# City of Rockingham
## Planning and Engineering Services Committee
### Meeting Minutes
#### Monday 8 December 2014

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      - PDS-101/14 Final Approval Scheme Amendment No.148 - Special Commercial and Additional Use (Pharmacy)  
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City of Rockingham  
Planning and Engineering Services Committee  
Meeting Minutes  
Monday 8 December 2014 - Council Boardroom

1. **Declaration of Opening**

   The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4.02pm**, welcomed all present, and recited the Acknowledgement of Country.

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

   **2.1 Councillors**
   
   Cr Richard Smith (Deputy Mayor)  
   Cr Justin Smith  
   Cr Ron Pease JP  
   Cr Deb Hamblin  
   Cr Allan Hill OAM JP  
   Cr Leigh Liley  
   Chairperson  
   (Deputy for Cr Chris Elliott)  
   (Observer)

   **2.2 Executive**
   
   Mr Andrew Hammond  
   Mr Bob Jeans  
   Mr John Woodhouse  
   Mr Chris Thompson  
   Mr Peter Ricci  
   Mr Brett Ashby  
   Mr Jim McKay  
   Mr Mike Ross  
   Mr Rod Fielding  
   Mr Ian Daniels  
   Mr Gary Rogers  
   Mr Allan Moles  
   Mr James Henson  
   Mr Stuart McCarthy  
   Ms Melinda Wellburn  
   Chief Executive Officer  
   Director Planning and Development Services  
   Director Legal Services and General Counsel  
   Director Engineering and Parks Services  
   Project Manager Keralup  
   Manager Strategic Planning and Environment  
   A/Manager Building Services (until 4.35pm)  
   Manager Statutory Planning  
   Manager Health Services (until 4.35pm)  
   Manager Engineering Services  
   Manager Procurement and Projects (until 4.43pm)  
   Manager Integrated Waste Services  
   Manager Parks Development (until 4.43pm)  
   Manager Engineering Operations  
   PA to Director Planning and Development Services

   **2.3 Members of the Gallery:**  
   11

   **2.4 Apologies:**  
   Cr Chris Elliott

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

   Nil

4. **Public Question Time**

   4.03pm The Chairperson invited members of the Public Gallery to ask questions.

   4.1 **Mrs Dana Dicey, Oakford - PDS-104/14 - Proposed Child Care Premises**

   The Chairperson welcomed Mrs Dicey and invited her to present questions to the Committee. Mrs Dicey gave a presentation of the proposed Child Care Centre on Lot 603 Mandurah Road and explained the benefits of the proposed rural location and the advantages to children that such a location would afford and the additional information presented to Council. Mrs Dicey also asked if the Council would review its Child Care Centre Policy based on the National Regulations that apply to Child Care Centres. Mrs Dicey also explained the proposed signage will be modified to comply with City requirement and trees would be retained where possible and asked for the support of the proposed Child Care Centre.

   Mr Jeans responded to Mrs Dicey’s question through the Chairperson by advising that the National Regulations for Child Care Centres are not relevant to the Council’s consideration of the planning application for the proposal. The Council only considers relevant town planning matters in its administration of the City’s Town Planning Scheme No.2 and Planning Policy requirements for Child Care Centres.

   4.2 **Mrs Bethel Lalich, 1667 Mandurah Road, Baldivis - PDS-104/14 - Proposed Child Care Premises**

   The Chairperson welcomed Mrs Lalich and invited her to present questions to the Committee. Mrs Lalich explained her objection to the proposed Child Care Centre on Lot 603 Mandurah Road on the basis of the traffic using Mandurah Road being dangerous, fire risk and risk associated with snakes. Mrs Lalich asked the Committee to refuse the application.

   The Chairperson thanked Mrs Lalich and advised the matter will be considered by the Committee through its discussion on the Agenda item.

   4.3 **Mr Ross Underwood, Planning Solutions Pty Ltd on behalf of Vince Nominees - PDS-101/14 - Final Approval Scheme Amendment No.148 - Special Commercial and Additional Use (Pharmacy)**

   The Chairperson welcomed Mr Underwood and invited him to present questions to the Committee. Mr Underwood acknowledged the Officer Recommendation in support of Scheme Amendment No.148 and asked for the Committee to delete Special Condition No.4, as it would not allow the Council to exercise discretion to vary standard requirements that apply in Town Planning Scheme No.2, such as landscaping and other site controls.

   The Chairperson thanked Mr Underwood for his question and advised that the matter will be considered in the Committee’s deliberations on Scheme Amendment No.148.

   4.4 **Mr Bob Edmondstone, 20 Paperbark Mews, Warnbro - PDS-101/14 - Final Approval Scheme Amendment No.148 - Special Commercial and Additional Use (Pharmacy)**

   The Chairperson welcomed Mr Edmondstone and asked him to present questions to the Committee. Mr Edmondstone advised that he had sent a letter against the proposal to the City.
He explained that the land should be residential and was concerned about the pathway along the edge of the proposed building and noise from air conditioners.

Mr Jeans responded to Mr Edmondstone's question through the Chairperson by advising that if the Council grants approval to the Scheme Amendment and it is granted Final Approval by the Minister for Planning, the applicant would need to apply to the City for Planning Approval for the development. It is at this time that the City would ensure that matters that could impact on the amenity of neighbours would be addressed, such as noise and other impacts. The Scheme Amendment process does not respond to possible operational impacts on neighbours caused by the resulting development.

4.5 Mrs Andrea Wheeler, 15 Paperbark Mews, Warnbro - PDS-101/14 - Final Approval Scheme Amendment No.148 - Special Commercial and Additional Use (Pharmacy)

The Chairperson welcomed Mrs Wheeler and invited her to present questions to the Committee. Mrs Wheeler explained that she lived next door to the land affected by Scheme Amendment No.148 and that she opposed the proposal due to the proposed laneway and that she bought her property on the basis of the land being residential next door. Mrs Wheeler also explained her objection to the possibility of other commercial types of land uses that could be permitted by the Special Commercial zoning, that were different to the Medical Centre and Pharmacy proposal presented to Council.

Mr Jeans responded to Mrs Wheeler's question through the Chairperson by advising that if Scheme Amendment No.148 is approved by the Council and granted Final Approval by the Minister regardless of land use, the City can still manage the concerns raised about noise, traffic and other matters so as to maintain the residential amenity of the neighbouring properties.

4.6 Mrs Robyn Edmondstone, 20 Paperbark Mews, Warnbro - PDS-101/14 - Final Approval Scheme Amendment No.148 - Special Commercial and Additional Use (Pharmacy)

The Chairperson welcomed Mrs Edmondstone and invited her to present questions to the Committee. Mrs Edmondstone asked if there was the opportunity to appeal if the Council grants approval to Scheme Amendment No.148.

The Chairperson explained that following the Committee’s Recommendation being made to the Council, there is a further opportunity for the Council to consider public views on Scheme Amendment No.148 during Public Question Time at the ordinary Meeting of Council to be held on 16 December 2014.

4.7 Mr Mark Wheeler, 15 Paperbark Mews, Warnbro - PDS-101/14 - Final Approval Scheme Amendment No.148 - Special Commercial and Additional Use (Pharmacy)

The Chairperson welcomed Mr Wheeler and invited him to present questions to the Committee. Mr Wheeler expressed his concern that he was advised by the City that other land uses apart from a Medical Centre could be considered if the land the subject of Scheme Amendment No.148 was rezoned to Special Commercial. Mr Wheeler explained that a telecommunications facility for example could be approved by the City instead of a medical centre.

The Chairperson thanked Mr Wheeler for his question and advised that the matter is listed for consideration by the Committee when the matter would be discussed.

4.29pm There being no further questions the Chairperson closed Public Question Time.
5. Confirmation of Minutes of the Previous Meeting

Moved Cr Hill, seconded Cr Pease:

That Committee CONFIRM the Minutes of the Planning and Engineering Services Committee Meeting held on 17 November 2014, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4.29pm 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

4.30pm Cr R Smith declared the following Declaration of Interest:

8.1 Item PDS-104/14 Proposed Child Care Premises

Councillor/Officer: Cr R Smith
Type of Interest: Impartiality
Nature of Interest: He has a long association with the Proponents
Extent of Interest (if applicable): Not Applicable

9. Petitions/Deputations/Presentations/Submissions

Nil

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – December 2014

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 Mosquito Control Program
   3.7 Ocean Water and Storm Water Sampling
4. Information Items
| 4.1 | Mosquito-Borne Disease Notifications |
| 4.2 | Food Recalls |
| 4.3 | Food Premises Inspections |
| 4.4 | Public Building Inspections |
| 4.5 | Outdoor Public Event Approvals |
| 4.6 | After Hours Noise and Smoke Nuisance Complaint Service |
| 4.7 | Complaint - Information |
| 4.8 | Noise Complaints - Detailed Information |
| 4.9 | Building Plan Assessments |
| 4.10 | Septic Tank Applications |
| 4.11 | Demolitions |
| 4.12 | Swimming Pool and Drinking Water Samples |
| 4.13 | Rabbit Processing |
| 4.14 | Hairdressing and Skin Penetration Premises |
| 4.15 | New Family Day Care Approvals |
| 4.16 | Walk Over October |
| 4.17 | Emergency Services |
| 4.18 | Hydrant Maintenance |
| 4.19 | Restricted Burning Period – Permits Issued |
| 4.20 | Bushfire Hazard Reduction Burns |
| 4.21 | Volunteer Bush Fire Brigade/Emergency Services Training |
| 4.22 | Volunteer Employer Recognition Awards |
| 4.23 | Volunteer Bush Fire Brigade & SES – Maintenance of Vehicles & Equipment |
| 4.24 | Social Media |
| 4.25 | Community Engagement |
| 4.26 | Meetings and Site Inspections |
| 4.27 | Bush Fire Management Plans |
| 4.28 | CRM |
| 4.29 | Compliance |
| 4.30 | Ranger Services |
| 4.31 | Prosecutions |

**Building Services**

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

Moved Cr Hamblin, seconded Cr J Smith:

That Councillors acknowledge having read the Planning Services Information Bulletin – December 2014 and the content be accepted.

