MINUTES
Planning and Engineering Services Committee Meeting

Held on Monday 18 March 2019 at 4:00pm
City of Rockingham Boardroom
# City of Rockingham

## Planning and Engineering Services Committee

### Meeting Minutes

**Monday 18 March 2019**

## CONTENTS

1. Declaration of Opening
2. Record of Attendance/Apologies/Approved Leave of Absence
3. Responses to Previous Public Questions Taken on Notice
4. Public Question Time
5. Confirmation of Minutes of the Previous Meeting
6. Matters Arising from the Previous Minutes
7. Announcement by the Presiding Person without Discussion
8. Declaration of Member’s and Officer’s Interest
9. Petitions/Deputations/Presentations/Submissions
10. Matters for which the Meeting may be Closed
11. Bulletin Items
   1. Planning and Development Services Information Bulletin – March 2019
   2. Engineering and Parks Services Information Bulletin – March 2-19
12. Agenda Items – Planning and Engineering Services Committee

### Planning and Development Services

- PD-013/19 Proposed Modification to Building Envelope
- PD-014/19 Proposed Child Care Premises
- PD-015/19 Proposed Road Closure - Portion of Parkin Street, Rockingham
- PD-016/19 Proposed Scheme Amendment No.176 - Omnibus Amendment to Town Planning Scheme No.2
- PD-017/19 Proposed Amendments to Planning Policy 3.3.5 - Child Care Premises
- PD-018/19 Final Adoption - Planning Policy 3.3.9 - Fast Food Outlets
- PD-019/19 Proposed Amendment to Planning Policy 3.3.13 - Parking of Commercial Vehicles in Residential Zones

### Engineering and Parks Services

- EP-007/19 Recommendation from the Coastal Facilities Advisory Committee Meeting held on 25 February 2019
- EP-008/19 Tender T18/19-30 - Standing Offer for the Supply of Road Construction Materials
- EP-009/19 Tender T18/19-31 - Standing Offer for the Supply of Drainage Products

13. Reports of Councillors
14. Addendum Agenda
15. Motions of which Previous Notice has been given
<table>
<thead>
<tr>
<th></th>
<th>Planning and Development Services</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
<td>109</td>
</tr>
<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td>109</td>
</tr>
<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
<td>109</td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
<td>109</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
<td>109</td>
</tr>
</tbody>
</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**

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Chris Elliott</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Cr Leigh Liley</td>
<td>(Deputising for Cr Deb Hamblin)</td>
</tr>
<tr>
<td>Cr Barry Sammels (Mayor)</td>
<td></td>
</tr>
<tr>
<td>Cr Katherine Summers</td>
<td>(Arrived 4:04pm)</td>
</tr>
<tr>
<td>Cr Mark Jones</td>
<td></td>
</tr>
<tr>
<td>Cr Joy Stewart</td>
<td>(Observer)</td>
</tr>
<tr>
<td>Cr Andy Burns</td>
<td>(Observer)</td>
</tr>
</tbody>
</table>

2.2 **Executive**

<table>
<thead>
<tr>
<th>Executive</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Michael Parker</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr Peter Doherty</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Sam Assaad</td>
<td>Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Manager Major Planning Projects</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health and Building Services</td>
</tr>
<tr>
<td>Mr David Caporn</td>
<td>Manager Compliance and Emergency Liaison</td>
</tr>
<tr>
<td>Mr Ian Daniels</td>
<td>Manager Infrastructure Project Delivery</td>
</tr>
<tr>
<td>Mr Manoj Barua</td>
<td>Manager Engineering Services</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
<td>Manager Asset Services</td>
</tr>
<tr>
<td>Mr James Henson</td>
<td>Manager Land and Development Infrastructure</td>
</tr>
<tr>
<td>Mr Adam Johnston</td>
<td>Manager Parks Services</td>
</tr>
<tr>
<td>Mr Peter Le</td>
<td>Senior Legal and Councillor Liaison Officer</td>
</tr>
<tr>
<td>Mr Aiden Boyham</td>
<td>City Media Officer</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
<tr>
<td>Mrs Andrea Holman</td>
<td>EA to Director Engineering and Parks Services</td>
</tr>
</tbody>
</table>

2.3 **Members of the Gallery:**

Nil

2.4 **Apologies:**

Cr Deb Hamblin (Deputy Mayor)

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 Sammels, seconded Cr Jones:
   
   That Committee **CONFIRMS** the Minutes of the Planning and Engineering Services Committee Meeting held on 18 February 2019, as a true and accurate record.
   
   Committee Voting – 4/0

6. **Matters Arising from the Previous Minutes**
   
   Nil

7. **Announcement by the Presiding Person without Discussion**
   
   4:02pm 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 - March 2019

    Health Services
    1. Health Services Team Overview
    2. Human Resource Update
    3. Project Status Reports
       3.1 FoodSafe
       3.2 Industrial and Commercial Waste Monitoring
       3.3 Mosquito Control Program
       3.4 Environmental Waters Sampling
       3.5 Food Sampling
    4. Information Items
       4.1 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 | Permit Approvals               |
| 4.7 | Complaint - Information        |
| 4.8 | Noise Complaints – Detailed Information |
| 4.9 | Health Approvals               |
| 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 | Prosecution Update             |

**Building Services**
- Building Services Team Overview
- Human Resource update
- Project Status Reports
- Information Items
  - Monthly Building Permit Approvals - (All Building Types)
  - Other Permits
  - Monthly Caravan Park Site Approvals

**Compliance and Emergency Liaison**
- Compliance and Emergency Liaison Team Overview
- Human Resource Update
- Project Status Reports
  - Refurbishment of the New Compliance Headquarters
- Information Items
  - Ranger Services Action Reports
  - Building Compliance
  - Emergency Management and Fire Prevention
  - Prohibited Burning Period
  - SmartWatch Key Result Areas

**Strategic Planning and Environment**
- Strategic Planning and Environment Team Overview
- Human Resource Update
- Project Status Reports
  - Local Planning Strategy (LUP/1352)
  - Tamworth Hill Swamp Management Plan
  - Lake Richmond Management Plan Review - Stage 2
  - Coastal Hazard Risk Management and Adaption Plan – Stage 2
  - Bushland Management Plan

4:04pm - Cr Katherine Summers joined the Planning and Engineering Services Committee meeting.

| 4. | Information Items |
| 4.1 | Notification of Structure Plan Advertised under Delegated Authority |
| 4.2 | Notification of Approval of Structure Plan by the Western Australian Planning Commission |
| 4.3 | 2019 Australian Coastal Awards |

**Land and Development Infrastructure**
- Land and Development Infrastructure Team Overview
- Human Resource Update
- Project Status Reports
3.1 Managed Aquifer Recharge (MAR) - Feasibility Study

4. Information Items
4.1 Structure Plan Approval Referrals
4.2 Subdivision Approval Referrals
4.3 Urban Water Management Referrals
4.4 Traffic Report Referrals
4.5 Delegated Land and Development Infrastructure Assets Approvals
4.6 Subdivision Clearance Requests
4.7 Handover of Subdivisional Roads
4.8 Development Application Referrals
4.9 Delegated Subdivision Engineering and Public Open Space Practical Completions
4.10 Delegated Authority to approve the release of Bonds for private subdivisional works

Statutory Planning
1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Heritage Strategy
   3.2 Pedestrian Access Way Strategy Review
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval 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 Third Party Appeals Rights for decision made by Development Assessment Panels - City of Rockingham Submission on Preferred Model to Western Australian Local Government Association (WALGA)

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 Proposed Amendment No’s 161 and 162 to Town Planning Scheme No.2
   3.3 Leeuwin Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Improvements to City Square and Civic Plaza (LUP/1933)
   3.6 Design Review Panel (LUP/2094)
   3.7 Safety Bay/Shoalwater Foreshore Revitalisation Master Plan
4. Information Items

Advisory Committee Minutes
Committee Recommendation

Moved Cr Sammels, seconded Cr Liley:
That Councillors acknowledge having read the Planning Services Information Bulletin – March 2019 and the content be accepted.

Committee Voting – 5/0

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# Engineering and Parks Services Information Bulletin - March 2019

## Engineering and Parks Services Directorate

1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Bushfire Risk

## Asset Services

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Alignment of Asset Classes to A-Spec
   - 3.2 Drainage Condition Audit
   - 3.3 Asset System Data Audit
   - 3.4 Facility Security Plan
   - 3.5 Reserve Electrical Asset Mapping
4. Information Items
   - 4.1 Asset Maintenance Team
   - 4.2 Asset Maintenance - Buildings
   - 4.3 Asset Maintenance – Reserves
   - 4.4 Strategic Asset Management

## Infrastructure Project Delivery

1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Rockingham Beach Foreshore Revitalisation Stage One
4. Information Items
   - 4.1 Aqua Jetty monolith sign, Warnbro
   - 4.2 Baldivis Road and Safety Bay Road, Baldivis
   - 4.3 Council Depot and Operation Centre security electric fence, Rockingham
   - 4.4 Depot nursery bush maintenance shed replacement, Rockingham
   - 4.5 Fantasy Park light emitting diode (LED) lighting renewal, Waikiki
   - 4.6 Governor Road light emitting diode (LED) lighting renewal, East Rockingham
   - 4.7 Kingaroy Reserve play equipment and surrounds, Baldivis
   - 4.8 Lagoon Reserve landscape upgrade, Secret Harbour
   - 4.9 Lighting replacements
   - 4.10 Longbeach Rise Public Open Space, Port Kennedy
   - 4.11 Mersey Point carpark lighting replacement, Shoalwater
   - 4.12 Nairn Drive and Carville Way, Baldivis
   - 4.13 Old Abattoir, Hillman
   - 4.14 Palermo Cove carpark lighting upgrade, Secret Harbour
   - 4.15 Patterson Road and Victoria Street, Rockingham
   - 4.16 Read Street, Warnbro Sound Avenue and Safety Bay Road, Waikiki
4.17 Rockingham Tennis Club extension works, Rockingham
4.18 Secret Harbour Foreshore fitness equipment
4.19 Surf Drive Reserve play equipment and seating, Secret Harbour
4.20 The Ridge Estate pond retaining wall, Baldivis
4.21 Townsend Reserve Gazebo, Rockingham

**Parks Services**
1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Public Open Space Handovers
   4.2 Baldivis Children’s Forest – Crushed Limestone Path Installation
   4.3 Foreshore reserves – Wind mesh fencing
   4.4 Installation of chain link fencing – Peckham Reserve, Baldivis
   4.5 Landscaping, Secret Harbour Basketball court, Secret Harbour
   4.6 Contract for the Period landscape maintenance for various reserves and streetscapes in Baldivis East C18/19-18
   4.7 Corella damage to City Park trees

**Engineering Services**
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Future Traffic Modelling
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure
   4.2 Delegated Authority for approval of Directional Signage
   4.3 Delegated Authority for approval of Heavy Haulage
   4.4 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.5 Civil Works Program 2018/2019
   4.6 Civil Maintenance Program 2018/2019
   4.7 Road Rehabilitation Program Main Roads Grant 2018/2019
   4.8 Road Renewal Program Municipal Works 2018/2019
   4.9 Drainage Renewal Program Municipal Works 2018/2019
   4.10 Footpath Renewal Program Municipal Works 2018/2019
   4.11 Litter and Street Sweeping Program 2018/2019
   4.12 Graffiti Program 2018/2019
   4.13 Delegated Authority for the payment of crossover subsidies
   4.14 Third Party Works within the City
   4.15 Asset Inspections
   4.16 Verge Treatment Applications
   4.17 Verge Issues
   4.18 Coastal Infrastructure
   4.19 Coastal Management

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Liley:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – March 2019 and the content be accepted.

Committee Voting – 5/0
### Planning and Development Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-013/19 Proposed Envelope</th>
<th>Modification to Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD024.2018.0000015.001</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr J N Scanlan</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr J N Scanlan</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Gayle O'Leary, Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 March 2019</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>28 October 2014 (PDS-079/14)</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1002 (No.29) Ayrton Court, Golden Bay</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,562m²</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Special Residential</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Location Plan</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>2. Aerial Photo</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Building Envelope Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Original Building Envelope (Plan Excerpt from PDS-079/14 - 28 October 2014)</td>
<td></td>
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<tr>
<td></td>
<td>5. Site Photograph (22 November 2018)</td>
<td></td>
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<td>6. Site Photograph (22 November 2018)</td>
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<td>7. Site Photograph (22 November 2018)</td>
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<td>8. Site Photograph (22 November 2018)</td>
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<tr>
<td></td>
<td>9. Site Inspection Photograph (4 February 2019)</td>
<td></td>
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<tr>
<td></td>
<td>10. Consultation Plan</td>
<td></td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
**Purpose of Report**

To consider an application to modify the existing Building Envelope on Lot 1002 (No.29) Ayrton Court, Golden Bay.

**Background**

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

The Building Envelope of Lot 1002 (No.29) Ayrton Court, Golden Bay, was modified in October 2014 to accommodate a Single House which was completed in late 2015. The Building Envelope was increased from 600m² to 660m² and reshaped from a trapezoid to a rectangle.

**Details**

The application proposes to modify the approved Building Envelope for the purpose of accommodating a future garden shed (outbuilding). The slab for the future outbuilding has already been constructed and currently falls outside of the proposed Building Envelope extension, 1m from the rear and side lot boundaries. The applicant has confirmed that they do not wish to modify the slab, but they will seek to construct the outbuilding 2m from the boundaries. The City has not yet received the Development Application for the outbuilding.

Portions of the approved Building Envelope will also be relocated to accommodate the outbuilding in addition to the existing wall in front of the dwelling and water tanks to the rear, which are currently located outside of the approved Building Envelope. The size of the Building Envelope is proposed to increase by 20m² (13%).

The edge of the modified Building Envelope is proposed to be setback just over 2m from the western boundary and 2m from the southern boundary.
4. Original Building Envelope (Plan Excerpt from PDS-079/14 - 28 October 2014)
5. Site Inspection Photograph (22 November 2018)

6. Site Inspection Photograph (22 November 2018)
7. Site Inspection Photograph (22 November 2018)

8. Site Inspection Photograph (22 November 2018)
9. Site Inspection Photograph (4 February 2019)

**Implications to Consider**

a. **Consultation with the Community**

   In accordance with Clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was referred to adjoining property owners and occupiers, as per the consultation plan below.

   At the closing of advertising, 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 contained in the Community Plan 2019-2029:


Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy  
Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17) applies. The objective of the policy is “to promote the orderly and proper development of land by identifying in what circumstances a Building Envelope be varied, and the process by which such an application would be considered”.

The following is an assessment against the relevant requirements of PP3.3.17:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Schedule No.5 of TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes – Significant tuart trees have been retained in the front yard of the property.</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an adverse environmental impact.</td>
<td>The proposed modification will not result in the removal of any additional trees.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an unacceptable level of bushfire risk.</td>
<td>The proposed modification will not result in an increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
<tr>
<td>No unacceptable amenity impacts to neighbours.</td>
<td>No objections have been received to the proposed building envelope modification.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation is a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The size of the approved Building Envelope will increase by 13% of the original size.</td>
<td>No – The Building Envelope is proposed to increase by 13% from the original size of 600m² to 680m². This is to allow the Building Envelope to remain contiguous (one shape) and to incorporate the front wall, watertanks, and the future shed.</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The shape of the proposed Building Envelope is irregular, to the extent necessary to ensure that the existing front wall, rear water tanks, and the proposed shed are fully contained within the Building Envelope. The shape is still contiguous as it comprises of one area.</td>
<td>No, the Building Envelope shape is irregular, however the proposed Building Envelope still comprises one contiguous area (i.e. touching, in contact, in close proximity), and the majority of the Building Envelope (containing the existing dwelling) is still sufficiently regular in shape to comply with the intent of the Policy.</td>
</tr>
</tbody>
</table>
The modifications will ensure that all existing and future structures fall within the Building Envelope. Further, the applicant has provided justification for the proposal stating that the shed cannot be moved closer to the dwelling as it would hinder access to the garage and affect water runoff into leach drains.

**State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)**

The purpose of the proposed Building Envelope modification is to accommodate an existing front wall and water tanks in addition to a future outbuilding that will be located 6.5 metres away from the existing Single House. The proposal is exempt from the provisions of SPP 3.7 as the outbuilding will be located more than 6 metres away from the existing Single House. The proposal is considered to be compliant with the requirements of SPP 3.7.

e. **Financial**

Nil

f. **Legal and Statutory**

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

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**

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

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

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

**Comments**

The proposed Building Envelope modification is generally consistent with the intent TPS2 and PP3.3.17, with the exception of the Building Envelope size and an irregular shape. The modification is to facilitate the construction of a future shed on the site.

It is considered that the Building Envelope modification will not result in any additional environmental impact. The modification will allow all existing and proposed structures to be included within the Building Envelope. Further, the modification will not result in the removal of any trees and it will not increase the level of bushfire risk.

The proposed shape of the Building Envelope is irregular, however, it is similar to other approved Building Envelope modifications within the Peelhurst Estate. Of the 47 Building Envelopes analysed, 24 feature an irregular shape. The increase in area to 680m² (13% of the original size) is considered minor. Further, the average size of modified Building Envelopes within the estate is currently 711m², and thus the scale of the increase is not considered excessive.

