MINUTES
Planning Services Committee Meeting
Held on Monday 20 May 2013 at 4:00pm
City of Rockingham Boardroom
# City of Rockingham
Planning Services Committee Meeting Minutes
Monday 20 May 2013

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<table>
<thead>
<tr>
<th></th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
</tr>
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<td>19.</td>
<td>Date and Time of Next Meeting</td>
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<tr>
<td>20.</td>
<td>Closure</td>
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</table>
1. **Declaration of Opening**

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

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

2.1 **Councillors**

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Richard Smith</td>
<td>Chairperson</td>
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<tr>
<td>Cr Chris Elliott</td>
<td></td>
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<tr>
<td>Cr Leigh Liley</td>
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<td>Cr Allan Hill</td>
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</tbody>
</table>

2.2 **Executive**

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
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<tbody>
<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
</tr>
<tr>
<td>Mr Jeff Bradbury</td>
<td>Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Ms Fiona Pond</td>
<td>Coordinator Sustainability and Environment</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
<td>Manager Building Services (until 4.23pm)</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health Services (until 4.21pm)</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
</tbody>
</table>

2.3 **Members of the Gallery:** 7

2.4 **Apologies:** Nil

2.5 **Approved Leave of Absence:** Nil

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

Nil

4. **Public Question Time**

4.02pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 **Mr John & Mrs Patricia Baker, No.16 Laredo Bend, Port Kennedy - SP-021/13 - Proposed Home Occupation (Hairdressing)**

The Chairperson invited Mr & Mrs Baker to present their questions to the Planning Services Committee. Mr & Mrs Baker provided additional information to their submission, covering the following issues:-

- Damage to property in the park.
- Groups of children running around in the park at night.
<p>| | |</p>
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</table>
|   | • Front door handle being rattled at night.  
|   | • Car doors slamming.  
|   | • Fire hydrant being blocked on the Proponent's property.  
|   | • Lack of parking for residents in the street.  
|   | The Chairperson advised that this is an item contained on the Committee agenda and will be considered later in the meeting. |
| 4.2 | Mr John Fitzgerald, No.7 Verin Lane, Port Kennedy - SP-021/13 - Proposed Home Occupation (Hairdressing) |
|   | The Chairperson invited Mr Fitzgerald to present his questions to the Planning Services Committee. Mr Fitzgerald asked the following question:-  
|   | 1. What issues could cause the application to be refused?  
|   | The Chairperson advised that all the information was contained in the Officer's Report on the Committee agenda and will be considered later in the meeting. |
| 4.3 | Mrs Roselyn de Young (Proponent), No.12 Laredo Bend, Port Kennedy - SP-021/13 - Proposed Home Occupation (Hairdressing) |
|   | The Chairperson invited Mrs de Young to present her questions to the Planning Services Committee. Mrs de Young provided additional information on the reasoning for applying for a Home Occupation and requested the Committee approve her application.  
|   | The Chairperson thanked Mrs de Young for her presentation and advised that the matter will be considered later in the meeting. |
| 4.12pm | There being no further questions the Chairperson closed Public Question Time. |

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Liley seconded Cr Hill:

That Council **CONFIRM** the Minutes of the Planning Services Committee Meeting held on 15 April 2013, as a true and accurate record.  

Committee Voting – 4/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4.13pm 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

4.13pm 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 Services Information Bulletin – May 2013

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 FoodSafe
   - 3.2 Industrial and Commercial Waste Monitoring
   - 3.3 Community Health and Wellbeing Plan
   - 3.4 Healthy Communities Initiative
   - 3.5 Health Promotion
   - 3.6 Mosquito Control Program
   - 3.7 Ocean Water and Storm Water Sampling
4. Information Items
   - 4.1 Mosquito-Borne Disease Notifications
   - 4.2 Food Recalls
   - 4.3 Food Premises Inspections
   - 4.4 Public Building Inspections
   - 4.5 Outdoor Public Event Approvals
   - 4.6 After Hours Noise and Smoke Nuisance Complaint Service
   - 4.7 Complaint - Information
   - 4.8 Building Plan Assessments
   - 4.9 Septic Tank Applications
   - 4.10 Demolitions
   - 4.11 Swimming Pool and Drinking Water Samples
   - 4.12 Rabbit Processing
   - 4.13 Hairdressing and Skin Penetration Premises
   - 4.14 Family Day Care
   - 4.15 Food Premises Prosecution – Rocks Asian Café
   - 4.16 Beautician Prosecution - Gentle Nails

**Building Services**

1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information Items
   - 4.1 Monthly Building Permit Approvals - (All Building Types)
   - 4.2 Private Swimming Pool and Spa Inspection Program
   - 4.3 Continued Service System – where a Certificate of Design Compliance
     & Building Permit are produced individually
   - 4.4 Demolition Permit
   - 4.5 Permanent Sign Licence
   - 4.6 Community Sign Approval
   - 4.7 Temporary Sign Licence
   - 4.8 Street Verandah Approval
   - 4.9 Occupancy Permits
   - 4.10 Stratas
   - 4.11 Unauthorised Building Works
   - 4.12 Monthly Caravan Park Site Approvals
### 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 Karnup District Water Management Strategy (EVM/136)
   - 3.3 Water Campaign (EVM/56-02)
   - 3.4 Karnup District Structure Plan (LUP/1546)
4. Information Items
   - 4.1 Mangles Bay Marina-Based Tourist Precinct – EPA Report and Recommendations
   - 4.2 Delegated Final Adoption of Structure Plan

### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 CouncilsOnline (Planning Products via the Web) formerly eDA
4. Information Items
   - 4.1 Land Use – Planning Enforcement
   - 4.2 Subdivision/Development Approvals and Refusals by the WAPC
   - 4.3 Notifications and Gazettals
   - 4.4 Subdivision Clearances
   - 4.5 Subdivision Survey Approvals
   - 4.6 Delegated Development Approvals
   - 4.7 Delegated Development Refusals
   - 4.8 Delegated Building Envelope Variations
   - 4.9 Subdivision/Amalgamation Approved
   - 4.10 Subdivision/Amalgamation Refused
   - 4.11 Proposed Warnbro Shopping Centre Expansion - Lots 909 (No. 206) and 913 Warnbro Sound Ave Warnbro

### Director Planning and Development Services

1. Director Planning and Development Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Northern Waterfront Sector - Development Policy Plan and Masterplan (LUP/1617)
   - 3.2 Campus Sector - Development Policy Plan and Masterplan (LUP/1618)
   - 3.3 Smart Village North Sector - Development Policy Plan and Masterplan (LUP/1595)
   - 3.4 Keralup
   - 3.5 Karnup Station Transit Oriented Development
4. Information Items
   - 4.1 Lots 401 and 404 Civic Boulevard, Rockingham (LUP/229 & LUP/227)
Committee Recommendation

That Councillors acknowledge having read the Planning Services Information Bulletin – May 2013 and the content be accepted.

Committee Voting – 4/0

4:21pm - Mr Rod Fielding, Manager Health Services left the Planning Services Committee meeting.
### Reference No & Subject:

**Reference No & Subject:** BS-001/13

**Reviewed Delegations of Authority - Building Act 2011 and Building Regulations 2012**

<table>
<thead>
<tr>
<th>File No:</th>
<th>GOV/33</th>
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<tbody>
<tr>
<td>Proponent/s:</td>
<td>Mr Colin Reguero, Senior Building Surveyor</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2013</td>
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<tr>
<td>Previously before Council:</td>
<td>May 2012 (BS-001/12)</td>
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<tr>
<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
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<td>Lot Area:</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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<tr>
<td>Attachments:</td>
<td>Reviewed Delegations for Building Services 2012 - 2013</td>
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<tr>
<td>Maps/Diagrams:</td>
<td></td>
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### Purpose of Report

To adopt reviewed Delegations of Authority due to changes in legislation of the Building Act 2011 and Building Regulations 2012.

### Background

Various Sections and Regulations have become operational on the following legislation since June 2011 with the predominant provisions being in force on the 2 April 2012:-

- Building Act 2011
- Building Regulations 2012

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CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY 17 JUNE 2013

PRESIDING MEMBER
Various amendments have been made to the above legislation since the introduction date but for the purposes of this Report the relevant amendments were made on the 19 December 2012 and 2 April 2013.

**Details**

Due to change in legislation it was necessary to review the City of Rockingham Delegated Authority Register (2012 – 2013) to enable appropriate delegations to be in place.

As such, it is required to:-

1. Revoke the current Building Services Delegation “6.8 Transitional Provisions Relating to Local Government”
2. Adopt the revised Delegations as follows:-
   - 6.1 Building and Demolition Permits
   - 6.2 Occupancy Permits and Building Approval Certificates
   - 6.3 Enforcement - Authorised Persons
   - 6.4 Building Orders
   - 6.5 Building Information
   - 6.6 Private Swimming Pools
   - 6.7 Smoke Alarms
   - 6.8 Sand Drift Prevention and Abatement
   - 6.9 Street Verandahs
   - 6.10 Fencing
   - 6.11 Building Enforcement
   - 6.12 State Administrative Tribunal Proceedings

**Implications to Consider**

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

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

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

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

d. **Policy**
   Nil

e. **Financial**
   Nil

f. **Legal and Statutory**
Comments

As previously advised in Council Report of May 2012 (BS-001/12), the Building Services Delegation “6.8 Transitional Provisions Relating to Local Government” was to expire on the day that is one year after the day the Building Act 2011 came into operation ie 2 April 2013. These provisions relate to works and activities within the road reserve which were still required to be applicable when section 375 and sections 377-380 of the Local Government (Miscellaneous Provisions) Act 1960 were repealed by the Building Act 2011.

Such provisions were inserted into Part 9 of the Building Regulations 2012 in the transition period. The provisions are now contained within the Local Government (Uniform Local Provisions) Regulations 1996 in which the amendments came into effect on the 2 April 2013. Matters contained in the Local Government (Uniform Local Provisions) Regulations have departmental cross functions and there may be a further review of an appropriate delegation in the annual review of the Delegations of Authority anticipated in July 2013.

A summary of the key amendments to the Building Act 2011 and Building Regulations 2012 on the 19 December 2012 include new powers of delegation to:-

- provide for councils to delegate to the Chief Executive Officer, and for the Chief Executive Officer to “sub-delegate” (to a local government employee only);
- bring delegation powers in line with Local Government Act 1995;
- allow local governments to continue to authorise a person with appropriate experience or qualifications to inspect swimming pools; and
- allow organisations such as the Royal Life Saving Society to enter into new inspection contracts with local governments.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. **REVOKE** the Building Services Delegation "6.8 Transitional Provisions Relating to Local Government" in "Delegated Authority Register - Local Government to Chief Executive Officer 2012 - 2013".

2. **ADOPT** the revised Delegations (as attached) in "Delegated Authority Register - Local Government to Chief Executive Officer 2012 - 2013" as follows:-

   - 6.1 Building and Demolition Permits
   - 6.2 Occupancy Permits and Building Approval Certificates
   - 6.3 Enforcement - Authorised Persons
   - 6.4 Building Orders
   - 6.5 Building Information
   - 6.6 Private Swimming Pools
   - 6.7 Smoke Alarms
   - 6.8 Sand Drift Prevention and Abatement
   - 6.9 Street Verandahs
   - 6.10 Fencing
   - 6.11 Building Enforcement
   - 6.12 State Administrative Tribunal Proceedings

confirmed at a planning services meeting
Held on Monday 17 June 2013
**Committee Recommendation**

That Council:

1. **REVOKE** the Building Services Delegation "6.8 Transitional Provisions Relating to Local Government" in "Delegated Authority Register - Local Government to Chief Executive Officer 2012 - 2013".

2. **ADOPT** the revised Delegations (as attached) in "Delegated Authority Register - Local Government to Chief Executive Officer 2012 - 2013" as follows:-
   - 6.1 Building and Demolition Permits
   - 6.2 Occupancy Permits and Building Approval Certificates
   - 6.3 Enforcement - Authorised Persons
   - 6.4 Building Orders
   - 6.5 Building Information
   - 6.6 Private Swimming Pools
   - 6.7 Smoke Alarms
   - 6.8 Sand Drift Prevention and Abatement
   - 6.9 Street Verandahs
   - 6.10 Fencing
   - 6.11 Building Enforcement
   - 6.12 State Administrative Tribunal Proceedings

   Committee Voting – 4/0

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

Not Applicable

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

Not Applicable

4.23pm - Mr Richard Rodgers, Manager Building Services left the Planning Services Committee meeting.
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-007/13 Proposed Amendment to Planning Policy No.3.2.4 - Baldivis Town Centre and Associated Integrated Development Guide Plan (Adoption)</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/862-09</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
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<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2013</td>
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<tr>
<td>Previously before Council:</td>
<td>November 2011 (SPE-031/11), April 2012 (SPE-006/12), July 2012 (SPE-015/12), February 2013 (SPE-005/13)</td>
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<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
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<tr>
<td>Site:</td>
<td>Baldivis Town Centre</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>43.4ha</td>
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<td>LA Zoning:</td>
<td>District Town Centre</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td>1. Proposed Amendment to Planning Policy No.3.2.4 - Baldivis Town Centre</td>
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<tr>
<td></td>
<td>2. Proposed IDGP Amendment (5 February 2013)</td>
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<td>3. Submission from Urbis</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td></td>
<td>2. Precinct Plan</td>
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<tr>
<td></td>
<td>3. Baldivis Activity Centre Structure Plan Map</td>
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<td>4. Adopted IDGP (May 2011)</td>
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<td>5. Proposed IDGP Amendment (November 2011)</td>
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<td></td>
<td>6. Proposed IDGP Amendment (5 February 2013)</td>
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**Purpose of Report**

To consider proposed amendments to Planning Policy No.3.2.4 - Baldivis Town Centre and the associated Integrated Development Guide Plan in light of submissions received following community consultation.

CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY 17 JUNE 2013

PRESIDING MEMBER
1. Location Plan

Background

The Baldivis Activity Centre Structure Plan (BACSP) is a strategic planning document, prepared in accordance with State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2), which provides a strategic framework for the Centre and informs and guides modifications to the statutory planning framework including Town Planning Scheme No.2 (TPS2), the Integrated Development Guide Plan (IDGP), the City’s Planning Policy No.3.2.4 – Baldivis Town Centre (BTC Policy) and the Settlers Hills East Structure Plan.

The BACSP is divided into five precincts, to acknowledge their differing nature of intensity and land use. These precincts largely reflect the existing precincts that are identified on the IDGP. These precincts are identified in Figure 2, and are described as follows:

- Core Precinct – Comprises the major shopping and community facilities.
- Transition Precinct – Provides for a mix of land uses, including small-scale retail in mixed-use configurations, commercial, and residential dwellings in an urban setting.
- Northern Precinct – Predominately residential in character; intended to link the urban housing form within the Transitional Precinct and retail/commercial core to the more traditional suburban housing product within the adjacent residential developments to the north.
- Eastern Precinct – Strategically located to provide for businesses that, due to their size or nature, are more car-orientated.
- Southern Precinct – Residential in nature; provides a range of living choices. Note: The Southern Precinct constitutes the Settlers Hills East Local Structure Plan area on the southern side of Safety Bay Road and does not form part of the area covered by the BTC Policy.
2. Precinct Plan

The recommendations of the BASCP are represented in a spatial form in a Structure Plan Map (see Figure 3).