Committee Voting – 5/0

4.35pm - Mr Jim McKay, A/Manager Building Services and Mr Rod Fielding, Manager Health Services departed the Planning and Engineering Services Committee meeting.
## Engineering and Parks Services Information Bulletin – December 2014

### Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Authority for Approval of Directional Signage
   4.2 Delegated Authority for Thoroughfare Closures
   4.3 Engineering Services Design Projects 2014/2015
   4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions
   4.5 Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions
   4.6 Delegated Authority to approve the release of Bonds for private subdivisional works
   4.7 Handover of Subdivisional Roads
   4.8 Delegated Authority for the payment of Crossover Subsidies
   4.9 Incoming Correspondence from Public Transport Authority

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

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

**Parks Operations**

1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Replace Footpath, Lookout Pad and Fencing to Lookout at Singleton Beach Foreshore
   3.3 Limestone Access Footpath Upgrades – Warnbro Foreshore - Cote D'Azur Gardens, Dieppe Lane and Bayeux Avenue.
   3.4 Replace Foreshore Conservation Fencing - Rockingham
   3.5 Replace Foreshore Conservation Fencing - Shoalwater
   3.6 Replace Foreshore Conservation Fencing - Safety Bay
   3.7 Install and Upgrade Conservation Fencing - Alf Powell Reserve (Greening Plan)
   3.8 Secret Harbour Boulevard to Secret Harbour Foreshore – Limestone Emergency Vehicle Access Road
   3.9 Kennedy Bay – Firebreak / Limestone Emergency Vehicle Access Road (Ocean Point Close – Long Beach Rise)
   3.10 Singleton Foreshore Disability Access Footpath
   3.11 Alf Powell Reserve – Install Formal Limestone Access Paths (Greening Plan)
   3.12 Baldivis Nature Reserve – Install Formal Limestone Access Paths (Greening Plan)
   3.13 Play Equipment Replacements
   3.14 Practice Cricket Net Upgrades – Shoalwater and Achiever Ovals
   3.15 Warnbro Foreshore – Lower Turf to Foreshore Footpath along Warnbro Beach Road
4. Information Items
   4.1 Parks Maintenance Program 2014/2015

**Asset Management**

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

**Building Maintenance**

1. Building Maintenance Team Overview
2. Human Resource Update

3. Project Status Reports
   3.1 Waikiki Foreshore - Replacement LED Lighting
   3.2 Anniversary Park - Upgrade of Poles, Luminaires and Switch Gear
   3.3 Autumn Centre/Warnbro Library - HVAC replacements
   3.4 Sepia Court Childcare - Replace Asbestos Fence
   3.5 City of Rockingham Depot – Air Conditioning Installation
   3.6 Aqua Jetty – Replacement of Perimeter Fencing

4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal
   4.3 Lighting Inspections

Procurement and Capital Projects
1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
   3.4 Lighting Consultants

4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
   4.4 Shoalwater North Underground Power Project
   4.5 2014/2015 Public Area Lighting and Arterial Lighting
   4.6 Lark Hill Wind Turbine
   4.7 Bent Street Boat Launching Facility – Navigation Channel
   4.8 Secret Harbour Surf Life Saving Club – Clubroom Development
   4.9 Val Street Jetty Design
   4.10 Settlers Hill Toilet Installation (Grice Reserve)
   4.11 Mike Barnett Sporting Complex Roof Replacement
   4.12 Administration Building Upgrade of BMS
   4.13 City Centre Infrastructure Works Car Park Design and Construction
   4.14 Lark Hill Sub Metering
   4.15 Administration Building Solar System
   4.16 Aqua Jetty Roof Replacement
   4.17 Aqua Jetty Condensation Issue
   4.18 Baldivis Reserve Toilet Replacement
   4.19 Lions Park Upgrade
   4.20 Coastal Adaptation and Protection Grant
   4.21 Rockingham Day Care Fire Panel Replacement
   4.22 Lotteries House Replacement of Elevator
   4.23 Administration Building Replacement of Elevator
   4.24 Aqua Jetty Swimming Club Office
   4.25 Eighty Road Reserve Club Facility
   4.26 Laurie Stanford Reserve Development
   4.27 Rhonda Scarrott Reserve Development
   4.28 Recreational Boating Facilities Scheme Round 19 Grants
Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Kerbside collection
   4.2 Bulk verge collection
   4.3 Waste Diversion Percentage

Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility’s Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill access road off Kulija Road
   3.2 Cell construction – Cell 16
   3.3 New leachate dams
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics
   4.3 Education and Promotion

Advisory Committee Minutes

Committee Recommendation

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

Committee Voting – 5/0

4.43pm - Mr Gary Rogers, Manager Procurement and Projects and Mr James Henson, Manager Parks Development departed the Planning and Engineering Services Committee meeting.
12. **Agenda Items**

**Planning and Development Services**

<table>
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<th>Reference No &amp; Subject:</th>
<th>PDS-097/14</th>
<th>Peron Naturaliste Partnership Incorporation</th>
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<tr>
<td>File No:</td>
<td>EVM/144-02</td>
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<tr>
<td>Risk Register No:</td>
<td>137 and 138</td>
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<tr>
<td>Applicant:</td>
<td>Mr Chandran Kizhakke Veetil, Senior Strategic Planning Officer</td>
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<td>Owner:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
<td></td>
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<td>Other Contributors:</td>
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<td>Date of Committee Meeting:</td>
<td>8 December 2014</td>
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<td>Disclosure of Interest:</td>
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<td>Executive</td>
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<td>Nature of Council's Role in this Matter:</td>
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**Site:**

**Lot Area:**

**LA Zoning:**

**MRS Zoning:**

**Attachments:**

**Maps/Diagrams:**

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<th>Purpose of Report</th>
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<td>To consider a proposal for the Incorporation of the Peron Naturaliste Partnership (‘PNP’).</td>
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**Background**

The PNP is a regional partnership of coastal and estuarine local governments in the south west region of Western Australia, including Bunbury, Busselton, Capel, Dardanup, Harvey, Mandurah, Murray, Rockingham and Waroona.
The PNP formally commenced in March 2011 when the parties entered into a signed Memorandum of Understanding (MoU), which was re-signed in February 2013. The MoU provides for the local governments to work collaboratively to build a resilient regional community to progress climate change and coastal vulnerability projects.

Followed by the Council endorsement to participate in the PNP, the City officers presented a Position Paper namely “Climate Change Response” (SPE-011/11) to the Council on 18 April 2011 and provided it with information regarding the then approach to climate change response and the formation of the Climate Change Focus Group.

In order to share knowledge and provide input on current coastal zone, including estuarine areas management practices across the Peron Naturaliste Region, a Coastal Management Working Group has been established under the PNP. The PNP has also developed a Business Plan 2013-2015 which outlines the vision, objectives, and scope of activities, and a Communication Strategy 2013-2015 which ensures a coordinated approach while sharing information and engaging with the community and stakeholders.

The group has acted as an extremely effective and legitimate vehicle for undertaking adaptation projects delivered via Commonwealth Government funding programs, which included completing the Coastal Adaptation Decision-making Pathways Project 2011-2012 (CAPS), and the Pilot Community Awareness to Coastal Adaptation City of Busselton Project 2012-2013.

Other achievements of the PNP include:

- Identified as leading partnership by governments and research institutions and advice sought in the development of:
  - National Climate Change Adaptation Research Facility (NCARRF) Policy Guidance Brief – Challenges of adaptation for local governments
  - NCARRF Leading Adaptation Practices and Support Strategies (LAPS2) – Coastal Settlements and Infrastructure (Australian National University).
- Influenced State Government policy including SPP 2.6 and WA Climate Change Strategy.
- Featured in best-practice case studies including NCARRF Adaptation Good Practice Fact Sheet and Video on Developing Flexible Adaptation Pathways for the PNP Region of Western Australia.
- Established PNP Regional Coastal Management Working Group.
- Designed and managed Communication Tools including PNP Region Brochure, Website and Members Page http://peronnaturaliste.org.au/.
- Hosted Coastal Climate Change Adaptation Community Information Sessions in Bunbury, Waroona, and Mandurah.
- Attracted funding totalling $544,000, including Coastal Management Plan Assistance Program funding to undertake a Coastal Hazard Risk Management and Adaptation Case Studying the Shire of Harvey in 2014/15.

In addition, the PNP has developed partnership and collaboration with:

- Australian Government - Department of Environment;
- State Government - Departments of Planning, Transport, Water, and Environment and Regulation;
- Academic and Research Institutions - University of New South Wales, University of Sydney, University of Canberra, Curtin University (Coastal Collaboration Cluster), Australian National University, Commonwealth Scientific and Industrial Research Organisation (CSIRO) and NCCARF;
- WA Local Government Organisation (WALGA) Climate Change Senior Officers Group;
Details

Since inception of the PNP there have been numerous discussions amongst the participating members with respect to formalising it as an incorporated body. This was most recently discussed at the Partners Group meeting on 11 April 2014 where there was general ‘in principle’ agreement amongst the participating local governments to pursue incorporation.

Regional partnerships of local governments and collaborations between all levels of government have been identified as the preferred and most effective approach to adapting to climate change, as local governments on their own may not be the most appropriate level of government to undertake adaptation actions where there are adaptation issues of regional significance. A regional approach reduces costs for councils and minimises inconsistency in regulations such as land use planning.

The PNP officers have researched and consulted with similar regional partnerships and identified successful models such as the Sydney Coastal Councils Group and South East Councils Climate Change Alliance in Victoria, which provide good models for the PNP to emulate in terms of structure, processes and subsequent outcomes. There are distinct advantages in forming ‘Incorporation’ as compared to the current MoU set up. Table 1 shows the advantages and disadvantages of Incorporation versus the current MoU and hosting arrangement.

Table 1  Incorporation vs. Memorandum of Understanding

<table>
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<tr>
<th>Advantages</th>
<th>Disadvantages</th>
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<tr>
<td>• PNP will own any information and material produced</td>
<td>• More formalities required</td>
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<td>• Better funding (external) prospects</td>
<td>• Perceived greater commitment from local governments</td>
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<td>• Can directly obtain goods &amp; services</td>
<td>• Perceived higher exposure to risk for some local governments</td>
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<td>• Increased autonomy and growth of partnership</td>
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<td>• Potential for increased community and political credibility and increased opportunity for advocacy role</td>
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<td>• Chairperson to be spokesperson – increased promotion of PNP &amp; opportunity to engage stakeholders more directly</td>
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<td>• Improved delivery of outcomes – can make decisions without each local government having to take back to Council for their consideration</td>
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<td>• Independent identity – development of organisation identity / brand</td>
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<td>• Greater commitment to sharing and outcomes</td>
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<td>• No identified direct additional costs</td>
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<td>• Easier to become totally independent (e.g. no host local government) when and if required and sustainable</td>
<td></td>
</tr>
</tbody>
</table>

The key points of Incorporation of the PNP are as follows:

• The PNP would be incorporated as an incorporated association under the Associations Incorporation Act.

