning Services

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<th>PDS-083/14 Proposed Building Envelope Variation</th>
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<td><strong>Applicant:</strong></td>
<td>Genesis Homes Pty Ltd</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Mr Aaron and Mrs Vanessa Hind</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Nick Michael, Planning Assistant</td>
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<tr>
<td><strong>Other Contributors:</strong></td>
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<td>4. Proposed Dwelling Location</td>
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<tr>
<td></td>
<td>5. Consultation Plan</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
**Purpose of Report**

To consider an application to vary the approved Building Envelope at Lot 1009 Peelfold Glen, Golden Bay.

**Background**

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133,138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process Building Envelopes were identified for the proposed lots.

Lot 1015's approved Building Envelope is set back 8m from the eastern boundary, 10m from the northern boundary, 12m from the southern boundary and 9m from the western boundary.

The topography of the lot is generally flat, and the only vegetation is one major tree to the east of the site.

**Details**

The applicant seeks approval to increase the approved Building Envelope from 600m² to 622m² (an increase of 3.6%). The modification of the Building Envelope is to allow for the construction for a dwelling.

The applicant has provided the following justification for the proposal:

- The increase is minor in nature;
- There will be no adverse impact on privacy or amenity of the subject or adjoining properties; and
- No vegetation will be removed.
3. Existing and Proposed Building Envelope Plan
4. Proposed Dwelling Location

**Implications to Consider**

- **Consultation with the Community**
  
  In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to five nearby and adjacent property owners for a period of 14 days as shown on the Consultation Plan below. At the close of the advertising period, no submissions were received.
5. Consultation Plan

b. Consultation with Government Agencies
   Not Applicable

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

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

d. Policy
   Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)
   The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of the Golden Bay Special Residential zones, Building Envelopes have been located to maintain the rural attributes and appearance of the land.

   In accordance with PP3.3.17 all applications within the Golden Bay Special Residential Zone must be referred to the Council for determination.

   The following is an assessment of the application based on the assessment criteria of PP3.3.17:

   **Size and Shape of Building Envelope**
   The Policy provides the following with respect to the size and shape of the Building Envelope:
"Unless otherwise approved by the Council, only minor increases to the size of Building Envelopes will be considered (to a maximum of 10% of the area of the original Building Envelope) and all Building Envelopes are required to be of a regular shape and comprise a single contiguous area."

The proposal is compliant with PP3.3.17, as the proposed increase in size is only 3.67% (22m²) and the shape of the proposed Building Envelope will remain a regular shape and single contiguous area.

**Environmental Considerations**

PP3.3.17 notes that:

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

There are no adverse environmental impacts as there is no vegetation within the proposed Building Envelope.

**Bushfire Risk**

The Fire Management Plan (FMP) approved as part of the subdivision identifies the prevailing bushfire hazard as a vegetation complex approximately 50m west of the subject lot. The proposed Building Envelope is not located closer to the identified bushfire hazard, and therefore the Bushfire risk is not considered to increase as a result of the proposed Building Envelope modification.

e. **Financial**

Nil

f. **Legal and Statutory**

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

**Risk Implications of Not Implementing Officer Recommendation**

Medium:

- There is the potential risk of the applicant lodging an application for review to the State Administrative Tribunal if the applicant is aggrieved by the decision of Council.

**Comments**

The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope on the amenity of neighbouring properties is considered minimal and no objections were raised to the proposal by adjoining owners.

It is recommended that the proposed Building Envelope be approved.

**Voting Requirements**

Simple Majority
### Officer Recommendation

That Council **APPROVE** the application to vary the Building Envelope at Lot 1009 Peelfold Glen, Golden Bay.

### Committee Recommendation

**Moved Cr J Smith, seconded Cr Hamblin:**

That Council **APPROVE** the application to vary the Building Envelope at Lot 1009 Peelfold Glen, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

### Implications of the Changes to the Officer's Recommendation

Not Applicable
## Planning and Development Services
### Statutory Services

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<td>Mr Marthinus Van Zyl</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1015 Peelfold Glen, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133, 138, 140 – 145 Peelfold Glen and Lots 146 – 150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process Building Envelopes were identified for the proposed lots.

Lot 1015’s approved Building Envelope is set back 20m from the south eastern (Peelfold Glen) boundary, 4m from the north eastern boundary 17m from the north western (rear) boundary and 5m from the south western boundary.

The subject lot is sparsely covered in significant vegetation. The topography of the lot is generally level.

Details

The applicant seeks approval to shift the approved Building Envelope towards Peelfold Glen, to allow for the construction of a future single house. No vegetation will be removed as part of the proposal. The size of the Building Envelope will remain 600m².

The applicant has provided the following justification for the proposal:

- The Building Envelope will not increase in size;
- Increase privacy for neighbours; and
- Vegetation will be retained
3. Existing and Proposed Building Envelope Plan
**Implications to Consider**

a. **Consultation with the Community**

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The proposal was referred to seven nearby and adjacent property owners for a period of 14 days as shown on the Consultation Plan below. At the close of the advertising period, no submissions were received.

![Consultation Plan](image)

b. **Consultation with Government Agencies**

Not Applicable

c. **Strategic**

**Community Plan**

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

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

d. **Policy**

**Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)**

The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of the Golden Bay Special Residential zones, Building Envelopes have been located to maintain the rural attributes and appearance of the land.
In accordance with PP3.3.17 all applications within the Golden Bay Special Residential Zone must be referred to the Council for determination.

The following is an assessment of the application based on the assessment criteria of PP3.3.17:

Size and Shape of Building Envelope

The Policy provides the following with respect to the size and shape of the Building Envelope:

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

The proposal is compliant with PP3.3.17 as the Building Envelope will not increase in size and the shape of the Building Envelope will remain a single contiguous area.

Environmental Considerations

PP3.3.17 notes that:

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

There are no adverse impacts as there is no vegetation within the proposed Building Envelope.

Bushfire Risk

The Fire Management Plan (FMP) approved as part of the subdivision identifies the prevailing bushfire hazard as a vegetation complex 120m west of the subject lot. The FMP has designated the lot as Bushfire Attack Level (BAL) 12.5. The Building Envelope is not located closer to the identified bushfire hazard and therefore, the bushfire risk is not considered to increase as a result of the proposed Building Envelope modification.

e. Financial

Nil

f. Legal and Statutory

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Medium:

- There is the potential risk of the applicant lodging an application for review to the State Administrative Tribunal if the applicant is aggrieved by the decision of Council.

Comments

The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. The impact of the proposed Building Envelope in comparison to the approved Building Envelope on the amenity of neighbouring properties is considered minimal and no objections were raised to the proposal by adjoining owners.
It is recommended that the proposed Building Envelope be approved.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *APPROVE* the application to vary the Building Envelope at Lot 1015 Peelfold Glen, Golden Bay.

**Committee Recommendation**

Moved Cr Pease, seconded Cr Hamblin:

That Council *APPROVE* the application to vary the Building Envelope at Lot 1015 Peelfold Glen, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
# Planning and Development Services
## Statutory Planning Services

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<td>Nature of Council's Role in this Matter:</td>
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**Purpose of Report**

To consider an application to vary the approved Building Envelope at Lot 201 (No.582) St Albans Road, Baldivis.

**Background**

In November 2002, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lot 926 St Albans Road into three lots.

Lot 201’s approved Building Envelope is setback 15m from the northern boundary and 20m from the southern boundary. The approved Building Envelope is 2,000m² in area.

The subject lot has native vegetation outside the approved Building Envelope. The topography of the lot slopes gently from east to west.

**Details**

The applicant seeks approval to increase the approved Building Envelope from 2,000m² to 2,357m² (an increase of 17.85%). The modification of the Building Envelope is to allow for the construction of a shed.

The applicant has provided the following justification for the proposal:
- There will be no adverse impact on privacy or amenity of the subject or adjoining properties; and
- The increase in Building Envelope size and proposed location will have no environmental impact.

---

3. Existing and Proposed Building Envelope Plan
Implications to Consider

a. Consultation with the Community
   Advertising was not undertaken on the basis the applicant has failed to demonstrate compliance with Policy requirements, as discussed in the Policy section of this report.

b. Consultation with Government Agencies
   Not Applicable

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

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

d. Policy
   State Planning Policy 2.1 - Peel Harvey Coastal Catchment (SPP2.1)
   The purpose of SPP2.1, prepared by the WAPC, is to improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment, whilst balancing land uses changes and economic growth of the catchment as to avoid and minimise environmental damage.

   SPP2.1 provides the following with respect to rural residential lots over 4,000m²:

   "Existing vegetation should be retained except where there are defined building envelopes, approved utility requirements and firebreaks. Where lots do not have defined building envelopes, existing vegetation may be removed from an area of up to 1000m² for the construction of approved buildings except where special approval is granted for a greater area of clearing"

   The proposed Building Envelope will result in additional remnant vegetation being removed which fails to comply with the above requirements of SPP2.1.

   Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1)
   The purpose of the PP3.1.1 is to provide the Council with a planning framework for the assessment of applications to rezone, subdivide, manage and develop land within the rural areas of the City.

   The subject site is located within Planning Unit 7, which is characterised by existing small rural landholdings that have ensured the retention of dense to moderate vegetation.

   The primary objective of Planning Unit 7 is to encourage special rural development which is compatible with the capability of the Spearwood Dune System and the objectives of the Peel Harvey Catchment.

   PP3.1.1 also aims to protect and conserve landscape values, including the retention of trees and vegetation.

   The proposed Building Envelope fails to comply with the requirements of PP3.3.1 as the objectives of the Peel Harvey Catchment (as noted above) have not been met and the location of the proposed Building Envelope will result in the loss of vegetation.

   Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)
   The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes.

   The following is an assessment of the application based on the assessment criteria of PP3.3.17:-
Size and Shape of Building Envelope

PP3.3.17 provides the following with respect to the size and shape of the Building Envelope:-

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

The proposed increase in size of the Building Envelope is 17.85% (357m$^2$). The proposal Building Envelope fails to comply with PP3.3.17, as the proposed increase in size is greater than 10%.

Environmental Considerations

PP3.3.17 requires the following with respect to environmental impacts:

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

The City's Environmental Services reviewed the application and conducted a site inspection, where it was identified that the proposed Building Envelope location would result in the clearing of dense native vegetation. The subject vegetation, classed within the Dardanup Complex, includes a number of Banksia and Eucalyptus trees. Less than 10% of this vegetation complex remains within the City. It was also identified that a garage, shed, and a hardstand parking area has been developed outside of the approved Building Envelope.

The proposed Building Envelope location fails to comply with PP3.3.17 as the location would result in an adverse environmental impact due to loss of vegetation.