At its ordinary meeting held in July 2012, the Council resolved to endorse the BACSP, subject to modifications being undertaken. The BACSP was subsequently modified and forwarded to the Western Australian Planning Commission (WAPC) for endorsement under SPP4.2.

The BACSP was endorsed by the WAPC in December 2012 and it is now necessary to amend the BTC Policy and the associated IDGP to ensure consistency with the BACSP.

The BACSP includes an implementation section, which proposes the following:

<table>
<thead>
<tr>
<th>Document</th>
<th>Changes Required</th>
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<tbody>
<tr>
<td>IDGP</td>
<td>Update precinct boundaries, precinct names, street layouts and building envelopes in accordance with the BACSP and the current proposed IDGP amendment considered by the Council in November 2011.</td>
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<td></td>
<td><strong>Note:</strong> In November 2011, the Council resolved to advertise an application to amend the IDGP to alter the street network over Lot 9001, being the northwest quarter of the Baldivis Town Centre, and facilitate the development of 2,500m² of shop/retail floorspace on Lot 9001 along an extended Settlers Avenue (See Figure 5). The proposal had not yet been advertised for comment as several matters were required to be addressed prior to advertising. Those matters have now been addressed and incorporated into this single consolidated amendment to the IDGP.</td>
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</table>

The only additional changes required to Figure 5 are changing the name of the General Precinct to Transition Precinct, changing the name of the South-East Precinct to Eastern Precinct and expanding the boundary of the Core Precinct to include the strip of “highway style” development fronting Safety Bay Road. Refer to Figure 6 and Attachment 2.
3. Baldivis Activity Centre Structure Plan Map

At its ordinary Meeting held in February 2013, the Council resolved to endorse the publishing of a notice that it has prepared amendments to the BTC Policy for public inspection for a period of 28 days, pursuant to clause 8.9.4 of TPS2.
4. Adopted IDGP (May 2011)

5. Proposed IDGP Amendment (November 2011)
6. Proposed IDGP Amendment (5 February 2013)

Implications to Consider

a. Consultation with the Community

The amended BTC Policy and associated IDGP were advertised for public comment for a period of 28 days, commencing on 8 March 2013 and concluding on 5 April 2013, with consultation undertaken in the following manner:

- A notice being published in the “Public Notices” section of the Weekend Courier newspaper on 8 and 15 March 2013;
- All landowners within the Baldivis District Centre (see Figure 1) were notified of the proposal in writing and invited to comment (72 owners of business and residential properties);
- The Baldivis Residents Association and Settlers Hills Residents Association were notified of the proposal in writing and invited to comment; and
- Details of the proposal were published on the City’s website for the duration of the consultation period.

At the conclusion of the comment period, one submission had been received from Urbis, on behalf of Stockland Pty Ltd (refer to Attachment 3). A summary of the submission, and the City’s comments in relation to each aspect of the submission, are included in the following tables.

1. Introduction

Submission:

In the first instance, Stockland has no issue with the physical changes proposed by the amended IDGP and specifically the expansion of the Retail Core into Lot 9001 (Macukat landholding). Such expansion is consistent with the now endorsed Baldivis Activity Centre Structure Plan RSA, which allocated an additional 2,500m² retail floorspace to the Macukat landholding.
2. Future Development on Lot 9001

Submission:
To ensure a balanced approach from a land use and design perspective, we would request that retail development within the Macukat landholding be evenly distributed across both sides of Settlers Avenue. The justification for this request being that development along the length of the existing portion of Settlers Avenue has a relatively even distribution of retail based land uses across both sides of the road; such distribution has resulted in a very balanced and subsequently active Main Street environment.

We note that as part of the Baldivis Activity Centre Structure Plan adopted by the City of Rockingham last year, the Settlers Avenue ‘Main Street’ was extended at the request of the owner of Lot 9001. The extension of this main street was based upon the intent to continue retail activity to the north of the existing core precinct. In order to ensure that the main street continues to operate effectively and provide an attractive pedestrian environment, it is important that retail uses are provided in a balanced manner on both sides of the street. Stockland wishes to ensure that this equal distribution of land uses and associated level of activation continues along the entire length of Settlers Avenue.

Accordingly, we request the City amend Planning Policy 3.2.4, Section 8.1.4 (Site Specific Requirements) to introduce a new provision that ensures the equal distribution of land uses across both sides of Settlers Avenue for Lot 9001 (Settlers Avenue extension).

City’s comment:
The IDGP and existing provisions in the BTC Policy are considered to be sufficient to ensure that land uses are evenly distributed on both sides of the Settlers Avenue ‘main street’. In this regard, the IDGP clearly illustrates building envelopes and indicative building configurations on both sides of Setters Avenue and furthermore, the ‘General Requirements’ and ‘Core Precinct Requirements’ in the BTC Policy promote contiguous and active building frontages that provide continuous pedestrian shelter and a sequence of outdoor spaces for the public to occupy.

In the circumstances, it is not considered necessary to mandate the requirement for an equal distribution of land uses on both sides of Settlers Avenue on Lot 9001.

3. Tinting of Ground Floor Windows

Submission:
We have concerns regarding the following proposed new provision:

7.4.3 (v) The use of tinting of ground floor windows will not be supported.

Whilst we understand and acknowledge the intent of this provision, its practical implementation is questioned as there are likely to be scenarios where a level of tinting may be required for privacy reasons (ie ground floor residential or medical facilities etc). Accordingly, we would request that the wording of this provision be altered to state that “The use of tinting of ground floor windows is to be limited on retail development and will not be supported unless necessary for privacy reasons.”

City’s comment:
Upon further consideration of this matter, it is not considered appropriate that the criteria suggested by proposed clause 7.4.3 (v) should be applied across the entire BTC and it would be more reasonable to only apply the criteria where the BTC Policy requires an activated ground floor street frontage.
In this regard, a review of the ‘Statement of Intent’ for each Precinct has confirmed the Core Precinct to be the only Precinct that specifically requires an activated ground floor street frontage (this function being the intent of the ‘main street’) and the matter is already addressed in the Core Precinct ‘Performance Standards/Requirements’ as follows:-

7.1.3 (x)  Street entries and window frontages are to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times.

In the circumstances, it is recommended that the Council not include the proposed clause 7.4.3(v) within the BTC Policy since the matter of controlling the tinting of ground floor windows is already addressed by clause 7.1.3 (x).

4. Pedestrian Awnings

Submission:
We have concerns regarding the following proposed new provision:

7.4.3 (vi)  Pedestrian awnings will be required for all streetfront buildings.

We request that this provision be deleted from the “General Requirements” section of the policy and be applied specifically to the various precincts where pedestrian awnings for streetfront buildings are considered appropriate (ie Core Precinct) and necessary. It is also suggested that a blanket requirement for awnings only apply to non-residential buildings, regardless of Precinct, as awning treatments for residential (only) buildings is not considered necessary.

City’s comment:
Upon further consideration of this matter, it is not considered appropriate that the criteria suggested by proposed clause 7.4.3 (vi) should be mandated across the entire BTC and it would be more reasonable to only apply the criteria where the BTC Policy requires continuous pedestrian shelter or where awnings (or street verandahs) are encouraged as a means of providing articulation to a street elevation.

In this regard, a review of the ‘Performance Standards/Requirements’ for each Precinct has confirmed the Core Precinct and the Eastern Precinct are the only Precincts that make specific reference to awnings and/or street verandahs.

The Core Precinct ‘Performance Standards/Requirements’ state as follows:-

7.1.3 (v)  Street elevations are to be articulated to include defined streetfront entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged.

7.1.3 (vi)  Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.

The Eastern Precinct ‘Performance Standards/Requirements’ state as follows:-

7.2.3 (ii)  The front elevation must be designed to address the street and provide an inviting entrance by means of a substantial integrated building element such as a verandah, canopy or tower.

It is evident from the BTC Policy ‘Urban Design Objectives’ that mandating pedestrian awnings to all streetfront buildings across the entire BTC is not the intention of the BTC Policy. In the circumstances, it is recommended that the Council not include the proposed clause 7.4.3(vi) within the BTC Policy as the matter is already adequately addressed by existing provisions.
### 5. Traffic Micro Simulation

**Submission:**

We have concerns regarding the following proposed new provision:

8.1.3(xvi) and 8.2.3(viii) A traffic micro simulation of the Safety Bay Road intersections to be prepared to determine required intersection upgrades, land area requirements and proportional contributions required for the identified works, prior to major development or subdivision.

Stockland acknowledges the City’s desire for a traffic micro simulation to be undertaken for Safety Bay Road, however to seek to mandate the requirement for such a model via a planning policy is considered inappropriate. The current wording is vague and could be interpreted that any subdivider or developer (how is major subdivision or development defined) within the Core or Eastern Precincts may be required to prepare a traffic micro simulation model; whereas it is understood the City is only seeking one overall simulation that considers the entire Town Centre. Accordingly, it is suggested that the requirements for this model be negotiated with Stockland and removed from this policy.

**City’s comment:**

At its meeting held in July 2012, the Council considered the BACSP for adoption following public consultation. In response to a submission from Main Roads WA, the Council required that the BACSP include a requirement for all major development and subdivision applications to include a traffic micro simulation of the Safety Bay Road intersections to assess the future performance of the intersections resulting from additional traffic generated by the proposal, intersection upgrades and land area requirements.

In this regard, the BACSP endorsed by the WAPC in December 2012 includes the following requirement:

“All future major development and subdivision applications are required to include a traffic micro simulation of the Safety Bay Road intersections within the BACSP. This requirement will demonstrate the proposals impact on the future performance of the intersections due to additional traffic generation and identify requirements for intersection upgrades and land area requirements. The traffic micro simulation should model scenarios where the Nairn Drive/Safety Bay Road roundabout intersection is converted to a signalised intersection, and the Settlers Avenue/Safety Bay Road intersection is modified to a four-way signalised intersection with a connection to the south. The simulation should identify the merits or constraints of these scenarios being implemented along with the proposed development or subdivision. The analysis should also determine what proportion of additional traffic that warrants intersection upgrades is generated from that development/subdivision, and apportion contributions for widening or intersection upgrades accordingly.”

The recent Planning Approval for the major extensions to the Baldivis Shopping Centre included a condition requiring the preparation of a traffic micro simulation. It is clear from the BACSP wording above, however, that it is not the intention that this would be the only traffic micro simulation for the BTC.

The requirement for any future development/subdivision applications to include a traffic micro simulation will be determined by the City following its assessment of the likely impacts of additional traffic generated by the proposal.

Accordingly, it is considered appropriate to include proposed clauses 8.1.3 (xvi) and 8.2.3 (viii) in the BTC Policy as they give effect to the requirement already set out in the BACSP.

<table>
<thead>
<tr>
<th>b. Consultation with Government Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation with Government agencies was not required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c. Strategic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Plan</td>
</tr>
</tbody>
</table>

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-
Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy

Planning Policy No.3.2.4 – Baldivis Town Centre: This Policy has been prepared to establish Council's policy requirements for the development of the Baldivis Town Centre. It should be read in conjunction with the provisions of the City of Rockingham Town Planning Scheme No.2 (TPS2) relating to the District Town Centre zone and the adopted IDGP Plan. It is intended that the Policy will create a flexible framework, which is clear and concise, within which an integrated Town Centre will be created. The Policy applies to all applications for development and subdivision within the District Town Centre zone (‘Baldivis Town Centre’), and to any proposed modification to the IDGP.

Integrated Development Guide Plan: Clause 4.5.4 of TPS2 requires an IDGP to be prepared for the Baldivis Town Centre, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. In applying the BTC Policy, the Council shall have regard to the principles and intent of the adopted IDGP.

e. Financial

Nil

f. Legal and Statutory

Under the provisions of clause 4.5.7(a) of TPS2, the Council may modify the BTC Policy, provided that it is satisfied that such modification will, whilst generally maintaining the broad objectives of the original Policy, enhance the orderly and proper planning of the Centre and not detract from the desired Town Centre environment.

The procedures for amending and adopting a Planning Policy are set out in section 8.9 of TPS2. Clause 8.9.5 provides that after the expiry of the period within which submissions may be made, the Council is to:

(a) Review the proposed Policy in the light of any submissions received; and

(b) Resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

Clause 8.9.6 of TPS2 states that if the Council resolves to adopt the Policy, the Council is to publish notice of the Policy once in a newspaper circulating in the Scheme area and if, in the opinion of the Council, the Policy affects the interests of the WAPC, forward a copy of the Policy to the WAPC.

The Policy (as amended) has effect on publication of a notice in a newspaper.

Comments

It is recommended that the Council adopt the proposed amendments to the BTC Policy and IDGP, subject to the following modifications:-

(i) Exclude the proposed clause 7.4.3(v) since the matter of controlling the tinting of ground floor windows is already addressed by clause 7.1.3 (x); and

(ii) Exclude the proposed clause 7.4.3(vi) as the matter is already adequately addressed by existing provisions.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the amendments (as shown in red on Attachment 1) to Planning Policy No.3.2.4 – Baldivis Town Centre and the amended Integrated Development Guide Plan dated 5 February 2013 (refer to Attachment 2).

CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY 17 JUNE 2013

PRESIDING MEMBER
### Committee Recommendation

That Council **ADOPT** the amendments (as shown in red on Attachment 1) to Planning Policy No.3.2.4 – *Baldivis Town Centre* and the amended Integrated Development Guide Plan dated 5 February 2013 (refer to Attachment 2).

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
# Planning Services

## Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-008/13 Proposed Scheme Amendment – ‘Rural’ to ‘Development’</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1720</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>CLE Town Planning &amp; Design - Planning Consultant</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Tamara Vreeken, Special Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning &amp; Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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### Site:

- Lots 1, 2 & 335 Eighty Rd, Lots 1001 & 3001 Pike Road and portions of Lots 1, 2 & 601 Mandurah Road, Baldivis

### Lot Area:

- 32ha

### LA Zoning:

- Rural

### MRS Zoning:

- Urban Deferred

### Attachments:

1. Location Plan
2. Existing Zoning Map
3. Proposed Zoning Map
4. Concept Plan

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1. Location Plan
Purpose of Report

To consider the initiation of an Amendment to Town Planning Scheme No.2 (TPS2) to rezone Lots 1, 2 & 335 Eighty Rd, Lots 1001 & 3001 Pike Road and portions of Lots 1, 2 & 601 Mandurah Road, Baldivis from ‘Rural’ to ‘Development’.

Background

In April 2007, the City provided comments to the Western Australian Planning Commission (WAPC) on a proposed Metropolitan Region Scheme (MRS) Amendment to rezone the subject land from ‘Rural’ to ‘Urban’ in the MRS.

