# City of Rockingham
## Planning and Engineering Services Committee
### Meeting Minutes
#### Monday 20 February 2017

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City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 20 February 2017 - Council Boardroom

1. **Declaration of Opening**

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4:00pm**, welcomed all present, and delivered the Acknowledgement of Country.

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

   2.1 **Councillors**

   - Cr Chris Elliott
   - Cr Matthew Whitfield
   - Cr Deb Hamblin (Deputy Mayor)
   - Cr Katherine Summers
   - Cr Barry Sammels (Mayor)
   - Cr Lee Downham
   - Cr Justin Smith

   2.2 **Executive**

   - Mr Michael Holland: A/Chief Executive Officer
   - Mr Bob Jeans: Director Planning and Development Services
   - Mr Peter Doherty: Director Legal Services and General Counsel
   - Mr Chris Thompson: Director Engineering and Parks Services
   - Mr Peter Ricci: Manager Major Planning Projects
   - Mr Brett Ashby: Manager Strategic Planning and Environment
   - Mr Mike Ross: Manager Statutory Planning
   - Mr David Caporn: Manager Compliance and Emergency Liaison
   - Mr Rod Fielding: Manager Health Services
   - Mr Ian Daniels: Manager Engineering Services
   - Mr Kelton Hincks: Manager Asset Services
   - Mr James Henson: Manager Land and Development Infrastructure
   - Mr Adam Johnston: Manager Parks Services
   - Mr Allan Moles: Manager Waste Services
   - Ms Sue Langley: Governance Officer

   2.3 **Members of the Gallery:** 15

   2.4 **Apologies:** Nil

   2.5 **Approved Leave of Absence:** Nil
### 3. Responses to Previous Public Questions Taken on Notice

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<th>3.1</th>
<th>Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Mangles Bay Marina</th>
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<tr>
<td></td>
<td>At the Planning and Engineering Services Committee meeting held on 16 January 2017, Mr Green asked the following questions that were taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 24 January 2017 as follows:</td>
</tr>
<tr>
<td>Question</td>
<td>1. Why could the slurry not be dumped elsewhere, for example at the replenishment of north end of Shoalwater Bay or near John Point?</td>
</tr>
<tr>
<td>Response (provided at meeting)</td>
<td>All other feasible options to dispose of the material within the Marine Park were investigated in liaison with the Department of Parks and Wildlife (DPaW). This was the only option DPaW would approve.</td>
</tr>
<tr>
<td>Question</td>
<td>2. Has the smell been tested for the presence of Hydrogen Sulphide gas?</td>
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<tr>
<td>Response (provided at meeting)</td>
<td>No.</td>
</tr>
<tr>
<td>Question</td>
<td>3. The Mayor is quoted as saying that the sand is safe. Has the slurry been tested for the presence of sulphuric acid and heavy metal compounds?</td>
</tr>
<tr>
<td>Response (provided at meeting)</td>
<td>The material at the disposal site has been tested for heavy metals and there are no elevated levels to cause alarm and the sand is suitable for beach renourishment purposes and poses little risk to the environment.</td>
</tr>
<tr>
<td>Question</td>
<td>4. Have the City's planners considered any other options for launching small boats besides the Bent Street launching ramp which would not require constant dredging?</td>
</tr>
<tr>
<td>Response (provided at meeting)</td>
<td>A study was completed in 2011 on future boat launching sites within Warnbro Sound. A follow on from this study was a feasibility study that was recently undertaken on a possible upgrade to the Donald Drive Boat Launching facility. This study outlined a concept design that would require a small marina style facility including a breakwater and extra parking facilities.</td>
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<tr>
<td>Question</td>
<td>5. Does Council believe that dredging must be ongoing for the foreseeable future?</td>
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<tr>
<td>Response (provided at meeting)</td>
<td>The City will undertake a post dredging debrief with DPaW to ascertain the future management of the Bent Street Channel.</td>
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<tr>
<td>Question</td>
<td>6. If so, at what point would Council planners consider the ongoing expense excessive and look at other options for launching boats?</td>
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<tr>
<td>Response (provided at meeting)</td>
<td>Refer to response to Question 5.</td>
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<td>Question</td>
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<td>7. People living near the swimming area along the Safety Bay/Waikiki Beach have told me that jetski riders are taking their craft very close to the swimming area posing a danger to swimmers in the water and that jetski owners are parking their vehicles on the beach, putting up tents and subjecting others to loud music. What can rangers do about this?</td>
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**Response (provided at meeting)**

The management of these are a Water Police and Department of Fisheries/Transport issue. The Chairperson advised that the City will report Mr Mumme's comments onto those Departments.

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<tr>
<th>Question</th>
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<tr>
<td>8. Item 4.13 Mersey Point Jetty Design: how much is CoR expecting as a contribution from Wild Encounters? Given that the sandbar between Mersey Point and Penguin Island has broadened this past year and that the end of the existing jetty is not completely out of the water at low tide, is the design brief being updated to allow for observed changes in accretion of sand in the area?</td>
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**Response (provided at meeting)**

The City is still in discussions with the Commercial Operator. The City has undertaken full investigations that have informed the design process of the future jetty.

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<tr>
<th>Question</th>
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<tr>
<td>9. Item 4.25 $190,718 has been budgeted for herbicide spraying in the City in FY 16-17: Is glyphosate or a derivative of glyphosate being used? If so, is Council aware of the WHO announcement regarding the potential health effects of glyphosate? Has Council considered non-chemical alternatives like steam and sea water?</td>
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</table>

**Response**

The City does use glyphosate based products to undertake non selective weed control. This is a relatively small portion of the $190,000 budget with the majority of this budget used for broadleaf weeds on the City’s turf areas to control weeds such as clovers, jo-jo (prickles), fleabane, capeweed, cud weed, wire weed etc. Glyphosate products are predominately used for spot spraying of landscaped garden beds, maintaining firebreaks, kerbline and footpath weed treatment and treatment of fence lines where mechanical control is not possible.

The City is aware of the WHO announcement however The Australian Pesticides and Veterinary Medicines Authority (APVMA) is responsible for the regulation and control of agricultural and veterinary chemicals in Australia for which glyphosate is an approved product. The City’s staff and contractors are trained in the application of glyphosate and it is an important tool in managing unwanted vegetation within the City’s parks, streetscapes and conservation reserves.

The City is looking to undertake a trial of non-chemical alternatives in certain environmental areas where the use of glyphosate is not recommended.

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<th>Question</th>
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<tr>
<td>10. Item 4.29 Graffiti Removal Statistics. Over $219,000 has been expended so far for the first six months of FY 16-17. Projecting to the end of the financial year this will be a record by a long way. Given that there seem to be patterns in the incidence of graffiti, are there some policing or proactive measures that could be taken to reduce it in particular suburbs?</td>
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</table>
Response
The figure quoted in the Bulletin was incorrect. The figure in the Bulletin should have read $151,000 up to the end of December 2016. The City works closely with the WA Police special graffiti control branch in identifying graffiti patterns and following up to apprehend offenders.

Question
11. Item 4.7 Garage Sale Trail. Is Council aware of the Government of Sweden’s recent decision to reduce GST on repaired items? This measure can create more local employment, provide low cost items, reduce consumption based pollution and boost recycling at the same time. Would Council consider encouraging moves to do that in Australia? (independent.co.uk 19 September 2016)

Response
This is a great initiative and would have benefits in reducing the amount of waste materials reaching landfill. Although there are many benefits for this to be implemented in Australia, it would not be driven by Local Government, but is supported.

3.2 Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina

At the Planning and Engineering Services Committee meeting held on 16 January 2017, Mr Green asked the following questions that were taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 24 January 2017 as follows:

Question
1. Apart from receiving the original and revised Waterways Manager Reports from the proponent, has the City entered into discussion with the proponent regarding an Environmental Management Plan for water and sediment quality, maintenance dredging etc? in accordance with EPA Report 1471. If so can you tell me the outcomes, if any?

Response
No.

Question
2. Has the cost of the Environmental Management Plan been included into the role of the Waterways Manager budget over the 25 year period?

Response
It is not possible to respond to this question as it is not clear what cost of the Environmental Management Plan relates to.

Question
3. Has the City had any discussions with the WAPC Hearings Committee since verbal presentations concluded on 7 June 2016, if so, was the Coastal Setback matter discussed?

Response
As reported in the July 2016 Bulletin, the Hearings Sub-Committee requested an additional meeting with City Officers which occurred on 11 July 2016, where some matters were clarified and further explained. At the time of this meeting, the City reiterated its position stated in its submission on the MRS Amendment regarding compliance with State Planning Policy 2.6 and noted that the assessment of the CHRMAP had not been completed.

The City has had no further contact with the Hearings Sub-Committee.
4. **Question**

Do the City planners consider the Mangles Bay Canal and Marina project in its entirety, constitutes a 'Coastal Node', in accordance with WAPC Policy?

4. **Response**

The classification of a ‘Coastal Node’ under State Planning Policy 2.6 is not the responsibility of the City and this question should be directed to the Department of Planning.

The City in its submission to the WAPC on the MRS Amendment recommended the criteria of the policy needs to be addressed in justifying the proposed coastal setback reduction.

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### 4. **Public Question Time**

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<td>4:01pm</td>
<td>Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina</td>
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The Chairperson invited Mr Green to present his questions to the Planning and Engineering Services Committee. Mr Green asked the following questions:

1. Who will pay for the upgrade of Memorial Drive to a four lane regional road?

   *The Chairperson advised that should Memorial Drive be reserved as an ‘Other Regional Road’, as proposed within Metropolitan Region Scheme 1280/41, the City will have management responsibility for the road. This role will include decisions on when the capacity of the road will be increased and the basis to the funding model to support the road upgrade. It is not possible to determine ‘who pays’ at this time.*

2. Is the City in receipt of the ‘traffic impact assessment report’ as identified in MRS Amendment, 1280/41, and the ‘Construction Traffic Report’?

   *The Chairperson advised that the City has provided a response to the Western Australian Planning Commission (WAPC) on the proponent’s draft ‘Transport Assessment Report’. The City is not in receipt of the ‘Construction Traffic Report’.*

3. What is the anticipated vehicle movement during peak hours on Memorial Drive and Safety Bay Road at year 2030?

   *The Chairperson advised that the draft ‘Transport Assessment Report’ provides various traffic forecasts, but not within the parameters requested. In any event, the draft ‘Transport Assessment Report’ was not released by the WAPC with MRS Amendment 1280/41 and the City is not in a position to release the document or its content without consent from the proponent or the WAPC.*

4. Construction Traffic Report -

   a) How many trucks are to be used in transporting spoil from the marina, canals and terrestrial footprint of the project area?

   b) During what hours of day will these trucks be operating?

   c) How many movements will take place each hour, each way?

   d) Where is the spoil to be deposited?

   e) Over what period of time is the removal of spoil anticipated?

   f) Is Safety Bay Road weight loading capabilities sufficient to withstand the frequency of such loaded vehicles over the prolonged length of time?

   g) If any redesign of roundabouts, repair of road is required, who pays?
The Chairperson advised that within the next phase of the planning process, should MRS zoning be achieved, the proponent is proposing that a Local Structure Plan be determined. It will be at this phase of the planning process that a ‘Traffic Management Plan’, or the like, will be submitted and assessed. This document will establish a range of matters for consideration including haulage routes, frequency of truck movement and the extent to which the proponent will be responsible for road improvements or repair.

5. In response to the answer provided for question 1, it is acknowledged that the re-alignment of Memorial Drive is within the Terrestrial Development Envelope of the Mangles Bay Marina – Canal Development. If yes, why is the City of Rockingham considering paying for this re-alignment, which will assist the proponents in building more houses, at the expense of City of Rockingham ratepayers.

The Chairperson referred to the answer given for Question 1.

6. Will the Traffic Assessment Report form part of the Local Structure Plan application?

The Chairperson took the question on notice.

4.2 Mr Bruce Bailey, 86 Port Royal Drive, Safety Bay – Campervan Parking

The Chairperson invited Mr Bailey to present his questions to the Planning and Engineering Services Committee. Mr Bailey asked the following questions:

1. Why are you calling the campervan a commercial vehicle?

Mr Ross advised that a bus is a Commercial Vehicle under Town Planning Scheme No.2.

2. Where we propose to park the campervan the neighbours will only see the top of it with the trees growing around it.

Mr Ross advised that the Commercial Vehicle would still be visually obtrusive from Caracus Close.

The Chairperson thanked Mr Bailey for his comments and advised that this is an item contained in today’s Committee agenda and will be considered later in the meeting.

4.3 Ms Penelope Sherrell, 77 Norseman Approach, Baldivis – Telecommunications Upgrade

The Chairperson invited Ms Sherrell to present her questions to the Planning and Engineering Services Committee. Ms Sherrell asked the following questions:

Regarding the proposed telecommunications upgrade (Telstra) on Norseman Approach, Baldivis -

1. Have any other sites been considered for this proposed tower?

Mr Ross advised that the applicant had considered several other locations for the telecommunications facility within the Baldivis Shopping Centre and the selected location was determined by Stockland and the applicant.

2. Have any other designs been considered?

The Chairperson advised that this is an item contained in tonight’s Committee agenda and will be considered later in the meeting.
4.4 **Mr Stephen Risk, 3 Caracas Close, Safety Bay – Commercial Vehicle Parking**

The Chairperson invited Mr Risk to present his question to the Planning and Engineering Services Committee. Mr Risk asked the following question:

1. Would anyone be happy if they had to come out their front door and look at a bus every day for most of the year – would you be happy if it was your house?

The Chairperson thanked Mr Risk for his comments and advised that this is an item contained in tonight’s Committee agenda and will be considered later in the meeting.

4:11pm There being no further questions the Chairperson closed Public Question Time.

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

Moved Cr Whitfield, seconded Cr Hamblin:

That Committee **CONFIRMS** the Minutes of the Planning and Engineering Services Committee Meeting held on 16 January 2017, as a true and accurate record.

Committee Voting – 5/0

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

Nil

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

4:12pm 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**

4:12pm 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 – February 2017

**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
### Planning and Engineering Services Committee Minutes

**Monday 20 February 2017**

#### Confirmed at a Planning and Engineering Services Meeting held on Monday 20 March 2017

### 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** After Hours Noise and Smoke Nuisance Complaint Service
- **4.8** Complaint - Information
- **4.9** Noise Complaints - Detailed Information
- **4.10** Animal Exemptions
- **4.11** Building Plan Assessments
- **4.12** Septic Tank Applications
- **4.13** Demolitions
- **4.14** Swimming Pool and Drinking Water Samples
- **4.15** Rabbit Processing
- **4.16** Hairdressing and Skin Penetration Premises
- **4.17** New Family Day Care Approvals
- **4.18** Caravan Park and Camping Ground Inspections

### Building Services

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - **4.1** Monthly Building Permit Approvals - (All Building Types)
   - **4.2** Private Swimming Pool and Spa Inspection Program
   - **4.3** Demolition Permit
   - **4.4** Permanent Sign Licence
   - **4.5** Community Sign Approval
   - **4.6** Street Verandah Approval
   - **4.7** Occupancy Permits
   - **4.8** Strata Titles
   - **4.9** Unauthorised Building Works (Section 51 of the Building Act)
   - **4.10** Monthly Caravan Park Site Approvals
   - **4.11** R Code Variations

### Compliance and Emergency Liaison

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - **4.1** Ranger Services Action Reports
   - **4.2** SmartWatch Key Result Area: Visibility
   - **4.3** SmartWatch Key Result Area: Engagement with Community
   - **4.4** SmartWatch Key Result Area: Increasing perception of Safety
   - **4.5** Notable Statistics
   - **4.6** Emergency Services
   - **4.7** Social Media
   - **4.8** Customer Requests Emergency Service Team
## 4.9 Training

4.10 Equine Evacuation Centre Network Project

4.11 Fire Control Compliance Program

4.12 Automatic Vehicle Location - Singleton VFBF Fleet

4.13 Vulnerable Communities Plan

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview

2. Human Resource Update

3. Project Status Reports
   - 3.1 Local Planning Strategy (LUP/1352)
   - 3.2 Waterwise Council Program (EVM/56-02)
   - 3.3 Karnup District Structure Plan (LUP/1546)
   - 3.4 Cockburn Sound Coastal Alliance – Vulnerability and Flexible Adaptation Pathways Project Stage 3 (EVM/149)
   - 3.5 Greening Plan (PKR/52-02)
   - 3.6 Frog Population Monitoring Program (EVM/174)

4. Information Items

### Land and Development Infrastructure

1. Land and Development Infrastructure Team Overview

2. Human Resource Update

3. Project Status Reports

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 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 Planning Products via the Web formerly eDA

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
Planning and Engineering Services Committee Minutes
Monday 20 February 2017

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MARCH 2017

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| 4.11 Strata Plans |
| 4.12 Subdivision/Amalgamation Refused |

**Planning and Development Directorate**

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Proposed Amendment No’s.161 and 162 to Town Planning Scheme No.2
   3.3 Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 and LUP/1847)
   3.4 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.6 Redevelopment of City Square and Civic Plaza (LUP/1933)
   3.7 ‘Mangles Bay Marina’
4. Information Items
   4.1 Rockingham Strategic Metropolitan Centre Public Parking Strategy
   4.2 Bushfire Risk Planning Area Risk Assessment – Warnbro Dunes

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Councillors acknowledge having read the Planning Services Information Bulletin – February 2017 and the content be accepted.

