MINUTES
Planning and Engineering Services Committee Meeting

Held on Monday 19 January 2015 at 4:00pm
City of Rockingham Boardroom
# Planning and Engineering Services Committee Minutes

Monday 19 January 2015

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   - Planning and Development Services  
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<td>Motions of which Previous Notice has been given</td>
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<td>17.**</td>
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<td>19.**</td>
<td>Date and Time of Next Meeting</td>
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<tr>
<td>20.**</td>
<td>Closure</td>
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</table>
### 1. Declaration of Opening

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

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

#### 2.1 Councillors
- Cr Richard Smith (Deputy Mayor)
- Cr Chris Elliott
- Cr Ron Pease JP
- Cr Deb Hamblin
- Cr Allan Hill OAM JP
- Cr Justin Smith (Observer, arrived 4.01pm)
- Cr Joy Stewart (Observer, arrived 4.01pm)

#### 2.2 Executive
- Mr John Pearson  
  A/Chief Executive Officer
- Mr Bob Jeans  
  Director Planning and Development Services
- Mr John Woodhouse  
  Director Legal Services and General Counsel
- Mr Ian Daniels  
  A/Director Engineering and Parks Services
- Mr Brett Ashby  
  Manager Strategic Planning and Environment
- Mr Richard Rodgers  
  Manager Building Services (until 4.10pm)
- Mr Mike Ross  
  Manager Statutory Planning
- Mr Rod Fielding  
  Manager Health Services (until 4.10pm)
- Mr Gary Rogers  
  Manager Procurement and Projects (until 4.21pm)
- Ms Melinda Wellburn  
  PA to Director Planning and Development Services

#### 2.3 Members of the Gallery: 9

#### 2.4 Apologies: Nil

#### 2.5 Approved Leave of Absence: Nil

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

Nil

### 4. Public Question Time

**4.01pm**  
The Chairperson invited members of the Public Gallery to ask questions. There were none.
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 8 December 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**

   4.01pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

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

   4.02pm 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 – January 2015**

    **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 New Family Day Care Approvals  
4.16 Introduction of the Public Health Bill  
4.17 Emergency Services  
4.18 Hydrant Maintenance  
4.19 Prohibited Burning Period  
4.20 Fire Break and Fire Control Notice Compliance Inspection Program  
4.21 Volunteer Bush Fire Brigade/Emergency Services Training  
4.22 Volunteer Bush Fire Brigade & SES – Maintenance of Vehicles & Equipment  
4.23 Social Media  
4.24 Meetings and Site Inspections  
4.25 Bush Fire Management Plans  
4.26 CRM  
4.27 Compliance  
4.28 Ranger Services  
4.29 Prosecutions

**Building Services**

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

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview  
2. Human Resource Update  
3. Project Status Reports  
   3.1 Local Planning Strategy (LUP/1352)  
   3.2 Water Campaign (EVM/56-02)  
   3.3 Karnup District Structure Plan (LUP/1546)  
4. Information Items

**Statutory Planning**

1. Statutory Planning Team Overview  
2. Human Resource Update  
3. Project Status Reports
3.1 CouncilsOnline (Planning Products via the Web) formerly eDA

4. Information Items
4.1 Land Use – Planning Enforcement
4.2 Subdivision/Development Approvals and Refusals by the WAPC
4.3 Notifications and Gazettals
4.4 Subdivision Clearances
4.5 Subdivision Survey Approvals
4.6 Subdivision Lot Production
4.7 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
4.13 Draft State Planning Policy No.5.2 (SPP 5.2) - Telecommunications Infrastructure
4.14 Proposed Ten Multiple Dwellings - Lot 3 (No.180) Kent Street, Rockingham
4.15 Proposed Sub-Acute Mental Facility - Lot 1 (No.1/2-4) Almond Avenue, Shoalwater

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 Southern Gateway Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
   3.6 Rockingham Station Sector – Masterplanning and Development Policy Plan (LUP/1848)
   3.7 Mangles Bay Marina
   3.8 Rockingham Beach Foreshore Masterplan
4. Information Items
   4.1 Bushfire Specific Purpose Strategy

Cr Pease requested that recognition be given to all Officers involved in the PhotoVoice project, for their excellent work.

Committee Recommendation

Moved Cr Hill, seconded Cr Hamblin:
That Councillors acknowledge having read the Planning Services Information Bulletin – January 2015 and the content be accepted.

Committee Voting – 5/0

4.10pm - Mr Richard Rodgers, Manager Building Services and Mr Rod Fielding, Manager Health Services departed the Planning and Engineering Services Committee meeting.
### Engineering and Parks Services Information Bulletin – January 2015

#### 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

#### 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 Grant 2014/2015
   4.3 Road Construction Program Federal Black Spot 2014/2015
   4.4 Road Construction Program State Black Spot 2014/2015
   4.5 Road Construction Program Municipal Works 2014/2015
   4.6 Road Renewal Program Municipal Works 2014/2015
   4.7 Road Resurfacing Program Municipal Works 2014/2015
   4.8 Footpath Construction Program Municipal Works 2014/2015
   4.9 Road Maintenance Program 2014/2015
   4.10 LitterBusters and Litter Team 2014/2015
   4.11 Passenger Vehicle Fleet Program 2014/2015
   4.12 Light Commercial Vehicles Program 2014/2015
   4.13 Heavy Plant Program 2014/2015

#### 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 - Lumia Apartments Public Open Space Cash in Lieu upgrades
   3.7 Richmond Avenue Drainage Reserve Upgrade
4. Information Items
   4.1 Groundwater Monitoring
   4.2 Kulija 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 (UWMP) 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, Lookout Pad and Fencing to Lookout 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 Baldivis 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 Underpass and bridge inspections and revaluation
   - 3.2 Drainage data collection
4. Information Items
   - 4.1 Asset Management Improvement Strategy
   - 4.2 Asset Systems Management

### 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 |

### Information Items

1. Building Maintenance
2. Graffiti Removal
3. Lighting Inspections

### Procurement and Capital Projects

1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   1. Coastal Management Consultants (Sand Drift/Erosion Problems)
   2. Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   4. Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   1. Delegated Written Notification of Successful Tenders
   2. Delegated Approval of Tenders by CEO
   3. Delegated Release of Retention/Bank Guarantees
   4. Shoalwater North Underground Power Project
   5. 2014/2015 Public Area Lighting and Arterial Lighting
   6. Lark Hill Wind Turbine
   7. Bent Street Boat Launching Facility – Navigation Channel
   8. Secret Harbour Surf Life Saving Club - Renovation
   9. Val Street Jetty Design
   10. Settlers Hill Toilet Installation (Grice Reserve)
   11. Mike Barnett Sporting Complex Roof Replacement
   12. Administration Building Upgrade of BMS
   13. City Centre Infrastructure Works Car Park Design and Construction
   14. Lark Hill Sub Metering
   15. Administration Building Solar System
   16. Aqua Jetty Roof Replacement
   17. Aqua Jetty Condensation Issue
   18. Baldivis Reserve Toilet Replacement
   19. Lions Park Upgrade
   20. Coastal Adaptation and Protection Grant
   21. Rockingham Day Care Fire Panel Replacement
   22. Lotteries House Replacement of Elevator
   23. Administration Building Replacement of Elevator
   24. Aqua Jetty Swimming Club Office
   25. Eighty Road Reserve Club Facility
   26. Laurie Stanford Reserve Development
   27. Rhonda Scarrott Reserve Development
   28. Recreational Boating Facilities Scheme Round 19 Grants
   29. Light Pole and Luminaire Period Tender
   30. Safety Bay Tennis Club
4.31 Lifelinks – South Coast Women’s Health Building
4.32 South Coast Aboriginal Women’s Health
4.33 Baldivis Recreation Centre

**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

**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 Kulija Road
   3.2 Cell construction – Cell 16
   3.3 New leachate dams
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics
   4.3 Education and Promotion
   4.4 Methane Gas Extraction

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Hill, seconded Cr Hamblin:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – January 2015 and the content be accepted.

Committee Voting – 5/0

4.21pm - Mr Gary Rogers, Manager Procurement and Projects departed the Planning and Engineering Services Committee meeting.
### 12. Agenda Items

#### Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-001/15 Proposed Inert Landfill</th>
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<tbody>
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<td>File No:</td>
<td>DD020.2012.00000299</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>WA Limestone Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Hennderdin Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior 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>19 January 2015</td>
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<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<td>Nature of Council's Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 800 Kerosene Lane, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>40.9ha</td>
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<td>LA Zoning:</td>
<td>Rural, Other Regional Roads</td>
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<td>MRS Zoning:</td>
<td>Rural, Other Regional Roads</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Aerial Photo</td>
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<td>3. Extraction Area</td>
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<td>4. Final Contour Levels - End of Excavation</td>
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<td>5. Consultation Plan</td>
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<td></td>
<td>6. Future Naim Drive Extension</td>
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<td>7. Staging Plan</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 FEBRUARY 2015
Purpose of Report

To consider an application seeking Planning Approval for Inert Landfill at Lot 800 Kerosene Lane, Baldivis.

Background

In 1981, Planning Approval was granted for the excavation of sand and limestone on former Lot 291 Kerosene Lane, Baldivis (now the eastern portion of the subject site - Lot 800).

In 2006, the City received an application seeking Planning Approval to extend the sand and limestone quarry into former Lot 290 Kerosene Lane (western portion of the subject site - Lot 800), which was approved by Council in 2008 for a period of 5 years, until 17 December 2013.

In 2007, Council refused an application for ‘Backfill of Quarrying Operation with Class 1 Inert Landfill’ and advised the applicant that it would be necessary to amend Town Planning Scheme No.2 (TPS2) to permit the proposed development.

In 2008, Council resolved to adopt Omnibus Amendment No.3 to TPS2, which in part sought to exclude Landfill from the 'Industry - Noxious' interpretation and instead consider Landfill as a use not specifically mentioned in the Zoning Table pursuant to Clause 3.2.4 of TPS2.

In 2008, Council resolved to initiate Amendment No.69 to TPS2 for the purpose of providing for the backfilling of the quarry at Lots 290 and 291 Kerosene Lane, Baldivis with Type 1 Inert Waste.

In 2010, Council resolved to not proceed with Amendment No.69. After reviewing concerns raised by submitters, it considered that there weren't sufficient management controls that could be implemented to protect the amenity of existing and future residents.

In 2012, as part of land rationalisation associated with the construction of Kulija Road, various land portions including former Lots 290 and 291 were amalgamated into Lot 800.

3. Approved Extraction Area

In 2012, the City received a Planning Application for Inert Landfill on the subject site, which was considered as a 'Use Not Listed' under TPS2. The City requested additional information to enable final assessment.

In November 2013, the application was ‘deemed to have been refused’ under Clause 6.10.2 of TPS2, as the requested information was not received and the application was required to be determined within 90 days from receipt of the application.

In June 2014, Council approved an extension to the sand and limestone excavation operation for an additional 10 years.
The applicant seeks Planning Approval for Landform Reconstruction by Inert Landfill on the subject site.

Inert fill is fill that includes sand, limestone, building rubble and natural stone and contains a maximum of 0.5% putrescible materials. These materials are currently being disposed of at the City's Millar Road landfill site.

Details of the application are as follows:

- The applicant seeks approval to rehabilitate the subject site with the use of Inert Landfill, to raise the final surface level of the site to a similar contour to the pre-excavation surface level (8 AHD [Australian Height Datum] to 18-30 AHD);
- Up to 200,000 tonnes of material are proposed to be brought to the site annually, sorted, recycled and used as fill;
- Sources of fill are construction and demolition sites and land clearing activities;
- The existing machinery on site used in the excavation operations will be used for the fill operation;
- The time taken to fill the extraction area will depend on the amount of inert material available, however, the applicant anticipates that complete filling of the excavation area will take 5 years, with the section nearest Kerosene Lane being completed within 3 years of the commencement of fill operation.
- Access to the site will be via Kulija Road. An intersection to the site has been constructed off Kulija Road;
- The proposed hours of operation are 6:30am to 5:00pm Monday to Saturday. Crushing, processing and compacting will not occur prior to 7:00am; and
- The applicant has requested an approval timeframe of 10 years, beyond the time required for the Extractive Industry.

The following technical reports have been provided in support of the application:

- Dust Management Plan;
- Water Management Plan;
- Asbestos Management Plan (although asbestos will not be accepted as a source of fill); and
- Noise Management Plan.
4. Final Contour Levels - End of Excavation
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of TPS2 and Planning Procedure 1.3 – Community Consultation, the application was referred to 176 adjacent and nearby landowners and occupiers for comment for a period of 17 days.

At the close of the advertising period, two submissions of objection were received. The consultation plan is depicted as follows:

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<td>Objection: ○</td>
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5. Consultation Plan

<table>
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<td>Submission:</td>
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<td>(i) Concern was raised that the submission would be disregarded and Council would favourably consider the application regardless of concerns.</td>
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<td>City’s Comment:</td>
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<td>The Council must consider and address all planning issues raised in submissions made during the advertising period based on planning relevance. A copy of all submissions received are also included as an attachment to this report for Council’s consideration, together with the merit of the application.</td>
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<tr>
<th>Timeframe for Fill Operation &amp; Nairn Drive Extension</th>
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<td>Submission:</td>
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<td>(ii) Concern was raised over the life of the quarry operation and the time it will take to fill the extraction area, given the future extension of Nairn Drive requires the extraction area to be filled.</td>
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Applicant's Response:

Normally at the end of excavation a void would be left, however, there is a community need for a location for the recycling of inert waste materials such as sand, limestone, building rubble and natural stone, currently these materials are being dumped at the City of Rockingham landfill.

With the critical shortage of some of these materials it is essential that recycling is undertaken to recover as much material as possible for reuse in the construction industry.

The pace of backfill will be determined by the amount of material available, the volume of the void and the rate of limestone and sand extraction.

The waste construction material comes from projects within the community. If the community did not use the material there would be no need to recycle and use for backfill. Materials that cannot be recycled must be placed somewhere in the local community and it makes sense to use the materials to backfill a void.

Up to 200,000 tonnes of inert fill is expected to be brought to site annually. However actual quantities will depend on the timing of supply.

The pace of backfill will be determined by the amount of material available, the volume of the void and the rate of limestone and sand extraction.

City's Comment:

The City's Engineering Services advised that traffic modelling conducted early in the design process for Kulija Road noted that the level of service experienced by road users at the intersection of Kulija Road and Baldivis Road would deteriorate due to congestion and vehicle line of sight soon after 2021. For this reason, filling operations should begin as soon as possible to facilitate the extension of Nairn Drive.

Whilst it is desirable that the extraction area be filled prior to 2021, the time taken to fill the hole will depend on the amount of materials available for the filling of land to be undertaken.

Recommendation 1:

*The development be staged to enable the Other Regional Road Reserve (future Nairn Drive) is filled first, to facilitate the future extension of Nairn Drive.*

Noise

Submission:

(iii) Concern was raised regarding noise associated with the equipment used to fill the extraction area.

Applicant's Response:

WA Limestone commissioned Herring Storer Acoustics to update their noise modelling for the site. That modelling shows that the operations on site comply with the Environmental Protection Noise Regulations Attachment 2.

The noise assessment considered the nearby existing dwellings to the west, south west, south east and east. All these dwellings are close to the edge of the pit and all comply.

Noise is not anticipated to be any different to the excavation and processing of limestone and sand.

Processing will occur on the northern side of the operations away from sensitive premises. This will enable a 200m buffer.

The operating noise levels around the site are regularly monitored by independent consultants in accordance with the Mines Safety and Inspection Act 1994.

Perimeter bunds along Kerosene Lane are 3 – 5 metres high and provide good acoustic screening.
City's Comment:
The City acknowledges that equipment used in the fill operation, such as trucks and heavy machinery, are a noise source that have the potential to impact the amenity of nearby properties.

The Acoustic assessment concluded that noise received from truck movements and all operations on site would comply with the requirements of the Environmental Protection (Noise) Regulations 1997, at all times.

The City supports the findings of the acoustic assessment and is satisfied that potential noise sources associated with the fill operation can comply with the Environmental Protection (Noise) Regulations 1997. An advice note has been included to inform the applicant of the responsibility to comply with the Environmental Protection (Noise) Regulations 1997.

There is also an existing bund surrounding the extraction area which mitigates noise to nearby properties.

**Recommendation 2:**
*That the existing bund surrounding the extraction area be maintained.*

### Use of Compactor

**Submission:**

(iv) Concern was raised regarding vibrations associated with the equipment used to fill the extraction area, which has the potential to cause structural damage to nearby housing.

**Applicant's Response:**

A standard Pad Foot Roller will be used to compact the fill material, not to be confused with a Dynamic Vibrating Compactor. The Pad Foot Roller will not cause vibration.

It is noted that the subdivisions that have been approved or are in progress were approved whilst the limestone quarry is still operating, which is not compliant with the intent and guidelines of State Planning Policy 2.4 which seek to prevent conflicting land use. The approvals were given though WA Limestone wrote to the City regarding that matter.

City's Comment:
The City is satisfied with the applicant's response in that the machinery used will not cause vibrations.

The Western Australian Planning Commission (WAPC) has approved various subdivisions south of Kerosene Lane subject to the following condition advising of a potential hazard:

“6. A Notification pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on certificates of title of the proposed lots advising of the existence of a hazard or other factor. Notice of this Notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: This land is located within 300m of the boundary of a sand quarry which may impact on residential amenity. Further information can be obtained from the City of Rockingham.”

Potential impact on surrounding properties were addressed in the specialist reports which accompanied the application and concluded that the general nuisance factors associated with such an activity is and will comply with applicable legislation and guidelines.

### Groundwater Contamination

**Submission:**

(v) Concern regarding possible groundwater contamination and the lack of control over what materials are used for the landfill was raised. It was also noted that wetlands to the west of the subject site needed to be considered in more detail.
Applicant's Response:

The Waste Authority of Western Australia provided guidance on the direction of waste and landfills under Creating the Right Environment. They also sought to prioritise the potential landfill sites in Perth and produced notes titled *Criteria to Assess and Prioritise Potential Waste Facility Sites in Perth and Peel*. The proposal for Lot 800 complies with the guidelines in that documentation.

The operation will fall under the *Department of Environment Regulation Guidelines for Managing Asbestos at Construction and Demolition Waste Recycling Facilities*, 2012.

The proposed fill complies with the following guidelines: *Environmental Guidelines for Construction and Demolition Waste Recycling Facilities*, 2009 *Department of Environment Regulation* provides ideas, guidelines and checklists to the development of inert material recycling.

The proposal complies with the intent of the *Waste Avoidance and Resource Recovery Bill 2006*

Waste in Western Australia is managed by the Waste Authority of WA with Local and State Government providing input and controls on waste recovery and placement.

Nairn Road is required by the City of Rockingham to be suitable to all traffic, as such their specifications is compacted fill using only natural materials.

Each contractor will be responsible for documenting all of their loads.

Only permitted materials will be brought to the site.

All loads received will be documented and a database retained.

Potential impurities such as light plastic and paper will not be accepted as they will not meet the criteria.

The operator or a representative will be on site at all times when the facility is operating.

Input streams will be regularly monitored and records kept of the materials brought to site.

Any loads that are found not to match the delivery documentation or contain adverse materials will be loaded back on the truck and removed from site.

Back fill material is to be sand, clay, soils and clean non putrescible material, or rubble suitable for inert fill.

Inert material will be sorted by loads as they are delivered.

When there is doubt on the source, type and compliance of the waste, streas testing will be required. The onus on testing will be on the owner of the fill to demonstrate compliance of the criteria. Compliance will be required to the standards listed in "*Landfill Waste Classification and Waste Definitions*, September 2002.

The Design Concept of the excavation has a minimum floor level of 9.0 metres, which is a minimum of 6.0 metres above the water table, (Perth Groundwater Atlas, Department of Water). This will comply with Department of Water Guidelines for quarries of a 2 metre separation for quarries and 3 metres for inert fill if backfill is used.

There are no wetlands on site or nearby.

City's Comment:

The Department of Environment Regulation (DER) has reviewed the proposed development and raised no objections. DER recommended that if groundwater is being or is proposed to be abstracted, analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

Water Table

Submission:

(vi) Concern was raised that the proposed development would impact the water table, which could impact water bores in the vicinity of the development.
City's Comment:
Filling the land with inert material will not have an unacceptable environmental impact upon the groundwater table. Conditions of Planning Approval are also recommended to prevent groundwater contamination.

Dust

Submission:
(vii) Concern was raised that dust would not be controlled and could impact surrounding residences.

City's Comment:
The transporting of materials to and from the site and general site activity, including stockpiling, has the potential to result in dust nuisance. To ensure the proposed development does not adversely impact the amenity of surrounding sites, dust should not exit the site and roadways to the site should be free from accumulated dust. In this respect, a Dust Management Plan has been prepared which outlines dust mitigation strategies.

Recommendation 3:
A condition of Planning Approval requiring compliance with the recommendations of the Dust Management Plan and in the event that a dust complaint is received, wind fencing must be erected to prevent dust emission to nearby residents. A condition ensuring the cleaning of any fill spillage onto public roads is also recommended.

Hours of Operation

(viii) Concern that the proposed hours of operation would impact on quality of life for residents was raised.

City's Comment:
The proposed hours of operation are 6:30am to 5:00pm Monday to Saturday and not at all on Sunday and Public Holidays. The applicant has advised that crushing, processing and compacting will not occur prior to 7:00am. The proposed hours of operation are consistent with the existing Planning Approval for the Extractive Industry.

Wildlife

(xi) Concern was raised that local wildlife would be impacted and no protection was afforded to wildlife.

City's Comment:
The site has been used for over 30 years as a Limestone Quarry. Filling the extraction area is not considered to have any adverse environmental impacts and will restore the ground level to its original state. There is no existing flora in the area to be filled nor is it likely the area provides habitat for fauna. There is an expectation that existing fauna would relocate at their own accord in the event filling was carried out.

b. Consultation with Government Agencies
The application was referred to the following external agencies for comment:

- Department of Planning
- Department of Water
- ATCO Gas Australia
- Department of Industry and Resources
- Department of Environment Regulation
- Department of Mines and Petroleum
Responses were received from the following agencies:

1. **Department of Planning (DoP)**

   **Submission:**
   
   DoP advised the site abuts Mundijong Road and Nairn Drive, which are reserved as an Other Regional Road in the Metropolitan Region Scheme, and noted the plans acknowledge the future Nairn Drive Road requirement.
   