• The members of the association would be the local governments.
The Committee of the association, referred to as a “Board of Governors” (Board) will be responsible for strategic direction, policy and management (Figure 1);

A member local government will be represented on the Board by one delegate appointed by that member local government. The delegate shall be the Mayor / President or delegated Councillor or Chief Executive Officer or delegated Officer as determined by the individual local government;

The Board shall include a Chairperson and Vice-Chairperson. The Chairperson shall be the spokesperson for the PNP;

Secretariat is comprised of host local government, PNP Coordinator and PNP Project Officer and is responsible for the secretarial, clerical, administrative affairs, hosting of employees and activities in Business Plan, technical input, implementation of actions and functions as directed by Board;

Host local government to be nominated at AGM for a two year term for the purpose of employing and accommodating staff and operational support;

At the end of the two year period, the host local government arrangement will be reviewed and nominations again sought for a host local government;

Funding for host local government for accommodation and other operational support (e.g. finances, banking, engaging employees etc.) will be provided in-kind. This is what currently occurs;

Host local government to establish trust fund or bank account in name of PNP for purposes as laid out in Constitution;

Financial contributions by each member local government shall be apportioned by an annual membership fee, covering funding of officers wages (1.0 FTE) and administration costs. A supplementary contribution for project funding may also be sought if and when required. The financial contributions and process does not change from the current arrangements;

Each local government commits to seek membership fees for two years, although it is acknowledged that local governments cannot confirm financial contributions beyond financial years;

Coastal Planning Committee is comprised of relevant officers from each local government responsible for planning matters related to the coast. Responsible for planning matters on the coast and implementation of actions and functions as directed by the Board and assists in determining strategic direction, policy making and management;

Coastal Management Committee is comprised of relevant coastal managers from each member. Responsible for day to day management of the coast, technical input, implementation of actions and functions as directed by the Board and assists in determining strategic direction, policy making and management;

Other Working Groups can be created as required as directed by the Board; and

In addition to a ‘Constitution’, there could be a MoU between the PNP and each local government.

The City of Mandura has indicated that it is prepared to remain as the host local government. In the event that a number of local governments did not support the move to Incorporation, the option exists for the current model to continue under the MoU.

The organisational structure below provides clear independence from the City of Mandurah and other PNP local governments enabling the establishment of an independent identity. The structure is and should be flexible to allow for changes to occur as required.

The draft Constitution of the PNP is attached to this report.
Table 2 provides Member local government contributions proposed for 2015/16 to 2016/17 for wages (including superannuation, leave loading and workers compensation) and administration costs. The indicative budget shown in the table is calculated using a formula of average rate revenue (from 2013 WALGA Directory) and coastline length and includes amounts for wages (1.0 FTE) and an administration budget of $25,000/year. This is the same calculation and process that has occurred in previous years.
Table 2  Proposed Member Local Government Contributions

<table>
<thead>
<tr>
<th>Local Government</th>
<th>2015/16</th>
<th>2016/17</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire of Harvey</td>
<td>$16,929.92</td>
<td>$17,333.48</td>
<td>$34,263.41</td>
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<tr>
<td>Shire of Capel</td>
<td>$10,474.68</td>
<td>$10,724.36</td>
<td>$21,199.04</td>
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<tr>
<td>City of Busselton</td>
<td>$21,529.35</td>
<td>$22,042.55</td>
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<tr>
<td>City of Bunbury</td>
<td>$14,431.02</td>
<td>$14,775.01</td>
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<tr>
<td>Shire of Waroona</td>
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<td>$6,031.44</td>
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<tr>
<td>Shire of Dardanup</td>
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<td>$2,801.17</td>
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<td><strong>City of Rockingham</strong></td>
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<td><strong>$27,057.52</strong></td>
<td><strong>$53,485.09</strong></td>
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<td>City of Mandurah</td>
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<td>$32,461.92</td>
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<td><strong>TOTAL</strong></td>
<td>$133,862.08</td>
<td>$137,052.95</td>
<td>$270,915.03</td>
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</table>

It is to be noted here that Incorporation does not present any additional costs to local governments. Any unspent funds remaining in the administration budget will be rolled over and can be used to support project funding. For example, unspent funds of $10,000 from the 2013/14 administration budget were put in a Department of Transport grant as matching funding for a Regional Monitoring Program.

As has occurred in the past with the CAPS Project and Coastal Hazard Risk Management and Adaptation Plan Case Study in the Shire of Harvey, larger projects will require seed funding with the contributions coming from local governments based on the same formula noted above.

Implications to Consider

a. **Consultation with the Community**
   The Incorporation of PNP is a legal procedure and does not warrant consultation with the community for its formation.

b. **Consultation with Government Agencies**
   The following local governments were consulted and are in agreement to constitute the PNP as an incorporated body:
   - Shire of Murray
   - Shire of Harvey
   - Shire of Capel
   - Shire of Dardanup
   - Shire of Waroona
   - City of Bunbury
   - City of Mandurah
   - City of Busselton
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:** Land-use and Development Control – 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**  
Policies that address climate change adaptation may be developed and will be subject to future Council endorsement.

e. **Financial**  
There are no changes to the economic implications of the PNP becoming incorporated as compared to the current MoU and hosting arrangements. There is potential to seek funding from State Government (Coastwest Grant) to assist regional coastal management groups to meet on a regular basis and to facilitate information dissemination regarding the group’s activities to local communities.

f. **Legal and Statutory**  
The Incorporation of PNP is a legal procedure under the Associations Incorporation Act 1987.

g. **Risk**  
**Risk Implications of Implementing Officer Recommendation**  
Nil  
**Risk Implications of Not Implementing Officer Recommendation**  
- **Medium:**  
  The unincorporated PNP would continue to work based on the MoU signed, which is informal and could expose some partner local governments to higher risk in the event of legal proceedings.
- **Medium:**  
  The City may be exposed to disputes over arrangements for the payment of costs incurred by the PNP.

### Comments

The PNP has achieved a great deal since its inception in 2011 and has been identified as a leading coastal alliance at a State and National scale. The Incorporation of the PNP will ensure that as an independent organisation, the PNP is well placed and established to deal with coastal climate change matters currently occurring and the expected escalation in climate change issues that will occur in the future.

Incorporation of the PNP will not affect the right of any individual Council acting in its own right on these matters, and has many advantages and minimal identified disadvantages. It will signify the importance of this matter and demonstrate to the community and stakeholders the commitment from the City to address coastal climate change issues. More importantly, regional approaches have been identified as the most effective and appropriate level to ensure that coastal communities are well placed and resilient to reduce risks and optimise opportunities presented by climate change and variability, particularly sea level rise.

### Voting Requirements

Simple Majority
Officer Recommendation

That Council **SUPPORT** the Incorporation of the Peron Naturaliste Partnership and its continuing membership.

Committee Recommendation

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

That Council **SUPPORT** the Incorporation of the Peron Naturaliste Partnership and its continuing membership.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

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

<table>
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<th>Reference No &amp; Subject:</th>
<th>PDS-098/14 Proposed Reconsideration of Building Envelope Variation</th>
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<td>DD024.2014.00000017</td>
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<td>Mr and Mrs Adams</td>
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<td>Owner:</td>
<td>Mr and Mrs Adams</td>
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<tr>
<td>Author:</td>
<td>Mr Nick Michael, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>8 December 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                   | Lot 201 (No.582) St Albans Road, Baldivis       |
| Lot Area:               | 2.2ha                                           |
| LA Zoning:              | Special Rural                                   |
| MRS Zoning:             | Rural                                           |
| Attachments:            |                                                 |
| Maps/Diagrams:         | 1. Location Plan                                |
|                        | 2. Aerial Photograph                            |
|                        | 4. Original Application - 21 July 2014 - Existing and Proposed Building Envelopes |
1. Location Plan

2. Aerial Photograph
Purpose of Report

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

Background

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

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

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

In October 2014, the application for a Building Envelope variation was considered by Council. The recommendation was to refuse the application for the following reasons:

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

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

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

The Council resolved defer consideration of the application to enable the applicant the opportunity to address the City’s concerns with respect to the location and size of the proposed Building Envelope.

Details

Original Application - 21 July 2014

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

Modified Application - 13 November 2014

The applicant now proposes to increase the size of the Building Envelope from 2,000m² to 2,132m² (an increase of 6.6%). The applicant has also modified the location of the Building Envelope to retain significant vegetation.

**Implications to Consider**

a. **Consultation with the Community**
   Advertising was not undertaken on the basis the proposed building envelope variation will not affect the surrounding neighbours.

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

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

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

   **Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1)**
   The purpose of the PP3.1.1 is to provide the Council with a planning framework for the assessment of applications to rezone, subdivide, manage and develop land within the rural areas of the City.
   
   The proposed Building Envelope complies with the requirements of PP3.3.1 as the proposed Building Envelope will not result in the loss of any significant vegetation.

   **Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)**
   The purpose of PP3.3.17 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications to vary the location and size of Building Envelopes. The revised proposal is also environmentally acceptable as it affects considerably less from the original proposal. The modified extension to the building envelope would result in the clearing of one small *Banksia*. This tree was deemed to be in poor health, and unlikely to survive over the long-term.

e. **Financial**
   Nil

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

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

   **Risk Implications of Not Implementing Officer Recommendation**
   Nil
Comments

The proposed Building Envelope has been modified further by reducing its size and reconfiguring it to retain significant vegetation located on the site. The proposed Building Envelope variation now complies with TPS2, PP3.3.17 and SPP2.1. and is recommended for approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application to vary the Building Envelope at Lot 201 (No.582) St Albans Road, Baldivis.

Committee Recommendation

Moved Cr Hill, seconded Cr Pease:

That Council APPROVE the application to vary the Building Envelope at Lot 201 (No.582) St Albans Road, Baldivis.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-099/14 Proposed Building Envelope Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD024.2014.0000031.001</td>
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<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Mr Justin Davies</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Lee and Mrs Luisa Stroud</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Nick Michael, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
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<td>8 December 2014</td>
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<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1008 Ayrton Court, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2002m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Special Residential</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
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<td>Attachments:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photograph</td>
</tr>
<tr>
<td></td>
<td>3. Existing and Proposed Building Envelope Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>
Subject Site

1. Location Plan

2. Aerial Photograph
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1008 Ayrton Court, Golden Bay.

Background

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

The approved Building Envelope is set back 2m from the southern boundary, 6.9m from the western boundary, 3m from the eastern boundary and 6m from the northern boundary.

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

Details

The applicant seeks approval to increase the approved Building Envelope from 733m² to 806.3m² (an increase of 10%). The modification of the Building Envelope is to allow for the construction for a future pool and landscaping.

The applicant has provided the following justification for the proposal:

- There will be no adverse impact on privacy or amenity of the subject or adjoining properties; and
- No vegetation will be removed.

3. Existing and Proposed Building Envelope Plan
Implications to Consider

a. Consultation with the Community

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

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

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

d. Policy

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

The proposed Building Envelope Variation complies with the objectives and policy provisions of PP3.3.17. The proposed increase is 10%. The configuration is regular in shape and the bush fire risk is not considered to increase as a result of the modification.
e. **Financial**
   Nil

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

g. **Risk**

   **Risk Implications of Implementing Officer Recommendation**
   Nil

   **Risk Implications of Not Implementing Officer Recommendation**
   Nil

**Comments**

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVE** the application to vary the Building Envelope at Lot 1008 Ayrton Court, Golden Bay.