Committee Voting – 5/0

| Engineering and Parks Services Information Bulletin – February 2017 |

**Engineering and Parks Services Directorate**

1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Foreshore Masterplan – Detailed Design
4. Information Items
   4.1 Request for Information – Advertising on Infrastructure

**Engineering Services**

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Stormwater Drainage Plan
   3.2 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.3 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure
   4.2 Delegated Authority for the payment of Crossover Subsidies
   4.3 Delegated Authority for approval of Directional Signage
   4.4 Engineering Services Design Projects 2016/2017
   4.5 Authorised Traffic Management Plans for Works on City Controlled Roads
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<td>Safety Bay Road – Principal Shared Path – Stage 2B Mandurah Road to Eighty Road</td>
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<td>Rockingham Beach Foreshore Revitalisation Stage 1 – Tender T16/17-83 Construction of the Wanliss Street car park</td>
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<td>Millar Road Landfill – Concept Master Plan and Site Access</td>
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<td>Water Corporation - Significant works within the City</td>
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<td>Waikiki Foreshore – Foreshore Protection Specification</td>
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<tr>
<td>4.12</td>
<td>Point Peron Sand Trap and Beach Nourishment Management</td>
</tr>
<tr>
<td>4.13</td>
<td>Bent Street Boat Ramp Navigation Channel Sand Bypassing</td>
</tr>
<tr>
<td>4.14</td>
<td>Mersey Point Jetty Design</td>
</tr>
<tr>
<td>4.15</td>
<td>Palm Beach West Boat Ramp Upgrade – Detailed Design</td>
</tr>
<tr>
<td>4.16</td>
<td>Point Peron Boat Launching Facility Detailed Design of Boat Ramp Lanes Five and Six including boat trailer car park design</td>
</tr>
<tr>
<td>4.17</td>
<td>Palm Beach East Boat Ramp Rock Armour Replacement and Boat Ramp Maintenance</td>
</tr>
<tr>
<td>4.18</td>
<td>EP-013/16 – Investigate need for additional traffic signals on Warnbro Sound Avenue</td>
</tr>
<tr>
<td>4.19</td>
<td>Road Construction Program Roads to Recovery 2016/2017</td>
</tr>
<tr>
<td>4.20</td>
<td>Road Construction Program Main Roads Grant 2016/2017</td>
</tr>
<tr>
<td>4.21</td>
<td>Road Rehabilitation Program Main Roads Grant 2016/2017</td>
</tr>
<tr>
<td>4.22</td>
<td>Road Construction Program Federal Black Spot 2016/2017</td>
</tr>
<tr>
<td>4.23</td>
<td>Road Construction Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.24</td>
<td>Road Renewal Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.25</td>
<td>Footpath Construction Program Municipal Works 2016/2017</td>
</tr>
<tr>
<td>4.26</td>
<td>Road Maintenance Program 2016/2017</td>
</tr>
<tr>
<td>4.27</td>
<td>Litter Team 2016/2017</td>
</tr>
<tr>
<td>4.28</td>
<td>LitterBusters and Sweeping 2016/2017</td>
</tr>
<tr>
<td>4.29</td>
<td>Graffiti Out and About 4.30 Graffiti Removal Annual Statistics</td>
</tr>
<tr>
<td>4.30</td>
<td>Passenger Vehicle Fleet Program 2016/2017</td>
</tr>
<tr>
<td>4.31</td>
<td>Light Commercial Vehicles Program 2016/2017</td>
</tr>
<tr>
<td>4.32</td>
<td>Heavy Plant Program 2016/2017</td>
</tr>
</tbody>
</table>

**Parks Services**

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Dog Exercise Area
   3.2 Weld Street shower and drink fountain - Rockingham
   3.3 Practice Cricket Net Modification - Rhonda Scarrott Reserve, Golden Bay
   3.4 Practice Cricket Net Renewal – Careeba Reserve, Koorana Reserve and Warnbro Oval
   3.5 Bore and Irrigation Cabinet – Malibu Reserve
   3.6 City Parks – Central Irrigation Management System
   3.7 Play Equipment Replacements
   3.8 Synthetic Turf Renewal - Lark Hill Practice Cricket Nets
   3.9 Limestone Access Track Upgrade - Lark Hill Reserve
   3.10 Replace Conservation Reserve Fencing
   3.11 New Conservation Reserve Fencing – Foreshore Drive, Singleton
   3.12 New Conservation Reserve Fencing – Lake Richmond
| 3.13 Tamworth Hill Swamp, Conservation Works |
| 3.14 Dixon Road Reserve, Conservation Works |
| 3.15 Outdoor Gym Equipment - Harmony Park, Singleton |

4. **Information Items**

4.1 Delegated Public Open Space Handovers
4.2 Parks Maintenance Program 2016/2017

### Asset Services

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Path condition audit 2016-2017
   3.2 Maintenance and provision of public toilets
   3.3 Lighting consultants (Technical Planning/Design, Underground Power Program)
4. Information Items
   4.1 Asset Management improvement strategy
   4.2 2016/2017 Public area lighting and arterial lighting
   4.3 Aqua Jetty – Gym roof HVAC enclosure (design)
   4.4 Baldivis South Club Facility Eighty Road Baldivis
   4.5 Laurie Stanford Reserve development
   4.6 Rhonda Scarrott Reserve development
   4.7 Administration building exterior render repairs
   4.8 Aqua Jetty solar PV system 328kw
   4.9 Aqua Jetty – Tiling of external 50m pool
   4.10 Secret Harbour – Inclusive play space
   4.11 Baldivis South Youth Space
   4.12 2016/2017 Reserve flood lighting
   4.13 Baldivis South Community Centre
   4.14 Mike Barnett Sports Complex and Warnbro Recreation Centre - Renovations
   4.15 Mike Barnett Sports Complex – Netball courts resurfacing
   4.16 Larkhill – Bench seating replacement
   4.17 Mary Davies Library and Community Centre – additional meeting space
   4.18 Building and Facility Maintenance
   4.19 Reserve Maintenance
   4.20 Electrical Maintenance
   4.21 Asset Maintenance Statistics
   4.22 Lighting Inspections
   4.23 Solar Power Generation
   4.24 Security Initiatives – Access Control

### Waste Services

1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Waste Collection Services; Introduce Three Bin Collection System
   3.2 Waste Collection Services; Waste Audit
   3.3 Waste Collection Services; School Recycling Program
   3.4 Waste Collection Services; Bin Tagging Program
   3.5 Landfill Services; Construction of Cell 16 and Leachate Dams
   3.6 Landfill Services; Landfill Access Road and Associated Infrastructure
   3.7 Landfill Services; Construction of Cell 17
   3.8 Landfill Services; Landfill Capping of Cells 12 and 13
4. Information Items
   4.1 Waste Collection Services; Kerbside Collection
   4.2 Waste Collection Services; Bulk Verge Collection
   4.3 Waste Collection Services; Waste Diversion Percentage
   4.4 Landfill Services; Tip Passes
   4.5 Landfill Services; Landfill Statistics

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – February 2017 and the content be accepted.

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

### Planning and Development Services

#### Planning and Development Services

**Reference No & Subject:** PDS-004/17 **Proposed Section 40 Liquor Licence (Shoalwater Football Club)**

<table>
<thead>
<tr>
<th>File No:</th>
<th>DD069.2016.00000014.001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Mr Gareth Evans</td>
</tr>
<tr>
<td>Owner:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 February 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1742 Reserve Street, Shoalwater (Reserve 24280)</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>3.18ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Proposed Licenced Area</td>
</tr>
<tr>
<td></td>
<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application from the Shoalwater Football Club for a Section 40 Liquor Licence application at Lot 1742 Reserve Street, Shoalwater (Reserve 24280).

Background

In September 2011, the City granted a Section 40 Certificate of Local Government (Section 40 Certificate) for the Hillman Hornets Cricket Club, which is also located on the subject site, subject to the following conditions:

1. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing Gaming and Liquor.
2. The business must operate at all times in accordance with the House Management Plan supplied with the application."

The Hillman Hornets use the reserve and clubroom during summer, whilst the Shoalwater Football Club uses the clubroom and reserve in winter. The City has not received complaints regarding the Hillman Hornets Cricket Club or its Section 40 Certificate.

Details

The applicant is seeking approval for a Section 40 Certificate of Local Government. A Section 40 Certificate from the City confirms that the proposed use of the premises complies either conditionally or unconditionally with Town Planning Scheme No.2 (TPS2) or if it cannot comply with the relevant planning laws for reasons specified.

A Section 40 Certificate from the City is required to accompany any Liquor Licence application made to the Department of Racing Gaming and Liquor. Details of the Section 40 Certificate application are as follows:

- The applicant has applied for a 'Club Restricted' Licence. A Club Restricted Licence authorises the sale and supply of liquor to members of the club and to the guests of that member in the company of that member, however, the club must not sell packaged liquor and the trading hours are specified on the conditions of the licence should it be granted by the Department of Racing Gaming and Liquor.
- The Club Restricted Licence is for the Shoalwater Football Club, an amateur soccer club based on the reserve.
- The sale of alcohol will be from within the clubroom and the licenced area will be immediately adjacent the clubroom; and
- The proposed trading hours are 6pm to 10pm on Wednesdays and 12 noon to 7pm on Sundays (the training night and match day per week).
3. Proposed Licenced Area

**Implications to Consider**

a. **Consultation with the Community**

In accordance with clause 64 of Town Planning Scheme No.2 (TPS2) the application was referred to nearby and adjacent landowners as shown on the Consultation Plan below. At the conclusion of the advertising period, a total of 24 submissions were received, comprising of 19 submissions of objection, three submissions of support and two submissions of conditional support.
An assessment of the issues raised in the submissions is provided below:

<table>
<thead>
<tr>
<th>Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Increase in traffic</td>
</tr>
</tbody>
</table>

City’s Comment:
A Club Restricted Licence authorises the sale and supply of liquor to members of the club and to the guests of that member in the company of that member only. The granting of a Section 40 Certificate is therefore not considered to result in an increase in traffic, as the sale of alcohol is not available to the general public.

<table>
<thead>
<tr>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Increase in litter</td>
</tr>
</tbody>
</table>

City’s Comment:
It is the responsibility of the Shoalwater Football Club to remove all litter following club activities and a condition to this effect is recommended.

<table>
<thead>
<tr>
<th>Noise</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Concerns regarding excessive noise</td>
</tr>
</tbody>
</table>

City’s Comment:
Noise emanating from the licenced area is unlikely to impact upon nearby and adjacent residents given the licensed area is located to the east of the clubroom and therefore the clubroom will act to partially buffer noise to residents on the western side of Fourth Avenue.

<table>
<thead>
<tr>
<th>Hours of Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission</strong></td>
</tr>
<tr>
<td>(i) Concerns regarding the trading hours til 10pm on Wednesdays causing a disturbance at night</td>
</tr>
</tbody>
</table>

City's Comment:
In response to the concerns of submissions, the City considers the trading hours should be reduced on training nights to ensure disturbance does not occur at nights.

Should the Section 40 Certificate be granted, a condition of approval is recommended restricting the trading hours to 6pm to 9pm on Wednesdays and 12 noon to 7pm on Sundays.

<table>
<thead>
<tr>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Existing licenced premises (George 'n' Dragon Tavern) in close proximity to subject site</td>
</tr>
</tbody>
</table>

City’s Comment:
Notwithstanding the proximity of the site to other licenced venues, the Shoalwater Football Club has made an application to the City for a Club Restricted Licence, to enable the club to sell and supply alcohol. The City is required to consider the application.
### Location (Cont…)

**Submission:**
- (ii) Residential area not suitable for licenced premises

**City's Comment:**
The Residential zoning of the surrounding land does not restrict the ability for a Section 40 Certificate to be issued to the Shoalwater Football Club, and it is typical throughout the City that sporting clubs utilising reserves are granted Liquor Licences for the sale and supply of alcohol on training and game days.

The City considers that any potential detrimental impacts on the surrounding residential amenity as a result of the Section 40 Certificate being granted can be mitigated by conditions of approval restricting hours of operation and ensuring the venue is appropriately managed.

**Submission:**
- (i) Reserve is for public recreation utilised by all members of the community not as a Licenced Premises

**City's Comment:**
The application is for a Club Restricted Licence, meaning the sale and supply of liquor to members of the club and to the guests of that member in the company of that member only. The Shoalwater Football Club already utilises Shoalwater Oval and the sale and supply of alcohol will be directly associated with football club activities.

### Anti-Social Behaviour

**Submission:**
- (i) Anti-social behaviour likely to increase, including bad language, crime, hooning/burnouts and public urination

**City's Comment:**
The Department of Racing Gaming and Liquor, in considering applications for a Liquor Licence, determine if the application is in the public interest. In this regard, the applicant is required to demonstrate the principles of harm minimisation, code of conduct and management policy, in accordance with the guidelines.

Public interest is assessed by the Department of Racing Gaming and Liquor based on 'harm or ill health', impact on amenity, offence, annoyance, disturbance or inconvenience caused or any other matter.

These documents provide a statement of intent on the way the licensee wishes to operate the premises and outlines the licensee's commitment to controlling intoxicated persons, controlling juveniles and the responsible sale of alcohol, harm minimisation and resolving complaints. The licence will be managed by the Club to ensure anti-social behaviour does not occur.

### Health

**Submission:**
- (i) Promotes an undesirable link between sport and alcohol, especially for young participants

**City's Comment:**
Shoalwater Football Club is a Masters Football Club, meaning its five teams are for senior grade players and the club has no junior teams.
### Property Values

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Decrease in property values as a result of Licensed Premises</td>
<td>Property values are not considered a relevant planning consideration.</td>
</tr>
</tbody>
</table>

### Liquor Licences

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Granting a Liquor Licence will set a precedent for other clubs to obtain Liquor Licences</td>
<td>The City assesses each application for Section 40 Certificates on a 'case by case' basis.</td>
</tr>
<tr>
<td>(i) The Hillman Cricket Club (which use the same reserve) was denied a Liquor Licence</td>
<td>The Hillman Cricket Club was granted a Section 40 Certificate in September 2011 for the same venue by the City.</td>
</tr>
</tbody>
</table>

### b. Consultation with Government Agencies

Not Required

### c. Strategic

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

- **Aspiration B:** A Strong Community
  - **Strategic Objective:** Capacity Building and Wellbeing - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits.