It is therefore recommended that the proposed Building Envelope modification be approved.

**Voting Requirements**

Simple Majority
OFFICER RECOMMENDATION

That Council **APPROVES** the application to vary the Building Envelope at Lot 1002 (No.29) Ayrton Court, Golden Bay as shown on the plan below.

COMMITTEE RECOMMENDATION

Moved Cr Sammels, seconded Cr Liley:

That Council **APPROVES** the application to vary the Building Envelope at Lot 1002 (No.29) Ayrton Court, Golden Bay as shown on the plan below.
Amended Building Envelope

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

**Reference No & Subject:**
- PD-014/19  Proposed Child Care Premises

**File No:**
- DD20.2018.0000318.001

**Applicant:**
- Mainday Holdings Pty Ltd

**Owner:**
- Ms Gayle O’Leary, Planning Officer

**Author:**
- Mr David Waller, Coordinator Statutory Planning
- Mr Mike Ross, Manager Statutory Planning

**Date of Committee Meeting:**
- 18 March 2019

**Previously before Council:**

**Disclosure of Interest:**

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

**Site:**
- Lot 735 (No.24) Amalfi Chase, Baldivis

**Lot Area:**
- 2,293m²

**LA Zoning:**
- Development

**MRS Zoning:**
- Urban

**Attachments:**

- 1. Location Plan
- 2. Aerial Photograph
- 3. Deposited Plan of Lot
- 4. Spires (Phase II) Structure Plan
- 5. Site Plan
- 6. Elevation Plan
- 7. Consultation Plan
- 8. On-Street Car Parking Bays Close to Site
- 9. Annotated Site Plan

**Purpose of Report**

To consider an application seeking Development Approval for a Child Care Premises at Lot 735 (No.24) Amalfi Chase, Baldivis.
1. Location Plan

2. Aerial Photograph
3. Deposited Plan of Lot
Background

The site is within the Spires Estate (Phase II) and is located adjacent to Fifty Road, with access via a service road. The Spires Phase 2 Structure Plan was originally adopted by Council in October 2014 and most recently modified in February 2017. The site is zoned Residential R40 under the approved Structure Plan.

Details

The applicant seeks Development Approval for a Child Care Premises on the subject site. Details of the proposal are as follows:

- Accommodate a maximum of 106 children;
- 17 staff;
- Single-storey building with a floor area of 645m²;
- A 748m² outdoor play area adjacent to the Public Open Space (POS) reserve; and
- 24 car parking bays proposed onsite (including staff tandem bays).

There are also nine on-street bays adjoining the POS.

The applicant provided the following documents in support of the application:

- Planning Report;
- Development Plans;
- Acoustic Report; and
- Traffic Impact Statement.

The site plan depicted below is a revision of the original submitted site plan. The design was modified to address engineering, traffic engineering and landscape architecture concerns raised by the City.
5. Site Plan
6. Elevation Plan
a. Consultation with the Community

The application was advertised to 70 nearby and adjoining landowners for a period of 14 days, concluding 11 January 2019, as per the requirements of Planning Policy No.3.3.5 - Child Care Premises (PP3.3.5). At the close of the advertising period, two submissions were received, one submission from the estate developer indicating support for the proposal and one objection from a landowner located in the Rivergums Estate. The objector did not provide details of his concerns.

7. Consultation Plan

b. Consultation with Government Agencies

Consultation with other agencies is not required pursuant to Town Planning Scheme No.2 (TPS2).

c. Strategic Community Plan

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

Aspiration 3: Plan for Future Generations

Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)

The south-west corner of the site is within the State’s Bushfire Prone Area. No built form is to be constructed within the affected portion, it will only contain part of the future footpath and on-site landscape. As such, a Bushfire Management Plan is not required.
Local Policies
Planning Policy No.3.3.5 - Child Care Premises (PP3.3.5)

PP3.3.5 outlines siting, design and operative requirements for Child Care Premises. The following table shows how the proposed development addresses the objectives and intent of PP3.3.5.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
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</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td></td>
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</tr>
<tr>
<td>(a) Distributed strategically to provide the maximum benefit to the community it serves;</td>
<td>(a) The site is located within the Spires Estate on Fifty Road which directly links Mandurah Road and Baldivis Road, and the proposal will serve the growing north Baldivis community.</td>
<td>Yes</td>
</tr>
<tr>
<td>(b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;</td>
<td>(b) The site is located adjacent to the POS and within five minutes' walking distance of Baldivis Primary School to the east and existing residential dwellings.</td>
<td></td>
</tr>
<tr>
<td>(c) Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties);</td>
<td>(c) The site is located within the Spires Estate, it is surrounded by residential dwellings;</td>
<td></td>
</tr>
<tr>
<td>(d) Serviced by public transport (where available);</td>
<td>(d) The site is located on the 568 bus route;</td>
<td></td>
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<tr>
<td>(e) Considered suitable from a traffic engineering/safety point of view;</td>
<td>(e) The amended plan and recommended conditions of approval allows the proposal to be suitable from a traffic engineering and safety point of view; and</td>
<td></td>
</tr>
<tr>
<td>(f) Of sufficient size and dimension to accommodate development without affecting amenity of the area.</td>
<td>(f) The site complies with the minimum site area and is of regular shape, which is sufficient to accommodate the proposal without impacting the amenity of the area.</td>
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<tr>
<td><strong>Site Characteristics</strong></td>
<td></td>
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<tr>
<td>As a general rule, sites in a residential area should be of regular shape and greater than 1000m² in size. A maximum site coverage of 50% will apply to any proposal to prevent the over-development of any lot.</td>
<td>2,293m² total site area. The child care centre is 645m² in area and the outdoor play area is 748m² in area. The proposal complies with the maximum site coverage of 50%.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Carparking</strong></td>
<td></td>
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<tr>
<td>Parking to be provided in accordance with TPS2 as discussed above</td>
<td>Shortfall of 6 bays proposed, however it is considered that there is adequate on-street carparking close to the site, which addresses the shortfall.</td>
<td>Yes – see below carparking assessment</td>
</tr>
</tbody>
</table>
### Traffic Impacts

<table>
<thead>
<tr>
<th>Requirement</th>
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<tbody>
<tr>
<td>A traffic impact statement/assessment will be required where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises has the potential to impact on the functionality and amenity of an area and may create or exacerbate unsafe conditions for children and families using the premises, or for pedestrians or road users.</td>
<td>A Traffic Impact Statement has been provided with the application. This has since been updated by the applicant at the City’s request to clarify vehicle accessibility and sightlines.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Noise Impact

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
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<tbody>
<tr>
<td>A noise impact assessment may be required for the development of a Child Care Premises. The objectives should be to limit the noise impact of the Child Care Premises on adjacent properties, and also limit any noise impact from external sources on the Child Care Premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise mitigation measures, such as acoustic treatments to buildings. Although each application will need to be assessed on its individual merits, the following basic principles apply:</td>
<td>(a) The site is located next to residential housing, a noise sensitive use. An acoustic report has been provided with the application. No concerns were raised by the City’s Health Services in its assessment of the report. The outdoor play area has also been sited adjacent to the POS, away from adjoining residential lots, and the car park is sited adjacent to Amalfi Chase;</td>
<td>Yes</td>
</tr>
<tr>
<td>(a) Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement villages and nursing homes, the noise-generating activities of the Child Care Premises, such as the outdoor play areas, parking areas and any plant equipment, are to be located away from the noise sensitive use;</td>
<td>(b) The outdoor play area will be sited next to the POS, not next to a noise-sensitive use; and</td>
<td></td>
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<tr>
<td>(b) Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and</td>
<td>(c) A 2.2m high masonry eastern boundary fence is proposed for the car park and a 1.2m high wall is proposed adjacent to Amalfi Chase between the site entrances, which will assist in reducing noise impact to nearby residential houses.</td>
<td></td>
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</tbody>
</table>
### Design Considerations

<table>
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<tr>
<th>Requirement</th>
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<tbody>
<tr>
<td>The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture.</td>
<td>The proposed centre is single-storey, with a parapet height of 5m and maximum height of 7m. The architectural style of the building bears similarities to residential design with articulated, staggered-pitch roofing and roof highlight windows, however, the building predominantly addresses Fifty Road despite primary access being from Amalfi Chase (from the car park).</td>
<td>Yes</td>
</tr>
<tr>
<td>Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimise any impact on adjoining properties.</td>
<td>The centre building is setback 0.6m from adjoining residential lots, with a nil boundary parapet wall adjacent to the car park and consistent with setbacks provided in the Residential Design Codes (R-Codes).</td>
<td></td>
</tr>
<tr>
<td>Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible.</td>
<td>The play area is generous in size; landscaping details of the space have not been provided at this stage.</td>
<td></td>
</tr>
<tr>
<td>Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose.</td>
<td>The outdoor play area has been sited directly adjacent to the future POS, and will be separated by a visually-permeable fence.</td>
<td></td>
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<tr>
<td>Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape.</td>
<td>The outdoor play area is not located in the front setback area.</td>
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<tr>
<td>Landscaping will be required along the frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights and potentially toxic plants.</td>
<td>1.2m-wide landscaping strips are indicated within the car park of the site plan.</td>
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### Hours of Operation

<table>
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<tr>
<th>Requirement</th>
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<tbody>
<tr>
<td>For Child Care Premises in Residential areas, hours of operation will be restricted to 7.00am to 7.00pm, unless otherwise agreed to by the Council.</td>
<td>6:30am – 6:30pm. The proponent has argued that this “reflects the workforce demographic and travel times” of the area.</td>
<td>No, however, a variation is considered acceptable based on an acoustic report demonstrating compliance with the noise regulations.</td>
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<td>Requirement</td>
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<td>Compliant</td>
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<tr>
<td>Hours of Operation (cont…)</td>
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<td>The proposed operational hours is the same as other approved Child Care Centres.</td>
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<tr>
<td>Advertising Signs</td>
<td>Noted</td>
<td>This will be reinforced as an advice note.</td>
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<td>Any proposed advertising sign</td>
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<td>accord with the provisions of</td>
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<td>clause 5.3 of Town Planning</td>
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<tr>
<td>Scheme No 2. Furthermore, a Sign</td>
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<td>Permit application is required to</td>
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<td>be submitted to the Building</td>
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<td>Department, pursuant to the</td>
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<td>Council’s Signs, Hoardings and</td>
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<td>Bill Posting Local-Law.</td>
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<td>Need for Child Care Premises</td>
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<td>Where, in the opinion of the</td>
<td>Not required in this instance, the centre is sufficiently far from other Child Care Centres.</td>
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<td>Manager, Statutory Planning, a</td>
<td></td>
<td>The closest Child Care Centre, which is yet to be constructed, is proposed in the Paradiso Estate Neighbourhood Centre.</td>
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<td>proposed Child Care Premises</td>
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<td>may have an adverse impact on</td>
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<td>the level of service to the</td>
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<td>community by similar existing or</td>
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<td>approved facilities, the proponent will be required to provide further information in regard to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility.</td>
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<tr>
<td>Building Approval</td>
<td>Noted</td>
<td>This will be reinforced as an advice note.</td>
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<td>Where a Child Care Premises</td>
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<td>requires the construction of a</td>
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<td>new building or modifications to</td>
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<td>an existing building, a Building</td>
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<td>Permit will be required from the</td>
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<td>Council (in addition to a</td>
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<td>Development Approval).</td>
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<tr>
<td>Health Approval</td>
<td>Noted.</td>
<td>This will be reinforced as an advice note.</td>
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<tr>
<td>Where a Child Care Premises</td>
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<tr>
<td>requires the construction of a</td>
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<td>new building or modifications to</td>
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<td>an existing building, a Form 2 -</td>
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<tr>
<td>Maximum Accommodation Certificate</td>
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<td>will be required from the Council (in addition to a Development Approval). In addition, an Application for a Certificate of Registration of a Food Premises must also be submitted. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code.</td>
<td>Noted.</td>
<td>This will be reinforced as an advice note.</td>
</tr>
</tbody>
</table>
Consultation

All applications for Development Approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation. The application was advertised for a period of 18 days, ending 11 January 2019. See below

<table>
<thead>
<tr>
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<tbody>
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<td>All applications for Development Approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.</td>
<td>The application was advertised for a period of 18 days, ending 11 January 2019.</td>
<td>See below</td>
</tr>
</tbody>
</table>

The proposal development is generally compliant with the objectives and intent of PP3.3.5.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned 'Development' under TPS2 and a Structure Plan is required to be prepared for a Development Area. The Spires Phase 2 Structure Plan was approved for the area including the site, which was adopted by Council in October 2014. The area of the proposed Child Care Premises is zoned RMD R40 under the LSP.

Child Care Premises is interpreted under TPS2 as follows:

"means premises used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre"

A Child Care Premises is not permitted within the Residential Zone, unless Council has exercised its discretion by granting Development Approval after advertising, in accordance with clause 6.4 of the deemed provisions of TPS2.

Clause 4.15 - Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.2 of TPS2. The parking requirements for a Child Care Premises is one (1) parking bay per employee and one (1) parking bay per eight children. Based on this rate, the proposed development with 17 staff members and 106 children requires 30 parking bays.

There are 9 on-street bays already constructed next to the POS within one minute of the site, as depicted in the aerial photograph below. 24 car parking bays are proposed onsite, two parallel car parking bays are proposed in the road reserve, however, a traffic engineering assessment has confirmed these would pose a sightline hazard, and as such the City does not support the construction of those two bays (see annotated site plan below). Further, staff numbers are staggered onsite throughout the day based on the activities of the Child Care Premises and presence of age groups onsite, meaning that fewer than 17 car parking staff bays are utilised at a time, throughout the day. The shortfall is considered acceptable in this instance as it will result in a safer carpark configuration, and there are on-street car parking bays in close walking distance to the site.

A condition of Development Approval requiring that 6 staff bays and 18 visitor bays be provided onsite is recommended. Further, all staff parking must be onsite to allow visitors to use the on-street bays.
8. On-Street Car Parking Bays Close to Site
9. Annotated Site Plan
g. Risk

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

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

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed Child Care Premises is generally compliant with TPS and PP3.3.5.

The car parking shortfall has been addressed by the nearby on-street parking. The proposal is considered suitable for its location within a residential estate and the traffic generated by the proposal is within the design capacity of the existing road network.

It is recommended that Council approve the proposed Child Care Premises accordingly.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for a Child Care Premises at Lot 735 (No.24) Amalfi Chase, Baldivis, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans as listed below and including any amendments to those plans as shown in red:
   - Deposited Plan 414097;
   - Site Plan, Drawing No.DA01 Revision B, dated 13/11/18;
   - Floor Plan, Drawing No.DA02, dated 13/11/18;
   - Elevation Plan, Drawing No.DA03, dated 13/11/18; and
   - Perspective View, Drawing No.DA04, dated 13/11/18;

   save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

2. No more than 106 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.

3. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

4. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham, prior to applying for 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;
   (v) Verge Treatments;
   (vi) Details of water supply.

   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.

5. The street setback area and all verge areas must be landscaped and reticulated prior to the occupation of the development in accordance with a landscaping plan and must be maintained at all times.
6. The carpark must:
   (i) provide 24 car parking spaces on site, with 6 bays marked as “staff only”;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include one car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained in good condition thereafter;
   (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times;
   (vi) be modified to delete 2 car parking bays shown in the Amalfi Chase road reserve as marked on the approved plans; and
   (vii) be reconfigured so that car parking bay 2 is relocated to the left side of the entry crossover and the entry crossover is shifted further east accordingly, as marked on the approved plans.

7. A minimum of 18 parking bays must be marked for use by parents or care givers, for the dropping off and collection of children, at all times.

8. All staff car parking must be fully contained onsite, at all times.

9. Prior to occupation of the development, a 2.2m high masonry wall must be constructed along the full length of the eastern boundary of the site and a 1.2m masonry wall must be constructed to the southern side of the carpark, between the entrances. The walls must be completed prior to occupation of the development.

    The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City of Rockingham.

10. All air conditioning condenser units are to be located on the lower roof sections either over the entrance or on the western side, and screened from the neighbouring properties in accordance with the requirements of the Herring Storer Acoustic Report ref 23718-1-18223, dated November 2018.

11. The Child Care Centre must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, and not at all on weekends.

12. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

13. Prior to the occupation of the development, a final Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City.

14. The existing footpath on the southern boundary of the Public Open Space reserve is to be extended to the entry crossover, as depicted on the approved plans, to the satisfaction of the City.

### Committee Recommendation

**Moved Cr Sammels, seconded Cr Liley:**

That Council **APPROVES** the application for a Child Care Premises at Lot 735 (No.24) Amalfi Chase, Baldivis, subject to the following conditions:

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 APRIL 2019

PRESIDING MEMBER
1. All development must be carried out in accordance with the approved plans as listed below and including any amendments to those plans as shown in red:
   - Deposited Plan 414097;
   - Site Plan, Drawing No.DA01 Revision B, dated 13/11/18;
   - Floor Plan, Drawing No.DA02, dated 13/11/18;
   - Elevation Plan, Drawing No.DA03, dated 13/11/18; and
   - Perspective View, Drawing No.DA04, dated 13/11/18;

2. No more than 106 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.

3. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

4. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham, prior to applying for 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;
   (v) Verge Treatments;
   (vi) Details of water supply.