**Committee Recommendation**

Moved Cr J Smith, seconded Cr Hill:

That Council **APPROVE** the application to vary the Building Envelope at Lot 1008 Ayrton Court, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
**Purpose of Report**

To consider nominating a Councillor to sit on the Point Peron Rehabilitation Committee (PPRC).

**Background**

The Cape Peron Battery Complex (also known as Point Peron 'K' Battery site) is the remains of an artillery battery which formed part of a chain of gun emplacements erected along the west coast of Australia. The place is an important component of Australia’s coastal defence system which was erected in response to external threats during the Second World War.
The Cape Peron Battery Complex is listed as Place No.19 on the City's Municipal Heritage Inventory (the Place Record Form is included as Attachment 1 to this report) and has a Management Category A, which is defined as follows:

“Category A – Worthy of the highest level of protection - recommended for entry into the State Register of Heritage Places.

Development would require consultation with the City of Rockingham. Maximum encouragement to the owner should be provided under the City of Rockingham Planning Scheme to conserve the significance of the place. A detailed Heritage Assessment and Impact Statement should be undertaken before approval is given for any major redevelopment. Incentives to promote heritage conservation should be also be considered.”

The Cape Peron Battery Complex is listed as Place No.03365 on the State Heritage Council of Western Australia’s assessment program for possible inclusion in the State Heritage list.

Details

The Hon Phil Edman MLC has raised concern that the Cape Peron Battery Complex is falling into disrepair, and is required to be restored to ensure the site will be preserved for future generations.

As such, the Hon Phil Edman MLC is proposing to establish the PPRC, which has the following objectives:

(i) Identify the significance and historical detail of the Point Peron ‘K’ Battery site, which was used as part of the coastal defence strategy during the Second World War;

(ii) Identify the portions of the site that require restoring and the surrounding infrastructure upgrades required to support the restoration;

(iii) Prepare and finalise a Masterplan for the restoration of the site;

(iv) Lobby relevant authorities for funding to enact the Masterplan; and

(v) Facilitate community engagement in the restoration and ongoing maintenance of the site.

A copy of the PPRC Masterplan brief is included as Attachment 2 to this report.

The Hon Phil Edman MLC has requested that a Local Government Member join the PPRC, in addition to a staff representative.

Frequency of Meetings and Meeting Venue

The PPRC is yet to provide details as to the frequency of meetings. The first meeting will be held on 3 February 2015 at 10:00am at the Office of the Hon Phil Edman MLC, following which a tour of the site will be conducted.

Membership

The PPRC is anticipating that the Committee will be formed of representatives from the following:

- Rockingham Returned Service League;
- Local Members;
- Cedar Woods Pty Ltd;
- Government Agencies;
- Naragebup Environmental Centre;
- The Royal Australian Artillery Historical Society; and
- HMAS Stirling.

The City will be providing an officer to attend the meetings, in addition to a Council representative.

Implications to Consider

a. Consultation with the Community

   Nil
b. Consultation with Government Agencies
   Nil

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

   d. Policy
   The proposed Point Peron Rehabilitation Committee is a non-statutory committee and is an unincorporated body that is not subject to Council’s governance and meeting policy.

e. Financial
   Not Applicable

f. Legal and Statutory
   Not Applicable


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

### Comments
Nil

### Voting Requirements
Simple Majority

**Officer Recommendation**

That Council **NOMINATE** Cr__________ as the City of Rockingham Elected Member on the Point Peron Rehabilitation Committee and Cr________ as Deputy Member.

**Committee Recommendation**

Moved Cr Pease, seconded Cr J Smith:

That Council **NOMINATE** Cr Hamblin as the City of Rockingham Elected Member on the Point Peron Rehabilitation Committee and Cr Hill as Deputy Member.

Committee Voting – 5/0

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

Not Applicable

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

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

<table>
<thead>
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<td>Vince Nominees Pty Ltd</td>
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<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<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>July 2014 (PDS-051/14)</td>
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<td>Lots 406, 407 and 411 Paperbark Mews, Warnbro</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo of Site</td>
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<td>3. Indicative Concept Plan</td>
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<tr>
<td></td>
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<td></td>
<td>5. Perspective Plan – Paperbark Mews</td>
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Purpose of Report

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

Background

Scheme Amendment No.148

In July 2014, Council adopted (initiated) for advertising Amendment No. 148 to TPS2, to rezone Lots 406, 407 and 411 Paperbark Mews, Warnbro from Residential R20 to Special Commercial and include the Additional Purpose of a Pharmacy subject to the following Special Conditions:
“1. "Additional Purpose": means use of the Premises for the preparation and dispensing of drugs and other medicinal products and where this occurs the retail sale of these drugs and medicinal products as well as health goods, personal hygiene products, eye care products and products of personal adornment.

"Land" means Lots 407, 408 and 411 Paperbark Mews, Warnbro

2. No part of any building shall be used for the Additional Purpose unless the land is being used for the purpose of a Medical Centre

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

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

Details

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

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

3. Indicative Concept Plan

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

- “Special Condition 4 acts to limit the future ability of the City to exercise its discretion;
- To ensure the pharmacy component of the medical centre remains viable in future market conditions, any future changes should be able to be considered on their respective merits as part of a development application;

- The alternative requires an amendment to the Scheme which can take from 12-18 months to complete, a timeframe which does not allow the pharmacy operator to respond to sudden future changes in pharmacy trends, potentially giving other pharmacy operators a competitive edge; and

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

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

**Implications to Consider**

a. **Consultation with the Community**

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

- A notice was published in the Public Notices section of the Sound Telegraph newspaper on the 17 September 2014;

- An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices;

- Notification letters were sent to Government Agencies (see next section);

- Notification letters were sent to 51 landowners and occupiers in the area; and

- Two signs were displayed on site for the duration of the advertising period.
4. Consultation Plan
At the close of the advertising period, three objections were received on the proposal (the applicant also made a submission requesting a modification to the Special Conditions. This is dealt with in the Policy section). One of the submissions was co-signed by 53 landowners from 42 differing properties (a number are located well outside the boundary of the Consultation Plan). The key points raised in objections, along with the City’s comments, are provided below:

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<thead>
<tr>
<th>Overshadowing</th>
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<tr>
<td><strong>Submission</strong></td>
</tr>
<tr>
<td>(i) Overshadowing of residential properties by buildings and trees</td>
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<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>TPS2 already provides protection of adjoining properties from overshadowing by ensuring development in the Special Commercial Zone is required to be setback appropriately where it adjoins Residential zoned land. Clause 4.7.4(a) of TPS2, states that “on Special Commercial zoned land, where a development is proposed to be located on a lot having a common boundary with a Residential zoned lot or residential use class, the setbacks shall not be less than those prescribed in the Residential Design Codes for the particular density code of the adjoining residential lot.” The ICP demonstrates that the development is to be single storey and therefore any impact will be similar to a single storey residential development.</td>
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<td>Overshadowing from trees is not considered to have a significant impact and is not different to that which can be expected on a residential lot.</td>
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<tr>
<th>Privacy</th>
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<tr>
<td><strong>Submission</strong></td>
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<tr>
<td>(i) Overlooking of adjoining residential properties</td>
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<tr>
<td><strong>City's Response:</strong></td>
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<tr>
<td>The ICP is for a single storey building and, given that fencing exists between the adjoining residential properties, there will not be any opportunities for overlooking.</td>
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<tr>
<th>Safety</th>
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<td><strong>Submission</strong></td>
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<td>(i) Road traffic safety Paperbark Mews</td>
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<td><strong>City's Response:</strong></td>
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<tr>
<td>There will not be any traffic impacts onto Paperbark Mews as the ICP shows vehicular access being obtained from Currie Street. The City will ensure this through the subsequent Planning Approval Process.</td>
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<tr>
<td>(ii) Road traffic safety Currie Street</td>
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<tr>
<td><strong>City's Response:</strong></td>
</tr>
<tr>
<td>The ICP proposes that vehicular access is taken from Lot 99 Currie Street, which is already, zoned Special Commercial. It is considered that traffic safety is acceptable given the proposed crossover(s) to Lot 99 are located outside the bend of Currie Street and therefore provide for acceptable traffic sight lines distances for vehicles entering and leaving the property.</td>
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<tr>
<td>(ii) Increase in crime due to the development</td>
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<tr>
<td><strong>City's Response:</strong></td>
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<tr>
<td>There is no evidence to suggest that the development will increase crime in the area. The City’s assessment of the future application for Planning Approval will take into consideration Crime Prevention Through Environmental Design (CPTED) principles.</td>
</tr>
</tbody>
</table>
## Noise

**Submission**

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

**City's Response:**

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

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

## Neighbourhood Character

**Submission**

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

**City's Response:**

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

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

### b. Consultation with Government Agencies

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

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

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

A response was received from the following agencies:

#### Western Power

**Submission:**

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

**City's Comment:**

That the submission be noted.
### Water Corporation

**Submission:**

**Water**

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

**Wastewater**

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

### General Comments

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

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

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

**City’s Comment:**

That the submission be noted.

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

c. **Strategic**

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration 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 3.1.2 - Local Commercial Strategy (PP3.1.2)**

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

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

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

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

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

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

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

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

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

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

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

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

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

e. Financial

Not Applicable

f. Legal and Statutory

Town Planning Regulations (1967)

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

Town Planning Scheme No. 2

The objective of the Special Commercial Zone is to provide for the development of Offices, Medical Centres, Veterinary Clinics, Veterinary Hospitals and the like in convenient locations. The Special Commercial Zone seeks to cater for the demand for office floor space as generated by the needs of residents within the municipality, consistent with PP3.1.2 and supported by any other Plan or Policy that the Council from time to time may adopt as a guide for the future development within the Zone.

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

A ‘Medical Centre’ is interpreted as:

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

A ‘Shop’ is interpreted as:

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

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

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

Carparking

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

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

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Community Consultation

Three objections were received, including one objection co-signed by 53 residents. The City acknowledges the concerns raised by neighbours which are seeking to maintain the residential character of Paperbark Mews. It is considered, however, that the design proposed in the ICP is responsive to the character of the locality and that the residential amenity of Paperbark Mews will be maintained. The applicant has provided the below perspective plan from Paperbark Mews to demonstrate how the proposed development will fit in with the residential character of the area.