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

### d. Policy

**Planning Policy 3.3.19 - Licensed Premises (PP3.3.19)**

PP3.3.19 provides guidance for the assessment and determination of Liquor Licence Applications within the City. The objectives of PP3.3.19 are to:

- **“(a)” Provide a framework for the assessment and determination of Liquor License Applications, including the issuing Section 39 and 40 certificates under the Liquor Control Act 1988;**
- **“(b)” Assist the Council in its consideration of applications for Planning Approval which involve a liquor license;**
(c) Identify appropriate locations for different types of licensed premises;
(d) Protect the safety and amenity of existing and future residents and business proprietors against anti-social behaviour; and
(e) Minimise personal harm or ill health caused to people, or any group, due to excessive consumption of liquor."

Council is required to have regard to PP3.3.19 when assessing applications for Section 40 Certificates under the Liquor Control Act 1988.

The following is an assessment of the proposal against the assessment criteria of PP3.3.19:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td>The City has supported Section 40 Certificates for sporting clubs utilising reserves on training and game days, based on Policy compliance. The City considers that potential impacts on the surrounding residential amenity as a result of the Section 40 Certificate being granted can be mitigated by conditions of approval restricting hours of operation and ensuring the venue is appropriately managed.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Number of Patrons</strong></td>
<td>The Shoalwater Football Club must continue to comply with the maximum accommodation numbers under the Health (Public Building) Regulations 1992.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Previous History</strong></td>
<td>The Shoalwater Football Club does not currently hold a Liquor Licence.</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
## Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Noise</strong></td>
<td></td>
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</tr>
<tr>
<td>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit a noise report, prepared by a suitably qualified acoustic consultant (as determined by the City), in order to ensure that the noise emanating from the licensed premises is not excessive and indicating the likely noise nuisance and what sound attenuation measures are needed.</td>
<td>Noise emanating from the premises is unlikely to cause disturbance to neighbouring properties as the clubrooms obscure the licensed area from Fourth Avenue.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Harm Minimisation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, Code of Conduct and Management Plan in accordance with the Department of Racing, Gaming and Liquor Guidelines.</td>
<td>The applicant has provided a House Management Policy, Code of Conduct and Management Plan in accordance with the Department of Racing, Gaming and Liquor Guidelines. Approved managers of the club will have successfully completed their required training and obtained the appropriate approval from the licensing authority prior to the approval of an application for a licence and the responsible service of alcohol will be undertaken at all times.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Consultation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where the City considers the approval of a licenced premise 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 communication in accordance with PP3.3.19.</td>
<td>The application was referred to nearby and adjacent property owners for comment. This has been further discussed in the Consultation with the Community section of this report.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Consistency with Planning Approval</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure compliance with conditions that have been placed on a Planning Approval (if appropriate).</td>
<td>Development Approval is not required by Shoalwater Football Club for use of Shoalwater Oval.</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

The proposal is considered to comply with PP3.3.19.

e. **Financial**

Nil
f. Legal and Statutory

**Liquor Control Act 1988 (LC Act)**

The power to grant a Liquor Licence is vested in the licencing authority (Department of Racing Gaming and Liquor.) Whilst the Council has to ability to grant a Section 40 Certificate, the ultimate determination on whether a Liquor Licence is issued rests with the Department of Racing Gaming and Liquor.

Clause 33 of the LC Act gives the licensing authority absolute discretion to grant or refuse an application under the LC Act on any ground, or for any reasons, that the licencing authority considers in the public interest.

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

Clause 4.22 of TPS2 relates to Licenced Premises Applications. Clause 4.22.2 of TPS2 requires Council take into account the general and specific objectives of the Scheme, Clause 67 of the deemed provisions of TPS2 and have regard to any relevant Policy of the Council.

The relevant considerations under Clause 67 of the deemed provisions of TPS2 are the effect of the proposal on the amenity of the locality and any submissions received on the application. These matters have been discussed in the Consultation with the Community section of this report. The proposal is considered to comply with TPS2.

---

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

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**Comments**

The City considers that concerns regarding potential adverse impacts on the amenity of the surrounding residential area can be adequately addressed via conditions restricting trading hours and requiring the applicant to comply with a House Management Policy and Code of Conduct Management Plan.

Furthermore, in the event the City receives substantiated resident complaints regarding noise or anti-social behaviour of patrons, the trading hours may be changed at the discretion of the Department of Racing Gaming and Liquor.

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**Voting Requirements**

Simple Majority

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**Officer Recommendation**

That Council **APPROVES** the Section 40 Certificate (Club Restricted Liquor Licence) for the Shoalwater Football Club at Lot 1742 Reserve Street, Shoalwater (Reserve 24280) subject to the following conditions:

1. The trading hours are restricted to between 6:00pm to 9:00pm on Wednesdays and 12:00 noon to 7:00pm on Sundays only.
2. The sale and supply of alcohol is restricted to members of the Shoalwater Football Club and to the guests of that member in the company of that member only.
3. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of neighbours is maintained at all times.
4. All rubbish within the licensed area being disposed of in a waste receptacle following club activities.
5. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing Gaming and Liquor.

6. The House Management Policy and Code of Conduct Management Plan must be complied with at all times.

**Committee Recommendation**

**Moved Cr Whitfield, seconded Cr Sammels:**

That Council APPROVES the Section 40 Certificate (Club Restricted Liquor Licence) for the Shoalwater Football Club at Lot 1742 Reserve Street, Shoalwater (Reserve 24280) subject to the following conditions:

1. The trading hours are restricted to between 6:00pm to 9:00pm on Wednesdays and 12:00 noon to 7:00pm on Sundays only.

2. The sale and supply of alcohol is restricted to members of the Shoalwater Football Club and to the guests of that member in the company of that member only.

3. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of neighbours is maintained at all times.

4. All rubbish within the licensed area being disposed of in a waste receptacle following club activities.

5. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing Gaming and Liquor.

6. The House Management Policy and Code of Conduct Management Plan must be complied with at all times.

Committee Voting – 4/1

Cr Hamblin voted against

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

Not Applicable

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

Not Applicable
Reference No & Subject: PDS-005/17 Proposed Commercial Vehicle Parking

File No: DD020.2017.00000001.001

Applicant: Mr Keith Ogden

Owner: Messrs Geoffrey, Keith and Paul and Ms Fiona Ogden

Author: Mr Kevin Keyes, Planning Officer

Other Contributors:
- Ms Donna Shaw, A/Coordinator Statutory Planning
- Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 20 February 2017

Previously before Council:

Disclosure of Interest:

Nature of Council’s Role in this Matter: Tribunal

Site:

Lot Area: 730m²

LA Zoning: Residential R20

MRS Zoning: Urban

Attachments:
schedule of submissions

Maps/Diagrams:
1. Location Plan
2. Aerial Photo
3. Commercial Vehicle in Proposed Parking Area (Side View)
4. Commercial Vehicle (Rear View)
5. Proposed Site Layout Plan
6. Consultation Plan
7. Applicant’s Consultation Plan
Purpose of Report
To consider an application seeking Development Approval for Commercial Vehicle Parking at Lot 689 (No.86) Port Royal Drive, Safety Bay.

Background
In 2016, the City received three complaints regarding a large Commercial Vehicle (a bus) being parked on the front verge and on the property. It was alleged by the complainants that people were residing in the Commercial Vehicle and it was also creating a traffic hazard. The City issued a Notice to the owner to cease parking the Commercial Vehicle on the property and it was subsequently removed from the front verge and the subject site.
The owner has since submitted an application for Development Approval to park the Commercial Vehicle on the property which forms the basis of this report.

### Details

The applicant seeks Development Approval to park a Commercial Vehicle on the subject site. Details of the application are as follows:

- The Commercial Vehicle is a ten tonne passenger bus that has been retro-fitted for the purposes of holiday travel and accommodation;
- The Commercial Vehicle will be used three to four times a year for the purposes of holiday travel and accommodation;
- The Commercial Vehicle dimensions are 12.5m (length) x 2.5m (width) x 3.1m (height);
- The Commercial Vehicle will be parked on a proposed 5m wide hardstand behind the existing dwelling, 1.5m from the southern boundary and 1.4m from the western boundary;
- The ground level where the hardstand is proposed will be lowered to the same level as Caracas Close. A retaining wall approximately 0.750m in height will retain the existing site levels along the boundary to the west and internal site levels on the subject lot;
- A new crossover is proposed off Caracas Close for entry/exit purposes of the vehicle;
- A new colourbond fence 2.3m high is proposed along the Caracas Close boundary to screen the vehicle. It will be the same height as the neighbour’s abutting fence to the west;
- A new verge tree is proposed to be planted in the Caracas Close verge for the purposes of screening the vehicle; and
- The length and height of the vehicle will remain exposed by 800mm when viewed from Caracas Close.

![3. Commercial Vehicle in Proposed Parking Area (Side View from Caracas Close)](image-url)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MARCH 2017

PRESIDING MEMBER

4. Commercial Vehicle (Rear View)
Implications to Consider

a. Consultation with the Community

In accordance with Clause 64 of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby land owners for comment for a period of 14 days, in accordance with the consultation plan below:
At the close of the advertising period, six submissions were received, five of which objected to the proposal and one submission that had no objection. The submissions objecting the proposal raised concerns that the Commercial Vehicle will impact on the residential amenity of the area.

In addition to the City’s advertisement process, the applicant submitted nine letters in support of the proposal from owners and occupiers as shown on the plan below:
The following is an assessment of the issues raised in submissions:

### Amenity

**Submission:**
Adverse impacts on the visual amenity of the residential locality.

**City's Comment:**
The proposal will create a visual impact on Caracas Close and to the rear adjoining neighbour (No.4 Caracas Close). Caracas Close is a cul-de-sac with a single-storey residential character. There is a large advertisement slogan on the rear of the Commercial Vehicle that will be clearly visible to the rear adjoining residents of No.4 Caracas Close, if reversed into the proposed parking space. It is considered that the signage will appear visually obtrusive when viewed from No.4 Caracas Close. It is acknowledged that the parking of a large Commercial Vehicle at the subject site will adversely impact on the existing residential character of the area.

### Property Values

**Submission:**
Adverse impacts on the property values of the residential locality.

**City's Comment:**
Property values are not a valid planning consideration.

### Vehicular Access

**Submission:**
Vehicle manoeuvring to and from the site will cause a traffic hazard.

**City's Comment:**
It is acknowledged that due to the size of the Commercial Vehicle, considerable manoeuvring space is required to safely park on the subject site. The applicant has not demonstrated how this will be achieved. To facilitate the parking of the Commercial Vehicle a second crossover is proposed onto Caracas Close. The proposed crossover does not meet the City’s crossover specifications as it is 18m wide in lieu of a maximum width of 10m. It is considered that the Commercial Vehicle could be a traffic hazard when manoeuvring into the property.

### Compliance with Development Approval

**Submission:**
Previous illegal use of the vehicle for accommodation purposes on-site.

**City's Comment:**
This proposal does not include the use of the Commercial Vehicle for residential accommodation on-site. Therefore this proposal will not create any overlooking or residential privacy issues into adjoining properties. The applicant must comply with the terms of the application should approval be granted.

### Other Matters

**Submission:**
Concerns relating to fuel being stored in the Commercial Vehicle.

**City's Comment:**
No fuel other than for the normal operation of the Commercial Vehicle is proposed.
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 2015-2025:

**Aspiration D:** Sustainable Environment

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

d. Policy

Planning Policy 3.3.13 – Parking of Commercial Vehicles in Residential Zones (PP3.3.13)

PP3.3.13 sets out the objectives and requirements which the Council must have due regard to in the assessment and determination of an application for Development Approval for the parking of Commercial Vehicles on Residential zoned land.

The application was assessed against the policy objective and assessment criteria which are addressed in the table below:

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>City’s Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objective</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Vehicles can only be parked in residential zones where it has been demonstrated that there will be no adverse impact upon the residential amenity of the locality.</td>
<td>Whilst it is noted the applicant has proposed measures to partially screen the Commercial Vehicle, it will be visible from Caracas Close and also to the rear adjoining neighbour (No.4 Caracas Close) due to its height and bulk. It will therefore have an adverse visual impact on the residential amenity of Caracas Close.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Amenity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The parking of a Commercial Vehicle should not adversely impact upon the amenity of the locality. The Policy considers factors such as noise, fumes, odour and visual amenity as components of amenity that the Council must have due regard to. The Policy prohibits activities such as spray painting, panel beating of mechanical repairs that have the potential to adversely impact upon the amenity of the locality.</td>
<td>The Commercial Vehicle will be visible to Caracas Close and also to the rear adjoining neighbour of No.4 Caracas Close. It is considered that there will be adverse visual impacts to Caracas Close and to the residents of No.4 Caracas Close. It is acknowledged that there will be noise from the vehicle when starting up and leaving the premises. This will only happen two to three times a year for holiday purposes. Therefore noise, fumes and odours arising from the movements of the Commercial Vehicle will not seriously impact on nearby residents. The applicant does not propose to carry out any mechanical repairs, spray painting or panel beating to the Commercial Vehicle.</td>
<td>Partial Compliance</td>
</tr>
</tbody>
</table>
Policy Requirement | City's Comments | Compliance
--- | --- | ---
On-site Parking | The Commercial Vehicle would be parked behind the front building line and to the side of the existing Single House. Due to the height and bulk of the Commercial vehicle it will be visible above the proposed boundary fence when viewed from Caracas Close and also to the rear adjoining neighbour of No.4 Caracas Close. | Partial Compliance. The Commercial Vehicle will not be totally screened from view of Caracas Close.

Access | The proposal will require a new crossover onto Caracas Close. The proposed crossover does not meet the City's crossover specifications as it is 18m wide in lieu of 10m. It is considered that the Commercial Vehicle could be a traffic hazard when manoeuvring into the property. | No

e. Financial | Nil | ---
f. Legal and Statutory | TPS2 defines a Commercial Vehicle as follows: "means 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. The term shall not 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 Commercial Vehicle is consistent with the definition of a Commercial Vehicle under TPS2.

Town Planning Scheme No.2 (TPS2)

Clause 4.17.3 Commercial Vehicles:

Permits a commercial vehicle to be parked, subject to obtaining development approval, within the Residential Zone, provided that the specific requirements outlined in the table below are complied with:

<table>
<thead>
<tr>
<th>Clause 4.17.3 of TPS2</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The Commercial Vehicle is parked on a lot containing only a Single House.</td>
<td>The lot contains a Single House only.</td>
<td>Yes</td>
</tr>
<tr>
<td>Clause 4.17.3 of TPS2</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>(b)</td>
<td>The Commercial Vehicle forms an essential part of the occupation of an occupant of the dwelling.</td>
<td>The Commercial Vehicle is not related to a business occupation. The owner who resides in the Single House will only use the Commercial Vehicle three to four times a year to go on holidays. For the remainder of the time it will be permanently parked at the subject lot.</td>
</tr>
<tr>
<td>(c)</td>
<td>Commercial Vehicles exceeding 8 metres in length are parked parallel to the side boundary of the lot and behind the building line.</td>
<td>The Commercial Vehicle exceeds 8 metres in length. It will be parked behind the building line and parallel to the side boundary of the lot.</td>
</tr>
<tr>
<td>(d)</td>
<td>No Commercial Vehicle repair.</td>
<td>Repair of the Commercial Vehicle is not proposed to be carried out on the property.</td>
</tr>
<tr>
<td>(e)</td>
<td>In the opinion of the local government, the Commercial Vehicle is not likely to adversely affect the amenity of the surrounding land.</td>
<td>The potential impacts on the amenity of neighbours have been considered in the Policy section of this report where it has been identified that the potential impacts on neighbouring residents is significant due to the visual impact of a large vehicle that will be highly visible to neighbours.</td>
</tr>
<tr>
<td>(f)</td>
<td>Notwithstanding clause 77 of the deemed provisions, the Council has the ability to withdraw Development Approval for a Commercial Vehicle, without the prior application from the owner of land in respect of which development approval has been granted. If the commercial vehicle is not being used in accordance with any of the requirements of clause 4.17.3.</td>
<td>Noted</td>
</tr>
</tbody>
</table>

Should the Development Application be approved, the Council has the ability to withdraw the Development Approval, if the Commercial Vehicle is not being used in accordance with any of the requirements of clause 4.17.3.