   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.

5. The street setback area and all verge areas must be landscaped and reticulated prior to the occupation of the development in accordance with a landscaping plan and must be maintained at all times.

6. The carpark must:
   (i) provide 24 car parking spaces on site, with 6 bays marked as “staff only”;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include one car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained in good condition thereafter;
   (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times;
   (vi) be modified to delete 2 car parking bays shown in the Amalfi Chase road reserve as marked on the approved plans; and
   (vii) be reconfigured so that car parking bay 2 is relocated to the left side of the entry crossover and the entry crossover is shifted further east accordingly, as marked on the approved plans.
7. A minimum of 18 parking bays must be marked for use by parents or care givers, for the dropping off and collection of children, at all times.

8. All staff car parking must be fully contained onsite, at all times.

9. Prior to occupation of the development, a 2.2m high masonry wall must be constructed along the full length of the eastern boundary of the site and a 1.2m masonry wall must be constructed to the southern side of the carpark, between the entrances. The walls must be completed prior to occupation of the development.

The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City of Rockingham.

10. All air conditioning condenser units are to be located on the lower roof sections either over the entrance or on the western side, and screened from the neighbouring properties in accordance with the requirements of the Herring Storer Acoustic Report ref 23718-1-18223, dated November 2018.

11. The Child Care Centre must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, and not at all on weekends.

12. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

13. Prior to the occupation of the development, a final Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City.

14. The existing footpath on the southern boundary of the Public Open Space reserve is to be extended to the entry crossover, as depicted on the approved plans, to the satisfaction of the City.

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 consider a request to close a portion of the Parkin Street Road Reserve to enable its amalgamation with Lot 22 Parkin Street, Rockingham.
1. Aerial Photo

2. Location Plan
Background

In 1977, a small portion of land (100.7 m²) on the corner of Parkin Street and Walker Avenue Rockingham was “transferred to the crown” for road widening purposes on Diagram No 52795. The portion of widening directly to the west of the site has since been amalgamated with Lot 23 Parkin Street.
Details

The City has received an application from the owner of Lot 22 Parkin Street and Walker Avenue, Rockingham seeking to close and amalgamate a portion of Parkin Street Road Reserve, Rockingham. This portion of Road Reserve was originally intended for future road widening.

The area of land to be amalgamated is 100.7m².

The location of the proposed road closure section is depicted below:

4. Proposed Road Closure

Implications to Consider

a. Consultation with the Community

In order to comply with section 58 of the Land Administration Act 1997 (the Act), a resolution from Council is required to proceed with the closure of a portion of road reserve. Under the Act, the City is required to advertise the proposed road closure by way of a publication in a local newspaper seeking public comment for a period of 35 days.

b. Consultation with Government Agencies

The following government agencies will be consulted during the advertising period:

(i) Department of Planning, Lands and Heritage;
(ii) Main Roads WA;
(iii) Western Power;
(iv) Water Corporation;
(v) Department of Water and Environmental Regulation; and
(iv) Telstra.
c. Strategic

Community Plan

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

**Aspiration 3:** Plan for Future Generations.

**Strategic Objective:** Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

The care, control and management of roads is placed with the City of Rockingham in which Parkin Street is situated. As the Local Government Authority over Parkin Street the City is responsible for the management of the road closure.

The responsibility for determining applications for the closure of road reserves rest with the Minister for Planning, Lands and Heritage on advice from the Department of Planning, Lands and Heritage (State Land Services).

g. Risk

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

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

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

**Comments**

The small portion of road reserve is no longer required for road widening purposes. The adjoining portion has already been amalgamated with the adjoining property.

The 100.7m² land area excludes the corner lot truncation of 6m X 6m, required for traffic sight lines at the intersection of Walker Avenue and Parkin Street.

It is recommended that the Council support the proposed road closure for the purposes of seeking public comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council SUPPORTS the proposed closure of a portion of Parkin Street and Walker Avenue adjacent to Lot 22, (No 16) Parkin Street Rockingham, subject to seeking public comment for the portion of land shown below:
Committee Recommendation

Moved Cr Sammels, seconded Cr Jones:

That Council SUPPORTS the proposed closure of a portion of Parkin Street and Walker Avenue adjacent to Lot 22, (No 16) Parkin Street Rockingham, subject to seeking public comment for the portion of land shown below:
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>PD-016/19</th>
<th>Proposed Scheme Amendment No.176 - Omnibus Amendment to Town Planning Scheme No.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/2124</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Kevin Keyes, Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 March 2019</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Existing Zoning Plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Proposed Amended R-Coding (TPS2 Zoning Map)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Proposed Zoning Plan</td>
<td></td>
</tr>
</tbody>
</table>

**Purpose of Report**

To consider Omnibus Scheme Amendment No.176 to Town Planning Scheme No.2 (TPS2), for the purpose of:

1. Amending the permissibility of ‘Child Care Premises’ from a Discretionary use to a Prohibited use in the Light Industry zone;
2. Amending the R5/40 dual coding in North Rockingham to delete the R5 from this dual coding;
3. Replacing the term ‘Local Development Plan’ with ‘Structure Plan’ as it applies to the Port Kennedy Business Enterprise zone;
4. Modifying Commercial Vehicle Parking requirements to include additional zones under TPS2;
5. Reformatting clause 4.15.1.4(c) of TPS2 regarding car parking requirements to improve readability; and
6. Updating the Scheme Text and Zoning Table regarding an omission arising from Scheme Amendment No.173.

Details

A review of Local Planning Policies has identified the need to amend TPS2 as follows:

Proposal No.1 – Amend ‘Child Care Premises’ Permissibility in the Light Industry Zone

The TPS2 Zoning Table outlines the permissibility of all Land Use Interpretations of the various zones within the City. Clause 4.10.1 of TPS2 sets out the objectives for the Industrial zones which seek to encourage and facilitate the establishment of attractive and efficient industrial areas and ensure that industrial areas are developed in a manner that has due regard to future potential industries and their infrastructural needs.

The land use ‘Child Care Premises’ is considered to be incompatible with industrial land uses and may inhibit industrial development within the Light Industry zone. Potential land use conflicts could occur in relation to safety, societal risk, traffic, noise and emission impacts. It is considered that ‘Child Care Premises’ are more suitably located within close proximity to their residential catchments and other similar complementary land uses, such as schools and community facilities.

Recommendation

Amend the TPS2 Table No.1 - Zoning Table to change the permissibility of ‘Child Care Premises’ from a discretionary (D) use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval, to a use that is not permitted (X).

Proposal No.2 – Amend the R5/40 Dual Coding for the Residential Zoned Land in North Rockingham

The R5/40 Residential Zone adjoining the Northern Waterfront Sector of the Rockingham Strategic Metropolitan Centre includes eight residential blocks bound by Rockingham Beach Road, Victoria Street, Lewington Street and Governor Road. The dual coding allows landowners to further develop Single Houses, Grouped or Multiple Dwellings at the R40 density coding, upon the availability of connection to reticulated sewer. All of this area now has reticulated sewer connection and can be developed based on the R40 code. As such, the lower density coding is no longer relevant.
2. Proposed Amended R-Coding (TPS2 Zoning Map)

Recommendation
Delete all references to Residential ‘(R5/40)’ dual coding in North Rockingham under TPS2 Zoning Maps and replace with ‘Residential (R40)’.

Proposal No.3 – Delete the term ‘Local Development Plan’ and Replace with ‘Structure Plan’ for the Port Kennedy Business Enterprise zone

Following further review of the planning instrument terms in the Planning and Development (Local Planning Schemes) Regulation 2015 (Regulations), it is proposed to replace all references to ‘Local Development Plan’ (LDP) with the term ‘Structure Plan’, as it applies to the Port Kennedy Business Enterprise Zone. A ‘Structure Plan’ is considered to be a more appropriate planning instrument to guide the subdivision and development of the Port Kennedy Business Enterprise Zone.

Recommendation
Delete all references to the term ‘Local Development Plan’ and replace with the term ‘Structure Plan’, as it applies to the Port Kennedy Business Enterprise Zone. Also, delete the reference to ‘Chief Executive Officer’ and replace with the ‘Western Australian Planning Commission’ in the same clause.

Proposal No.4 – Parking of Commercial Vehicles

The proposed amendments to the TPS2 provisions are required to modify the development requirements for ‘Commercial Vehicle Parking’ to include additional zones under TPS2. For the purpose of this report ‘Commercial Vehicle Parking’ is considered to have the same meaning as described in proposed Scheme Amendment No.173 to TPS2.

Recommendation
(a) Amend Clause 4.17.2 to replace ‘Residential, Development, Special Rural or Special Residential Zone’ with ‘Residential Zone, Development Zone, Special Residential Zone, Special Rural Zone, Rural Zone, Port Kennedy Business Enterprise Zone, Light Industry Zone, General Industry Zone, Special Commercial Zone and Service Commercial Zone.’

(b) Amend Clause 4.17.3:
(i) To replace ‘Residential Zone, Development Zone, Special Rural Zone, or Special Residential Zone’ with ‘Residential Zone’, Special Residential Zone, Development Zone, Rural Zone, or Special Rural Zone’;

(ii) Delete sub-clause 4.17.3 (c); and

(iii) Renumbering clause 4.17.3 accordingly.

Proposal No.5 – Parking Requirements for Land Uses not specified in Parking Tables

For reason of clarity, it is necessary to restructure clause 4.15.1.4 to make it clear that where land to be developed is not within any zone specified in clause 4.15.1.4 (a), (b), or (c), the Local Government is to determine the number of car parking bays required.

Recommendation

Amend sub-clause 4.15.1.4(c) as follows:

(a) (c) in the Primary Centre Waterfront Village Zone for a purpose which is not specified in Table No.4.

(b) Insert the following relocated portion of sub-clause 4.15.1.4(c) to a new paragraph:

“The local government is to determine the minimum number of car parking bays required for the development having regard to:

(i) the nature of the proposed development;

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

(iii) the anticipated demand for parking; and

(iv) the orderly and proper planning for the locality;”

Proposal No.6 – Amend TPS2 Zoning Table to insert ‘Park Home Park’ and Change the Permissibility of ‘Caravan Park’ and ‘Camping Area’

Park Home Park

Amendment No.173 includes a new land use interpretation, ‘Park Home Park’, but it did not include this land use in the Zoning Table. It is necessary to amend TPS2 to include ‘Park Home Park’ within the Zoning Table.

The WAPC Planning Bulletin 49 refers to Caravan Parks primarily intended for long-stay or non-tourism purposes (e.g. residential parks, park home parks, lifestyle villages or transient workforce accommodation parks) should be defined as Park Home Parks and zoned ‘Special Use – Park Home Park’. The interpretation of ‘Caravan Park’ as distinct from ‘Park Home Park’ was also clarified by the SAT decision in Henville v City of Armadale [2018] WASAT 108 (HENVILLE).

Caravan Park and Camping Area

TPS2 includes Caravan Park and Ancillary uses within Schedule No.3 – Special Use zones and it also includes ‘Caravan Park’ and ‘Camping Area’ in Zoning Table as a discretionary land use (‘A’) in the Residential or Rural zones.

The WAPC Planning Bulletin 49/2014 – Caravan Parks preference is for new ‘Caravan Park’ sites to be zoned ‘Special Use – Caravan Park’ as opposed to the generic ‘Tourist’ zone to provide long term security of use of the site as a ‘Caravan Park’. It also provides for Caravan Parks (intended for short-stay and long stay) by zoning Caravan Parks as ‘Tourist’ or ‘Special Use – Caravan Park’ and the Zoning Table identifying Caravan Parks as a discretionary land use following advertising (‘A’) in the Residential or Rural zones.

The City’s recommended approach is to remove ‘Caravan Park’ and ‘Camping Area’ as a discretionary use following advertising (‘A’) in the Rural zone, to allow for a more rigorous site selection process via a Scheme Amendment to rezone land to the Special Purpose zone.

Recommendation

Amend TPS2 to include ‘Park Home Park’ and amend ‘Caravan Park’ and ‘Camping Area’ in the Zoning Table, as follows:
<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Existing Permissibility</th>
<th>Proposed Permissibility ('X' Prohibited)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Home Park</td>
<td>Residential</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre City Centre</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Waterfront Village</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Village</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre City Living</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Campus</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Living</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>District Town Centre</td>
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<td>X</td>
</tr>
<tr>
<td></td>
<td>Commercial</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Special Commercial</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Service Commercial</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Port Kennedy Business Enterprise</td>
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</tr>
<tr>
<td></td>
<td>Light Industry</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>General Industry</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Special Industry</td>
<td>N/A</td>
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</tr>
<tr>
<td></td>
<td>Rural</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Special Rural</td>
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<td>X</td>
</tr>
<tr>
<td></td>
<td>Special Residential</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Community Purpose</td>
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<td>X</td>
</tr>
<tr>
<td>Caravan Park</td>
<td>Residential</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre City Centre</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Waterfront Village</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Village</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre City Living</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Campus</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Living</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>District Town Centre</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Commercial</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Special Commercial</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Service Commercial</td>
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</tr>
<tr>
<td></td>
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<tr>
<td></td>
<td>Special Rural</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Special Residential</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Community Purpose</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Camping Area</td>
<td>Residential</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre City Centre</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Waterfront Village</td>
<td>X</td>
<td>X</td>
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<td></td>
<td>Primary Centre Urban Village</td>
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<td>Primary Centre City Living</td>
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<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Campus</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Living</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Use Class | Zoning | Existing Permissibility | Proposed Permissibility ('X' Prohibited)
--- | --- | --- | ---
Camping Area (cont…)
Commercial | District Town Centre | X | X
Special Commercial | X | X
Service Commercial | X | X
Port Kennedy Business Enterprise | X | X
Light Industry | X | X
General Industry | X | X
Special Industry | X | X
Rural | X | X
Special Rural | X | X
Special Residential | X | X
Community Purpose | X | X

The Land Use Permissibility will be dealt within the Special Use Zone as per Table No.1.

**Implications to Consider**

a. **Consultation with the Community**

If the Scheme Amendment is initiated by the Local Government, it is required to be advertised in accordance with the Regulations for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating in the area.

b. **Consultation with Government Agencies**

Consultation with the Western Australian Planning Commission (WAPC), Environmental Protection Agency (EPA) and other relevant government agencies will occur should the Scheme Amendment be initiated by the Local Government in accordance with clause 47 of the Regulations.

c. **Strategic Community Plan**

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

**Aspiration D:** Plan for Future Generations

**Strategic Objective:** Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

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

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

Regulation 35(1) enables the Local Government to prepare or adopt an amendment to TPS2, in a form approved by the WAPC. The resolution must specify whether, in the opinion of the Local Government, the amendment is a complex amendment, a standard amendment or a basic amendment, and include an explanation for the reason for the Local Government forming that option.
The City considers the proposed scheme amendment to be both a basic amendment and standard amendment, for the following reasons:

(a) A basic amendment means an amendment to correct and administrative error, or an amendment that is consistent with the Regulations, deleting provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations or amendment to the scheme so that it is consistent with the MRS; and

(b) A standard amendment means an amendment to a zone or reserve that is consistent with the Scheme objectives, Local Planning Strategy, Metropolitan Region Scheme, consistent with a structure plan and minimal impact on land in the Scheme area, and has no significant environmental, social, economic or governance impacts.

g. Risk

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

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

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed Scheme Amendment includes changes to the land use permissibility for ‘Child Care Premises’, ‘Commercial Vehicle Parking’, ‘Park Home Park’, ‘Caravan Park’ and ‘Camping Area’ land uses.

Other minor amendments to the TPS2 text are administrative changes and included to ensure consistency between the provisions of TPS2, the Regulations and Amendment No.173 to TPS2.

It is recommended that Council adopt (initiate) the Scheme Amendment for the purpose of advertising.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. ADOPTS (initiate) Amendment No.176 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows:

   Proposal No.1
   Amending Table No.1 – Zoning Table to change the permissibility of ‘Child Care Premises’.

   Proposal No.2
   Replacing the ‘R5/40’ coding on TPS2 Map No.2 with the ‘R40’ Coding.

   Proposal No.3
   Amending clause 4.9 of TPS2 to replace all reference to ‘Local Development Plan’ with ‘Structure Plan’.

   Proposal No.4
   Amend Clause 4.17.2 to replace ‘Residential, Development, Special Rural or Special Residential Zone’ with ‘Residential Zone, Development Zone, Special Residential Zone, Special Rural Zone, Rural Zone, Port Kennedy Business Enterprise Zone, Light Industry Zone, General Industry Zone, Special Commercial Zone and Service Commercial Zone.'
Amend Clause 4.17.3:
(a) To replace ‘Residential Zone, Development Zone, Special Rural Zone or Special Residential Zone’ with ‘Residential Zone’, Special Residential Zone, Development Zone, Rural Zone or Special Rural Zone’;
(b) Delete sub-clause 4.17.3 (c); and
(c) Renumbering clause 4.17.3 accordingly.