4. Vegetation in Proposed Building Envelope Location
5. Previously Cleared Areas

**Bushfire Risk**

There is no approved Fire Management Plan that applies to the subject site. The *Planning for Bushfire Protection Guidelines 2010* requires every building be surrounded by a Building Protection Zone (BPZ) including but not limited to, maintaining a width of 20m measured from any external wall of the building. Where Building Envelopes are designated on lots, the City has taken the width to be measured from the edge of the Building Envelope, as development can be considered in any location within the approved Building Envelope. The proposed Building Envelope is setback 10m from the southern lot boundary, and therefore the required BPZ width cannot be wholly contained on site.

The City does not permit the ‘overlapping’ of BPZ's onto adjacent properties, as the responsibility to maintain the BPZ lies with the owner of the land.

The location proposed Building Envelope location is not supported as the BPZ requirements of the *Planning for Bushfire Protection Guidelines 2010* cannot be achieved.

e. **Financial**

Nil

f. **Legal and Statutory**

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

High:
- There is the potential risk of the applicant lodging either a request for reconsideration to the City or an application for review to the State Administrative Tribunal if the applicant is aggrieved by conditions of Planning Approval.

**Risk Implications of Not Implementing Officer Recommendation**

Medium:
- There is the potential risk of the applicant lodging an application for review to the State Administrative Tribunal if the applicant is aggrieved by the decision of Council.
Comments

The proposed Building Envelope size is larger than the size permitted by PP3.3.17 and is located such that significant vegetation could be removed. The location of the proposed Building Envelope also fails to provide adequate space for the provision of a BPZ.

It is recommended that the Council refuse the proposed Building Envelope variation as it does not comply with TPS2, PP3.3.17 and Planning for Bushfire Protection Guidelines (edition 2) 2010. The City also considers that the existing garage, shed and hardstand area have been constructed outside of the approved Building Envelope, which fails to comply with TPS2. These structures must either be removed or a separate application should be lodged with the City to include these structures within a modified Building Envelope that is compliant with PP3.3.17 and the Planning for Bushfire Protection Guidelines (edition 2) 2010.

Voting Requirements

Simple Majority

Officer Recommendation

That Council REFUSE the application to vary the location of the Building Envelope at Lot 201 (No.582) St Albans Road, Baldivis for the following reasons:

1. The proposed Building Envelope does not satisfy the key criteria of the City’s Planning Policy No. 3.3.17 - Variations to Building Envelopes and Town Planning Scheme No.2, as the proposed Building Envelope variations will not result in an environmental benefit and exceed 10% of the original approved Building Envelope size.

2. The proposal fails to comply with State Planning Policy 2.1 - Peel Harvey Coastal Catchment and the Environmental Considerations within Planning Policy 3.3.17 – Variations to Building Envelopes, as the proposed Building Envelope will result in the loss of significant local native vegetation.

3. The proposed Building Envelope location and the resulting development fails to comply with the requirements of the, Western Australia Planning Commission Planning for Bushfire Protection Guidelines (edition 2) 2010.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Pease:

That Council DEFER the application to vary the location of the Building Envelope at Lot 201 (No.582) St Albans Road, Baldivis to enable the applicant to meet with City Officers to satisfy the City’s Policy requirements for modifying the Building Envelope.

Committee Voting – 5/0

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

To enable compliance with the requirements of the City's Policy for the modification of the Building Envelope.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Engineering and Parks Services

### Procurement and Projects

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<td>EP-037/14 Mersey Point Jetty – Consideration of future options (Absolute Majority)</td>
<td>CPR/322</td>
<td>164, 166 and 412</td>
<td>Mr Gary Rogers, Manager Procurement and Projects</td>
<td>Mr Matthew Donaldson, Coastal Engineering Officer</td>
<td>Mr Chris Thompson, Director Engineering and Parks Services</td>
<td>20 October 2014</td>
<td>27 May 2013 (EP-014/13)</td>
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<tr>
<td>1. Mersey Point Jetty – Concept Design Options 15/10/2013</td>
<td>1. Aerial image of Mersey Point jetty’s location</td>
</tr>
<tr>
<td>– Concept Option 1 Layout SK928-15/10/13-1A</td>
<td>2. Mersey Point erosion and accretion plan 2013</td>
</tr>
<tr>
<td>– Concept Option 1 – General Arrangement SK928-15/10/13-2A</td>
<td></td>
</tr>
<tr>
<td>– Concept Option 2 Layout SK928-15/10/13-3A</td>
<td></td>
</tr>
<tr>
<td>– Concept Option 2 – General Arrangement SK928-15/10/13-4A</td>
<td></td>
</tr>
</tbody>
</table>
Planning and Engineering Services Committee Minutes
Monday 20 October 2014

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 NOVEMBER 2014

Purpose of Report

To seek Council's consideration with respect to the management and future development options for the Mersey Point Jetty.

Background

The original Mersey Point jetty was licensed to a Mr Dickenson, the lessee at the time of Penguin Island pre 1963. This structure was demolished and a new structure built by the Public Works Department and subsequently licensed to the Shire of Rockingham in 1963. The extension and upgrades of the jetty occurred in 1970, 1988 and 1999 respectively, and a new licence was issued by the Public Works Department, since the ownership of the jetty was transferred to the City of Rockingham in 1987.

The City presently meets all capital and ongoing management costs of the jetty.
In the report presented to Council at its May 2013 meeting, the following possible future options in respect to the Mersey Point Jetty were submitted:

1. **Demolish existing jetty and relocate to an alternative location**
   Should the decision be made to replace the jetty, it was recommended that due to the existing site being significantly impacted upon by sand movement and accretion an alternative location approximately 80 metres north would be a more suitable site. The shoreline to the north of the current jetty is more stable; however it is also undergoing a long term accretion trend. Approval would be required from the Department of Parks and Wildlife as the piling of the jetty would extend into existing seagrass beds within the Marine Park.

2. **The City gifts the jetty to the Department of Parks and Wildlife.**
   As the structure is used primarily to service the berthing/landing requirements of the commercial operator licenced with Department of Parks and Wildlife (DPaW), it was suggested that it would be appropriate for DPaW to manage the infrastructure directly associated with the operations of the lessee.
   
   **Note:** DPaW maintain and manage the jetty located on Penguin Island.

3. **Demolish and reinstate the beach to its natural state.**
   Due to replacement costs and long term sustainability concerns should the decision be not to construct a new relocated jetty, it was suggested that the City consider demolition and reinstatement of the beach area.

4. **Demolish and replace on current site.**
   The dynamics of the local coastal environment are such that the replacement of the jetty at the current location would require the jetty to be further extended into deeper water, resulting in the jetty having a higher capital cost than Option 1 above. Also the long term sustainability of the jetty due to sand accretion will, despite design improvements, result in the City continuing to be required to regularly excavate sand to ensure jetty access is not impeded, and potentially requiring dredging at the end of the jetty to be undertaken in future years, the major advantage of this option is that environmental approval should be easier as no seagrass beds would be disturbed.

Following due consideration of the report, Council resolved as follows:

“That Council AGREE to the Chief Executive Officer initiating discussions with the Department of Parks and Wildlife and the commercial ferry operator in order to seek agreement on the future management and development options for the Mersey Point jetty including possible levels of funding support to be provided to the City should the jetty be replaced and relocated.

Further, should these discussions not be successful in reaching an agreement, the Chief Executive Officer shall offer to gift the existing jetty to the Department of Parks and Wildlife and should the offer be refused a further report be presented to Council for consideration of the future of the Mersey Point Jetty including jetty demolition and foreshore repatriation”.

**Details**

In accordance with the May 2013 Council resolution, separate meetings were held with representatives from the Department of Parks and Wildlife (DPaW) and the commercial ferry service operator, Rockingham Wild Encounters Pty Ltd, to discuss future management and development options for the Mersey Point jetty.

On 10 July 2013, The City’s Director, Engineering and Parks Services, Manager Procurement and Projects and Coastal Engineering Officer met with representatives of DPaW (formerly Department of Environment and Conservation) and discussed various options in relation to the existing structure. Options and issues discussed at the meeting included the following:

1. Donation of the Mersey Point Jetty to DPaW and transfer of ownership;
2. Demolition of the existing jetty and construction of a new jetty at a new location approximately 80m north of the existing location;
3. Demolition of the jetty and reinstatement of the beach to its natural state;
4. Funding possibilities to support existing and new infrastructure; and
5. Shoalwater Islands Marine Parks Management Plan

In a subsequent email dated 18 September 2013, DPaW stated that ‘there had been a longstanding agreement between the three stakeholders as far back as the early 1990’s that DPaW manage the development and maintenance of facilities on Penguin Island and the City manages the development and maintenance of facilities, including the jetty, at Mersey Point’.

It was further confirmed by DPaW that it cannot agree to taking on responsibility or ownership for the Mersey Point Jetty as they have significant issues with maintaining the jetty on Penguin Island.

However DPaW did support the proposal that should the existing jetty be demolished and a new jetty constructed, that the new jetty be located 80 metres north of the existing jetty, as this location offers a more stable beach location with less sediment dynamics impacting on the site. DPaW also expressed the view that separation between the jetty and the sandbar may assist to discourage marine park visitors and tourists using the sandbar to access Penguin Island.

The Shoalwater Island Marine Park Management Plan (SIMP) was raised by the City as a matter requiring further consideration given that the construction of a jetty within the Special Purpose Zone is not consistent with the SIMP objectives and may impact on existing seagrass beds.

DPaW advised that it would be willing to assist the City in progressing consideration of this proposal in the interest of maintaining safe and sustainable visitor access to Penguin Island.

Presently DPaW has issued an exclusive license to Rockingham Wild Encounters Pty Ltd to operate a direct ferry service to Penguin Island and to operate a commercial ferry service in the waters of the Shoalwater Islands Marine Park.

DPaW indicated that it was not in a position to contribute to the capital and maintenance costs of the land based infrastructure, as the funding received by DPaW for this area including the payment of a percentage of gross revenue from the licensed ferry service operator is used to assist DPaW in maintaining the infrastructure on the Island.

In October 2013, the Director of Engineering and Parks Services and Manager Procurement and Projects met with Mr Terry Howson and Mr Aaron Heath, the Directors of Rockingham Wild Encounters Pty Ltd and Penguin Island Cruises Pty Ltd (the Directors) to further discuss this matter. At this meeting Mr Howson and Mr Heath stated that in their opinion both the ongoing management of the existing jetty and the possible future replacement of the jetty was the City’s responsibility.

When the City undertook stakeholder consultation in 2012 as part of a Mersey Point to Port Kennedy coastal study other options such as the use of dinghies to transfer passengers and/or using an amphibious vessel were briefly discussed with the operators, who advised that these were not favoured options. Despite the coastal dynamics impacting on the jetty the Directors also indicated at the time that the current jetty location would be the preferred location of any new jetty. However the Directors have since indicated their preparedness to consider an alternate location.