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 parking of the Commercial Vehicle on a small residential property is considered likely to create an adverse visual impact on the amenity of Caracas Close due to its length, height and bulky size and therefore fails to comply with TPS2 and PP3.3.13.

It is therefore recommended the application be refused.

Voting Requirements

Simple Majority

Officer Recommendation

That Council REFUSES the application for the parking of a Commercial Vehicle at Lot 689 (No.86) Port Royal Drive, Safety Bay, for the following reasons;

1. The proposal is likely to adversely affect the residential amenity of properties on Caracas Close; and
2. The proposal fails to comply with Town Planning Scheme No.2 and City Planning Policy No.3.3.13 - Parking of Commercial Vehicles in Residential Zones.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:

That Council REFUSES the application for the parking of a Commercial Vehicle at Lot 689 (No.86) Port Royal Drive, Safety Bay, for the following reasons;

1. The proposal is likely to adversely affect the residential amenity of properties on Caracas Close; and
2. The proposal fails to comply with Town Planning Scheme No.2 and City Planning Policy No.3.3.13 - Parking of Commercial Vehicles in Residential Zones.

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
### Reference No & Subject:

PDS-006/17 Proposed Section 40 Liquor Licence (Baldivis Soccer Club)

### File No:

DD069.2016.0000015.001

### Applicant:

Mr P Williams

### Owner:

City of Rockingham

### Author:

Miss Donna Shaw, A/Coordinator Statutory Planning

### Other Contributors:

Mr Mike Ross, Manager Statutory Planning

### Date of Committee Meeting:

20 February 2017

### Previously before Council:

No

### Disclosure of Interest:

Tribunal

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

Tribunal

### Site:

Lot 798 Peckham Boulevard, Baldivis (Reserve 52317)

### Lot Area:

5.77ha

### LA Zoning:

Development

### MRS Zoning:

Urban

### Attachments:

Schedule of Submissions

### Maps/Diagrams:

1. Location Plan
2. Aerial Photo
3. Proposed Licenced Area
4. Consultation Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MARCH 2017

PRESIDING MEMBER
Purpose of Report

To consider an application from the Baldivis Soccer Club for a Section 40 Liquor Licence (Section 40 Certificate) at Lot 798 Peckham Boulevard, Baldivis (Reserve 52317).

Background

Nil

Details

The applicant is seeking approval for a Section 40 Liquor Licence (Section 40 Certificate of Local Government). A Section 40 Certificate from the City confirms that the proposed use of the premises complies either conditionally or unconditionally with Town Planning Scheme No.2 (TPS2) or if it cannot comply with the relevant planning laws for reasons specified.

A Section 40 Certificate from the City is required to accompany any Liquor Licence application made to the Department of Racing Gaming and Liquor.

Details of the Section 40 Certificate application are as follows:

- The applicant has applied for a 'Club Restricted' Licence. A Club Restricted Licence authorises the sale and supply of liquor to members of the club and to the guests of that member in the company of that member, however, the club must not sell packaged liquor and the trading hours are specified on the conditions of the licence should it be granted by the Department of Racing Gaming and Liquor;
- The Club Restricted Licence is for the Baldivis Soccer Club, an amateur soccer club based on the subject site;
- The sale of alcohol will be from within the canteen at the clubroom; and
- The proposed trading hours are 6:00pm to 10:00pm on Monday to Friday and 12:00 noon to 10:00pm on Saturday and Sundays.
3. Proposed Licenced Area
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of TPS2 the application was referred to nearby and adjacent landowners as shown on the consultation plan below. At the conclusion of the advertising period, a total of five submissions were received objecting the proposal. It should be noted that one objection was received from a property approximately 450m north of the subject site and is therefore not shown on the consultation plan.

An assessment of the issues raised in the submissions is provided below:

<table>
<thead>
<tr>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>(i) Illegal parking on verges associated with soccer club activities</td>
</tr>
</tbody>
</table>

City's Comment:
The carparking associated with the Baldivis Soccer Club is a separate matter to the Council's consideration of a Section 40 Certificate.
### Amenity

**Submission:**

(i) Increase in litter

**City's Comment:**

It is the responsibility of the Baldivis Soccer Club to remove all litter, which can be imposed as a condition of the Section 40 Certificate.

(ii) Inconsistent with family/community lifestyle at Parkland Heights Estate

**City's Comment:**

The sale and supply of liquor will be to members of the club and their guests only. The Baldivis Soccer Club is considered to be consistent with the use of a public reserve to provide sporting and recreation opportunities consistent with a community lifestyle.

(iii) Impacts of floodlighting

**City's Comment:**

The potential impacts of floodlighting of the oval are not relevant to this application.

### Noise

**Submission:**

(i) Concerns regarding excessive noise

**City's Comment:**

Noise emanating from the premises is unlikely to cause disturbance to neighbouring properties, as the location of the licenced area is within the clubroom building and directly adjacent the southern side of the building facing the oval. The building will therefore act as a buffer to properties to the north of the building, separated by Peckham Boulevard.

### Location

**Submission:**

(i) The future Parkland Heights Neighbourhood Centre, located approximately 600m from the premises, will have licenced venues

**City's Comment:**

Notwithstanding the proximity of the site to other licenced venues, the Baldivis Soccer Club has made an application to the City for a Club Restricted Licence, to enable the club to sell and supply alcohol. The Council is required to consider the application.

(ii) Residential area not suitable for licenced premises

**City's Comment:**

The Residential zoning of the surrounding land does not restrict the ability for a Section 40 Certificate to be issued to the Baldivis Soccer Club.

The City considers that any potential detrimental impacts on the surrounding residential amenity as a result of the Section 40 Certificate being granted can be mitigated by conditions of approval restricting hours of operation and ensuring the venue is appropriately managed.
### Location (Cont...)

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Reserve is for public recreation utilised by all members of the community not as a Licenced Premises</td>
<td>The application is for a Club Restricted Licence, meaning the sale and supply of liquor to members of the club and to the guests of that member in the company of that member only. The sale and supply of alcohol will be directly associated with soccer club activities.</td>
</tr>
</tbody>
</table>

### Anti-Social Behaviour

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Anti-social behaviour likely to increase, including drug use, shouting and aggressive behaviour</td>
<td>The Department of Racing Gaming and Liquor, in considering applications for a Liquor Licence, determine if the application is in the public interest. The applicant is required to demonstrate the principles of harm minimisation, code of conduct and management policy, in accordance with the guidelines. These documents provide a statement of intent on the way the licensee wishes to operate the premises and outlines the licensee's commitment to the responsible service of alcohol, harm minimisation and resolving complaints. The licence will be managed by the Baldivis Soccer Club who will be responsible for ensuring anti-social behaviour does not occur. To address this concern, it is recommended that a condition be imposed which gives the Department of Racing Gaming and Liquor the ability to change the licensing hours if any anti-social behaviour occurs.</td>
</tr>
</tbody>
</table>

### Land Use

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Potential for community facility to be turned into a Tavern</td>
<td>The subject site is a crown 'C' classified reserve, which is vested in the City for Public Recreation. The proposal is for a Club Restricted Licence not a Tavern Licence, which is a completely different type of licence.</td>
</tr>
</tbody>
</table>

### Consultation

<table>
<thead>
<tr>
<th>Submission</th>
<th>City's Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Lack of community consultation as many surrounding properties undeveloped</td>
<td>A number of properties surrounding the subject site are yet to be sold, however, the owner of these properties (the developer of the Parkland Heights Estate), was consulted and has lodged a submission.</td>
</tr>
</tbody>
</table>
Liquor Licences

Submission:
(i) Potential for applicant to apply to extend trading hours of licence

City's Comment:
The City assesses each application for Section 40 Certificates on a case by case basis. Any proposal to extend the trading hours of the licence would be subject to assessment process by the City, including public consultation.

b. Consultation with Government Agencies
Not Required

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

Aspiration B: A Strong Community

Strategic Objective: Capacity Building and Wellbeing - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits.

Aspiration D: Sustainable Environment

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

d. Policy
Planning Policy 3.3.19 - Licenced Premises (PP3.3.19)

PP3.3.19 provides guidance for the assessment and determination of Liquor Licence Applications within the City of Rockingham. The objectives of PP3.3.19 are to:

"(a) Provide a framework for the assessment and determination of Liquor License Applications, including the issuing Section 39 and 40 certificates under the Liquor Control Act 1988;
(b) Assist the Council in its consideration of applications for Planning Approval which involve a liquor license;
(c) Identify appropriate locations for different types of licensed premises;
(d) Protect the safety and amenity of existing and future residents and business proprietors against anti-social behaviour; and
(e) Minimise personal harm or ill health caused to people, or any group, due to excessive consumption of liquor."

Council is required to have regard to PP3.3.19 when assessing applications for Section 40 Certificates under the Liquor Control Act 1988.
The following is an assessment of the proposal against the assessment criteria of PP3.3.19:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties. A significant potential impact includes circumstances in which if the application were granted:-</td>
<td>The City considers the amenity of neighbours is unlikely to be adversely affected on the basis that conditions of approval restricting hours of operation and ensuring the venue is appropriately managed can apply. The premises are also not in the vicinity of a place of worship, hospital or child care centre. It is noted that the Mother Teresa Catholic School is located on the adjacent Lot 739 Eighty Road, however, the school buildings are located approximately 550m south west of the proposed licenced area and the school operates at different times to the proposed licence.</td>
<td>Yes</td>
</tr>
<tr>
<td>(i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) the amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licensed premises should generally have an active street front.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Number of Patrons</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises are restricted to maximum patron numbers under the Health (Public Building) Regulations 1992, and those numbers are to be complied with at all times.</td>
<td>The Baldivis Soccer Club must continue to comply with the maximum accommodation numbers under the Health (Public Building) Regulations 1992.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Previous History</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The City will generally review the history of complaints regarding an existing licensed premises when considering an Application for Planning Approval for a “Change of Use” or an Extended Trading Permit.</td>
<td>The Baldivis Soccer Club does not currently hold a Liquor Licence.</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>
### Criteria

<table>
<thead>
<tr>
<th>Noise</th>
</tr>
</thead>
<tbody>
<tr>
<td>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit a noise report, prepared by a suitably qualified acoustic consultant (as determined by the City), in order to ensure that the noise emanating from the licensed premises is not excessive and indicating the likely noise nuisance and what sound attenuation measures are needed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Harm Minimisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, Code of Conduct and Management Plan in accordance with the Department of Racing, Gaming and Liquor Guidelines.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the City considers the approval of a licenced premise 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 communication in accordance with PP3.3.19.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consistency with Planning Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure compliance with conditions that have been placed on a Planning Approval (if appropriate).</td>
</tr>
</tbody>
</table>

The proposal is considered to comply with PP3.3.19.

e. **Financial**

Nil
f. Legal and Statutory

Liquor Control Act 1988 (LC Act)

The power to grant a Liquor Licence is vested in the licencing authority (Department of Racing Gaming and Liquor.) Whilst the Council has to ability to grant a Section 40 Certificate, the ultimate determination on whether a Liquor Licence is issued rests with the Department of Racing Gaming and Liquor.

Clause 33 of the LC Act gives the licensing authority absolute discretion to grant or refuse an application under the LC Act on any ground, or for any reasons, that the licencing authority considers in the public interest.

Town Planning Scheme No.2 (TPS2)

Clause 4.22 of TPS2 relates to Licenced Premises Applications. Clause 4.22.2 of TPS2 requires Council take into account the general and specific objectives of the Scheme, Clause 67 of the deemed provisions of TPS2 and have regard to any relevant Policy of the Council.

The relevant considerations under Clause 67 of the deemed provisions of TPS2 are the effect of the proposal on the amenity of the locality and any submissions received on the application. These matters have been discussed in the Consultation with the Community section of this report. The proposal is considered to comply with TPS2.

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 City considers that submissioners’ concerns regarding potential adverse impacts on the amenity of the surrounding residential area can be adequately addressed via conditions restricting trading hours and requiring the applicant to comply with the House Management Policy and Code of Conduct Management Plan. Furthermore, in the event the City receives substantiated resident complaints regarding noise or anti-social behaviour of patrons, the trading hours may be changed at the discretion of the Department of Racing Gaming and Liquor.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the Section 40 Certificate (Club Restricted Liquor Licence) for the Baldivis Soccer Club at Lot 798 Peckham Boulevard, Baldivis (Reserve 52317) subject to the following conditions:

1. The trading hours are restricted to between 6:00pm to 10:00pm on Monday to Friday and 12:00 noon to 10:00pm on Saturday and Sundays.
2. The sale and supply of alcohol is restricted to members of the Baldivis Soccer Club and to the guests of that member in the company of that member only.
3. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of neighbours is maintained at all times.
4. All rubbish within the licenced area being disposed of in a waste receptacle following club activities.
5. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing Gaming and Liquor.

6. The House Management Policy and Code of Conduct Management Plan must be complied with at all times.

**Committee Recommendation**

**Moved Cr Whitfield, seconded Cr Sammels:**

That Council **APPROVES** the Section 40 Certificate (Club Restricted Liquor Licence) for the Baldivis Soccer Club at Lot 798 Peckham Boulevard, Baldivis (Reserve 52317) subject to the following conditions:

1. The trading hours are restricted to between 6:00pm to 10:00pm on Monday to Friday and 12:00 noon to 10:00pm on Saturday and Sundays.
2. The sale and supply of alcohol is restricted to members of the Baldivis Soccer Club and to the guests of that member in the company of that member only.
3. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of neighbours is maintained at all times.
4. All rubbish within the licenced area being disposed of in a waste receptacle following club activities.
5. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing Gaming and Liquor.
6. The House Management Policy and Code of Conduct Management Plan must be complied with at all times.

Committee Voting – 4/1

Cr Hamblin voted against

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

Not Applicable

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

Not Applicable
# Planning and Engineering Services Committee Minutes

Monday 20 February 2017

## PDS-007/17 PAGE 51

**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MARCH 2017**

**PRESIDING MEMBER**

### Planning and Development Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-007/17 Proposed Tavern (Brewery)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2016.00000440.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Shore Thing Brewing Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr P Lazidis, Mr C Lazidis and Mr A Lazidis</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Miss Donna Shaw, A/Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 February 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 154 &amp; 155 (No.175) Parkin Street, corner of Patterson Road, Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1,383m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Primary Centre Waterfront Village</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>City Centre</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
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<tr>
<td></td>
<td>3. Advertised Site Plan</td>
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<tr>
<td></td>
<td>4. Amended Site Plan</td>
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<td></td>
<td>5. Floor Plan</td>
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<tr>
<td></td>
<td>6. Elevation Plan</td>
</tr>
<tr>
<td></td>
<td>7. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

Subject Site

2. Aerial Photo
**Purpose of Report**

To consider an application seeking Development Approval for a Tavern (Brewery) at Lots 154 & 155 (No.175) Parkin Street, Rockingham.

**Background**

The site was previously occupied by a Service Station, which was decommissioned in 1999. The site has since been the subject of numerous untidy property complaints to the City.

In 2006, Development Approval was granted for a five story Mixed-Use development comprising 25 Multiple Dwellings and two retail tenancies. The approval of this development lapsed prior to commencement and no further Development Applications have been lodged.