   DoP raised no objections to the proposal on regional transport planning grounds.*

   **City's Comment:**
   
   The advice from DoP is noted. *It is noted that DoP originally provided its response on the basis that access would be obtained from Millar Road. DoP was requested to provide comment on the basis that access would be obtained from Kulija Road, the construction of which was completed after the advertising period had closed. In this respect, DoP advised it supported the temporary access to the site via Kulija Road to allow for inert fill to raise the final surface to a similar contour level to the pre excavation surface for Lot 800 Kerosene Lane, Baldivis subject to Council approval, and the integrity of the existing Nairn Road Regional Road reservation and its possible future construction not being compromised (existing levels to be modified to accommodate construction of future Nairn Road extension to Council specifications). DoP further advised that it supported 10 years for temporary access approval.*

2. **Department of Water (DoW)**

   **Submission:**
   
   DoW advised that all on-site stormwater shall be managed in accordance with the DoW's *Stormwater Management Manual for Western Australia.*
   
   It advised that all activities shall comply with DoW's *Water Quality Protection Guidelines No.1-11: Water quality management in mining and mineral processing.*
   
   DoW noted that the subject site is located within the Stakehill Groundwater Area and any groundwater abstraction in this area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the DoW.
   
   It also advised that groundwater quantity may not be available for the proposed development, and water trading options, innovative water reuse and recycling strategies may need to be developed if groundwater is unavailable.

   **City's Comment:**
   
   The advice from DoW is noted.

3. **Metropolitan Cemeteries Board (MCB)**

   **Submission:**
   
   MCB raised no objection to the proposal provided that there is no adverse impact upon the operations of Rockingham Regional Memorial Park, in particular, truck or machinery movements obstructing or impeding the movement of funeral or mourner's vehicles entering and existing the Rockingham Regional Memorial Park.

   **City's Comment:**
   
   The advice from the MCB is noted. MCB provided advice on the basis that access to the subject site would be via Millar Road. Since the time of referring the application to MCB for comment, Kulija Road was completed, with all access to the subject site now via Kulija Road. For this reason, it is unlikely that vehicle movements associated with the proposed development will impact on funeral or mourner's vehicles using Millar Road.
**Recommendation 3:**
The applicant be advised of the comments from the MCB.

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<th>4. Department of Mines and Petroleum (DMP)</th>
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<td><strong>Submission:</strong></td>
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<td>No comment.</td>
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<td><strong>City's Comment:</strong></td>
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<td>Nil</td>
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<th>5. Department of Environment Regulation (DER)</th>
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<td><strong>Submission:</strong></td>
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| DER advised that it is not clear whether any contamination at the City of Rockingham landfill site to the north of the subject site, or the Baldivis Tailings Storage Facility to the north east of the subject site, had impacted the groundwater beneath the subject site. DER raised no objections to the proposal, however, noted that given groundwater from the City of Rockingham landfill site will be used for dust suppression on the subject site, the following advice should be provided to WA Limestone:-

“In accordance with the Department of Health advice, if groundwater is being or is proposed to be abstracted, DER recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use”.

DER also noted that given Inert Landfill sites can include wastes such as timber or green waste, which can degrade to general landfill gases such as methane and carbon dioxide, further industrial redevelopment may be conditional upon contamination assessment, monitoring and/or management. |
| **City's Comment:**                        |
| The advice from the DER is noted. The applicant will be advised of the recommendation for analytical testing to determine of groundwater is suitable for its intended use. |

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<th>6. Main Roads WA</th>
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<td><strong>Submission:</strong></td>
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<td>Main Roads WA advised that it undertook an alignment selection study for the Fremantle Rockingham Control Access Highway (FRCAH) between Thomas Road and Kulija Road in March 2013. The outcome of the alignment selection study was for the FRCAH to follow the existing Primary Regional Road reservation in the Metropolitan Region Scheme, which ties into the Kulija Road alignment and ultimately the Kwinana Freeway. Main Roads WA advised that the rehabilitation of Lot 800 Kerosene Lane was required to form the foundation of a significant portion of a required interchange. Given the importance of the location for the future construction of the Nairn Drive interchange, Main Roads WA advised that it considered it appropriate for further measure to be considered to assess material adequacy and ongoing quality monitoring to ensure suitability for its ultimate purpose. Main Roads WA recommended a quality management plan and how fill materials will be tested to ensure their suitability for what will become the foundations of the Nairn Drive interchange.*</td>
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*Main Roads WA recommended that the rehabilitation of Lot 800 Kerosene Lane was required to form the foundation of a significant portion of a required interchange.
A condition of Planning Approval ensuring fill used in the Other Regional Road reserve is clean, free draining, free from foreign and organic matter as determined and classified by an appropriate geotechnical investigation and compacted in appropriate staged lifts to the full depth in accordance with AS:3789-2007 is recommended to ensure the fill used in the Other Regional Road reserve is suitable for the future construction of Nairn Drive.

*Upon conclusion of the advertising period, Main Roads WA was requested to provide clarification with respect to a 10 year timeframe being placed on any Planning Approval granted and the applicant obtaining direct access from the subject site to Kulija Road, which is likely to be transferred to the control of Main Roads WA in the future. Main Roads WA advised that it had no objection to a 10 year approval timeframe or direct access being obtained to Kulija Road in this timeframe. Further assessment of the access arrangements to the site will need to be considered at the conclusion of the 10 year timeframe.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration 4:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

Local Planning Policy 3.3.1 – Rural Land Strategy (PP3.3.1)

Land north of Kerosene Lane, including the subject site, is indicated in PP3.3.1 for light industrial/service commercial use, as shown in the *South West Corridor Structure Plan 1993*. The future light industry/service commercial area will provide a buffer between the urban areas south of Kerosene Lane and the incompatible uses along Millar Road to the north, being the City’s Waste Disposal Site, Western Mining Corporation tailing ponds, sand extraction and regional cemetery.

The primary objective of PP3.3.1 is to ensure that land is developed for its intended purpose and is carried out in an orderly and co-ordinated manner, leaving rural establishments to continue to operate wherever possible without unnecessary restriction.

The proposed Landform Reconstruction by Inert Landfill will prepare the land to accommodate the future extension of Nairn Drive and possible light industrial and service commercial development in future and as such, the proposal is considered to be consistent with the objectives of PP3.3.1.

Environmental Protection Authority’s Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land uses

Generic separation (or buffer) distances between existing industrial land uses (such as an Extractive Industry) and existing or proposed future sensitive land uses (such as residential dwellings) are set out in the Environmental Protection Authority’s Guidance Statement No.3 - *Separation Distances between Industrial and Sensitive Land uses*. The purpose of the Guidance Statement is to provide advice to the various parties, including responsible authorities, about the minimum requirements for environmental management which the Environmental Protection Authority would expect to be met.

For a *Waste Disposal - Inert Landfill Site (Class 1)*, the Guidance Statement recommends a generic separation distance of 150m for residential uses and an internal buffer of 25m from boundary, is recommended.

Residential properties have been constructed approximately 65m from the extraction area on the south side of Kerosene Lane, in the 'Baldivis North' estate.
As previously noted, Western Australian Planning Commission (WAPC) has approved various subdivisions south of Kerosene Lane subject to notifications on titles of these properties advising of the potential hazard.

The existing Extractive Industry operation is already located within the recommended buffer area, and as such, the Inert Landfill will also occur within the recommended buffer area.

Whilst the Environmental Protection Authority (EPA) recommended separation distance has not been achieved, purchasers of new lots within the buffer area have been notified of the existing Extractive Industry operation. The applicant has also provided various reports recommending a number of strategies to mitigate the impacts of the Extractive Industry and fill operation. Should the application be approved, it is recommended conditions of Planning Approval be included requiring the applicant to comply with the reports.

The extractive industry has already been approved with residential development within the buffer area, where the Inert Landfill is proposed.

The City considers that the proposal is unlikely to adversely affect the amenity of existing and future residents, if the applicant complies with the submitted management plans.

e. Financial
Not Applicable

f. Legal and Statutory

Metropolitan Region Scheme (MRS)
A portion of the site is affected by land reserved under the MRS for ‘Other Regional Roads’, for Kulija Road and the future Nairn Drive. The proposal will assist in the future extension of Nairn Drive through the site.

The proposed development is subject to a Clause 32 resolution under the Metropolitan Region Scheme (MRS) and requires Planning Approval from the Western Australian Planning Commission (WAPC) under the MRS. The application has been forwarded to the WAPC for approval under the MRS.

Town Planning Scheme No.2 (TPS2)

Land Use:
The subject site is zoned ‘Rural’ under TPS2, where ‘Landform Reconstruction by Inert Landfill’ is a use not listed.

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the Use Classes, Clause 3.2.4 of Town Planning Scheme No.2 (TPS2) provides the following respect to determining the application:

“3.2.4… - the Council may:
(a) determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted;
(b) determine that the proposed use may be consistent with the objectives and purposes of the particular zone and thereafter follow the advertising procedures of clause 6.3 in considering an application for planning approval; or
(c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.”

The proposed development is considered to be consistent with the objectives and purposes of the Rural zone, as filling the land would allow the land to be used for rural purposes, and would provide for future land use planning options, which is limited following the Extractive Industry operation. The application was advertised in accordance with Clause 6.3 and the concerns raised in the submissions can be addressed through conditions of Planning Approval. It is on this basis that Council has the ability to grant Planning Approval to the proposal in accordance with Clause 3.2.4(b) of TPS2.
g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

Nairn Drive Extension

The future extension of Nairn Drive traverses the site from Kerosene Lane to Kulija Road, through the existing quarry pit location. To enable the future construction of Nairn Drive in this location, the level of the extraction area must be raised to correspond to the existing ground levels on either side of the site (Kerosene Lane to the south and Kulija Road to the north). The proposal will facilitate the future extension of Nairn Drive, although the City does not have a timeframe on its construction.

The applicant will stage the location of fill such that the area which covers the future extension of Nairn Drive will be filled first. The timing of filling the extraction area covered by the Other Regional Road reserve will be dependent on the availability of inert landfill materials. To expedite the filling of the extraction area covered by the Other Regional Road reserve, it is recommended that Stage 4 of the filling operation proposed by the applicant become Stage 3. A condition of Planning Approval requiring the landfill area included within the Other Regional Road Reserve (future Nairn Drive) be filled first, prior to the remainder of the extraction area being filled, is recommended to ensure the construction of the Nairn Drive extension as soon as possible.

In light of Main Roads WA comments, a condition of Planning Approval ensuring fill used in the Other Regional Road reserve is clean, free draining, free from foreign and organic matter as determined and classified by an appropriate geotechnical investigation and compacted in appropriate staged lifts to the full depth in accordance with AS:3789-2007 is recommended.
7. Staging Plan

Asbestos

Given the applicant intends to use building material as a source of fill, it is possible that asbestos could be present. The applicant has provided an Asbestos Management Plan which outlines processing in handling contaminated materials. To ensure fill is free of asbestos contamination, a condition requiring the site supervisor to inspect all material from haulage vehicles to ensure the material is not contaminated is recommended. This will also ensure no putrescible waste is present in the fill material. The draft ‘Environmental Guidelines for Construction and Demolition Waste Recycling Facilities (EGCDWRF)’ also recommend that drivers sign a declaration prior to entering waste sites certifying that their load is free from asbestos.

Groundwater

Stormwater run-off has the potential to carry dust, contaminants and sediments into nearby drainage systems. Contaminants from stockpiles of fill material, and operation of plant equipment on site (such as diesel and oil leaks) also have the potential to leach into the soil and contaminate groundwater. In this respect, the EGCDWRF recommends various measures to control groundwater contamination, such as minimising site clearing, retaining vegetated buffer zones, regularly checking plant equipment and prohibiting the ponding of water on site. Conditions of Planning Approval in accordance with the recommendations of the EGCDWRF are recommended to prevent groundwater contamination.

Approval Timeframe

As previously advised, the time taken to fill the extraction area will depend on the availability of inert materials. The City has previously approved the extraction operation until June 2024, and the applicant has requested a timeframe of 10 years past this date (ie. 2034) for the filling operation. It is considered appropriate to approve the Landform Reconstruction by Inert Landfill for the same timeframe of extraction operations (ie. 10 years). This will enable filling operations to occur in portions of the site that are no longer used for limestone extraction, whilst still enabling the City to reassess the application in 10 years to determine the impacts the extraction and filling operations may have on new developments within the vicinity of the site.
Officer Recommendation

That Council **APPROVE** the application for Landform Reconstruction by Inert Landfill at Lot 800 Kerosene Lane, Baldivis, subject to the following conditions:

1. This approval is valid for a period of 10 years only commencing on the date of the issue of this approval.
2. Vehicle Access from Kulija Road is permitted for a period of 10 years only, commencing on the date of the issue of this approval, after which period no vehicle is to enter or leave the site to or from Kulija Road.
3. No material is to be deposited on the site other than sand, clay, soils, bricks or concrete and other similar inert building waste.
4. Without limiting Condition No.3, no putrescible material, asbestos, or contaminated or hazardous material is to be deposited on the site.
5. No work is to be undertaken in connection with the land shown as stages 3 or 7, unless and until all work in respect of stages 1, 2 and 4 are completed.
6. Each stage of the landfill area is to be rehabilitated when final contour levels and grades for each stage have been completed in accordance with the application and the rehabilitation is to commence immediately and be completed within 12 months of the completion of each stage. For the purpose of this condition rehabilitation means the covering of the inert fill with clean sand fill which is stabilised with grass seed to the satisfaction of the City.
7. No work is to commence on any part of the land shown as a stage on the approved plans, unless and until the previous stage is rehabilitated in accordance with Condition No.6.
8. Prior to the commencement of any development, a management plan prepared by a suitably qualified person must be submitted to the City for its approval which plan addresses:
   (i) all site operations;
   (ii) site supervision arrangements;
   (iii) truck movements and access and driver supervision arrangements;
   (iv) prevention and management of spill material on the site and on roads; and
   (v) maintenance of plant and equipment to prevent spillage of lubricants and fuel.
9. Except to the extent of inconsistency with any other of these conditions, the undertaking of the landfill operations on the site is to comply in all respects and at all times with the approved management plan and any subsequent amendments to that management plan as may be directed in writing to the owner(s) of the land by the City.
10. (i) Prior to the commencement of any development, a pre-works geotechnical report prepared by a suitably qualified person must be submitted to the City which plan addresses:
    (a) fill material composition and quality;
    (b) on-site drainage; and
    (c) compaction of fill material to appropriate staged lifts to the full depth in accordance with AS:3789-2007 within the land included in the Other Regional Road Reserve (future Nairn Drive).
    (ii) A post geotechnical report certifying that all landfill works have been carried out in accordance with the pre-works geotechnical report which must be submitted to the City.
11. The dust management plan prepared by Landform Research and dated November 2013 must be complied with at all times.
12. At all times:
    (i) all stockpiles of materials on the site; and
(ii) the access road to and all trafficable areas on the site, must be watered down or treated and maintained in a manner which prevents or minimises the generation of airborne dust.

13. (i) The landfill operations must be carried out in accordance with the dust management, suppression and mitigation measures contained in the approved dust management plan.

(ii) Without limiting Condition 13(i) no visible dust is permitted to leave the site.

14. At all times sufficient water must be accessible on-site to enable dust suppression pursuant to Conditions 12 and 13, if necessary by means of water transported by tanker onto the site.

15. When winds are sufficiently strong to negate the effects of the dust management, suppression and mitigation measures contained in the dust management plan, all landfill operations on the site must cease until conditions improve and compliance can be achieved.

16. In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the landfill operations on the site are generating an unreasonable amount of dust, or that any of those operations are not compliant with any of the conditions relating to dust emissions (including non-compliance with the dust management measures contained in the dust management plan), the City may direct in writing that:

(i) an amended dust management plan is submitted and approved; or

(ii) the activities on the site are brought into compliance with this approval, as the case may be.

In this condition ‘an unreasonable amount of dust’ means visible dust crossing the site’s boundary and visibly excessive dust on the site.

17. The asbestos management plan prepared by WA Limestone and dated November 2013 must be complied with at all times.

18. Prior to the commencement of development, a noise management plan prepared by a suitably qualified acoustic expert must be submitted to and approved by the City which plan addresses the measures required to be taken to ensure that the requirements of the Environmental Protection (Noise) Regulations 1997 are met.

19. The operator must at all times carry out the operations, including crusher, in accordance with, and must implement the noise management, suppression and mitigation measures contained in the approved Noise Management Plan.

20. Crushing is only to occur in the area within the bunds on the site.

21. All vehicles, equipment and machinery used on the site must not use reversing beepers unless those beepers are required for the safe conduct of operations on the site (in accordance with the provisions of the Occupational Safety and Health Regulations 1996 (WA) and the Environmental Protection (Noise) Regulations 1997 (WA)) or it is demonstrated to the written satisfaction of the City that no acceptable alternative exists. Any reversing alarm on any vehicle, piece of equipment or machinery shall be broad-band reversing alarms, for example, ‘croakers’.

22. In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the landfill operations on the site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures contained in the noise management plan), the City may direct in writing that:

(i) an amended noise management plan is submitted and approved; or

(ii) the activities on the site are brought into compliance with this approval, as the case may be.

In this condition ‘an unreasonable amount of noise’ means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

23. A bund 3m above the pre-existing natural ground level must be constructed and maintained at all times along the southern, western and eastern edge of the landfill area.
24. Haulage of material on public roads is only permitted between the hours of 7:00am to 5:00pm Monday to Saturday, and not at all on Sunday or Public Holidays. No operation of haulage vehicles on site is permitted on any Sunday or Public Holiday.

25. Haulage vehicles are not permitted to park along Kulija Road at any time.

26. The land required for the future construction of Nairn Drive on Lot 800 Kerosene Lane, reserved as ‘Other Regional Roads’ in the Metropolitan Region Scheme, must be created as a separate lot on a Survey Plan or Diagram of Survey and transferred free of cost to the Crown for road purposes.

27. The final ground levels of the extraction area must reflect the profile design levels for Kulija Road and Nairn Drive, as determined by the City, unless an alternate profile design level for either road is approved in writing by the City.

28. (i) Prior to the commencement of any development, a groundwater sampling plan prepared by a suitably qualified person must be submitted to the City for the City's approval and implemented consistent with *Groundwater Sampling and Analysis - A field guide (geoscience Australia)* which plan must address:

   (a) Sampling locations;
   (b) Sampling frequency;
   (c) Sampling methodology (including collection, preservation and storage and testing (depth to groundwater and quality);
   (d) Data management and reporting; and
   (e) Details of the person/group that will undertake sampling.

   (ii) The approved ground water sampling plan must be observed and carried out at all times.

29. All landfill works must maintain a minimum vertical separation distance of 2m to the highest-known water table level, for the duration of the development.

30. A 40m vegetation buffer from Kerosene Lane and Kulija Road to the landfill area and a 20m vegetation buffer from the eastern and western side boundaries must be maintained at all times. No removal of vegetation within the buffer areas is permitted.

31. All landfill works must only be carried out between the hours of 6:30am to 5:00pm Mondays to Saturdays and not at all on Sundays or Public Holidays. Crushing, processing and compacting must not occur prior to 7:00am and must not be carried out on Sundays and Public Holidays.

32. By 31 January each year an annual report must be submitted to the City which includes:

   (i) the progress of the inert landfill activities;
   (ii) the progress of rehabilitation undertaken and completed;
   (iii) the measures taken to suppress and minimise dust;
   (iv) the measures taken to suppress and minimise noise; and
   (v) the number and type of community complaints and responses.

33. The City may provide to the operator its comments and any recommendations as to how the operation of the site or the use should be changed in order to address any matter identified in the report.

34. The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

**Advice Notes:**

(i) In accordance with the Department of Health advice, if groundwater is being or is proposed to be abstracted, DER recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.
(ii) All on-site stormwater shall be managed in accordance with the Department of Water's *Stormwater Management Manual for Western Australia*.

(iii) The applicant is reminded of the proximity of the site to the Rockingham Regional Memorial Park. In this respect, truck or machinery movements must not obstruct or impede the movement of funeral or mourner's vehicles entering and exiting the Rockingham Regional Memorial Park.

(iv) In respect to Condition 3, inert fill material such as building and demolition waste (e.g., bricks, concrete) does not include paper, plastics, glass, metal and timber that should be recovered using material resulting from demolition of buildings or infrastructure and which is not mixed with any other type of waste (specifically green and food waste) and does not contain any asbestos, casting sand, blasting sand or garnet.

**Committee Recommendation**

**Moved Cr Elliot, seconded Cr Pease:**

That Council APPROVE the application for Landform Reconstruction by Inert Landfill at Lot 800 Kerosene Lane, Baldivis, subject to the following conditions:

1. This approval is valid for a period of 10 years only commencing on the date of the issue of this approval.

2. Vehicle Access from Kulija Road is permitted for a period of 10 years only, commencing on the date of the issue of this approval, after which period no vehicle is to enter or leave the site to or from Kulija Road.

3. No material is to be deposited on the site other than sand, clay, soils, bricks or concrete and other similar inert building waste.

4. Without limiting Condition No.3, no putrescible material, asbestos, or contaminated or hazardous material is to be deposited on the site.

5. No work is to be undertaken in connection with the land shown as stages 3 or 7, unless and until all work in respect of stages 1, 2 and 4 are completed.

6. Each stage of the landfill area is to be rehabilitated when final contour levels and grades for each stage have been completed in accordance with the application and the rehabilitation is to commence immediately and be completed within 12 months of the completion of each stage. For the purpose of this condition rehabilitation means the covering of the inert fill with clean sand fill which is stabilised with grass seed to the satisfaction of the City.

7. No work is to commence on any part of the land shown as a stage on the approved plans, unless and until the previous stage is rehabilitated in accordance with Condition No.6.

8. Prior to the commencement of any development, a management plan prepared by a suitably qualified person must be submitted to the City for its approval which plan addresses:

   (i) all site operations;
   (ii) site supervision arrangements;
   (iii) truck movements and access and driver supervision arrangements;
   (iv) prevention and management of spill material on the site and on roads; and
   (v) maintenance of plant and equipment to prevent spillage of lubricants and fuel.

9. Except to the extent of inconsistency with any other of these conditions, the undertaking of the landfill operations on the site is to comply in all respects and at all times with the approved management plan and any subsequent amendments to that management plan as may be directed in writing to the owner(s) of the land by the City.

10. (i) Prior to the commencement of any development, a pre-works geotechnical report prepared by a suitably qualified person must be submitted to the City which plan addresses:

    (a) fill material composition and quality;
    (b) on-site drainage; and
(c) compaction of fill material to appropriate staged lifts to the full depth in accordance with AS:3789-2007 within the land included in the Other Regional Road Reserve (future Nairn Drive).

(ii) A post geotechnical report certifying that all landfill works have been carried out in accordance with the pre-works geotechnical report which must be submitted to the City.

11. The dust management plan prepared by Landform Research and dated November 2013 must be complied with at all times.

12. At all times:
   (i) all stockpiles of materials on the site; and
   (ii) the access road to and all trafficable areas on the site,

   must be watered down or treated and maintained in a manner which prevents or minimises the generation of airborne dust.