The possible introduction of a per ticket levy or fee payable by the ferry service operators to the City as a means of providing a contribution towards the capital and ongoing costs associated with the construction and maintenance of a new jetty was raised at the meeting held with the Directors. It was suggested to them that this may be a viable option to enable the City to receive an ongoing contribution towards the jetty replacement and management costs. This was suggested on the basis that the jetty is used extensively for the conduct of the Penguin Island and Marine Park ferry service. This suggestion was not supported at the time by the Directors as they considered the inclusion of such a fee on the ticket price may adversely impact on the commercial viability of the business, and it remained that they considered that the City was responsible for the land based infrastructure.

The possible involvement and contribution from other stakeholders was also discussed and it was agreed that the Directors would approach Tourism Western Australia and DPaW.

In response to a letter from the City’s Director Engineering and Parks Services dated 21 February 2014, the Directors stated the following:
"Following our meeting with you and Gary, we met with DPaW and Tourism Western Australia. We had a lengthy discussion and unfortunately have no good news to report. Tourism Western Australia was unaware of any funding that we could possibly source to assist with the replacement and DPaW has confirmed that they are responsible for the jetty over at Penguin Island and believe the Mersey Point Jetty is the responsibility of the City of Rockingham."

The Directors confirmed that during the 2012/2013 summer season there were 83,729 visitors to the island that utilised the ferry service. It is understood that these visitor numbers increased in the 2013/14 summer season to approximately 90,000.

The City has further developed concept designs and cost estimates for the demolition of the existing jetty and its replacement approximately 80m north of the existing jetty location.

A revised cost estimate was prepared in December 2013, and indicated that in addition to the construction costs, there would also be demolition, geotechnical, design and approval costs resulting in an overall project value of $2,645,000 approximately. The construction cost estimate is based on recent tendered rates on similar jetty structures within the Perth Metropolitan Region. For marine works there can be a large range in tendered prices which depends on the availability of equipment, the methodology adopted and which contractors are available at the time to complete the work.

As the works will be within the Shoalwater Islands Marine Park, there are likely to be significant costs for dealing with approvals and the inclusion of a Marine Fauna Observer during the piling works.

The above cost is inclusive of the cost estimate provided last December and also takes into account anticipated cost escalation and project management fees.

Beach profile surveys of this area have been undertaken and contour surveys have taken place in order to identify the most appropriate long term and cost effective location while also providing proximity to car parking and the ability to manage pedestrian movement at the site.

The initial concept designs as presented to Council at its May 2013 meeting have been revised on the basis of the additional environmental information and detailed survey outcomes. The revised concept designs SK928-15/10/13-1A to SK928 -15-4A are attached and provide an option for a fishing platform as part of a new jetty structure to enable it to provide additional social outcomes to the wider community.

The City has recently completed construction of additional car parking bays north of the existing Mersey Point car park. This work was approved in order to reduce current car parking congestion and associated safety issues.

The City has entered into two leases with Penguin Island Cruises Pty Ltd over parts of the Shoalwater Island Visitors Centre.

One of the leases is for the purpose of a “kiosk and sale of take away food and drink”. The other lease is for “the provision of ferry and other related services associated with the Shoalwater Marine Park and Penguin Island including the incidental sale of related goods and souvenirs”.

Both leases commenced on 1 July 2013 and have an initial term of 15 years with an option to extend for an additional six years.

The rental associated with the lease of the kiosk area is $19,800 per annum, and the rent associated with the ticketing and visitors’ area is $28,200 per annum. The rental amounts are subject to review on a regular basis throughout the term of the leases and the lessee is responsible for meeting all associated outgoings.

The commercial operator also pays an annual jetty licence fee of $1,131 ex GST per vessel. This licence fee is consistent with the Department of Transport Maritime 2014/2015 Facility fees and charges.

The City currently spends approximately $35,000 per annum on maintenance costs related to the jetty and sand excavation to maintain access to the jetty.
Implications to Consider

a. **Consultation with the Community**
   Consultation with the Operators of Penguin Island Ferry Service has taken place.

b. **Consultation with Government Agencies**
   Consultation has been undertaken with the DPaW. Previous consultation was undertaken with the Department of Transport in respect to the Mersey Point to Port Kennedy Coastal Study Report.

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:
   - **Aspiration 5**: Community facilities and services delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods
   - **Aspiration 6**: Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles
   - **Aspiration 7**: Community facilities and services that are well utilised, accessible and cost effective, and where appropriate, multi-functional

d. **Policy**
   Not Applicable

e. **Financial**
   The City receives income of $1,131 per annum per vessel as a jetty licence fee.
   There is no funding provided in the 2014/2015 budget for the replacement of the existing jetty. The City’s current Business Plan does not include funding for the replacement of the jetty.
   The City during the 2013/2014 financial year spent $35,750 in maintenance and excavation of the existing jetty and there is an allocation of $30,738 in the 2014/2015 budget for maintenance.
   In order to proceed with the development of a new jetty at Mersey Point a total of $2,645,000 would be required to be allocated within the Business Plan for 2015/2016 and 2016/2017. Should the commercial ferry service operator cease operations the City would not be in a position to recoup associated capital and ongoing costs.
   The annual cost to the City over the jetty’s economic life of 40 years in respect to loan repayment depreciation and maintenance is estimated at approximately $260,000 per year. These costs are subject to review once the actual construction price is known. Also the annual maintenance costs would be reviewed on an ongoing basis throughout the life of the asset.
   Based upon future estimated ticket sales for every $1 per ticket fee paid to the City by the operators of the existing commercial ferry service, an estimated annual amount of approximately $90,000 to $100,000 would be generated. In order for the City to receive an income return that would recoup the majority of the above annual cost of the jetty for the assets economic life of 40 years, a fee of approximately $2.50 per ticket sold would be required. This fee is subject to determination of actual construction and maintenance costs as well as annual ticket sales.

f. **Legal and Statutory**
In accordance with Section 6(16) of the Local Government Act 1995, a local government may impose a fee or charge for any goods or service it provides or proposes to provide. Subsection 2(a) states a fee or charge may be imposed when providing use of or allowing admission to any property, facility wholly or partly owned, controlled, managed or maintained by the local government.

A Jetties Local Law will be developed to provide the City with the necessary authorisation to manage the use of the Jetty and general provisions related to access and use, including the provision of a fee.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- The potential for the lessee to make claim against the City for the loss of business activity.

Medium:
- Ongoing public safety concerns due to maintenance requirements of beach access and jetty condition.
- Community perception in respect to the City allocating funding to construct an asset that services a commercial business

High:
- The existing exclusive ferry service licence is issued to Rockingham Wild Encounters Pty Ltd by DPaW and the City has no control over the term and conditions of the exclusive licence.
- The City's ability to recoup capital and operational costs associated with the Jetty would be dependent on the continued operation of a commercial ferry service utilising the Mersey Point Jetty.

Risk Implications of Not Implementing Officer Recommendation

Medium:
- Ongoing maintenance costs for the continued upkeep of the existing jetty structure and management of the coastal dynamics affecting the current location.

Comments

The jetty is located in an area of dynamic coastline which has over the last 60 years accreted approximately 60 metres i.e. one metre per year. There have been three extensions to the jetty undertaken by the City since the jetty was gifted to the City in 1987. The jetty access or boardwalk area is therefore comprised of the former jetty which is now buried under the accreted beach area.

Constant sand build up along the boardwalk together with the shoreline accretion requires ongoing management and maintenance by the City. The accretion at the site results in the jetty being only suitable for shallow draft vessels and will not accommodate parallel berthing by the ferry.

The beach access to the jetty is via previous original jetty structures largely buried by the sand accretion. The dynamics of the coast and accretion trends result in rapid changes to the position of the shoreline. Therefore to maintain access to navigable waters the existing jetty would need to be further extended in the near future.

As the older sections of the jetty now form the access path to the jetty are buried, the condition of these timbers is difficult to fully assess. Without significant maintenance of the beach and jetty structure the jetty will quickly become unusable. It should also be noted that the current boardwalk and jetty access do not provide for universal access to the jetty.

During the last summer season the end of one of the main piles snapped due to heavy and constant vessel impacts for berthing, further compromising the integrity of the jetty structure. The top end of the pile has now been replaced.
As the responsible entity of the jetty there are ongoing risks to the City with continued use of the jetty in its current state. Some of these risks are mitigated through ongoing management and maintenance strategies, however, such risks include:

- Impeded pedestrian access to jetty via boardwalk;
- Limited berthing capacity of the jetty;
- Structural integrity of the buried boardwalk timbers;
- Dilapidated condition of the jetty structure.

It therefore remains that the City must continue to provide a high level of ongoing maintenance whilst the jetty remains operational, and ongoing future access cannot be guaranteed.

The costs of the construction of a new jetty are considerable as the design and construction requirements need to meet relevant standards and provide for a structural design life of 50 years. Whilst the major purpose of a new jetty is to service the requirements of the commercial operator, should a new jetty be constructed it is recommended that the design incorporate a fishing platform providing for the possibility of additional social outcomes.

From discussions held with DPaW it is understood that as part of an exclusive licensing agreement between DPaW and Rockingham Wild Encounters Pty Ltd, to operate a commercial ferry service in the Marine Park, DPaW receive a percentage of the gross receipts from the ferry service operators and this income is utilised to assist in meeting the management costs associated with the Penguin Island infrastructure. How the removal of the jetty would impact on these licensing arrangements is uncertain. Should the Mersey Point jetty be demolished and not replaced the only other commercial jetty for the operation of the ferry service is the Val Street Jetty. However the existing vessels used for the Island Ferry Service are not suitable for operating in open water and therefore operating the service using existing vessels from Val Street Jetty would not be a practical option.

The future feasibility and commercial viability of operating a Penguin Island ferry service from Val Street Jetty would however need to be determined by the operators. From discussions held with DPaW it was pointed out that without the payment of a percentage of gross receipts to DPaW, the capacity of DPaW to continue to manage the infrastructure on the island would be in question.

Structural integrity inspections have been undertaken on the existing jetty and it is proposed that regular structural integrity inspections and ongoing beach excavations continue, until such time as the jetty is considered to be unsuitable for its current purpose.

During this time the City would be able to further develop the design plans for the new jetty and seek DPaW support and advice in respect to obtaining all necessary approvals associated with the construction of a new jetty in the marine park.

Should Council agree to the allocation of funding within the City's revised 10 year Business Plan, and the implementation of a $2.50 per ticket fee for all tickets sold by the ferry service operators using the Mersey Point Jetty being included on the City’s Schedule of Fees and Charges, the approval process, design and specifications for a replacement jetty would be undertaken in 2015/2016 and tenders for the construction of the new jetty may then be sought to enable construction to commence in 2016/2017.