**Details**

The applicant seeks approval for a Change of Use to a Tavern (Brewery). The proposal is summarised as follows:

- The proposed hours of operation are Tuesday to Sunday, 11:00am to 9:00pm;
- The premises was initially based on 200 patrons (as advertised) but has been reduced to accommodate 160 patrons with seating both inside and outside;
- Originally 17 car parking bays were proposed (as advertised), which has been increased to 23 car parking bays including one bay for the exclusive use of people with disability;
- Brewing will take place up to three times per week;
- Acoustic live music and entertainment activities such as children's face painting may take place between 12:00pm and 7:00pm, Friday to Sunday;
- Security staff are not proposed;
- Food will be available at all times the premises is trading;
- Internal changes to the building include provision of toilets, a staff room, kitchen area and store room;
- The following signage is proposed:
  - 1.5m x 1.5m wall sign;
  - Signage is to be placed on the canopies; and
  - A 0.9m x 0.9m sign on the window, adjacent to the front door.
- The alfresco area includes a children's sand pit.

The applicant has provided the following technical reports in support of the application:

- An Acoustic Report;
- A Traffic Impact Assessment and Car Parking Assessment;
- A Waste Management Plan;
- An Odour Management Plan; and
- Harm Minimisation Plan.
3. Advertised Site Plan

4. Amended Site Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MARCH 2017

5. Floor Plan

6. Elevation Plans
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions in the Planning and Development (Local Planning Schemes) Regulations 2015, the proposal was referred to property owners and occupiers within 150m of the site, for a period of 24 days, as shown on the consultation plan below. Two signs were also erected on-site facing Parkin Street and Patterson Road. At the close of the advertising period, a total of 22 submissions were received, comprising 15 in support of the application and six objections.

6. Consultation Plan

It should be noted that three of the objections and five of the submissions in support of the development are based outside the 150m consultation area and are therefore not shown on the plan.

The issues raised in the submission, along with the City's comments, are provided below.

<table>
<thead>
<tr>
<th>Issue 1 - Traffic, Access &amp; Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(a) Traffic Generation</strong></td>
</tr>
</tbody>
</table>

| Submission:                      |
| Increase in traffic and vehicle movements to and from the premises which raises safety concerns when negotiating access so close to a busy intersection. |

| Proponent's Response:              |
| Any development on the site will increase vehicle traffic movements to and from the premises as the property is currently vacant and has been for some time. The adjacent properties would have experienced significant traffic flows from 175 Parkin Street when the property operated as a service station up until 1999. The number of vehicles entering and exiting the premises will be significantly less than that of a service station. |
**Issue 1 - Traffic, Access & Parking**

<table>
<thead>
<tr>
<th>(a) Traffic Generation (Cont…)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on the assumptions of 23 parking bays provided, the car park being at capacity and patrons remaining at the venue for 2 hours, there would likely be 12 vehicles an hour at peak times. Safety Bay Settlements trading hours are listed in the RMK directory as 9am-5pm from Monday to Friday. Shore Thing Brewing’s peak trade is anticipated from Friday evening through to Sunday evening. As such, our access point will not result in significant inconvenience to clients and visitors accessing 173 Parkin St.</td>
</tr>
</tbody>
</table>

**City's Comment:**
The City has assessed the Traffic Impact Assessment and Car Parking Assessment provided by the applicant and considers that traffic generated by the development is within the capacity of the existing road network to accommodate and will not compromise the safety or functionality of the road network. The existing crossover is suitable to service the proposed development.

<table>
<thead>
<tr>
<th>(b) Parking Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Submission: The provision of 17 on site dedicated parking bays is inadequate, placing additional pressure on nearby businesses and kerb side parking.</td>
</tr>
</tbody>
</table>

**Proponent's Response:**
The "Traffic Impact and Car Parking Assessment" has identified 189 available parking spaces within a 250m radius of the site during peak times. Parkin Street accounts for 43 of those bays. In addition, (at the City of Rockingham’s request) we have reduced the patron numbers to 160 and 6 additional parking bays have been created, leaving a shortfall of just 3 bays based on amended floor area of 156m². The evidence is that there is sufficient parking in the area to accommodate the shortfall of 3 bays. The City of Rockingham requested a demand assessment based on very similar development in a similar location. This survey revealed a peak parking demand of 27 bays for a tavern licensed for 200 patrons. This suggests 22 bays would be required for 160 patrons. Based on the demand assessment, the 23 bays provided will exceed the parking demands of the business. It is unlikely that patrons will only visit the venue and not enjoy any of the other attractions in the Rockingham Foreshore area. Our market research indicates that 61% of patrons would be attracted to the venue because it is close to the beach. This suggests that many patrons will visit Shore Thing Brewing as part of a cross purpose trip which will involve a trip to the beach and surrounding venues.

**City's Comment:**
The on-site car parking proposed (as amended) is compliant with TPS2. Since the application was advertised, the number of car bays has increased to 23 and patron numbers have been reduced to 160. Cash-in-lieu requirements for car parking will apply, which is discussed further in the Legal and Statutory section of the report.

| (ii) Submission: Even if an extra 17 spaces are incorporated in the plan as per Council requirements, at least half the proposed number of patrons would need to park elsewhere. |

**City's Comment:**
The City considers that there is sufficient on-site car parking to service the development, including the provision of cash-in-lieu of car parking in compliance with TPS2.
### Issue 1 - Traffic, Access & Parking

#### (c) Availability of Taxi and Bus Services

<table>
<thead>
<tr>
<th>Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerns regarding the proposed use of bus and taxi services considering that buses do not operate until midnight and a lack of taxi services due to drivers refusing to pick up intoxicated patrons.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proponent's Response:</th>
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</thead>
</table>
| Buses will also adequately service our patrons public transport requirements given our proposed trading hours of 11am to 9pm Tuesday to Sunday.  
Also, the availability of taxi services has increased dramatically in the past 5 years with the onset of services such as Uber and Shofer. Patrons will not have difficulty leaving the area at 9pm as Taxi services are readily available. Shore Thing Brewing aims to create a family friendly, relaxed atmosphere. Family friendly environments are more likely to attract clientele that are more likely to behave appropriately and encourage responsible drinking and patron behaviour. |

<table>
<thead>
<tr>
<th>City's Comment:</th>
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</thead>
<tbody>
<tr>
<td>The Tavern will close at 9pm; therefore buses are a transport option. The provision of food and a children's play area in the venue is likely to attract a different clientele than a regular Tavern, therefore the comment regarding taxi services not being a viable option is not considered reasonable.</td>
</tr>
</tbody>
</table>

#### Flaws with Traffic and Car Parking Assessment

<table>
<thead>
<tr>
<th>(i) Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerns regarding the limited hours selected for the Traffic Impact and Car Parking Assessment, being on a Saturday between the hours of 5:00pm and 9:00pm.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proponent's Response:</th>
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<tbody>
<tr>
<td>The survey period of 5pm to 9pm is representative of peak trading hours for the type of business being proposed. The proposed trading hours are 11am to 9pm Tuesday to Sunday; as such this is a realistic assessment of peak trading hours and is not a limited survey. The survey was carried out by a suitably qualified consultant and has been “accepted as a thorough survey” by the City of Rockingham’s engineering department.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
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</thead>
<tbody>
<tr>
<td>Two parking surveys were carried out by the applicant; one examining the Rockingham Foreshore Area and the other examining a similar development in a similar setting, during the hours of 5:00pm to 9:00pm on a Saturday evening. The hours selected are considered acceptable, particularly on a Saturday evening when patrons will visit the premises for dinner, drink and entertainment activities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(ii) Submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicants Traffic and Car Parking Assessment Report contains anomalies and omissions, e.g. no mention of adjacent residences on block No 153 Parkin Street or the lack of any local parking in Patterson or Parkin Streets.</td>
</tr>
</tbody>
</table>
### Issue 1 - Traffic, Access & Parking

#### Flaws with Traffic and Car Parking Assessment (Cont…)

**Proponent's Response:**

One objective of the report was to identify the demand for on and off-street parking within a 250m radius of the site. Parkin St, from Patterson Road to 147A Parkin St and the opposite side of the road from 146 Parkin St to Patterson Road were surveyed and appear in the report as location 8. This area includes Lot 153 Parkin St. The survey identified that there were 43 unmarked bays with no parking restrictions, the bays were monitored every half hour between 5pm and 9pm. No vehicles were recorded as parked in these bays, indicating that all 43 bays were available for the duration of the survey period. The report also identified Patterson Road as location 7 in the report and identified that there were no parking bays in that area. Clearly the report has included the area of Lot 153 Parkin St and has demonstrated that there is not a lack of local parking in Parkin Street. The report identified that in peak times car parking only reached 65% capacity and there were 82 on street and 107 off street car spaces available within a 250m radius of the site. This is in addition to the 23 parking bays to be provided on site. Clearly there is abundant parking available in the area. We have taken additional measures to reduce our capacity to 160 patrons and have sacrificed seating for additional parking bringing our parking bays to a total of 23 bays.

**City's Comment:**

The proposed development is compliant with TPS2 car parking requirements, together with cash-in-lieu of parking. There is also a car parking station on Patterson Road nearby to the premises and on-street parking along Patterson Road and Kent Street.

### Issue 2 - Amenity Impacts

#### (a) Noise

**Submission:**

Concerns on noise impacts the proposed development will have from machinery, patrons, music, entertainment and vehicle movements.

**Proponent's Response:**

An Acoustic Assessment has been submitted on 20.12.16 in addition to the Noise Management Plan. The Acoustic Assessment was conducted by a qualified Acoustical Consultant and identified a number of noise mitigation measures required in order for the premises to be complaint with the *Environmental Protection (Noise) Regulations 1997*. One of the Noise Mitigation measures identified in the report is to construct a 1.8m high solid fence on southern boundary. We fully intend to comply with the mitigation measures contained in the Assessment.

**City's Comment:**

The City has assessed the applicant's Environmental Noise Assessment prepared by an acoustic consultant for the development, which stated the likely noise generated by the development will comply with the *Environmental Protection (Noise) Regulations 1997*, subject to the noise measures listed in the report being carried out as follows:

- Acoustic artist to be located in northwest corner of alfresco area;
- Silencer fitted to the kitchen exhaust fan;
- Relocation of cool room condensing unit;
- 1.8m high solid fence on southern boundary; and
- Relocation of milling room extraction fan.

With the addition of a 1.8m high masonry wall in lieu of the fence on the southern boundary, the measures proposed to mitigate potential noise impacts are considered acceptable.
### Issue 2 - Amenity Impacts

#### (a) Noise (Cont…)

#### (ii) Submission:
The report does not state what entertainment will be provided Friday to Sunday.

**Proponent's Response:**
Other forms of entertainment not specifically listed in the development application may include Family friendly entertainment and children’s entertainers e.g. face painting, magicians, puppet theatre etc. None of the entertainment will be amplified so as to minimise disruption to neighbours.

**City's Comment:**
The other forms of entertainment are unlikely to adversely affect neighbours and would attract families.

#### (iii) Submission:
The report does not state when brewing will take place.

**Proponent's Response:**
We have not included any proposals for manufacturing as the noise and odour impacts are minimal. Brewing will most probably commence early in the morning. Brewing will start as early as 5 a.m. if required. The brewing process starts with the milling of the grain which is the only noisy process. We can mill the grain the day before between 7a.m. and 9p.m. so as to minimise disruption to neighbours.

The milled grain and filtered water are added to the brew vessel which is programmed with all the mash and boil steps. The wort is produced from the mashing and sparging of the grain. The wort is then boiled and hops are added to the boil at specific times.

The hot wort is then chilled initially using the inbuilt chiller jacket on the brew vessel and then through the heat exchanger. The cooled wort is pumped to the conical stainless steel pressurised unitank and oxygenated to the correct amount before the yeast is pitched. The unitanks combine fermentation, maturation and carbonation in the one vessel. These processes and the equipment involved do not produce noise.

**City's Comment:**
Should the application be approved, a condition of Development Approval is required stating that the milling of the grain is only permitted during the hours of 7:00am to 9:00pm. The development is also required to comply with the Environmental Protection (Noise) Regulations 1997.

#### (iv) Submission:
The proposed operating hours are Tuesday to Sunday 11.00am to 9.00pm; however, it is seeking a liquor licence from 6.00 am – 12 midnight seven days a week.

**Proponent's Response:**
Operators of licensed premises are not able to increase their trading hours without the approval of the Department of Racing, Gaming and Liquor. Such approvals are not granted if it is not deemed to be in the public's interest. We are acutely aware of our proximity to other businesses and residences and have put in place a number of measures to minimise the impact on our neighbours as detailed in our noise, odour and waste management plans.
### Issue 2 - Amenity Impacts

#### (a) Noise (Cont…)

**City's Comment:**
In accordance with the details of the application, the Tavern is proposed to operate between the hours of 11:00am to 9:00pm, Tuesday to Sunday. The Tavern is required to comply with these operating hours, which will be imposed as a condition of Development Approval, should the application be approved.

**Recommendation 1:**
Should the application be approved, a condition of approval requiring, a 1.8m masonry wall being constructed to the southern boundary, to the satisfaction of the City.

#### (b) Odour

**Submission:**
Concerns regarding the impact of brewing, cooking and tobacco odours on nearby business and residences.

**Proponent’s Response:**
From 31 July 2006, the Tobacco Products Control Act 2006 and associated regulations (the legislation) prohibited smoking in all enclosed public places, including those on licensed premises. These measures are in place to protect persons from secondary smoke and every business has to comply with them. The Odour Management Plan has been submitted as part of our development application and has been assessed by the City of Rockingham.

They have not raised any concerns thus far and we believe the measures contained in the plan to be sufficient.

There are many restaurants in the Rockingham foreshore area, many of which are in close proximity to higher density residential developments. Cooking odours are successfully controlled through mechanical ventilation that meets Australian Standards and is a requirement of operating a food business. Shore Thing Brewing is subject to these same requirements and standards. The Old Brewery & Riverside Brewhouse situated in the Old Swan Brewery contains a restaurant and operational brewery. The brewery is located in the restaurant area behind the bar and is not physically separated from the restaurant. The Old Swan Brewery is one of Perth’s most prestigious developments housing office accommodation, restaurants and luxury apartments in the same building. Clearly breweries can be co-situated with residential and commercial developments. Further examples of working breweries in non-rural or industrial areas of Perth include The Monk Brewery in Fremantle, Northbridge Brewing Company in Northbridge, Indian Ocean Brewing Co. at Mindarie Marina and Nowhereman Brewing Co. planned for West Leederville. If odour had a significant impact, the breweries would not be co-located with restaurants.

**City’s Comment:**
The City has assessed the Odour Management Plan and is satisfied that measures to mitigate odours will ensure that the proposed Brewery will not adversely impact the amenity of neighbours.

#### (c) Antisocial behaviour

**Submission Issues:**
Concerns that Tavern will cause issues similar to Zelda’s Nightclub and potential increased security risk to nearby businesses and residences.
### Issue 2 - Amenity Impacts

**Antisocial behaviour (Cont…)**

**Proponent's Response:**

Responsible consumption of alcohol does not produce anti-social activity. The craft beer industry is playing a part in changing consumer attitudes to beer consumption with a shift from drinking quantity to drinking quality. The philosophy is “drink better not more”. I refer to ABC news article “Craft beer and Australia's changing alcohol consumption habits” “Dr John Toumbourou, professor in psychology at Deakin University, said attitudes to drinking in Australia were slowly changing, and craft beer might be the perfect fit for the changing consumption habits with its price and availability encouraging more responsible consumption.” At Shore Thing we believe alcohol should be enjoyed in a responsible manner that does not cause harm or ill-health to ourselves or others. We recognise individuals’ rights to choose to consume alcohol. More importantly, we recognise our responsibility to ensure alcohol is served responsibly to minimise the risk of harm or ill health due to the use of liquor. We have established a range of measures to ensure alcohol is enjoyed responsibly. These are detailed in our Code of Conduct, House Policy, Management Plan and Harm Minimisation Plan lodged with our development application.