13. (i) The landfill operations must be carried out in accordance with the dust management, suppression and mitigation measures contained in the approved dust management plan.

   (ii) Without limiting Condition 13(i) no visible dust is permitted to leave the site.

14. At all times sufficient water must be accessible on-site to enable dust suppression pursuant to Conditions 12 and 13, if necessary by means of water transported by tanker onto the site.

15. When winds are sufficiently strong to negate the effects of the dust management, suppression and mitigation measures contained in the dust management plan, all landfill operations on the site must cease until conditions improve and compliance can be achieved.

16. In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the landfill operations on the site are generating an unreasonable amount of dust, or that any of those operations are not compliant with any of the conditions relating to dust emissions (including non-compliance with the dust management measures contained in the dust management plan), the City may direct in writing that:
   (i) an amended dust management plan is submitted and approved; or
   (ii) the activities on the site are brought into compliance with this approval, as the case may be.

   In this condition 'an unreasonable amount of dust' means visible dust crossing the site's boundary and visibly excessive dust on the site.

17. The asbestos management plan prepared by WA Limestone and dated November 2013 must be complied with at all times.

18. Prior to the commencement of development, a noise management plan prepared by a suitably qualified acoustic expert must be submitted to and approved by the City which plan addresses the measures required to be taken to ensure that the requirements of the Environmental Protection (Noise) Regulations 1997 are met.

19. The operator must at all times carry out the operations, including crusher, in accordance with, and must implement the noise management, suppression and mitigation measures contained in the approved Noise Management Plan.

20. Crushing is only to occur in the area within the bunds on the site.

21. All vehicles, equipment and machinery used on the site must not use reversing beepers unless those beepers are required for the safe conduct of operations on the site (in accordance with the provisions of the Occupational Safety and Health Regulations 1996 (WA) and the Environmental Protection (Noise) Regulations 1997 (WA)) or it is demonstrated to the written satisfaction of the City that no acceptable alternative exists. Any reversing alarm on any vehicle, piece of equipment or machinery shall be broad-band reversing alarms, for example, 'croakers'.
22. In addition to any other condition, if an officer of the City inspects the site and is satisfied that any of the landfill operations on the site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures contained in the noise management plan), the City may direct in writing that:
   (i) an amended noise management plan is submitted and approved; or
   (ii) the activities on the site are brought into compliance with this approval, as the case may be.

In this condition 'an unreasonable amount of noise' means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

23. A bund 3m above the pre-existing natural ground level must be constructed and maintained at all times along the southern, western and eastern edge of the landfill area.

24. Haulage of material on public roads is only permitted between the hours of 7:00am to 5:00pm Monday to Saturday, and not at all on Sunday or Public Holidays. No operation of haulage vehicles on site is permitted on any Sunday or Public Holiday.

25. Haulage vehicles are not permitted to park along Kulija Road at any time.

26. The land required for the future construction of Nairn Drive on Lot 800 Kerosene Lane, reserved as 'Other Regional Roads' in the Metropolitan Region Scheme, must be created as a separate lot on a Survey Plan or Diagram of Survey and transferred free of cost to the Crown for road purposes.

27. The final ground levels of the extraction area must reflect the profile design levels for Kulija Road and Nairn Drive, as determined by the City, unless an alternate profile design level for either road is approved in writing by the City.

28. (i) Prior to the commencement of any development, a groundwater sampling plan prepared by a suitably qualified person must be submitted to the City for the City's approval and implemented consistent with *Groundwater Sampling and Analysis - A field guide* (geoscience Australia) which plan must address:
   (a) Sampling locations;
   (b) Sampling frequency;
   (c) Sampling methodology (including collection, preservation and storage and testing (depth to groundwater and quality);
   (d) Data management and reporting; and
   (e) Details of the person/group that will undertake sampling.

(ii) The approved ground water sampling plan must be observed and carried out at all times.

29. All landfill works must maintain a minimum vertical separation distance of 2m to the highest-known water table level, for the duration of the development.

30. A 40m vegetation buffer from Kerosene Lane and Kulija Road to the landfill area and a 20m vegetation buffer from the eastern and western side boundaries must be maintained at all times. No removal of vegetation within the buffer areas is permitted.

31. All landfill works must only be carried out between the hours of 6:30am to 5:00pm Mondays to Saturdays and not at all on Sundays or Public Holidays. Crushing, processing and compacting must not occur prior to 7:00am and must not be carried out on Sundays and Public Holidays.

32. By 31 January each year an annual report must be submitted to the City which includes:
   (i) the progress of the inert landfill activities;
   (ii) the progress of rehabilitation undertaken and completed;
   (iii) the measures taken to suppress and minimise dust;
   (iv) the measures taken to suppress and minimise noise; and
   (v) the number and type of community complaints and responses.
33. The City may provide to the operator its comments and any recommendations as to how the operation of the site or the use should be changed in order to address any matter identified in the report.

34. The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

Advice Notes:

(i) In accordance with the Department of Health advice, if groundwater is being or is proposed to be abstracted, DER recommends that analytical testing should be carried out to determine whether the groundwater is suitable for its intended use.

(ii) All on-site stormwater shall be managed in accordance with the Department of Water’s Stormwater Management Manual for Western Australia.

(iii) The applicant is reminded of the proximity of the site to the Rockingham Regional Memorial Park. In this respect, truck or machinery movements must not obstruct or impede the movement of funeral or mourner’s vehicles entering and exiting the Rockingham Regional Memorial Park.

(iv) In respect to Condition 3, inert fill material such as building and demolition waste (e.g. bricks, concrete) does not include paper, plastics, glass, metal and timber that should be recovered using material resulting from demolition of buildings or infrastructure and which is not mixed with any other type of waste (specifically green and food waste) and does not contain any asbestos, casting sand, blasting sand or garnet.

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 submit to the Minister for Planning nominations for two members and two alternate members (i.e. four names in total) as the Council’s representatives on the Metropolitan South-West Joint Development Assessment Panel (SWJDAP).

## Background

In 2010, the State Government introduced legislation for Development Assessment Panels (DAPs) in Western Australia. DAPs came into effect on 1 July 2011.

A DAP is an independent decision-making body that determines certain types of development instead of Council and/or the Western Australian Planning Commission (WAPC). DAPs are comprised of independent technical experts and elected local government representatives.

DAP Development Applications received by the City are determined by the SWJDAP, which includes the following local governments:

- Rockingham
Local Government members rotate on and off meetings of the SWJDAP so that the DAP application within each Local Government is represented by the relevant Local Government member.

In July 2014, Council decided to nominate Cr Pease as the City of Rockingham alternative member on the SWJDAP, to the Minister for Planning. This followed the resignation by Cr Elliott from the DAP.

The current Local Members on the SWJDAP are Cr Smith and Cr Stewart. Cr Liley is an Alternate Member and the appointment of Cr Pease as an Alternate Member is still pending a decision by the Minister for Planning.

Details

Appointments of all local government DAP members expire on 26 April 2015. The Department of Planning has called for the Council to submit to the Minister for Planning nominations for four Elected Members of the Council, comprising two Local Members and two Alternate Local Members to sit on the JDAP. Nominations are required to be received no later than 27 February 2015.

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 and Strategic Objective(s) contained in the Community Plan 2015-2025:

   Aspiration 4: Sustainable Environment

   Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory

   Under Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 (Regulations), the Council is required to nominate four Elected Members of the Council, comprising two Local Members and two Alternate Members to sit on the SWJDAP, as required.

   Councillors are appointed by the Minister for Planning for a two year term.

   It is a mandatory requirement of the Regulations that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training. Any DAP member who successfully completes training is entitled to the payment of $400 from the Department of Planning.
A DAP member who attends a DAP meeting is entitled to be paid the fee set-out in Schedule 2 item 1 and 2 of the Regulations, as follows:

Schedule 2 – Fees for DAP Members

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fee for presiding member per meeting to determine development applications</td>
<td>$500</td>
</tr>
<tr>
<td>2</td>
<td>Fee for any other member per meeting to determine development applications</td>
<td>$400</td>
</tr>
<tr>
<td>3</td>
<td>Fee per meeting for presiding member to determine applications to amend or cancel determination</td>
<td>$100</td>
</tr>
<tr>
<td>4</td>
<td>Fee per meeting for any other member to determine applications to amend or cancel determination</td>
<td>$50</td>
</tr>
<tr>
<td>5</td>
<td>Fee for presiding member attending proceeding in State Administrative Tribunal</td>
<td>$500</td>
</tr>
<tr>
<td>6</td>
<td>Fee for any other member attending proceeding in State Administrative Tribunal</td>
<td>$400</td>
</tr>
<tr>
<td>7</td>
<td>Fee for training</td>
<td>$400</td>
</tr>
</tbody>
</table>

An applicant who is aggrieved by a determination of a DAP to refuse an application; or any conditions imposed by a DAP in the determination of the application; or a deemed refused DAP application, may apply to the State Administrative Tribunal for a review of the decision. Therefore the DAP is the respondent on SAT proceedings regarding their determinations.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The recommendation leaves the four nominee positions blank to enable Council to make its recommendation to the Minister for Planning.

Voting Requirements

Simple Majority

Officer Recommendation

That Council NOMINATE Cr_______ and Cr_______ as the City of Rockingham Local Members on the Metropolitan South-West Joint Development Assessment Panel to the Minister for Planning and Cr_______ and Cr_______ as the Alternate Members.

Committee Recommendation

Moved Cr Hill, seconded Cr Elliott:

That Council NOMINATE Cr Richard Smith and Cr Joy Stewart as the City of Rockingham Local Members on the Metropolitan South-West Joint Development Assessment Panel to the Minister for Planning and Cr Leigh Liley and Cr Ron Pease as the Alternate Members.

Committee Voting – 5/0
<table>
<thead>
<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</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>
</tbody>
</table>
**Planning Services**  
**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-003/15 Final Approval Scheme Amendment No.148 - Special Commercial and Additional Use (Pharmacy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1836</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planning Solutions Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Vince Nominees Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Dave Waller, Coordinator Statutory Planning  
|                         | Mr Mike Ross, Manager Statutory Planning                                                                         |
| Date of Committee Meeting: | 19 January 2015                                                                                                     |
| Previously before Council: | July 2014 (PDS-051/14); December 2014 (PDS-101/14)                                                                 |
| Disclosure of Interest: | Legislative                                                                                                       |
| Nature of Council’s Role in this Matter: |立法                                                                                                           |

| Site:                  | Lots 406, 407 and 411 Paperbark Mews, Warnbro |
| Lot Area:              | Lot 406 (550m²), Lot 407 (739m²), Lot 411 (674m²) |
| LA Zoning:             | Residential R20                                                                                                    |
| MRS Zoning:            | Urban                                                                                                              |
| Attachments:           | Schedule of Submissions                                                                                           |
| Maps/Diagrams:        | 1. Location Plan  
|                       | 2. Aerial Photo of Site  
|                       | 3. Indicative Concept Plan  
|                       | 4. Consultation Plan  
|                       | 5. Perspective Plan – Paperbark Mews                                                                          |
Purpose of Report

To reconsider adopting Amendment No.148 to Town Planning Scheme No.2 (‘TPS2’) for Final Approval to rezone Lots 406, 407 and 411 Paperbark Mews, Warnbro from 'Residential R20' to ‘Special Commercial’ with an Additional Purpose of a 'Pharmacy'.

Background

In July 2014, Council adopted (initiated) for advertising Amendment No. 148 to TPS2, to rezone Lots 406, 407 and 411 Paperbark Mews, Warnbro from Residential R20 to Special Commercial and include the Additional Purpose of a Pharmacy subject to the following Special Conditions:

“1. “Additional Purpose”: means use of the Premises for the preparation and dispensing of drugs and other medicinal products and where this occurs the retail sale of these drugs and medicinal products as well as health goods, personal hygiene products, eye care products and products of personal adornment.

"Land" means Lots 407, 408 and 411 Paperbark Mews, Warnbro.
2. No part of any building shall be used for the Additional Purpose unless the land is being used for the purpose of a Medical Centre.

3. The floor area of any buildings used for the Additional Purpose must not exceed 160m² retail NLA.

4. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.”

A report recommending Final Approval of the Scheme Amendment was considered at the ordinary Meeting of Council held on 16 December 2014, when it was resolved to refer the matter back to the Planning and Engineering Services Committee for further consideration.

Details

The applicant seeks to rezone the subject lots from Residential R20 to Special Commercial with an Additional Purpose of a Pharmacy. The purpose of this request is to facilitate the development of the subject site, together with adjacent Lot 99 Currie Street, Warnbro, as a Medical Centre and Pharmacy.

An Indicative Concept Plan (ICP), demonstrating one way in which the subject site may be developed, was submitted in support of the proposal.

3. Indicative Concept Plan

The applicant has sought, in a submission to the City, the deletion of proposed Special Condition. 4. The applicant has provided the following rationale for the deletion of the Special Condition:

- “Special Condition 4 acts to limit the future ability of the City to exercise its discretion;
- To ensure the pharmacy component of the medical centre remains viable in future market conditions, any future changes should be able to be considered on their respective merits as part of a development application;
- The alternative requires an amendment to the Scheme which can take from 12-18 months to complete, a timeframe which does not allow the pharmacy operator to respond to sudden future changes in pharmacy trends, potentially giving other pharmacy operators a competitive edge; and

- In August 2007, in the matter of Galati & Anor and City of Rockingham [2007] WASAT 198, the State Administrative Tribunal (SAT) determined that the Special Conditions, for an Additional Use, may be varied under Clause 4.20.1 of TPS2.

The City’s response to the applicant submission is outlined in the Policy section of this report.

### Implications to Consider

**a. Consultation with the Community**

The Scheme Amendment was advertised for public comment in accordance with the requirements of *Town Planning Regulations 1967*, closing on the 8 September 2014. The advertising period, which exceeded the mandatory 42 day minimum (45 days), was undertaken in the following manner:

- A notice was published in the Public Notices section of the Sound Telegraph newspaper on the 17 September 2014;
- An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices;
- Notification letters were sent to Government Agencies (see next section);
- Notification letters were sent to 51 landowners and occupiers in the area; and
- Two signs were displayed on site for the duration of the advertising period.
4. Consultation Plan

At the close of the advertising period, four objections were received on the proposal (the applicant also made a submission requesting a modification to the Special Conditions. This is dealt with in the Policy section). One of the submissions was co-signed by 53 landowners from 42 differing properties (a number are located well outside the boundary of the Consultation Plan).
At the ordinary Meeting of Council held on 16 December 2014 eight further objections were tabled by members of the Public Seven of these objectors had previously co-signed the pro forma objection. The key points raised in objections, along with the City's comments, are provided below:

**Overshadowing**

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Overshadowing of residential properties by buildings and trees</td>
<td>TPS2 already provides protection of adjoining properties from overshadowing by ensuring development in the Special Commercial Zone is required to be setback appropriately where it adjoins Residential zoned land. Clause 4.7.4(a) of TPS2, states that “on Special Commercial zoned land, where a development is proposed to be located on a lot having a common boundary with a Residential zoned lot or residential use class, the setbacks shall not be less than those prescribed in the Residential Design Codes for the particular density code of the adjoining residential lot.” The ICP demonstrates that the development is to be single storey and therefore any impact will be similar to a single storey residential development. Overshadowing from trees is not considered to have a significant impact and is not different to that which can be expected on a residential lot.</td>
</tr>
</tbody>
</table>

**Privacy**

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Overlooking of adjoining residential properties</td>
<td>The ICP is for a single storey building and, given that fencing exists between the adjoining residential properties, there will not be any opportunities for overlooking.</td>
</tr>
</tbody>
</table>

**Safety**

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Road traffic safety Paperbark Mews</td>
<td>There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval Process.</td>
</tr>
<tr>
<td>(ii) Road traffic safety Currie Street</td>
<td>The ICP proposes that vehicular access is taken from Lot 99 Currie Street, which is already zoned Special Commercial. It is considered that traffic safety is acceptable given the proposed crossover(s) to Lot 99 are located outside the bend of Currie Street and therefore provide for acceptable traffic sight lines distances for vehicles entering and leaving the property.</td>
</tr>
<tr>
<td>(ii) Increase in crime due to the development</td>
<td>There is no evidence to suggest that the development will increase crime in the area. The City’s assessment of the future application for Planning Approval will take into consideration Crime Prevention Through Environmental Design (CPTED) principles.</td>
</tr>
</tbody>
</table>
### Noise

**Submission**

(i) Adverse impact due to noise associated with the proposal

**City's Response:**

The proposed development will be required to comply with the Environmental Protection (Noise) Regulations 1997 (Regulations).

Given the development has been orientated with car parking away from the adjoining neighbours and given the uses proposed, it is considered that there will not be any undue impact on surrounding neighbours.

### Neighbourhood Character

**Submission**

(i) Commercial development will deter from the residential character of Paperbark Mews.

**City's Response:**

The design has given careful consideration in ensuring that the commercial development will not change the residential character of Paperbark Mews. The ICP envisages a development that is a single storey, with verandahs and a pitched roof, segmented in size to be compatible with neighbouring residential dwellings.

Through the Planning Approval process, the City can ensure that the development will complement the existing development and blend in with the residential amenity of the locality in accordance with the ICP.

### Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Agency (EPA) for consideration of the need for assessment under the Environmental Protection Act 1986 (the Act). The EPA advised that the Amendment should not be assessed under the Act.

The application was also referred to the following external agencies for comment:

- Environmental Protection Authority
- Department of Planning
- Water Corporation
- Alinta Gas
- Western Power

A response was received from the following agencies:

#### Western Power

**Submission:**

Western Power advised that it has no objection to the proposed amendment subject to future subdivision and development within the area including conditions to protect Western Power’s easement and restriction zone requirements for existing and planned new transmission and distribution infrastructure.

**City's Comment:**

That the submission be noted.
### Water Corporation

**Submission:**

**Water**

Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

**Wastewater**

Reticulated sewerage is currently available to the subject area. All sewer main extensions, if required for the development site, should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

**General Comments**

If this amendment is approved the future building proposal will require Water Corporation Building Services approval prior to commencement of works. Headwork contributions and fees may be required to be paid prior to approval being issued.

The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water and Sewerage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. The Water Corporation may also require land being ceded free of cost for works.

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, the Water Corporation should be contacted to confirm if the information is still valid.

**City's Comment:**

That the submission be noted.

The Scheme Amendment was also referred to the WAPC prior to advertising, upon Council initiating the Scheme Amendment.

c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration 3:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. **Policy**

**Planning Policy 3.1.2 - Local Commercial Strategy (PP3.1.2)**

The City’s PP3.1.2 establishes the hierarchy of commercial centres within the City and includes provisions for the allocation of recommended retail floor space amongst the centres. The recommended retail floor space is calculated based on the needs of the estimated resident population of the City.

The subject site is within the Hokin Street Neighbourhood Centre (HSNC). Under the provisions of PP3.1.2, the HSNC is designated a recommended maximum retail floor space of 1,891m² NLA. As this figure is based on the current retail floor space area of the centre, the PP3.1.2 recommends no retail expansion of the centre.
Under the Planning Land Use Category 5 (PLUC5) classifications, Medical Centre is not classified as a retail use.

In relation to the proposed Special Commercial zoning, PP3.1.2 states:

"Proposals for Special Commercial uses, as defined in the City of Rockingham Town Planning Scheme Review No. 2 are not normally retail. The scale and location of such proposals should be considered more in the context of urban amenity and need than on commercial principles."

The Indicative Concept Plan depicts a 158m² Pharmacy within the premises, which is classified as a PLUC5 retail use.

Special Condition 3 on the proposed Additional Use component of the Scheme Amendment states:

"3. The floor area of any buildings used for the Additional Purpose must not exceed 160m² retail NLA".

Special Condition 3 was included by the City as the maximum NLA for the HSNC has already been reached. The minor increase of 160m² (8.4%) is justifiable as PP3.1.2 makes provision for placing ancillary convenience uses such as chemist shops within medical centres.

Special Condition No.4 on the Additional Use outlines the following:

"4. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1."

The applicant seeks the deletion of Special Condition No.4, in order to have the potential to vary the floor area requirements of Special Condition No.3 (which caps the NLA of the Pharmacy at 160m²).

It is pertinent to retain both Special Condition No.3 and Special Condition No.4 as they limit the additional retail NLA within the HSNC. This will also assist in managing the scale of the Pharmacy component and its impact on residential properties.

The applicant’s reference to WASAT 198, (Spud Shed) Galati & Anor and City of Rockingham, is not relevant in this instance. Although the applicant is correct that the SAT determined that the Special Conditions of an Additional Use could be varied through Clause 4.20.1, this is no longer the case. It is a similar basis that the City considers that Special Condition No.4 of the Scheme Amendment should not be deleted because it restricts the size of the Pharmacy in accordance with Special Condition No.3.

e. Financial

Not Applicable

f. Legal and Statutory

Town Planning Regulations (1967)
In accordance with the Town Planning Regulations 1967, the Council, after considering submissions, shall pass a resolution to either proceed (with or without modifications) or not to proceed with the Amendment.

Town Planning Scheme No. 2
The objective of the Special Commercial Zone is to provide for the development of Offices, Medical Centres, Veterinary Clinics, Veterinary Hospitals and the like in convenient locations. The Special Commercial Zone seeks to cater for the demand for office floor space as generated by the needs of residents within the municipality, consistent with PP3.1.2 and supported by any other Plan or Policy that the Council from time to time may adopt as a guide for the future development within the Zone.

The Special Commercial zone includes standards such as the form of development, car parking, setbacks and landscaping.
Land Use Classification

A ‘Medical Centre’ is interpreted as:

“means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling), and including the ancillary sale to patients of pharmaceutical products and medicines but excluding the sale of toiletries, foodstuffs, liquor and beverages, clothing and apparel, magazines, newspapers, books, paper products, china, glassware, domestic hardware or items of personal adornment.

A ‘Shop’ is interpreted as:

“Premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.”

A ‘Shop’ is an ‘X’ use that cannot be permitted, within the Special Commercial Zone.

Although a ‘Pharmacy’ is not a land use under TPS2, with the addition of this additional use, it will now be contemplated in terms of TPS2, on the subject lots.

Carparking

In accordance with Table No.2 of TPS2 a rate of 5 carparking bays per consultant is required for a Medical Centre.

Should the proposal be developed in accordance with the ICP, 85 carparking bays would be required for the development. The ICP shows 89 carparking bays for the subject site; therefore compliance with the carparking standards of TPS2 is achievable.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

Community Consultation

As the close of the advertising period four objections were received, including one objection co-signed by 53 residents. Additionally eight further objections were tabled at the ordinary Meeting of council held 16 December 2014. The City acknowledges the concerns raised by neighbours which are seeking to maintain the residential character of Paperbark Mews. It is considered, however, that the design proposed in the ICP is responsive to the character of the locality and that the residential amenity of Paperbark Mews will be maintained. The applicant has provided the below perspective plan from Paperbark Mews to demonstrate how the proposed development will fit in with the residential character of the area.