It is also recommended that should a new jetty be constructed that the placement be approximately 80 metres north of the existing jetty location. While the coastline in this area is still dynamic, the suggested area for relocation is historically not as susceptible to the accretion issues faced at the existing site. Relocation further north would reduce the accretion impact on the new jetty, and therefore provide a more sustainable long term location while remaining in proximity to the land based facilities and infrastructure necessary to service the ferry operation.

Support from DPaW in respect to the proposed alternate jetty location is essential given the high conservation value of the waters of the Shoalwater Island Marine Park (SIMP).

The works would also include demolition of the existing jetty and reinstatement of the beach.

### Voting Requirements

**Absolute Majority**

5.07pm - Cr Matthew Whitfield departed the Planning and Engineering Services Committee meeting.
Officer Recommendation

That Council APPROVE the allocation of $2,645,000 in the City’s Business Plan for the replacement of the Mersey Point Jetty, with associated design and approvals to be undertaken in 2015/2016 and construction in 2016/2017 financial years subject to:

1. The City providing an active monitoring and maintenance regime for the existing Mersey Point Jetty and boardwalk until May 2017 or prior should at any time the jetty condition be determined as being unsuitable for its current purpose.
2. The replacement jetty being located approximately 80 metres north of the jetty’s current location.
3. Approval being obtained from the Department of Parks and Wildlife for the location and construction of the proposed replacement jetty.
4. Confirmation being received from the Department of Parks and Wildlife that any existing and future exclusive ferry service licences issued to operate within the Shoalwater Islands Marine Park would include a requirement for the operator to use the replacement Mersey Point Jetty.
5. A Jetties Local Law being approved and gazetted authorising the City to collect a fee set at a rate that enables the City to recoup capital depreciation and maintenance costs associated with the Mersey Point Jetty for the term of its economic life. Such fee to be included in the City’s Schedule of Fees and Charges in 2016/2017.

Committee Recommendation

Moved Cr Hill, seconded Cr Hamblin:

That Council APPROVE the allocation of $2,645,000 in the City’s Business Plan for the replacement of the Mersey Point Jetty, with associated design and approvals to be undertaken in 2015/2016 and construction in 2016/2017 financial years subject to:

1. The City providing an active monitoring and maintenance regime for the existing Mersey Point Jetty and boardwalk until May 2017 or prior should at any time the jetty condition be determined as being unsuitable for its current purpose.
2. The replacement jetty being located approximately 80 metres north of the jetty’s current location.
3. Approval being obtained from the Department of Parks and Wildlife for the location and construction of the proposed replacement jetty.
4. Confirmation being received from the Department of Parks and Wildlife that any existing and future exclusive ferry service licences issued to operate within the Shoalwater Islands Marine Park would include a requirement for the operator to use the replacement Mersey Point Jetty.
5. A Jetties Local Law being approved and gazetted authorising the City to collect a fee set at a rate that enables the City to recoup capital depreciation and maintenance costs associated with the Mersey Point Jetty for the term of its economic life. Such fee to be included in the City’s Schedule of Fees and Charges in 2016/2017.

Committee Voting – 4/1
(Cr R Smith voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Purpose of Report

Provide Council with details of the quotes received for W14/15-32 - Supply, delivery and licensing of two tandem axle side loading refuse trucks, document the results of the assessment and make recommendations regarding award of the quote.

## Background

The Quote W14/15-32 Supply, delivery and licensing of two tandem axle side loading refuse trucks was sought from selected suppliers on the WALGA E-Quote Preferred Supplier for Trucks Contract (NPN—04-13) to Isuzu Australia Limited, Iveco Trucks Australia and Volvo Group Australia Pty Ltd and was opened immediately after the closing time.

## Details

The scope of this contract is for the supply, delivery and licensing of two tandem axle side loading refuse trucks.
Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Truck/Compactor Type Offered</th>
<th>Price for Supply, Delivery and Licencing of two refuse trucks (Excl GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truck Centre (WA) Pty Ltd</td>
<td>Volvo FEE 64R / MacDonald Johnston Side Loading Waste Compactor</td>
<td>$764,232</td>
</tr>
<tr>
<td>Truck Centre (WA) Pty Ltd</td>
<td>Volvo FEE 64R / Superior Pak Side Loading Waste Compactor</td>
<td>$764,800</td>
</tr>
<tr>
<td>Geraldine Nominees Pty Ltd trading as WA Iveco</td>
<td>Iveco Acco / MacDonald Johnston Side Loading Waste Compactor</td>
<td>$714,296</td>
</tr>
<tr>
<td>Geraldine Nominees Pty Ltd trading as WA Iveco</td>
<td>Iveco Acco / Superior Pak Side Loading Waste Compactor</td>
<td>$710,423</td>
</tr>
<tr>
<td>Major Motors Pty Ltd</td>
<td>Isuzu FVY 1400 Auto / MacDonald Johnston Side Loading Waste Compactor</td>
<td>$760,700</td>
</tr>
<tr>
<td>Major Motors Pty Ltd</td>
<td>Isuzu FVY 1400 Auto / Superior Pak Side Loading Waste Compactor</td>
<td>$769,144</td>
</tr>
</tbody>
</table>

A panel comprising the Manager Integrated Waste Services, Waste Services Coordinator and Coordinator Fleet Services undertook evaluations.

Evaluation of the quotes, in accordance with the advertised assessment criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Truck Centre (MacDonald Johnston body)</th>
<th>Truck Centre (Superior Pak body)</th>
<th>WA Iveco (MacDonald Johnston body)</th>
<th>WA Iveco (Superior Pak body)</th>
<th>Major Motors (MacDonald Johnston body)</th>
<th>Major Motors (Superior Pak body)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>24</td>
<td>20</td>
<td>20</td>
<td>19</td>
<td>19</td>
<td>20</td>
<td>20</td>
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<tr>
<td>Performance and Experience</td>
<td>36</td>
<td>28</td>
<td>28</td>
<td>16</td>
<td>16</td>
<td>6</td>
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<tr>
<td>Quoted Price/s</td>
<td>40</td>
<td>37</td>
<td>28</td>
<td>40</td>
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<td>37</td>
<td>37</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100</td>
<td>85</td>
<td>85</td>
<td>75</td>
<td>75</td>
<td>63</td>
<td>63</td>
</tr>
</tbody>
</table>

Major Motors were unable to provide a truck and body for Operator and Mechanical assessments.

**Implications to Consider**

a. **Consultation with the Community**
   Not Applicable

b. **Consultation with Government Agencies**
   Not Applicable

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:
Aspiration 6: Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

d. Policy

In accordance with the City’s Purchasing Policy purchases from WALGA’s Preferred Supply Contract, State Government Supply Contracts or the City’s existing period contracts can be used as a procurement option. To provide compliance with section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, Section 11 subsection (2)(b).

e. Financial

The following funds have been allocated in the current 2014/2015 budget as follows:

<table>
<thead>
<tr>
<th>REGO NO</th>
<th>PLANT NO</th>
<th>VEHICLE TYPE</th>
<th>ESTIMATED TRADE IN VALUE</th>
<th>BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>RO 40</td>
<td>61721</td>
<td>Iveco F23250/260</td>
<td>$35,000</td>
<td>$415,000</td>
</tr>
<tr>
<td>RO 24</td>
<td>61741</td>
<td>Iveco F23250/260</td>
<td>$35,000</td>
<td>$415,000</td>
</tr>
</tbody>
</table>

The existing Iveco side loading refuse trucks RO 40 and RO 24 will be sent to public auction.

f. Legal and Statutory

In accordance with the Local Government (Functions and General) Regulations 1996, Part 4 – division 2 Section 11 subsection (2)(b):

“Tenders do not have to be publicly invited according to the requirements of the Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA.”

g. Risk

Risk Implications of Implementing Officer Recommendation

Medium:
- Failure of tender/quote documentation to establish compliance and assessment criteria for selection of the tender submission that would be most advantageous.

Risk implications of not implementing Officer Recommendation

Medium:
- Potential damage to the City’s procurement reputation thereby adversely impacting on the possible competitive advantage gained through the open tender process.

Comments

The City has both the Superior Pak and the MacDonald Johnston side loading waste compactors in its current fleet and although both quotes for the Volvo FEE 64R scored the same, in the City's experience the Superior Pak compactor has represented less downtime compared to the MacDonald Johnston compactor.

Following consideration of the submissions in accordance with the quote assessment criteria, the submission received from Truck Centre (WA) Pty Ltd for the Volvo FEE 64R with the Superior Pak Side Loading Waste Compactor represents the best value to the City and is therefore recommended as the preferred supplier.

Voting Requirements

Simple Majority
Officer Recommendation

That Council Accent the quote submitted from Truck Centre (WA) Pty Ltd, of 76 Great Eastern Highway South Guildford, WA 6056, for W14/15-32 Supply, delivery and licensing of two (2) tandem axle side loading refuse trucks in accordance with the quote documentation for the Volvo FE 64R with the Superior Pak Side Loading Waste Compactor for the total price of $764,800 (excluding GST) and dispose of the existing Iveco side loading refuse trucks RO 40 and RO 21 at public auction.

Committee Recommendation

Moved Cr Pease, seconded Cr J Smith:

That Council Accent the quote submitted from Truck Centre (WA) Pty Ltd, of 76 Great Eastern Highway South Guildford, WA 6056, for W14/15-32 Supply, delivery and licensing of two (2) tandem axle side loading refuse trucks in accordance with the quote documentation for the Volvo FE 64R with the Superior Pak Side Loading Waste Compactor for the total price of $764,800 (excluding GST) and dispose of the existing Iveco side loading refuse trucks RO 40 and RO 21 at public auction.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Purpose of Report

Provide Council with details of the quotes received for quote - W14/15-40 – Design, supply and installation of playground equipment to sites located with the City, document the results of the assessment and make recommendations regarding award of the quotations.

## Background

Quote - W14/15-40 – Design, supply and installation of playground equipment to sites located with the City was sought from selected suppliers on the WALGA E-Quote Preferred Supplier Contract - TPS 0982 - Preferred Suppliers for Design, supply and installation of playground equipment. The Quote closed at 2.00pm, Wednesday, 3 September 2014.

## Details

The scope of the contract is for the supply and installation new playground equipment at twenty four specified locations within the City of Rockingham.
Quotes for the Aqua Jetty were rejected as the play equipment offered was not sufficient to replace the existing asset.

Two quotes received from Playright Australia Pty Ltd for Bell Park were not evaluated as they did not meet the equal access design and the existing equipment was not considered.

Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAS (WA) Pty Ltd T/A Miracle Recreation Equipment</td>
</tr>
<tr>
<td>Playmaster Pty Ltd T/A Beefmaster Steel Fabrications</td>
</tr>
<tr>
<td>Playright Australia Pty Ltd</td>
</tr>
</tbody>
</table>

A panel comprising Manager Parks Operations, Coordinator Parks Operations and the City’s Asset Inspector undertook evaluations.