People react to alcohol differently and it may take as little as one drink for a person to become intoxicated / drunk. Under section 115 of the Act it is an offence for the licensee or his employees to permit drunkenness on the premises, as such intoxicated/drunken persons should be removed from the premises. Part of Responsible Service of Alcohol includes a duty of care to the patron, which includes measures such as offering to call a taxi for the patron. This measure is included in our House Policy, Code of Conduct, Harm Minimisation Policy and Management Plan. These documents were submitted with the Development Application.

**City's Comment:**

A Harm Minimisation Plan has been prepared which includes procedures that will be followed in the event that patrons are intoxicated and causing inconvenience to nearby properties. Should the application be approved, the applicant is required to comply with the Harm Minimisation Plan, at all times, for the duration of the development.

### Issue 3 - Zoning and Land use

**Submission:**

The proposed usage of the premises for the manufacture of beers is an industrial usage and not in keeping with the current zoning of the area or the usage of the vast majority of other properties within the Rockingham Waterfront Village Precinct.

**Proponent’s Response:**

A Tavern is a ‘D’ (i.e. discretionary) use in the Primary Centre Waterfront Village zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. The City is required to considerer the application lodged. The manufacture of beer forms a small part of the overall development and operations, the principal purpose of the brewery is the supply of beer to the premises. There are a significant number of restaurants and licensed venues in the Waterfront Village precinct. Our development will provide diversity in the current hospitality options which is in line with the development policy plan for the Waterfront Village. The issue of beer manufacture has been addressed in an earlier response. Craft beer and craft breweries are a growing phenomenon, 51 breweries opened in Australia in 2016. I believe Rockingham should be a part of this and will benefit hugely from this development in the form of new tourism attracted to the area, creating jobs for the local community and providing a vibrant, family friendly venue.
### Issue 3 - Zoning and Land use

**City's Comment:**
The proposed use is a Tavern with a brewery component. The subject site is located within the Primary Centre Waterfront Village zone, where eating and drinking premises are a preferred use. A Tavern is a discretionary ('D') use in the Primary Centre Waterfront Village zone, which means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval.
The City is required to consider the application lodged.

**Submission:**
The proposed development is not compliant with the Primary Centre Waterfront Village Policy, which encourages high density residences to a maximum height of 8 stories.

**Proponent's Response:**
The development of this site does not prevent adjacent property owners from developing their properties or selling to developers. Brewery developments in Fremantle, Margaret River and the Swan Valley have proved hugely successful and are tourist attractions in their own right. The development of a brewery and tavern on this site has the potential to attract new tourism to the area and build on the overall appeal of the foreshore area, thereby making Rockingham foreshore more attractive to developers. Many of Rockingham’s restaurants and cafés are housed in older style commercial properties and as such re-use of this building would not be out of character with the surrounding area. I note there are a number of vacant blocks in the Rockingham foreshore area that could be attractive to developers of high density residential developments.

**City's Comment:**
The proposal is compliant with the City's Primary Centre Waterfront Village policy, where a Tavern is a preferred use. Approval of the proposal does not prejudice future planning options for the site, which has been vacant for 17 years.

### Issue 4 - Design

**Submission:**
The development is low cost and low quality, making use of an existing run down service station canopy and workshop and office facilities, with the only improvements being cosmetic and minimal.

**Proponent's Response:**
The brewery development is not ‘extremely’ low cost and low quality. New, high quality brewery equipment will be installed at considerable expense. The brewery equipment will be on display and form part of the attraction of coming to the brewery. Vibrancy does not have to come from demolishing old buildings to replace with new. Vibrancy and atmosphere can be created with simple design. Re-use of existing buildings has a far smaller impact on the environment and community than demolishing existing structures and building new buildings. Re-use of existing buildings also has the ability to create something unique. There are many examples of old buildings that have been transformed through simple design into unique, successful and popular venues. Many of these are industrial type buildings that maintain much of the original building and its’ features. Examples include The Raw Kitchen in Fremantle, Gordon Street Garage in West Perth and Chinta in North Perth. Garage Project in Wellington is a fine example of a successful craft brewery developed in an old garage building that maintains the existing structure. Rockingham foreshore deserves a unique, family friendly craft brewery to replace the disused service station at the entry to Rockingham foreshore and will complement the City of Rockingham’s redevelopment of Railway Terrace. Rather than wait for high rise developments that may not eventuate for some time, the community would be better served by re-using this building and transforming it into a unique, vibrant, family friendly venue.
b. Consultation with Government Agencies

Department of Environmental Regulation (DER)

Submission:

(i) DER holds records relating to the site's former use as a service station and investigations carried out in 1999 and 2000 found that hydrocarbons were present in soil beneath the former waste oil tank. The site is considered suitable for commercial/industrial use but may not be suitable for more sensitive land uses such as residential use or child care centres. As the proposed development does not involve a change to a more sensitive use, DER recommends that a contamination condition is not necessary for the development approval.

City's Comment:

The comments by DER are noted.

c. Strategic

Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. Policy

Planning Policy 3.2.5 – Development Policy Plan Waterfront Village Sector (PP3.2.5)

PP3.2.5 provides a more detailed planning vision and policy framework for the Waterfront Village Sector based on the concept of a sustainable, medium to high density urban village arranged around a central, high frequency transit spine. A policy area boundary has been defined within which the land use and townscape characteristics of individual precincts are described and illustrated.

The subject site is located within the Patterson West Precinct of the Waterfront Village Sector. PP3.2.5 recognises that the part of Patterson Road the site is located in is significantly under-developed in its current state and as such has potential for urban renewal.

Eating and drinking premises are a preferred use in the Patterson West Precinct.
The following is an assessment of the proposal against the relevant requirements of PP3.2.5:

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
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<tbody>
<tr>
<td>(a) Patterson Road and Railway Terrace are to be developed as highly activated, urban scaled streets framed by generally contiguous, streetfront buildings which address the street with a mix of tenancies in a manner consistent with contemporary ‘Main Street’ principles.</td>
<td>The proposed development includes the provision of an alfresco area and children's play area between the building and the primary street, which will activate the streetfront.</td>
<td>Yes</td>
</tr>
<tr>
<td>(b) Buildings are to be located, configured and activated to frame and address street frontages, laneways and other public spaces in a way that is generally consistent with the Precinct Concept Plan and relevant ‘Frontage Types’ as indicated in Section 3.7.</td>
<td>The subject site has a type 3 frontage, which requires a two to three storey façade with a 2m setback. A 10.5m setback is proposed to Parkin Street and the building is single storey.</td>
<td>No, however, only minor modifications to the building are proposed. Given full redevelopment of the site is not proposed, it is not considered appropriate to apply this policy requirement.</td>
</tr>
<tr>
<td>(i) Car parking is not permitted between the road reserve boundary and building frontages.</td>
<td>All car parking is proposed to be located to the northern side of the building, adjacent to the secondary street (Patterson Road).</td>
<td>No, however the proposal reflects the reuse of the existing development.</td>
</tr>
<tr>
<td>(j) Off-street car parking is to be located behind, under or over ground floor, streetfront buildings or alternatively, no closer than 20 metres to the streetfront boundary in the case of land identified in the IDP for future building development.</td>
<td>The car parking is located adjacent to and in front of the building.</td>
<td>No, however as a full redevelopment of the site is not proposed and car parking is already located in front of the building, it is not considered appropriate to apply this policy measure.</td>
</tr>
<tr>
<td>(m) The frontage of any building is to incorporate and maintain the required area of transparent façade with suitably glazed shopfronts, windows and doors, consistent with the applicable ‘Frontage Types’ set down in Section 3.7.</td>
<td>The subject site has a type 3 frontage, which requires 60% of the façade to remain transparent. 81% of the façade is proposed to be transparent, which is compliant. Security screens are proposed in front of some of the windows. These are not supported as they reduce the transparency of the windows and reduce activation with the street.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
As the proposal involves the change of use of an existing building, the proposed development does not comply with a number of requirements of PP3.2.5. This is considered acceptable as only minor modifications to the building are proposed and the use is a preferred use that will provide activity to a site in need of urban renewal.

Planning Policy 3.3.1 – Control of Advertisement (PP3.3.1)

PP3.3.1 provides guidance on the assessment of advertisements. The objectives of PP3.3.1 are as follows:

"(a) Ensure that advertisements are appropriate for their location;
(b) Minimise the proliferation of advertisements;
(c) Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;
(d) Protect the amenity of residential areas, townscape areas and areas of environmental significance;
(e) Protect the significance of heritage places or buildings;
(f) Ensure that advertisements are constructed with quality materials;
(g) Encourage advertisements located within the Rural or Special Rural Zone or in areas of environmental significance to be sympathetic with the natural environment in terms of materials and colours;
(h) Ensure advertisements are generally erected on land where the advertised business, sale of goods or service is being carried out; and
(i) Ensure that advertisements are maintained to a high standard."

The proposed development includes one wall sign and signage to be erected on the three sides of the existing canopy.

The proposed signage is shown in Figure 6. The signs are considered to be consistent with the objectives of PP3.3.1 and are therefore considered suitable for approval.

Planning Policy 3.3.19 - Licenced Premises (PP3.3.19)

The purpose of PP3.3.19 is to provide guidance for the assessment and determination of Liquor Licence applications within the City. PP3.3.19 also aims to protect the safety and amenity of existing and future residents and businesses against alcohol related problems such as property damage, anti-social behaviour, violence and to promote the responsible sale and consumption of alcohol.

The following is an assessment of the proposed development against the assessment criteria of PP3.3.19:
<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The subject tenancy is located within the Primary Centre Waterfront Village, which is a mixed use precinct. The proposed development is considered to be consistent with existing commercial/entertainment land uses within the precinct and will therefore not adversely impact the amenity of neighbouring properties. The provision of a 1.8m masonry wall to the southern boundary will reduce any potential impacts on nearby residential properties.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The proposed development is not located in the vicinity of a place of public worship, hospital or school. An Acoustic Assessment and Harm Minimisation Plan has been provided to ensure that the amenity of business proprietors and residents on Parkin Street is not compromised.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The City considers that the amenity, quiet or good order of the locality is likely to be maintained based on the assessment included in this report.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Licensed premises should generally have an active street front.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The subject tenancy has an active street front to Parkin Street.</td>
<td></td>
</tr>
<tr>
<td>Number of Patrons</td>
<td>Premises are restricted to maximum patron numbers under the Health (Public Building) Regulations 1992, and those numbers are to be complied with at all times.</td>
<td>Noted</td>
</tr>
<tr>
<td></td>
<td>The applicant will be advised of the need to comply with the Health (Public Building) Regulations 1992.</td>
<td></td>
</tr>
<tr>
<td>Previous History</td>
<td>The City will generally review the history of complaints regarding an existing licensed premises when considering an Application for Planning Approval for a “Change of Use” or an Extended Trading Permit.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>There is no previous history associated with the proposed development.</td>
<td></td>
</tr>
<tr>
<td>Policy Requirement</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Previous History (Cont…)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In this regard, the City is interested in past complaints regarding noise, vandalism, anti-social behaviour or traffic/parking issues. The City may request the applicant to supply full and complete details of any complaints regarding an existing licensed premises including details of any complaints or prosecutions commenced by the Police, the Liquor Licensing Division, the Health Department or FESA.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Noise</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit a noise report, prepared by a suitably qualified acoustic consultant (as determined by the City), in order to ensure that the noise emanating from the licensed premises is not excessive and indicating the likely noise nuisance and what sound attenuation measures are needed.</td>
<td>A Noise Management Plan and Environmental Acoustic Assessment has been provided in support of the development, which has been reviewed by the City and is considered acceptable. Should the application be approved, the requirement to comply with the recommendations of the Environmental Acoustic Assessment will be applied as a condition of Development Approval as well as the construction of a 1.8m high masonry wall, on the southern boundary.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Harm Minimisation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy.</td>
<td>A Harm Minimisation Plan has been prepared by the applicant. No third party security is proposed, however the Tavern serves food and includes a children’s play area, and therefore the clientele and atmosphere will be different to that of a standard tavern.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Consultation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where the Manager, Statutory Planning considers that an Application for Planning Approval for a ‘Licensed Premises’ 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</td>
<td>The proposal was advertised in accordance with clause 64 of the deemed provisions of TPS2 and Planning Procedure No. 1.3 - Community Consultation. This has been further discussed in the Community Consultation section of this report.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The proposed development complies with the objectives and requirements of PP3.3.19.

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

Bicycle Space Provision

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
<th>Short Term</th>
<th>Number</th>
<th>Rate</th>
<th>Long Term</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern</td>
<td>1/100m² of bar and public areas</td>
<td>1.56</td>
<td>1/150m² of bar and public areas</td>
<td>1.04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Required</td>
<td></td>
<td>1.5</td>
<td></td>
<td>1.04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Provided</td>
<td></td>
<td>0</td>
<td></td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Development Application requires the provision of two (2) short term bays and one (1) long term bay, based on a floor area of 156m² covering bar and public areas. No provision of bicycle spaces has been made, therefore should the application be approved, a condition requiring the provision of 3 bicycle parking spaces is recommended.

Provision of End-of Trip Facilities

<table>
<thead>
<tr>
<th>Number of Long Term Parking Spaces Required</th>
<th>Rate</th>
<th>Amount</th>
<th>Number of showers provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Showers not required for less than 2 bicycle spaces</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned 'Primary Centre Waterfront Village' under TPS2 where a Tavern is a 'D' use that it is not permitted in the Primary Centre Waterfront Village zone, unless the Council has exercised its discretion by granting Development Approval.

A Tavern is interpreted under TPS2 as follows:

"Tavern means premises licensed as a tavern under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises."
The proposed development will satisfy a number of the objectives of the Primary Centre Waterfront Village zone, including inter alia:

"(a) to promote contemporary waterfront residential and accommodation, commercial, tourism and recreational activities, which serves local residents and visitors alike, in accordance with Development Policy Plan for the Waterfront Village Sector;

(e) to provide contiguous, activated street front development;

(f) to promote active day and night time retail and social environments; and

(g) to encourage vibrant and diverse uses which promote the Waterfront as a destination."

Clause 4.15 - Carparking

Clause 4.15.2.1 of TPS2 requires, for development other than purposes dealt with by the R-Codes, not less than 60% of the minimum number of carparking bays required by TPS2 be provided in the form of cash-in-lieu payment to the Council.

Clause 4.15.7 also applies to additional development or Development Applications for change of use, which is applicable in this case. It states that:

"Where an appropriate parking area has been provided to a level commensurate with the approved development and an application for planning approval is lodged with the Council to expand the development or change a use within the development, the result of which generates the need for additional parking, the Council shall either:-

(a) require the provision of additional parking on-site; or

(b) accept cash-in-lieu of parking payment in accordance with clause 4.15.6 in the event that additional parking cannot be provided on-site."

Therefore, if there is a parking shortfall, a cash-in-lieu payment is required for the additional parking not provided on-site. As the development is for a change of use and not a full redevelopment of the site, clause 4.15.7 is applicable.

As assessment of the proposed carparking against the requirements of TPS2 is provided below:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TPS2 Requirement</th>
<th>Bays Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern (156m² of bar area)</td>
<td>1 bay for every 6.2m² of bar and public areas including lounges, beer gardens and restaurants</td>
<td>25.16</td>
<td>23</td>
<td>No</td>
</tr>
<tr>
<td>Cash-in-lieu</td>
<td>To be provided for parking shortfall</td>
<td>2</td>
<td>To be the condition of any approval</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The applicant is required to provide a total of 25 bays in accordance with table no.4 of TPS2. Only 40% of the required carparking must be provided on-site (i.e. 10 bays) but the applicant is providing 23 bays. The Council can accept cash-in-lieu of parking for the additional parking that cannot be provided on-site (i.e. 2 bays), in accordance with clause 4.15.7 of TPS2.
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 development is compliant with TPS2 with the exception of the parking requirements. There is a parking shortfall of two bays, therefore a cash-in-lieu payment is required for these bays.