Although it is acknowledged that some further architectural treatment of the Paperbark Mews elevation is required, it is considered that the City can consider this matter through the Planning Approval process for the future development. The massing and scale of the building in the perspective plan is consistent with adjoining residential development.
5. Perspective Plan - Paperbark Mews

The ICP shows vehicular access to be obtained from Special Commercial zoned Lot 99 Currie Street. There is no mechanism in the Scheme Amendment process to prohibit access from Paperbark Mews, however, it is considered that this can be dealt with at Planning Approval stage. The proposed access to Lot 99 Currie Street is located outside the bend of Currie Street which provides acceptable traffic sight lines for vehicular egress.

Other Submissioner Concerns

Additional issues received from submissioners have been summarised and addressed accordingly below:

Pedestrian access through development site

Residents closest to the cul-de-sac head of Paperbark Mews raised concerns that the development could lead to an increase in pedestrian movements between Currie Street and Paperbark Mews and result in noise and undue behaviour. The applicant has not indicated any intention to create a pedestrian access way through the site between the two streets (refer to ICP) and the City does not consider this will eventuate as no car parking is proposed on the eastern side of the development.

Staff and customer car parking on Paperbark Mews

Concerns have been raised that unauthorised car parking may occur on the road and verges of Paperbark Mews if development goes ahead as per the ICP. The ICP demonstrates sufficient car parking space in accordance with the provisions of TPS2 on the western side of the site and the City does not believe a situation will arise whereby staff or customers will park in a non-designated area. This matter is more appropriate to consider upon an application for Planning Approval for the Medical Centre rather than the Scheme Amendment.

Potential land use conflict

The potential for land use conflict to arise as a result of the Scheme Amendment is considered unlikely to occur. As all land uses require Planning Approval to be obtained from the City for the proposed development, the City will have the opportunity to identify potential conflicts on a case-by-case basis that could arise to ensure the amenity to neighbours is maintained. Concerns relating to vehicular traffic noise and other emissions can be managed through the building layout and design of the car park. The ICP shows the building screening the car park from adjacent residents on Paperbark Mews. Noise from air conditioning units is not relevant to the Scheme Amendment as these systems will need to comply with the Environmental Protection (Noise) Regulations 1997.
Increase in number of drug addicted people in area

Concerns about the increase in the number of drug addicted people stealing and injecting drugs has been raised by residents who are concerned that the safety of children will be compromised. The City does not consider that there will be a compromise to safety within the cul-de-sac and various design measures (identified under the State Government’s Planning Designing Out Crime Planning Guidelines) can be incorporated into the building and considered through a subsequent Application for Planning Approval. These design guidelines would further reinforce safety for the neighbours.

Land devaluation

This is not a relevant planning consideration.

Increased traffic through Paperbark Mews

No traffic access is proposed via Paperbark Mews and car parking is identified only off Currie Street. The City does not consider this a likely outcome considering the ICP. This is a matter that can be dealt with upon an application for Planning Approval being received should the Scheme Amendment be approved.

Potential land uses

Whilst the applicant has applied to operate a Medical Centre, there are additional land uses that could be considered if the Scheme Amendment is approved as recommended. Land uses that would be permitted by the Scheme Amendment, providing the use complies with the relevant development standards and the requirements of the Scheme, include:

- Consulting rooms
- Office
- Veterinary Clinic

Furthermore, several land uses could be considered subject to the City exercising its discretion by granting planning approval. These land uses being:

- Laundromat
- Veterinary Hospital
- Educational Establishment

A Caretaker’s Dwelling could also be considered subject to it being incidental to the predominant use as determined by the City.

Conclusion

The Special Commercial Zone is considered to be a transitional zone between residential and traditional commercial land uses. The proposed rezoning to a Special Commercial Zone is considered to be compatible with the adjacent residential and commercial land uses.

The benefits of co-locating a pharmacy with a Medical Centre are apparent. They are intrinsically compatible land uses and their co-location is logical. They may also contribute to each other’s commercial viability while reducing travel distances for consumers.

The City supports the proposed Scheme Amendment for the rezoning to Special Commercial and the additional use of ‘Pharmacy’. This is based on TPS2, Policy considerations and orderly and proper planning principles.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.148 to Town Planning Scheme No.2, without modification.
2. **ADOPT** the recommendations contained within the Schedule of Submissions.
Committee Recommendation

Moved Cr Pease, seconded Cr Elliott:

That Council:

1. **ADOPT** for Final Approval Amendment No.148 to Town Planning Scheme No.2, without modification.

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

SCHEDULE OF SUBMISSIONS

AMENDMENT NO.148 TO TOWN PLANNING SCHEME NO.2 - PROPOSED REZONING FROM 'RESIDENTIAL (R20) TO 'SPECIAL COMMERCIAL' & ADDITIONAL USE 'PHARMACY'

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<th>SUBMISSION</th>
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<tr>
<td>1. Mr Kenneth &amp; Ms Audrey Park 28 Currie Street WARNBRO WA 6169</td>
<td>Noted</td>
<td>That the submission be not upheld.</td>
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<tr>
<td>We have received a letter regarding Amendment No.148. Proposed Medical Centre and Pharmacy on Currie Street, Warnbro - Lots 406-407 and 411 Paperbark Mews. We live at Lot 405/28 Currie Street, this is a concern to us. It may be great to have a Medical Centre and Pharmacy near us, but next door. Our concern is down the left hand-side of our home - all the trees that will be put up - No thanks - once they drop there it leaves it will be in our backyard. We have been very lucky for 16 years not to have any break-ins at our property. With a Pharmacy next door on the fence line. This is making it easy for vandals to jump the fence onto our property. No thanks. This could also cause chaos on the Currie Street - roads, with traffic. Our street is chaos at the moment with the schools, this is a busy street. We also have cars, trucks - any other vehicles that stop off at the Last Drop Pub. They cut across the vacant land/grass area, come in front of our house to get onto the road as it is (come on think about this). Our driveway is ours, not for other people's cars or trucks.</td>
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Both Currie Street and Hokin Street are classified Local Distributor roads under Main Roads WA Road Hierarchy. As such, they are both capable of accommodating up to 6,000 vehicles per day (vpd). The impact of traffic can be further investigated at the DA stage and any Planning Approval would to the satisfaction of the City's Traffic Engineers. This is not considered relevant to the proposal.

There is no link between the development being approved and the assertion that crime will increase.

The planting of trees is not a relevant planning consideration.
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<td>We need something done about this to stop them cutting over. When they put the little islands outside my driveway I spoke then to the guy that came to me and my husband from the Council and he said he would take note of it and report it. Nothing has been done yet!! We personally feel that more consideration is needed over this proposal that's been put forward. We feel strongly that it could be asking for unnecessary trouble/vandals for the residents that live around this area/streets. Consider the traffic that would be added. I can sit for a few moments in the mornings and around 3-6 pm in my driveway before I can get out. Please call phone number given if I need to explain anything.</td>
<td>This is not considered relevant to the proposal.</td>
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<td>2. Mr Ross Underwood Planning Solutions 296 Fitzgerald Street PERTH WA 6000 Planning Solutions acts on behalf of Vince Nominees Pty Ltd, the registered proprietor of Lots 406, 407 &amp; 411 Paperbark Mews, Warnbro (subject site), being the land directly affected by proposed Amendment No.148 to Town Planning Scheme No.2 (Scheme). In summary, we support Amendment No.148 subject to proposed Special Condition 4 for the proposed additional use (pharmacy) being deleted. Special Condition 4 states: 4. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1. The basis for our submission is outlined below.</td>
<td>Noted</td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>Background Amendment No.148 will facilitate the development of a medical centre on the subject site, supported by an additional use for a pharmacy. The pharmacy will be subject to special conditions formulated by the City's officers, including:  • The pharmacy operating ancillary to a medical centre.  • The pharmacy having a maximum floor area of 160m² NLA.</td>
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<td>We support the above conditions. Our client has confirmed the medical centre will be constructed with a pharmacy meeting these conditions. Notwithstanding, Special Condition 4 acts to limit the future exercise of discretion which would otherwise be available to the City. We request Special Condition 4 be deleted from the additional use for the following reasons. Future Market Trends The conditions for the additional use reflect the indicative concept plan drawn to support the Scheme amendment request, and reflects current typical requirements for a pharmacy. We cannot, however, predict trends in pharmacy operations over time. For instance, the future pharmacy may evolve to include additional consultants for specialist services (such as the current weight loss services offered by some pharmacies today) or pharmacy licensing conditions may change encouraging or requiring greater floor areas. To ensure the pharmacy component of the medical centre remains viable in future market conditions, any future changes should be able to be considered on their respective merits as part of a development application. The alternative requires an amendment to the Scheme.</td>
<td>Noted</td>
<td>Future market trend are not relevant Planning considerations.</td>
</tr>
<tr>
<td>A Scheme amendment takes 12-18 months to complete, a timeframe which does not allow the pharmacy operator to respond to sudden future changes in pharmacy trends, potentially giving other pharmacy operators a competitive edge. To allow the pharmacy operator to operate on a level playing field with other pharmacies in the district, we request Special Condition 4 be deleted. Variation of Scheme Standards and Requirements It is common ground that provisions of local planning schemes are capable of variation, at the discretion of the decision maker. We understand proposed Special Condition 4 has its basis in the Scheme's Additional Use No.22, introduced by Council via Amendment 46 in February 2007.</td>
<td></td>
<td>Condition 4 has its basis in the fact that the maximum NLA floor Area of the Hokin Street Neighbourhood Centre has already been reached. The 160m² Pharmacy, permissible through the Special Condition No.3, will result in an 8.4% increase in the NLA of the HSNC.</td>
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<td>However, later that same year, in August 2007, in the matter of Galati &amp; Anor and City of Rockingham [2007] WASAT 198 the State Administrative Tribunal determined at paragraph [44]:  ...the requirement that no goods other than those specified in the Additional Use column shall be sold is a standard or requirement prescribed under the Scheme which may be varied under cl 4.20.1. [emphasis added]</td>
<td>This increase of 8.4% is considered minor and is justified through an objective of PP3.1.2 which seeks to encourage the provision of ancillary convenience uses such as chemist shops within medical centres. It is considered pertinent to retain Special Condition No.4 as it will ensure that the HSNC NLA is not increased by more than 8.4%, resulting in further inconsistency with PP3.1.2. The limitation on NLA will assist in managing the impact on both residential and commercial properties in the vicinity. The applicant’s reference to WASAT 198, Galati &amp; Anor and City of Rockingham, where the SAT advised that the provisions of a Special Condition can be varied through Clause 4.20.1 of TPS2, is not relevant in this instance for the following reasons:  - At the time of the application for review (WASAT 198), there was no Special Condition on Additional Use No.22, prohibiting variation through Clause 4.20.1;  - Subsequently in December 2007, through amendment No.46 to TPS2, Council inserted Special Condition 4 to Additional Use No.22 this being “the Additional Use and the Special Conditions applying to it are not a standard or requirement capable of variation pursuant to clause 4.20.1”  - With the inclusion of this Special Condition the Additional Use No.22, and it’s Special Conditions, can no longer be varied through Clause 4.20.1 of TPS2. (As will be the case with this additional use)</td>
<td>We consider it only proper that the proposed conditions for the pharmacy should be viewed in the same light as the State Administrative Tribunal's decision on this very same matter.</td>
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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 FEBRUARY 2015**

**PRESIDING MEMBER**

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<td><strong>Conclusion</strong>&lt;br&gt;For the above reasons, we consider Amendment No.148 should be adopted, subject to Special Condition 4 being deleted. On behalf of our client we request an opportunity to address any committee or Council meeting where this matter is discussed. Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the writer.</td>
<td>Noted</td>
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<td><strong>No.3 The combined Residents of Paperbark Mews</strong>&lt;br&gt;We, the under-signed neighbours of Paperbark Mews, Warnbo, WA 6169, are writing to you in relation to the proposed re-zoning from residential R20 to Special Commercial use of Lots 406, 407 and 411 Paperbark Mews. We are alarmed to find out that the City of Rockingham Town Planning Committee is in the process of approving a measure to re-zone these three residential Lots located in a private cul-de-sac to be included in a proposed development of a medical centre/pharmacy. Given that there is already a medical centre and a veterinary clinic in the immediate vicinity it would appear that these needs are already being met within the area. We feel that the proposed re-zoning of this land will have a negative impact on local residences for a number of reasons:</td>
<td>Noted</td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>• Overshadowing - by proposed buildings and or trees</td>
<td>The Indicative Concept Plan (ICP) depicts single storey construction with a pitched roof and eave and landscaped setback. Under the current zoning the subject site is capable of being developed as a two-storey residential dwelling. Ultimately the final design will be presented and assessed at the DA stage. It is however not considered to be a justified concern.</td>
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<td>• Privacy - overlooking windows, possibility of people using cul-de-sac for parking while using proposed facility</td>
<td>The ICP displays a single storey building, with no overlooking concerns.</td>
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<td>Safety - Young children, elderly, people with disabilities negatively impacted by increased motoring activity in area; concern regarding laneway and its potential use (may attract graffiti, loitering, anti-social behaviour, rubbish accumulation).</td>
<td>There will be no pedestrian access between Paperbark Mews and the medical centre. It is considered that vehicular access will be prohibited from Paperbark Mews.</td>
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<td>Noise impact - increased activity in area (commercial air-conditioning units/generators on premises close to dwellings)</td>
<td>The City’s Planning Services ensure that development is consistent with Crime Prevention Through Environmental Design (CPTED) principles. It is considered that any future development can be designed appropriately to minimise the risk of crime.</td>
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<td>Neighbourhood character - will undoubtedly deter from the charm of this cul-de-sac having a walled off commercial premises erected where three residential homes should be.</td>
<td>All noise from the development must comply with the Environmental Protection (Noise) Regulations 1997.</td>
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<td>Visual bulk - The proposed development is adjacent to existing dwellings and will be the primary view from these properties and regardless of whether it will be built as single storey premises, the fact remains that it will be a commercial property and all that that entails.</td>
<td>The ICP displays a single storey medical centre designed using architectural cues from the surrounding residential area, including single-storey brick construction and pitched steel roof with eaves. This demonstrates one manner in which a suitable design can be developed. The ICP shows that the site can be developed to fit in with the residential streetscape as viewed from Paperbark Mews. It is considered that all commercial activity will be directed towards Currie Street.</td>
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We would request that you reconsider this application and maintain the current status of Lots 406, 407 and 411 Paperbark Mews, Warnbro as Residential for three single dwelling properties.

Residents Petition:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Jan &amp; Louie Oldfield</td>
<td>23 Paperbark Mews, Warnbro</td>
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<tr>
<td>Andrea &amp; Mark Wheeler</td>
<td>15 Paper bark Mews, Warnbro</td>
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<tr>
<td>Robyn &amp; Robert Edmondstone</td>
<td>20 Paperbark Mews, Warnbro</td>
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<tr>
<th>Name</th>
<th>Address</th>
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<tr>
<td>Eva &amp; Niall O'Rourke</td>
<td>16 Paperbark Mews, Warnbro</td>
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<tr>
<td>Sally &amp; Scott Steedman</td>
<td>13 Paperbark Mews, Warnbro</td>
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<tr>
<td>Nicola &amp; Roslyn Commons</td>
<td>25 Paperbark Mews, Warnbro</td>
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<tr>
<td>Scott Davidson</td>
<td>11 Paperbark Mews, Warnbro</td>
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<tr>
<td>Keith Lindren</td>
<td>Port Kennedy</td>
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<tr>
<td>Jeanne Vilande Roberts</td>
<td>151 Feathertail Crescent, Port Kennedy</td>
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<tr>
<td>M Thomas</td>
<td>Waikiki</td>
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<tr>
<td>K Monaghan</td>
<td>Shoalwater</td>
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<tr>
<td>C Denholm</td>
<td>5 Union Crescent, Waikiki</td>
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<tr>
<td>Kirstin McDonna</td>
<td>6 Java Place, Waikiki</td>
</tr>
<tr>
<td>Diana Broadhead</td>
<td>2 Taggart Avenue, Baldivis</td>
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<tr>
<td>Kate Sales</td>
<td>4 Raymond Place, Waikiki</td>
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<tr>
<td>Janice Kelly Spencer</td>
<td>2 Gulson Court, Waikiki</td>
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<td>Rev Graeme Variell</td>
<td>Warnbro</td>
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<td>Terry Wilson Mitchell</td>
<td>14 Paperbark Mews, Warnbro</td>
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<td>David Pratt</td>
<td>12 Paperbark Mews, Warnbro</td>
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<td>Derrick Brewer</td>
<td>9 Paperbark Mews, Warnbro</td>
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<td>Julie Brewer</td>
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<td>Natalie Irving</td>
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<td>Jeff Irving</td>
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<td>Alison Chapman</td>
<td>10 Paperbark Mews, Warnbro</td>
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<td>Patrick Minogue</td>
<td>10 Paperbark Mews, Warnbro</td>
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<td>Mark Lewis</td>
<td>7 Paperbark Mews, Warnbro</td>
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<td>Tony Woods</td>
<td>6 Paperbark Mews, Warnbro</td>
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<td>Dee Woods</td>
<td>6 Paperbark Mews, Warnbro</td>
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<td>Brad Burton</td>
<td>4 Paperbark Mews, Warnbro</td>
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<tr>
<td>Brett Steedman</td>
<td>66 Burnside Way, Waikiki</td>
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<tr>
<td>Julie Turner</td>
<td>27 Paperbark Mews, Warnbro</td>
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<tr>
<td>Paul Turner</td>
<td>27 Paperbark Mews, Warnbro</td>
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<tr>
<td>Leonie Lantzke</td>
<td>8 Parkland Drive, Warnbro</td>
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<td>Jo Rowley</td>
<td>10 Parkland Drive, Warnbro</td>
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<td>Paige Toomen</td>
<td>11 Parkland Drive, Warnbro</td>
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<td>Jason Hopple</td>
<td>12 Parkland Drive, Warnbro</td>
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<td>Amanda Ferguson</td>
<td>4 Parkland Drive, Warnbro</td>
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<td>Rodney Galick</td>
<td>13 Parkland Drive, Warnbro</td>
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<tr>
<td>Tyrone Hooguere</td>
<td>5 Silver Grove, Warnbro</td>
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<tr>
<td>Marcus Actuam</td>
<td>43 Currie Street, Warnbro</td>
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<td>Peter Toigo</td>
<td>37 Currie Street, Warnbro</td>
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<td>K Park</td>
<td>28 Currie Street, Warnbro</td>
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<td>A Park</td>
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<td>R Elson</td>
<td>29 Currie Street, Warnbro</td>
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<td>J Lynass</td>
<td>51 Currie Street, Warnbro</td>
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<td>M Hopkins</td>
<td>65 Currie Street, Warnbro</td>
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<td>J Goodley</td>
<td>67 Currie Street, Warnbro</td>
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<td>Shona Douglas</td>
<td>4 Parkland Drive, Warnbro</td>
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<tr>
<td>Graham Douglas</td>
<td>4 Parkland Drive, Warnbro</td>
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<tr>
<td>Bruce McLoughney</td>
<td>2 Paperbark Mews, Warnbro</td>
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<tr>
<td>Louie Budand</td>
<td>23 Paperbark Mews, Warnbro</td>
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<tr>
<td><strong>No.4 Mike Sheldrake 33 Currie Street</strong>&lt;br/&gt;<strong>WARNBRO WA 6169</strong></td>
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<td>Currie Street</td>
<td>is classified as a Local Distributor under Main Roads WA Road Hierarchy. As such, it is capable of accommodating up to 6,000 vehicles per day (vpd). The impact of traffic can be further investigated at the DA stage if required. Any Planning Approval would to the satisfaction of the City’s Traffic Engineers.</td>
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<td><strong>No.5 Mr C A Stevenson - 27 Paperbark Mews, WARNBRO WA 6169</strong></td>
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<td>As is often the case, newer estates or developments overshadow the older ones, but because Rockingham Council and Town Planning have set high standards for housing estate developers to maintain a balance with housing density, road layout and traffic control and parks and gardens, this stand is maintained by the residents who have constructed their homes to comply with Councils strict regulations and covenants, which were put in place to enhance and maintain the aesthetic amenity of each street and indeed the whole of the Warnbro Parkland Estate. It is still, after 20 years, a very attractive residential housing estate.</td>
<td>Paperbark Mews is proposed to remain a cul-de-sac. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process.</td>
</tr>
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<td>Therefore the rezoning of lots 406, 407 and 411 to non-residential would contradict the intent of Rockingham Council and Town Planning to establish the estate for family living. As a home owner in Paperbark Mews, in the cul-de-sac, we would be discriminated against, because nowhere else in the estate would be land zoned non-residential. If, as proposed, a medical centre was to be established, there is already a long established medical centre approximately 100metres from the site.</td>
<td></td>
</tr>
<tr>
<td>We do not need another medical centre, pharmacy-cum-retail outlet, or associated medical services, we already have these services established on commercial land, at Charthouse Shopping Centre, Malibu Shopping Centre, Waikiki Village Shopping Centre, Warnbro Fair Shopping Centre, Startgate Shopping Centre Port Kennedy, and Rockingham City Shopping Centre. Other negative factors which would impact on the pleasant and peaceful amenity of Paperbark Mews and the Warnbro Parkland Estate are:</td>
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<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
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<td>---------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>1. Increased vehicle and pedestrian traffic</td>
<td>1. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process.</td>
</tr>
<tr>
<td>2. Noise pollution from cars in the huge car park.</td>
<td>2. The proposed development will be required to comply with the Environmental Protection (Noise) Regulations 1997 (Regulations). Given the development has been orientated with car parking away from the adjoining neighbours and given the uses proposed, it is considered that there will not be any undue impact on surrounding neighbours.</td>
</tr>
<tr>
<td>3. Noise pollution for commercial air conditioners.</td>
<td>3. See previous response</td>
</tr>
<tr>
<td>4. Reduce security of homes adjoining a commercial complex containing pharmaceuticals and drugs.</td>
<td>4. There is no evidence to suggest that the development will increase crime in the area.</td>
</tr>
<tr>
<td>5. Reduced Safety and welfare of the children who play in the cul-de-sac.</td>
<td>5. Paperbark Mews is proposed to remain a cul-de-sac. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process.</td>
</tr>
<tr>
<td>6. The visual amenity of the cul-de-sac will be diminished, as all residents will view, instead of the high standard of residential homes, will be the rear wall of a commercial complex.</td>
<td>6. The design has given careful consideration in ensuring that the commercial development will not change the residential character of Paperbark Mews. The ICP envisages a development that is a single storey, with verandahs and a pitched roof, segmented in size to be compatible with neighbouring residential dwellings. Through the Planning Approval process, the City can ensure that the development will complement the existing development and blend in with the residential amenity of the locality in accordance with the ICP.</td>
</tr>
</tbody>
</table>
The Rockingham Council through Town Planning designed and intended this area to be residential for families to reside without threat of commercial ventures next to their homes. This area was zoned residential and it should remain so.