In its consideration of the matter, the City was mindful of the preliminary structure planning being undertaken over the landholding which intended to provide Special Residential sized lots (minimum 2,000m²) along the northern boundary of the site to provide for an appropriate transition to the existing Woodleigh Grove Special Residential Estate located immediately to the north.

In its response to the WAPC, the City requested that the northern section of the landholding be retained within the ‘Rural’ zone to provide for the Special Residential transition.

In July 2009, the City was advised that the MRS Amendment had been modified to rezone the landholding to ‘Urban Deferred’, rather than to ‘Urban’.

The City’s request that a linear stretch of land along the northern boundary be retained within the ‘Rural’ zone was upheld, however, the published MRS Amendment plan showed the entire landholding zoned ‘Urban Deferred’ (in error).

In June 2012, the City provided comments on a proposed Lifting of Urban Deferment for the subject land. The City advised that it was of the view that the proposal satisfied the criteria set out in the WAPC’s Lifting of Urban Deferment Guidelines and supported the lifting of Urban Deferment, subject to the linear stretch of land along the northern boundary of the site being excluded from the proposed MRS Amendment and rezoned ‘Rural’, consistent with the Commission’s earlier decision on the MRS Amendment.

Following recent discussions with Department of Planning, it is the City’s understanding that the entire land holding is to be zoned ‘Urban’ under the MRS and the Special Residential lot sizes can be dealt with through the structure planning for the site.

Details

In light of the current request with the WAPC to lift the ‘Urban Deferred’ zoning under the MRS, the City has received a request to initiate an Amendment to the Scheme to rezone Lots 1, 2 & 335 Eighty Rd, Lots 1001 & 3001 Pike Road and portions of Lots 1, 2 & 601 Mandurah Road, Baldivis from ‘Rural’ to ‘Development’, to ensure TPS2 will be consistent with the imminent ‘Urban’ zoning under the MRS.
Implications to Consider

a. Consultation with the Community

If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the Town Planning Regulations 1967 for a minimum period of 42 days from the date of publication of an advertisement in a newspaper circulating in the area.
b. **Consultation with Government Agencies**

Consultation with relevant Government Agencies will only occur if the Scheme Amendment is initiated by the Council. Referrals can then be undertaken in accordance with the Town Planning Regulations 1967.

c. **Strategic Community Plan**

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

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

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

Planning and Development Act 2005

Part 9 Clause 124 (2) of the Planning and Development Act 2005 states that:-

“If a region planning scheme is inconsistent with a local planning scheme, the local government of the district in which the land directly affected is situated is to, not later than 90 days after the day on which the region planning scheme has effect, resolve to prepare —

(a) a local planning scheme which is consistent with the region planning scheme; or

(b) an amendment to the local planning scheme which renders the local planning scheme consistent with the region planning scheme, and which does not contain or removes, as the case requires, any provision which would be likely to impede the implementation of the region planning scheme.”

As such, should current request for the lifting of Urban Deferment be approved by the Minister, TPS2 is required to be updated to be consistent with the modified MRS.

Town Planning Regulations 1967

In accordance with Regulation 13 of the Town Planning Regulations 1967, the Council is required to resolve to either Adopt the Scheme Amendment or Not Proceed with a Scheme Amendment and notify the WAPC in writing of its decision.

**Comments**

The City has a long-standing position of ensuring an appropriate transition from any urban development on the land to the existing Woodleigh Grove Special Residential Estate. Given recent advice from the Department of Planning that the entire site is proposed to be zoned ‘Urban’ in the MRS, it will be necessary to facilitate special residential sized lots along the northern boundary of the site, via the local Town Planning Scheme amendment and structure planning for the site.

The land owner has committed to providing an interface of Special Residential lots with a nominal depth of 40 metres adjoining the existing Special Residential lots to the north within the ‘Woodleigh Grove’ Estate. At this stage, however, the exact configuration and size of lots within area abutting ‘Woodleigh Grove’ has not established. A copy of the Concept Plan submitted by the land owner in support of its committed is shown in Plan No.4.
4. Concept Plan

In the circumstances, an appropriate configuration for this interface, in terms of both lot size and planning controls, can be best determined through the assessment and determination of a future Structure Plan, rather than imposing controls through the current proposed rezoning.

Given, the City’s support for the current lifting of Urban Deferment under the MRS, it is recommended that the Council proceed with the proposed Scheme Amendment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ADOPT (initiate) Amendment No.133 to Town Planning Scheme No.2 to rezone Lots 1, 2 & 335 Eighty Rd, Lots 1001 & 3001 Pike Road and portions of Lots 1, 2 & 601 Mandurah Road, Baldivis from ‘Rural’ to ‘Development’, in pursuance of Section 75 of the Planning and Development Act 2005 as follows:-

1. Rezone Lots 1, 2 & 335 Eighty Rd, Lots 1001 & 3001 Pike Road and portions of Lots 1, 2 & 601 Mandurah Road, Baldivis from ‘Rural’ to ‘Development’ on the Scheme Map.

2. Amend the Scheme Map to contain Lots 1, 2 & 335 Eighty Rd, Lots 1001 & 3001 Pike Road and portions of Lots 1, 2 & 601 Mandurah Road, Baldivis within Development Area No.41 and reference this on the Scheme Map as ‘DA 41’.

3. Amend ‘Schedule No.9 - Development Areas’ to include new Development Area DA41 as set out below:-

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<tr>
<th>Reference No.</th>
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<th>Provisions</th>
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<tr>
<td>DA41</td>
<td>Lots 1, 2 &amp; 335 Eighty Rd, Lots 1001 &amp; 3001 Pike Road and portions of Lots 1, 2 &amp; 601 Mandurah Road, Baldivis</td>
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Committee Recommendation

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Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning Services
Strategic Planning & Environment Services

Reference No & Subject: SPE-009/13 Regional NRM Strategy
File No: EVM/52
Proponent/s: South West Group
Author: Ms Fiona Pond, Coordinator Sustainability and Environment
Other Contributors: Mr Brett Ashby, Manager Strategic Planning and Environment
Date of Committee Meeting: 20 May 2013
Previously before Council: 20 May 2013
Disclosure of Interest: None
Nature of Council’s Role in this Matter: Executive

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments:
1. Draft Regional Natural Resource Management Strategy
2. Draft Regional Natural Resource Management Business Plan
Maps/Diagrams:

Purpose of Report
To consider a request from the South West Group to allocate provisional funds in the 2013/2014 budget, to support the implementation of a Regional NRM Strategy and Business Plan.

Background
The South West Group’s Draft Regional Natural Resource Management Strategy (NRM Strategy) sets out a vision for the landscapes and natural assets of the South West Metropolitan Region, and seeks to work with State and Federal Governments, industry and the community, to create and sustain a landscape with a wide range of natural and green areas that will underpin community wellbeing and conserve biodiversity.

The pathway for the preparation of a Regional NRM Strategy is based on the goal ‘Management of the Natural and Built Environment’ taken from the South West Group Strategic Plan, defined as “providing leadership in the recognition of the values of both the natural and built environment whilst supporting sustainable management for the benefit of current and future generations”.

The Regional NRM Strategy sets out to achieve the South West Group Strategic Plan vision through its objectives and strategies listed below:-
Objectives
- Identify the regional values of natural areas and work actively with member Councils and other stakeholders to conserve and manage important natural areas as a collaborative approach
- Establish cooperative working relationships and business processes across the member Councils and with key stakeholders to ensure an integrated and sustainable approach to regional NRM activities
- Develop Priority NRM Projects and Initiatives including better co-ordination and management of regionally important natural areas

Strategies
- Establish governance arrangements across the South West Group member Councils to provide high level coordination and collaboration
- Establish and maintain strong partnerships with key stakeholders to ensure the South West Group's NRM landscape vision, goal and objectives are understood and adopted
- Identify Priority Projects across the South West Group area and the stakeholders that need to be engaged to implement the landscape vision developed through the Green Network
- Identify Priority Initiatives that support and enhance the NRM coordination, sustainable land use planning and the implementation of the Green Network

Internal Co-ordinating Arrangements
- Successful formation of NRM Planning and Environment, and GIS and Information Management Coordinating Groups and meetings to begin co-ordination across the South West Group Councils
- Establishment of an on-line NRM management information system TargetOn, including training to allow loading of all relevant NRM information at national, state, regional and local levels into a single document management system, including maps, strategic plans, policies and spatial data
- Establishment of lead Councils for NRM information management (City of Melville) and GIS co-ordination (City of Cockburn)
- Agreement with WALGA to use the Perth Biodiversity Project’s (PBP) Environmental Planning Tool. This WALGA tool is being used by the Department of Planning (DoP) for the Strategic Assessment of the Perth and Peel Regions
- Strengthened working relationships established between member Council Environmental Planning, GIS and Information Management staff

External Co-ordinating Arrangements
- Continued work with DoP including meetings with senior officers and the Planning Director for the Sub-regional Structure Planning and the links to the Strategic Assessment of the Perth and Peel Regions
- Working with Department of Environment and Conservation (DEC) and the Environmental Protection Authority (EPA) to share spatial data and test land use scenarios
- Agreement with Landgate that WALIS will support the South West Group to ensure all mapping and spatial data is compatible
- Agreement with the Department of Water (DoW) to provide spatial data and papers submitted to the DoP
- Agreement with Landcorp, Western Trade Coast, Kwinana Industry Council and Cockburn Sound Management Council to work together on planning and land use options, and share spatial data

Strategic Assessment of the Perth and Peel Regions and Directions 2031
Two overarching planning and conservation initiatives will establish land use and management in the Perth and Peel area, and their outcomes will strongly influence the South West Group's Regional NRM Strategy, namely:
- The Strategic Assessment of the Perth and Peel Regions; and
- Directions 2031 and Sub-regional Structure Planning being led by the Department of Planning

One of three Structural Elements in Directions 2031 is a Green Network, described as "A network of parks, reserves and conservation areas that support biodiversity, preserve natural amenity and protect valuable natural resources". The Green Network and its elements provide a framework to implement the Regional NRM Strategy and to positively contribute toward the South West Group’s landscape and community vision.

**Perth Biodiversity Project**

The PBP and the Perth Biodiversity Framework for Local Biodiversity Conservation programme directly supports the Regional NRM Strategy by guiding the development of local biodiversity strategies by Councils, which can be given statutory backing in Local Planning Schemes. The Perth Biodiversity Framework builds on the vegetation condition and mapping work undertaken by the PBP through the provision of the 'Environmental Planning Tool' to identify valuable natural assets requiring conservation, and those at risk of being lost through development. This mapping and planning tool is being applied on a regional level to the South West Group member Council areas, and will form a key resource in the development of the Regional NRM Strategy.

**Framework and Priority Projects**

Based on the NRM mapping that was done across the South West Group member Councils, a Regional NRM Framework was developed. The Regional NRM Framework has incorporated four themes - Green Network, Water, Climate Change and Sustainable Development.

The framework also includes Regional Actions that could be undertaken through a collaborative approach through the South West Group (regional weed management, regional drainage management, coastal risk management, and land use and development control). The Regional NRM Framework also allows Priority Projects and Priority Initiatives to be further identified, developed and prioritised, to establish a Regional NRM program, which can be linked to required resources and budgets.

Priority Projects refer to a defined activity over a specified period of time. Priority Initiatives would include programs, policies or procedures that have a longer term timeframe aimed at improving regional NRM outcomes (regional NRM impact assessment procedures and across organisation coordinating groups). A number of Priority Projects and Priority Initiatives have been put forward by the member Councils for consideration in the Regional NRM Strategy, a selection of these examples are listed below. The South West Group is also in the process of adding further projects and initiatives based on information gathered during the development of the Regional NRM Strategy.

**Regional Priority Projects** (Regional projects need to demonstrate wider benefits and applicability of outcomes that would not otherwise be achieved at a local scale).

- Cockburn Sound Coastal Alliance
- Integrated Coastal Management Plan and Perth Corridor Project
- Iconic Coastal/Marine Species Project
- Fire Management Project
- Dieback Mapping and Management
- Water Conservation and Re-use
- Recycled Water for Heavy Industry

**Regional Priority Initiatives** (These initiatives require further investigation into the scope of work required and the preparation of a brief and plan to guide their development and implementation).

- Inter-government liaison
- Effective Natural Area Management
- Strategic Assessment of the Perth and Peel Regions
Subject to the South West Group Board and member Councils agreement to proceed with the Regional NRM Strategy and Regional NRM Business Plan, a number of steps will be required to develop, endorse and implement the Regional NRM Program. These are outlined below:

April 2013 – South West Group Board accepts Regional NRM Strategy and Business Plan and provides in principle support to progress the development of the Regional NRM Program.

May 2013 – Member Councils briefed on Regional NRM Strategy and Business Plan and the proposal to progress the development of a Regional NRM Program.

June 2013 – Agreement achieved to proceed with development of Regional NRM Program.

July 2013 to September 2013 – Development of Regional NRM Program.

October 2013 – South West Group Board accepts the Regional NRM Program and funding arrangements.

November to December 2013 – Resources to implement Regional NRM Program secured.

January 2014 – Implementation of Regional NRM Program (Year 1).

Details

The key deliverables as detailed in the Regional NRM Strategy include the following:

- Input into Strategic Assessment of the Perth and Peel Regions and Sub-regional Structure Planning
- Assistance with the development of Local Biodiversity Strategies
- Development and use of the TargetOn mapping system
- Collaboration on Priority Projects and Initiatives
- Joint funding opportunities
- Mapping and information sharing with State Government
- Collaboration with member Councils for information sharing

The funding and resources required to progress the Regional NRM Strategy and Program have been considered under the following key headings:

Regional NRM Strategy – “core” funding associated with the employment of an NRM Facilitator who would be responsible for implementing the Regional NRM Strategy and providing support for implementing the Regional NRM Program. These direct cost funding sources will primarily be met through member Council and South West Group contributions.

Regional NRM Program – the regional Priority Projects and Initiatives identified and agreed by the member Councils, based on a five year program involving annual reviews. The funding for the Regional NRM Program is discretionary and relies upon Priority Projects and Initiatives where funding contributions are secured from participating member Councils, government agencies, external stakeholders and/or grants.

External funding – external funding secured through Federal and State NRM and environmental grant programs. Due to the changing nature of funding programs and their priorities, external funding cannot be relied upon for NRM activities, and is dependent upon the success of funding applications through a competitive assessment process.

The Regional NRM Strategy – “core” funding will be met by the participating member Councils under an agreed cost sharing arrangement. The funding provided by the member Councils could be in the form of a levy across all member Councils or agreed funding arrangement specific to the participating member Councils.