Proposal No.5
Amend sub-clause 4.15.1.4(c) as follows:
(a) in the Primary Centre Waterfront Village Zone for a purpose which is not specified in Table No.4.
(b) Insert the following relocated portion of sub-clause 4.15.1.4(c) to a new paragraph:
“...the nature of the proposed development;
(ii) the number of employees likely to be employed on the site;
(iii) the anticipated demand for parking; and
(iv) the orderly and proper planning for the locality”;

Proposal No.6
Amend the TPS2 to include ‘Park Home Park’ and amend ‘Caravan Park’ and ‘Camping Area’ in the Zoning Table and Schedules 4 and 5.

2. CONSIDERS the proposed Scheme Amendment is both a ‘basic amendment’ and a ‘standard amendment’ in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015. As a ‘basic amendment’ it includes amendments to ensure consistency with the Regulations. As a ‘standard amendment’ it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

Committee Recommendation

Moved Cr Jones, seconded Cr Liley:
That Council:
1. ADOPTS (initiate) Amendment No.176 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows:

Proposal No.1
Amending Table No.1 – Zoning Table to change the permissibility of ‘Child Care Premises’ as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Proposed Permissibility (<em>X</em> Prohibited)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Premises</td>
<td>Light Industry Zone</td>
<td>X</td>
</tr>
</tbody>
</table>

Proposal No.2
Replacing the ‘R5/40’ coding on TPS2 Map No.2 with the ‘R40’ Coding.
Proposed Amended R-Coding (TPS2 Zoning Map)

**Proposal No.3**
Amending clause 4.9 of TPS2 to replace all reference to ‘Local Development Plan’ with ‘Structure Plan’.

**Proposal No.4**
Amend Clause 4.17.2 to replace ‘Residential, Development, Special Rural or Special Residential Zone’ with ‘Residential Zone, Development Zone, Special Residential Zone, Special Rural Zone, Rural Zone, Port Kennedy Business Enterprise Zone, Light Industry Zone, General Industry Zone, Special Commercial Zone and Service Commercial Zone.’

Amend Clause 4.17.3:
(a) To replace ‘Residential Zone, Development Zone, Special Rural Zone or Special Residential Zone’ with ‘Residential Zone’, ‘Special Residential Zone’, Development Zone, Rural Zone or Special Rural Zone’;
(b) Delete sub-clause 4.17.3 (c); and
(c) Renumbering clause 4.17.3 accordingly.

**Proposal No.5**
Amend sub-clause 4.15.1.4(c) as follows:
(a) (c) in the Primary Centre Waterfront Village Zone for a purpose which is not specified in Table No.4.
(b) Insert the following relocated portion of sub-clause 4.15.1.4(c) to a new paragraph:
“the local government is to determine the minimum number of car parking bays required for the development having regard to:
(i) the nature of the proposed development;
(ii) the number of employees likely to be employed on the site;
(iii) the anticipated demand for parking; and
(iv) the orderly and proper planning for the locality;

**Proposal No.6**

Amend the TPS2 to include ‘Park Home Park’ and amend ‘Caravan Park’ and ‘Camping Area’ in the Zoning Table and Schedules 4 and 5, as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Existing Permissibility</th>
<th>Proposed Permissibility (‘X’ Prohibited)</th>
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</thead>
<tbody>
<tr>
<td>Park Home Park</td>
<td>Residential</td>
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<td>Primary Centre City Centre</td>
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<tr>
<td></td>
<td>Primary Centre Waterfront Village</td>
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<td></td>
<td>Primary Centre Urban Village</td>
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</tr>
<tr>
<td></td>
<td>Primary Centre City Living</td>
<td>N/A</td>
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</tr>
<tr>
<td></td>
<td>Primary Centre Campus</td>
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<td>X</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Urban Living</td>
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<td>X</td>
</tr>
<tr>
<td></td>
<td>District Town Centre</td>
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<td>X</td>
</tr>
<tr>
<td></td>
<td>Commercial</td>
<td>N/A</td>
<td>X</td>
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<tr>
<td></td>
<td>Special Commercial</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Service Commercial</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Port Kennedy Business Enterprise</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Light Industry</td>
<td>N/A</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>General Industry</td>
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<td></td>
<td>Rural</td>
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<tr>
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<td></td>
<td>Special Residential</td>
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<td></td>
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<td>Caravan Park</td>
<td>Residential</td>
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<tr>
<td></td>
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<td></td>
<td>Primary Centre Urban Village</td>
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<td></td>
<td>Primary Centre City Living</td>
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<td>Primary Centre Campus</td>
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<td>X</td>
</tr>
<tr>
<td></td>
<td>Community Purpose</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
The Land Use Permissibility will be dealt within the Special Use Zone as per Table No.1.

2. **CONSIDERS** the proposed Scheme Amendment is both a ‘basic amendment’ and a ‘standard amendment’ in accordance with Regulation 34 of the **Planning and Development (Local Planning Schemes) Regulations 2015**. As a ‘basic amendment’ it includes amendments to ensure consistency with the Regulations. As a ‘standard amendment’ it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

3. **DIRECTS** the Chief Executive Officer to investigate the rezoning of all existing and approved Caravan Parks within the City to a “Special Use Zone for Caravan Park and Ancillary Uses”, in the review of Town Planning Scheme No.2, for land not zoned accordingly.

Committee Voting – 5/0

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

Scheme Amendment No.176 includes a proposal to make Caravan Parks a prohibited land use in all zones. For some existing Caravan Parks they will become non-conforming land uses, under Town Planning Scheme No.2. While a non-conforming land use allows the continuation of approved Caravan Parks, a suitable Caravan Park zoning should be investigated by the City as part of the review of Town Planning Scheme No.2.

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

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-017/19 Proposed Amendments to Planning Policy 3.3.5 - Child Care Premises</th>
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<tr>
<td>File No:</td>
<td>LUP/1265-03</td>
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<tr>
<td>Applicant:</td>
<td></td>
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<tr>
<td>Owner:</td>
<td></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>18 March 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>28 June 2011 (SP-028/11), 22 March 2011 (SP-009/11), 27 July 2010 (PD69/7/10), 27 April 2010 (PD47/4/10) and 27 May 2008 (PD81/5/08)</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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### Purpose of Report

To consider amending Planning Policy 3.3.5 – Child Care Premises (PP3.3.5) to amend operational criteria, simplify some aspects of the Policy and reflect changes in terminology.

### Background

In May 2008, Council adopted PP3.3.5.

In July 2010, Council resolved to modify PP3.3.5 to ensure consistency with the Western Australian Planning Commission's Planning Bulletin - Child Care Premises.

In June 2011, Council resolved to modify PP3.3.5 to reflect changes to the Food Act 2008 and clarify where exemptions applied.
Details

PP3.3.5 sets out the objective and policy provisions which the City should have regard to in assessing development applications for Child Care Premises. These proposed Policy amendments have been drafted together with proposed Scheme Amendment No.176 (Omnibus).

Amendment No.176 to Town Planning Scheme No.2 (TPS2) seeks to prohibit Child Care Premises in the Light Industry Zone.

The following amendments to PP3.3.5 are proposed:

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

The Regulations were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the Town Planning Regulations 1967. PP3.3.5 terminology is proposed to be amended to be consistent with the Regulations (e.g. ‘Development Approval’ in lieu of ‘Planning Approval’ and ‘Local Government’ in lieu of ‘Council’) and other minor amendments relating to the deemed provisions of TPS2.

Building Approval


Health Application Forms

Update to align with the City’s current Health Application Forms.

Terminology

Minor wording changes to simplify for ease of use, correct typographical errors and remove duplication.

Location Criteria

Modify the land use ‘Child Care Premises’ criteria as it is considered to be incompatible with industrial land uses and may inhibit industrial development within the Light Industry zone. Potential conflicts include safety, societal risk, traffic, noise and emissions. It is considered that ‘Child Care Premises’ are more suitably located within close proximity to their residential catchments and other similar complementary land uses, such as schools and community facilities.

Therefore, this Policy has been drafted together with Omnibus Amendment No.176, which proposes to amend ‘Child Care Premises’ from a discretionary (D) use, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval, to an ‘X’ use, meaning the use is not permitted in the Light Industry zone.

Delegation

Under PP3.3.5, proposals for Child Care Premises within Residential and Development zones must all be referred to Council for determination. As Child Care Premises’ are an ‘A’ use within both the Residential and Development zones, they can be considered by the City under the Delegated Authority Register, subject to no substantiated objections being received during community consultation. Hence, it is necessary to update clause 7, Delegation, of this Policy for consistency with the City’s Delegated Authority Register.

Hours of Operation

It is proposed to change the opening times for Child Care Centres, from 7.00am to 6.30am, to allow for earlier drop-offs.

Implications to Consider

a. Consultation with the Community

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

(a) publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:

(i) the subject and nature of the proposed amended Policy; and
(ii) the objectives of the proposed amended Policy; and
(iii) where the proposed amended Policy may be inspected; and
(iv) to whom, in what form and during what period submissions (being not less than 21 days from the day the notice is published) may be made;

(b) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;

(c) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate."

Given the scope of the proposal, it is recommended the amendment is advertised for a period of 21 days.

b. Consultation with Government Agencies
Nil

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

Aspiration D: Sustainable Environment

Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
Under the deemed provisions of TPS2 the local government may prepare, modify or revoke a Local Planning Policy. If the local government resolves to amend PP3.3.5, the City is required to publicly advertise the proposed changes for a period of not less than 21 days.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.
Implications and comment will only be provided for the following assessed risks.
Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks
Nil

Comments

These proposed Policy amendments have been drafted together with proposed Scheme Amendment No.176 (Omnibus). Amendment No.176 to Town Planning Scheme No.2 (TPS2) seeks to prohibit Child Care Premises in the Light Industry Zone. Hence, the major change proposed to PP3.3.5 is to prohibit Child Care Premises in the Light Industry Zone, which is reflected in Omnibus Amendment No.176.

Other changes include updating clause 7 Delegation for consistency with the City’s Delegated Authority Register and modifying the opening hours from 7.00am to 6.30am.

Under PP3.3.5, proposals for Child Care Premises within Residential and Development zones must all be referred to Council for determination. As Child Care Premises’ are an ‘A’ use within both the Residential and Development zones, they can be considered by the City under the Delegated Authority Register, subject to no substantiated objections being received during community consultation. It is proposed to update clause 7, Delegation, of this PP3.3.5 for consistency with the City’s Delegated Authority Register.
The modification to opening hours will cater for early drops-offs for parents travelling to work, which has been supported in a number of applications in recent years. It is considered that this change will generally have limited impact on surrounding residents, as only some parents will take advantage of the earlier opening times and any application would still need to demonstrate compliance with the Environmental (Noise) Protection Regulations (1997).

Other text amendments are proposed to ensure consistency with legislation and terminology contained within the Regulations.

As such, while it is possible to advertise the proposed amended PP3.3.5 for public comment, it is anticipated that should the Council resolve to proceed with the Policy amendment, the amended Policy will not come into effect until the Minister of Planning grants Final Approval to Omnibus Amendment No.176.

It is recommended that Council approves revised PP3.3.5 for the purpose of advertising.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the advertising of the revised Planning Policy 3.3.5 – Child Care Premises, for public comment (amendments marked in red).

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Jones:

That Council **APPROVES** the advertising of the revised Planning Policy 3.3.5 – Child Care Premises, for public comment (amendments marked in red), as follows:

**PLANNING POLICY No.3.3.5 – CHILD CARE PREMISES**

1. INTRODUCTION

A Child Care Premises is used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre.

There is a growing demand for Child Care Premises in all parts of the City and it is expected that demand to will continue, given the current and expected urban development within the City.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the City Council shall have due regard to in the assessment and determination of applications for planning Development Approval for the establishment of Child Care Premises.

In this regard, no person shall commence or carry out any development of a Child Care Premises without first having applied for and obtained the planning Development Approval of the City Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2, Part 7 of the deemed provisions of TPS2.
2. POLICY APPLICATION

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

The permissibility of the Child Care Premises use in Town Planning Scheme No.2 can be summarised as follows:

(a) The use is not permitted in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones unless the Council has exercised its discretion by granting Development Approval;

(b) The use is not permitted in the Residential and Development zones unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 6.3.3 of the Scheme 64 of the deemed provisions of TPS2 and Planning Procedure 1.3 – Community Consultation;

(c) The use is not permitted in the Special Commercial, Port Kennedy Business Enterprise, General Industry, Light Industry, Special Industry, Special Rural and Special Residential zones.

This Planning Policy should be read in conjunction with Planning Procedure 1.3 – Community Consultation, the Child Care Services Act 2007 and WAPC Planning Bulletin 72/2009 – Child Care Centres.

3. POLICY OBJECTIVES

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Child Care Premises;

(b) To secure the amenity of the locality by ensuring that Child Care Premises are consistent with the scale and character of the immediate area;

(c) To ensure that appropriate and flexibly child care facilities are provided to accommodate the needs of the children and their carers; and

(d) To consider the health and safety of children attending the Child Care Premises within the confines of the planning system.

4. POLICY OBJECTIVES STATEMENT

4.1 Location of Child Care Premises

It is important that Child Care Premises are appropriately located to meet the needs of children and their families. It is also important in limiting the impact a Child Care Premises may have on surrounding activities and vice versa. This may be achieved by locating Child Care Premises on sites that are:

(a) Distributed strategically to provide maximum benefit to the community it serves;

(b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;

(c) Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties);

(d) Serviced by public transport (where available);

(e) Considered suitable from a traffic engineering/safety point of view; and

(f) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.
Child Care Premises generally would not be suitable where:

(g) Soil contamination exceeds the levels regarded by the Department of Water, Environment and Regulation (DWER) Environment and Conservation and the Department of Health as suitable for standard residential land uses with accessible soils as published in guideline ‘Assessment Level for Soil, Sediment and Water’ (Department of Environment, November 2003) ‘Assessment and Management of Contaminated Sites – Contaminated Sites Guidelines’ (Department of Environmental Regulation 2014);

(h) Groundwater is to be abstracted for the irrigation of gardens and play area within the Child Care Premises and groundwater contamination exceeds 10 x Australian drinking water criteria in accordance with the ‘Contaminated Sites Reporting Guideline for Chemicals in Groundwater’ (Department of Health 2006), ‘Contaminated Sites Ground and Surface Water Chemical Screening Guidelines’ (Department of Health 2014);

(i) The service provided by the Centre will have a demonstrable adverse impact on the existing or planned level of Child Care Premises enjoyed by the local community;

(j) Access is from a major road or in close proximity to a major intersection where there may be safety concerns;

(k) Access is from a local access street which may impact on the amenity of the area due to traffic and parking;

(l) The current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes, or emissions or poses a potential hazard by reason of activities or materials stored on site;

(m) Noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or

(n) The site is in a heavy industry area or in the buffer area of a heavy industry area.

4.2 Site Characteristics

Sites selected for Child Care Premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structure, parking for staff and parents, outdoor play areas and landscaping, as determined by the City.

As a general rule, sites in a residential area should be of regular shape and greater than 1000m² in size. A maximum site coverage of 50% will apply to any proposal to prevent the over-development of any lot.

The topography of the site should be considered, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.

Sites selected for Child Care Premises should also be assessed to determine their potential for soil and groundwater contamination. Section 6 of the Department of Water, Environment and Regulation (DWER) Environment and Conservation’s ‘Contaminated Sites and the ‘Land Use Planning Process’ (April 2006) guideline sets out a useful methodology to assist local government in carrying out such assessments.

4.3 Carparking

An application for planning approval Development Approval shall make provision for parking bays in accordance with the standards and requirements of Clause 4.15 and Table Nos.2 and 3 of Town Planning Scheme No.2.

In Table No.3 (recommended carparking standards/allowances within the City Centre Zone and Baldivis Town Centre Zone), one carparking bay per staff member and one carparking bay for every eight children plus an adequate number of drop-off bays (at the discretion of the Council) is required.

In Table No.2 and No.3 (dealing with all other zones, except the Waterfront Village Zone), one carparking bay for each employee and one carparking bay for every eight children is required.

In the Waterfront Village Zone, the City Council shall determine the number of carparking bays to be provided having regard to:
(a) The nature of the proposed development;
(b) The number of employees likely to be employed on the site;
(c) The anticipated demand for parking; and
(d) The orderly and proper planning of the locality.

Parking areas should be located in front of the building. If this is not possible, parking areas should be clearly visible and easily accessible from the entry to the site.

In addition, landscaping may be required on-site to screen car parking areas from the street and the Child Care Premises from adjoining residences in order to maintain the amenity of the locality.

4.4 Traffic Impacts

A Traffic Impact Assessment will be required where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises has the potential to impact on the functionality and amenity of an area and may create or exacerbate unsafe conditions for children and families using the premises, or for pedestrian or road users.

This Assessment should address:
(a) The site characteristics and surrounding area;
(b) The proposal and its expected trip generation;
(c) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
(d) Existing traffic conditions and any future changes expected to the traffic conditions;
(e) Current road safety conditions, including crash history of the locality; and
(f) The expected impact of the proposed development on the existing and future traffic conditions.

4.5 Noise Impacts

A Noise Impact Assessment may be required for the development of a Child Care Premises. The objectives should be to limit the noise impact of the Child Care Premises on adjacent properties, and also limit any noise impact from external sources on the Child Care Premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise-mitigation measures, such as acoustic treatments to buildings.