A vote for rezoning is a vote against families.

Alternative to Rezoning of Lots 406, 407 and 411
Lots Remain R20
Minor Mods to Buildings
52 Car Bays
Sell lots to offset cost of development.

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
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<tbody>
<tr>
<td>The Rockingham Council through Town Planning designed and intended this area to be residential for families to reside without threat of commercial ventures next to their homes. This area was zoned residential and it should remain so.</td>
<td>Noted.</td>
<td>As demonstrated in the response to this submission this statement is not supported. The Council can only consider the proposal in front of it. An amendment to the proposal would need to be discussed with the applicant for the Scheme Amendment who would have to agree to amend its submission.</td>
</tr>
</tbody>
</table>

No.6 Mrs Janice Oldfield - 23 Paperbark Mews, WARNBRO WA 6169

As a resident and rate payer of Paperbark Mews Warnbro WA, I wish to submit my concerns and objection to the re-zoning of lots 406, 407 & 411 Paperbark mews from residential R20 to Special Commercial.

The proposal causes the concern of the potential of opening up the cul-de-sac to vehicles.

The property of 23 paperbark mews was purchased on the understanding it to be a cul-de-sac and the 3 blocks in question were residential blocks. as I have my grandchildren stay over at my home regularly purchasing in a safe cul-de-sac was of a high priority.

<table>
<thead>
<tr>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted</td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process. Paperbark Mews is proposed to remain a cul-de-sac.</td>
<td></td>
</tr>
</tbody>
</table>
I also enquired regarding purchasing lot 411 to extend to my existing property, unfortunately I had not been given the consideration of a reply to my request.

There is also a safety issue with the digging and large vehicle’s causing damage to surrounding homes and the foundations as.

It has also been brought to my attention there may be live ammunition on these blocks.

Regarding the planting of trees there are some species of trees where the large roots will run up under the foundation of our homes there are trees which also lose there leaves which is a hazard in filling up gutters and being a potential fire hazard.

In the event of there- zoning being passed I feel it would be appropriate to build a high brick fence to ensure the cul-de-sac remains a safe place to live.

I am also on the understanding there has not yet been any interest from any party in taking on the medical Centre and chemist.

As there has been discussion on the matter of a medical centre and chemist I am very concerned there has been no mention regarding the outcome for lot 411.

I then would like to ask the question what would be the next alternative for lot 406,407 &411as this will directly affect the residence of Paperback Mews. I feel we do have the right to this information as it will have a direct effect on our life style and wellbeing.

This is not relevant to the proposed Scheme Amendment. Should the proposal be developed in accordance with the ICP 85 bays would be required for the development. Therefore the ICP demonstrates parking to be provided in accordance with Town Planning Scheme No.2 (TPS2) requirements. Any proposal will comply with the parking standards of TPS2.

Earthworks for development on land zoned Special Commercial are considered to be similar to what would be expected for residential development.

Any tree planting is considered to be similar to what would be expected for development on residential zoned land.

A solid wall is considered to represent a poor streetscape outcome for Paperbark Mews. The City will ensure that access is controlled through the subsequent Planning Approval process.

Lot 411 is included in the proposed Scheme Amendment. The ICP shows the Medical Centre on lot 411.

The Council has the discretion to considered a number of land uses outlined in the TPS2 land use zoning table.
### SUBMISSION

<table>
<thead>
<tr>
<th>No.7 Mrs Andrea Wheeler - 15</th>
</tr>
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<tbody>
<tr>
<td>Paperbark Mews, WARNBRO WA 5169</td>
</tr>
</tbody>
</table>

As a resident and rate payer under the Rockingham Shire it is of great concern to me that we are now placed in the undesirable position of losing the fundamental character of our cul-de-sac to the proposed use of lots 406, 407 and 411.

In October the residents of Paperbark Mews submitted a letter of objection containing 57 co-signed signatures against the proposal, Council members noted that a number of these signatures were from persons “outside the boundary of the consultation plan” and I wish to comment on this point. These people are also residents and Rate Payers living within the Rockingham Boundaries some of whom do frequent Paperbark Mews as they are parishioners of Saint Brendan’s Church on the entrance of Paperbark Mews, Therefore were equally alarmed at the proposed re-zoning of the aforementioned lots to special commercial and all that this type of zoning could potentially include!

Should the owner/developer decide not to build a medical centre, Pharmacy ECT due to a lack of expression s of interest in the running of a medical centre? This is equally of great concern. We all agreed this re-zoning could also result in many potential home buyers feeling dubious of building or purchasing a property in the Rockingham are close to vacant lots with the uncertainty of not knowing what could be constructed next to them!

I ask that you reject this proposed re-zoning and maintain the current status of lots 406, 407 and 411 Paperbark Mews, Warnbro as Residential.

Thank you for listening to my comments.

### COMMENT

| Noted |

The potential impact of the proposed Scheme Amendment on St Brendan Church is considered to be negligible. The Church is located at the entrance to Paperbark Mews. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process.

The Special Commercial Zone is considered to be a transitional zone between residential and traditional commercial land uses. Ultimately it is at the discretion of the City as to what land uses will be approved in this area. Through the Planning Approval process the City can ensure that only a land use, compatible with nearby residential development, is approved in this area.

Buyer uncertainty and property values are not relevant Town Planning considerations.

### RECOMMENDATION

| That the submission be not upheld. |

Thank you for listening to my comments.
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.8 Mr Scott and Mrs Natalie Davidson - 11 Paperbark Mews, WARNBRO WA 6169</td>
<td></td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>We would like to put our objection forward, towards the proposed rezoning of lots 406, 407 and 411 Paperbark Mews from Residential R20 to Special Commercial. Please consider the following points in your capacity as representatives of our local community.</td>
<td>Noted</td>
<td></td>
</tr>
<tr>
<td>1. Ingress and Egress from Paperbark Mews</td>
<td>1. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process</td>
<td></td>
</tr>
<tr>
<td>2. Vandalism and Unsocial behaviour</td>
<td>2. There is no evidence to suggest that the development will increase crime in the area.</td>
<td></td>
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<tr>
<td>3. Safety of residents (including our children)</td>
<td>3. See previous responses</td>
<td></td>
</tr>
<tr>
<td>4. Increased Traffic Flow, both Pedestrian and Mechanical</td>
<td>4. Both Currie Street and Hokin Street are classified Local Distributor under Main Roads WA Road Hierarchy. As such, they are both capable of accommodating up to 6,000 vehicles per day (vpd). The impact of traffic can be further investigated at the DA stage and any Planning Approval would to the satisfaction of the City’s Traffic Engineers.</td>
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<tr>
<td>5. House/Land devaluation.</td>
<td>5. This is not a relevant Town Planning Consideration.</td>
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</tr>
<tr>
<td>6. Collective of Residents from Paperbark Mews and Surrounding Streets within the Local Area, against the proposal.</td>
<td>6. The collective objection is noted by the City, however, the objections are not considered to contain sufficient Town Planning merit to warrant support.</td>
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</tr>
<tr>
<td>7. Everyone that purchased land in Paperbark Mews, did so on the premise that it was zoned residential and would remain so.</td>
<td>7. Noted</td>
<td></td>
</tr>
<tr>
<td>8. The integrity and Character of a ‘Safe and Appealing Suburban Street’ will be lost and would directly impact every single resident in the street. On a personal level, when we bought land on Paperbark Mews, it was for a reason.</td>
<td>8. The design has given careful consideration in ensuring that the commercial development will not change the residential character of Paperbark Mews.</td>
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<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<tr>
<td>Buying in a cul-de-sac gave us a sense of security and safety for when we had children. It would only, usually be local traffic on the street and neighbours would be more aware of anything that seemed out of place or untoward. We now have two young daughters, aged nine and seven. But what makes it even more prevalent now, when we made the decision to buy in a close street for a safer environment for our kids, is that our youngest one has a severe to moderate intellectual handicap. The kids safety is paramount in our eyes and anything that could change that ideal, would have a devastating effect on our family unit. I hope you all have the foresight and integrity to see that the rezoning of these Paperbark Mews lots is fundamentally wrong and that you take into consideration not just our plight to stop these changes but the concerns of every single constituent within our community.</td>
<td>The ICP envisages a development that is a single storey, with verandahs and a pitched roof, segmented in size to be compatible with neighbouring residential dwellings. Through the Planning Approval process, the City can ensure that the development will complement the existing development and blend in with the residential amenity of the locality in accordance with the ICP. Paperbark Mews is proposed to remain a cul-de-sac. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process.</td>
<td>Noted</td>
</tr>
<tr>
<td>No.9 Mrs Eva and Mr Niall O Rourke - 16 Paperbark Mews, WARNBRO WA 6169 We wish to express our opposition to the proposed re-zoning for residential R20 to Special Commercial use of Lots 406, 407 and 411 Paperbark Mews. Along with the concerns raised in the joint letter submitted on 21 October 2014 we are also concerned regarding the negative impact this development will have on the local area. We bought our block from plan and built our house in this particular cul-de-sac based on its location, layout and design. It is our belief that the owner of the 3 blocks in question purchased his blocks purely with a commercial interest in mind, taking into consideration their location adjacent to the commercial property already owned by him.</td>
<td>Noted</td>
<td>That the submission be not upheld</td>
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</tbody>
</table>

This is not a relevant Town Planning Consideration.
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
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<tbody>
<tr>
<td>We understand that current land sale caveats stipulate that land must be developed within a certain time whereas he has been allowed to leave these blocks in a poor state for 17 years with no consideration for his neighbours and total disregard to the value placed by this small community on maintaining a pleasant street appeal. Indeed the commercial properties owned by him leave a lot to be desired in terms of upkeep and maintenance and do not bode well or inspire confidence in how future proposed developments would be maintained.</td>
<td>There is no requirement under TPS2 for the landowner to develop the land.</td>
<td></td>
</tr>
<tr>
<td><strong>No.10 Mr Scott and Mrs Sally Steedman - 13 Paperbark Mews, WARNBRO WA 6169</strong></td>
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<td></td>
</tr>
<tr>
<td>We are concerned residents of Paperbark Mews. A recent submission to rezone lots 406, 407 and 411 to “special commercial” prompted us to write this letter.</td>
<td>Noted</td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>We have five children and brought our home in a cul-de-sac for this reason. Our younger children along with their friends and cousins often ride bikes with other resident's children up and down our street. It is a safe street with most residents planning on staying long term.</td>
<td>Paperbark Mews is proposed to remain a cul-de-sac. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process.</td>
<td></td>
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<tr>
<td>We wouldn't have purchased our home if we thought there was a chance commercial buildings could be built in our cul-de-sac. The Last Drop is a wonderful family restaurant and bar but the carpark does fill up quickly. If commercial buildings are built in the same area there will not be enough parking bays for people.</td>
<td>Noted</td>
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<tr>
<td>Our concern is that visitors to these buildings will use our street and cut across to where they need to go. Cars will park on the road and on our verges and our children will not be safe to play out the front or ride bikes with the extra traffic.</td>
<td>Should the proposal be developed in accordance with the ICP 85 bays would be required for the development. Therefore the ICP demonstrates parking to be provided in accordance with Town Planning Scheme No.2 (TPS2) requirements. Any proposal will comply with the parking standards of TPS2.</td>
<td></td>
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<tr>
<td></td>
<td>There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process.</td>
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<tr>
<td>SUBMISSION</td>
<td>COMMENT</td>
<td>RECOMMENDATION</td>
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<tr>
<td>Should a chemist be built in this area then the added risk is that drug</td>
<td>This is not a relevant Town Planning consideration.</td>
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<tr>
<td>addicted people will buy their needles at the chemist and take drugs close</td>
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<tr>
<td>to homes. Unused needles not disposed of safely could be picked up by</td>
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<td>children, or pets could be harmed. Drug affected people are more likely to</td>
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<td>commit burglaries so we are also at risk of theft to our properties and</td>
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<tr>
<td>cars. Please consider us &quot;the residents&quot; before agreeing to rezoning this</td>
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<td>land. All whom I've spoken to in our street stand together in disagreement</td>
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<tr>
<td>about the submission. We appreciate your time.</td>
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</tbody>
</table>

| No.11 Mr Mark Wheeler - 15 Paperbark Mews, WARNBRO WA 6169                |                                                                         |                                                    |
| As a resident and rate payer of Paperbark Mews I wish to submit my       |                                                                         |                                                    |
| concerns and objection to the re-zoning of lots 406, 407 and 411          |                                                                         |                                                    |
| Paperbark Mews from Residential R20 to Special Commercial.                |                                                                         |                                                    |
| This proposal presents as inconsistent with the common order of a cul-de-sac, and has created serious concern to my neighbours and myself that our quiet cul-de-sac will become a busy thoroughfare of pedestrians and vehicles looking for alternative access to the proposed Medical Centre etc. However should this proposal be sanctioned we would fiercely oppose any laneway or vehicle access and would expect a solid wall to be built to ensure the integrity of the cul-de-sac in maintained. |
| I am equally amazed at the concept of placing a medical centre so close to such an obvious incompatible neighbour the last Drop Tavern however this explains the huge amount of parking bays 89 in total with only two allocated for disabled parking? On this point I would also suggest the Council would need to review their legal duty of care in regard to medical centre patients sharing a carpark with patrons from the Last Drop Tavern this would surely have hazardous implications. |
| I ask that you reject this proposed rezoning and maintain the current status of lots 406, 407 and 411 Paperbark Mews Warnbro, 6169. |                                                                         |                                                    |

| Noted                                                                 |                                                                         |                                                    |

| Paperbark Mews is proposed to remain a cul-de-sac. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street A solid wall is considered to represent a poor streetscape outcome for Paperbark Mews. The City will ensure that access is controlled through the subsequent Planning Approval process. The ICP demonstrates parking to be provided in accordance with Town Planning Scheme No.2 (TPS2) requirements. Any proposal will comply with the parking standards of TPS2. There is no evidence to suggest that a Tavern and a Medical Centre will have a negative impact on each other. Or that the safety of Medical Centre Patrons will be compromised due to proximity to a Tavern. Noted |

| Noted                                                                 |                                                                         |                                                    |

| That the submission be not upheld                                       |                                                                         |                                                    |
### SUBMISSION

<table>
<thead>
<tr>
<th>No.12 Mr Robert and Mrs Robyn Edmondstone - 20 Paperbark Mews, WARNBRO WA 6169</th>
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</thead>
<tbody>
<tr>
<td>My wife and I are residents and rate payers of Paperbark Mews, and we would like to object to the rezoning of lot numbers 406, 407 and 411 from Residential (R20) to Special Commercial. When we bought our block of land in Paperbark Mews 18 years ago, and like all the other people who bought in our street, we were told that all lots were for residential only. I like many others in our street have little children and or grandchildren that play together and live here. We are concerned for their safety and wellbeing with the possibility of extra traffic that will or might use the street to gain entry to any proposals if the rezoning is granted. The proposal for a medical centre, pharmacy, physiotherapy and pathology with a 89 car parking facility which we think is rather big for these facilities. We think this car park will also be used by patrons' going to the local tavern adjacent to the car park. We already have enough hoon drivers now in our area doing burnouts and speeding ie cnr Hokin and Currie, Currie and Parklands Drive and Cnr Paperbark Mews and Parklands Drive. We are afraid that the same will happen in the new car park as well. We have has some serious accidents around here as well when a car lost control and smashed into the tavern. Another accident when a car lost control and hit the lamp pole. There is already a doctor's surgery just around the corner on Safety Bay Road near Hokin Street. We did have a pharmacy on the cnr Hokin Street and Safety Bay Road, but that lasted a few months due to people not using it. We are also concerned about extra noise from vehicles, air conditioners, maybe generator usage. This could start as early as 7.00am onwards to whenever they close late at night.</td>
</tr>
</tbody>
</table>

### COMMENT

| Noted |
| Paperbark Mews is proposed to remain a cul-de-sac. There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval process |

### RECOMMENDATION

| That the submission be not upheld |
| Should the proposal be developed in accordance with the ICP 85 bays would be required for the development. Therefore the ICP demonstrates parking to be provided in accordance with Town Planning Scheme No.2 (TPS2) requirements. Any proposal will comply with the parking standards of TPS2. It is not within the remit of the City to control illegal driving. |

<p>| These are not relevant Town Planning considerations. |
| The proposed development will be required to comply with the Environmental Protection (Noise) Regulations 1997 (Regulations). Given the development has been orientated with car parking away from the adjoining neighbours and given the uses proposed, it is considered that there will not be any undue impact on surrounding neighbours. |</p>
<table>
<thead>
<tr>
<th>SUBMISSION</th>
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</tr>
</thead>
<tbody>
<tr>
<td>If this rezoning is passed who will be liable if there is any damage done to properties due to vibrations while earthworks are being done? What about duty of care for the people in Paperbark Mews. What about our children's safety?</td>
<td>This is no different to damage resulting from earthworks for residential development. Building including footings will be required to comply with the Building Code of Australia. Through compliance with this legislation the safety of surrounding landowners will be ensured throughout any construction.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Again everybody who bought in our cul-de-sac did so believing it was for residential, only not to find out now the owner of these 3 lots at the end of the cul-de-sac want to apply for rezoning and change it to special commercial. Dear councillors I, like many others in our street would like you to reject this rezoning application and leave these 3 lots as residential lots. I thank you for allowing me to speak against this application. But if this rezoning is passed by you we would like a high brick or limestone wall built so there would not be any access at all by foot or vehicle at the end of our cul-de-sac.</td>
<td>Noted.</td>
<td></td>
</tr>
</tbody>
</table>

Committee Voting – 4/1
(Cr Hamblin 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
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-004/15 Proposed Building Envelope Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD024.2014.0000043.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr John and Mrs Stephanie Blackler</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr John and Mrs Stephanie Blackler</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Nick Michael, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr David 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>19 January 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1029 Gaze Grove, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>3,346m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Special Residential</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>2. Aerial Photograph</td>
</tr>
<tr>
<td></td>
<td>3. Existing and Proposed Building Envelope Plan</td>
</tr>
<tr>
<td></td>
<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photograph
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1029 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.

The approved Building Envelope is set back 2m from the southern boundary, 15m from the western boundary, 12m from the eastern boundary, 13m from the northern boundary and 12m from the southern boundary.

The topography of the lot is generally flat, and the only vegetation is to the north-west of the site.

Details

The applicant seeks approval to increase the size of the approved Building Envelope from 696m² to 765m² (an increase of 10%). The modification of the Building Envelope is to allow for the construction of a pool and 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
- No vegetation will be removed, and will allow for planting of indigenous trees.
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 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.
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 and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration 4:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. **Policy**

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

The proposed Building Envelope variation complies with the objectives and policy provisions of PP3.3.17. The proposed increase is 10%. The bush fire risk is not considered to increase as a result of the modification. The proposed building envelope is 5.9m setback from the eastern boundary, the modification is for an outbuilding of which will have minimal effect on the neighbouring property.

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
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

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 given no vegetation is affected 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 1029 Gaze Grove, Golden Bay.

Committee Recommendation

Moved Cr Hill, seconded Cr Hamblin:

That Council APPROVE the application to vary the Building Envelope at Lot 1029 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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<tr>
<td>Applicant:</td>
<td>Mr Scott Findlay and Mrs Nardia Findlay</td>
</tr>
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<td>Owner:</td>
<td>Mr Scott Findlay and Mrs Nardia Findlay</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David 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>19 January 2015</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
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<td>Nature of Council’s Role in this Matter:</td>
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</table>

| Site:                   | Lot 1014 Peelfold Glen, Golden Bay            |
| Lot Area:               | 2,230m²                                       |
| LA Zoning:              | Special Residential                            |
| MRS Zoning:             | Rural                                         |
| Attachments:            | Proposed Site Layout Plan                      |
| Maps/Diagrams:         | 1. Location Plan                               |
|                        | 2. Aerial Photograph and Approved Building Envelope |
|                        | 3. Existing and Proposed Building Envelope     |
|                        | 4. Consultation Plan                           |
**Purpose of Report**

To consider an application to vary the approved Building Envelope at Lot 1014 Peelfold Glen, Golden Bay.

**Background**

The applicant was granted Planning Approval for a Single House in August 2014.

**Details**

The applicant seeks approval to alter the layout of the approved Building Envelope to construct a Shed at the rear of the approved Single House. It is proposed to increase the size of the Building Envelope from 600m² to 660m² (10%).
3. Existing and Proposed 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 six nearby owners and occupiers for comment, for a period of fourteen days, as shown on the Consultation Plan below. At the close of the advertising period, no objections were received.
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 and Strategic Objective(s) contained in the Community Plan 2015-2025:

Aspiration 3: Sustainable Environment

Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy

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

The proposed Building Envelope variation complies with the objectives and policy provisions of PP 3.3.17. The proposed increase in Building Envelope size is 10%. The configuration is regular in shape and the bushfire risk is not considered to increase as a result of the proposed modification. A ‘Banksia Attenuata’ (Candlestick Banksia) mature tree will be required to be removed to allow for the construction of the proposed Shed, however, this is offset by the extent of remanent vegetation retained on-site.

Planning Policy 3.3.1 – Rural Land Strategy/ Planning Unit No.3

The proposed Building Envelope variation complies with the objectives and policy provisions of PP 3.3.1. The subject site is located approximately 160m west of Mandurah Road and is separated from Mandurah Road by Peelfold Glen and ‘Special Residential’ lots that bound Mandurah Road.

e. Financial

Nil

f. Legal and Statutory

Nil
g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
The proposed Building Envelope complies with PP3.3.17 and PP3.3.1. 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.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVE the application to vary the Building Envelope at Lot 1014 Peelfold Glen, Golden Bay.

Committee Recommendation
Moved Cr Elliott, seconded Cr Pease:
That Council APPROVE the application to vary the Building Envelope at Lot 1014 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

<table>
<thead>
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<th>Reference No &amp; Subject</th>
<th>PDS-006/15 Proposed Building Envelope Variation</th>
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<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Mrs S Teo</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr S and Mrs S Teo</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior 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>
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<td>Date of Committee Meeting:</td>
<td>19 January 2015</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

- Site: Lot 1024 Peelfold Glen, Golden Bay
- Lot Area: 2,113m²
- LA Zoning: Special Residential
- MRS Zoning: Rural

**Attachments:**
- 1. Location Plan
- 2. Aerial Photo
- 3. Existing and Proposed Building Envelope
- 4. Consultation Plan
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1024 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 1024’s approved Building Envelope is setback 7m from the western boundary, 8m from the southern boundary, 14m from the eastern (Gaze Grove) boundary and 12m from the northern (Peelfold Glen) boundary. The site has a number of mature trees on the northern and eastern edges. The topography is generally flat.