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

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

Conclusion

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

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

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

Voting Requirements

Simple Majority

Officer Recommendation

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

Committee Recommendation

Moved Cr Hamblin, seconded Cr Pease:

That Council:
1. **ADOPT** for Final Approval Amendment No.148 to Town Planning Scheme No.2, without modification.
2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:

**SCHEDULE OF SUBMISSIONS**
**AMENDMENT NO.148 TO TOWN PLANNING SCHEME NO.2 - PROPOSED REZONING FROM 'RESIDENTIAL (R20) TO 'SPECIAL COMMERCIAL' AND ADDITIONAL USE 'PHARMACY'**

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<tr>
<th>SUBMISSION</th>
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<th>RECOMMENDATION</th>
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| **1. Mr Kenneth & Ms Audrey Park 28 Currie Street WARBRO WA 6169**
We have received a letter regarding Amendment No.148. Proposed Medical Centre and Pharmacy on Currie Street, WARBRO - Lots 406-407 and 411 Paperbark Mews.
We live at Lot 405/28 Currie Street, this is a concern to us.
It may be great to have a Medical Centre and Pharmacy near us, but next door.
Our concern is down the left hand-side of our home - all the trees that will be put up - No thanks - once they drop there it leaves it will be in our backyard.
We have been very lucky for 16 years not to have any break-ins at our property. With a Pharmacy next door on the fence line. This is making it easy for vandals to jump the fence onto our property. No thanks.
This could also cause chaos on the Currie Street - roads, with traffic.
Our street is chaos at the moment with the schools, this is a busy street.
We also have cars, trucks - any other vehicles that stop off at the Last Drop Pub. They cut across the vacant land/grass area, come in front of our house to get onto the road as it is (come on think about this). Our driveway is ours, not for other people's cars or trucks. | Noted | That the submission be not upheld. |
| **2.** | |  |

**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JANUARY 2015**

PRESIDING MEMBER
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<tr>
<th>SUBMISSION</th>
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<th>RECOMMENDATION</th>
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<td>We need something done about this to stop them cutting over.</td>
<td>This is not considered relevant to the proposal.</td>
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<td>When they put the little islands outside my driveway I spoke then to the guy that came to me and my husband from the Council and he said he would take note of it and report it. Nothing has been done yet!! We personally feel that more consideration is needed over this proposal that’s been put forward. We feel strongly that it could be asking for unnecessary trouble/vandals for the residents that live around this area/streets. Consider the traffic that would be added. I can sit for a few moments in the mornings and around 3-6 pm in my driveway before I can get out. Please call phone number given if I need to explain anything.</td>
<td>Noted</td>
<td></td>
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<tr>
<td>2. Mr Ross Underwood Planning Solutions 296 Fitzgerald Street PERTH WA 6000</td>
<td>Noted</td>
<td>That the submission be not upheld.</td>
</tr>
<tr>
<td>Planning Solutions acts on behalf of Vince Nominees Pty Ltd, the registered proprietor of Lots 406, 407 &amp; 411 Paperbark Mews, Warnbro (subject site), being the land directly affected by proposed Amendment No.148 to Town Planning Scheme No.2 (Scheme). In summary, we support Amendment No.148 subject to proposed Special Condition 4 for the proposed additional use (pharmacy) being deleted. Special Condition 4 states: 4. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1. The basis for our submission is outlined below.</td>
<td>Noted</td>
<td></td>
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<td>Background</td>
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<td>Amendment No.148 will facilitate the development of a medical centre on the subject site, supported by an additional use for a pharmacy. The pharmacy will be subject to special conditions formulated by the City's officers, including: • The pharmacy operating ancillary to a medical centre. • The pharmacy having a maximum floor area of 160m² NLA.</td>
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</table>
We support the above conditions. Our client has confirmed the medical centre will be constructed with a pharmacy meeting these conditions. Notwithstanding, Special Condition 4 acts to limit the future exercise of discretion which would otherwise be available to the City. We request Special Condition 4 be deleted from the additional use for the following reasons.

**Future Market Trends**
The conditions for the additional use reflect the indicative concept plan drawn to support the Scheme amendment request, and reflects current typical requirements for a pharmacy. We cannot, however, predict trends in pharmacy operations over time. For instance, the future pharmacy may evolve to include additional consultants for specialist services (such as the current weight loss services offered by some pharmacies today) or pharmacy licensing conditions may change encouraging or requiring greater floor areas.

To ensure the pharmacy component of the medical centre remains viable in future market conditions, any future changes should be able to be considered on their respective merits as part of a development application. The alternative requires an amendment to the Scheme.

A Scheme amendment takes 12-18 months to complete, a timeframe which does not allow the pharmacy operator to respond to sudden future changes in pharmacy trends, potentially giving other pharmacy operators a competitive edge.

To allow the pharmacy operator to operate on a level playing field with other pharmacies in the district, we request Special Condition 4 be deleted.

**Variation of Scheme Standards and Requirements**
It is common ground that provisions of local planning schemes are capable of variation, at the discretion of the decision maker.

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<td>We support the above conditions. Our client has confirmed the medical centre will be constructed with a pharmacy meeting these conditions. Notwithstanding, Special Condition 4 acts to limit the future exercise of discretion which would otherwise be available to the City. We request Special Condition 4 be deleted from the additional use for the following reasons.</td>
<td>Noted</td>
<td>Future market trend are not relevant Planning considerations.</td>
</tr>
<tr>
<td><strong>Future Market Trends</strong></td>
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<tr>
<td>The conditions for the additional use reflect the indicative concept plan drawn to support the Scheme amendment request, and reflects current typical requirements for a pharmacy. We cannot, however, predict trends in pharmacy operations over time. For instance, the future pharmacy may evolve to include additional consultants for specialist services (such as the current weight loss services offered by some pharmacies today) or pharmacy licensing conditions may change encouraging or requiring greater floor areas.</td>
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<td>A Scheme amendment takes 12-18 months to complete, a timeframe which does not allow the pharmacy operator to respond to sudden future changes in pharmacy trends, potentially giving other pharmacy operators a competitive edge.</td>
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<tr>
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| We understand proposed Special Condition 4 has its basis in the Scheme’s Additional Use No.22, introduced by Council via Amendment 46 in February 2007. However, later that same year, in August 2007, in the matter of Galati & Anor and City of Rockingham [2007] WASAT 198 the State Administrative Tribunal determined at paragraph [44]:  
...the requirement that no goods other than those specified in the Additional Use column shall be sold is a standard or requirement prescribed under the Scheme which may be varied under cl 4.20.1. [emphasis added] | The 160m² Pharmacy, permissible through the Special Condition No.3, will result in an 8.4% increase in the NLA of the HSNC. This increase of 8.4% is considered minor and is justified through an objective of PP3.1.2 which seeks to encourage the provision of ancillary convenience uses such as chemist shops within medical centres.  
It is considered pertinent to retain Special Condition No.4 as it will ensure that the HSNC NLA is not increased by more than 8.4%, resulting in further inconsistency with PP3.1.2. The limitation on NLA will assist in managing the impact on both residential and commercial properties in the vicinity.  
The applicant’s reference to WASAT 198, Galati & Anor and City of Rockingham, where the SAT advised that the provisions of a Special Condition can be varied through Clause 4.20.1 of TPS2, is not relevant in this instance for the following reasons:  
- At the time of the application for review (WASAT 198), there was no Special Condition on Additional Use No.22, prohibiting variation through Clause 4.20.1;  
- Subsequently in December 2007, through amendment No.46 to TPS2, Council inserted Special Condition 4 to Additional Use No.22 this being “the Additional Use and the Special Conditions applying to it are not a standard or requirement capable of variation pursuant to clause 4.20.1” |  
We consider it only proper that the proposed conditions for the pharmacy should be viewed in the same light as the State Administrative Tribunal’s decision on this very same matter. |
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<td>Conclusion</td>
<td>For the above reasons, we consider Amendment No.148 should be adopted, subject to Special Condition 4 being deleted. On behalf of our client we request an opportunity to address any committee or Council meeting where this matter is discussed. Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the writer.</td>
<td>Noted</td>
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**No.3 The combined Residents of Paperbark Mews, Warnbro**

We, the under-signed neighbours of Paperbark Mews, Warnbro, WA 6169, are writing to you in relation to the proposed re-zoning from residential R20 to Special Commercial use of Lots 406, 407 and 411 Paperbark Mews.

We are alarmed to find out that the City of Rockingham Town Planning Committee is in the process of approving a measure to re-zone these three residential Lots located in a private cul-de-sac to be included in a proposed development of a medical centre/pharmacy. Given that there is already a medical centre and a veterinary clinic in the immediate vicinity it would appear that these needs are already being met within the area.

We feel that the proposed re-zoning of this land will have a negative impact on local residences for a number of reasons:

- Overshadowing - by proposed buildings and or trees

The Indicative Concept Plan (ICP) depicts single storey construction with a pitched roof and eave and landscaped setback.

Noted

That the submission be not upheld.
## Submission

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<th>SUBMISSION</th>
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<tr>
<td>Under the current zoning the subject site is capable of being developed as a two-storey residential dwelling. Ultimately the final design will be presented and assessed at the DA stage. It is however not considered to be a justified concern.</td>
<td><strong>Privacy - overlooking windows, possibility of people using cul-de-sac for parking while using proposed facility</strong></td>
<td>The ICP displays a single storey building, with no overlooking concerns. There will be no pedestrian access between Paperbark Mews and the medical centre. It is considered that vehicular access will be prohibited from Paperbark Mews.</td>
</tr>
<tr>
<td>The ICP shows a single storey building, with no overlooking concerns.</td>
<td>Safety- Young children, elderly, people with disabilities negatively impacted by increased motoring activity in area; concern regarding laneway and its potential use (may attract graffiti, loitering, anti-social behaviour, rubbish accumulation).</td>
<td>The City’s Planning Services ensure that development is consistent with Crime Prevention Through Environmental Design (CPTED) principles. It is considered that any future development can be designed appropriately to minimise the risk of crime.</td>
</tr>
<tr>
<td>All noise from the development must comply with the Environmental Protection (Noise) Regulations 1997.</td>
<td>Noise impact- increased activity in area (commercial air-conditioning units/generators on premises close to dwellings)</td>
<td>The ICP displays a single storey medical centre designed using architectural cues from the surrounding residential area, including single-storey brick construction and pitched steel roof with eaves. This demonstrates one manner in which a suitable design can be developed.</td>
</tr>
<tr>
<td>The ICP shows that the site can be developed to fit in with the residential streetscape as viewed from Paperbark Mews. It is considered that all commercial activity will be directed towards Currie Street.</td>
<td>Neighbourhood character- will undoubtedly deter from the charm of this cul-de-sac having a walled off commercial premises erected where three residential homes should be.</td>
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</tr>
<tr>
<td>Visual bulk - The proposed development is adjacent to existing dwellings and will be the primary view from these properties and regardless of whether it will be built as single story premises, the fact remains that it will be a commercial property and all that that entails.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JANUARY 2015

PRESIDING MEMBER
We would request that you reconsider this application and maintain the current status of Lots 406, 407 and 411 Paperbark Mews, Warnbro as Residential for three single dwelling properties.