The proposed development is for the change of use of an existing site and does not involve the full redevelopment of the site. The proposed development is partially compliant with PP3.2.5 with respect to being consistent with the preferred land use and where variations apply, these are considered reasonable. The development will also contribute to the activation of the Primary Centre Waterfront Village zone, by providing a recreational/entertainment land use for the community.

The concerns raised by the submissioners can be adequately addressed via conditions of Development Approval. It is recommended the application be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for a Tavern (Brewery) at Lot 154 & 155 (No.175) Parkin Street, Rockingham, 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:
   - Site Set Out Plan, Drawing No. 3-3, dated 30.01.2017;
   - Floor Plan Layout, Drawing No. 1-3 C, dated 30.01.2017; and

   All amendments shown in red on the endorsed plans are to be incorporated on the plans submitted with the application for Building Permit.

2. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.

3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.

   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.
4. The street setback area and all verge areas (i.e. street trees) must be landscaped and reticulated prior to the occupation of the development in accordance with the landscaping plan and must be maintained at all times.

5. The carpark must:
   (i) provide 23 car parking spaces;
   (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 thereafter; and
   (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.

6. A cash contribution being provided for two (2) car parking spaces in accordance with clause 4.15.7 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit.

7. Prior to applying for a Building Permit, plans showing swept paths for delivery and waste vehicles entering and exiting the carpark from the access road must be submitted to and approved by the City. The swept paths must be designed in accordance with AS2890.1 and demonstrate that the vehicles can access and egress from the site in a lane correct manner. Modifications are to be made to the carpark, to the City's satisfaction to achieve lane correct paths, if required.

8. Bicycle parking spaces/racks allowing storage for a minimum of three (3) bicycles including two (2) short term bays and one (1) long term, bay, are to be installed adjacent to the exterior of the premises, prior to occupation of the tenancy.

9. Prior to occupation, the existing crossover on Parkin Street is to be removed and remediated to a commercial standard, to the satisfaction of the City.

10. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

11. The recommendations outlined in the Environmental Noise Assessment reference 16123835-01 by Lloyd George Acoustics dated 20 December 2016, must be complied with at all times, for the duration of the development.

12. A 1.8m high masonry wall must be constructed along the full length of the southern boundary of the site adjoining No. 173 Parkin Street, prior to occupation.

13. All works must be carried out in accordance with the Noise Management Plan, Odour Management Plan, Waste Management Plan and Harm Minimisation Plan, for the duration of the development.

14. Entries and window frontages facing Parkin Street (as marked in red) must not be covered, closed or screened off (including by means of shutters, dark tinting, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.

15. All doors facing the Parkin Street frontage of the building must be kept open to patrons and not locked during all hours when the subject premises is trading.
16. The applicant must protect the City’s existing streetscape assets, including footpath, kerbs, drainage channels, turf and street trees. Any damage that occurs to the infrastructure other than that for the purposes of the development must be rectified by the applicant to the satisfaction of the City, Manager Land & Development Infrastructure at the applicants cost.

17. The Tavern must only operate between the hours of 11:00am to 9:00pm, Tuesday to Sunday.

18. The milling of grain must only take place between the hours of 7:00am to 9:00pm.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council **APPROVES** the application for a Tavern (Brewery) at Lot 154 & 155 (No.175) Parkin Street, Rockingham, subject to the following conditions:

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3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.
   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.

4. The street setback area and all verge areas (i.e. street trees) must be landscaped and reticulated prior to the occupation of the development in accordance with the landscaping plan and must be maintained at all times.

5. The carpark must:
   (i) provide 23 car parking spaces;
   (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;
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(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and

(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.

6. A cash contribution being provided for two (2) car parking spaces in accordance with clause 4.15.7 of Town Planning Scheme No.2, with the calculation of the cash contribution being in accordance with clause 4.15.6 of Town Planning Scheme No.2, must be provided to the City, prior to applying for a Building Permit.

7. Prior to applying for a Building Permit, plans showing swept paths for delivery and waste vehicles entering and exiting the carpark from the access road must be submitted to and approved by the City. The swept paths must be designed in accordance with AS2890.1 and demonstrate that the vehicles can access and egress from the site in a lane correct manner. Modifications are to be made to the carpark, to the City's satisfaction to achieve lane correct paths, if required.

8. Bicycle parking spaces/racks allowing storage for a minimum of three (3) bicycles including two (2) short term bays and one (1) long term, bay, are to be installed adjacent to the exterior of the premises, prior to occupation of the tenancy.

9. Prior to occupation, the existing crossover on Parkin Street is to be removed and remediated to a commercial standard, to the satisfaction of the City.

10. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

11. The recommendations outlined in the Environmental Noise Assessment reference 16123835-01 by Lloyd George Acoustics dated 20 December 2016, must be complied with at all times, for the duration of the development.

12. A 1.8m high masonry wall must be constructed along the full length of the southern boundary of the site adjoining No. 173 Parkin Street, prior to occupation.

13. All works must be carried out in accordance with the Noise Management Plan, Odour Management Plan, Waste Management Plan and Harm Minimisation Plan, for the duration of the development.

14. Entries and window frontages facing Parkin Street (as marked in red) must not be covered, closed or screened off (including by means of shutters, dark tinting, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.

15. All doors facing the Parkin Street frontage of the building must be kept open to patrons and not locked during all hours when the subject premises is trading.

16. The applicant must protect the City's existing streetscape assets, including footpath, kerbs, drainage channels, turf and street trees. Any damage that occurs to the infrastructure other than that for the purposes of the development must be rectified by the applicant to the satisfaction of the City, Manager Land & Development Infrastructure at the applicants cost.

17. The Tavern must only operate between the hours of 11:00am to 9:00pm, Tuesday to Sunday.

18. The milling of grain must only take place between the hours of 7:00am to 9:00pm.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-008/17 Proposed Telecommunications Infrastructure (Mobile Telephone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2016.00000441.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Aurecon Australasia Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Stockland WA Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director Planning &amp; Development Services</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 February 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 9094 Norseman Approach, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1.2ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>District Town Centre</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Schedule of Submissions</td>
</tr>
<tr>
<td></td>
<td>2. Visual Landscape Assessment Report</td>
</tr>
<tr>
<td></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Site Layout</td>
</tr>
<tr>
<td></td>
<td>4. East Elevation</td>
</tr>
<tr>
<td></td>
<td>5. Photomontage Locations</td>
</tr>
<tr>
<td></td>
<td>6. Montage A - Norseman Approach (South)</td>
</tr>
<tr>
<td></td>
<td>7. Montage B - Norseman Approach (West)</td>
</tr>
<tr>
<td></td>
<td>8. Montage D - Norseman Approach (North)</td>
</tr>
<tr>
<td></td>
<td>9. Residential Development on Norseman Approach to the North of the Development</td>
</tr>
<tr>
<td></td>
<td>10. Residential Development on Norseman Approach to the North of the Development</td>
</tr>
<tr>
<td></td>
<td>11. View from Parmelia Gas Pipeline looking South</td>
</tr>
<tr>
<td></td>
<td>12. Consultation Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>
PRESIDING MEMBER

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MARCH 2017

1. Location Plan

Subject Site

2. Aerial Photo

Proposed Development Location
Purpose of Report

To consider an application seeking Development Approval for Telecommunications Infrastructure (Mobile Telephone) at Lot 9094 Norseman Approach, Baldivis.

Background

The subject site is located on the western side of Norseman Approach and the northern side of Safety Bay Road. Stockland Baldivis Shopping Centre is located to the west, residential and commercial development is located to the east and vacant land is located to the north. The Parmelia Gas Pipeline traverses the site providing an area of open space and the site is otherwise devoid of mature vegetation.

Details

Development Approval is sought by Telstra for Telecommunications Infrastructure comprising the following:

- A 23.8m monopole with a circular headframe and grey finish accommodating six panel antennas and six remote radio units, with the capacity to accommodate a further twelve remote radio units;
- A low-impact equipment shelter with a concealed roof 3m high to be clad with Paperbark finished Colorbond;
- Ancillary equipment necessary for the operation and proper functioning of the facility;
- 2m high security chain-mesh fencing;
- The area to be leased is 60.5m² with dimensions of 12.1m x 5.5m; and
- The Telecommunications Infrastructure is setback 3.25m from the northern boundary and 45m from the eastern boundary.

The applicant has also submitted a Visual Landscape Assessment (VLA) report in support of the application.
4. East Elevation

5. Montage Locations
6. Montage A - Norseman Approach (South)

7. Montage B - Norseman Approach (West)
8. Montage D - Norseman Approach (North)

9. Residential Development on Norseman Approach to the North of the Development

10. Residential Development on Norseman Approach to the South of the Development
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No 2, the application was referred to property owners and occupiers within 500m of the proposed Telecommunications Infrastructure, as per the consultation plan below. A total of 689 landowners and occupiers were consulted. Two signs were also erected on-site and a notice was placed in the Weekend Courier on 13 January 2017.

At the close of the advertising period, a total of 23 submissions were received. It should be noted that three of the submissions in support of the proposal were located outside of the 500m radius and are therefore not shown on Figure 12. The following is a breakdown of the submissions:

- 689 landowners and occupiers consulted;
- 23 submissions received (3.3% of those consulted responded);
- 14 submissions objecting the proposal received (2% of those consulted); and
- 5 submissions supporting the proposal received (0.75% of those consulted).
12. Consultation Plan

An assessment of the concerns raised by the submissioners is as follows:

<table>
<thead>
<tr>
<th>Visual Amenity and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Submission:</td>
</tr>
<tr>
<td>The adverse impacts of the Telecommunications Infrastructure on the visual amenity of the area.</td>
</tr>
<tr>
<td>Proponent's Response:</td>
</tr>
<tr>
<td>We have selected land developed as a car park associated with the Stockland Baldivis Central Shopping Centre that will not result in vegetation removal or significant soil disturbance. We will not be removing any land used or potentially usable for either active or passive recreation. We submit that the locality is one of the neighbourhoods in greatest need of improved telecommunications such that on balance these such improvements will far outweigh any visual impact.</td>
</tr>
<tr>
<td>City's Comment:</td>
</tr>
<tr>
<td>The site is adjacent to a mix of residential and commercial development in an urban setting. Linear lawned parkland traverses the site, which results in an open vista. The site is located on the edge of a mixed use area. Given the pole is 23.8m high, it will be highly visible in the locality.</td>
</tr>
</tbody>
</table>
**Visual Amenity and Location (Cont…)**

**(ii) Submission**  
Low-impact telecommunications facilities should be explored.

**Proponent’s Response:**  
This location was investigated and was not ultimately pursued in part due to its inability to provide effective coverage to residential areas south of Safety Bay Road.

**City's Comment:**  
The City is required to consider the application as it has been submitted.

**(iii) Submission:**  
The Telecommunications Infrastructure does not blend in with its environment. The size, colour and fencing will not be aesthetically pleasing.

**Proponent’s Response:**  
Our experience is that the natural finish of the pole will best blend against lighter backgrounds such as the sky. For ground level infrastructure we have selected a light colour to blend with the surrounding buildings. We are willing to investigate alternative fencing materials should Council prefer.

An expanded visual landscape assessment with photo montages as requested by the City of Rockingham has now been submitted to evidence our assertion that the public benefit that improved telecommunications will bring will outweigh any visual impact.

**City's Comment:**  
The applicant's VLA has stated that no measures to screen or camouflage the development will be utilised except that it is prepared to contribute to landscaping within the adjacent future road verge (i.e. Mennock Approach extension) to the north. The absence of screening will increase the visual prominence of the Telecommunications Infrastructure, which is intensified by a lack of vegetation in the area. This was recognised in the VLA.

**(iv) Submission:**  
Consider other less densely populated locations for the telecommunications facility.

**Proponent’s Response:**  
In order to operate an effective telecommunications network, Telstra is required to locate its facilities near to the targeted area. This site proposal is in response to demand for service. This location achieves a balance of separation from residentially zoned land south of Safety Bay Road.

**City's Comment:**  
The site is located 82m from the nearest single house and when vacant sites to the east of the development on Norseman Approach are developed, the site would be 70m from residential development. The subject site for the Telecommunications Infrastructure is located within a mixed use area, and Telecommunications Infrastructure of this nature is considered to be consistent with the urban landscape.

**(v) Submission:**  
The development may have a negative effect on the value of the surrounding residential properties due to it being a non-low-impact facility.
Health Impacts

City's Comment:
Property values are not a relevant planning consideration.

Submission:
Exposure to radiation and health and safety risk as a result of development.

Proponent's Response:
The State Planning Policy reiterates that public health is not a planning consideration and, furthermore, buffer distances should not be imposed by Schemes of Local Planning Policies. The facility will operate well within prescribed safe operating limits imposed by the relevant Commonwealth agency Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the regulatory (licensing) authority Australian Communications and Media Authority (ACMA).

Notwithstanding having no knowledge of reputable studies confirming any link to telecommunications base station and reduced property values it is our understanding that potential negative impacts on property values is not a planning consideration. Indeed it is reasonable to assume that (particularly in mixed use areas) access to fast, affordable and reliable telecommunications would impact positively on land values.

City's Comment:
In terms of State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2), setback distances for Telecommunications Infrastructure to address health or safety standards for human exposure to electromagnetic emissions, are not to be set out in local planning schemes or local planning policies, because standards are set by ARPANSA. Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters. It is not within the scope of Council to address health and safety matters.

c. Strategic

Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2023.8:

Aspiration D: Sustainable Environment

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

d. Policy

State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2)
The Western Australia Planning Commission's (WAPC) SPP5.2 seeks to balance the need for effective telecommunication services and effective roll-out of networks, with the community interest in the protection of the visual character of local areas. The objectives of this policy are to:

- "facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;"
- "manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;"
- ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and
- promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure."

An assessment of the application against the relevant matters to be considered listed in SPP5.2 is as follows:

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis.</td>
<td>The visual impact of the application for Telecommunications Infrastructure was assessed by the City, which also included an appraisal of the applicant's VLA.</td>
<td>Yes; the pole will be highly visible, in an urban setting.</td>
</tr>
</tbody>
</table>
| Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:  
  a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;  
  b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;  
  c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised; and  
  d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape. | a) The Telecommunications Infrastructure is not obtrusive to any scenic routes or lookouts.  
(b) The Telecommunications Infrastructure does not detract from a heritage place, landmark, vista or panorama. The development will be visible from the linear parkland vista when viewed from both public and private land.  
(c) The Telecommunications Infrastructure is not located on a site where environmental or cultural heritage values may be compromised. Telecommunications Infrastructure is considered to be consistent with the urban landscape.  
(d) The materials and colours used are considered acceptable. The 23.8m height of the pole is required as part of the function of the development and is considered to blend with the surrounding urban landscape. | Partially Compliant |
| Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community. | The applicant has advised the City that the proposed site has been selected to provide continuous network coverage and improved telecommunications services in the Baldivis Town Centre area, where it is genuinely needed. | Yes |
**Policy Requirement** | **Provided** | **Compliance**
---|---|---
Telecommunications infrastructure should be collocated and whenever possible:  
  a) Cables and lines should be located within an existing underground conduit or duct; and  
  B) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings. | The applicant has stated that there were no existing facilities to co-locate upon and that there were no opportunities for low-impact facilities. The extent of investigations made by the applicant to explore other nearby buildings to provide low-impact facilities has not been demonstrated. It should also be noted that Vodafone has recently sought to erect a low-impact facility on the roof of the Repco building. Options were considered in various locations within the Baldivis Shopping Centre site prior to lodgement of the subject application.  
No overhead power connection is proposed. | Yes

The proposal is generally compliant with SPP5.2, although it is noted that the 23.8m high pole will be visible. This is considered acceptable as Telecommunications Infrastructure is consistent with the surrounding urban landscape.