The proposed funding model reflects that the larger Councils and growth areas requiring greater demands, due to their environmental characteristics and development pressures, will benefit most from activities undertaken through the Regional NRM Strategy. NRM activities for these larger Councils will most likely cover the full suite of themes (particularly biodiversity, wetlands and natural habitat initiatives), whereas the NRM activities for the smaller and more developed Councils (e.g. East Fremantle and Fremantle) will mainly focus on themes related to climate change and sustainable development.
Based on this approach, it is proposed that a lower fixed annual fee of $10,000 (or $60,000 per annum) be applied with the balance of funding made up of a “needs based” contribution split for direct NRM strategy costs (ie. core funding) as follows:-

- 25% contribution (Cities of Cockburn, Melville and Rockingham);
- 15% (City of Kwinana);
- 10% (City of Fremantle).

**Proposed Member Council Contributions for Regional NRM Facilitator Role – 2013/14 to 2015/16**

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<tr>
<th>Member Council</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Total (3 years)</th>
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<td>$32,500</td>
<td>$32,500</td>
<td>$97,500</td>
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<td>Melville</td>
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<td>Kwinana</td>
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<td>$150,000</td>
<td><strong>$450,000</strong></td>
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</tbody>
</table>

**Implications to Consider**

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

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

c. **Strategic**
   - **Community Plan**
     - This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-
       - **Aspiration 10:** Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for future generations to enjoy.

d. **Policy**
   - Nil

e. **Financial**
   - Funds have not been allocated in the Strategic Planning and Environment Team Plan for inclusion in the 2013/2014 Budget.

f. **Legal and Statutory**
   - Nil

**Comments**

**Key Deliverables and Benefits to the City**

**Input into Strategic Assessment of the Perth and Peel Regions and Sub-regional Structure Planning**

The South West Group is providing representation on the Strategic Assessment of the Perth and Peel Regions, on behalf the member Councils, as a member of the Stakeholder Reference Group. The South West Group’s role in providing that representation, and ensuring a united voice amongst the South West Group of Councils, is supported. The South West Group may also assist with ensuring a consistent and united position amongst the Councils with respect to planning for biodiversity protection through the Southern Metropolitan and Peel Sub-Regional Structure Plan.
This is considered consistent with the South West Group’s normal advocacy role and does not in itself warrant the employment of an NRM Facilitator or implementation of the Regional NRM Strategy.

Whilst the South West Group’s advocacy role is supported, it is noted that the City has and will also be liaising directly with the State Government to provide input into these important projects.

**Local Biodiversity Strategies**

The NRM Strategy proposes to provide support and information sharing regarding Local Biodiversity Strategies for member Councils. This support is already available to the City through WALGA’s PBP and the Environmental Planning Tool, which contains the vegetation condition and mapping work to identify valuable natural assets requiring conservation across all local government areas.

**Use of the TargetOn mapping system**

The TargetOn mapping system is an information sharing platform which can be used by all member Councils to access information which may relate to their NRM related activities. The TargetOn mapping system is useful to a degree, although it does not necessarily provide any more valuable information to member Councils than the PBP’s Environmental Planning Tool, which is already available to all member Councils.

**Priority Projects and Initiatives**

The South West Group intends to further consolidate the Priority Projects and Initiatives already suggested by member Councils, to determine resourcing and budget requirements. The NRM Strategy does not detail the level of involvement the South West Group will have in running the Priority Projects and Initiatives that are chosen. It would be advantageous to the City to collaborate with other member Councils on Priorities relevant to the City. There is a risk, however, that the Projects and Initiatives chosen, may not match the priorities of the City.

**Funding Opportunities**

Greater funding opportunities exist for the City while it is a member of a larger collaborative group like the South West Group, as larger groups usually have greater success in obtaining funding. This does not warrant the implementation of a Regional NRM Strategy and Facilitator, however, and funding opportunities with common benefits to all Councils involved can be identified and applied for, in a joint funding application at present.

**Mapping and information sharing with State Government**

The South West Group has been liaising with various State Government departments (DEC and EPA) to share data, mapping and spatial information. The City is already able to liaise directly with State Government departments to obtain relevant information, and has done so in the past (eg. LiDAR data from the DoW).

**Collaboration with member Councils for information sharing**

Both the South West Group and SWRG provide a forum for information sharing and collaboration with member Councils. The City is already currently involved in a number of other such forums which allow opportunities for collaboration, including the Cockburn Sound Management Council, Peron Naturaliste Partnership, Cockburn Sound Coastal Alliance and the Perth Biodiversity Project.

The City’s membership in the South West Group (and SWRG) does provide some opportunities for funding and collaboration on projects which would otherwise not be available. At this stage, however, it does not appear that these opportunities are warranted for the cost of the City’s 3 year contributions to the Group ($97,500) as the majority of the deliverables are already currently available to the City through other forums and partnership opportunities.

**Conclusion**

In light of the above comments, it is considered that the benefits offered by a Regional NRM Strategy do not justify the proposed cost of implementation, including the employment of a NRM Facilitator, and are largely addressed through existing processes. The ongoing advocacy role of the South West Group, through its position as a member of the Stakeholder Reference Group for the Strategic Assessment, is supported to ensure the interests of member Councils are represented.

It is, therefore, recommended that the City decline the South West Group’s request to allocate provisional funds in the 2013/2014 Budget, as outlined in the Regional NRM Strategy and Business Plan.
Voting Requirements
Simple Majority

Officer Recommendation
That Council:
1. **DECLINE** the South West Group’s request to allocate provisional funds in the 2013/2014 budget as outlined in the Regional NRM Strategy and Business Plan.
2. **SUPPORT** the South West Group’s ongoing role in providing representation for Local Government, including the City of Rockingham, on the Strategic Assessment of the Perth and Peel Regions and the Southern Metropolitan and Peel Sub-Regional Structure Plan, with respect to the protection of biodiversity assets.

Committee Recommendation
That Council:
1. **DECLINE** the South West Group’s request to allocate provisional funds in the 2013/2014 budget as outlined in the Regional NRM Strategy and Business Plan.
2. **SUPPORT** the South West Group’s ongoing role in providing representation for Local Government, including the City of Rockingham, on the Strategic Assessment of the Perth and Peel Regions and the Southern Metropolitan and Peel Sub-Regional Structure Plan, with respect to the protection of biodiversity assets.

Committee Voting – 3/1
(Cr Smith voted against)

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

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Planning Services
Strategic Planning and Environment Services

Reference No & Subject: SPE-010/13 Adoption of Development Contribution Plan No.2

File No: LUP/909-03
Proponent/s: Mr Brett Ashby, Manager Strategic Planning and Environment
Author: Ms Helen Savage, Strategic Projects Coordinator
Other Contributors: Ms Helen Savage, Strategic Projects Coordinator

Date of Committee Meeting: 20 May 2013
Previously before Council: December 2011 (SPE-036/11), December 2012 (SPE-031/12)

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

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments: Development Contribution Plan Report (May 2013)
Maps/Diagrams:

Purpose of Report
To consider the adoption of revised estimates for Development Contribution Plan No.2.

Background
SPP3.6 was gazetted on the 20 November 2009. The objectives of the SPP3.6 are to:-
- promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- ensure consistency and transparency in the system for apportioning, collecting and spending the development contributions; and
- ensure the social well-being of communities arising from, or affected by, development.

SPP3.6 contains draft Model Scheme Text provisions which are to be incorporated in Town Planning Schemes to facilitate the implementation of development contributions for infrastructure.
In June 2010, the Council resolved to initiate Amendment No.101 to Town Planning Scheme No.2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure, as set out in SPP3.6.

Amendment No.101 was adopted by the Council in October 2010 and, following approval by the Minister, gazetted on the 12 April 2011.

In May 2011, the Council resolved to adopt (initiate) Amendment No.114 to Town Planning Scheme No.2 (TPS2) to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure through the introduction of Development Contribution Plan No.2.

Amendment No.114 was adopted for Final Approval by the Council in December 2011. At the same meeting, the Council also adopted an updated Development Contribution Plan Report, dated November 2011, incorporating the latest available cost estimates.

Amendment No.114 was gazetted on the 26 March 2013 following approval by the Minister for Planning.

**Details**

Since the adoption of an updated Development Contribution Plan Report in December 2012, the content of the Development Contribution Plan Report has been further reviewed as follows:-

(i) the cost estimates have been reviewed by a Quantity Surveyor; and

(ii) the priority and timing of infrastructure being reviewed in conjunction with a review of the City’s Business Plan.

As a result of the above, the Development Contribution Plan Report has been updated and the estimated contributions per ’Dwelling Unit’ revised as follows:-

<table>
<thead>
<tr>
<th>Sub-Area</th>
<th>July 2011 (as advertised)</th>
<th>December 2011</th>
<th>December 2012</th>
<th>May 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldivis North</td>
<td>$2,579</td>
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<tr>
<td>Baldivis South</td>
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<td>Cooloongup</td>
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<td>Golden Bay</td>
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<td>Hillman</td>
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<tr>
<td>Rockingham</td>
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<td>Safety Bay</td>
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<td>$1,737</td>
<td>$1,748</td>
<td>$1,743</td>
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The priority and timing of infrastructure has been reviewed and is unchanged, as follows:-

<table>
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<tr>
<th>Priority</th>
<th>Project</th>
<th>Timing</th>
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<tbody>
<tr>
<td>24</td>
<td>Lark Hill Stage 2</td>
<td>2026/27</td>
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<td>3</td>
<td>Secret Harbour Surf Life Saving Club Redevelopment</td>
<td>2013/14</td>
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<tr>
<td>17</td>
<td>Rockingham Youth Recreation Space Redevelopment</td>
<td>2020/21</td>
</tr>
<tr>
<td>5</td>
<td>Baldivis District Sporting Complex (Land Acquisition)</td>
<td>2014/15</td>
</tr>
<tr>
<td>22</td>
<td>Baldivis District Sporting Complex (Works)</td>
<td>2021/22</td>
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<tr>
<td>Priority</td>
<td>Project</td>
<td>Timing</td>
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<tr>
<td>1</td>
<td>Kent Street Community Arts Centre</td>
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<tr>
<td>9</td>
<td>Rockingham Youth Venue</td>
<td>2016/17</td>
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<td>14</td>
<td>Baldivis Indoor Recreation Centre</td>
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<tr>
<td>13</td>
<td>Rockingham Aquatic Centre Redevelopment/Relocation</td>
<td>2018/19</td>
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<tr>
<td>23</td>
<td>Aqua Jetty Stage 2</td>
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<tr>
<td>2</td>
<td>Baldivis Library &amp; Community Centre</td>
<td>2012/13</td>
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<td>10</td>
<td>Secret Harbour Community Library</td>
<td>2016/17</td>
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<td>15</td>
<td>Baldivis Youth Recreation Space</td>
<td>2020/21</td>
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<tr>
<td>16</td>
<td>Stan Twight Reserve Active POS Clubroom Redevelopment</td>
<td>2020/21</td>
</tr>
<tr>
<td>7</td>
<td>Lawrie Stanford Reserve Active POS Master Plan</td>
<td>2015/16</td>
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<tr>
<td>6</td>
<td>Lot 1507 Active POS Development</td>
<td>2014/15</td>
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<td>18</td>
<td>Baldivis South Youth Recreation Space</td>
<td>2020/21</td>
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<tr>
<td>19</td>
<td>Waikiki / Warnbro Youth Recreation Space</td>
<td>2020/21</td>
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<td>20</td>
<td>Port Kennedy Outdoor Sport and Recreation Hardcourts</td>
<td>2020/21</td>
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<tr>
<td>8</td>
<td>Rhonda Scarrott Reserve Active POS Master Plan</td>
<td>2015/16</td>
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<td>11</td>
<td>Baldivis South Active POS Development</td>
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<td>Baldivis South Multipurpose Community Centre</td>
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<tr>
<td>21</td>
<td>Baldivis South HS Outdoor Sport &amp; Recreation Hardcourts</td>
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<tr>
<td>4</td>
<td>Baldivis Primary Shared Use Reserve</td>
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**Implications to Consider**

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

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

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

   **Aspiration 5:** Community facilities delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods.

d. **Policy**
   Nil

e. **Financial**
   The financial implications of the proposed DCP have been considered in the preparation of the Business Plan 2012/13 – 2021/22, which was most recently updated in December 2012.

f. **Legal and Statutory**
   Clause 5.6.11 of Town Planning Scheme No.2 requires the Council to adopt a Development Contribution Plan Report and Cost Apportionment Schedule within 90 days of the Development Contribution Plan coming into effect.

   Clause 16 of Development Contribution Plan No.2 further states that, contemporaneously with its adoption of a Development Contribution Plan Report, under clause 5.6.11 of the Scheme, the City is to consider and determine the City's desired timing and priority for the provision of the items of Infrastructure.
Clause 5.6.12.2 of the Scheme, and Clause 16 of Development Contribution Plan No.2, will require the Council to review and update the cost estimates and priority and timing of infrastructure at least annually.

**Comments**

The review of cost estimates, as described above, has resulted in only minor changes to the contribution per dwelling unit. These changes vary from a $4 reduction in most areas, to a $15 decrease in the Baldivis North and Baldivis South areas. Overall, the average contribution within the City is proposed to reduce slightly from $2,345 to $2,335 per dwelling unit.

The priority and timing of infrastructure reflects the current Business Plan and is not proposed to be altered at this stage.

It is recommended that the Development Contribution Plan Report dated May 2013, be adopted.

**Voting Requirements**

Simple Majority

**Officer Recommendation**


**Committee Recommendation**


Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
### Planning Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-021/13 Proposed Home Occupation (Hairdressing)</th>
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</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000039</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr C Huizinga</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2013</td>
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<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
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<td>Site:</td>
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<td>Lot Area:</td>
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<td>MRS Zoning:</td>
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<td>Attachments:</td>
<td>Schedule of Submissions</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<tr>
<td></td>
<td>2. Floor Plan</td>
</tr>
<tr>
<td></td>
<td>3. Proposed Carparking Area</td>
</tr>
<tr>
<td></td>
<td>4. Consultation Plan</td>
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</tbody>
</table>
Purpose of Report

To consider an application seeking Planning Approval for a Home Occupation (Hairdressing) at Lot 430 (No.12) Laredo Bend, Port Kennedy.

Background

Nil

Details

The Proponent seeks Planning Approval to operate a Home Occupation (Hairdressing). The Home Occupation is proposed to operate in the following manner:-

- One operator. The landowner’s partner will be the sole hairdresser/operator of the business;
- Operating hours Monday to Friday 8:00am to 5:00pm and occasional Saturdays 8:00am to noon;
- Operate from the lounge room of the dwelling, which has an area of 20m² (see figure 2);
- A maximum of eight clients per day, one client at any one time; and
- The Proponent is proposing that clients will park in the driveway space off Laredo Bend and on a paved area on the verge at the front of the dwelling (see figure 3).
2. Floor Plan

3. Proposed Carparking Area
Implications to Consider

a. Consultation with the Community

In accordance with the requirements 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.