Details

The applicant seeks approval to increase the size of the approved Building Envelope from 600m² to 660m² (an increase of 10%), and modify the location of the Building Envelope. The modification of the Building Envelope is to allow for the construction of a dwelling, shed and septic system. The proposed variation will not result in the removal of any vegetation.

3. Existing and Proposed 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 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, one submission of no objection was received.

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 and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration 4:** Sustainable Environment

**Strategic Objective:** Land Use and Development Control - Planning for population grown and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
Planning and Engineering Services Committee Minutes
Monday 19 January 2015
PDS-006/15

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 16 FEBRUARY 2015

d. Policy
Planning Policy 3.3.17 - Variations to Building Envelopes (PP3.3.17)
The proposed Building Envelope variation complies with the objectives and policy provisions of PP 3.3.17. The proposed increase in size is exactly 10%. No vegetation will be required to be removed as a result of the variation. The configuration is regular in shape and 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
Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

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 1024 Peelfold Glen, Golden Bay.

Committee Recommendation
Moved Cr Hamblin, seconded Cr Elliott:
That Council APPROVE the application to vary the Building Envelope at Lot 1024 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>DD024.2014.0000032</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Mr Derohn Constantine</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Mr Derohn Constantine</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>19 January 2015</td>
</tr>
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<td><strong>Disclosure of Interest:</strong></td>
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<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Tribunal</td>
</tr>
</tbody>
</table>

| **Site:**                  | Lot 201 Emerald Court, Singleton              |
| **Lot Area:**              | 2.0ha                                         |
| **LA Zoning:**             | Special Rural                                 |
| **MRS Zoning:**            | Rural                                         |
| **Attachments:**           |                                               |
| **Maps/Diagrams:**         | 1. Location Plan                              |
|                            | 2. Aerial Photograph and Approved Building Envelope |
|                            | 3. Proposed and Approved Building Envelope    |
|                            | 4. Site Photo                                 |
|                            | 5. Consultation Plan                          |
|                            | 6. Proposed Site Layout Plan                  |
2. Location Plan

2. Aerial Photograph and Approved Building Envelope

**Purpose of Report**

To consider an application to vary the approved Building Envelope at Lot 201 Emerald Court, Singleton.

**Background**

The applicant was granted Planning Approval for a Shed in October 2013. It was subsequently established by the City that the shed was partly located outside of the approved Building Envelope.

In October 2014 the applicant lodged an application for a Single House, which has been deferred pending the outcome of the proposed modification to the approved Building Envelope.
The applicant seeks approval to amend the orientation of the approved Building Envelope to facilitate the construction of a Single House, retaining walls and the shed. It is proposed to reduce the size of the approved Building Envelope from 2000m² to 1915m². The applicant’s justification for the modification is to move the Building Envelope further south in order to preserve the natural contours of the hill and reduce the visual impact of the proposed development from Mandurah Road.

4. Proposed and Approved Building Envelope

5. Site Photo – Taken from Emerald Court
**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 three nearby owners and occupiers for comment, for a period of 18 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 and Strategic Objective(s) contained in the Community Plan 2015-2025:

- **Aspiration 3:** Sustainable Environment
- **Strategic Objective:** Land use and Development Control: Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.
d. **Policy**

**Planning Policy 3.1.1 – Rural Land Strategy (PP3.1.1)**

The proposed Building Envelope variation complies with the objectives and policy provisions of PP 3.3.1 as the proposed Building Envelope location is similar to the current approved location and will not be an intrusion into the landscape.

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

The proposed Building Envelope variation complies with the objectives and policy provisions of PP3.3.17. The proposed reduction in size is 4.25% (85m²). The configuration is regular in shape and the bushfire risk is not considered to increase as a result of the proposed modification.

Vegetation and earthworks clearing has occurred outside of the approved Building Envelope to facilitate the construction of a rear vehicular access leg. As displayed on Figure 6: *Proposed Site Layout Plan*, this area should be re-planted to the City’s satisfaction, in order to protect the ‘Mandurah Road Viewshed’ and maintain the integrity of the environment.

![Proposed Site Layout Plan](image)

6. Proposed Site Layout Plan

e. **Financial**

Nil

f. **Legal and Statutory**

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

*Clause 7(b) – Part 9, Schedule 4, Planning Unit 3, Special Rural Zones states:*

Where Building Envelopes are approved in relation to any lot, no clearing or development other than for fire management purposes or to construct a vehicle accessway that has received the prior written approval of the Council, shall be approved outside the designated building envelope.
g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The proposed Building Envelope complies with PP3.3.17 and PP3.3.1. There will be no impact of the proposed Building Envelope on the amenity of neighbouring properties and no objections were raised to the proposal by adjoining owners.

In accordance with Clause 7(b), Part 9, Schedule 4 of the TPS2, the proposed Building Envelope should be approved subject to the rear vehicular access leg being re-planted, as delineated in blue on the proposed Site Layout Plan.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application to vary the Building Envelope at Lot 201 Emerald Court, Singleton, subject to the area of land cleared outside of the approved Building Envelope, as delineated in blue on the approved Site Layout Plan, being revegetated using local endemic species to the satisfaction of the City and within 60 days of this approval.

Committee Recommendation

Moved Cr Elliott, seconded Cr Hill:

That Council DEFER the application to vary the Building Envelope at Lot 201 Emerald Court, Singleton, pending an on-site meeting being arranged with Committee members, to further investigate the implications of the relocation of the Building Envelope and that the application be referred back to the Planning and Engineering Services Committee at a later date.

Committee Voting – 5/0

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

The enable Committee members to meet on-site prior to making a decision on the application.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning and Development Services

#### Directorate Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-008/15</th>
<th>Joint Development Assessment Panel Application - Additions and Alterations to Secret Harbour District Shopping Centre - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</th>
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<td>Applicant:</td>
<td>Greg Rowe Pty Ltd</td>
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<tr>
<td>Owner:</td>
<td>Perpetual Limited</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Projects Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
<td></td>
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<td>Date of Committee Meeting:</td>
<td>19 January 2015</td>
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<td>Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</td>
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<td>Lot Area:</td>
<td>Lot 2003 = 30,580m²</td>
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<td>Lot 2010 = 27,493m²</td>
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<td>Lot 2013 = 3,522m²</td>
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<td>Attachments:</td>
<td>Responsible Authority Report</td>
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<td>2. Aerial Photo</td>
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<td>3. Deposited Plan</td>
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<td>4. Site and Ground Floor Plan</td>
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<td>5. Oasis Drive Entry 1</td>
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<td>6. Oasis Drive Entry 2</td>
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<td>7. Warnbro Sound Avenue (East) Elevation</td>
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<td>8. Secret Harbour Boulevard (North) Elevation</td>
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<td>9. Oasis Drive (West) Elevation</td>
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<td></td>
<td>10. Oneida Road (South) Elevation</td>
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</table>
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for the proposed additions and alterations to the Secret Harbour District Shopping Centre, comprising two (2) supermarkets, one (1) mini major, 40 specialty stores, and five (5) kiosks on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour.

Background

History of Approvals
The following outlines the history of Planning Approvals on site:

- February 2005 - Planning Approval issued - Stage 1 Shopping Centre
- September 2005 - Planning Approval issued - Tavern and Drive Thru Bottle shop
- September 2006 - Subdivision Approval issued - to excise the Tavern from the Shopping Centre Site
- May 2007 - Planning Approval issued - Service Station
- September 2007 - Planning Approval issued - Two (2) pylon signs and associated signage (Caltex)
- October 2007 - Planning Approval issued - revised Tavern design
- May 2009 - Modification to Planning Approval issued - Alfresco Area of Tavern

Existing Site Improvements
The existing Secret Harbour Shopping Centre is contained wholly within Lot 2003. It is a single storey building that contains 5,246m² of floor space. The Centre comprises one (1) supermarket (3,800m²), 1,620m² of specialty stores, and an associated car park containing 390 parking spaces.

A Caltex Service Station is located on the north eastern corner of Lot 2003.

The site has two (2) vehicular access points from Warnbro Sound Ave, one (1) from Secret Harbour Boulevard and two (2) from Oasis Drive.

The adjacent Lot 2002 contains the Whistling Kite Tavern and drive thru bottle shop. It gains access over Lot 2003 as shown in the following Deposited Plan.
The proposed development involves additions and alterations to the existing Secret Harbour District Shopping Centre. The development will provide for:

- Extension of the existing supermarket (400m²);
- Demolition of existing floor space (-242m²);
- New additions to shopping centre:
  - Two (2) supermarkets (5,290m² NLA);
  - One (1) mini major (638m²);
  - Forty (40) specialty stores (3,932m²);
  - Five (5) kiosks (90m²);
- Refurbishment of the existing external facades of the building consistent with the extension;
- Extension to the car park to provide a total of 757 parking spaces; and
- Reconfiguration of the on-street parking spaces, to provide a total of 53 car parking spaces on Oasis Drive and Oneida Road.

The applicant is seeking flexibility in the use classes of the speciality tenancies in order to avoid the need for change of use applications. In this regard they are seeking approval for the following uses for the 39 specialty stores, food store, and five kiosks:
- Amusement parlour;
- Betting Agency;
- Convenience Store;
- Dry Cleaning Premises;
- Fast Food Outlet;
- Health Studio;
- Laundromat;
- Lunch Bar;
- Market;
- Medical Centre;
- Office;
- Restaurant;
- Shop;
- Showroom;
- Small Bar;
- Tavern; and
- Veterinary Clinic.

The development proposes to provide the following changes to vehicular access points:
- An additional left in/left out onto Warnbro Sound Avenue;
- Deletion of the existing southern access onto Oasis Drive;
- A new 'service road' left in/left out at the southern end of Oasis Drive; and
- A new access on Oneida Drive.
4. Site and Ground Floor Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 FEBRUARY 2015

PRESIDING MEMBER
6. Oasis Drive Entry 2
7. Warnbro Sound Avenue (East) Elevation
8. Secret Harbour Boulevard (North) Elevation
9. Oasis Drive (West) Elevation
10. Oneida Road (South) Elevation
### Implications to Consider

<table>
<thead>
<tr>
<th>a. Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed land uses are defined as “D” uses under TPS2 which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. With a development which involves a “D” use the Council may give notice of the application to nearby owners and occupiers, if in the opinion of Council, they are likely to be affected by the development. The proposed development is consistent with the adopted Integrated Development Plan and is not likely to adversely affect nearby owners and occupiers. As such, it was not deemed to require notification.</td>
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</table>

<table>
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<tr>
<th>b. Consultation with Government Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application was referred to the Department of Planning and Western Power for comment.</td>
</tr>
</tbody>
</table>

#### 1. Department of Planning

**Submission:**

**(a) Access**

The subject site is currently serviced by two existing vehicular access points from Warnbro Sound Avenue, there is one access point (full movement) located on Secret Harbour Boulevard and two access points on Oasis Drive. The proposed development seeks for an additional access point (Access Street South) from Warnbro Sound Avenue (southern- Left In/ Left Out), Oasis Drive (Service Vehicle Access Only – Left In) and Oneida Road (full movement). The proposal also seeks to remove the existing access from Oasis Drive (full movement).

The Department is unable to support any additional access on a Category 1 Other Regional Roads (ORR) where alternative access is or could be made available and hence recommends no additional access point from Warnbro Sound Avenue. This is in accordance with the Commission’s Regional Roads (Vehicular Access) Policy D.C. 5.1, which states that where alternative access is or could be made available from side or rear streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply. This policy seeks to reduce number of accesses on to regional roads.

In this case, however, the Department will consider the proposed left-in left-out access (Access Street South) from Warnbro Sound Avenue, if the existing left-in left-out access (Access Street North) on Warnbro Sound Avenue is closed. That section of the parking area already has good access via the all movement access points on Warnbro Sound Avenue (Access Street Middle) and Secret Harbour Boulevard.

The Department also recommends that the existing access from Oasis Drive (full movement) should be retained so that the traffic can distribute evenly and may create less pressure on other roads nearby.

**Applicant’s Response:**

The applicant has advised that the Access Street North on Warnbro Sound Avenue cannot be altered until the existing lease with Caltex expires (1 March 2018). The applicant has suggested imposing a condition on the approval requiring the deletion of the left out movement from the site at the Access Street North intersection on Warnbro Sound Avenue after the expiry of the lease in order facilitate an additional access point at the Access Street South from Warnbro Sound Avenue.

The Traffic Impact Assessment (TIA) submitted with the application stated that the Access Street South on Warnbro Sound Avenue can be conditioned and constructed as part of the future Pad Sites 1 and 2 developments.
<table>
<thead>
<tr>
<th>City’s Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City supports the Department of Planning's position to not support the proposed Access Street South intersection on Warnbro Sound Avenue until such a time as another intersection is removed.</td>
</tr>
</tbody>
</table>

**Recommendation 1:**

*A condition be imposed prohibiting the Access Street South intersection with Warnbro Sound Avenue until such a time as the Access Street North is removed.*
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 16 FEBRUARY 2015

11. Intersections
### Submission:
#### (b) Intersection Analysis - Warnbro Sound Avenue/Access Street Middle
SIDRA analysis for the existing Warnbro Sound Avenue/Access Street Middle intersection shows a level of service of 'F' for right turn movements on to Warnbro Sound Avenue with a degree of saturation above 1.0, average delays of between 57.8 seconds to 255.4 seconds and up to 49.6m queuing length. This level of service is undesirable and as such it is recommended that this scenario be addressed via an improved design solution which addresses this poor level of service (F) for vehicles turning right from Access Road Middle. Consultants will have to demonstrate (as per their assumption) that customers will use other exit points if the right turn lane becomes too congested.

**Applicant’s Response:**
The applicant has proposed to delete the right turn movement out from the site at the Access Street Middle intersection on Warnbro Sound Avenue in order to achieve an adequate level of service for the intersection.

**City’s Comment:**
The City supports the prohibition of the right out movement from the Access Street Middle to Warnbro Sound Avenue to ensure appropriate intersection performance.

#### Recommendation 2:
A condition be imposed restricting the Access Street Middle intersection on Warnbro Sound Avenue to Left in/Left out/Right in only.

### Submission:
#### (c) Intersection Analysis - Warnbro Sound Avenue/Oneida Drive
SIDRA analysis for the existing Warnbro Sound Avenue/Oneida Drive intersection shows a level of service of 'F' for left turn movements on to Warnbro Sound Avenue with a degree of saturation just below 1.0, average delays of 115 seconds and up to 52.6m queuing length. This level of service is undesirable and unacceptable to the Department and as such it is recommended that this scenario be addressed via an improved design solution (e.g. adding a right turn lane on Oneida Road). The consultant will have to demonstrate by further SIDRA analysis that a particular modified intersection design will increase the operational efficiency of this intersection to an acceptable level.

It is noted that Schematic Geometry of this intersection is different from the SIDRA analysis model. The analysis showed 3 lane approach for Warnbro Sound Avenue where geometry of the intersection showed 2 lane approaches for Warnbro Sound Avenue.

**Applicant’s Response:**
The applicant has revised the SIDRA analysis for this intersection which has determined that it continues to operate at an unsatisfactory level immediately after the development is operational. Roundabout and traffic signals were also modelled as intersection treatments, both of which resulted in the intersection operating at a satisfactory level post development.

**City’s Comment:**
The applicant provided the City with a concept design for a roundabout in this location. It was determined that a roundabout with an appropriate geometry could not be accommodated within the existing road reserve available. Subsequently, a concept design for traffic signals was considered instead, which the City has supported. Traffic signals are also considered to be a more favourable option as they provide for far superior pedestrian access to and from the site.

Main Roads is the approval authority for new traffic signals. ‘Agreement in Principal’ from Main Roads for the new traffic signals is being sought.
Recommendation 3:
A condition be imposed requiring the applicant to contribute to the cost of the installation of the traffic signals.

Submission:
(d) Pedestrian Access
The Department recommends that the analysis should also cater for the Pedestrian Access as most of the surroundings around the Shopping centre are residential. Traffic light controlled pedestrian crossing could be considered if necessary.

Applicant's Response:
N/A

City's Comment:
The City agrees that traffic signals provide for improved pedestrian accessibility. The traffic signals recommended by (c) above will address this concern.

Recommendation 4:
As per (b) above.

2. Western Power

Submission:
Western Power does not have any specific comments at this time to the above proposal, however we would appreciate being kept informed of developments. As there are overhead power lines and/or underground cables, adjacent to or traversing the property the following should be considered, prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.

Applicant's Response:
Nil

City's Comment:
The Applicant is required to consult with Western Power prior to commencing works on the site to determine their requirements.

Recommendation 5:
An advice note to be included on the Planning Approval advising of the need to consult with Western Power prior to works commencing on site.

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

Aspiration 4: Sustainable Environment
Strategic Objective  Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)
The purpose of SPP4.2 inter alia is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.
Clause 5.1 - Activity Centre Hierarchy

Secret Harbour is identified as a 'District Centre' under the Activity Centres Hierarchy in SPP4.2. The proposed development is consistent with the planned activity centre hierarchy.

Clause 5.2 - Activity

The proposed development will facilitate development that will not result in a single-purpose centre. It will also include land uses that will generate additional evening and weekend activity consistent with SPP4.2.

The applicant proposes to include the use 'showroom'. As outlined in SPP4.2 such a land use is not suitable for the core of an activity centre. In this regard, the City does not support the 'showroom' land use as part of the development.

Clause 5.3 - Movement

The subject site was chosen as the location for the District Centre given its proximity to Warnbro Sound Avenue (Other Regional Road). A high frequency public transport service is, however, not available in this area.

Consistent with SPP4.2, the City has set upper limits to parking in TPS2 reflecting the opportunity for reciprocal and shared parking and availability of on-street parking.

SPP4.2 identifies that a parking rate of 4-5 bays per 100m² for shops. This equates to 1 space per 20m²-25m². Given that there is no opportunity for cash in lieu of spaces (because there is no other space within the town centre to provide parking) and public transport service is poor, further reduction of parking below this rate is not considered appropriate. Parking requirements and provision is further discussed in the Planning Assessment section of this report.

Parking facilities are to be located, scaled, designed and landscaped to avoid visual domination of street and public space frontages, and to avoid discontinuity of the urban form and pedestrian amenity. The development provides for a continuation of the main street (Oasis Drive), with all parking provided behind the buildings in this location, consistent with the SPP. Whilst Warnbro Sound Avenue is dominated by parking, its function as an Other Regional Road, makes this more appropriate.

Clause 5.4 - Urban Form

The proposed development is consistent with the urban form requirements of SPP4.2 in that it provides for buildings that address the street, provide for a mix of land uses, provision of public spaces that provide for a quality meeting place. Specifically the development provides for sleeving of the internal large scale retail. Whilst there are some blank walls to Oasis Drive, this has been designed for future expansion of the centre fronting the street.

The City does, however, recommend that a condition be imposed to ensure the treatment of the wall is such that provides for some visual relief and the undeveloped area is landscaped.

Clause 5.5 - Resource Conservation

The application has not identified whether the development will include any measures to contribute to the conservation of resources.

Clause 5.6 - Out of Centre Development

SPP4.2 requires that shop/retails uses are to be located within the pedestrian friendly urban development. Bulky Goods retailing (i.e. showrooms) is unsuitable for the walkable catchment and the core of activity centres, which this site is. As outlined above, the City does not support the 'showroom' land use as part of the development.

Clause 6.6 - Development Control

Clause 6.6.1 of SPP4.2 states that an Activity Centre Structure Plan (ACSP) should be prepared prior to approval of any major development within an activity centre. There is no ACSP for Secret Harbour. The SPP continues that developments should comply with either an endorsed ACSP or a Local Planning (Commercial) Strategy. Assessment of the application against the Local Commercial Strategy (PP3.1.2) is provided below under Local Policies.
The development is consistent with the location and NLA required by the Strategy and the development is located within an appropriate level centre of the activity centre hierarchy.

This development forms Stage 2 of the Secret Harbour Shopping Centre. The staging of the centre is consistent with Clause 6.6.1(3) of SPP4.2, which requires the shopping component of an Activity Centre to be provided in a staged manner reflecting population growth.

Clause 6.6.1(5) of SPP4.2 requires the responsible authority to consider the region planning scheme, town planning scheme or strategy, state planning policy, and any relevant endorsed policy, strategy or plan. These have all been considered in this assessment.

Planning Policy 3.1.2 – Local Commercial Strategy (PP3.1.2)

The subject site is located within the area identified as 'Precinct 3 South Coastal' under PP3.1.2.

Recommended Centre Sizes

The Secret Harbour District Centre is recommended to have a PLUC5 NLA of 15,000m² under PP3.1.2.

The shopping centre overall post development will have a NLA of 15,354m², however, with the range of uses accommodated it will have less than 15,000m² PLUC5 NLA. This is consistent with PP3.1.2.

PP3.1.2 recognises that the objective of the Indicative Development Plan (IDP) prepared for the Secret Harbour Town Centre is:

"to develop a town centre that will be the social, cultural, commercial and activity centre for Secret Harbour and its surrounding district. An integrated distinctly urban townscape character is envisaged with a legible network of human scaled streets and public spaces defined by an ordered and generally contiguous framework of active street front buildings."

Consistent with this, it is imperative that the main street area be 'finished'. The City is, however, unable to require this to occur. Discussions with the applicant on the completion of the 'main street' component will be ongoing.

Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3)

PP3.2.3 provides guidance on development of land within the Secret Harbour Town Centre.

Clause 3 - Policy Objectives

The objectives of PP3.2.3 are:

(i) To create a Town Centre which will be the primary social and commercial focus of the locality and surrounding district.

(ii) To achieve an integrated townscape character that incorporates Main Street design principles.

(iii) To create a built environment and landscape that will make a substantial contribution to the sense of community and identity of Secret Harbour.

(iv) To achieve a contemporary, mixed use development by incorporating the best features of commercially successful townsapes.

(v) To allow the Town Centre to grow in stages, whilst maintaining a 'sense of being' at every stage.

(vi) To maintain flexibility to ensure that various land use combinations can be incorporated as demand emerges.

The proposed development is considered to be consistent with the objectives of the PP3.2.3.

Indicative Development Plan (IDP)

Clause 5 of PP3.2.5 requires the Council to have regard to the IDP in applying PP3.2.3. The IDP is contained within Figure 10.
The proposed development provides for built form that is largely consistent with the IDP, however, provides for more extensive built form. The development provides for an extension of the 'main street' and whilst does not extend for the full length, it has been designed to facilitate it in the future.

Three pad sites have been provided, which are in the vicinity of those shown on the IDP. The State Government has advised that the land identified for the Police Station is no longer required.
General Requirements

PP3.2.2 includes general requirements as well as specific precinct requirements applying to development. A complete assessment of the development against these requirements is provided in the attached RAR. The development is, however, compliant with the policy requirements.

Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)

The application seeks approval for one (1) pylon sign. It is to be 10.2m overall in height, with a signage area of 2.4m x 6.25m.

A complete assessment of the development against the requirements of Policy is provided in the attached RAR. The proposed pylon sign, however, complies with the provisions of the policy apart from the height, which is required to have a maximum height of 9m. The applicant has provided no planning rationale for the height exceedance. In this regard, a condition shall be imposed on any planning approval requiring the sign to have a maximum height of 9.0m.

Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

PP3.3.14 aims to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Bicycle Parking

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Long Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Commercial – District Centre (10,108m² NLA)</td>
<td>1/1,500m² NLA (min 10 spaces)</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
</tr>
</tbody>
</table>

The application plans indicate bicycle parking to be provided outside of Entries 2 and 4, however, quantities have not be indicated. Should the application be approved, it is recommended that a condition be imposed requiring the construction of 10 long term and 16 short term spaces in accordance with PP3.3.14.

End-of-Trip Facilities

With the provision of 10 long term parking spaces, two showers (one male, one female) are required to be provided in accordance with PP3.3.14. The shower is required to be provided in a changeroom in accordance with the policy. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities in accordance with PP3.3.14.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

The proposal was assessed against the requirements of TPS2 and is compliant. Details of the relevant Clauses of TPS2 and an explanation of how the development is compliant are as follows:

Clause 3.2 - Zoning Table

The subject site is zoned ‘District Town Centre’ under TPS2. The proposed uses of 'Amusement parlour', 'Betting Agency', 'Convenience Store', 'Dry Cleaning Premises', 'Fast Food Outlet', 'Health Studio', 'Laundromat', 'Lunch Bar', 'Market', 'Medical Centre', 'Office', 'Restaurant', 'Shop', 'Showroom', 'Small Bar', 'Tavern' and 'Veterinary Clinic' are uses that are not permitted (D), unless the Council has exercised its discretion by granting planning approval.
Clause 4.5 - District Town Centre Zone

The proposed development is considered to be consistent with the objective of achieving a 'Main Street' Town Centre for the District Town Centre Zone, as outlined in Clause 4.5.1 of TPS2. The proposal has also been assessed for conformity with the City's Planning Policy 3.2.3 - Secret Harbour Town Centre, which is addressed below.

Clause 4.5.3 - Planning Principles

The Council is required to have due regard to a number of planning principles in determining any development application. Each principle has been considered in relation to this application in the full assessment provided in the RAR attached to this report. The development is considered to be consistent with the planning principles.

Clause 4.15 - Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2. Whilst the applicant seeks a range of use classes to be approved as part of this application, car parking has been determined on the basis of 'Shop' as it is the most likely use.

Parking Requirements and Provision

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2. Whilst the applicant seeks a range of use classes to be approved as part of this application, car parking has been determined on the basis of 'Shop' as it is the most likely use.

Table 1: Proposed Development TPS2 Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension to existing Centre (400m²-242m²=158m²)</td>
<td>1/22(17) m² NLA</td>
<td>8(10)</td>
</tr>
<tr>
<td>Supermarkets (5,290m²)</td>
<td>1/22(17) m² NLA</td>
<td>241(312)</td>
</tr>
<tr>
<td>Mini Major (638m²)</td>
<td>1/22(17) m² NLA</td>
<td>29(38)</td>
</tr>
<tr>
<td>Specialty Stores (3,932m²)</td>
<td>1/22(17) m² NLA</td>
<td>179(232)</td>
</tr>
<tr>
<td>Kiosks (90m²)</td>
<td>1/22(17) m² NLA</td>
<td>4(6)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>461(598)</td>
</tr>
</tbody>
</table>

Notes:
For the Secret Harbour Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

Based on the TPS requirements, the proposed development requires the provision of a minimum of 461 parking spaces, in addition to that required by the existing developments on site.

Further discussion on parking requirements and provision is provided in the Planning Assessment section of this report.

Clause 5.3 – Control of Advertisements

The application includes one (1) pylon sign adjacent to the central access point to the site from Warnbro Sound Avenue. It is to be 10.2m overall in height, with a signage area of 2.4m x 6.25m.

Clause 5.3.1 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2. The proposed pylon sign is generally consistent with the TPS2 objectives. Further discussion is provided in the 'Policy' Section of the report.
g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Uses</td>
</tr>
<tr>
<td>The applicant is seeking approval for all of the following uses in each of the specialist tenancies:</td>
</tr>
<tr>
<td>• Amusement parlour;</td>
</tr>
<tr>
<td>• Betting Agency;</td>
</tr>
<tr>
<td>• Convenience Store;</td>
</tr>
<tr>
<td>• Dry Cleaning Premises;</td>
</tr>
<tr>
<td>• Fast Food Outlet;</td>
</tr>
<tr>
<td>• Health Studio;</td>
</tr>
<tr>
<td>• Laundromat;</td>
</tr>
<tr>
<td>• Lunch Bar;</td>
</tr>
<tr>
<td>• Market;</td>
</tr>
<tr>
<td>• Medical Centre;</td>
</tr>
<tr>
<td>• Office;</td>
</tr>
<tr>
<td>• Restaurant;</td>
</tr>
<tr>
<td>• Shop;</td>
</tr>
<tr>
<td>• Showroom;</td>
</tr>
<tr>
<td>• Small Bar;</td>
</tr>
<tr>
<td>• Tavern; and</td>
</tr>
<tr>
<td>• Veterinary Clinic.</td>
</tr>
</tbody>
</table>

It is not appropriate to generally permit a collection of land uses for a tenancy without specifically and properly considering the impacts of the development and subsequent appropriateness of the development for that location. For example, some uses may be appropriate to external locations, but not be appropriate for internal locations. In this regard, the City will support the following uses for all specialist tenancies:

• Dry Cleaning Premises;
• Laundromat;
• Office;
• Restaurant; and
• Shop

Any other uses sought as part of the application are not supported without first obtaining subsequent and separate planning approval.

A condition should be imposed on the planning approval outlining the above five (5) approved uses.

Car Parking

Background
The following developments have been previously granted planning approval on the site:

• Stage 1 Shopping Centre (required 422 car parking spaces plus four (4) car parking spaces for people with a disability);
• Tavern (no additional parking requirement); and
• Caltex Service Station (16 car parking spaces plus one (1) car parking space for people with a disability).
The existing developments approved on site require a total of 443 car parking spaces, including those for people with a disability.

The car park was not constructed in accordance with the approved plans. At present on site there are a total of 390 car parking spaces, including 11 spaces for people with a disability. On Oasis Drive there are 11 existing parallel parking spaces. These can be included in the parking provision for the existing development. Based on this, there is a current shortfall of 42 parking spaces on site.

Parking Requirements/Provision

The following table outlines the parking requirements for the proposed development based on the Town Planning Scheme parking requirements.

<table>
<thead>
<tr>
<th>Use</th>
<th>NLA</th>
<th>TPS2 Required</th>
<th>SPP4.2 Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
<td>Rate</td>
</tr>
<tr>
<td>Shop</td>
<td></td>
<td></td>
<td></td>
</tr>
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</tr>
<tr>
<td>Total</td>
<td>10,108</td>
<td>461(598)</td>
<td>407</td>
</tr>
</tbody>
</table>

Notes:
For the Secret Harbour Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

The SPP rates are considered to be reasonable to use given that they allow for reciprocity between uses.

The following table outlines the parking requirements for the site based on existing approvals and the SPP4.2 requirements for the proposed development.

<table>
<thead>
<tr>
<th>Development</th>
<th>Spaces</th>
<th>Spaces for People with a Disability</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 (existing shopping Centre)</td>
<td>422^</td>
<td>4^</td>
<td>426</td>
</tr>
<tr>
<td>Tavern</td>
<td>0^</td>
<td>0^</td>
<td>0</td>
</tr>
<tr>
<td>Caltex</td>
<td>16^</td>
<td>1^</td>
<td>17</td>
</tr>
<tr>
<td>Stage 2 (proposed development)</td>
<td>407</td>
<td>9*</td>
<td>407</td>
</tr>
<tr>
<td>Total</td>
<td>845</td>
<td>14</td>
<td>850</td>
</tr>
</tbody>
</table>

Notes:
^ Based on previous approval requirements
* Parking spaces for people with a disability have been calculated on Building Code of Australia Requirements (i.e. 1/50 overall spaces for Class 6) and is to be included in the overall provision, not in addition to.

The revised site plans provided with application do not reflect what is currently on site in terms of the existing car parking that is not to be amended as part of the application (see Figure 13).
13. Current on site parking to be retained

Based on the existing parking on site that is to be unchanged, plus the modified and new parking areas, the development proposes:

- 256 unchanged existing on-site spaces;
- 69 modified existing on-site spaces;
- 432 new on-site spaces;
- 17 existing on-street parking spaces (Oasis Drive); and
- 42 new on-street parking spaces (Oasis Drive).

Thus the total parking provided is 816 spaces. This is a shortfall of 34 spaces or 4%.

The Planning Approval for the existing shopping centre (Stage 1) required parking to be provided in accordance with the then Planning Policy No 8.1 - City Centre Development Policy Plan (PP8.1). The following table outlines these requirements.
### Table 4: Existing Planning Approval

<table>
<thead>
<tr>
<th>Use</th>
<th>Use</th>
<th>Rate</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket and Specialty Stores</td>
<td>Shop</td>
<td>5,420m²</td>
<td>1/17m²(15m²) GLA</td>
</tr>
<tr>
<td>Tavern/Drive thru Bottle shop</td>
<td>Tavern</td>
<td>587m²</td>
<td>1/5m²(4m²) of bar and public areas including lounges, beer gardens and restaurants.</td>
</tr>
<tr>
<td></td>
<td>Bottle shop</td>
<td>200m²</td>
<td>1/17m²(15m²) GLA</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The parking rates required by PP8.1 are higher than that required by the City's current parking requirements and SPP4.2. Based on the above floor areas, the following would be required by current TPS2 requirements for the tavern and SPP4.2 requirements for shops.

### Table 5: Revised Existing Development Parking Calculations

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket and Specialty Stores</td>
<td>Shop 5,420m²</td>
<td>1 bay per 25m²</td>
</tr>
<tr>
<td>Tavern/Drive thru Bottle shop</td>
<td>Tavern 587m²</td>
<td>1 bay for ever 5m²(4m²) of bar and public areas including lounges, beer gardens and restaurants.</td>
</tr>
<tr>
<td></td>
<td>Bottle shop 200m²</td>
<td>1 bay per 25m²</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Based on the revised parking calculations from SPP4.2 as outlined Tables 2 and 5, the overall shopping centre would require the following car parking:

### Table 6: Revised Overall Parking Calculations

<table>
<thead>
<tr>
<th>Development</th>
<th>Spaces</th>
<th>Spaces for People with a Disability</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 (existing shopping Centre)</td>
<td>343(372)</td>
<td>7*</td>
<td>343</td>
</tr>
<tr>
<td>Tavern (included in Stage 1)</td>
<td>16</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>Caltex</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 2 (proposed development)</td>
<td>407</td>
<td>9*</td>
<td>407</td>
</tr>
<tr>
<td>Total</td>
<td>766 (795)</td>
<td>17</td>
<td>767</td>
</tr>
</tbody>
</table>

Notes:
* Parking spaces for people with a disability have been calculated on Building Code of Australia Requirements (i.e. 1/50 overall spaces for Class 6).
The proposed development includes:

- 757 car parking spaces on site;
- 59 car parking spaces on-street.

Thus the total parking provided is 816 spaces.

Based on the revised parking calculation, the development provides for an excess of 49 spaces.

**Future Development**

Part of the main street (Oasis Drive) has not been developed as part of this application. The applicant has advised it would seek to provide this additional floor space in the future. Based on concept plans provided, there would likely be an approximate additional 900m² NLA. Based on the SPP4.2 parking requirements for shops, an addition 36 parking spaces would be required.

Given the existing excess of parking (49 spaces), there is considered to be generally sufficient parking on site and its surrounds to support the future main street development.

Of concern, however, is the intent to develop the remaining three pad sites. Each of these pad sites would be required to be self-sufficient in terms of parking provision, as there is minimal surplus parking available for their use.

The on-street parking at the southern end of Oasis Drive (21 spaces) will be allocated to the uncompleted main street section. Thus the development will be required to provide a minimum of 38 spaces on street, which equates to the parking provided adjacent to existing and proposed development. The balance of the 767 parking spaces required (729 spaces) will be required to be provided as a minimum on site.

**Access to Coles Loading Dock**

The application originally proposed to provide access to the Coles loading dock via Oasis Drive. The City raised concern with this proposal given Oasis Drive is to be a main street. The applicant has subsequently amended the application to provide heavy vehicle access for the Coles loading dock via the Oneida Road access to the site.

In this regard, a condition is to be imposed prohibiting heavy vehicles from utilising the southern site access on Oasis Drive.

**Intersections**

SIDRA analyses were undertaken for the intersections associated with the development under a number of scenarios pre and post development. There were two intersections identified that would perform at an unacceptable level as a result of the development:

- Access Road Middle and Warnbro Sound Avenue; and
- Oneida Road and Warnbro Sound Avenue.

**Access Road Middle and Warnbro Sound Avenue**

The original SIDRA analysis demonstrated that the right turn out of the site onto Warnbro Sound Avenue would achieve a Level of Service (LOS) F, which is the lowest possible LOS. The applicant has consequently amended the application to remove the right turn movement out of the site at this intersection.

In this regard, a condition is to be imposed prohibiting the right turn movement from the site at the Access Road Middle and Warnbro Sound Avenue intersection.

**Oneida Road and Warnbro Sound Avenue**

The SIDRA analysis demonstrated that the right turn out of Oneida Road onto Warnbro Sound Avenue would not operate at a satisfactory level. Table 9 provides a summary of the critical measures of intersection performance for a variety of scenarios modelled for the intersection.
Table 7: Oneida Road and Warnbro Sound Avenue - SIDRA Analysis - East Bound Lane Oneida Road

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Degree of Saturation (v/c)</th>
<th>Average Delay (seconds)</th>
<th>Level of Service (LOS)</th>
<th>Queue Distance (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015 PM Peak</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no development, existing geometry</td>
<td>0.0036</td>
<td>11.5</td>
<td>B</td>
<td>0.9</td>
</tr>
<tr>
<td>+ development, existing geometry V1</td>
<td>0.449</td>
<td>35.2</td>
<td>E</td>
<td>12.9</td>
</tr>
<tr>
<td>+ development, existing geometry V2</td>
<td>0.736</td>
<td>65.8</td>
<td>F</td>
<td>28.2</td>
</tr>
<tr>
<td>+ development, + left turn lane Oneida V1</td>
<td>0.401</td>
<td>63.8</td>
<td>F</td>
<td>9.5</td>
</tr>
<tr>
<td>+ development, + left turn lane Oneida V2</td>
<td>0.675</td>
<td>95.8</td>
<td>F</td>
<td>18.1</td>
</tr>
<tr>
<td>2025 PM Peak</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>no development, existing geometry</td>
<td>0.105</td>
<td>21.2</td>
<td>C</td>
<td>2.3</td>
</tr>
<tr>
<td>+ development, existing geometry V1</td>
<td>1.480</td>
<td>619.9</td>
<td>F</td>
<td>161.3</td>
</tr>
<tr>
<td>+ development, existing geometry V2</td>
<td>2.284</td>
<td>1329.8</td>
<td>F</td>
<td>329.5</td>
</tr>
<tr>
<td>+ development, + left turn lane Oneida V1</td>
<td>1.000</td>
<td>245.6</td>
<td>F</td>
<td>36.2</td>
</tr>
<tr>
<td>+ development, + left turn lane Oneida V2</td>
<td>1.000</td>
<td>185.8</td>
<td>F</td>
<td>39.0</td>
</tr>
<tr>
<td>+ development, + roundabout V1</td>
<td>0.084</td>
<td>6.8</td>
<td>A</td>
<td>1.8</td>
</tr>
<tr>
<td>+ development, + roundabout V2</td>
<td>0.112</td>
<td>7.0</td>
<td>A</td>
<td>2.5</td>
</tr>
<tr>
<td>+ development, + traffic signals V1</td>
<td>0.066</td>
<td>22.7</td>
<td>C</td>
<td>7.5</td>
</tr>
<tr>
<td>+ development, + traffic signals V2</td>
<td>0.066</td>
<td>22.7</td>
<td>C</td>
<td>7.5</td>
</tr>
</tbody>
</table>

Notes:
V1 = Includes Access Road South and only LI for Access Road North
V2 - Does not include Access Road South

From the above table it can be seen that post development in the 2015 scenario, the east bound lane of Oneida Road would experience a reduction in LOS from B to E or F. If a left turn lane was added to this leg of the intersection there would be no improvement in LOS, however, some small improvements in Degree of Saturation (DoS), average delay, and queue distance would be experienced.

Modelling was not provided for the operation of the intersection with a roundabout or traffic signals for the 2015 post development scenario.

For the 2025 scenario, it can be seen that the intersection would experience a minor reduction in intersection performance moving from LOS B to C. DoS, average delay and queue lengths would increase a little.

Post development, with no change to intersection geometry, there would be a further reduction in LOS from E to F for both V1 and V2 scenarios. DoS, average delay and queue lengths would increase substantially.

If a left turn lane was added, the LOS would remain at F, with DoS, average delay and queue lengths improving.

If a roundabout treatment was utilised the LOS would improve to LOS A, and respectively LOS C for traffic signals. Likewise, DoS, average delay and queue lengths would improve significantly.
Figure 14 shows the change in DOS between the 2015 and 2025 scenarios as well as the maximum levels for unsignalised and signalised intersections accepted by Main Roads WA (Main Roads). DoS is the critical intersection measurement for Main Roads.

14. Intersection Degree of Saturation

From the above figure it can be seen that the intersection, post development with the existing geometry under version 1 (no access road south) will exceed the Main Roads DOS threshold for an unsignalised intersection in mid-2015. For version 2, (with the access road south) it will exceed the threshold in mid-2018. Interestingly, the intersection with no development will remain well below the threshold beyond the 2025 assessment period.

Clearly from the above, it can be seen that the development will cause the intersection to operate at an unsatisfactory level immediately after commencement of development. The introduction of a dedicated left turn lane on Oneida will not improve the intersection functioning to an appropriate level.

Both a roundabout and traffic signals have been modelling for the intersection. Both provide for appropriate functioning of the intersection, with the roundabout providing a higher LOS. A roundabout, however, does not provide for good pedestrian connectivity. Furthermore, preliminary designs of a roundabout have determined that an appropriate sized roundabout cannot be provided within the existing road reserve. For these two reasons, traffic signals are the City’s preferred intersection treatment.

Main Roads WA is the approval authority for traffic signals. The City has had preliminary discussions with Main Roads, however, is waiting formal 'Agreement in Principal' from Main Roads for the traffic signals. Without the traffic signals the development will result in significant adverse traffic impacts without a redesign of the traffic flows around the development. Any redesign would need to be modelled and assessed in order to understand the impacts.

1 Correction of numerical error
15. Concept Intersection Design

Intersection Works Apportionment

The TIA provided with the application identified that the current traffic on Oneida Road is 24 vehicles in the PM Peak Hour (vph). Based on the TIA assumption (Table 2) that vph equates to 9% of the total daily traffic (vpd), the existing vpd for Oneida Road is 267.

The SIDRA modelling provided in the TIA post development (without the Access Street South on Warnbro Sound Avenue) assumes 228vph in the PM Peak Hour. Utilising the 9% assumption, total daily traffic would equate to 2,533vpd for Oneida Road.

It can therefore be seen that the proposed development generates an additional 2,266 vpd on Oneida Road, which comprises 89.5% of all traffic.

It is therefore recommended that conditions be imposed on the approval that requires the applicant to contribute 89.5% of the cost of the intersection works, including the provision of a cost estimate of the works. The applicant is to be responsible for providing the design of the intersection to the City’s satisfaction and Main Roads WA’s specifications.

Whilst the preliminary concept intersection design indicates the upgraded intersection can be contained within the existing road reserve, it is also recommended that a condition be imposed requiring the ceding of land to the Crown for a public road should the detailed design require road widening.
Additional Access from Warnbro Sound Avenue

The application proposes to include a new left in/left out access point to Warnbro Sound Avenue, known as Access Road South.

*DC Policy No.5.1 - Regional Roads (Vehicular Access)* states that on Regional Roads (not constructed to freeway standards) there is a general presumption against the creation of new driveways or increased use of existing accesses to these roads. Further, where there is alternative access available from side streets, no direct access shall be permitted unless special circumstances apply. The basis of this restriction is to ensure the traffic flow and safety on the regional road is maintained.

As outlined in the 'Consultation' Section of this report, the DoP has advised it would not support any new access driveways along Warnbro Sound Avenue unless existing access driveways were removed. The applicant has suggested that the Access Road North could be amended to a left in only intersection in order to obtain the new left in at the Access Road South point. This modification could, however, only occur after 1 March 2018 once the existing Caltex lease had expired.

The TIA submitted with the application stated that the Access Street South on Warnbro Sound Avenue can be conditioned and constructed as part of the future Pad Sites 1 and 2 developments. In this regard, it is recommended that the new Access Street South on Warnbro Sound Avenue only be permitted to be constructed once the Access Street North has been removed.

**Main Street Design**

Oasis Drive is to be provided as a 'main street' consistent with PP3.2.3. The proposed development has not provided street front shops along Oasis Drive for the southern half of the shopping centre (see Figure 14). Although the City sought to have the entire length of the Oasis Drive 'main street' shops constructed as part of this Development Application, the applicant advised that it was not commercially viable to build all of them in one stage, as there were insufficient 'main street' tenancies to fill the shops.

The applicant has provided the City with a concept plan to demonstrate that future development can be provided in this location (refer Figure 15). Based on this, the City has determined that sufficient parking would be available on site to support the additional NLA. The City will continue to liaise with the applicant to ensure the 'main street' component is completed in a timely manner.
17. Main Street Concept Plan

In the period before the additional floorspace is provided, the area is to be landscaped and the blank walls of the building fronting Oasis Drive to be treated to 'break up' the extensive area generally in accordance with the elevation plans and to the City's satisfaction. This would be a condition on any approval.

Conclusion

The proposal involves demolition of a minor portion of the existing shopping centre, substantial extension of the shopping centre, and associated car parking and a pylon sign.

The proposed development is considered to be compliant with TPS2 and Policy. Where variations are proposed, these have been assessed and considered acceptable in the context of the locality.