Although each application will need to be assessed on its individual merit, the following basic principles apply:
(a) Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement villages and nursing homes, the noise-generation activities of the Child Care Premises, such as the outdoor play areas, parking areas and any plant equipment, are to be located away from the noise sensitive use;
(b) Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and
(c) The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

4.6 Design Considerations

The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture.

Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimum any impact on adjoining properties.

Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose.
Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape.

Landscaping will be required along the frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights and potentially toxic plants.

4.7 Hours of Operation

For Child Care Premises in Residential areas, hours of operation will be restricted to 6:30am to 7:00pm, unless otherwise agreed to by the Council.

4.8 Advertising Signs

Any proposed advertising sign must accord with the provisions of clause 5.3 of Town Planning Scheme No.2. Furthermore, a Sign Licence application is required to be submitted to Building Services, pursuant to the Council’s Signs, Hoardings and Bill Posting Local-Law.

4.9 Need for Child Care Premises

Where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises may have an adverse impact on the level of service to the community by similar existing or approved facilities, the proponent will be required to provide further information in regard to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility.

4.10 Building Approval

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

Where a Child Care Premises requires the construction of a new building or alterations to an existing building, a Building Permit (Certified) is required from the Local Government (in addition to a Development Approval).

Upon completion of the works specified in the Building Permit and prior to occupying the premises, an Occupancy Permit (Certified) is also required from the Local Government.

Consultation with a Private Building Surveyor is required at design stage to ensure that the proposed works will comply with required provisions of the Building Code of Australia (NCC BCA), Disability (Access to Premises-Building) Standards 2010 and the relevant provisions of AS1428 – Design for Access and Mobility.

4.11 Health Approval

Where a Child Care Premises requires the construction of a new building or modifications to an existing building, a Form 2—Maximum Accommodation Certificate will be required from the Council (in addition to a Planning Approval). Refer to Appendix 1 for the necessary application form.

In addition, Where a Child Care Premise provides food and/ or drinks, an Application for a Certificate of Registration of a Food Premises must also be submitted. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code. Refer to Appendix 21 for the necessary application form.

4.12 Consultation

All applications for planning approval Development Approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 64 of the deemed provisions of TPS2 and Planning Procedure No.1.3 – Community Consultation. Where the location of a Child Care Premises was pre-determined in a structure plan, or similar wide-ranging site assessment completed prior to any residential development in the vicinity, comprehensive consultation may not be necessary.
Unless otherwise determined by the Manager, Statutory Planning, applications for planning approval Development Approval for the establishment of Child Care Premises in the City Centre, Waterfront Village, Baldvis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of the Scheme Part 8 of the deemed provisions of TPS2 and Planning Procedure No.1.3 – Community Consultation.

4.13 Other Considerations

4.13.1 Consultations with State Government Agencies

Applicants for approval to establish a Child Care Premises are encouraged to discuss their proposal with the Department of Communities, and the Child Care Licensing and Standards Unit Child Protection and Family Support which assesses and processes licence applications, provides information to help service providers understand and comply with the regulations, monitors child care services to ensure compliance with the regulations and response to concerns and complaints of non-compliance with the regulations.

The Department’s Children’s Services Officers provide support and advice to licensees and prospective licensees about setting up a service and applying for a licence.

The licence to operate a Child Care Premises, issued under the regulations (Child Care Services Act 2007) limits the number of children the Centre can accommodate.

4.13.2 Commonwealth Department for Families, Housing, Community Services and Indigenous Affairs of Social Services

This Department provides support for child care services, including:
- Helping families with the cost of child care (Child Care Benefit);
- Policy advice, research and service management related to providing children’s services;
- Helping services provide quality care under the Child Care Support Program;
- Quality assurance, training and support services to improve the quality of children’s care;
- Funding, training and support products and services to promote equity of access; and
- Funded child care places and operational support for child care services (Community Support payments) and (Family Day Care Start Up Payment).

Notwithstanding any comments received through consultations referred to in this Part, applications for planning approval Development Approval will be determined on their individual merits by the City Council, whether or not assistance is granted.

4.13.3 Site Contamination

The commencement of The Contaminated Sites Act 2003 on 1st December 2006 has created new statutory obligations for land users and has highlighted the importance of preventing the development of child care services on land that is unsuitable for this land use because of soil and groundwater contamination at or near the site.

Proposals for the development of a Child Care Premises must:
- Exercise duty of care to ensure that the site is suitable for use as a child care service;
- Seek and consider any information held by the Department of Water, Environment and Regulation (DWER) Environment and Conservation about the contamination status of the site; and
- Seek and consider any other information about the contamination status of the site, irrespective of whether or not it has been reported to Department of Water, Environment and Regulation (DWER) Environment and Conservation under the Contaminated Sites Act 2003.

5. APPLICATION PROCEDURE

Applications for planning approval Development Approval for the establishment of Child Care Premises shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 APRIL 2019

PRESIDING MEMBER

(a) Written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved. Such a submission to also outline the number of children proposed, age group breakdown, days and hours of operation and staff requirements;

(b) A location plan depicting surrounding lots and road layout;

(c) A detailed site plan to a scale sufficient to identify clearly the boundaries and all proposed structure, external play areas, landscaping, refuse storage age, car parking, pedestrian and vehicle access ways, crossover/s and kerb locations, verge width and associated road infrastructure (e.g. light poles, traffic islands) for the full road reserve width for all roads abutting the application site;

(d) Floor plans and elevations to all sides of the proposed building to a minimum scale of 1:100;

(e) A Traffic Impact Statement and Noise Impact Assessment, if required;

(f) A Signage Strategy to generally describe and illustrate the number, location, dimensions and content of all signs, and sign structures to be erected;

(g) Any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(h) If the site has been used for a potentially contaminating activity, the information listed in section 6 of the Department of Water, Environment and Regulation (DWER) Environment and Conservation’s ‘Contaminated Sites and Land Use Planning Process’ (available on the DWEC DWER website at www.dwer.wa.gov.au);

(i) Such plans and other information that the Council may reasonably require to enable the application to be determined. Refer to clause 6.2.2 clause 62 and 63 of the deemed provisions of TPS2 of Town Planning Scheme No.2; and

(j) The payment of an Administration Fee as detailed in the Council’s Planning Information Bulletin No.2.2 – Scale of Fees for Planning Services.

6. AUTHORITY

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

7. INTERPRETATIONS

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

Council: means the Council of the City of Rockingham

7.8. DELEGATION

All applications for planning approval for the establishment of Child Care Premises in the Residential and Development zones will be referred to the Council for determination.

Subject to no substantiated objections being received following community consultation, other applications for planning approval Development Approval in all zones which comply in all respect with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 83 of the deemed provisions of TPS2 and Planning Procedure 1.1 – Delegated Authority the Delegated Authority Register.

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

8.9. ADOPTION

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

This Planning Policy was amended by the Council at its ordinary Meeting held on the 28th June 2011 XXXX.

10.11. REVOCATION

This Planning Policy supersedes the Council’s Statement of Planning Policy No.2.6 – Child Care Centres.

Appendices

1. Form 2 – Application for Certificate of Approval
2. Application for a Certificate of Registration of a Food Premises

Note: The appendices do not form part of this Planning Policy and have been included for information purposes only.
FORM 2

HEALTH ACT 1911                                  (Reg. 5)

HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992

APPLICATION FOR CERTIFICATE OF APPROVAL

I being the owner/agent hereby apply for a Certificate of Approval in respect of:

PREMISES DETAILS:

Name of: ........................................................................................................................................

Location No: ....................................................................................................................................

Street: .............................................................................................................................................

Town/Suburb: ...................................................................................................................................

Nearest Cross Street: ............................................................................................................................

Construction/extension/alteration of which was completed on: ..........................................................

In accord with your approval given on: ..............................................................................................

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 APRIL 2019

PRESIDING MEMBER
FOOD ACT 2008

APPLICATION FOR A REGISTRATION OF FOOD PREMISES

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

(Name and residential address to be in full and in block letters).

<table>
<thead>
<tr>
<th></th>
<th>Full Name</th>
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<tbody>
<tr>
<td>I</td>
<td></td>
</tr>
<tr>
<td>of</td>
<td></td>
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</tbody>
</table>

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

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

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>NB</td>
<td>ANNUAL FOOD PREMISES FEES</td>
</tr>
<tr>
<td></td>
<td>High Risk  =  $400.00</td>
</tr>
<tr>
<td></td>
<td>Medium Risk =  $200.00</td>
</tr>
<tr>
<td></td>
<td>Low Risk   =  $75.00</td>
</tr>
<tr>
<td></td>
<td>Very Low Risk = Nil</td>
</tr>
<tr>
<td></td>
<td>Food Vehicle =  $150.00</td>
</tr>
</tbody>
</table>

Tick whichever is applicable

Name of Premises

Address of Premises

Phone: ___________ Mobile: ___________ Fax: ___________
The Premises is a **new** food business? Yes [ ] No [ ]

The Premises is an **established** food business? Yes [ ] No [ ]

- Previous Premises name

Dated this ___________________ day of ___________________ 20

**REGISTRATION APPLICATION FEE**

= $30.00

Signature of Applicant

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

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Planning and Development Services
Statutory Services

Reference No & Subject: PD-018/19 Final Adoption - Planning Policy 3.3.9 - Fast Food Outlets

File No: LUP/1265-05
Applicant: Owner: Author:

Other Contributors: Mr David Banovic, Senior Planning Officer
Mr Chris Parlane, Senior Planning Officer
Mr David Waller, Coordinator Statutory Planning
Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 18 March 2019
Previously before Council: 27 May 2008 (PD-81/5/08); 23 October 2018 (PD-053/18)

Disclosure of Interest: Executive

Site: Lot Area: LA Zoning: MRS Zoning:
Attachments: Maps/Diagrams:

Purpose of Report
To consider the adoption of the amendments to Planning Policy 3.3.9 - Fast Food Outlets (PP3.3.9), following the completion of public advertising.

Background
In October 2018, the Council resolved to adopt the following amendments to PP3.3.9 for the purpose of public advertising.

PLANNING POLICY 3.3.9
FAST FOOD OUTLETS

1. Introduction
The City of Rockingham Town Planning Scheme No.2 (TPS2) defines ‘Fast Food Outlet’ as premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a ‘Lunch Bar’.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council Local Government shall have due regard to in the assessment and determination of applications for planning Development Approval for the establishment of Fast Food Outlets.

In this regard, no person shall commence or carry out any development of a Fast Food Outlet without first having applied for and obtained the planning Development Approval of the Council Local Government, pursuant to the provisions of Part 6 of Town Planning Scheme No.2 deemed provisions of TPS2.

2. Policy Application

In Town Planning Scheme No.2 TPS2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Fast Food Outlet use in Town Planning Scheme No.2 TPS2 can be summarised as follows:

(a) The use is not permitted in the Primary Centre City Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Baldwins District Town Centre, Commercial, Service Commercial, and Development zones, unless the Council Local Government has exercised its discretion by granting planning Development Approval; 
(b) The use is not permitted in all other zones.

This Planning Policy should be read in conjunction with the Health Act 1911 (as amended) and the Health (Food Hygiene) Regulations 1993.

1. The Local Government will not support the development of Fast Food Outlets within the Challenger Business Park on Patterson Road, Rockingham and Dixon Road, Rockingham and East Rockingham, as it is considered that Fast Food Outlets would undermine the regional planning objectives of the City.

3. Policy Objectives

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Fast Food Outlets.
(b) To secure the amenity, health and convenience of the locality through appropriate development requirements.

1. In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, land-uses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to Clause 4.2.9-1(b) of Town Planning Scheme No.2 TPS2.

4. Policy Statement

4.1 Location

The preferred locations for Fast Food Outlets are within approved Neighbourhood and District Town Centres zones and within the City Centre Zones specified under Clause 2 (a) of this Policy.

The Council will not support the development of stand alone Fast Food Outlets within the Challenger Business Park (Service Commercial Precinct located on Patterson Road, Rockingham) and the Service Commercial zoned land on Dixon Road, as it is considered that support in these locations would undermine the regional planning objectives of the City.

4.2 Development Requirements

In its consideration of proposals to establish Fast Food Outlets, the Council Local Government will seek to reduce the impact of the use on the amenity of the locality (particularly adjacent to residential areas), through the following measures:

(a) The location of signage, parking, drive-through facility, bin storage areas and service vehicle access;
(b) The control of trading hours, noise, lighting (light spill), cooking odours and wind blown litter; and
(c) The provision of suitable setbacks and landscaping buffers.
In the interests of traffic safety, the Council Local Government will seek to minimise disruption to traffic flows (especially at peak hours), minimise spontaneous impulse driving behaviour and limit pedestrian/vehicle conflict.

The Council Local Government has not specified a minimum lot area for Fast Food Outlets as it considers that such a requirement may vary dependent upon location and access or whether the facility is free standing or shares a common site. Accordingly, each proposal will be considered on its merits.

4.3 Parking and Access

An application for planning Development Approval shall make provision for carparking bays in accordance with the standards and requirements of Clause 4.15 and Table Nos.2 and 3 of Town Planning Scheme No.2 or the Planning Policy No.3.2.2 - Rockingham Beach Waterfront Village (Appendix 1 - Carparking Requirements) TPS2.

In Table No.3 (recommended carparking standards/allowances within the City Centre Zone and Baldivis Town Centre Zone District Town Centre zone), a minimum of one carparking bay per 15m² Net Lettable Area (NLA) is required.

In Table No.2 (dealing with all other zones), one carparking bay per 11m² NLA (including outdoor eating areas) is required.

In the Waterfront Village Zone, carparking is to be provided in accordance with the following table:

<table>
<thead>
<tr>
<th></th>
<th>On-site</th>
<th>Cash-in-lieu</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>Zero</td>
<td>1 bay/22m²</td>
<td>1 bay/14m²</td>
</tr>
<tr>
<td>Maximum</td>
<td>1 bay/22m²</td>
<td>1 bay/14m²</td>
<td>1 bay/11m²</td>
</tr>
</tbody>
</table>

Where a drive-through facility is to be provided, the on-site queue accessway should be sufficient to accommodate a minimum of 10 cars (measured from the pick-up point). This accessway must not obstruct access to car parking spaces and not extend onto the external roadway.

The carparking bays accommodated within the drive-through facility (on-site queue accessway) can be included in the carparking allocation required for a Fast Food Outlet, up to a maximum of 50% of the Scheme carparking requirement.

Consistent with Main Street design principles, drive-through facilities will generally not be supported in the Primary Centre City Centre, and Primary Centre Waterfront Village and Primary Centre Urban Village zones and within the Main Street locations of the Baldivis District Town Centre Zones and the Secret Harbour Town Centre Neighbourhood Centres.

4.4 Other Planning Considerations

Applications for Fast Food Outlets that are integrated into the design of buildings such as Service Stations will be considered on their merits after considering issues of location, vehicular access, layout and amenity.

4.5 Advertising Signs

Any proposed advertising sign must accord with the deemed provisions of Clause 5.3 of TPS2 Town Planning Scheme No.2 and Planning Policy 3.3.1 - Control of Advertisements. Furthermore, a Sign Licence application is required to be submitted to the Building Department, pursuant to the Council’s Signs, Hoardings and Bill Posting Local-Law.

4.6 Bicycle Parking and End-of Trip Facilities

Applications for Development Approval including the upgrading of existing Fast Food Outlets will be required to provide for bicycle parking and end-of-trip facilities in accordance with Planning Policy 3.3.14 - Bicycle Parking and End-Of-Trip Facilities.

4.6 Building Approval

Where a Fast Food Outlet requires the construction of a new building or modifications to an existing building, a Building Licence will be required from the Council (in addition to a Planning Approval).
4.7 Health Approval

Where a Fast Food Outlet requires the construction of a new building or modifications to an existing building, a Health Approval will be required from the Council (in addition to a Planning Approval).

4.8 Other Considerations

Under the City of Rockingham Planning Policy No.6.3 3.1.2- Local Commercial Strategy, a Fast Food Outlet is categorised as an Ancillary Use and the floorspace (NLA) will be included in the retail floorspace allocation for Centres.

4.9 Consultation

Where the Manager, Statutory Planning considers that an application for planning approval Development Approval for the establishment of a Fast Food Outlet is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 6.3.3 Clause 64 of the deemed provisions of Town Planning Scheme No.2 TPS2 and Planning Procedure No.1.3 - Community Consultation.

5. Application Procedure

Applications for planning approval Development Approval for the establishment of Fast Food Outlets shall be made on the form prescribed by the Council Local Government, and shall be signed by the owner(s), and accompanied by the following information:

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

(b) Such plans and other information that the Council Local Government may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2; Refer to Clause 63 of the deemed provisions of TPS2;

(c) Any specialist studies that the Council Local Government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(d) Details of any proposed signage to be erected, together with a separate application for a sign licence permit to Council’s Building Department; the City’s Health and Building Services; and

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

6. Authority

This Planning Policy has been adopted by the Council Local Government under clause 8.9 of Town Planning Scheme No.2 the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Council Local Government in respect of any application for planning Development Approval, the Council Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2 TPS2:

Carpark means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or premises in which cars are displayed for sale.

Local Government Council means the Council Local Government of the City of Rockingham.

Lunch Bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

Net Lettable Area (NLA) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:

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

8. Delegation

Where an application for planning Development approval has been the subject of a process of community consultation and substantiated objections are received, the application for planning Development approval will be referred to the Council for determination.