At the close of the advertising period, four submissions of objection were received, which raised the following concerns:-

(i) Parking
(ii) Traffic & Safety
(iii) Property Values
(iv) Residential Amenity
(v) Noise/Odour
(vi) Zoning
(vii) Client numbers
(viii) Operator numbers
(x) Fire Risk
(xi) Compliance

It should be noted that one of the submissions contained five signatures. The consultation plan below shows which residents were consulted and the location of the submissioners:-

b. Consultation with Government Agencies

Not Applicable
c. **Strategic**

**Community Plan**

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

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

d. **Policy**

**Planning Policy 3.3.10 – Home Occupations and Home Businesses**

Planning Policy 3.3.10 – Home Occupations and Home Businesses (the Policy) sets out policy objectives and provisions which the Council must have regard to in the assessment and determination of applications for planning approval for Home Occupations and Home Businesses.

The objectives of the Policy are as follows:

“(a) _To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to operate a Home Occupation or a Home Business from a dwelling;_

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

(c) _To provide for economic growth and employment opportunities by facilitating the development of home based businesses._”

The application was assessed against the Policy assessment criteria which include, among other requirements:

(i) _“Method of Operation – The operation of the Home Business must not cause injury to or adversely affect the amenity of the neighbourhood.”_

The proposed Home Occupation will operate within the lounge room of the dwelling, which is located at the front of the house. No parking or access is proposed in the rear laneway. Given the hairdressing will occur indoors, the amenity of the neighbourhood is unlikely to be compromised.

(ii) _“Traffic Generation – The traffic generated by the Home Business must not have the potential to adversely affect the amenity of the neighbourhood. All visits to the site must be controlled i.e. by appointment only. If the Home Business is likely to have an adverse impact on the existing nature of the street or its amenity, the Council is unlikely to approve the proposal.”_

All clients attending the premises will be controlled via appointments, with only one client proposed to attend the premises at any one time. For these reasons, traffic generation associated with the proposed Home Occupation is not considered to be beyond what would normally be associated with a residential dwelling and thus the amenity of the neighbourhood will not be compromised.

(iii) _“Parking - The Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that the operation does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling.”_

In accordance with the Residential Design Codes, a Single Dwelling requires two carparking spaces to be provided on-site. The subject lot is included in a Detailed Area Plan where all car parking may only occur from the rear laneway. A double garage is provided off the rear laneway for the dwelling, with a driveway space for one car to also park at the front of the premises off Laredo Bend. The driveway from Laredo Bend and associated crossover has not received approval from the City.
Given parking in the driveway area is not permitted and the two spaces available in the rear garage are required for the owners, no parking for clients is available on site. There is also a fire hydrant on the verge area where parking is also proposed. For these reasons, the proposed on-site carparking arrangement (see figure 3) is not considered acceptable.

There are 16 on-street carparking bays on Laredo Bend for the use of residents/visitors. These bays can be utilised by any member of the public.

Whilst the amount of carparking cannot be wholly contained on site, it is considered appropriate to support on-street carparking for clients for the following reasons:

- Only one client is expected to attend the premises at any one time on an appointment only basis and thus only one carparking bay is required. A condition of Planning Approval can also be included to ensure clients attend the premises by appointment only and only permit one client at a time to attend the premises;
- There is adequate space to accommodate the parking requirements of the owners/occupiers in the rear garage; and
- There are 16 on-street carparking bays, which were developed to service visitors to the cottage lots, which should not be construed to exclude potential clients.

The proposal generally complies with the Policy, except for the provision of carparking on-site. Given the on-street carparking bays being available adjacent to the subject property, it is recommended that the parking requirements are varied on this basis.

e. Financial
Nil

f. Legal and Statutory

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

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

"Home Occupation:-
means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-

(a) does not employ any person not a member of the occupier’s household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 20 square metres;
(d) does not display a sign exceeding 0.2 square metres;
(e) does not involve the retail sale, display or hire of goods of any nature;
(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair, or maintenance of motor vehicles; and
(g) does not involve the use of an essential service of greater capacity than normally required in the zone."

Clause 4.16.1 of TPS2 similarly states that Council shall only permit the operation of a Home Occupation within a dwelling or within the boundaries of a lot where it is satisfied that the operation:

(i) does not employ any person not a member of the occupier’s household;
(ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
(iii) does not occupy an area greater than 20 square metres;
(iv) does not display a sign exceeding 0.2 square metres;
(v) does not involve the retail sale, display or hire of goods of any nature;
(vi) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(vii) does not involve the use of an essential service of greater capacity than normally required in the zone.

The Proponent does not propose an advertising sign, the display or sale of retail or hire of any goods and the business does not require the use of a commercial vehicle. No employees are proposed and the business is proposed to operate from the lounge room, which has an area of 20m². The proposed Home Occupation is considered to be generally compliant with the interpretation of a Home Occupation.

### Comments

**Response to Submissions:**

With respect to the issues raised in the submissions, the following comments are made:-

(i) Parking

Concerns were raised that clients would not park in the driveway as detailed in the proposal, and would instead park on the road or verge causing a disturbance to adjacent and nearby property owners, and that clients would utilise the on-street carparking bays which are used for the park adjacent to the premises on Laredo Bend. It was also noted by submissioners that the owner currently parks in the area proposed for client parking.

**Officer Comment**

There is adequate space for the owner/operator to park in a double garage at the rear of the premises. It is considered appropriate to vary the requirements of the Policy to allow potential clients to utilise the on-street carparking bays on Laredo Bend. It is recommended that conditions be applied prohibiting clients parking on the verge or road, and that a 15 minute interval be provided between clients. This will address submissioners concerns to ensure that no additional parking is required whilst clients are waiting for an appointment.

(ii) Traffic & Safety

Concerns were raised that traffic and pedestrian safety would be compromised due to the increased volume of traffic associated with the proposed Home Occupation and clients potentially parking on the road.

**Officer Comment**

Eight clients attending the premises during the 9 hours on weekdays is equivalent to less than one client per hour. The volume of traffic associated with one client attending the premises at a time is considered acceptable and is within the design capacity of the street. No vehicles are proposed to park on Laredo Bend, and conditions of Planning Approval are recommended to prohibit parking on the verge and thus pedestrian safety will not be compromised.

(iii) Property Values

Submissioners raised concern that a business operating from a residential area would decrease property values in the area.

**Officer Comment**

The potential impact on property values is not a valid planning consideration in the City’s assessment of a proposed Home Occupation.

(iv) Residential Amenity

Concerns were raised that the residential amenity of the locality will be compromised due to the establishment of businesses within the Residential zone.
Officer Comment

Given that the operation will be limited to the lounge room area of the dwelling and the small scale of the proposed Home Occupation, it is considered that it is likely there will be any impact on residential amenity.

(v) Noise/Odour

Concern was raised by a submitter that there would be noise and odour impacts associated with the proposed Home Occupation. It should also be noted that the submitter in this regard is the occupier of the adjacent property and is a shift worker.

Officer Comment

The Home Occupation will operate within the dwelling, with only one client attending the premises at a time, and thus any noise associated with the proposal is not considered to be beyond what would normally be associated with a dwelling.

It is considered unlikely that there would be any odour impacts experienced by neighbours given the business is to be undertaken within the dwelling.

(vi) Zoning/Density

Submissioners raised concerns that the proposed Home Occupation was unsuitable for higher density residential areas. It was also noted that the business should operate from a commercial tenancy as opposed to within a residential area.

Officer Comment

An objective of the Policy is to provide for economic growth and employment opportunities by facilitating the development of home based businesses. In this respect, home based businesses may be considered by Council within Residential zones. The subject site is zoned ‘Residential (R30)’ under the TPS2 and is a typical ‘cottage block’ design with rear laneway access.

The Policy does not distinguish Home Occupations based upon residential densities and instead takes into consideration factors affecting the ‘workability’ of a Home Occupation, such as access to parking, traffic impacts and method of operation. Despite the small lot size (375m²), the Proponent has generally demonstrated compliance with other aspects of the Policy.

(vii) Client numbers

Concerns were raised by submissioners that there would be an increase in client numbers, beyond what has been proposed on the application, which could impact the amenity of the area.

Officer Comment

Eight clients during weekdays is not considered to be excessive. The number of clients attending the premises can be controlled through conditions requiring attendance by appointment only and limiting the maximum clients attending the premises per day. As only one client will attend the premises at any one time, any impacts on residential amenity are considered to be negligible.

(viii) Operator number

Concerns were raised that there may be more than one operator of the business (namely the Proponents mother), despite the application stating there would only be one hairdresser. It was also noted that the number of staff could increase if the business grew.

Officer Comment

The application only includes one operator. The proposal can only be determined based upon the application details that include one hairdresser. Should the scale of the Home Occupation operation propose to increase beyond what has been applied for, a revised application for Planning Approval is required.

(x) Fire Risk

A submitter was concerned that operating a business from a residential property could result in an increased fire risk to adjacent and nearby properties.

Officer Comment

Given the small scale of the business, it is not considered that there would be an increased fire risk. The Home Occupation is considered to be incidental to the residential use of the premises.
(xi) Compliance
Concerns were raised that should Planning Approval be received, the Proponent would not comply with the conditions of Planning Approval.

Officer Comment
If the Proponent fails to comply with a Planning Approval, this would constitute a breach of TPS2, which may require enforcement action being taken.

Conclusion:
The submissioners objected to the proposal because of the anticipated traffic and parking impacts. These matters can be addressed by restricting clients attending the premises by appointment only and with an interval between clients. As the proposed Home Occupation (Hairdressing) generally complies with the objectives of the Policy and it is recommended that Council grant conditional approval.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVE the application for Home Occupation (Hairdressing) at Lot 430 (No.12) Laredo Bend, Port Kennedy, subject to the following conditions:-

1. The Home Occupation must only operate between the hours of 8:00am and 5:00pm Mondays to Fridays and 9:00am to 12 noon on Saturdays and not at all on Sundays and Public Holidays.
2. The Home Occupation must only operate from the Lounge Room as marked on the approved plan.
3. All clients must park within the on-street carparking bays along Laredo Bend. No vehicle parking is permitted on the road or paved verge area of Laredo Bend.
4. Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 15 minutes between clients.
5. Not more than one client is permitted to attend the premises at any one time.
6. A maximum of eight clients each day are permitted to attend the premises.
7. The Home Occupation must only be operated by the proposed operator who must be a member of the occupier's household. No staff members may be employed with the Home Occupation.
8. The display and retail sale or hire of goods must not be carried out from the premises.

Committee Recommendation
That Council APPROVE the application for Home Occupation (Hairdressing) at Lot 430 (No.12) Laredo Bend, Port Kennedy, subject to the following conditions:-

1. This Planning Approval is valid for a period of 12 months only from the date of this approval. A renewal of Planning Approval must be obtained for continuation of the Home Occupation (Hairdressing) beyond this date.
2. The Home Occupation must only operate between the hours of 8:00am and 5:00pm Mondays to Fridays and 9:00am to 12 noon on Saturdays and not at all on Sundays and Public Holidays.
3. The Home Occupation must only operate from the Lounge Room as marked on the approved plan.
4. All clients must park within the on-street carparking bays along Laredo Bend. No vehicle parking is permitted on the road or paved verge area of Laredo Bend.
5. Clients must not be permitted to attend the premises except by appointment and, with an interval of at least 15 minutes between clients.
6. Not more than one client is permitted to attend the premises at any one time.

7. A maximum of eight clients each day are permitted to attend the premises.

   The Home Occupation must only be operated by the proposed operator who must be a member of the occupier’s household. No staff members may be employed with the Home Occupation.

8. The display and retail sale or hire of goods must not be carried out from the premises.

Committee Voting – 3/1
(Cr Liley voted against)

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

Having regard to the concerns raised by objectors, the Committee considered that the approval period of 12 months should apply, following which a fresh application for Planning Approval would be required to allow the matter to be reassessed by Council at that time.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>SP-022/13 Commercial Vehicle Parking</th>
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<tr>
<td><strong>File No:</strong></td>
<td></td>
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<tr>
<td><strong>Proponent/s:</strong></td>
<td>Mr T M Read</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
</tbody>
</table>
| **Other Contributors:**     | Mr Dave Waller, Coordinator Statutory Planning  
                            | Mr Mike Ross, Manager Statutory Planning |
| **Date of Committee Meeting:** | 20 May 2013                           |
| **Previously before Council:** |                                      |
| **Disclosure of Interest:** | Tribunal                              |
| **Nature of Council’s Role in this Matter:** |                                    |
| **Site:**                   | Lot 838 (No.30) Studzor Street, Warnbro |
| **Lot Area:**               | 728m²                                 |
| **LA Zoning:**              | Residential (R20)                     |
| **MRS Zoning:**             | Urban                                 |
| **Attachments:**            | Schedule of Submissions               |
| **Maps/Diagrams:**          | 1. Location Plan                      |
|                             | 2. Commercial Vehicle                 |
|                             | 3. Proposed Parking Area              |
|                             | 4. Consultation Plan                  |
Purpose of Report

To consider an application seeking retrospective Planning Approval for Commercial Vehicle Parking at Lot 838 (No.30) Studzor Street, Warnbro.

Background

In March 2013, the City received a complaint from a resident that a Commercial Vehicle was parking on Fendam Street, Warnbro. As part of the complaint, the resident also noted the parking of a Commercial Vehicle on the subject site. The City therefore requested the owner to either cease parking the Commercial Vehicle on the subject site or make an application for retrospective Planning Approval. The owner has since submitted an application for retrospective Planning Approval which forms the basis of this report.

Details

The Proponent seeks retrospective Planning Approval to park a Commercial Vehicle on the subject site. Details of the application are as follows:-

- The Commercial Vehicle is 9.1m long, 2.48m wide and 3.55m high, with a carrying capacity of 7 tonnes;
- The Commercial Vehicle is used for motorcycle transportation;
- The Commercial Vehicle will be parked in the driveway at the front of the premises; and
- The Commercial Vehicle will depart the premises between 6:30am and 7:00am and return to the premises between 5:00pm to 6:00pm, Mondays to Fridays. The Commercial Vehicle will remain parked at the premises on Saturdays and Sundays.
2. Commercial Vehicle

3. Proposed Parking Area
Implications to Consider

a. Consultation with the Community

In accordance with the requirements 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.

At the close of the advertising period, one submission in support of the application and two submissions of objection were received. The submissioners objecting to the proposal raised the following concerns:-

(i) The visibility of the Commercial Vehicle from the road;
(ii) The available manoeuvrability space for the Commercial Vehicle;
(iii) Traffic and pedestrian safety;
(iv) Proponent not operating the Commercial Vehicle in the proposed times;
(v) Noise;
(vi) Damage to the road surface;
(vii) Vehicles parking on the footpath/verge; and
(x) Inconsistent use with residential zoning.

The consultation plan below shows which residents were consulted and the location of the submissioners:-

---

b. Consultation with Government Agencies

Not Applicable

c. Strategic Community Plan

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

---
Aspiration 14: Economic development opportunities that make visiting, living, working and investing in the City of Rockingham an attractive proposition.

d. Policy

Planning Policy 3.3.13 – Parking of Commercial Vehicles in Residential Zones (the Policy)

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

The application was assessed against the Policy assessment criteria which include, among other requirements:

(i) Amenity - 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.