It is recommended that the application be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the proposed additions and alterations to the existing Secret Harbour District Shopping Centre at Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the 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:

Approve DAP Application reference DP14/117993 and accompanying plans (as amended in red):

- Ground Floor Plan, Drawing No. DA02, Issue H, dated 26.11.14;
- Oasis Drive Town Square Plan Entry 1, Drawing No. DA03, Issue D, dated 07.10.14;
- Oasis Drive Town Square Plan Entry 2, Drawing No. DA04, Issue D, dated 07.10.14;
- Entry Plan 4, Drawing No. DA05, Issue D, dated 07.10.14;
- Roof Plan, Drawing No. DA06, Issue D, dated 07.10.14;
- Elevations, Drawing No. DA07, Issue D, dated 07.10.14;
- Elevations, Drawing No. DA08, Issue F, dated 14.11.14
- Sections + Views, Drawing No. DA010, Issue D, dated 07.10.14;
- Signage External, Drawing No. DA012, issue E, dated 07.10.14;
Proposed Signalised at the Oneida Road/Warnbro Sound Avenue Intersection, Issue B, Dated 11-12-2014

in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. 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.

2. The specialist tenancies marked as 'tenancies' on the plans are approved for use as: 'Dry Cleaning Premises', 'Laundromat', 'Office', 'Restaurant', and 'Shop' as defined by the City of Rockingham's Town Planning Scheme No.2.

3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and must be completed prior to occupation.

4. Prior to issue of a Building Permit, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.

5. Where the approved plans referenced in Condition No. 4 show that a portion of Lot 2013 is required for the construction of the intersection, then that portion must be ceded to the Crown for the purposes of a public road, free of cost, prior to occupation of the development.

6. Prior to issue of a Building Permit, arrangements being made with the City of Rockingham for the partial payment (89.5%) of the cost to engage a suitably qualified Quantity Surveyor, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4.

7. Prior to any works occurring, arrangements being made with the City of Rockingham for the partial payment (89.5%) of the cost of the intersection works as advised by the Quantity Surveyor referenced in Condition No. 6.

8. The proposed access street intersections with Warnbro Sound Avenue, Oneida Road and Oasis Drive must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development.

9. The Access Street Middle on Warnbro Sound Avenue must only provide for Left in/Left Out/Right in traffic movements from the site.

10. The Access Street South on Warnbro Sound Avenue must not be constructed unless and until the Access Street North on Warnbro Sound Avenue is removed, rehabilitated, paved and landscaped to the satisfaction of the City of Rockingham.

11. The undeveloped area fronting Oasis Drive is to be landscaped and the blank walls of the building fronting Oasis Drive to be treated generally in accordance with the Elevations Plan, Drawing No.DA08, dated 14.11.2014, and to the City's satisfaction, prior to occupation of the development and maintained until that land is occupied by streetfront shops.

12. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

13. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.

14. A Landscaping 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, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
(ii) Any lawns to be established;
(iii) Any natural landscape areas to be retained;
(iv) Those areas to be reticulated or irrigated; and
(v) The street setback area and all verge areas.

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

15. The carpark must:
(i) provide a minimum of 729 parking spaces;
(ii) be designed in accordance with User Class 3A of the 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;
(iii) include seventeen car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
(v) have lighting installed, prior to the occupation of the development; and
(vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

16. Thirty-eight (38) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development.

17. Sixteen short-term bicycle parking spaces and ten long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

18. Two secure hot-water showers (one male, one female), change room and clothing lockers must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.

19. 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) details of screening of the bins from view from the street;
(iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
(iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
(v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
(vi) frequency of bin collections; and
(vii) the bin storage area drainage details.
All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

20. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.

21. Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive.

22. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:
   (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest ‘noise sensitive premises’ and surrounding residential area;
   (ii) tonality, modulation and impulsiveness; and
   (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

23. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Oasis Drive, at all times.

24. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

25. The Pylon Sign must be reduced in height to a maximum overall height of 9.0m.

26. 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. The Pylon Sign is, however, approved as part of this application.

**Advice Notes**

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

2. A separate approval from the City of Rockingham’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham’s Health Services in this regard.

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

4. With respect to Condition 15, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

6. An Outdoor Eating Area Licence from the City’s Health Services is required under the Activities in Public Places and Thoroughfares and Trading Local Laws 2001. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City’s Health Services in this regard.
7. The development (awnings) must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.

8. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power should be consulted prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached."

**Committee Recommendation**

Moved Cr Elliott, seconded Cr Pease:

That Council **ADOPT** the Responsible Authority Report for the proposed additions and alterations to the existing Secret Harbour District Shopping Centre at Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and must be completed prior to occupation.

4. Prior to issue of a Building Permit, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham.

5. Where the approved plans referenced in Condition No. 4 show that a portion of Lot 2013 is required for the construction of the intersection, then that portion must be ceded to the Crown for the purposes of a public road, free of cost, prior to occupation of the development.

6. Prior to issue of a Building Permit, arrangements being made with the City of Rockingham for the partial payment (89.5%) of the cost to engage a suitably qualified Quantity Surveyor, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4.
7. Prior to any works occurring, arrangements being made with the City of Rockingham for the partial payment (89.5%) of the cost of the intersection works as advised by the Quantity Surveyor referenced in Condition No. 6.

8. The proposed access street intersections with Warnbro Sound Avenue, Oneida Road and Oasis Drive must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development.

9. The Access Street Middle on Warnbro Sound Avenue must only provide for Left in/Left Out/Right in traffic movements from the site.

10. The Access Street South on Warnbro Sound Avenue must not be constructed unless and until the Access Street North on Warnbro Sound Avenue is removed, rehabilitated, paved and landscaped to the satisfaction of the City of Rockingham.

11. The undeveloped area fronting Oasis Drive is to be landscaped and the blank walls of the building fronting Oasis Drive to be treated generally in accordance with the Elevations Plan, Drawing No.DA08, dated 14.11.2014, and to the City's satisfaction, prior to occupation of the development and maintained until that land is occupied by streetfront shops.

12. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

13. All stormwater generated by the development shall be designed to be contained of on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.

14. A Landscaping 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, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

   (ii) Any lawns to be established;

   (iii) Any natural landscape areas to be retained;

   (iv) Those areas to be reticulated or irrigated; and

   (v) The street setback area and all verge areas.

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

15. The carpark must:

   (i) provide a minimum of 729 parking spaces;

   (ii) be designed in accordance with User Class 3A of the 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;

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

   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

   (v) have lighting installed, prior to the occupation of the development; and

   (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

The car park must comply with the above requirements for the duration of the development.
16. Thirty-eight (38) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development.

17. Sixteen short-term bicycle parking spaces and ten long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

18. Two secure hot-water showers (one male, one female), change room and clothing lockers must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.

19. 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) details of screening of the bins from view from the street;
   (iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
   (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
   (vi) frequency of bin collections; and
   (vii) the bin storage area drainage details.

   All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

20. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.

21. Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive.

22. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:

   (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
   (ii) tonality, modulation and impulsiveness; and
   (iii) confirm the implementation of noise attenuation measures.

   Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

23. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Oasis Drive, at all times.
24. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

25. The Pylon Sign must be reduced in height to a maximum overall height of 9.0m.

26. 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. The Pylon Sign is, however, approved as part of this application.

**Advice Notes**

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

3. A separate approval from the City of Rockingham’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham’s Health Services in this regard.

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

4. With respect to Condition 15, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

6. An Outdoor Eating Area Licence from the City’s Health Services is required under the Activities in Public Places and Thoroughfares and Trading Local Laws 2001. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City’s Health Services in this regard.

7. The development (awnings) must comply with the *Street Verandahs Local Law 2000* relating to encroachments into the road reserve. The applicant and owner should liaise with the City's Building Services in this regard.

8. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power should be consulted prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.

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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 tenders received for Tender T14/15-57 – Period maintenance on various reserves and streetscape areas in Baldivis central estates, Baldivis, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

Tender T14/15-57 – Period maintenance on various reserves and streetscape areas in Baldivis central estates, Baldivis was advertised in the West Australian on Saturday, 1 November 2014. The Tender closed at 2.00pm, Wednesday, 19 November 2014 and was publicly opened immediately after the closing time.
Details

The scope of the contract is the maintenance of all landscape treatments including turf areas, garden beds, arboriculture works and irrigation within Baldivis central estates.

The period of the contract will be from the date of award or 1 February 2015, whichever is the later date, until 30 June 2018.

Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Lump Sum Total GST Excl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skyline Landscape Services Group Pty Ltd</td>
<td>$ 571,741</td>
</tr>
<tr>
<td>Loch Ness Pty Ltd as trustee for the A J Morley Family Trust &amp; The J &amp; L Troiano Family Trust T/As Loch Ness Landscape Services</td>
<td>$ 746,790</td>
</tr>
<tr>
<td>Gemlodge Pty Ltd T/As Cobey Maintenance</td>
<td>$ 761,804</td>
</tr>
<tr>
<td>Landscaping WA Pty Ltd</td>
<td>$1,338,629</td>
</tr>
</tbody>
</table>

A panel comprising Manager Parks Operations, Parks Contracts Coordinator and Parks Contracts Officer undertook tender evaluations.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Cobey Maintenance</th>
<th>Loch Ness</th>
<th>Skyline</th>
<th>Landscaping WA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>20</td>
<td>15.7</td>
<td>18</td>
<td>14.3</td>
<td>15.3</td>
</tr>
<tr>
<td>Performance and experience of tenderer</td>
<td>20</td>
<td>16.7</td>
<td>16.7</td>
<td>15.0</td>
<td>13.3</td>
</tr>
<tr>
<td>Tenderers resources &amp; delivery/availability</td>
<td>30</td>
<td>27.3</td>
<td>26.7</td>
<td>19.7</td>
<td>18.7</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>30</td>
<td>23.3</td>
<td>23.7</td>
<td>30.0</td>
<td>14.5</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100</td>
<td>82.9</td>
<td>85.0</td>
<td>79.0</td>
<td>61.9</td>
</tr>
</tbody>
</table>

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 Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

   **Aspiration 2:** Strong Community
Strategic Objective: Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional

Aspiration 4: Quality Leadership

Strategic Objective: Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. Policy
In accordance with the City’s Purchasing Policy, for purchases above $100,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. Financial
Operational expenditure will be in accordance with the Engineering and Parks operations maintenance budgets as allocated in the 2014/2015 operational budget.

f. Legal and Statutory

‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $100,000 unless sub regulation (2) states otherwise’.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil

Risk implications of not implementing Officer Recommendation
Nil

Comments
Following consideration of the submissions in accordance with the tender assessment criteria, the submission received from Loch Ness Pty Ltd trustee for The A J Morley Family Trust & The J & L Troiano Family Trust T/As Loch Ness Landscape Services is considered to have demonstrated the best value to the City and therefore are recommended as the preferred tenderer. Loch Ness Landscape Services are a current City contractor and have demonstrated good levels of service.

Voting Requirements
Simple Majority

Officer Recommendation
That Council ACCEPT the tender submitted from Loch Ness Pty Ltd trustee for the The A J Morley Family Trust & The J & L Troiano Family Trust T/As Loch Ness Landscape Services, 7 Savery Way, Rockingham for Tender T14/15-57 – Period maintenance on various reserves and streetscape areas in Baldivis central estates, Baldivis in accordance with the tender documentation for the lump sum amount of $746,790.17 (GST Exclusive) with the contract period being from the date of award or 1 February 2015, whichever is the later date, until 30 June 2018.
Committee Recommendation

Moved Cr Elliott, seconded Cr Hamblin:

That Council **ACCEPT** the tender submitted from Loch Ness Pty Ltd trustee for the The A J Morley Family Trust and The J & L Troiano Family Trust T/As Loch Ness Landscape Services, 7 Savery Way, Rockingham for Tender T14/15-57 – Period maintenance on various reserves and streetscape areas in Baldivis central estates, Baldivis in accordance with the tender documentation for the lump sum amount of $746,790.17 (GST Exclusive) with the contract period being from the date of award or 1 February 2015, whichever is the later date, until 30 June 2018.

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

For Council to consider the results of the ‘RAC Risky Roads Survey 2014’ which pertain to the City of Rockingham and any actions that are considered appropriate.

### Background

In 1905, a group of like-minded motorist formed a group under the name of the Royal Automobile Club of Western Australia (RAC).
The motorists established the club partly for social purposes, such as picnic runs and reliability trials, but also to overcome the hostility of a community that still depended on the horse for road transport. Since then, the RAC has grown into a group of companies that cover many different commercial facets; however their grass roots purpose as a motoring advocate body still remains.

The RAC has a member base of over 800,000 Western Australians and advocates on their behalf on matters including affordable motoring, environmental sustainability, public transport and safe road use. The RAC represents all road users on the WA Road Safety Council and has strong alliances with local government, Main Roads WA (MRWA) and other community road safety organisations.

The RAC’s Risky Roads campaign has been run in alternative years since 2008 and is WA’s biggest public infrastructure survey. The 2014 Risky Roads campaign ran during April and May, providing all Western Australians’ the opportunity to express their views and nominate what they considered sub-standard roads and intersections throughout the state.

The RAC received over 5,000 nominations from across Western Australia and used the information received to compile the Risky Roads Survey document. The document (attached) provides a summary of combined intersection and road nominations across local governments.

### Details

Within the ‘RAC Risky Roads Survey 2014’ report, the top ranked intersections for each metropolitan local government are listed. The document provides information on the location, the most common issue experienced by those that responded to the survey and the suggested improvements recommended by the respondents. The list of Rockingham related roads can be found on page 16 of the RAC Risky Roads Survey 2014; however the list applicable to Rockingham has also been referenced below.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Road/Intersection</th>
<th>Issue</th>
<th>Member Suggestions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ennis Ave x Port Kennedy Drive, Port Kennedy</td>
<td>Inadequate crossing or turning opportunities, speed of vehicles is too high and confusing intersection layout</td>
<td>Lower speed limit to max 80km/h and incorporate an acceleration lane for merging traffic</td>
</tr>
<tr>
<td>2</td>
<td>Mandurah Road (AKA Ennis Ave) x Surf Drive, Secret Harbour</td>
<td>Inadequate crossing or turning opportunities, speed of vehicles is too high and confusing intersection layout</td>
<td>Lower speed limit of Mandurah Road to max 80km/h on approach to Surf Drive</td>
</tr>
<tr>
<td>3</td>
<td>Anstey Road x Mandurah Road, Secret Harbour</td>
<td>Inadequate crossing or turning opportunities, speed of vehicles is too high and a confusing intersection layout</td>
<td>Installation of traffic lights and lower speed limit of Mandurah Road to max 80km/h on approach to Anstey Road</td>
</tr>
<tr>
<td>4</td>
<td>Ennis Ave x Willmott Drive, Cooloongup</td>
<td>Inadequate crossing or turning opportunities</td>
<td>Installation of traffic lights and incorporate an acceleration lane for merging traffic</td>
</tr>
<tr>
<td>5</td>
<td>Eighty² Road x Sixty-Eight Road, Baldivis</td>
<td>Narrow lanes and non-compliance at intersection</td>
<td>Installation of a roundabout and lane widening along Sixty-Eight Road</td>
</tr>
</tbody>
</table>

A table listing the RAC ranked locations and the number of crashes that have been reported at these locations is listed below.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Road/Intersection</th>
<th>Crashes over last 5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ennis Avenue x Port Kennedy Drive, Port Kennedy</td>
<td>74</td>
</tr>
<tr>
<td>2</td>
<td>Mandurah Road x Surf Drive, Secret Harbour</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Mandurah Road x Anstey Road, Secret Harbour</td>
<td>48</td>
</tr>
</tbody>
</table>

² Correction of typographical error
The first four intersections identified are located along the Melville to Mandurah controlled access highway and fall under the care and control of Main Roads Western Australia. Each of these four intersections are exposed to over 11 million vehicle movements per year and therefore the exposure risk of crashing is much higher than a typical local street.

Both Main Roads and City engineering officers have been monitoring these intersections over the last few years, with three of them currently undergoing improvement works or soon will be.

**Ennis Avenue x Port Kennedy Drive, Port Kennedy**

Main Roads is proposing significant changes to this intersection which will incorporate traffic signals to control traffic entering and leaving Port Kennedy Drive and north bound traffic on Ennis Avenue. Main Roads officers recently confirmed that the designs have been completed and tenders for the construction of the works will soon be advertised. The south bound acceleration lane will be retained and the north bound lanes on Ennis Avenue will be subject to a speed limit reduction to 80km/h.

1. Concept of proposed Port Kennedy Drive/Ennis Avenue intersection modifications
Ennis Avenue x Willmott Drive, Cooloongup
Main Roads is progressing with the construction of traffic signals and a south bound acceleration lane for traffic leaving Willmott Drive. Traffic north bound on Ennis Avenue is also to be subject to the traffic signals and a likely reduction in north bound speed limit to 80km/h. It is expected that all work will be complete early in 2015.

Eighty Road x Sixty Eight Road, Baldivis
Out of the five listed intersections, Eighty Road and Sixty Eight Road, Baldivis is the only intersection under City of Rockingham control.
In 2010/2011, the City undertook intersection modifications in an effort to raise the awareness of drivers towards the location of the intersection due to the number of vehicles that were failing to observe the stop signs on the Eighty Road legs. The lack of surrounding development and low traffic volumes through the intersection was seen as a contributing factor to the compliance issues. In response to this acknowledgement, central splitter islands and line marking was installed within Eighty Road to alert drivers approaching the intersection and also allow for additional signage.

In late 2013, in preparation for a new school opening north west of the intersection, negotiations with Main Roads were also entered into to facilitate speed limit reductions along Sixty Eight Road (from 80km/h to 70km/h) and on Eighty Road (from 80km/h to 60km/h) to allow for the installation of a 40km/h school speed zone on both roads.

3. Before and after photos of the Eighty Road/Sixty Eight Road intersection

With the opening of the school and the ever encroaching urban development, the volume of traffic using the Eighty Road/Sixty Eight Road intersection has increased considerably over the last 12 months. When this occurs, there can be a perception by those using the intersection that it is now more dangerous, however it can in fact have a positive effect on safety as drivers now have a greater expectation that they will encounter other vehicles at the intersection and travel through with a higher level of awareness and caution.

Within the next few years however, there are expected to be further significant changes to this intersection. The urban development of the lot to the north east is expected to reach Sixty Eight Road. The alignment of the future Nairn Drive will continue through the subdivision and intersect with Sixty Eight Road at the point where the southern leg of Eighty Road meets. The northern leg of Eighty Road will be closed at Sixty Eight Road and diverted into the estate to intersect with Nairn Drive. A roundabout is proposed to be constructed at the new Nairn Drive/Sixty Eight Road/Eighty Road intersection.
4. Indicative lot layout of Parkland Heights subdivision showing future configuration of Nairn Drive/Sixty Eight Road and Eighty Road intersection

**Mandurah Road x Anstey Drive and Mandurah Road x Surf Drive, Secret Harbour**

Main Roads has not informed the City of any proposed changes to the intersections of Mandurah Road/Anstey Drive and Mandurah Road/Surf Drive in Secret Harbour. A recent letter from Main Road, in response to letters from the City asking for resident safety concerns to be addressed after a series of serious crashes, has provided the following feedback;

**Mandurah Road/Surf Drive** – Main Roads has undertaken a preliminary investigation at this location, and found no road environment factors that contributed to crashes.

In the five year period to 31 December 2013 there has been three reported crashes which indicates at present that the intersection appears to be operating satisfactory.

**Request for U-turn restrictions** – Main Roads is aware that motorists are undertaking U-turns at the intersections of Anstey Road and Surf Drive. However U-turns at these locations is a legal manoeuvre. The onus is on the following motorist to ensure that they drive at the appropriate distance behind to provide sufficient time for them to react to the vehicle ahead. The installation of “No U-turn” signage at these intersections will only encourage motorists to use the illegal crossing points.

**Illegal crossing points** – Main Roads is aware that there are several limestone tracks and road pavement like crossing points along Mandurah Road. Previous experience has shown that when Main Roads has put measures in place to ban U-turns at these locations (e.g. Tree planting and emergency crossover signage), motorists have undertaken the manoeuvre at a different location further up the road which is often a more hazardous location. Consequently this is a driver behaviour issue which Main Roads unfortunately has no control over. Main Roads preference would be to install some form of physical barrier however this is significant capital works for which there is no funds readily available.

A copy of the full letter is an attachment to this report.

**Implications to Consider**

a. **Consultation with the Community**

The RAC Risky Roads Survey 2014 was open to all Western Australian residents however the majority of respondents were RAC members.
b. Consultation with Government Agencies
Consultation with Main Roads Western Australia with regard to intersection safety along Mandurah Road (Melville – Mandurah Highway).

c. Strategic
Community Plan
This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration 4: Quality Leadership
Strategic Objective: Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
Nil

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
The ‘RAC Risky Roads Survey 2014’ is aimed at providing a snapshot of community perceptions of road infrastructure and allows road authorities an insight into how the community views the road network within their area. Importantly, while the respondents to the survey may have valid observations and concerns with the layout or performance of the intersections noted within the report, the ranking within the survey is based on the number of submissions only and is not necessarily representative of the actual crash related data or safety auditing investigations at these locations.

With the two highest ranked intersections in terms of overall crash numbers currently undergoing improvements works by Main Roads WA and the only intersection under the control of the City to be significantly altered in the next few years, the community's view of the City's road network will improve.

The written response from Main Roads referring to the safety of Mandurah Road between the intersections with Anstey Road and Surf Drive shows that they have acknowledged a number of the City’s concerns with intersection performance and have identified counter measures to address some of the issues, though funding is not currently available. City officers, while agreeing with the Main Roads response, will continue to monitor the crash performance of all intersections within the City as part of the annual Black Spot program and will liaise with Main Roads over safety improvements on roads under their control should crash patterns change for the worse.

Voting Requirements
Simple Majority
**Officer Recommendation**

That Council *SUPPORT* the findings of the ‘RAC Risky Roads Survey 2014’ and note the proposed intersection improvements and comments made by Main Roads Western Australia on the Mandurah Road intersections with Surf Drive and Anstey Road in Secret Harbour.

**Committee Recommendation**

Moved Cr Elliott, seconded Cr Hamblin:

That Council *SUPPORT* the findings of the ‘RAC Risky Roads Survey 2014’ and note the proposed intersection improvements and comments made by Main Roads Western Australia on the Mandurah Road intersections with Surf Drive and Anstey Road in Secret Harbour.

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><strong>Reports of Councillors</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td><strong>Addendum Agenda</strong></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td><strong>Motions of which Previous Notice has been given</strong></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td><strong>Notices of Motion for Consideration at the Following Meeting</strong></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td><strong>Matters Behind Closed Doors</strong></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td><strong>Date and Time of Next Meeting</strong></td>
</tr>
<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 16 February 2015</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td></td>
<td><strong>Closure</strong></td>
</tr>
<tr>
<td></td>
<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 <strong>4.45pm</strong>.</td>
</tr>
</tbody>
</table>