Evaluation of the quotes, in accordance with the assessment criteria, produced weighted scores as per attachment, Price and Option Assessment.

Options were considered by the assessment panel in accordance with suitability of componentry, relevant demographics, existing shade and size and shape of current soft-fall footprint.

**Implications to Consider**

a. **Consultation with the Community**
   
   Not Applicable

b. **Consultation with Government Agencies**
   
   Not Applicable

c. **Strategic**
   
   **Community Plan**

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

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

d. **Policy**

   In accordance with the City’s Purchasing Policy purchases from WALGA’s Preferred Supply Contract, State Government Supply Contracts or the City’s existing period contracts can be used as a procurement option. To provide compliance with section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, Section 11 subsection (2)(b).

e. **Financial**

   Capital expenditure will be in accordance with the Engineering and Parks 2014/15 Capital budgets.

f. **Legal and Statutory**

   In accordance with the Local Government (Functions and General) Regulations 1996, Part 4 – division 2 Section 11 subsection (2)(b):

   “Tenders do not have to be publicly invited according to the requirements of the Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA.”

g. **Risk**

   **Risk Implications of Implementing Officer Recommendation**

   Medium:
   
   - Failure of tender/quote documentation to establish compliance and assessment criteria for selection of the submission that would be most advantageous.
Risk implications of not implementing Officer Recommendation

Medium:
- Potential damage to the City’s procurement reputation thereby adversely impacting on the possible competitive advantage gained through the process.

Comments

All evaluated submissions received met the assessment criteria required by the specifications and associated budget identified for each location.

Following consideration of the submissions in accordance with the assessment criteria all companies demonstrated a capacity to undertake the works, and the submissions received detailed in the officer recommendation totalling $655,011 divided between Playright Australia Pty Ltd $279,800; MAS (WA) Pty Ltd $196,650 and Playmaster Pty Ltd $178,561 are considered the best value to the City and therefore recommended for the selected playgrounds.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPT the quotes submitted from the following for quote W14/15-40 – Design, supply and installation of playground equipment to sites located within the City in accordance with the documentation:

<table>
<thead>
<tr>
<th>Playright Australia Pty Ltd, 1/17 Mordaunt Circuit, Canning Vale</th>
<th>Salamanca Reserve</th>
<th>Option 1</th>
<th>Mixed Age</th>
<th>$27,250</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Avenue Reserve</td>
<td>Option 1</td>
<td>Mixed Age</td>
<td>$24,500</td>
</tr>
<tr>
<td></td>
<td>Round Hill Reserve</td>
<td>Option 2</td>
<td>Mixed Age</td>
<td>$36,250</td>
</tr>
<tr>
<td></td>
<td>Glencoe Reserve</td>
<td>Option 1</td>
<td>Mixed Age</td>
<td>$17,250</td>
</tr>
<tr>
<td></td>
<td>Strasbourg Reserve</td>
<td>Option 1</td>
<td>Mixed Age</td>
<td>$29,000</td>
</tr>
<tr>
<td></td>
<td>Majestic Reserve</td>
<td>Option 1</td>
<td>Mixed Age</td>
<td>$19,000</td>
</tr>
<tr>
<td></td>
<td>Alf Powell Reserve</td>
<td>Option 2</td>
<td>Mixed Age</td>
<td>$25,750</td>
</tr>
<tr>
<td></td>
<td>Mayflower Reserve</td>
<td>Option 2</td>
<td>Mixed Age</td>
<td>$25,400</td>
</tr>
<tr>
<td></td>
<td>Cannes Reserve</td>
<td>Option 1</td>
<td>Junior</td>
<td>$20,900</td>
</tr>
<tr>
<td></td>
<td>Fairview Reserve</td>
<td>Option 2</td>
<td>Mixed Age</td>
<td>$33,600</td>
</tr>
<tr>
<td></td>
<td>Fisher Reserve</td>
<td>Option 2</td>
<td>Junior</td>
<td>$20,900</td>
</tr>
<tr>
<td>MAS (WA) Pty Ltd T/A Miracle Recreation Equipment, 54 Dellamarta Road, Wangara</td>
<td>Tuart Park</td>
<td>Option 1</td>
<td>Mixed Age</td>
<td>$33,600</td>
</tr>
<tr>
<td></td>
<td>Belquia Reserve</td>
<td>Option 2</td>
<td>Mixed Age</td>
<td>$29,000</td>
</tr>
<tr>
<td></td>
<td>Charnley Reserve</td>
<td>Option 2</td>
<td>Mixed Age</td>
<td>$31,800</td>
</tr>
<tr>
<td></td>
<td>Eva Lynch Reserve</td>
<td>Option 1</td>
<td>Mixed Age and Motion</td>
<td>$27,250</td>
</tr>
<tr>
<td></td>
<td>Bell Park/Wanliss</td>
<td>Option 2</td>
<td>Equal Access</td>
<td>$75,000</td>
</tr>
<tr>
<td>Playmaster Pty Ltd T/A Beefmaster Steel Fabrications, 12 Coney Drive, Kewdale</td>
<td>Nettleton Reserve</td>
<td>Option 1</td>
<td>Mixed Age</td>
<td>$35,000</td>
</tr>
<tr>
<td></td>
<td>Achiever Reserve</td>
<td>Option 2</td>
<td>Fitness track</td>
<td>$13,000</td>
</tr>
<tr>
<td></td>
<td>Centenary Park</td>
<td>Option 2</td>
<td>Mixed Age</td>
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</tr>
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</tr>
<tr>
<td></td>
<td>Bell Park/Flinders</td>
<td>Option 2</td>
<td>Swings / Slide</td>
<td>$9,711</td>
</tr>
<tr>
<td></td>
<td>Bonaire Reserve</td>
<td>Option 2</td>
<td>Mixed Age</td>
<td>$30,000</td>
</tr>
</tbody>
</table>
Committee Recommendation

Moved Cr Hill, seconded Cr J Smith:
That Council **ACCEPT** the quotes submitted from the following for quote W14/15-40 – Design, supply and installation of playground equipment to sites located within the City in accordance with the documentation:

<table>
<thead>
<tr>
<th>Company</th>
<th>Site</th>
<th>Option</th>
<th>Age</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Playright Australia Pty Ltd</td>
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</table>

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Purpose of Report

To seek Council’s support to undertake community consultation in respect to the naming of the jetty known as Val Street Jetty.

Recommendations to the Planning and Engineering Services Committee

Advisory Committee Recommendation:
Naming of Val Street Jetty formally to Port Rockingham Jetty

That Council CONSIDER renaming Val Street Jetty to ‘Port Rockingham Jetty’ in recognition to the City’s past as an integral trading post between Jarrahdale and Rockingham.

Background

The Terms of Reference of the Marine Infrastructure Advisory Committee is as follows:
“To discuss and advise on various coastal facilities amenities and infrastructure within the City of Rockingham Municipality”.

The redevelopment of the inner section of the Val Street Jetty commenced 1 September 2014. In discussions held at previous Marine Infrastructure Advisory Committee Meetings with regard to this matter it was evident that the current name of the jetty has never been formalised. The jetty has been referred to as the Val Street Jetty due to its geographical proximity to Val Street. The jetty has however also been referred to by the wider community as the Yacht Club Jetty and the Rockingham Jetty.
Implications to Consider

a. **Strategic**
   
   Community Plan
   
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:
   
   **Aspiration 16:** A Council which engages with all elements of the community in order to make decisions that respect Rockingham’s unique sense of place whilst positively contributing to its future prosperity

b. **Policy**
   
   Nil

c. **Financial**
   
   The Community Consultation process is anticipated to cost less than $5,000 and this funding will be obtained through the Procurement and Projects team operational budget.

d. **Legal and Statutory**
   
   Support from the Geographic Names Committee will need to be sought should Council recommend the name change.

e. **Voting Requirements**
   
   Simple Majority

f. **Risk**
   
   **Risk Implications of Implementing Officer Recommendation**
   
   Nil

   **Risk Implications of Not Implementing Officer Recommendation**
   
   Low:

   - Negative community reaction as a result of not considering community consultation or community involvement in jetty naming process.

Officer Recommendation if Different to Advisory Committee Recommendation

That Council **UNDERTAKE** Community Consultation in respect to the possible renaming of the Val Street Jetty and report back to Council with the options for consideration at its December 2014 meeting.

The Officer’s Reason for Varying the Advisory Committee Recommendation

Whilst the Marine Infrastructure Advisory Committee members represent key stakeholders that utilise the jetty’s facilities on a regular basis, the jetty plays a significant role in the City’s recreational and commercial boating community. Due to its location, the jetty has a high profile to the wider community as well as visitors to the City. It is therefore considered appropriate that the jetty’s name be formalised.

It is acknowledged that the jetty structure has wider community significance and as such, it is considered appropriate that the views of the community should be sought in respect to the naming of the Jetty.

This would be achieved through a consultation process including utilising the City’s website and through advertising in the local media. Members of Marine Infrastructure Advisory Committee would also have an opportunity to seek the opinions of their members.

In accordance with the Marine Infrastructure Advisory Committee meeting held on 8 September 2014 as part of the consultation process the name Port Rockingham will be included as an option to consider when consulting with the community.
Following the consultation process a further report will be presented to Council for consideration of options for the jetty name.

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr J Smith:
That Council **CONSIDER** the possible renaming of the Val Street Jetty as part of the Rockingham Foreshore Masterplanning process.

Committee Voting – 5/0

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

To enable the possible renaming of the Val Street Jetty to be incorporated within the consideration and preparation of the Rockingham Foreshore Masterplan.

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

Not Applicable
### Purpose of Report

To consider nominations from community members / representatives for appointment on the RoadWise and Marine Infrastructure Advisory Committees that were deferred from the September Council meeting.

### Background

Advisory Committees comprise of Councillors, community members and representatives of organisations. They provide recommendations to Council in accordance with their respective terms of reference. Councillor membership of Advisory Committee is determined after each Local Government Ordinary Election. The last Councillor appointments were made at the Special Council Meeting of 8 October 2013.
In accordance with the Governance and Meeting Framework Council Policy, the City is to review the community membership of all Advisory Committees between 1 July and 30 September in the year falling between Local Government Ordinary Elections, with all new membership proposals being considered by Council no later than the October ordinary Council meeting of that year, in this case 2014. The Council policy requires that the Advisory Committee community member positions to be advertised and the existing members be written to and invited to reapply.

Council deferred the appointment of community membership to the Marine Infrastructure Advisory Committee and the Rockingham RoadWise Advisory Committee at the September 2014 Council Meeting to enable further consideration of the respective committee’s membership composition and nominations.

**Details**

To facilitate the process to review and appoint Advisory Committee community members, advertisements seeking nominations were published in the Weekend Courier, Sound Telegraph, the City of Rockingham website and Facebook page.