The Proponent is not proposing to carry out any mechanical repairs, spray painting or panel beating to the Commercial Vehicle and thus the amenity of the locality is not considered to be impacted in this regard. The Proponent has advised that the vehicle will be parked behind gate to the rear of the premises, thus obscuring the view of the vehicle from the street. It is acknowledged that there will be noise from the vehicle starting up when leaving the premises in the morning. A condition of Planning Approval is recommended should the application be approved, prohibiting the vehicle from being started prior to 7:00am in accordance with the Environmental Protection (Noise) Regulations 1997.

(ii) On-site Parking - The Policy requires the Commercial Vehicle to be parked entirely within the property and should be contained behind the building setback line. Only one Commercial Vehicle is permitted to park on a residential property.

Only one Commercial Vehicle is proposed to be parked on the premises and the Commercial Vehicle is proposed to be parked entirely within the subject property and not on the road or verge.

(iii) Access - The Policy requires that any access to the property on which the Commercial Vehicle is to be parked is to be via a crossover that has been constructed to the Council’s specifications. The parking of the Commercial Vehicle should also not preclude domestic vehicles from parking at the property.

The vehicle will be parked in the driveway, with direct access to the street from a crossover. There is adequate space for the owner/occupier’s domestic vehicles to also park on the driveway, if the Commercial Vehicle or domestic vehicle is parked at the rear of the premises. It is recommended that a condition of Planning Approval be included to require the Commercial Vehicle to be parked at the rear of the premises, to partially screen the vehicle from Studzor Street and to also make available space for domestic vehicles to park in the driveway.

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 vehicle is consistent with the definition of a Commercial Vehicle under TPS2.
Clause 4.17.1 of TPS2 states the following:-

"a person shall not park or permit to be parked a licensed or unlicensed Commercial Vehicle in the Residential, Special Residential or Development (residential use class) zones, unless planning approval has been granted by the Council, pursuant to Park 6 of this Scheme"

Furthermore, Clause 4.17.2 of TPS2 requires that in assessing applications for Planning Approval, the Council shall take into account the objectives of the particular zone, any Planning Policy pertaining to that zone which the Council may from time to time adopt, as well as the following specific issues:-
- on-site parking location;
- potential impacts on neighbouring residents in terms of noise, emissions, visual appearance or any other nuisance;
- frequency and times of arrival/ departure;
- parking duration;
- the use of the vehicle; and
- whether such vehicle is to be used for business purposes operating out of the premises on a call-out basis.

Comments with respect to the above requirements are outlined below:-

On-site parking location

On-site parking is compliant with TPS2 and has been discussed in the Policy section of this report.

Potential impacts on neighbouring residents in terms of noise, emissions, visual appearance or any other nuisance

The potential impacts of the amenity of neighbours has been addressed in the Policy section of this report.

Frequency and times of arrival/ departure

The Commercial Vehicle will only arrive and depart the premises each weekday. The frequency at which the Commercial Vehicle arrives/departs the premises is considered to be low which reduces its impact upon the amenity of neighbouring properties.

Parking duration

The Commercial Vehicle will not be parked on the premises for the majority of the day during weekdays. The only time the Commercial Vehicle will be parked on the premises during the daytime is on weekends, when it will not be used.

The use of the vehicle

The Commercial Vehicle will be used to transport motorcycles, which is unlikely to impact on the amenity of neighbouring properties.

Whether such vehicle is to be used for business purposes operating out of the premises on a call-out basis.

The Commercial Vehicle will only be parked at the premises. No business operates from the premises and the Commercial Vehicle will only be arriving and departing the premises once each day and not on a call-out basis. The manner in which the Commercial Vehicle will be used is not considered to impact the amenity of neighbouring properties as the Commercial Vehicle will not be consistently entering and exiting the property throughout the day and no clients are attending the premises.

Comments

Response to Submissions:

(i) The visibility of the vehicle from Studzor Street.
**Officer Comment**

The Policy only requires Commercial Vehicles to be parked entirely within the subject property. The Policy does, however, state that where possible the Commercial Vehicle should be parked to the rear of the residence and screened from view of the street from neighbouring properties.

The Proponent has advised that there is space to park the Commercial Vehicle behind a fence in the backyard of the property and as previously mentioned, a condition of Planning Approval is recommended to require the Commercial Vehicle to be parked at the rear of the property to assist in screening the vehicle from the Studzor Street.

(iii) The available manoeuvrability space for the Commercial Vehicle

**Officer Comment**

There is adequate space for manoeuvrability as the Commercial Vehicle has a width of 2.48m and the crossover has a width of 4m.

(iii) Traffic and pedestrian safety

Concerns were raised that traffic and pedestrian safety would be compromised due to the Commercial Vehicle reversing from and entering the property.

**Officer Comment**

The Commercial Vehicle will only be entering and exiting the property once each weekday. There are also clear lines of sight on Studzor Street, as it is predominantly straight and there is also a pedestrian footpath adjacent to the premises. Given the low frequency at which the Commercial Vehicle will enter and exit the property, traffic and pedestrian safety is unlikely to be compromised.

(iv) Proponent not operating the vehicle in the proposed times

Concerns were raised that the Proponent is not currently operating the Commercial Vehicle in the times prescribed in the application.

**Officer Comment**

The Proponent will be required to adhere to any conditions should Planning Approval be granted and the terms of the application which address hours of operation.

(v) Noise

Submissioners objected to the proposal on the basis that the noise emitted from the Commercial Vehicle was a disturbance to nearby and adjacent residents.

**Officer Comment**

No objections were raised form adjoining owners to the application which would usually be expected to object if the Commercial Vehicle disturbed their amenity. Noise from vehicles driving on the road is except from the Environmental Health (Noise) Regulations 1997. Noise from private property is controlled however; and thus it is recommended that should approval be granted, a condition of Planning Approval be included that ensures the Commercial Vehicle can only be operated between the hours of 7:00am and 7:00pm. This will ensure compliance with the Environmental Protection (Noise) Regulations 1997 and will limit disturbance to neighbouring properties.

(vi) Damage to the road surface

Concern was raised that the Commercial Vehicle consistently using Studzor Street will damage the road surface.

**Officer Comment**

There is no evidence of damage to Studzor Street caused by the Commercial Vehicle.

(vii) Vehicles parking on the footpath/verge

A submissioner noted that due to the Commercial Vehicle parking in the driveway, there was no space available for the owner’s domestic vehicles to park, and thus vehicles were parking on the verge/footpath.
Officer Comment
The parking of the Commercial Vehicle does not preclude domestic vehicles from being parked on the property. By parking the Commercial Vehicle in the rear of the premises, there is adequate space for the owner's domestic vehicle to be parked in the driveway. Should Planning Approval be granted, a condition should include restricting the parking of any vehicle on the verge or footpath.

(x) Inconsistent use with Residential zoning

A submissioner objected to the proposal on the basis that the Commercial Vehicle should not be parked in a residential area, given the availability to park the Commercial Vehicle in an industrial/commercial area.

Officer Comment
The TPS2 enables the Council to grant Planning Approval for the parking of Commercial Vehicles within a Residential zone, subject to receiving Planning Approval.

Conclusion:
Given the frequency at which the Commercial Vehicle will be entering and exiting the property, and being able to be parked behind the property boundary and predominantly obscured from view from the street, the amenity of the locality is unlikely to be compromised by permitting the Commercial Vehicle to park at the premises. The Proponent should only be able to operate the vehicle between 7:00am and 7:00pm, to minimise disturbance to neighbouring properties and to ensure compliance with the Environmental Protection (Noise) Regulations 1997. The parking of a Commercial Vechile is therefore recommended for Planning Approval.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVE the application for the parking of a Commercial Vehicle at Lot 838 (No.30) Studzor Street, Warnbro subject to the following conditions:-
1. The Commercial Vehicle must be parked entirely within the property and behind the street setback area or parked at the rear of the residence whenever the Vehicle is present on the property.
2. Major repairs must not be carried out on-site, the verge or the street, at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.
3. All vehicle wash-down wastewater must be disposed of onsite, in accordance with the Unauthorised Discharge Regulations 2004, at all times.
4. The Commercial Vehicle must not be started after 7.00pm or before 7:00am.
5. The parking of the Commercial Vehicle shall include sufficient space for the parking of at least two domestic vehicle being parked within the land and not overhanging into the footpath and verge adjacent to the land at any time.

Committee Recommendation
That Council APPROVE the application for the parking of a Commercial Vehicle at Lot 838 (No.30) Studzor Street, Warnbro subject to the following conditions:-
1. The Commercial Vehicle must be parked entirely within the property and behind the street setback area or parked at the rear of the residence whenever the Vehicle is present on the property.
2. Major repairs must not be carried out on-site, the verge or the street, at any time. Minor servicing, including small mechanical repairs and adjustments and cleaning (except degreasing) that generates easily-contained liquid waste may be carried out on-site.
3. All vehicle wash-down wastewater must be disposed of onsite, in accordance with the Unauthorised Discharge Regulations 2004, at all times.
4. The Commercial Vehicle must not be started after 7.00pm or before 7:00am.
5. The parking of the Commercial Vehicle shall include sufficient space for the parking of at least two domestic vehicle being parked within the land and not overhanging into the footpath and verge adjacent to the land at any time.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning Services

#### Statutory Planning Services

<table>
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<tr>
<th>Reference No &amp; Subject:</th>
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<tr>
<td>File No:</td>
<td></td>
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<tr>
<td>Proponent/s:</td>
<td>Mr D &amp; Mrs S Easton</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2013</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>October 2012 (SP-056/12)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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</table>

| Site:                   | Lot 805 (No.14) Figtree Lane, Golden Bay     |
| Lot Area:               | 4,491m²                                      |
| LA Zoning:              | Special Residential                          |
| MRS Zoning:             | Rural                                        |

**Attachments:**

1. Location Plan
2. Approved Building Envelope Plan (May 2009)
3. Existing Approved Building Envelope
4. Original Proposed Building Envelope Plan
5. Revised Proposed Building Envelope Plan
6. Final Proposed Building Envelope Plan
7. Consultation Plan
8. Site Vegetation
Purpose of Report

To consider an application seeking approval to vary the size of the approved Building Envelope for Lot 805 (No.14) Figtree Lane, Golden Bay.

Background

In December 2007, the Western Australian Planning Commission granted approval to subdivide Lots 200 and 300 Dampier Drive, Golden Bay into seven lots.

During designation of the Building Envelopes, the City identified that the proposed Building Envelopes on Lots 802 and 805 were affected by a fire access easement that prevented the owner from constructing, erecting or building any building or structure that would obstruct or interfere with the use of the fire access easement. A Planning Consultant (on behalf of the subdivider) provided a Building Envelope Plan which did not obstruct or interfere with the use of the fire access easement. This plan was approved by the City in May 2009 (see Figure 2).
In March 2010, Council agreed to surrender the fire access easement over the subject site, on the basis that the subdivision of the land rendered the fire access easement redundant.

In October 2012, Council approved a Building Envelope modification to locate the Building Envelope over the now deleted easement (see Figure 3).

3. Existing Approved Building Envelope

The Proponent originally made an application to vary the approved Building Envelope by increasing the size of the Building Envelope from 900m² to 1062m² (an increase of 18%) to facilitate the construction of a dwelling, pool and shed (see Figure 4).

4. Original Proposed Building Envelope Plan
The Proponent was advised that all development, including retaining walls, needed to be included in the Building Envelope area. The Proponent therefore submitted a revised plan (see Figure 5) which included the retaining walls in the Building Envelope area. By including all future proposed development, the proposed Building Envelope had an area of 1818m² (an increase of 102%).

5. Revised Proposed Building Envelope Plan

The Proponent was advised that the Building Envelope size could be reduced further by removing portions of the Building Envelope that were not shown as being occupied by future developments on the plan (for example the south west corner of the proposed Building Envelope). The Proponent again revised the plan to exclude portions of the Building Envelope not occupied by future developments (see Figure 6). This final revised Building Envelope Plan forms the basis of this report.

Details

The Proponent has provided a final revised Building Envelope Plan, which seeks to increase the size of the Building Envelope from 900m² to 1389m² (an increase of 54%) and change the shape of the Building Envelope.
6. Final Proposed Building Envelope Plan

The Proponent has provided the following justification for the proposed size increase:-

1. To maintain a clear area around the house and shed to reduce the fuel load in case of fire. Consideration has also been given to the likelihood of the prevailing winds in summer from this south west direction increasing the fire risk.

2. To stabilize the hill as best as possible.

3. The builders preference is to retain as indicated after reviewing the survey and soil classification report that we have recently had completed.

4. If the retaining is kept straight as indicated it will create a neater end result. This will allow planting of natives along the terraces, resulting in the retaining blending into the hill and natural lay of the land best."

Implications to Consider

a. Consultation with the Community

In accordance with Schedule No.5 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, in the Singleton Special Rural and Special Residential Zones, Building Envelopes may be varied at the discretion of Council following consultation with adjoining owners. The proposal was advertised to five nearby and adjacent property owners for a period of 14 days (see Consultation Plan below). At the close of the advertising period, no submissions had been received. It should be noted that the adjacent property owners at Lot 806 (No.4) Figtree Lane, which are most affected by the proposal, provided a letter of no objection as part of the application.
b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-
   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.

d. Policy
   Planning Policy 3.3.17 – Variations to Building Envelopes (The Policy)
   The purpose of the Policy is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. In the case of the Golden Bay and Singleton Special Rural and Special Residential zones, the location of the envelopes was specifically intended to maintain the rural attributes and appearance of the land.
The following is an assessment of the application based on the assessment criteria of the Policy:

**Size and Shape of Building Envelope**

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

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

The Proponent has provided numerous amended plans in an attempt to reduce the size of the Building Envelope. Whilst the shape of the proposed Building Envelope is acceptable, the Policy allows only minor increases to the size of Building Envelopes (to a maximum of 10%). The proposed Building Envelope has a size increase of 54%. The reason for this is a large portion of the Building Envelope is required for retaining.

Approximately 379m² of the Building Envelope will be used to accommodate the proposed terraced retaining walls, and is not considered useable space. The actual area of Building Envelope considered useable space is 1010m². The size of the Building Envelope could be significantly reduced if the Proponent was proposing a ‘hard edge’ piled style retaining wall (for example a solid limestone wall). The Proponents have instead opted to create vegetated terraces rather than a single cut into the dune slope, with the intention being to reduce the visual impact on the landscape and minimise the extent of the earthworks required to construct the retaining wall. This ‘post and panel’ terraced style retaining wall is the preferred option by the City as the terraced retaining can be vegetated to blend the retaining wall into the sloping landscape, as opposed to a ‘hard edge’ solid 4m high retaining wall, which will be a visual intrusion on the landscape.

It should also be noted that the Building Envelopes at other developed properties on the street (Lot 806 (No.4) Figtree Lane) and Lot 803 (No.17) Figtree Lane) have areas of approximately 1,632m² and 1,313m² respectively.