**Planning Policy 3.3.16 - Telecommunications Infrastructure (PP3.3.16)**

PP3.3.16 is a local planning policy which the Council must have due regard to in its consideration of applications seeking Development Approval for Telecommunications Infrastructure. The objectives for PP3.3.16 are:

"(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Telecommunications Infrastructure that cannot be classified as low-impact facilities; and  
(b) To secure the amenity, health and convenience of the locality through appropriate provisions intended to minimise any potential adverse impacts from such Telecommunications Infrastructure."

The following is an assessment of the proposal against the requirements of PP3.3.16:

**Policy Requirement** | **Provided** | **Compliance**
---|---|---
In terms of PP3.3.16 Telecommunications Infrastructure the preferred location for telecommunications Infrastructure that cannot be classified as low impact facilities is in the Industrial, Commercial and Rural Zones. | The proposed facility will be located on the edge of a mixed use precinct, largely comprising of commercial development, which is a preferred location. | Yes
### Policy Requirement

| Telecommunications Infrastructure should be sited to minimise adverse impacts on the visual character and amenity of residential areas. In this regard, such facilities should not be located within 200 metres of land zoned Urban or Urban Deferred in the Metropolitan Region Scheme (or Residential, Special Residential or Development Zone in Town Planning Scheme No.2), unless the infrastructure is attached to an existing structure and does not adversely impact on the visual amenity of an area. | This Policy measure conflicts with SPP5.2, which states that buffers should not be applied and instead be assessed on a 'case by case' basis according to policy requirements. | N/A, this 200m buffer policy requirement cannot be applied as it conflicts with SPP5.2. |

| Telecommunications Infrastructure should be sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts upon areas of natural conservation value, places of heritage significance, prominent landscape features, general views in the locality and individual significant views. | The surrounding area is urban in character, and largely consists of asphalt parking areas on rooftops and commercial buildings constructed with concrete panels. The site is directly adjacent the Stockland Baldivis Shopping Centre. No areas of natural conservation value or areas of heritage or scenic value are impacted. Notwithstanding the above, the City considers that the base of the structure should be screened with vegetation to enhance the visual amenity of the site. | Yes |

Whilst it is acknowledged that the height of the pole will have some visual impacts, Telecommunications Infrastructure is considered to be consistent with the surrounding urban landscape and is therefore considered acceptable.

#### Baldivis Activity Centre Structure Plan (BACSP)

The BACSP was prepared to guide future development of the Baldivis Activity Centre. The vacant land to the north east of the site is designated as 'Mixed Use' under the Structure Plan, which could comprise of a mix of residential and/or commercial development in future.

e. **Financial**

   Nil

f. **Legal and Statutory**

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

   Clause 3.2 - Zoning and Land Use

   The proposed use is interpreted as 'Telecommunications Infrastructure', which is a 'D' (i.e. discretionary) land use 'D' within the District Town Centre zone.

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
The applicant has indicated that there is a need for further Telecommunications Infrastructure in the Baldivis Town Centre area.

The proposal is generally compliant with SPP5.2 and PP3.3.16, recognising the potential visual impact the development could have on the residential development to the east of the site. Potential visual impacts are considered acceptable on the basis the site is within a mixed use area and Telecommunications Infrastructure is consistent with the surrounding urban landscape.

The applicant is not proposing any form of screening to aid in the reduction of any potential impact on visual amenity. The City considers that the base of the structure should be screened with vegetation to aid in addressing concerns raised by submissioners with respect to potential visual impact and to enhance the amenity of the site.

Simple Majority

That Council APPROVES the application for Telecommunications Infrastructure (Mobile Telephone) on Lot 9094 Norseman Approach, Baldivis subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Layout, Drawing No. W108138, dated 03.11.16;
   - East Elevation, Drawing No. W108138, dated 03.11.16; and
   - Telstra Mobiles Antenna Configuration Table, Drawing No. W108138, dated 03.11.16.

2. Screening vegetation must be planted such that the visual impact of the Telecommunications Infrastructure is minimised, to the satisfaction of the City, and must be retained and maintained in good condition at all times development.

Moved Cr Whitfield, seconded Cr Hamblin:

That Council APPROVES the application for Telecommunications Infrastructure (Mobile Telephone) on Lot 9094 Norseman Approach, Baldivis subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Layout, Drawing No. W108138, dated 03.11.16;
   - East Elevation, Drawing No. W108138, dated 03.11.16; and
   - Telstra Mobiles Antenna Configuration Table, Drawing No. W108138, dated 03.11.16.

2. Screening vegetation must be planted such that the visual impact of the Telecommunications Infrastructure is minimised, to the satisfaction of the City, and must be retained and maintained in good condition at all times development.

Committee Voting – 4/1

Cr Summers voted against
<table>
<thead>
<tr>
<th><strong>The Committee’s Reason for Varying the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Implications of the Changes to the Officer's Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
**Purpose of Report**

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

**Background**

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

A DAP is an independent decision-making body that determines certain types of development instead of Council and/or the WAPC. DAPs are comprised of independent technical experts and elected Local Government representatives.
DAP Development Applications received by the City are determined by the SWJDAP, which includes the following local governments:
- Rockingham
- Cockburn
- East Fremantle
- Fremantle
- Kwinana
- Murray
- Mandurah

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

The current local members on the SWJDAP are Cr Elliott and Cr McManus with Cr Stewart and Cr Downham as the alternate members.

**Details**

The appointment of all Local Government DAP members expires on 26 April 2017. The Department of Planning has called for the Council to submit to the Minister for Planning nominations for four elected members of the Council, comprising two local members and two alternate local members to sit on the SWJDAP. Nominations are required to be received no later than 17 March 2017.

**Implications to Consider**

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

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

c. **Strategic**
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   - **Aspiration D:** Sustainable Environment
   - **Strategic Objective:** Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. **Policy**
   Nil

e. **Financial**
   Nil

f. **Legal and Statutory**
   The Planning and Development (Development Assessment Panels) Amendment Regulations 2016 (DAP Amendment Regulations 2016) were published in the Government Gazette on 16 December 2016. These amendments came into operation on 1 February 2017. Councillors will not be appointed by the Minister for Planning for a three year term in lieu of the previous two year term.
Under Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (Regulations), the Council is required to nominate four Elected Members of the Council, comprising two local members and two alternate local members to sit on the SWJDAP, as required.

It is a mandatory requirement of the Regulations that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training. Any DAP member who successfully completes training is entitled to the payment of $400 from the Department of Planning.

A DAP member who attends a DAP meeting is entitled to be paid the fee set-out in Schedule 2 item 1 and 2 of the Regulations, as follows:

<table>
<thead>
<tr>
<th>Schedule 2 – Fees for DAP Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Fee for presiding member per meeting to determine development applications</td>
</tr>
<tr>
<td>2 Fee for any other member per meeting to determine development applications</td>
</tr>
<tr>
<td>3 Fee per meeting for presiding member to determine applications to amend or cancel determination</td>
</tr>
<tr>
<td>4 Fee per meeting for any other member to determine applications to amend or cancel determination</td>
</tr>
<tr>
<td>5 Fee for presiding member attending proceeding in State Administrative Tribunal</td>
</tr>
<tr>
<td>6 Fee for any other member attending proceeding in State Administrative Tribunal</td>
</tr>
<tr>
<td>7 Fee for training</td>
</tr>
</tbody>
</table>

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

### g. Risk

**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

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

### Voting Requirements

Simple Majority
Officer Recommendation

That Council NOMINATES Cr_______, and Cr_______ as the City of Rockingham local members on the Metropolitan South-West Joint Development Assessment Panel to the Minister for Planning and Cr_______ and Cr_______ as the alternate members.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council NOMINATES Cr Elliott, and Cr McManus as the City of Rockingham local members on the Metropolitan South-West Joint Development Assessment Panel to the Minister for Planning and Cr Downham and Cr Stewart as the alternate members.

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
Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-010/17 Metro South-West Joint Development Assessment Panel Application - Development Approval for a Service Station, Lunch Bar and Signage</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2016.00000479.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>TPG and Place Match</td>
</tr>
<tr>
<td>Owner:</td>
<td>Station Square Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Neels Pretorius, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, Senior Projects Officer, Mr Mike Ross, Manager Statutory Planning, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 February 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>N/A</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 4 Saltaire Way, Port Kennedy</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,125 m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Port Kennedy Business Enterprise Zone</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Industrial</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsibility Authority Report</td>
</tr>
</tbody>
</table>
| Maps/Diagrams:         | 1. Location Plan  
                          2. Aerial Photo  
                          3. Site and Ground Floor Plan  
                          4. Muzz Buzz Floor Plan and Elevations.  
                          5. South-East and North-East Elevations  
                          6. North-West and South-West Elevations |
1. Location Plan

2. Aerial Photo
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) in relation to an application for development approval for a Service Station, Lunch Bar and Signage at Lot 4 Saltaire Way, Port Kennedy.

Background

There are no existing approvals over the site.

Details

The proposed development is for a service station, comprising eight pumps under the main canopy, four pumps under the truck canopy, a convenience store (incidental). The development will also incorporate a lunch bar (coffee drive through facility).
3. Site and Ground Floor Plan
4. Muzz Buzz Floor Plan and Elevations
5. South-East and North East Elevations
6. North-West and South-West Elevations
Implications to Consider

a. Consultation with the Community

Consultation with the community is not required for this application as the proposed
development is consistent with the adopted Development Policy Plan No. 3.2.5 - Waterfront
Village Precinct.

b. Consultation with Government Agencies

Not Required

c. Strategic

Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

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

The City has identified that that further assessment of bushfire risk is required before the
application can be considered by the South West Joint Development Assessment Panel.

SPP3.7 seeks to guide the implementation of effective risk-based land use planning and
development to preserve life and reduce the impact of bushfire on property and
infrastructure.

The site has been designated bushfire prone under the Fire and Emergency Services Act
1998 (as amended) and therefore the requirements of SPP3.7 are applicable. These
requirements are triggered given the proposed development constitutes a Service Station
which is a High-Risk Land Use within a Bushfire Prone Area.

The objectives of SPP3.7 are to:

- “Avoid any increase in the threat of bushfire to people, property and infrastructure. The
  preservation of life and the management of bushfire impact are paramount.

- Reduce vulnerability to bushfire through the identification and consideration of bushfire
  risks in decision-making at all stages of the planning and development process.

- Ensure that higher order strategic planning documents, strategic planning proposals,
  subdivision and development applications take into account bushfire protection
  requirements and include specified bushfire protection measures.

- Achieve an appropriate balance between bushfire risk management measures and,
  biodiversity conservation values, environmental protection and biodiversity management
  and landscape amenity, with consideration of the potential impacts of climate change.”

The proposed development is a high risk land use under SPP3.7, given it is a land use that
will store flammable materials which require strengthened bushfire risk management
measures to ensure these uses will not further increase risk.

Clause 6.6 of SPP3.7 states that applications for development approval for a high risk land
use in areas exposed to a BAL rating between BAL-12.5 - BAL-29 will not be supported
unless they are accommodated by a Bushfire Management Plan jointly endorsed by the City
and the Department of Fire and Emergency Services.
The Bushfire Management Plan may include the requirement for an Asset Protection Zone and a Hazard Separation Zone and a risk management plan that addresses bushfire risk management measures for any flammable on-site hazards, it is therefore not possible to support the development before this information is provided.

e. **Financial**

Nil

f. **Legal and Statutory**

City of Rockingham Town Planning Scheme No. 2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned ‘Port Kennedy Business Enterprise Zone’ under TPS2. The proposed “Service Station’ is a ‘D’ use, which means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval.

Clause 4.9.1 Objectives of the Port Kennedy Business Enterprise Zone

To promote service commercial and office land uses within the area to service the demands of the locality and in recognition of the Council’s regional responsibility to provide light industrial land within the region, encourage the development of light industrial land uses in an orderly and proper manner.

TPS2 allows for a service station on the site therefore the proposed development is considered to consistent with the objectives of the zone.

Clause 4.9.5 Parking

Provision shall be made for the on-site parking of motor vehicles in all development in the Port Kennedy Business Enterprise Zone in accordance with the provisions of clause 4.15 and Table No.2.

An assessment of the proposed carparking against the requirements of TPS2 is provided below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Table No.4 Requirement</th>
<th>Bays Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Station - 1 bay for every service bay, plus 1 bay per employee and 6 bays per 100 m² NLA of retail floor space.</td>
<td>Given the NLA floor space is 2125m² the development requires 13 bays.</td>
<td>32 car bays provided. The development complies with the scheme requirements.</td>
</tr>
</tbody>
</table>

Clause 4.9.6 Setbacks

An assessment of the setback requirements against the requirements of TPS2 is provided below:

<table>
<thead>
<tr>
<th>Road</th>
<th>Table No.4 Requirement</th>
<th>Setback Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street Port Kennedy Drive</td>
<td>9m</td>
<td>9m</td>
</tr>
<tr>
<td>Secondary Street Saltaire Way</td>
<td>3m</td>
<td>More than 3m</td>
</tr>
</tbody>
</table>

The proposed setbacks are consistent with the requirements of TPS2.

**Comments**

A requirement of SPP3.7 is that development applications for service stations will not be supported unless they are accompanied by a Bushfire Management Plan jointly endorsed by the relevant Local Government and the State Authority for Emergency Services.
No Bushfire Management Plan has been submitted and therefore it is not possible to make a decision on the application.

The City has advised the applicant of this requirement, however, the information has not been provided (as yet).

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ADOPTS the Responsible Authority Report for the application for Development Approval for a Service Station at Lot 4 Saltaire Way, Port Kennedy, (contained in Attachment 1) as the report is required to be submitted to the presiding member of the South West Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

"That the Metro South-West JDAP resolves to:

Defer consideration of DAP Application reference DAP/16/01165 pending the endorsement of the Bushfire Management Plan by the City of Rockingham and the Department of Fire and Emergency Services as required in terms of Clause 6.6 of State Planning Policy 3.7 (SPP3.7) - Planning in Bushfire Prone Areas.

Reason

In terms of SPP 3.7 a Service Station is classified as a high - risk land use which requires a Bushfire Management Plan jointly endorsed by the City and the Department of Fire and Emergency Services before it can be supported."

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Whitfield:

That Council ADOPTS the Responsible Authority Report for the application for Development Approval for a Service Station at Lot 4 Saltaire Way, Port Kennedy, (contained in Attachment 1) as the report is required to be submitted to the presiding member of the South West Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

"That the Metro South-West JDAP resolves to:

Defer consideration of DAP Application reference DAP/16/01165 pending the endorsement of the Bushfire Management Plan by the City of Rockingham and the Department of Fire and Emergency Services as required in terms of Clause 6.6 of State Planning Policy 3.7 (SPP3.7) - Planning in Bushfire Prone Areas.

Reason

In terms of SPP 3.7 a Service Station is classified as a high - risk land use which requires a Bushfire Management Plan jointly endorsed by the City and the Department of Fire and Emergency Services before it can be supported."

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
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| 13. | **Reports of Councillors**  
Nil |
| 14. | **Addendum Agenda**  
Nil |
| 15. | **Motions of which Previous Notice has been given**  
Nil |
| 16. | **Notices of Motion for Consideration at the Following Meeting**  
Nil |
| 17. | **Urgent Business Approved by the Person Presiding or by Decision of the Committee**  
Nil |
| 18. | **Matters Behind Closed Doors**  
Nil |
| 19. | **Date and Time of Next Meeting**  
The next Planning and Engineering Services Committee Meeting will be held on Monday 20 March 2017 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 4:47pm. |