Residents Petition:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan &amp; Louie Oldfield</td>
<td>23 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Andrea &amp; Mark Wheeler</td>
<td>15 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Robyn &amp; Robert Edmondstone</td>
<td>20 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Eva &amp; Niall O’Rourke</td>
<td>16 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Sally &amp; Scott Steedman</td>
<td>13 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Nicola &amp; Roslyn Commons</td>
<td>25 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Scott Davidson</td>
<td>11 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Keith Lindren</td>
<td>Port Kennedy</td>
</tr>
<tr>
<td>Jeanne Vilande Roberts</td>
<td>151 Feathertail Crescent, Port Kennedy</td>
</tr>
<tr>
<td>M Thomas</td>
<td>Waikiki</td>
</tr>
<tr>
<td>K Monaghan</td>
<td>Shoalwater</td>
</tr>
<tr>
<td>C Denholm</td>
<td>5 Union Crescent, Waikiki</td>
</tr>
<tr>
<td>Kirstin McDonna</td>
<td>6 Java Place, Waikiki</td>
</tr>
<tr>
<td>Diana Broadhead</td>
<td>2 Taggert Avenue, Baldivis</td>
</tr>
<tr>
<td>Kate Sales</td>
<td>4 Raymond Place, Waikiki</td>
</tr>
<tr>
<td>Janice Kelly Spencer</td>
<td>2 Gulson Court, Waikiki</td>
</tr>
<tr>
<td>Rev Graeme Variell</td>
<td>Warnbro</td>
</tr>
<tr>
<td>Terry Wilson Mitchell</td>
<td>14 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>David Pratt</td>
<td>12 Paperbark Mews, Warnbro</td>
</tr>
</tbody>
</table>

Noted
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Derrick Brewer</td>
<td>9 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Julie Brewer</td>
<td>9 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Natalie Irving</td>
<td>7 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Jeff Irving</td>
<td>7 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Alison Chapman</td>
<td>10 Paperbark Mews, Warnbro</td>
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<tr>
<td>Patrick Minogue</td>
<td>10 Paperbark Mews, Warnbro</td>
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<tr>
<td>Mark Lewis</td>
<td>7 Paperbark Mews, Warnbro</td>
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<tr>
<td>Tony Woods</td>
<td>6 Paperbark Mews, Warnbro</td>
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<tr>
<td>Dee Woods</td>
<td>6 Paperbark Mews, Warnbro</td>
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<tr>
<td>Brad Burton</td>
<td>4 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Brett Steedman</td>
<td>66 Burnside Way, Waikiki</td>
</tr>
<tr>
<td>Julie Turner</td>
<td>27 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Paul Turner</td>
<td>27 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Leonie Lantzke</td>
<td>8 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Jo Rowley</td>
<td>10 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Paige Toomen</td>
<td>11 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Jason Hopple</td>
<td>12 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Amanda Ferguson</td>
<td>4 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Rodney Galick</td>
<td>13 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Tyrone Hooguere</td>
<td>5 Silver Grove, Warnbro</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Marcus Actuam</td>
<td>43 Currie Street, Warnbro</td>
</tr>
<tr>
<td>Peter Toigo</td>
<td>37 Currie Street, Warnbro</td>
</tr>
<tr>
<td>K Park</td>
<td>28 Currie Street, Warnbro</td>
</tr>
<tr>
<td>A Park</td>
<td>28 Currie Street, Warnbro</td>
</tr>
<tr>
<td>R Elson</td>
<td>29 Currie Street, Warnbro</td>
</tr>
<tr>
<td>J Lynass</td>
<td>51 Currie Street, Warnbro</td>
</tr>
<tr>
<td>M Hopkins</td>
<td>65 Currie Street, Warnbro</td>
</tr>
<tr>
<td>J Goodley</td>
<td>67 Currie Street, Warnbro</td>
</tr>
<tr>
<td>Shona Douglas</td>
<td>4 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Graham Douglas</td>
<td>4 Parkland Drive, Warnbro</td>
</tr>
<tr>
<td>Bruce McLoughney</td>
<td>2 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Louie Budand</td>
<td>23 Paperbark Mews, Warnbro</td>
</tr>
</tbody>
</table>

**No.4 Mike Sheldrake 33 Currie Street
WARNBRO WA 6169**

Dear Sir, I have just returned from holiday and checking my mail. I am not opposed to development across the road from me, but have great concern about traffic, this is a dangerous section of road for me and my neighbours, our lives are at danger here as the traffic does not worry about speed limits on this bend.

If the access is across the road from me then I will oppose it, sometimes during the day I have great difficulty driving out on this bend, I have been abused before by bad drivers I hope common sense will prevail.

If the access is on Paperbark Mews then all is OK. Cheers Mike Sheldrake, ratepayer!

Currie Street is classified as a Local Distributor under Main Roads WA Road Hierarchy. As such, it is capable of accommodating up to 6,000 vehicles per day (vpd). The impact of traffic can be further investigated at the DA stage if required. Any Planning Approval would to the satisfaction of the City’s Traffic Engineers.

That the comments be noted.

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

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td>Reference No &amp; Subject:</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>File No:</td>
</tr>
<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
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<tr>
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<td>Author:</td>
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<td>Other Contributors:</td>
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<td></td>
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<tr>
<td>Date of Committee Meeting:</td>
</tr>
<tr>
<td>Previously before Council:</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
</tr>
<tr>
<td>Site:</td>
</tr>
<tr>
<td>Lot Area:</td>
</tr>
<tr>
<td>LA Zoning:</td>
</tr>
<tr>
<td>MRS Zoning:</td>
</tr>
<tr>
<td>Attachments:</td>
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<tr>
<td>Maps/Diagrams:</td>
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</table>
Purpose of Report

To consider adopting Amendment No.146 to Town Planning Scheme No.2 (‘TPS2’) for Final Approval to permit the ‘Additional Uses’ of Service Station and Fast Food Outlet at Lot 40 (No. 129) Dixon Road, East Rockingham.
**Background**

On 22 July 2014, Council adopted (initiated) for advertising Amendment No. 146 to TPS2, Additional Use No. 30 in Schedule 2, to include the Additional Uses of a Service Station and Fast Food Outlet, subject to the following Special Conditions:

1. *In these Special Conditions:*
   
   “Land” means Lot 40 (No.129) Dixon Road, East Rockingham.

2. Not more than one building on the Land is to be used for the purpose of a Fast Food Outlet.

3. No part of any building is to be used for the purpose of a Fast Food Outlet except a building approved, developed and used for the purpose of a Service Station.

4. The Net Lettable Area of a building used for the purpose of a Fast Food Outlet must not exceed 150m².

5. No part of the land designed or developed for the purpose of a Service Station or Fast Food Outlet is to be used for the sale or service of food or drink to any person while the person is in a vehicle.

6. No sign is to be displayed which advertises a Fast Food Outlet unless the sign also advertises a Service Station.

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

The Amendment had originally proposed the Additional Use of Convenience Store as well, however, Council decided not to include a Convenience Store on the basis that the land use would not be consistent with PP3.1.2 *Local Commercial Strategy.*

**Details**

The applicant seeks approval to amend Schedule 2 of TPS2 to allow the Additional Uses of Service Station and Fast Food Outlet. The applicant has outlined the intention of the site to accommodate a Seven Eleven Service Station with a Fast Food Outlet attached to the building. An Indicative Concept Plan of the proposed site layout is shown below, which includes the Service Station and Fast Food Outlet.
4. Indicative Concept Plan

**Implications to Consider**

a. **Consultation with the Community**

The Scheme Amendment was advertised for public comment in accordance with the requirements of *Town Planning Regulations 1967*, closing on the 21 November 2014. The advertising period, which exceeded the mandatory 42 day minimum (44 days), was undertaken in the following manner:

(i) A notice was published in the Public Notices section of the Weekend Courier newspaper on the 8 October 2014;

(ii) An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices;

(iii) Notification letters were sent to Government Agencies (see next section);
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(iv) Notification letters were sent to landowners and occupiers in proximity of the site; and
(v) Two signs were displayed on-site for the duration of the advertising period.

3. Consultation Plan

At the close of the advertising period, one objection was received on the proposal. The key point raised in objection, along with the City's comment, is provided below:

<table>
<thead>
<tr>
<th>Impact on Church</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission</td>
</tr>
<tr>
<td>(i) The proposed amendment will cause a land use conflict with the nearby Church.</td>
</tr>
</tbody>
</table>

City's Response:

Although a ‘Service Station’ is not a permitted land use under TPS2 in the Light Industrial Zone, it is considered that a ‘Service Station’ is a compatible land use in this particular location. Examples seen elsewhere, including the Better Choice ‘Service Station’ on Rockingham Road, Naval Base and the Caltex ‘Service Station’ on Dixon Road, which suggests that the location of a ‘Service Station’ within these Industrial Zones is compatible.

Further, some Service Stations directly adjoin Residential Zones.

A Service Station and Fast Food Outlet are unlikely to conflict with the nearby Church as the proposed development will be required to comply with the standards and requirements of TPS2.

If the proposal is supported, the Special Conditions of the Scheme Amendment will also apply, together with the requirement for Planning Approval.

b. Consultation with Government Agencies

The Amendment was referred to the Environmental Protection Agency (EPA) for consideration of the need for assessment under the Environmental Protection Act 1986 (the Act). The EPA advised that the Amendment should not be assessed under the Act.
The application was also referred to the following external agencies for comment:

- Main Roads WA
- Water Corporation
- ATCO Gas Australia
- Western Power

Responses were received from the following agencies:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Submission</th>
<th>City's Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Corporation</td>
<td>Water Corporation advised that it has no objection to the proposed amendment. It was advised that any new buildings proposed and changes in the current servicing arrangements for the site will require further detailed assessment at building stage and that any upgrade in services for the site will require the landowner/developer to fund.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>Main Roads WA</td>
<td>Main Roads advised that it has no objection to the proposed amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>Western Power</td>
<td>Western Power advised that it has no objection subject to future development containing conditions that address its standard requirements, including the protection of infrastructure and upgrading.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>

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

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration 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 3.1.2 - Local Commercial Strategy (PP3.1.2)

The objectives of the PP3.1.2 do not support Fast Food Outlets being located within industrial areas. The Council, however, in its initiation of the Scheme Amendment, considered that the eastern location along Dixon Road will not set a precedent for future proposals given this differing locational context.
Planning Policy 3.3.8 - East Rockingham Development Guidelines (PP3.3.8)

PP 3.3.8 identifies the property within Precinct 5 “Light Industry” and identifies the intent and use of the area as follows:

“This precinct also contributes to the transitional buffer zone uses and refers to the existing light industrial area on Dixon Road and extensions of that area along Dixon Road to the east. Uses typically located in this area range from light manufacturing to mechanical workshops, timber storage and unit developments.”

The City considers that proposed Service Station is consistent with the intent of PP3.3.8 and existing land uses within the area.