**Environmental Considerations**

The Policy notes that:

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

The vegetation on site is classified as Cottesloe Complex-Central And South (Woodland and Open Forest and Closed Heath) (see Figure 8 below). The vegetation is low closed heathland and has good coverage across the site except for the area cleared for the fire break previously. There are no trees within the proposed Building Envelope.
8. Site Vegetation

The proposed Building Envelope will result in a greater loss of vegetation than the existing Building Envelope.

As previously mentioned, the Proponent could have reduced the size of the Envelope by constructing a ‘hard edge’ retaining wall as opposed to opting to develop terraced retaining. The terraced style retaining is considered a more suitable outcome as it reduces the amount of earthworks required on the site, and can include native plantings once completed to better ‘blend’ the retaining into the natural slope of the land. For this reason, the Council’s objectives with respect to maintaining the rural attributes of the land is better realised.

As the lot has a consistent level of vegetation coverage, there are minimal opportunities to revegetate and offset the vegetation which will be lost should the dwelling, shed and retaining be constructed. Areas of the previous fire break easement (which is no longer required) in the north may provide opportunities for revegetation of approximately 280m² to offset vegetation loss within the building envelope. The Proponent has advised that the terraced retaining will be planted with native vegetation. A list of endemic species has already been provided to the Proponent by the City. Should Planning Approval be granted, a condition of Planning Approval is recommended requiring the retaining walls to be vegetated with native vegetation, and revegetation to occur in the not obsolete fire break easement.

Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones

Planning Policy 3.3.6 - Development Guidelines for Special Residential Zones (SR Policy) also applies to the application. The SR Policy guides development of lots with the Special Residential zones that are affected by steep topography by the implementation of special housing design requirements, which are necessary to minimise the amount of site earthworks to protect the landscape character of each lot.

The following is an assessment of the application based on the assessment criteria of the SR Policy:-

Block Slope and House Design

The SR Policy requires the following with respect to development on lots:-
“If the block slopes basically left to right or right to left, select a narrow frontage housing design with split-levels to suit”.

The orientation of the house is north to south, as opposed to east to west, which would have reduced the amount of earthworks required on site. The proposed orientation is not the preferred outcome, but was proposed by the Proponent to ensure the house orientated towards the street and to stabilise the portion of dune closest to where the house is proposed to be constructed.

The result of the proposed orientation is that a portion of dune in the south east corner of the envelope will require retaining. This is not considered a desirable outcome and has been further discussed below.

“Avoid cutting into natural soil where possible, and retain as much of the natural vegetation as possible.”

The site slopes steeply from a low point of 5m AHD adjacent to Figtree Lane, to the top of a sand dune ridge along the southern boundary with a height of 20m AHD. The northern third of the subject site includes a level area at the base of the sand dune.

Approximately 1.5m of fill has been used in an attempt to balance out the 4.5m section of cutting required. Whilst an even amount of cutting and filling has not been achieved as part of the proposal, this is considered a more desirable outcome as an excessive amount of fill would raise the proposed Building Envelope to an artificially high level, thus distorting the slope of the land.

In regards to the proposed terraced retaining wall, the SR Policy promotes the use of terraced retaining generally not higher than 1.2m. The terraced retaining proposed are at intervals of 1.1m.

“Measures should be taken to avoid the potential for sand drift, as a result of wind erosion, throughout the development of each lot.”

The proposal to stabilise the dune via terraced style retaining which will be replanted with native vegetation, is likely to minimise the potential for sand drift associated with earthworks required for the proposed development.

Whilst the preferred option of orientating the proposed dwelling east to west has not been chosen by the Proponent, the use of terraced retaining walls is considered to meet the intent of the SR Policy, that is, minimising the amount of site earthworks and protecting the landscape character of each lot.

e. Financial
   Nil

f. Legal and Statutory

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

Comments

The size of the proposed Building Envelope is considerably larger than the 10% increase in size permitted under the Policy. Despite this, a large portion of the proposed Building Envelope is not considered useable space as it is occupied by retaining walls. The retaining walls have only been included, as all development is required to be wholly contained within the Building Envelope. The Proponent has opted for terraced retaining to minimise the visual impact of retaining on the dune system and to reduce the amount of earthworks required. For this reason, Council’s objectives of maintaining the rural attributes and appearance of the land can be better achieved. The proposed Building Envelope is supported, however, it is recommended that the Proponent revegetate the modified terraced retaining wall (garden beds) using local endemic species.

Voting Requirements

Simple Majority
**Officer Recommendation**

That Council **APPROVE** the application to vary the Building Envelope on Lot 805 (No.14) Figtree Lane, Golden Bay subject to revegetation of the modified terraced retaining wall garden beds being undertaken using local endemic species.

**Committee Recommendation**

That Council **APPROVE** the application to vary the Building Envelope on Lot 805 (No.14) Figtree Lane, Golden Bay subject to revegetation of the modified terraced retaining wall garden beds being undertaken using local endemic species.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
An email was tabled at the Planning Services Committee meeting from Mrs Sharon Digby with respect to this Item, which contained the following questions:-

1. "Where in the Recommendation have Council considered the safety, protection, privacy and dignity concerns that I have referred to from the outset in relation to having a visually permeable fence?"

2. "Why is Council not willing to negotiate?"

A copy of Mrs Digby's email was provided to all Committee members present.

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<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-024/13 Reconsideration of Fencing Condition - Child Care Centre</th>
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<td>File No:</td>
<td>DD020.2012.00000278; D13/45139</td>
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<td>Proponent/s:</td>
<td>Digby Property Holdings Pty Ltd</td>
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<tr>
<td>Author:</td>
<td>Ms Erika Barton, Senior Planning Officer</td>
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<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>20 May 2013</td>
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<td>February 2013 (SP-008/13), April 2013 (SP-019/13)</td>
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<td>6. Proposed Outdoor Area Reduction</td>
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<td>7. Site looking South along Smirk Road</td>
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<td>8. Site and adjacent properties looking South along Smirk Road</td>
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CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY 17 JUNE 2013

PRESIDING MEMBER
Purpose of Report

To reconsider Condition No.8 of the Planning Approval for a Child Care Centre on Lot 859 (No.51) Borough Road, Baldivis, relating to visual permeability of fencing.

Background

In July 2007, the Western Australian Planning Commission (WAPC) approved the "Lots 4-7, 10-14 Smirk Road" Structure Plan, which designated the site for 'Community Purposes'.

3. Structure Plan

The Council granted Planning Approval for a Child Care Centre on Lot 859 (No.51) Borough Road, Baldivis at its ordinary Meeting on 26 February 2013.

On 28 March 2013, the Proponent met with the City's Senior Planning Officer and Coordinator Statutory Planning to discuss the application. The Proponent reiterated her concerns regarding the safety of the visual permeability of the fencing. The City's officers outlined the rationale for the fencing condition as detailed throughout this report. It was agreed to put the application to the ordinary Meeting of Council for determination of the application on balance of the issues.

The application for reconsideration of Condition No.8 was considered at Council's meeting of 23 April 2013 where it was resolved to "defer consideration of Item SP-019/13 Reconsideration of Fencing Condition – Child Care Centre to provide an opportunity for the City to consider an alternative fencing proposal by the proponent."

The Proponent has now submitted an amended design as outlined below.
The Proponent seeks reconsideration of Condition No.8 of the approval for the Child Care Centre. Condition No.8 states:

"8. Fencing to Borough Road, Regency Avenue and Smirk Road must be 50% visually permeable above 1.2 metres and constructed prior to the occupation of the development, and retained and maintained in good condition at all times."

The Proponent states that such fencing would "pose a threat to the security, safety and privacy of the children in our care".

The Proponent has provided an amended fencing plan for consideration, as shown in Figures 4 and 5.

Specifically, it is proposed that the location of the blue line be 1.2m high pool type fencing. The location of the red line would be 1.8m high fencing with alternate 2.4m wide panels. The panels would consist of one solid 1.8m Colorbond panel and the other panel 1.2m high solid Colorbond with 0.6m slatted horizontal Colorbond strips, as shown in Figure 5.

The Proponent also proposes to reduce the size of the outdoor play area of the centre. This is shown in Figure 6. This Proponent is also seeking Council's approval for the deletion of Condition No.7 of the Planning Approval for the Child Care Centre as the proponent considers it to be unnecessary with the outdoor play area being moved further away from the southern boundary of the site.

Condition No. 7 states:

"7. A 1.8m high masonry wall must be constructed along the full length of the southern boundary of the site."
5. Proposed Fencing

6. Proposed Outdoor Area Reduction

confirmed at a planning services meeting
held on monday 17 june 2013
Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Advice was sought from the Department for Communities in relation to fencing requirements for Child Care Centres. The relevant provisions of the Education and Care Services National Law (WA) Act 2012 (ECSNL Act), Education and Care Services National Regulations 2012 (ECSN Regulations), and Guide to Education and Care Services National Law and Education and Care Services National Regulations 2011 (Guide) were provided. The Department stated inter alia:

   ECSNL Act

   "... every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury" (s.167).

   ECSN Regulations

   "... must ensure that any outdoor space used by children at the education and child care premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it" (r.104).

   Guide

   "Services should also consider the placement of outdoor play equipment or permanent structures (such as a shed) in relation to the fence or barrier, noting that some equipment may provide potential footholds to scale a fence" (p.72).

   "Where possible, fencing should be designed to allow children to view the outside world. This enables children to make connections with the activities of their local community. It also supports the development of long-range vision. The construction of the fence should be appropriate to any additional safety concerns" (p.72).

c. Strategic

   Community Plan

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

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

d. Policy

   The City's Planning Policy 3.3.5 - Child Care Centres (the Policy) sets out the objectives and policy provisions for the Council to consider in the assessment and determination of application for planning approval for the establishment of Child Care Premises. There are no provisions of the Policy relevant to the reconsideration request.

e. Financial

   Nil

f. Legal and Statutory

   Town Planning Scheme No.2 (TPS2)

   The Community Purposes Zone provisions of TPS2 apply to the land. In considering applications for planning approval in the Community Purposes Zone, the Council must ensure that site planning, scale, built form, elevations and landscaping of the development positively contribute to the streetscape appearance and amenity of the locality.

   Clause 6.6 of TPS2 requires the Council to have due regard to a number of matters when considering an application for planning approval. Those relevant to this application are provided below with comments provided in relation to the proposal.
"(o) the preservation of the amenity of the locality

(p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;"

The subject site is a prominent site within the locality and zoned for Community Purposes. Given this, it is important for development on this site to address and contribute to activation of the street frontages.

Whilst the building orientation of the Child Care Centre does not provide for activation of all three streets, the partially permeable fencing, as required by Condition No.8 would assist with achieving the activation of all streets and articulation of the fence.

Further comments are provided below in relation to the proposed fencing.

Comments

Safety
The Proponent asserts that the fencing required by Condition No.8 would be unsafe for the children attending the centre. The partially open fencing would enable "the public to see, film, take photos, throw rubbish and other harmful objects through the fence, have contact with children with court orders etc, and pass foodstuffs through the fence that may be harmful to children with allergies."

The new Education and Care Services National Law (WA) Act 2012 and its associated Regulations and Guidelines do not include any provisions requiring solid fencing. In fact, as outlined above in the response from the Department of Communities, fencing should be designed to allow children to view the outside world.

It is considered that the fencing, as required by Condition No.8, would provide for some privacy by a solid wall to 1.2m and facilitate views to the outside world by being 50% visually permeable above 1.2m.

The alternate partially permeable fencing panels proposed would essentially result in the same safety issues as previously raised by the proponent, with regard to the fencing required by the Condition No.8. In this regard it would appear unnecessary to include the solid panels if the other panels are partially permeable.

Crime Prevention
Surveillance is one of the five Crime Prevention through Environmental Design principles (CPTED) recognised by practitioners and educationalists nationwide.

At a Planning Approval level, surveillance principles include the following:

- Ensure clear sightlines to public realm spaces from adjacent buildings;
- Front boundary fencing should be visually permeable.

In this regard, it is considered important to retain some permeability in the road frontage fencing of the site. Condition No.8 provides for the appropriate level of visual permeability to achieve the required surveillance.

The recently proposed alternate fencing panels would provide for improved visual permeability compared to a completely solid fencing, however, it is still not considered to facilitate the required level of natural surveillance in this location. In this regard, it is not supported.

Streetscape
Given the prominence of the site on Smirk Road, being a Neighbourhood Collector Road, being located opposite a Commercial Zone (on Regency Avenue), and fronting residential development on Borough Road, it is considered important that the development addresses and activates all street frontages.

A 1.8m high solid wall on the Smirk Road and Regency Avenue frontages of the site would not be appropriate as it would not activate these street frontages. It is noted that the two dwellings on the western side of Smirk Road are oriented to have their side boundaries fronting Smirk Road and thus have solid fences fronting Smirk Road (which is permitted in accordance with the Residential Design Codes). Mirroring of the solid fencing on the subject site is not considered to be appropriate.
The existing fencing is not considered to set a precedent. As outlined above, the subject site is a prominent community site and should address and activate all street frontages.

The alternate panels, most recently proposed by the Proponent, is not considered to provide for an improved streetscape outcome as it would effectively result in a solid fence when viewed from the street. There would be minimal permeability in the fence and in this regard is not supported.

7. Subject Site looking South along Smirk Road
8. Subject Site and adjacent properties looking South along Smirk Road

**Reduction in Landscape Area and Condition No.7**

There is no objection to the reduction in size of the outdoor play area of the approved Child Care Centre. As the fencing required by Condition No.7 was related to the proximity of the outdoor play area to the adjacent residences, there is no objection to the removal of this condition. It must be noted that should the outdoor play area be extended in the future, Condition No.7 would need to be reinstated to protect the amenity of the adjoining/adjacent residences.

**Conclusion**

On balance of the issues, it is considered that the alternate panels of 1.8m high solid Colorbond and 1.2m high with 0.6m atop slatted Colorbond as proposed, does not achieve the surveillance or streetscape outcomes required for the site and its location. Condition No.8 provides for an appropriate balance of safety and streetscape outcomes.

The reduction of the outdoor play area and deletion of Condition No.7 can be supported.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **REFUSE** the application for reconsideration of Condition No.8, as the proposed alternate panel fencing does not comply with the Community Purpose Zone provisions of Town Planning Scheme No.2 relating to site planning, built form and elevations which are required to positively contribute to the streetscape appearance and amenity of the locality.

2. **APPROVE** the application for reduction in size of the outdoor play area and deletion of Condition No.7, subject to the southern boundary of the outdoor play area being fenced to the satisfaction of the City.
**Committee Recommendation**

That Council:

1. **REFUSE** the application for reconsideration of Condition No.8, as the proposed alternate panel fencing does not comply with the Community Purpose Zone provisions of Town Planning Scheme No.2 relating to site planning, built form and elevations which are required to positively contribute to the streetscape appearance and amenity of the locality.