All other applications for planning Development approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to Clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority.

9. Adoption

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

10. Amendment

This Planning Policy was amended by the Council at its ordinary Meeting held on 26 March 2019.

101. Revocation

This Planning Policy supersedes the Council’s Statement of Planning Policy No.6.6 - Fast Food Outlets.

Details

The amendments to PP3.3.9 are set to simplify Policy requirements and includes updated reference to legislation and terminology.

Reference to car parking requirements have been removed from PP3.3.9 as they are already specified under Clause 4.15, and Table 2, 3 and 4 of Town Planning Scheme No. 2 (TPS2).

Implications to Consider

a. Consultation with the Community

In accordance with Clause 4(2) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), the proposed amendments to PP3.3.9 were advertised for 21 days in the following manner:

- An advertisement was published in the Sound Telegraph Newspaper on 7 November 2018;
- A copy of the draft PP3.3.9 was advertised on the City's website from 7 November 2018 to 28 November 2018; and
- Copies of the draft PP3.3.9 were made available at the City's Administration Office.

At the close of the public consultation period a total of three (3) submissions were received from residents of Cooloongup, Safety Bay and Shoalwater.

The submissions received have been summarised in the table below, including the Officer’s response to the issue.

<table>
<thead>
<tr>
<th>1. Car Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>A minimum of two dedicated universal car parking spaces should be provided for a Fast Food Outlet.</td>
</tr>
</tbody>
</table>
1. Car Parking (cont…)

City's Comment:
The City's Building Services assess applications for the provision of car parking spaces for people with disability, in accordance with the Building Code of Australia (Volume 1) (BCA). The BCA requires the provision of one (1) disabled bay per every 50 car parking spaces, or part thereof.

Universal car parking requirements must also comply with Planning Procedure 1.16 - Carparking and Access Considerations for People with Disability.

2. Land use

Submission:
The Policy does not provide a land use definition.

City's Comment:
A definition of a Fast Food Outlet is provided under Clause 1 'Introduction' of this Policy, as defined under TPS2. No further Policy changes are required.

Submission:
Are pop us fast food vans considered to be a Fast Foot Outlet.

City's Comment:
Pop up fast food vans serving coffee, sausage sizzles and other low risk food vans are not considered to be Fast Food Outlets under TPS2.

Such vehicles are licenced and regulated by the City’s Health Services under the Food Act 2008, the Activities in Thoroughfares and Public Places and Trading Local Law 2001.

Submission:
The Council should adopt a policy that makes it harder to establish Fast Food Outlets, rather than streamlining to make it easier.

City's Comment:
The changes proposed to the Policy clarify the guidelines against which proposals for Fast Food Outlets will be assessed.

The City can only apply Policy requirements based on planning grounds and cannot take a different approach to a land-use which is permitted under TPS2. The Policy could be considered invalid if it was tested and an application was made for review at the State Administrative Tribunal.

b. Consultation with Government Agencies
Nil

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

Aspiration 3: Plan for Future Generations

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

d. Policy
Nil
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 APRIL 2019

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the revised Planning Policy 3.3.9 - Fast Food Outlets.

Committee Recommendation

Moved Cr Jones, seconded Cr Liley:

That Council ADOPTS the revised Planning Policy 3.3.9 - Fast Food Outlets as follows:

PLANNING POLICY 3.3.9

FAST FOOD OUTLETS

1. Introduction

The City of Rockingham Town Planning Scheme No.2 (TPS2) defines ‘Fast Food Outlet’ as premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a ‘Lunch Bar’.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the ‘Local Government’ shall have due regard to in the assessment and determination of applications for Development Approval for the establishment of Fast Food Outlets.

In this regard, no person shall commence or carry out any development of a Fast Food Outlet without first having applied for and obtained the Development Approval of the Local Government, pursuant to the deemed provisions of TPS2.
2. **Policy Application**

In TPS2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Fast Food Outlet use in TPS2 can be summarised as follows:

(a) The use is not permitted in the Primary Centre City Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, District Town Centre, Commercial, and Development zones, unless the City has exercised its discretion by granting Development Approval; and

(b) The use is not permitted in all other zones.

1. The Local Government will not support the development of Fast Food Outlets within the Challenger Business Park on Patterson Road, Rockingham and Dixon Road, Rockingham and East Rockingham, as it is considered that Fast Food Outlets would undermine the regional planning objectives of the City.

3. **Policy Objectives**

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Fast Food Outlets.

(b) To secure the amenity and convenience of the locality through appropriate development requirements.

1. In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, land-uses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if TPS2.

4. **Policy Statement**

4.1 **Location**

The preferred locations for Fast Food Outlets are within approved Neighbourhood and District Town Centre zones and within the City Centre Zones specified under Clause 2 (a) of this Policy.

4.2 **Development Requirements**

In its consideration of proposals to establish Fast Food Outlets, the City will seek to reduce the impact of the use on the amenity of the locality (particularly adjacent to residential areas), through the following measures:

(a) The location of signage, parking, drive-through facility, bin storage areas and service vehicle access;

(b) The control of trading hours, noise, lighting (light spill), cooking odours and wind blown litter; and

(c) The provision of suitable setbacks and landscaping buffers.

In the interests of traffic safety, the City will seek to minimise disruption to traffic flows (especially at peak hours), minimise spontaneous impulse driving behaviour and limit pedestrian/vehicle conflict.

The City has not specified a minimum lot area for Fast Food Outlets as it considers that such a requirement may vary dependent upon location and access or whether the facility is free standing or shares a common site. Accordingly, each proposal will be considered on its merits.

4.3 **Parking and Access**

An application for Development Approval shall make provision for carparking bays in accordance with the requirements of Clause 4.15 and Table Nos.2, 3 and 4 of TPS2.

Where a drive-through facility is to be provided, the on-site queue accessway shall be sufficient to accommodate a minimum of 10 cars (measured from the pick-up point). This accessway must not obstruct access to car parking spaces and not extend onto the external roadway.

The carparking bays accommodated within the drive-through facility (on-site queue accessway) can be included in the carparking allocation required for a Fast Food Outlet, up to a maximum of 50% of the Scheme carparking requirement.
Consistent with Main Street design principles, drive-through facilities will generally not be supported in the Primary Centre City Centre, Primary Centre Waterfront Village and Primary Centre Urban Village zones and within the Main Street locations of the District Town Centre Zones and Neighbourhood Centres.

4.4 **Other Planning Considerations**

Applications for Fast Food Outlets that are integrated into the design of buildings such as Service Stations will be considered on their merits after considering issues of location, vehicular access, layout and amenity.

4.5 **Advertising Signs**

Any proposed advertising sign must accord with the deemed provisions and Planning Policy 3.3.1 - Control of Advertisements.

4.6 **Bicycle Parking and End-of Trip Facilities**

Applications for Development Approval including the upgrading of existing Fast Food Outlets will be required to provide for bicycle parking and end-of-trip facilities in accordance with Planning Policy 3.3.14 - Bicycle Parking and End-Of-Trip Facilities.

4.7 **Other Considerations**

Under the City of Rockingham Planning Policy No 3.1.2 - Local Commercial Strategy, a Fast Food Outlet is categorised as an Ancillary Use and the floorspace (NLA) will be included in the retail floorspace allocation for Centres.

4.8 **Consultation**

Where the Manager, Statutory Planning considers that an application for Development Approval for the establishment of a Fast Food Outlet is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with Clause 64 of the deemed provisions of TPS2 and Planning Procedure No.1.3 - Community Consultation.

5. **Application Procedure**

Applications for Development Approval for the establishment of Fast Food Outlets shall be made on the form prescribed by the Local Government, and shall be signed by the owner(s), and accompanied by the following information:

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

(b) Such plans and other information that the Local Government may reasonably require to enable the application to be determined. Refer to Clause 63 of the deemed provisions of TPS2;

(c) Any specialist studies that the Local Government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(d) Details of any proposed signage to be erected, together with a separate application for a sign permit to the City's Health and Building Services; and

(e) The payment of an Administration Fee as detailed in the City's Scale of Fees for Planning Services.

6. **Authority**

This Planning Policy has been adopted by the Local Government under the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Local Government in respect of any application for Development Approval, the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. **Interpretations**

For the purposes of this Planning Policy, the following terms shall have the same meaning as TPS2:
Carpark means premises used primarily for parking vehicles whether open to the public or not but
does not include any part of a public road used for parking or for a taxi rank, or premises in which
cars are displayed for sale.

Local Government means the Local Government of the City of Rockingham.

Lunch Bar means premises or part of premises used for the sale of takeaway food (in a form ready
to be consumed without further preparation) within industrial or commercial areas.

Net Lettable Area (NLA) means the area of all floors within the internal finished surfaces of
permanent walls but excludes the following areas:

(a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and
plant rooms, and other service areas;

(b) lobbies between lifts facing other lifts serving the same floor;

(c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers
of the floor or building;

(d) areas set aside for the provision of facilities or services to the floor or building where such
facilities are not for the exclusive use of occupiers of the floor or building.

8. Delegation

Where an application for Development Approval has been the subject of a process of community
consultation and substantiated objections are received, the application for Development Approval
will be referred to the Council for determination.

All other applications for Development Approval that comply in all respects with the objectives and
provisions of this Planning Policy will be determined under delegated authority, pursuant to Clause
83 of the deemed provisions of TPS2 and Planning Procedure 1.1 – Delegated Authority.

9. Adoption

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

10. Amendment

This Planning Policy was amended by the Council at its ordinary Meeting held on 26 March 2019.

11. Revocation

This Planning Policy supersedes the City’s Statement of Planning Policy No.6.6 - Fast Food Outlets.

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 consider amending Planning Policy No. 3.3.13 - Parking of Commercial Vehicles in Residential Zones (PP3.3.13) to broaden the scope of the Policy, as well as reflect changes in terminology and proposed Scheme Amendments No.173 and No.176 - Omnibus Amendment to Town Planning Scheme No.2 (TPS2).

Background

In May 2008, PP3.3.13 was adopted by Council and was amended in August 2009. Since then, PP3.3.13 has not been reviewed.

PP3.3.13 sets out the criteria by which the City will consider Commercial Vehicle Parking, and establishes guidelines for parking of such vehicles.

PP3.3.13 is proposed to be amended in anticipation of the gazettal of the proposed (Omnibus) Scheme Amendments No.173 and No.176. Amendment No.173 proposes to amend Schedule 1 and 2 General Interpretations and Land Use Interpretations, including the Zoning Table. Amongst other purposes, Amendment No.176 proposes to amend TPS2 text with regard to Commercial Vehicle Parking. The amended PP3.3.13 would only come into operation upon the gazettal of Amendments No.173 and No.176 to TPS2.
Details

The following amendments to PP3.13 are proposed:

1. **Policy Application**

The major change affecting current PP3.13 is gross vehicle mass specified in the Regulations for the Commercial Vehicle Parking land use definition. The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) have increased gross vehicle mass for a Commercial Vehicle from 1.5 tonnes to 4.5 tonnes. This means the term Commercial Vehicle does not include a vehicle designed to carry loads of not more than 4.5 tonnes. Some vans and four wheel drives exceed gross vehicles mass of 1.5 tonnes and would no longer be included as Commercial Vehicles, which means they would not require Development Approval under TPS2 for parking.

PP3.13 currently applies to parking of commercial vehicles in Residential zones. The Policy scope is not consistent with commercial vehicle parking provisions in TPS2, which also permit consideration of the parking of commercial vehicles in Rural, Special Rural and Development zones.

The revised PP3.13 is proposed to align with Clause 4.17 Commercial Vehicles of TPS2 in this respect.

2. **Intent**

A number of minor refinements form part of the PP3.13 review to clarify the Council’s intent with regard to parking of Commercial Vehicles, as follows:

- The Policy Application section is amended to outline the zones to which PP3.13 applies to.
- The Access section is amended to inform landowners/applicants that where appropriate, a new or existing vehicle crossover will need to be upgraded to the specifications of the City within 60 days from the issue of the Development Approval.
- While PP3.13 provisions seek to facilitate appropriate support for local business, the City seeks to protect the amenity of adjacent owners. Consequently, PP3.13 proposes not to permit the parking of Multi Combination (MC) vehicles, as MC vehicles are considered most visually intrusive and can generate undesirable noise impacts and disturbance to nearby residents. Department of Transport defines a MC vehicle as ‘any heavy combination unit towing one or more trailers, each having a gross vehicle mass greater than 9,000kg.’ In simple terms, any Commercial Vehicle which can pull a trailer that is capable of carrying a load greater than 9,000kg.
- PP3.13 is amended to clarify that vehicle loads and equipment (e.g bobcat, cement, tandem axel trailer) must not be stored on-site. These changes are considered appropriate as they relate to the permissibility of parking of Commercial Vehicles in TPS2 and reinforces the City’s position that equipment associated with the commercial vehicle cannot remain on-site separate to the general movements or operation of that vehicle.
- The Complaints Procedure section has been removed from the PP3.13, as complaints are dealt with by the City in accordance with the provisions of the Planning and Development Act 2005.
- The changes to PP3.13 do not apply retrospectively to any existing development Approvals for the parking of Commercial Vehicles in the City.

3. **The Regulations**

The Regulations were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the Town Planning Regulations 1967. PP3.13 terminology is proposed to be amended for consistency with the Regulations with respect to ‘Development Approval’ in lieu of ‘Planning Approval’ including minor amendments relating to the deemed provisions of TPS2.

4. **Terminology**

Minor wording changes are proposed to simplify PP3.13 for ease of use, correct typographical errors and prevent duplication.
Implications to Consider

a. Consultation with the Community

Under clause 4(1) of the deemed provisions of TPS2, if the local government resolves to amend a Planning Policy, the local government must advertise the proposed amendments to PP3.3.13 as follows:

(a) publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:
   (i) the subject and nature of the proposed amended Policy; and
   (ii) the objectives of the proposed amended Policy; and
   (iii) where the proposed amended Policy may be inspected; and
   (iv) to whom, in what form and during what period submissions in relation to the proposed amended Policy may be made;

(b) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;

(c) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate.

Under Clause 4(2), the period for making submissions in relation to a Local Planning Policy must not be less than a period of 21 days commencing on the day on which the notice of the Policy is published under subclause (1)(a).

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 3: Plan for Future Generations

Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

PP3.3.13 is not part of TPS2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the objectives which PP3.3.13 is designed to achieve before making its determination.

g. Risk

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

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

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

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

Nil

Comments

The Council's consent is sought to advertise amendments to PP3.3.13.
The text amendments proposed are generally administrative in nature, to ensure legislative terminology and definitions references in PP3.3.13 are consistent with the Regulations, with the exception of the proposed amendment to the land use definition of Commercial Vehicle Parking which increases the gross vehicle mass from 1.5 tonnes to 4.5 tonnes to align with the requirements of the Regulations.

The Policy Statement section has been strengthened to allow the Policy to be applied to other zones under TPS2 when determining development applications.

It is recommended that Council adopt revised PP3.3.13 for the purpose of seeking public comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the advertising of the revised *Planning Policy 3.3.13 - Parking of Commercial Vehicles in Residential Zones* for public comment (amendments marked in red).

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Jones:

That Council **APPROVES** the advertising of the revised *Planning Policy 3.3.13 - Parking of Commercial Vehicles in Residential Zones* for public comment (amendments marked in red), as follows:

**PLANNING POLICY 3.3.13**

**PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES**

1. **Introduction**

The City of Rockingham Town Planning Scheme No.2 (TPS2) defines a ‘Commercial Vehicle’ as a vehicle, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing, includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine, whether self-propelled or not. “vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including -

(a) a utility, van, truck tractor, bus or earthmoving equipment; and

(b) a vehicle that is, or is designed to be attached to a vehicle referred to in paragraph (a) above”.

The term Commercial Vehicle shall not, however, include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the 'Council' Local Government shall have due regard to in the assessment and determination of applications for planning Development Approval for the parking of Commercial Vehicles through various zones on residential-zoned property.

In this regard, clause 4.17.1 of Town Planning Scheme No.2 states that a person shall not park or permit to be parked a licensed or unlicensed Commercial Vehicle in the Residential, Special Residential, or Development (residential use class) zones, unless planning approval has been granted by the Council, pursuant to Part 6 of the Scheme.

2. **Policy Application**

This Planning Policy only applies access Residential, Special Residential, Rural, Special Rural and Development zones.

Clause 4.17.2 of Town Planning Scheme No.2 requires that in assessing applications for planning approval, the Council shall take into account the objectives of the particular zone, any Planning Policy pertaining to that zone which the Council may from time to time adopt, as well as the following specific issues:
on-site parking location;
- potential impacts on neighbouring residents in terms of noise, emissions, visual appearance or any other nuisance;
- frequency and times of arrival/ departure;
- parking duration;
- the use of the vehicle; and
- whether such vehicle is to be used for business purposes operating out of the premises on a call-out basis.

This Planning Policy does not apply to Transport Depot proposals which are defined by the TPS2 as "premises used primarily for the parking or garaging of 3 or more commercial vehicles including -
(a) any ancillary maintenance or refuelling of those vehicles; and
(b) any ancillary storage of goods brought to the premises by those vehicles; and
(c) the transfer of goods or persons from one vehicle to another."