Executive Support from each Advisory Committee wrote to existing members inviting them to renominate. Nominations closed at 4pm on Friday 25 July 2014.

The review process has also identified a number of issues relating to Advisory Committees. These include the need to review terms of reference and / or the relevance of the Advisory Committee, the number of community members and whether the community member represents a community or special interest group.

**Implications to Consider**

a. **Consultation with the Community**

   It was advertised on the City’s Facebook page on 2, 11, 21 and 28 of July and on the City’s website from 2 July 2014. It was also advertised in the Sound Telegraph on and 2 and 11 July 2014 and in the Weekend Courier on 5 and 16 July 2014.

b. **Consultation with Government Agencies**

   Letters were sent to government organisations represented in the RoadWise and Marine Infrastructure Advisory Committees.

c. **Strategic Community Plan**

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

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

   **Aspiration 16:** A Council which engages with all elements of the community in order to make decisions that respect Rockingham’s unique sense of place whilst positively contributing to its future prosperity.

d. **Policy**

   The Governance and Meeting Framework Council Policy underpins the review and appointment of memberships of Advisory Committees.

e. **Financial**

   The financial implications of the review and appointment of community members to Advisory Committees is limited to the cost of advertising and officer time in undertaking the review. Costs are accommodated within existing budget allocations.

f. **Legal and Statutory**

   Reference is made in the Local Government Act 1995, Subdivision 2 (Committees and their Meetings) Sections 5.8, 5.10 and 5.11 as follows:

   - Establishment of Committees- A local Government may establish a committee to assist with the Council and exercise the powers and discharge duties of the Local Government.
- Appointment of Committee members - A committee is to have as its members persons appointed by the local government which may or may not include councillors.
- Tenure of committee members - Where a person is appointed as a member of a committee under section 5.10 the person’s membership of the committee continues until the person no longer holds office; the person resigns; the committee is disbanded or the next ordinary elections day, whichever comes first.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Low:
- Lack of diversity of input into Advisory Committee terms of reference and membership.

Comments

The following information provides background information on each Advisory Committee, the nominations received and any other matters arising for each particular Advisory Committee.

Marine Infrastructure Advisory Committee

Terms of Reference
The Committee was formed to discuss and advise on various coastal facilities, amenities and infrastructure within the City of Rockingham Municipality.

Current Membership
Two Councillors
One Community Member
One Department of Fisheries representative
One Department of Parks and Wildlife representative
One Department of Transport – Marine Safety representative
One Mangles Bay Fishing Club Inc. representative
One The Cruising Yacht Club representative
One Rockingham Volunteer Sea Rescue Group representative
One Safety Bay Windsurfing Club representative
One Safety Bay Yacht Club representative
Executive Support Officer – Procurement and Projects

Number of Vacancies
One Community Member
One Department of Fisheries representative
One Department of Parks and Wildlife representative
One Department of Transport – Marine Safety representative
One Mangles Bay Fishing Club Inc. representative
One The Cruising Yacht Club representative
One Rockingham Volunteer Sea Rescue Group representative
One Safety Bay Windsurfing Club representative

Community Membership Nominations Received
- Mr Darryl McKenzie
• Mr Charles Lammers
• Mr Les Dodd
• Ms Geraldine Alexander

Recommendation
That Council:

1. **APPOINT** Mr Les Dodd as a community member to the Marine Infrastructure Advisory Committee for a two-year term of office commencing 28 October 2014.

2. **APPOINT** the following organisational representatives to the Marine Infrastructure Advisory Committee for a two-year term of office commencing 28 October 2014:
   - Mr David Slowley representing The Cruising Yacht Club
   - Mr Tony Manolas representing Mangles Bay Fishing Club
   - Mr David Haggar representing Safety Bay Windsurfing Club
   - Mr Darren Schofield representing Department of Fisheries
   - Mr Mark Briant representing Department of Transport – Marine Safety
   - Mr Vaughn Chapple representing Department of Parks and Wildlife
   - Mr Chris Aleman representing Rockingham Volunteer Sea Rescue Group

Comments
Due to continued absence, Mr Anthony Saw, Commodore, Safety Bay Yacht Club has rescinded his membership from the Marine Infrastructure Advisory Committee.

Following consideration of the community representative nominations received it was determined that the nominations received from Mr Leslie Dodd and Mr Charles Lammers demonstrated a high level of relevant knowledge and experience with respect to local coastal and maritime infrastructure, recreational boating and diving. In consideration of the relevant experience and local marine knowledge and involvement, the nomination received from Mr Les Dodd was favourably considered.

The nomination received from Ms Geraldine Alexander demonstrated limited marine knowledge, background and experience in a marine environment.

The nomination received from Mr Darryl McKenzie was for a number of various committees and did not indicate any evidence of particular or specialised interest or experience in marine related matters.

**Rockingham RoadWise Advisory Committee**

**Terms of Reference**
To provide input and advice on road safety matters with the outcome of having a safe and efficient transport network within the City of Rockingham.

**Current Membership**
Two Councillors
Six Community Members
One RoadWise Officer (WALGA) shall be a standing ex-officio member of the Committee
One Police representative in a non-voting capacity
Executive Support Officer – Engineering Services Officer

**Number of Vacancies**
6 Community Members

**Community Membership Nominations Received**
• Mrs Arlene Yates
• Mr George Montgomery
• Mrs Celine (Sally) Low
• Mrs Alicia Faloona
• Mrs Geraldine Alexander
• Mr Jozef Janickovic
• Mr William Ashman
• Mrs Valerie Ashman

Recommendation

That Council APPOINT the following community representatives to the Rockingham RoadWise Advisory Committee for a two-year term of office commencing 28 October 2014:
• Mrs Arlene Yates
• Mrs Alicia Faloona
• Mrs Celine (Sally) Low
• Mrs Geraldine Alexander
• Mr Jozef Janickovic
• Mr William Ashman

Comments

The performance and attendance of the existing community representative has consistently been at a high standard with few instances of unannounced non-attendance at the monthly meetings.

The members that we are choosing to not re-nominate are thanked for their valued contribution to Road Safety over several years.

The new members are expected to bring with them a diverse range of experience. The addition of a community representative that resides in the Baldivis area is also desirable as this area has been under represented in the past.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. DECLARE vacant all non-Councillor positions on the following Advisory Committees:
   • Marine Infrastructure Advisory Committee
   • Rockingham RoadWise Advisory Committee

2. APPOINT the following members to the respective Advisory Committees listed as follows for a two-year term of office commencing 28 October 2014:

*Marine Infrastructure Advisory Committee*

- Mr Les Dodd
- Mr David Slowley representing The Cruising Yacht Club
- Mr Tony Manolas representing Mangles Bay Fishing Club
- Mr David Haggar representing Safety Bay Windsurfing Club
- Mr Darren Schofield representing Department of Fisheries
- Mr Mark Briant representing Department of Transport - Marine Safety
- Mr Vaughn Chapple representing Department of Parks and Wildlife
- Mr Chris Aleman representing Rockingham Volunteer Sea Rescue Group

*Rockingham RoadWise Advisory Committee*

• Mrs Arlene Yates
Committee Recommendation

Moved Cr Pease, seconded Cr Hill:

That Council:

1. DECLARE vacant all non-Councillor positions on the following Advisory Committees:
   - Marine Infrastructure Advisory Committee
   - Rockingham RoadWise Advisory Committee

2. APPOINT the following members to the respective Advisory Committees listed as follows for a two-year term of office commencing 28 October 2014:
   
   **Marine Infrastructure Advisory Committee**
   - Mr Les Dodd
   - Mr Charles Lammers
   - Mr David Slowley representing The Cruising Yacht Club
   - Mr Tony Manolas representing Mangles Bay Fishing Club
   - Mr David Haggar representing Safety Bay Windsurfing Club
   - Mr Darren Schofield representing Department of Fisheries
   - Mr Mark Briant representing Department of Transport - Marine Safety
   - Mr Vaughn Chapple representing Department of Parks and Wildlife
   - Mr Chris Aleman representing Rockingham Volunteer Sea Rescue Group

   **Rockingham RoadWise Advisory Committee**
   - Mrs Arlene Yates
   - Mrs Alicia Faloona
   - Mrs Celine (Sally) Lowe
   - Mrs Geraldine Alexander
   - Mr Jozef Janickovic
   - Mr William Ashman

Committee Voting – 5/0

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

To enable two community representatives to be appointed to the Marine Infrastructure Advisory Committee and due to Mr George Montgomery withdrawing his nomination for the Rockingham RoadWise Advisory Committee, Mrs Celine (Sally) Lowe to be appointed in his place.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
13. Reports of Councillors
Nil

14. Addendum Agenda

Planning and Development Services

Planning and Development Services
Directorate Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-086/14 Joint Development Assessment Panel Application - Amendment to Planning Approval - Freeway Service Centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Greg Rowe Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>BP Australia Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director Planning &amp; Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 October 2014</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 191 = 5.990ha Lot 192 = 3.821ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Lot 191 - Special Use (Freeway Service Centre) Lot 192 - Special Use (Freeway Service Centre) &amp; Rural</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Lot 191 - Urban Lot 192 - Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
</tbody>
</table>
Maps/Diagrams:

1. Location Plan
2. Aerial Photo
3. Original Southbound Site Plan
4. Amended Southbound Site Plan
5. Original Northbound Site Plan
6. Amended Northbound Site Plan
7. Existing Building Plan
8. Amended Building Plan

1. Location Plan

2. Aerial Photo
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application to amend the Planning Approval granted by the SWJDAP on 8 February 2013, for the Freeway Service Centres, including a request for approval of amended plans and conditions.

Background

The following outlines the history of the site:

- April 2001 - Development Application for a 'Roadhouse Development' refused by Council.
- July 2001 - Development Application for a 'Roadhouse Development' refused by Council.
- September 2001 - Applicant appealed Council's refusal of July 2001 to Town Planning Appeal Tribunal (TPAT);
- November 2001 - Development Application for a 'Roadhouse Development' refused by the Minister for Planning.
- December 2001 - Applicant withdrew appeal to Town Planning Appeal Tribunal (TPAT).
- March 2007 - Council adopts Amendment No.15 to TPS2 to rezone portions of Lot 9000 Paparone Road Baldivis from 'Rural' and 'Special Rural' to 'Special Use - Service Centre'.
- November 2007 - Amendment No.15 refused by the Hon. Minister for Planning.
- April 2008 - Council defers Development Application for 'Rockingham Travellers Plaza and Interpretative Centre'.
- May 2008 - Council defers Development Application for 'Rockingham Travellers Plaza and Interpretative Centre' pending receipt of legal advice from Council's Solicitors on whether or not the Council had the ability, pursuant to TPS2, to consider the proposal.
- June 2008 - Council defers Development Application for 'Rockingham Travellers Plaza and Interpretative Centre' pending advice from the Hon. Minister for Planning and Infrastructure.
- September 2008 - Council refuses Development Application for 'Rockingham Travellers Plaza and Interpretative Centre'.
- February 2009 - Council initiates Amendment No.89 to TPS2 to rezone portions of Lot 9000 Paparone Road, Baldivis from 'Rural' and 'Special Rural' to 'Special Use - Freeway Service Centre'.
- October 2009 - Council adopts Amendment No.89.
- April 2011 - TPS2 Amendment No.89 Gazetted
- February 2013 - Conditional Planning Approval issued by the Metro South-West JDAP for the Freeway Service Centres.