2. **APPROVE** the application for reduction in size of the outdoor play area and deletion of Condition No.7, subject to the southern boundary of the outdoor play area being fenced to the satisfaction of the City.

   Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
**Planning Services**  
**Statutory Planning Services**

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<td>File No:</td>
<td>DD020.2012.00000287</td>
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<tr>
<td>Proponent/s:</td>
<td>The Planning Group Pty Ltd on behalf of Liquorland (Australia) Pty Ltd</td>
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<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
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<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>SP-067/12 (December 2012)</td>
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<td>10. Settlers Avenue 2                              11. Atwick Terrace                                12. Minden Lane 1</td>
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<td>13. Minden Lane 2                                  14. Internal view towards Atwick Terrace           15. Internal view towards Settlers Avenue</td>
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Purpose of Report

To re-consider the refusal of a Retrospective Planning Approval for vinyl advertising images (wine bottles) on the windows of the First Choice Liquor Store at Lot 150 (No.5) Settlers Avenue, Baldivis, within the Baldivis Town Centre, as invited by the State Administrative Tribunal (SAT).

Background

In May 2010, Planning Approval was granted for extensions to an existing Liquor Store incorporating the removal of the drive-thru, extensions to the building, provision of pedestrian entrances at the corner of Atwick Terrace/Settlers Avenue and facing the rear carpark, and various internal modifications. The Planning Approval was granted subject to the following condition:-

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HELD ON MONDAY 17 JUNE 2013

PRESIDING MEMBER
“16. The owner and occupiers of the street front tenancy are to ensure that the entries and window frontages to the tenancy from the public road are not covered, closed or screened off (including by means of shutters, curtains, blinds, rollerdoors or similar) to ensure that a commercial, interactive street frontage is available to the development from the street at all times.”

In June 2011, modifications to the Planning Approval were granted to delete three car parking bays and undertake minor internal changes. Condition 16 of the original Planning Approval continues to apply to the modified plans.

In November 2011, further modifications to the Planning Approval were granted to relocate the pedestrian entrance further south along Settlers Avenue, away from the corner of Atwick Terrace, and other minor internal and external changes. Condition 16 of the original Planning Approval continues to apply to the further modified plans.
4. Internal layout
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY 17 JUNE 2013

5. Settlers Avenue Elevation  6. Minden Lane Elevation  7. Atwick Terrace elevation
In January 2012, a Sign Licence was granted by the City under the Signs, Bill Posting Local Law which includes plans showing the vinyl images (wine bottles) on the windows to Atwick Terrace and Settler Avenue. No Planning Approval was issued for the Signage.

8. Sign Licence Plans

In March 2012, a compliance inspection of the completed extensions revealed that bottle images had been placed on 100% of windows facing the streets, in contravention of Condition 16 of the Planning Approval. The City subsequently contacted the owner of the property requesting an explanation in relation to the unauthorised window treatments that had been installed. The owner referred the City to First Choice Liquor, the occupier, which was responsible for the installation of the signage.

In August 2012, after repeated attempts to contact Liquorland (Australia) Pty Ltd (the tenant of the First Choice Liquor Store), the City wrote to Coles Supermarkets Australia Pty Ltd (the parent company) instructing the removal of the signage as it was a breach of Town Planning Scheme No.2. Coles’s Legal Counsel contacted the City and advised that The Planning Group would discuss the contravention of the Planning Approval with the City.

In November 2012, the City received an application seeking Retrospective Planning Approval to allow vinyl advertising images (wine bottles) on the windows of the First Choice Liquor Store at Lot 150 (No.5) Settlers Avenue, Baldivis, within the Baldivis Town Centre. In December 2012, Council considered the application and resolved to refuse it for the following reasons:-

“1. The proposal fails to comply with the 20th May 2010, 27th June 2011 and 9th June 2011 Planning Approvals for the Liquor Store in respect to Condition No.16 as follows:--

16. The owner and occupiers of the street front tenancy are to ensure that the entries and window frontages to the tenancy from the public road are not covered, closed or screened off (including by means of shutters, curtains, blinds, rollerdoors or similar) to ensure that a commercial, interactive street frontage is available to the development from the street at all times.”
2. The proposal does not allow for interaction at a pedestrian scale in accordance with Clause 7.1.3 (x) of the City’s Planning Policy 3.2.4 - Baldivis Town Centre which requires Street entries and window frontages to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times.

3. The proposal is inconsistent with the objectives of Planning Policy 3.3.1 - Control of Advertisement as the signs are inappropriate for the sites location as they are inconsistent with existing townscape character of the Baldivis Town Centre.”
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HELD ON MONDAY 17 JUNE 2013

11. Atwick Terrace

12. Minden Lane 1
13. Minden Lane 2

14. Internal view towards Atwick Terrace
The proponent lodged an application for review (appeal) to SAT following the Council’s refusal of the vinyl advertising images on the windows of the First Choice Liquor Store. In February, March and April 2013 SAT mediation between the proponent and City occurred.

The appellant has argued that the window images and building fit out only occurred following the City issuing a Sign Licence for the bottle images. It was on this basis that the premise was fitted out, which resulted in large shelving units. Behind the window images, a boarding material protects liquor products on shelves from sunlight and in some locations items are backlit.

Following mediation in April SAT issued orders seeking the Council to reconsider its decision pursuant to Section 31(1) of the State Administrative Act 2004.

On 24 April 2013 a revised proposal was received in accordance with discussions held at mediation on the 22 April 2013.

Revised Proposal

The proposed scope of work includes:

1. Removal of the bottle images from the full height windows either side of the entrance sliding doors to Settlers Avenue.
2. Relocate existing open case fridge to new location backing Settlers Avenue.
3. Reduce height of existing racking on corner of Settlers Ave and Atwick Terrace to 1200mm including 3x shelves obscured by glass and top shelf and above activated to street.
4. Reduce height of existing racking on Atwick Terrace to 1200mm including 3x shelves obscured by glass and top shelf and above activated to street except where premium wine unit which will remain as existing.
Because the building fitout was based upon the Signage permit issued by the City, this increased the complexity and difficulty of the mediation. Simply removing the images from the windows and backing boards to reveal liquor products displayed on shelves was not supported by the appealant for the above reasons involving the store rooms, coolrooms, open case fridge and premium wine shelving unit and the need to protect products from sunlight.
Top - Settlers Avenue Elevation (Modified) following SAT Mediation
Below - Settlers Avenue Elevation (Refused)
CONFIRMED AT A PLANNING SERVICES MEETING
HELD ON MONDAY 17 JUNE 2013

Top - Atwick Terrace Elevation (Modified) following SAT Mediation
Below - Atwick Terrace Elevation (Refused)

Premium Wine Shelving Unit behind window image

Minden Lane Elevation (No Change)
Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-
   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle

d. Policy
   **Planning Policy 3.2.4 – Baldivis Town Centre**
   The advertising window treatments are also considered in accordance with the requirements of Planning Policy 3.2.4 – Baldivis Town Centre (BTC Policy). The Policy is structured such that it contains a set of General Requirements, which pertain to the entire Baldivis Town Centre, and Precinct Requirements, that relate more specifically to the dedicated precincts within the Town Centre.
   The subject property is located in the Core Precinct of the Baldivis Town Centre and is subject to specific policy requirements of the Core Precinct, the general objectives of the Policy and the Urban Design provisions.
   The relevant provisions pertaining to this development for these sections of the BTC Policy are outlined as follows:-
   **Core Precinct**
   The Core Precinct comprises the major shopping and community facilities for the town centre and focus on the creation of an urban scaled, mixed use 'main street' that achieves a lively character with an emphasis on land uses which will generate interest and pedestrian activity.
   The proposal to modify the vinyl images coverage windows to both Atwick Terrace and Settlers Avenue now provides visual interaction between the business and pedestrian at street level, acknowledging the difference in floor levels to Atwick Terrace. The modified proposal facilities substantial removal of the window coverings in accordance with Clause 7.1.3 (x) of the BTC Policy which:
   "requires street entries and window frontages are to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times."
   Total transparency of all the liquor store windows cannot be achieved due to:-
   (a) The location of the dry store room and cool room within the southern portion of the Settlers Avenue frontage, which currently have the two parking at rear signs), given the storage function of these rooms;
   (b) The existing open case fridge (approx. 5m in length) that is required to have access to power, water and drainage; and
   (c) The Premium Wine Shelving Unit, which is an expensive custom built wooden shelf backing onto Atwick Terrace.
   **Policy Objectives**
   The modified proposal which includes the reduction in the number and coverage of the vinyl bottle images on the windows, generally complies with the key objectives of the BTC Policy for developments to have a high quality public domain due to the interaction at a street level.
Urban Design

The Urban Design principles contained with the BTC Policy encourage development that is appropriate for a 'main street' town centre environment that enhances public spaces, is robust, visually rich and reflects the objectives of the Baldivis Town Centre. The overall reduction provision of the images will improve further activation at the pedestrian scale to both streets.

Performance Standards/Requirements

The following performance standards are directly applicable to the proposal which have been derived from the BTC Policy:

"(iii) Buildings shall be designed to achieve an appropriate use profile with an active, ground floor street frontage incorporating convenience or recreation-related retail, entertainment, cafes, restaurants and similar uses. Etc."

Comment

The revised proposal is compliant with this requirement.

"(v) Street elevations are to be articulated to include defined streetfront entries which are clearly definable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominately glazed and transparent commercial frontage at ground level) are also encouraged."

Comment

The revised proposal has a clearly defined streetfront entry from Settler Avenue, by the removal of bottle images from the two large size windows on both sides of the entry. This accentuates the streetfront entry, when viewed from Settlers Avenue.

"(viii) Blank walls fronting public spaces will not be permitted"

Comment

The revised proposal is generally compliant with this requirement, with the exception of the window images on the dry store room and cool room. Given the function of these spaces it is not practical to require the images to be removed, and would require a substantial change to the internal fit out of the premises to relocate these facilities to a more suitable location.

"(x) Street entries and window frontage are to remain transparent to ensure that a commercial interactive frontage is available to the development from the street at all times."

Comment

The revised proposal is partially compliant with this requirement, with the exception of the bottle images behind the open case fridge, Premium Wine Shelving Unit and the Dry Storeroom and Cool room. This is balanced against seven windows either having all images removed (Settler Ave) or partially removed (Atwick Terrace frontage).

Planning Policy 3.3.1 - Control of Advertisements

Planning Policy 3.3.1 - Control of Advertisements (Signage Policy) provides guidance and specific requirements and objectives for each type of advertisement displayed within the district.

From the information provided as part of the application, the proposed signage falls within the category of Signs on Buildings (Wall Panels) within the Signage Policy. The Signage Policy requires such signs to be in accordance with a Sign Strategy that complies with the objectives of the Policy.

The Signage Policy specifies that for Signs under Verandahs or Awnings in the 'Baldivis Town Centre', a minimum of 50% of the façade is to be of clear or transparent glazing, unless a higher percentage is required by the relevant centre policy. While the modified proposal does not achieve 50% transparency, 16.7% for Settlers Avenue and 20.7% Atwick Terrace, it is considered acceptable given the resultant interaction at street level.
e. Financial

Nil

f. Legal and Statutory

The Council has the ability to reconsider its decision pursuant to Section 31(1) of the State Administrative Act 2004.

Compliance action regarding the unauthorised signage is pending the outcome of the review of the application, due to the existing Liquor Store the subject of this report being considered in contravention of the May 2010, June 2011 and November 2011 Planning Approvals, pursuant to TPS.2.

Comments

The revised proposal is generally compliant with the BTC Policy in respect of the size and location of the vinyl images.

It is not considered appropriate to require all of the vinyl bottle images to be removed from the window frontages. City Officers have been involved in extensive discussions with the appealant on-site, where the logistical and practical issues involved in reconfiguring stock was discussed within the framework of the existing building fitout.

The modified proposal includes a higher level of commercial interaction to both Settlers Avenue and Atwick Terrace, through the removal of a substantial portion of the images from shop front windows.

Following further consideration shelving units could also be retained behind windows to display liquor products and packaged liquor products for retail sale and display purposes, provided that an interactive window frontage is maintained at all times.

It is recommended that the proposed Window Advertising Treatments be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application seeking retrospective Planning Approval for Window Advertising Treatments on Lot 150 (No.5) Settlers Avenue, Baldivis, subject to the following conditions:

1. The images and signage are restricted to the size, image type and locations shown on the approved plans (Drawing 724708 Rev D) and are not to be altered or replaced unless with the prior approval of the City.

2. The images and signage to be modified in accordance with the approved plans (Drawing 724708 Rev D) within 90 days of this approval.

3. With the exception of the images and signage approved, the owner and occupiers of the premises are to ensure that the entries and window frontage to the premises from Settlers Avenue and Atwick Terrace, are not covered, closed or screened off (including by means of shutters, curtains, blinds, rollerdoors or similar), to ensure that a commercial, interactive street frontage is available to the development from the street at all times.

4. Liquor bottle and packaged liquor products are not permitted to be displayed for retail sales on shelving units located behind any windows within the premises, unless they either replace the images the subject of this Planning Approval or occur above the approved images.

5. All doors facing the Settlers Avenue and Atwick Terrace frontages of the building shall be kept open and not locked during all hours when the subject premise is trading.

Committee Recommendation

That Council APPROVE the application seeking retrospective Planning Approval for Window Advertising Treatments on Lot 150 (No.5) Settlers Avenue, Baldivis, subject to the following conditions:
1. The images and signage are restricted to the size, image type and locations shown on the approved plans (Drawing 724708 Rev D) and are not to be altered or replaced unless with the prior approval of the City.

2. The images and signage to be modified in accordance with the approved plans (Drawing 724708 Rev D) within 90 days of this approval.

3. With the exception of the images and signage approved, the owner and occupiers of the premises are to ensure that the entries and window frontage to the premises from Settlers Avenue and Atwick Terrace, are not covered, closed or screened off (including by means of shutters, curtains, blinds, rollerdoors or similar), to ensure that a commercial, interactive street frontage is available to the development from the street at all times.

4. Liquor bottle and packaged liquor products are not permitted to be displayed for retail sales on shelving units located behind any windows within the premises, unless they either replace the images the subject of this Planning Approval or occur above the approved images.

5. All doors facing the Settlers Avenue and Atwick Terrace frontages of the building shall be kept open and not locked during all hours when the subject premise is trading.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
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<tbody>
<tr>
<td></td>
<td>Nil</td>
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<td>Addendum Agenda</td>
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<td>Motions of which Previous Notice has been given</td>
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<td>Notices of Motion for Consideration at the Following Meeting</td>
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<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
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<td>Matters Behind Closed Doors</td>
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<td>Date and Time of Next Meeting</td>
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<td>The next Planning Services Committee Meeting will be held on <strong>Monday 17 June 2013</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td>Closure</td>
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<td>There being no further business, the Chairperson thanked those persons present for attending the Planning Services Committee meeting, and declared the meeting closed at 4.58pm.</td>
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