A Transport Depot is a prohibited use within all of the zones to which this Policy applies.

This Planning Policy should be read in conjunction with Clause 4.17 'Commercial Vehicles' of TPS2 and the City's Council's Activities in Thoroughfares and Public Places Local Law 2001.

3. Policy Objective

The objective of this Planning Policy is to promote the orderly and proper use of land by setting out the criteria against which applications for planning Development Approval will be assessed and standards that shall be observed such that Commercial Vehicles can only be parked in Residential, Special Residential, Rural, Special Rural and Development zones, where it has been demonstrated that there will be no adverse impact upon the residential amenity of the locality.

4. Policy Statement

4.1 Amenity

The deemed provisions of TPS2 Town Planning Scheme No.2 defines 'amenity' as all those factors that combine to form the character of an area and include the present and likely future amenity. In this regard, the parking of a Commercial Vehicle should not adversely impact upon the amenity of the locality.

Amenity can be adversely affected by the undue generation of noise, fumes, odours and the like. Visual amenity is another component that relates to the manner in which the property is viewed from the street or adjacent properties.

Minor maintenance of a Commercial Vehicle/s whilst parked at a residential property will only be considered where it can be demonstrated to the Council's City's satisfaction that such maintenance will not adversely impact on the amenity of the locality, and can be suitably managed to ensure all wastes are disposed of appropriately.

Activities such as spray painting, panel beating or mechanical repairs that have the potential to adversely impact upon the amenity of the locality by the emission of noise, odours, by-products or otherwise, will not be permitted to be undertaken on a Commercial Vehicle/s parked in a residential zone.

4.2 On-site Parking

The Commercial Vehicle must be parked entirely within the subject property, and should be contained behind the building setback line.

Where possible, the vehicle should be parked to the rear of the residence and screened from view of the street and from neighbouring properties.

Only one Commercial Vehicle will be permitted to be parked on a Residential, Special Residential, Rural, Special Rural or Development zoned property, unless it can be demonstrated to the Council's City's satisfaction that an additional Commercial Vehicle/s can be parked on the property in compliance with all the requirements of this Planning Policy.
4.3  Access

Access to the property on which the Commercial Vehicle/s is to be parked is to be via a crossover that has been constructed to the Council’s City’s specifications. Where appropriate conditions will be imposed on the development approval requiring the upgrade of vehicle crossover within 60 days from the issue of development approval.

The parking of the Commercial Vehicle/s should not preclude domestic passenger vehicles from parking at the property.

4.4  Commercial Vehicle Use

The City Council is unlikely to support the parking of a Commercial Vehicle/s that is, or has been, used for the transportation of animals, disposal of liquid wastes, or other dangerous, hazardous or contaminated substances (which either requires a special permit for their transportation, or which if spilled or discharged from the vehicle would either cause pollution or pose a danger or threat to the health of inhabitants of the locality).

The parking of Multi Combination (MC) vehicles shall not be permitted.

Vehicle loads and equipment must not be stored separately on-site. It is not the intention of this Policy to accommodate the storage of materials, or equipment ancillary to commercial vehicles, separate to the general movements or operation of that vehicle.

4.5  Consultation

All applications for Development planning approval for the parking of Commercial Vehicles/s on residential zoned property will be the subject of a process of community consultation in accordance with Clause 64 of the deemed provisions of Town Planning Scheme No.2 TPS2 and Planning Procedure No.1.3 - Community Consultation.

5.  Application Procedure

In addition to the requirements of clause 6.2 of Town Planning Scheme No 2, an applications for Development planning approval to park a Commercial Vehicle/s on a residential property shall be accompanied by include the following information:

(a) A written description of describing the purpose of the vehicle and whether such vehicle is to be used for business purposes operating out of the premises on a call out basis;

(b) The length, width, height and carrying capacity of the vehicle;

(c) Arrival and departure times;

(d) Demonstration that the proposal complies with the criteria set out in this Policy Statement;

(e) A site plan clearly depicting the proposed location of where the Commercial Vehicle/s is to be parked;

(f) A photograph of the Commercial Vehicle/s proposed to be parked at the property;

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

6.  Complaint Procedure

The Council is mindful that a significant proportion of applications for the parking of Commercial Vehicles on residential properties result from the receipt of complaints from adjacent landowners. As such, these matters are normally contentious and it is important that applications/complaints be dealt within a reasonable timeframe. In this regard, the Council has endorsed the following standard timeframes for the investigation of complaints:

(a) Landowners will be required to lodge an application for the parking of a Commercial Vehicle within twenty eight (28) days of being notified by the Council where the requirements of the Policy are considered to be met, or alternatively, remove the vehicle within twenty eight (28) days.

(b) If, beyond twenty eight (28) days of being notified by the Council, a landowner has failed to either remove the vehicle or submit an application, authority is delegated to the Chief Executive Officer to initiate legal action for breach of the Town Planning Scheme TPS2.
Complainants will be advised in writing of the manner in which the Council will investigate the matter, at which time a copy of this Planning Policy will be provided for their information.

67. Post Approval Considerations
   
   (a) Where an owner/driver who has been granted Development planning Approval to park a Commercial Vehicle/s on a lot damages a road, kerb and/or footpath when entering or leaving the lot, the owner/driver shall be responsible for the cost of repair.

   (b) If an owner/driver, who has been granted Development planning Approval to park a Commercial Vehicle on a lot, wishes to replace the vehicle with a different Commercial Vehicle, or park the vehicle in a different location to that approved by the Council Local Government, the prior written approval of the Council Local Government to the variation is required.

   (c) Should the Council Local Government receive substantiated complaints from adjoining/nearby residents regarding the parking of the Commercial Vehicle/s, or if the Council Local Government observes that conditions of Development planning Approval are not being complied with, the Council Local Government will either:

      (i) by written notice served on the owner and/or occupier of the land, require compliance with the conditions imposed on any Development Approval granted; and/or

      (ii) issue an infringement notice and/or prosecute the owner or occupier of the land as the case may be pursuant to the Planning and Development Act 2005.

78. Authority

   This Planning Policy has been adopted by the Council Local Government under clause 8.9 of Town Planning Scheme No.2 the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Council Local Government in respect of any application for planning Development Approval, the Council Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination decision.

89. Interpretations

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

   Local Government Council means the Council of the City of Rockingham.

   The following term shall have the same meaning as per the definition of the Department of Transport:

   Multi Combination (MC) vehicle means any heavy combination unit towing one or more trailers, each having a gross vehicle mass greater than 9,000kg.

910. Delegation

   Where an application for planning Development Approval has been the subject of a process of community consultation and substantiated objections are received, the application for planning Development Approval will be referred to the Council for determination decision.

   All other applications for planning Development Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to Clause 8.10 of Town Planning Scheme No.2 of the deemed provisions of TPS2 and Planning Procedure 1.1 – Delegated Authority.

1011. Adoption

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

11. Amendment

   This Planning Policy was amended by Council on 28th July 25th August 2009 (PS Committee on 20th July 2009); and xx xx xxxx.

122. Revocation

   This Planning Policy supersedes the Council’s City’s Statement of Planning Policy No.4.5 - Parking of Commercial Vehicles in Residential Zones.
Amended by Council on 28th July 2009 (PS Committee on 20th July 2009)

**Committee Voting – 5/0**

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
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<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>
Purpose of Report

To consider changing the representative member of the Department of Primary Industries and Regional Development on the Coastal Facilities Advisory Committee.

Recommendations to the Planning and Engineering Services Committee

Advisory Committee Recommendation 1 of 1:

That Council **APPOINTS** Mr Mark Kleeman the representative of the Department of Primary Industries and Regional Development to the Coastal Facilities Advisory Committee.

Officer Recommendation if Different to Advisory Committee Recommendation

That Council **APPOINTS** Mr Mark Kleeman as a member of the Coastal Facilities Advisory Committee, representing the Department of Primary Industries and Regional Development.

The Officer’s Reason for Varying the Advisory Committee Recommendation

To clarify the appointment as a Committee Member.

Background

Mr Darren Schofield, the current representative of the Department of Primary Industries and Regional Development advised the City that he has transferred to another location and Mr Mark Kleeman will be resuming the role of Supervising Fisheries and Marine Office based at Rockingham. Therefore, Mr Schofield has resigned from the committee and would like to be replaced by Mr Kleeman.
Implications to Consider

a. **Strategic**
   
   **Community Plan**
   
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:
   
   **Aspiration 4:** Deliver Quality Leadership and Business Expertise
   
   **Strategic Objective:** Effective governance: Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.

b. **Policy**
   
   The Governance and Meeting Framework Council Policy underpins the review and appointment of memberships on advisory committees.

c. **Financial**
   
   Nil

d. **Legal and Statutory**
   
   Section 5.10(1)(a) of the Local Government Act 1995 states that “A committee is to have as its members - (a) person appointed (Absolute majority required) by the local government to be members of the committee.”

e. **Voting Requirements**
   
   Absolute Majority

f. **Risk**
   
   All Council decisions are subject to risk assessment according to the City's Risk Framework. Implications and comment will only be provided for the following assessed risks.
   
   - Customer Service / Project management / Environment: High and Extreme Risks
   - Finance / Personal Health and Safety: Medium, High and Extreme Risks
   
   Nil

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Liley:

That Council **APPOINTS** Mr Mark Kleeman as a member of the Coastal Facilities Advisory Committee, representing the Department of Primary Industries and Regional Development.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Purpose of Report

Provide Council with details of the tenders received for Tender T18/19-30 - Standing Offer for the Supply of Road Construction Materials, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

The scope of the Contract is for the supply of road construction materials including; bitumen stabilised limestone, crushed limestone, crushed rock roadbase, sealing aggregate and drainage aggregate.

Tender T18/19-30 - Standing Offer for the Supply of Road Construction Materials was advertised in the West Australian on Saturday, 5 January 2019. The Tender closed at 2.00pm, Wednesday, 23 January 2019 and was publicly opened immediately after the closing time. The period of the contract shall be from the date of award for a period of 29 months.

### Details

A panel comprising of the City’s Manager Engineering Services, Construction Engineer and Civil Construction Supervisor undertook evaluation of submissions received in accordance with the advertised tender assessment criteria.
The following submissions included clarifying statements:

- PMR Quarries Pty Ltd Trustee for WA Limestone Unit Trust t/as WA Limestone Co and
- Ransberg Pty Ltd as Trustee for Ransberg Unit Trust t/as WA Bluemetal

The clarifying statements advised that the tenders had been priced for delivery in semi-trailers and there would be a surcharge of $2.00 per tonne for delivery in eight wheeler trucks. In consultation with users of the products, it was deemed that this notification was acceptable as it would be rare to require delivery in eight wheelers.

As no tenderer submitted prices for all items, evaluation of the tender was undertaken on a Separable Portion basis and produced the following weighted scores:

**Separable Portion 1 – Limestone**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
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<tbody>
<tr>
<td>PMR Quarries Pty Ltd Trustee for WA Limestone Unit Trust t/as WA Limestone Co</td>
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**Separable Portion 2 – Crushed Rock Roadbase**

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<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ransberg Pty Ltd as Trustee for Ransberg Unit Trust t/as WA Bluemetal</td>
<td>13.2</td>
<td>20.3</td>
<td>60.0</td>
<td>93.5</td>
</tr>
</tbody>
</table>

**Separable Portion 3 – Sealing Aggregate**

<table>
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<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
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<td>20.3</td>
<td>60.0</td>
<td>93.5</td>
</tr>
</tbody>
</table>

**Separable Portion 4 – Drainage Aggregate**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
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<td>13.2</td>
<td>20.3</td>
<td>60.0</td>
<td>93.5</td>
</tr>
</tbody>
</table>

The contract rates will be subject to a price variation every 12 months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

**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 Objectives contained in the Strategic Community Plan 2019-2029:
   
   **Aspiration 4:** Deliver Quality Leadership and Business Expertise
   **Strategic Objective:** Effective governance: Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.
   **Strategic Objective:** Management of current assets: Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.

d. Policy
   In accordance with the City’s Purchasing Policy, for purchases above $150,000, 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
   Capital works expenditure will be in accordance with the City’s Business Plan and operational expenditure will be in accordance with the Engineering and Parks operations maintenance budgets as allocated in the 2018/19 operational budget.
   Historical expenditure for 2016/2017 (part year - December to July) was $268,492; for 2017/2018 was $205,519 and for 2018/2019 (part year - July to January) was $132,844.

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 $150,000 unless sub regulation (2) states otherwise’.

g. Risk
   All Council decisions are subject to risk assessment according to the City’s Risk Framework.
   Implications and comment will only be provided for the following assessed risks.
   
   Customer Service / Project management / Environment : High and Extreme Risks
   Finance / Personal Health and Safety : Medium, High and Extreme Risks
   
   Nil

### Comments

The prices submitted by each company for their tendered items are very similar to the prices that the City is currently paying under the existing contract C16/17-37. That contract was awarded to PMR Quarries Pty Ltd Trustee for WA Limestone Unit Trust t/as WA Limestone Co who has been a successful supplier of road construction materials to the City for a number of years.

Following consideration of the submissions in accordance with the tender criteria, both companies demonstrated the capability, capacity and resources to provide the goods for the tendered items that they provided price for, however, as the tender was assessed on a Separable Portion basis, the following tenderers represent best value to the City and are recommended as the preferred Tenderer for the nominated Separable Portions below:
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 APRIL 2019

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ACCEPTS** the tender submitted from PMR Quarries Pty Ltd Trustee for WA Limestone Unit Trust t/as WA Limestone Co, of 401 Spearwood Avenue Bibra Lake WA 6163, for Separable Portion 1 - Limestone

2. **ACCEPTS** the tender submitted from Ransberg Pty Ltd as Trustee for Ransberg Unit Trust t/as WA Bluemetal, of 401 Spearwood Avenue Bibra Lake WA 6163, for Separable Portion 2 - Crushed Rock Roadbase, Separable Portion 3 - Sealing Aggregate and Separable Portion 4 - Drainage Aggregate

for Tender T18/19-30 - Standing Offer for the Supply of Road Construction Materials in accordance with the tender documentation for the contract period being from the date of award for a period of 29 months.

Committee Recommendation

Moved Cr Jones, seconded Cr Sammels:

That Council:

1. **ACCEPTS** the tender submitted from PMR Quarries Pty Ltd Trustee for WA Limestone Unit Trust t/as WA Limestone Co, of 401 Spearwood Avenue Bibra Lake WA 6163, for Separable Portion 1 - Limestone

2. **ACCEPTS** the tender submitted from Ransberg Pty Ltd as Trustee for Ransberg Unit Trust t/as WA Bluemetal, of 401 Spearwood Avenue Bibra Lake WA 6163, for Separable Portion 2 - Crushed Rock Roadbase, Separable Portion 3 - Sealing Aggregate and Separable Portion 4 - Drainage Aggregate

for Tender T18/19-30 - Standing Offer for the Supply of Road Construction Materials in accordance with the tender documentation for the contract period being from the date of award for a period of 29 months.

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

PMR Quarries Pty Ltd Trustee for WA Limestone Unit Trust t/as WA Limestone Co for Separable Portion 1 - Limestone

Ransberg Pty Ltd as Trustee for Ransberg Unit Trust t/as WA Bluemetal for Separable Portion 2 - Crushed Rock Roadbase, Separable Portion 3 - Sealing Aggregate and Separable Portion 4 - Drainage Aggregate
## Purpose of Report

Provide Council with details of the tenders received for Tender T18/19-31 - Standing Offer for the Supply of Drainage Products, document the results of the tender assessment and make recommendations regarding award of the tender.

## Background

The scope of the Contract is for the supply of stormwater drainage products including; reinforced concrete pipes, PVC pipes, infiltration pipes, reinforced concrete headwalls and drainage liners, soakwells, bases, lids, covers etc.

Tender T18/19-31 - Standing Offer for the Supply of Drainage Products was advertised in the West Australian on Saturday, 5 January 2019. The tender closed at 2.00pm, Wednesday, 23 January 2019 and was publicly opened immediately after the closing time. The period of the contract shall be from the date of award for a period of 29 months.

## Details

A panel comprising of the City’s Manager Engineering Services, Construction Engineer and Civil Construction Supervisor undertook evaluation of submissions received in accordance with the advertised tender assessment criteria.
As no tenderer submitted prices for all items, evaluation of the tender was undertaken on a Separable Portion basis and produced the following weighted scores:

### Separable Portion 1 – Reinforced Concrete Pipes (Class 2, 3 and 4)

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reinforced Concrete Pipes Australia (WA) Pty Ltd</td>
<td>13.2</td>
<td>15 Pts</td>
<td>20.2</td>
<td>60.0</td>
<td>93.4</td>
</tr>
<tr>
<td>Access Icon Pty Ltd t/as Cascada</td>
<td>13.0</td>
<td>15 Pts</td>
<td>18.0</td>
<td>49.2</td>
<td>80.2</td>
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<tr>
<td>Smartstream Technology Pty Ltd</td>
<td>9.4</td>
<td>15 Pts</td>
<td>13.2</td>
<td>56.8</td>
<td>79.4</td>
</tr>
<tr>
<td>Holcim (Australia) Pty Ltd t/as Humes</td>
<td>13.7</td>
<td>15 Pts</td>
<td>16.8</td>
<td>46.6</td>
<td>77.1</td>
</tr>
</tbody>
</table>

### Separable Portion 2 – PVC Drainage Pipes and Infiltration Drainage Pipes

No prices submitted. See comments.