Planning Policy 3.3.9 - Fast Food Outlets (PP3.3.9)

PP3.3.9 conveys that Fast Food Outlets should be limited to Neighbourhood and District Centres and the City Centre Zone. As this proposal is outside of these zones, it is inconsistent with PP3.3.9 from a locational perspective. However it is considered that the Scheme Amendment and the associated Special Conditions satisfy Clause 4.4 of PP3.3.9 and is therefore acceptable for approval.

e. Financial

Not Applicable

f. Legal and Statutory

Town Planning Regulations 1967

In accordance with Town Planning Regulations 1967, the Council, after considering the submissions may decide to either adopt (with or without changes) or not adopt the Scheme Amendment.

Metropolitan Region Scheme (MRS)

The subject land is zoned ‘Industrial’ and a portion reserved as ‘Other Regional Roads’ under the MRS. The additional uses are considered to be consistent with the zoning and are not included in the ‘Other Regional Road’ reservation.

Town Planning Scheme No.2 (TPS2)

The property is zoned ‘Light Industry’ and reserved ‘Other Regional Roads’ in Town Planning Scheme No.2 (TPS2). The present zoning does not permit the land uses of ‘Service Station’ and ‘Fast Food Outlet’ under the Scheme.

TPS2 defines the term ‘Service Station’ as:

“means premises used for:
(a) The retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature;
(b) The carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles; and
(c) But does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking.”

A ‘Fast Food Outlet’ is interpreted as:

“means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.”

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil
Comments

Although the submissioner is concerned that the proposal will cause some land use conflict with the nearby Church, the City considers that the additional uses can be appropriately managed by the proposed Special Conditions of the Scheme Amendment, as well as any conditions of Planning Approval. To ensure that the Service Station and Fast Food Outlet is controlled by TPS2 and consistent with policy provisions, it is recommended that the Amendment be adopted for Final Approval, subject to the Special Conditions, without modification.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:
1. **ADOPT** for Final Approval Amendment No.146 to Town Planning Scheme No.2, without modification.
2. **ADOPT** the recommendations contained within the Schedule of Submissions.

Committee Recommendation

Moved Cr Hill, seconded Cr J Smith:

That Council:
1. **ADOPT** for Final Approval Amendment No.146 to Town Planning Scheme No.2, without modification.
2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:

**SCHEDULE OF SUBMISSIONS**

**AMENDMENT NO.146 TO TOWN PLANNING SCHEME NO.2 - PROPOSED ADDITIONAL USE ‘SERVICE STATION AND FAST FOOD OUTLET’**

<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENT</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ms Sandra Derks, Business Manager Sound City Church 5 McCamey Avenue, Rockingham, WA 6168</td>
<td>Noted</td>
<td>That the submission be not upheld</td>
</tr>
<tr>
<td>I refer to the above exhibited amendment and advise that we, the Executive of Sound City Church oppose Amendment No. 146 which proposes to amend TPS 2 by adding the addition use of service station and fast food outlet to Lot 40. Our submission is based upon the following key concerns:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>− Existing land use is consistent with TPS2</td>
<td>The fact that the existing land use is consistent with the current zoning is not relevant. Although a ‘Service Station’ is not a permitted land use under TPS2 in the Light Industrial Zone, it is considered that a ‘Service Station’ is a compatible land use in this particular area.</td>
<td></td>
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</tbody>
</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
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SUBMISSION
- Secure safety for pedestrians
- Longevity of Sound City at its existing location

COMMENT
Examples seen elsewhere, including the Better Choice ‘Service Station’ on Rockingham Road, Naval Base and the Caltex ‘Service Station’ on Dixon Road, suggests that the location of a ‘Service Station’ within these Industrial Zones is compatible. Considering this, it is unlikely that the location of a ‘Service Station’ within an Industrial zone would be adversely affected by surrounding land uses and vice versa. In consideration of the TPS2 objectives and PP3.3.8, a ‘Service Station’ on-site is unlikely to have any land use conflicts and is considered for inclusion as an appropriate use on-site. Clause 4.4 of Planning Policy 3.3.9 - Fast Food Outlets (PP3.3.9) states that Fast Food Outlets may be considered if they are integrated into Service Stations and where the proposal is to be ancillary in use and is seamlessly integrated within the predominant land use.

It is acknowledged that the Indicative Concept Plan integrates the Fast Food Outlet with the Service Station and it is not proposed to be stand-alone. Special Conditions have been attached to the Additional Uses to ensure that it remains ancillary including a limit on Net Lettable Area (NLA) Floor Area.

RECOMMENDATION
Noted
Noted

Sound City Church is a medium to large family church, located directly opposite Lot 40 (No.129) Dixon Road at the McCamey Avenue side.

The church provides many community programs benefiting the local and wider community in various ways, apart from providing 2 church services on Sundays we offer:
- Weddings
- Funerals
- Life courses
- Counselling
- Mums and Baby groups
- Youth groups
<table>
<thead>
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<tbody>
<tr>
<td>- Emergency relief</td>
<td>Noted</td>
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<tr>
<td>- Ladies and Men groups</td>
<td>Noted</td>
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</tr>
<tr>
<td>And much more.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Many of our visitors throughout the week and particularly each Sunday morning from 7.30AM till 1.30PM are youth, young children and seniors who walk to- and from the kids’ activities and walk to- and from the cars to get to church and church programs on- and around lot 40.</td>
<td></td>
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</tr>
<tr>
<td>Despite the recent growth and new developments around McCamey Ave, Dixon Road and Whittle Road, none of its activities have jeopardized the safety of the general public, church members and visitors nor has it caused any disruption to our community activities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To increase our understanding of the Town Planning Scheme No.2 - Amendment No.146 and to evaluate the potential risks to our activities I have met with Mr Craig Zanotti - planning officer of the City of Rockingham. We discussed several alternatives to accommodate our concerns of which none were considered to be viable by the City at his point (including signage, parking bays, etc., even relocation).</td>
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<tr>
<td>Following the meeting with the City I have made contact with Mr Aaron Lowman – whom I understand to work on behalf of the land owner as planning consultant. Mr Lowman confirmed to have no interest in discussing our concerns to see if we could minimise the risks to our members/ visitors and activities with the proposed development of a service station, fast food restaurant, car wash and Muzz Buzz.</td>
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<tr>
<td>The proposal to amend TPS2 by adding the addition uses of service station and fast food outlet to number 40 will cause a significant concern and risk to our activities and visitors going forwards considering there is already a service station situated on Dixon Road, an instant coffee drive through and several cafes/ fast food businesses we firmly believe that the need for additional businesses such as these is not existent.</td>
<td></td>
<td>Not Supported. The land use of Service Station is considered to be compatible with surrounding land uses and the objectives of the Light Industry Zone. The Fast Food Outlet, which is to be integrated with the Service Station and subject to the Special Conditions, will have a limited impact on surrounding users given its orientation primarily to Dixon Road.</td>
</tr>
</tbody>
</table>
Further, there is no evidence to suggest that there will be any greater risk to church users, than any other use, as demonstrated by the Traffic Report. The Traffic Report concludes that the proposal is acceptable from a traffic safety, road capacity and access perspective. The submissioner is primarily concerned about losing the informal parking area on Lot 40 Dixon Road for people attending the church. This is due to insufficient parking space being available on the church site. In relation to the commercial viability or need for the proposal, it is considered that these are not relevant planning matters.

We look forward to further Council advice regarding this Amendment.

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Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-103/14 Joint Development Assessment Panel Application - Motor Vehicle Sales Premises and Repair Station - Lot 100 (No.20) Smeaton Way and Lot 16 (No.2-4) Beale Way, Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
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<tr>
<td><strong>Risk Register No:</strong></td>
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</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Bruce McLean Architect Pty Ltd</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Shack and Kerr Services Pty Ltd</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Ms Erika Barton, Projects Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>8 December 2014</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Executive</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Lot 100 (No.20) Smeaton Way and Lot 16 (No.2-4) Beale Way, Rockingham</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>1.9ha</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>General Industry</td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td>Industrial</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Responsible Authority Report</td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Site Plan</td>
</tr>
<tr>
<td></td>
<td>4. Elevations</td>
</tr>
</tbody>
</table>
|                               | 5. Signage
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 JANUARY 2015

PRESIDING MEMBER
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed Motor Vehicle Sales Premises and Repair Station at Lot 100 (No.20) Smeaton Way and Lot 16 (No.2-4) Beale Way, Rockingham.

Background

History of Approvals

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

- **February 1997** - Council granted conditional Planning Approval to an Automotive Dealership at Lot 100 Smeaton Way, Rockingham (formerly Lots 14 and 15 Smeaton Way, Rockingham). The application was also referred to the Western Australian Planning Commission (WAPC) for its determination, as the land was affected by Improvement Plan No.14, initiated under the provisions of the Metropolitan Region Scheme.

- **November 2000** - Council granted conditional approval to amend the Planning Approval for the Automotive Dealership at Lot 100 (No.20-22) Smeaton Way, Rockingham. The application was referred to the WAPC for separate MRS determination.

- **November 2000** - WAPC granted conditional MRS Planning Approval.

- **August 2005** - Council granted conditional Planning Approval for extensions to Car Sales Premises on the subject site.

Details

The applicant is seeking approval for the construction and operation of a motor vehicle sales premises and repair station, which will include the following elements:

- Demolition of a portion of the existing sales office (160m²);
- Construction of a two storey showroom/office building (970m²);
- Construction of a workshop building (1,275m²), containing parts servicing areas, washdown bays and bin storage area;
- Construction of 92 display carparking bays and 82 customer bays;
- One 2.3m wide x 7m high Pylon Sign; and
- Two 1.25m wide by 1.2m high Directional Signs.

The subject site is in the process of being consolidated. The proposed development and the existing development on Lot 100 Smeaton Way are owned by the same company. Access will be available between the existing and proposed developments through an existing carparking area and crossovers.

The proposed development will operate in the following manner:

- Up to 47 staff will be employed at the dealership;
- Motor vehicle servicing will be open to the public;
- Hours of operation are to be:
  - 7:30am to 6:00pm Monday to Friday;
  - 7:30am to 9:00pm on Wednesdays; and
  - 8:00am to 1:00pm on Saturdays.
- Vehicles delivered to the site will be individually driven from a car storage yard. In the event a transporter truck is required, access for a 19m transporter truck has been provided. The applicant has advised that transport of vehicles via a truck is unlikely.
3. Site Plan
4. Elevations
5. Signage

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JANUARY 2015

PRESIDING MEMBER
Implications to Consider

a. Consultation with the Community
   Public consultation is not required pursuant to TPS2.

b. Consultation with Government Agencies
   Consultation with other agencies is not required.

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 3.3.1 - Control of Advertisements (PP3.3.1)
   The purpose of PP3.3.1 is to provide the specific requirements and objectives for each form
   of advertisement, and provide guidance on the assessment of applications for signage. The
   objectives of PP3.3.1 are as follows:
   
   *(a)* Ensure that advertisements are appropriate for their location;
   *(b)* Minimise the proliferation of advertisements;
   *(c)* Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;
   *(d)* Protect the amenity of residential areas, townscape areas and areas of environmental significance;
   *(e)* Protect the significance of heritage places or buildings;
   *(f)* Ensure that advertisements are constructed with quality materials;
   *(g)* Encourage advertisements located within the Rural or Special Rural Zone or in areas of environmental significance to be sympathetic with the natural environment in terms of materials and colours;
   *(h)* Ensure advertisements are generally erected on land where the advertised business, sale of goods or service is being carried out; and
   *(i)* Ensure that advertisements are maintained to a high standard."