Details

The applicant seeks approval to amend the Planning Approval for the Freeway Service Centres granted by the SWJDAP on 8 February 2013. The following outlines the proposed amendments:

1. Amending Conditions
   (a) Condition 6

Condition 6 states:
"The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed and constructed to be at least 6.20m AHD."

The applicant is seeking to amend the condition to insert the words as underlined:
"The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed and constructed to be at least 6.20m AHD or a lower level as approved by the Department of Water".

The condition was imposed following advice from the Department of Water (DoW) that "building floor levels of 6.20m AHD will provide adequate flood protection".

(b) Condition 7

Condition 7 states:

"The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, prior to the occupation of the development."

The applicant seeks to amend the condition to insert the words as underlined:

"The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, shall be provided, if required, to the satisfaction of the Department of Water, prior to the occupation of the development."

(c) Condition 8

Condition 8 states:

"The carpark must:

(i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;

(ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access- New building work; and

(iii) be constructed, sealed, kerbed, drained, floodlit and marked prior to the development being occupied and maintained thereafter.

The car park must comply with the above requirements for the duration of the development."

The applicant seeks to amend part (i) of the condition deleting the struck through text and inserting the underlined text.

"(i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for the issue of a Building Permit;"

(d) Condition 12

Condition 12 states:

"A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development."

The applicant seeks to amend the condition deleting the struck through text and inserting the underlined text.

"A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for the issue of a Building Permit and implemented as such for the duration of the development."

(e) Condition 13

Condition 13 states:

"All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with a signage strategy approved by the City and the Western Australian Planning Commission, so as to minimise commercial advertising along the Freeway."

The applicant requests that this condition be deleted as the approval for signage within the access lanes within the freeway reserve will be required from MRWA in accordance with the Access Deed.
(f) Condition 16

Condition 16 states:

"A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:

(i) the location of bin storage areas and bin collection areas;
(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
(iv) frequency of bin collections; and
(v) a recycling strategy.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development."

The applicant seeks to amend the condition deleting the struck through text and inserting the underlined text.

"A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for the issue of a Building Permit…"

(g) Condition 19

Condition 19 states:

"An Acoustic Consultant’s report shall be submitted for the City’s approval, prior to applying for a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City’s satisfaction prior to the occupation of the development."

The applicant seeks to amend the condition by deleting the struck through text and inserting the underlined text.

"An Acoustic Consultant’s report shall be submitted for the City’s approval, prior to applying for the issue of a Building Permit…"

(h) Condition 20

Condition 20 states:

"Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan as detailed in the Access Deed for Freeway Service Centres must be obtained prior to applying for a Building Permit."

The applicant seeks to amend the condition to read as follows:

"All works within the Kwinana Freeway road reserve are to be in accordance with the Access Deed and shall comply with all requirements outlined in that document, in relation to design, construction and commissioning."

(i) Condition 21

Condition 21 states:

"As Easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldwins specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows: "Public Access Easement- Principal Shared Path"

The applicant seeks to delete this condition as the Principal Shared Path is no longer traversing Lot 191 and thus no easement is required. See 2(b) below.
(j) **Condition 26**

Condition 26 states:

"This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect."

The applicant seeks to extend the time period in which the development may be substantially commenced, from two years to four years, thus amending Condition 26 by deleting the struck through text and inserting the underlined text:

"This decision constitutes planning approval only and is valid for a period of 2 4 years from the date of approval. If the subject development is not substantially commenced within the 2 4 year period, the approval shall lapse and be of no further effect."

(k) **Footnote (iii)**

Footnote (iii) states:

"With respect to Condition No.7, Leary Road is subject to inundation, and thus alternative emergency access routes must be constructed to ensure access in the event of flooding."

The applicant seeks to amend Footnote (iii) by deleting the struck through text and inserting the underlined text:

"With respect to Condition No.7, Leary Road may be subject to inundation, and thus an alternative emergency access routes must be constructed to ensure access in the event of flooding may be required to connect to the northern pre-existing point of Leary Road."

2. **Amending Site Layouts**

(a) **Southbound Site Layout**

It is proposed to amend the southbound site layout to accommodate a 36.5m vehicle, which have now been approved to access the Kwinana Freeway. This requires increases to the width of the kerb lines and additional sealed areas as illustrated in Figure 4. Generally the changes are provided within the existing boundary setback areas, with the exception of the southern and eastern boundaries, as shown in Figure 4.
3. Original Southbound Site Plan
4. Amended Southbound Site Plan

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 17 NOVEMBER 2014

PRESIDING MEMBER
(b) Northbound Site Layout

(i) It is proposed to amend the northbound site layout to accommodate a 36.5m vehicle, which have now been approved to access the Kwinana Freeway. This requires increases to the width of the kerb lines and additional sealed areas as illustrated in Figure 6. Generally the changes are provided within the existing boundary setback areas, with the exception of the northern and western boundaries, as shown in Figure 6.

(ii) Retention of bike path in its existing alignment along the road reserve, with overpasses provided for vehicular access to the site.

5. Original Northbound Site Plan
6. Amended Northbound Site Plan
(c) Change to Back of House

It is proposed to modify the internal back of house areas within both buildings for improved operational efficiencies.

7. Existing Building Plan
8. Amended Building Plan
**Implications to Consider**

a. **Consultation with the Community**
   
   Nil

b. **Consultation with Government Agencies**

   The original application was referred to Department of Water and Main Roads Western Australia, Alinta Energy, APA Group, then Department of Environment and Conservation, Department of Fire and Emergency Services, Department of Health, Department of Mines and Petroleum, Public Transport Authority, Telstra, Water Corporation and Western Power.

   Apart from the Department of Water and Main Roads Western Australia, the proposed amendment to the application is not deemed to affect the previous comments provided by the above organisations, and thus the application was not re-referred.

<table>
<thead>
<tr>
<th>1. Department of Water</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) DoW advised that as a result of the revised flood modelling for the area, the minimum floor level for flood protection for both sites is to be 5.04mAHD.</td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>Condition No.6 can be amended to reflect the revised flood levels.</td>
</tr>
<tr>
<td><strong>Recommendation 1:</strong></td>
</tr>
<tr>
<td><em>That Condition 6 be amended to reflect the revised flood levels.</em></td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) Condition 7, which required the emergency access route, is no longer required.</td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>Condition No.7 can be deleted as it is no longer required given the revised flood levels.</td>
</tr>
<tr>
<td><strong>Recommendation 2:</strong></td>
</tr>
<tr>
<td><em>That Condition 7 be deleted.</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Main Roads WA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Condition 13 - MRWA believes this condition should remain, however it should be modified as follows:</td>
</tr>
<tr>
<td>&quot;All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with the Main Roads Deed for Freeway Service Centres.&quot;</td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>
City's Comment:
See discussion in Comments section of this report.

**Recommendation 3:**
That Condition 13 be deleted.

**Submission:**
(ii) Condition 20 - MRWA agrees in principle with this amendment but would prefer a minor alteration as follows:

"All works within the Kwinana Freeway road reserve are to be in accordance with the Main Roads Access Deed for Freeway Service Centres and shall comply with all requirements outlined in that document in relation to design, construction and commissioning."

**Proponent's Response:**
Nil

City's Comment:
See discussion in Comments section of this report.

**Recommendation 3:**
That Condition 20 be reworded as outlined in the Comments section.

**Submission:**
(iii) Condition 21 - MRWA agrees with the deletion of this condition as the existing Principle Shared Path will remain unchanged.

**Proponent's Response:**
Nil

City's Comment:
As the PSP will not be relocated from the current alignment, this condition is no longer required.

**Recommendation 3:**
That Condition 21 be deleted.

c. **Strategic**
Community Plan
This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

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

d. **Policy**
Nil
e. **Financial**
Nil
f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

Lot 191 is zoned ‘Special Use’ and Lot 192 is zone part ‘Special Use’ and part ‘Rural’ under TPS2. The rural portion of Lot 192 relates to the strip of land adjacent to the freeway, which was previously the Leary Road road alignment.

Clause 3.4 - Special Use Zone

The use and development of land in the Special Use Zone is to be in accordance with the purpose for which it is identified in Schedule 3 to TPS2.

Lot 191 is within Special Use No.12 and Lot 192 is within Special Use No.11 of Schedule 3. Both have a Special Use of Freeway Service Centre, which is controlled by a number of special conditions. The following table consider those special conditions against the proposed amendment.

<table>
<thead>
<tr>
<th>Special Condition</th>
<th>Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The eating area shall not be greater than 240m² (equivalent to approximately 150 sit-down customers) with limited take away food retailing contained within a single building without a drive thru fast-food facility.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(b) Fuel shall only be sold by retail and there shall be no bulk fuel service.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(c) Vehicles servicing shall be limited to emergency breakdown repairs and there shall be one only service/lubrication bay for the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, (excluding premises used for a transport depot, panel beating, spray painting, major repairs or wrecking).</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(d) Shower and toilet facilities for both sexes shall be provided.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(e) Overnight accommodation is prohibited.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(f) The aggregate floor space of all retailing facilities shall be no more than 200m².</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(g) Parking for a range of vehicles shall be provided.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(h) All facilities shall be available on a 24-hour basis.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>Special Condition</td>
<td>Comment</td>
<td>Compliance</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>(i) All signs to be erected on the access lanes leading to the Freeway Service Centre sites shall be provided in accordance with a signage strategy approved by the City of Rockingham and the Western Australian Planning Commission so as to minimise commercial advertising along the Freeway.</td>
<td>Compliance with this Special Condition was to be achieved through Condition 13 on the Planning Approval. The applicant is seeking to have this condition deleted, which would be contrary to this Special Condition. See further comments in the Planning Assessment Section</td>
<td>No</td>
</tr>
<tr>
<td>(j) Main Roads truck safety inspection/monitoring facilities and weighbridge are permitted, provided it can be demonstrated to the satisfaction of the Council, that the facility will not have any adverse off-site impacts on rural land.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
<tr>
<td>(k) The installation of an on-site effluent disposal system to the satisfaction of the Department of Health or if required an effluent holding tank is to be installed for off-site disposal at an approved Water Corporation facility. When a connection is available, the Freeway Service Centre is to be connected to reticulated sewerage.</td>
<td>No change to original approval.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration of a condition or an appeal to the State Administrative Tribunal if aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Medium:

- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an appeal to the State Administrative Tribunal.