### Separable Portion 3 – Proprietary Reinforced Concrete Headwalls

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reinforced Concrete Pipes Australia (WA) Pty Ltd</td>
<td>13.2</td>
<td>15 Pts</td>
<td>20.2</td>
<td>60.0</td>
<td>93.4</td>
</tr>
<tr>
<td>TC Precast Pty Ltd</td>
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<td>15 Pts</td>
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<td>89.4</td>
</tr>
<tr>
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<td>83.1</td>
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<tr>
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<td>15 Pts</td>
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<td>48.1</td>
<td>79.1</td>
</tr>
<tr>
<td>Smartstream Technology Pty Ltd</td>
<td>9.4</td>
<td>15 Pts</td>
<td>13.2</td>
<td>55.5</td>
<td>78.1</td>
</tr>
</tbody>
</table>

### Separable Portion 4 – Drainage Liners, Soakwells, Bases, Lids and Covers

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reinforced Concrete Pipes Australia (WA) Pty Ltd</td>
<td>13.2</td>
<td>15 Pts</td>
<td>20.2</td>
<td>51.1</td>
<td>84.5</td>
</tr>
<tr>
<td>Access Icon Pty Ltd t/as Cascada</td>
<td>13.0</td>
<td>15 Pts</td>
<td>18.0</td>
<td>51.2</td>
<td>82.2</td>
</tr>
<tr>
<td>TC Precast Pty Ltd</td>
<td>13.1</td>
<td>15 Pts</td>
<td>18.4</td>
<td>46.1</td>
<td>77.6</td>
</tr>
<tr>
<td>Holcim (Australia) Pty Ltd t/as Humes</td>
<td>13.7</td>
<td>15 Pts</td>
<td>16.8</td>
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<td>76.1</td>
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<tr>
<td>Smartstream Technology Pty Ltd</td>
<td>9.4</td>
<td>15 Pts</td>
<td>13.2</td>
<td>40.3</td>
<td>62.9</td>
</tr>
</tbody>
</table>

The contract rates will be subject to a price variation every 12 months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.
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 Objectives contained in the Strategic Community Plan 2019-2029:
   
   Aspiration 4: Deliver Quality Leadership and Business Expertise
   
   Strategic Objective: Effective governance: Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.

   Strategic Objective: Management of current assets: Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.

d. Policy
   In accordance with the City’s Purchasing Policy, for purchases above $150,000, 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
   Capital works expenditure will be in accordance with the City’s Business Plan and operational expenditure will be in accordance with the Engineering and Parks operations maintenance budgets as allocated in the 2018/19 operational budget.
   
   Historical expenditure for 2016/2017 (part year - January to June) was $203,691; for 2017/2018 was $273,176 and for 2018/2019 (part year - July to January) was $123,059.

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 $150,000 unless sub regulation (2) states otherwise’.

g. Risk
   All Council decisions are subject to risk assessment according to the City’s Risk Framework.
   
   Implications and comment will only be provided for the following assessed risks.

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

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

   Nil

Comments

The evaluation of the tender process revealed that the prices submitted by Reinforced Concrete Pipes Australia (WA) Pty Ltd are approximately 25% cheaper than the prices that the City is currently paying under the existing contract C16/17-36. In order to confirm the suitability of Reinforced Concrete Pipes Australia (WA) Pty Ltd to meet the qualitative criteria, a reference check was undertaken with a current Local Government client. The panel considered that this reference check confirmed the outcomes of the scoring matrix.
Following consideration of the submissions in accordance with the tender criteria, all of the companies demonstrated the capability, capacity and resources to provide the goods for the tendered items. However, as the tender was assessed on a Separable Portion basis, the submission received from Reinforced Concrete Pipes Australia (WA) Pty Ltd represents best value to the City and is recommended as the preferred Tenderer for the nominated Separable Portions below:

- Separable Portion 1 – Reinforced Concrete Pipes (Class 2, 3 and 4)
- Separable Portion 3 – Proprietary Reinforced Concrete Headwalls
- Separable Portion 4 – Drainage Liners, Soakwells, Bases, Lids and Covers

No prices were submitted for Separable Portion 2 - PVC Drainage Pipes and Infiltration Drainage Pipes. As these are specialised drainage products required for specific drainage projects, these goods can be purchased on a project-by-project basis in accordance with the City’s Purchasing Policy.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the tender submitted from Reinforced Concrete Pipes Australia (WA) Pty Ltd, of 29 Cocos Drive Bibra Lake WA 6163, for:

1. Separable Portion 1 - Reinforced Concrete Pipes (Class 2, 3 and 4)
2. Separable Portion 3 - Proprietary Reinforced Concrete Headwalls
3. Separable Portion 4 - Drainage Liners, Soakwells, Bases, Lids and Covers

for Tender T18/19-31 - Standing Offer for the Supply of Drainage Products in accordance with the tender documentation for the contract period being from the date of award for a period of 29 months.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Summers:

That Council **ACCEPTS** the tender submitted from Reinforced Concrete Pipes Australia (WA) Pty Ltd, of 29 Cocos Drive Bibra Lake WA 6163, for:

1. Separable Portion 1 - Reinforced Concrete Pipes (Class 2, 3 and 4)
2. Separable Portion 3 - Proprietary Reinforced Concrete Headwalls
3. Separable Portion 4 - Drainage Liners, Soakwells, Bases, Lids and Covers

for Tender T18/19-31 - Standing Offer for the Supply of Drainage Products in accordance with the tender documentation for the contract period being from the date of award for a period of 29 months.

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>Reports of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Addendum Agenda</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
### 15. Motions of which Previous Notice has been given

**Planning and Development Services**

**Planning and Development Services**

**Compliance and Emergency Liaison**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-020/19 Notice of Motion - Proposal to Advocate to the State Government that Nuisance Provisions be Included in the Cat Act 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>GOV/7</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Matthew Whitfield</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr David Caporn, Manager Compliance and Emergency Liaison</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Sarah Nicolaides, Coordinator Ranger Services</td>
</tr>
<tr>
<td></td>
<td>Ms Tarryn Coleman, Community Engagement Officer (Compliance) Community Safety</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 March 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Statistics related to the City’s management of the Cat Act in the last two years</td>
</tr>
<tr>
<td></td>
<td>2. Montage of photographs depicting types of cat proof fencing and enclosures</td>
</tr>
<tr>
<td></td>
<td>3. Montage of photographs depicting other measures taken to prevent cats wandering</td>
</tr>
<tr>
<td></td>
<td>4. Examples of educative collateral produced and distributed by the City in 2018</td>
</tr>
</tbody>
</table>
Purpose of Report

To provide advice in respect to Cr Whitfield’s Notice of Motion, as follows:

“That Council:

1. **SUPPORTS** the need for nuisance provisions to be included in the State Cat Act to specifically address wandering or nuisance cats.

2. **DIRECTS** the CEO to write to the State Government requesting that the Cat Act 2011 be updated to include ‘nuisance provisions’ that address Cat Containment regulation to help stop wandering cats.”

Background

The reasons for Cr. Whitfield’s Notice of Motion are provided below:

“Many residents are of the view that Cats should be treated the same way as dogs and that animals should be contained to the owner’s property.

There are numerous complaints around cats causing a nuisance in the community and currently the City is powerless to implement any changes to our local laws to cover this, due to the fact these provisions are not included at State Level.

I acknowledge the difficulty in enforcing such a law, however part of our role is to advocate for the residents of the City of Rockingham.

If the State were to implement new changes to the Cat Act then, at the point, the council could make a decision whether or not to include those in the local laws.

I also acknowledge that the application of the legal containment of cats is challenging.

I applaud the focus of the City which is firmly on policing the microchipping and registration of cats and restricting the number of cats allowed to be kept.

The City of Busselton (among other local governments) have tried to include provisions to restrict wandering or nuisance cats in cat local laws. As a consequence, a Governor’s Order was issued in 2015 which simply deleted these provisions in these local laws. The Department of Local Government has advised that a broad approach to restrict cats wandering at large is likely to fail to pass the scrutiny of the WA Parliamentary Joint Standing Committee on Delegated Legislation. WALGA advise that this is due to the interpretation that the Cat Act does not include the head of power to allow such provisions”.

Details

Cat Act 2011

In as far as domestic cat management goes, the Cat Act 2011 (the Cat Act) requires that all cats over six months of age are sterilised, microchipped, registered with local government and wear a tag in a public place. The Cat Act does not support provisions for wandering or nuisance cats including cat containment.

Some Western Australian local governments have introduced local laws to restrict wandering or implement nuisance cat provisions, only to have them deleted by Governor’s Order as they are not supported by the Cat Act.

Domestic Cat Population

The level of registered cat ownership has increased steadily in the City of Rockingham (the City) from 1540 at the end of 2013 to in excess of 4100 at the end of 2018.

Whilst it is difficult to accurately estimate the number of unregistered domestic cats within the district, it is a fact that over 50% of all cats that Rangers come into contact with during the 2018 calendar year were unregistered. This is an indication that the City is likely to have a sizeable number of unregistered cats within its boundaries and that the domestic cat population is far greater than 4100.
Compliance Reform Program – Registration Drive

A Compliance Reform Program (CRP) project aimed at developing and implementing strategies to increase the registration of dogs and cats in the City of Rockingham is planned for 2019, with scoping commencing later this month. The relevance of this initiative will be detailed later in this report.

Compliance and Management of the Cat Act 2011

Ranger Services is focussed on policing the microchipping, registration and sterilisation of cats in accordance with the Cat Act. The Rangers also recently assumed responsibility (from Health Services) for the management of ‘cat ownership restrictions’ in the City.

Whilst there was a marked increase in the number of cats impounded in 2018 (up 185% from the previous year) the majority can be attributed to service delivery improvements arising from the CRP rather than an escalation of incidents involving cats. Complaints about cats increased by 22%.

<table>
<thead>
<tr>
<th>Statistics</th>
<th>2017</th>
<th>2018</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints</td>
<td>116</td>
<td>142</td>
<td>+22%</td>
</tr>
<tr>
<td>Impounded</td>
<td>83</td>
<td>237</td>
<td>+185%</td>
</tr>
<tr>
<td>Rehomed</td>
<td>72</td>
<td>168</td>
<td>+133%</td>
</tr>
<tr>
<td>Euthanized</td>
<td>2</td>
<td>25</td>
<td>+1150%</td>
</tr>
<tr>
<td>Infringements</td>
<td>105</td>
<td>81</td>
<td>-22%</td>
</tr>
<tr>
<td>Cautions</td>
<td>6</td>
<td>70</td>
<td>+1066%</td>
</tr>
</tbody>
</table>

1. Statistics related to the City’s management of the Cat Act in the last two years

When the City recently consulted on the new Cat Local Law 2018, only 10 responses were received related to the issue of nuisance or wandering cats. Requests for public submissions were widely advertised in newspapers locally and State-wide, as well as on-line through Facebook and the City’s Website (Share your Thoughts).

Capacity of the City’s Animal Management Facility

The City’s Animal Management Facility has the capacity to house up to eight cats at any one time. The Cat Act provides for minimum holding periods before a cat can be rehomed or euthanized (three to seven days depending on status) which impacts on the turnover of cats impounded. There were several occasions during 2018 when the facility was at capacity.

A recent quotation estimated a cost of $18,500 to add four additional cat pens to the facility.

Jurisdictions outside Western Australia

There are several local government jurisdictions outside of Western Australia that have cat wandering laws, and nuisance provisions have been legislated State-wide in Victoria. Whilst web based research indicates a greater emphasis and application of these laws in rural communities, there are urban metropolitan local governments which have or are in the process of implementing these provisions.

Cost Implications for Cat Owners

Generally speaking, the nature of cat behaviour means that to restrict them to an owner’s property they will either need to be kept inside the physical structure of the home at all times, or the surrounding yard will need modifications.

Cat proof fencing, cat enclosures attached to existing structures, and free standing cat enclosures (all depicted in the following montage of photographs) are produced commercially and are all readily available in Western Australia. The cost to the consumer to effectively implement these options is between $500 to $2000 with the level of outlay dependant on the solution and the cat owner’s ability to provide the skills and labour to install.
2. Montage of photographs depicting types of cat proof fencing and enclosures
The approach to each area in which the cat is to be confined can be unique as can be seen from these further examples, where cat owners have taken measures to prevent their cats leaving the property.

3. Montage of photographs depicting other measures taken to prevent cats wandering
Compliance Focus on Education and Awareness

Since the commencement of the CRP and the implementation of the Compliance Engagement Officer there have been additional community educative/awareness activities related to cat management, which to date have focussed on the legal obligations of owners rather than cat containment.

4. Examples of educative collateral produced and distributed by the City in 2018

**Implications to Consider**

a. **Consultation with the Community**

In 2018 the City advertised State wide and local public notice inviting the public to comment on the proposed Cats Local Law 2018.

Public notices were placed in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. The draft local law was also advertised through Facebook and the City’ website – Share Your Thoughts.

Additionally, the draft local laws were able to be read at the City of Rockingham Administration Building and libraries during office hours.

The public submission period was from 2 July to 17 August 2018, a period of more than six weeks.

There were only 10 comments received from members of the community suggesting the need to implement provisions to address cat wandering and nuisance behaviour.

b. **Consultation with Government Agencies**

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

Aspiration 2: Grow and Nurture Community Connectedness and Wellbeing

Strategic Objective: Community Safety and Support – Provide support to residents and visitors so they feel safe and secure at home and outdoors.

d. Policy
Nil

e. Financial
In itself, there is no cost implication for the City to fulfil this Notice of Motion. There are potentially significant cost implications to the City and to cat owners should wandering or nuisance cat legislation be implemented.

f. Legal and Statutory
The Cat Act 2011 (the Cat Act) was created in November 2011 to encourage responsible cat ownership and provide powers for authorities to take action to support this. There are no provisions in the Cat Act to restrict wandering cats thus it does not provide the head of power to support or allow such provisions in local laws. This issue has been tested by local governments that have introduced local laws to restrict wandering or implement nuisance cat provisions, only to have them deleted by Governor’s Order.

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

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

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

In real terms, there is limited evidence available at this time to demonstrate that the impact of nuisance cats in the City’s district warrants the implementation of new laws.

There are many implications that could arise from the implementation of laws aimed at containing cats with the boundaries of an owner’s property and it would be prudent for Council to be in possession of much more information to aid in making an informed decision on advocating legislative change.

These implications include, but are not limited to, the capacity of individual owners to absorb the cost of implementing cat containment measures at their homes and what each may do if they can no longer afford to keep their pet/s. As there are already well over 4000 cats homed in the City’s district, this impost is arguably a retrospective financial obligation imposed on the community that was not foreseeable when the decision was made to own a cat.

The impact on the capacity of the Animal Management Facility and the ability for the City to resource the investigation of wandering and nuisance complaints is more difficult to measure because the scale of this problem is presently unknown. What is known is that several times during the 2018 calendar year the facility was full and that Rangers are already at capacity meeting the current demand for their services.

As such, it is likely that the introduction of these laws will have a financial and resource impact on the City.

The issue of nuisance cats has not been the focus of the City’s education and awareness campaigns or collateral production and dissemination to date, as the current legal obligations of owners have been the priority.
The forthcoming CRP project focussed on implementing strategies to increase the level of dog and cat registration, presents a timely opportunity for the City. By extending the focus of this project the City can build in measures to thoroughly consult with the City’s residents about the presence and effect of wandering or nuisance cats and obtain feedback about the potential impact of cat nuisance/wandering/containment laws.

This would also enable time for thorough consultation with local governments’ outside of Western Australia that have already implemented similar provisions, to examine the impact the laws have had in their jurisdiction and to identify any lessons learnt.

These measures will take time, as the project will be delivered within existing resources and is not expected to be completed until the end of the 2019 calendar year.

This holistic approach would enable Council to better understand the extent of the problem and the implications of any treatment options for both the community and the City. An informed decision can then be made on the way forward (education and enforcement under existing law versus advocating to introduce new laws).

As a consequence, Cr Whitfield’s Notice of Motion is not supported.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **SUPPORTS** the need for further community consultation and research to be undertaken on the issue of wandering and nuisance cats before an informed decision can be made on advocating a change to the Cat Act 2011.

**Notice of Motion from Cr Whitfield**

That Council:

1. **SUPPORTS** the need for nuisance provisions to be included in the State Cat Act to specifically address wandering or nuisance cats.

2. **DIRECTS** the CEO to write to the State Government requesting that the Cat Act 2011 be updated to include ‘nuisance provisions’ that address Cat Containment regulation to help stop wandering cats.

**Note:** As a Committee member had not been authorised by Cr Whitfield to move his Notice of Motion, this Item will be referred to Council on Tuesday, 26 March 2019 without a Committee Recommendation.
16. **Notices of Motion for Consideration at the Following Meeting**

Nil

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**

Nil

18. **Matters Behind Closed Doors**

Nil

19. **Date and Time of Next Meeting**

The next Planning and Engineering Services Committee Meeting will be held on **Monday 15 April 2019** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**

There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **4:34pm**.