Comments

Planning Assessment

A full assessment of the application is provided in the Responsible Authority Report (RAR) in Attachment 1. The following, however, provides a summary of the City's position on each of the proposed modified aspects of the development.
1(a) - Condition 6 - Floor Levels and Flooding

DoW has advised that the development needs to provide a minimum floor level of 5.04m AHD for flood protection for both sites. Given this advice, and to provide finality and certainty on the requirement, it is recommended that the condition be amended as follows:

"The ground floor level of the Freeway Service Centre on Lot 192 Leary Road and Lot 191 Paparone Road shall be designed and constructed to be at least 5.04m AHD."

1(b) - Condition 7 - Emergency Access Route

DoW has advised that given the revised flood modelling, the emergency access route is no longer required. In this regard, the City has no objection to the deletion of this condition.

1(c) - Condition 8 - Change to Timing of Car Park Design

The City has no objection to the proposed modification to the condition requiring provision of the design of the car park prior to the issue of a Building Permit.

1(d) - Condition 12 - Change to Timing of Provision of Signage Strategy

The City has no objection to the proposed modification to the condition requiring preparation of a Signage Strategy prior to the issue of a Building Permit.

1(e) - Condition 13 - Deleting requirement for City and WAPC approval of signs

This condition was imposed as a consequence of Special Condition (i) of Special Uses 11 and 12 contained within Schedule No.3 of TPS2.

Given neither the City nor the WAPC has any approval powers over the freeway road reserve, this requirement is void. Any signage in this area would need to comply with MRWA requirements. All other signage on Lots 191 and 192 would be subject to the signage strategy required by Condition 12. Thus the City would not object to the deletion of this condition.

1(f) - Condition 16 - Change to Timing of Provision of Waste Management Plan

The City has no objection to the proposed modification to the condition requiring preparation of a Waste Management Plan prior to the issue of a Building Permit.

1(g) - Condition 19 - Change to Timing of Provision of Acoustic Report

The City has no objection to the proposed modification to the condition requiring submission of an Acoustic Report prior to the issue of a Building Permit.

1(h) - Condition 20 - Rewording of Condition

The applicant is seeking to simplify this condition and remove timeframes from it as follows:

Condition 20 states:

"Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan as detailed in the Access Deed for Freeway Service Centres must be obtained prior to applying for a Building Permit."

The applicant seeks to amend the condition to read as follows:

"All works within the Kwinana Freeway road reserve are to be in accordance with the Access Deed and shall comply with all requirements outlined in that document, in relation to design, construction and commissioning."

MRWA has no objection to the proposed amendment to the condition, subject to insertion of the underlined words:

"All works within the Kwinana Freeway road reserve are to be in accordance with the Main Roads Access Deed for Freeway Service Centres and shall comply with all requirements outlined in that document in relation to design, construction and commissioning.

The intent of the original condition was to ensure that the development was provided with appropriate and timely access. Given MRWA is the approval authority for works within the freeway reserve; all works require MRWA approval.
Given that the plans accompanying the application show the development has access from the freeway, the City has no further concern with the design standards of such. Access to the development during operation is only to be from the freeway. Access for construction works is to be only from the local road network (Leary and Paparone Roads). A Traffic Management Plan is required to be approved by the City prior to any construction works commencing.

In this regard, the City recommends the following:

- Amending Condition 20 to read:
  
  "All access to the development during operation must only be from the Kwinana Freeway. All construction traffic access must be from either Paparone Road or Leary Road. Prior to construction works commencing, a Traffic Management Plan must be approved by the City of Rockingham."

- A new advice note to read:
  
  "Approval from Main Roads Western Australia is required for all works within the Kwinana Freeway road reserve."

1(i) - Condition 21 - Deletion of Shared Path Easement Condition

Given the retention of the PSP in its existing alignment, this condition becomes redundant. Thus the City supports its deletion.

1(j) - Condition 26 - Change to substantially commenced timing

The applicant is seeking to extend the period in which the development must be substantially commenced. This relates to Condition No.26 which limits the validity of the Planning Approval to two (2) years from the date of approval.

The City has no objection to extending this period to four (4) years from the date of approval.

1(k) - Footnote (iii) - Change to wording

Given the DoW advice relating to Condition No.7, it is recommended that this footnote be deleted.

2(a) - Amending Southbound Site Layout to Accommodate 36.5m Vehicle

Whilst the layout would reduce the proximity of the development to the eastern and southern boundaries, the development would still be required to comply with the Environmental Protection (Noise) Regulations 1997. In this regard, the City does not object to the proposed modification to the site layout to accommodate the 36.5m vehicle.

2(b) - Amending Northbound Site Layout

(i) Revising of Site Layout to Accommodate the 36.5m Vehicle

Whilst the layout would reduce the proximity of the development to the northern and western boundaries, the development would still be required to comply with the Environmental Protection (Noise) Regulations 1997. In this regard, the City does not object to the proposed modification to the site layout to accommodate the 36.5m vehicle.

(ii) Retention of Principal Shared Path (PSP) in existing alignment

The City supports the retention of the PSP in its current location and consequential deletion of the PSP from circumnavigating the freeway service centre.

2(c) - Change to Back of House

The City has no objection to the proposed minor internal modifications to the back of house for both sites.

Conclusion

The proposal includes amendments to the conditions of approval and the design of the development as approved under the February 2013 Planning Approval.

The proposed design changes are compliant with TPS2 and PP3.3.1 requirements and would not substantially change the development approved.
Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPT** the Responsible Authority Report for the Amendment to Development Assessment Panel (DAP) Planning Approval for the Freeway Service Centres, on Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, contained within Attachment 1, as the report required to be submitted to the Presiding Member of the Metro South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 dated 30 September 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

2. Approve the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 dated 30 September 2014 and accompanying:
   - Title Sheet, Drawing No.SK06745-A100, Revision 6, dated 15 October 2014;
   - Overall Site Plan, Drawing No.SK-6745-A101, Revision 4, dated 15 October 2014;
   - Site Plan - Southbound, Drawing No. SK-06745-A103, Revision 6, dated 15 October 2014;
   - Site Plan - Northbound, Drawing No. SK-06745-A104, Revision 4, dated 15 September 2014;
   - Building Floor Plan - Northbound/Southbound, Drawing No. SK-06745-A105, Revision 3, dated 15 September 2014;
   - MID Elevation, Drawing No. SK-06745-A111, Revision 4, dated 15 October 2014;
   - Southbound B-Triple Tanker Paths, Drawing No. SK-06745-A113, Revision 2, dated 15 October 2014; and
   - Northbound Vehicle Tanker Paths, Drawing No. SK-06745-A112, Revision 4, dated 15 September 2014;

in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved Freeway Service Centres at Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, subject to:

Amended Conditions

6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road and Lot 191 Paparone Road shall be designed and constructed to be at least 5.04m AHD.

7. Deleted

8. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to issue of a Building Permit;
   (ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access- New building work; and
(iii) be constructed, sealed, kerbed, drained, floodlit and marked prior to the development being occupied and maintained thereafter.

The car park must comply with the above requirements for the duration of the development.

12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Permit and implemented as such for the duration of the development.

13. Deleted

16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:

(i) the location of bin storage areas and bin collection areas;
(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
(iv) frequency of bin collections; and
(v) a recycling strategy.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to issue of a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.

20. Access to the development during operation must only be from the Kwinana Freeway. All construction traffic access must be from either Paparone Road or Leary Road. Prior to construction works commencing, a Traffic Management Plan must be approved by the City of Rockingham.

21. Deleted

26. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

Advice Notes

(iii) Deleted

(xiii) Approval from Main Roads Western Australia is required for all works within the Kwinana Freeway road reserve.

All other conditions and requirements detailed on the previous approval dated 8 February 2013 shall remain unless altered by this application.

Committee Recommendation

Moved Cr R Smith, seconded Cr Hamblin:

That Council ADOPT the Responsible Authority Report for the Amendment to Development Assessment Panel (DAP) Planning Approval for the Freeway Service Centres, on Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, contained within Attachment 1, as the report required to be submitted to the Presiding Member of the Metro South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 dated 30 September 2014 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. Approve the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 dated 30 September 2014 and accompanying:
   - Title Sheet, Drawing No.SK06745-A100, Revision 6, dated 15 October 2014;
   - Overall Site Plan, Drawing No.SK-6745-A101, Revision 4, dated 15 October 2014;
   - Site Plan - Southbound, Drawing No. SK-06745-A103, Revision 6, dated 15 October 2014;
   - Site Plan - Northbound, Drawing No. SK-06745-A104, Revision 4, dated 15 October 2014;
   - Building Floor Plan - Northbound/Southbound, Drawing No. SK-06745-A105, Revision 3, dated 15 September 2014;
   - MID Elevation, Drawing No. SK-06745-A111, Revision 4, dated 15 October 2014;
   - Southbound B-Triple Tanker Paths, Drawing No. SK-06745-A113, Revision 2, dated 15 October 2014; and
   - Northbound Vehicle Tanker Paths, Drawing No. SK-06745-A112, Revision 4, dated 15 September 2014;

in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved Freeway Service Centres at Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, subject to:

Amended Conditions

6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road and Lot 191 Paparone Road shall be designed and constructed to be at least 5.04m AHD.

7. Deleted

8. The carpark must:

(i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to issue of a Building Permit;

(ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access- New building work; and

(iii) be constructed, sealed, kerbed, drained, floodlit and marked prior to the development being occupied and maintained thereafter.

The car park must comply with the above requirements for the duration of the development.

12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Permit and implemented as such for the duration of the development.

13. Deleted

16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:

(i) the location of bin storage areas and bin collection areas;
(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;

(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;

(iv) frequency of bin collections; and

(v) a recycling strategy.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to issue of a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.

20. Access to the development during operation must only be from the Kwinana Freeway. All construction traffic access must be from either Paparone Road or Leary Road. Prior to construction works commencing, a Traffic Management Plan must be approved by the City of Rockingham.

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26. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

Advice Notes

(iii) Deleted

(xiii) Approval from Main Roads Western Australia is required for all works within the Kwinana Freeway road reserve.

All other conditions and requirements detailed on the previous approval dated 8 February 2013 shall remain unless altered by this application.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Motions of which Previous Notice has been given</th>
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<tbody>
<tr>
<td></td>
<td>Nil</td>
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<tr>
<td></td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
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<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
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<tr>
<td></td>
<td>Nil</td>
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<td>Matters Behind Closed Doors</td>
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<td>Nil</td>
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<tr>
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<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on Monday 17 November 2014 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
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<td>Closure</td>
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<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 5.35pm.</td>
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</tbody>
</table>