   The proposed signage is considered appropriate for its location and does not result in a proliferation of advertisements. The proposed signage is likely to aid traffic circulation and will not compromise pedestrian safety. The signage is constructed of quality materials and will be erected on land where the proposed development is operating. In this regard, the proposed signage is considered to comply with the objectives of PP3.3.1.

   The following is an assessment of the proposed signage against the requirements of PP3.3.1:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Provided/Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pylon Sign</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shall not be located within 1.8m of a boundary.</td>
<td>Located 1.92m from the south eastern property boundary.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
There are no specific design requirements for Directional Signs. Given only two Directional Signs are proposed, the proposed signs are considered to meet the objectives of PP3.3.1 in that they do not result in the proliferation of advertisements. The signs are considered appropriate for their location and the Directional Signs will aid in traffic circulation around the site.

The signage associated with the proposed development is generally compliant with the assessment criteria of PP3.3.1 with the exception of the face area of the pylon sign. The signage is considered appropriate for the land use and location, will not adversely impact the amenity of the location and meets the objectives of PP3.3.1. The proposed signage can therefore be considered for approval.

Planning Policy 3.3.8 - East Rockingham Development Guidelines (PP3.3.8)

The purpose of PP3.3.8 is to guide the orderly development of serviced industrial land within the East Rockingham Industrial Park (IP14 Area).

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<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Provided/Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shall not be situated within 6.0m of any other sign of the same lot.</td>
<td>Nearest sign is 12.6m to the west.</td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not project over a street, walkway or any other public area by more than 1.0m.</td>
<td>Does not project over a street, walkway or any other public area.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Pylon Sign</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shall not have a height exceeding 6.0m, unless it can be demonstrated to the Council that a greater height is warranted and it complies with the objectives of this Planning Policy. In any event, a Pylon Sign shall not exceed 9.0m in height.</td>
<td>Total height is 7.0m. The additional height is deemed warranted as the amenity of the locality is not considered to be compromised as a result of the additional height. Existing pylon signs for Motor Vehicle Sales Premises in the locality exceed 6.0m and therefore the proposed sign is considered appropriate for its location as it will 'match' existing signage in the locality.</td>
<td>Yes - see justification.</td>
</tr>
<tr>
<td>Shall not have any part of the sign less than 2.7m from the ground level, unless the sign is designed such that the underside of the face area is located at ground level.</td>
<td>The underside of the face area is located at ground level.</td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not have a face area exceeding more than 3.5m width or height</td>
<td>The area of the pylon containing advertising is 1.7m wide and 3.7m high. The variation is deemed to be acceptable given it is minor and is not considered to compromise the amenity of the locality.</td>
<td>No - see justification.</td>
</tr>
<tr>
<td>Shall not have a face area of more than 4m² on each side (single tenancy) or 13m² on each side (multiple tenancy).</td>
<td>The face area of the sign is 14m². The variation is considered acceptable as the actual 'area' of signage on the face of the pylon sign is approximately 2.2m².</td>
<td>No - see justification.</td>
</tr>
</tbody>
</table>
The objectives of PP3.3.8 are:

"(a) To achieve an attractive and unified development which acknowledges the goal of conserving and enhancing the natural environment by emphasising the retention of natural vegetation and the introduction of complementary quality landscaping and well designed buildings;

(b) To achieve a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate or market image; and

(c) To avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region."

There is no natural vegetation on the site as it has already been developed as a car dealership.

The built form of the proposed development and landscaping is consistent with nearby and adjacent Motor Vehicle Sales and Repairs businesses.

The proposed development is well designed and is not considered to have adverse impacts on existing landowners within the locality.

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

The purpose of PP3.3.14 is to ensure there is adequate provision made in developments for secure on site bicycle parking and end-of-trip facilities, to encourage the use of bicycles as a mode of transportation.

### Bicycle Space Provision

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Long Term Bays Required</th>
<th>Short Term Bays Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Amount</td>
</tr>
<tr>
<td>Industry - Service</td>
<td>1 space per 800m² for premises greater than 300m² Net Leasable Area (NLA).</td>
<td>1,322m² = 1.6 (2) bays</td>
</tr>
<tr>
<td>Showroom</td>
<td>1 space per 750m² NLA for premises greater than 300m².</td>
<td>552m² = 0.7 (1) bay</td>
</tr>
<tr>
<td>Office</td>
<td>1 space 200m² NLA.</td>
<td>372m² = 1.8 (2) bays</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5 spaces</strong></td>
<td><strong>2 spaces</strong></td>
</tr>
</tbody>
</table>

No provision of long-term or short-term bicycle spaces has been made. A condition of planning approval requiring the provision of 5 long-term bicycle parking spaces and 2 short-term bicycle parking spaces is recommended.

**Provision of End-of-Trip Facilities**

With the provision of 5 long term parking spaces, one (1) shower is required to be provided in accordance with PP3.3.14. The shower is required to be provided in a changeroom in accordance with the policy.

Provision for a shower has not been made. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities in accordance with PP3.3.14.
f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

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

Clause 3.2 - Zoning Table

The subject site is zoned General Industry under TPS2. The proposed development is defined as a 'Motor Vehicle and Marine Sales Premises' and a 'Motor Vehicle Repair Station' under TPS2. Both land uses are a 'D' use within the General Industry zone, which means that the use is not permitted unless Council has exercised its discretion by granting Planning Approval.

Clause 4.10.1 - Objectives

The subject site is zoned 'General Industry'. The objectives of the Industrial zones are:

“(a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;
(b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of appropriate landuse, design and landscaping controls; and
(c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards.”

The proposed development is not considered to adversely impact the environment or the amenity of the locality, and will create employment opportunities.

The design of the proposed development is considered attractive, and will result in more efficient use of the site as a Motor Vehicle Sales and Repairs premises. The site will be fenced and illuminated to ensure security, and a condition of Planning Approval requiring a landscaping plan is recommended to ensure the development provides a high level of amenity to the streetscape.

The proposed development is consistent with the existing use of the site, and surrounding land uses, the majority of which are also car dealerships.

Clause 4.10.2 - Form of Development

Clause 4.10.2 requires the Council to give due regard to the following when considering an application for planning approval on industrial zoned land:

“(a) promotion of a high standard of building development, landscaping and working environment;
(b) protection of the amenity of adjacent residential and open space areas;
(c) management of drainage systems and land uses to promote groundwater conservation; and
(d) to ensure safe movement of vehicular and pedestrian traffic in the area.”

The context of the surrounding locality is for general and light industrial land uses, with surrounding land also zoned for Motor Vehicle Sales and Repairs businesses. The proposed development is therefore considered compatible with the existing context of the locality and would not adversely impact on the amenity of the locality.
The management of drainage systems and groundwater conservation and the movement of traffic has been further discussed in the Policy and Planning Assessment sections of this report respectively.

*Clause 4.15 - Carparking*

TPS2 requires the provision for the on-site parking of vehicles for all development on industrial zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The following is an assessment of the carparking requirements for the proposed development:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>TPS2 Requirement</th>
<th>Proposed Development</th>
<th>Bays Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicle Repair Station</td>
<td>- 1 bay for every service bay; and - 1 bay per employee</td>
<td>- 20 service bays; and - 24 servicing staff</td>
<td>44</td>
</tr>
<tr>
<td>Showroom</td>
<td>1 bay per 50m² NLA</td>
<td>552m²</td>
<td>11</td>
</tr>
<tr>
<td>Office</td>
<td>1 bay per 20m² NLA</td>
<td>372m²</td>
<td>18.6 (19)</td>
</tr>
<tr>
<td>Open Air Display</td>
<td>1 bay per 200m² display area</td>
<td>1,322m²</td>
<td>6.66 (7)</td>
</tr>
</tbody>
</table>

Total Bays Required 81
Total Bays Provided 82

It should be noted that the 82 carparking bays have been provided for customer/staff/service use. An additional 92 carparking bays have been provided on site for vehicle display purposes.

The original Planning Approval granted for an Automotive Dealership, which extended over a portion of the site, required the provision of 63 carparking bays. 70 carparking bays (excluding display bays) have been provided on the portion of the site that will service the existing Automotive Dealership. This is in addition to the parking provided for the proposed development.

It was noted that the display and parking of vehicles from the existing Automotive Dealership on part of Lot 100 Smeaton Way, Rockingham, was occurring in the road reserve and verge. Should this application be approved, a condition of Planning Approval prohibiting the display or storage of vehicles on the verge or in the road reserve is recommended to be imposed.

*Clause 4.10.4 - General Development Provisions*

Clause 4.10.4 provides development guidelines on all industrial zoned land within the City. They are outlined below and considered in relation to the proposed development.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facade</td>
<td>The building will be concrete tilt panel with a section of Alucobond wall panel to ‘break up’ the façade.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish.
### Requirements

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The second floor level, or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Council.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Fencing

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Council are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Council has not been granted. Any industrial (eg. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Council.</td>
<td>A low metal barrier fence is proposed.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Use of Building Setback Area

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Council.</td>
<td>A minor portion (0.7m) of the main building is located within the building setback area (see setback requirements in Clause 4.10.9 below). The majority of the street setback area will be used for display purposes, landscaping and vehicular accessway. Approximately 31% of the setback area will be used for vehicle display area. The percentage of the setback area used for vehicle display purposes exceeds the requirement for trade display purposes. This variations is considered acceptable as all surrounding car dealerships have been permitted to use the setback area for vehicle display purposes, and therefore the amenity of the streetscape will not</td>
<td>Yes - see justification</td>
</tr>
</tbody>
</table>

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**Clause 4.10.9 - General Industry Zone**

Clause 4.10.9 provides setback and landscaping requirements for developments within the General Industry Zone.

The following is an assessment of the proposed development against these requirements:
<table>
<thead>
<tr>
<th><strong>Required Element</strong></th>
<th><strong>Provided</strong></th>
<th><strong>Compliance</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setback</strong></td>
<td>A minimum front setback of twenty five (25) metres shall apply for major structures and a minimum front setback of fifteen (15) metres shall apply to offices, gatehouses and amenity buildings.</td>
<td>Yes - see justification</td>
</tr>
<tr>
<td></td>
<td>A 24.3m setback has been provided. The proposed setback variation is considered minor, and will not adversely impact the amenity of the existing streetscape.</td>
<td></td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary.</td>
<td>Yes - see justification</td>
</tr>
<tr>
<td></td>
<td>A 5-7.5m landscaping strip adjacent the road reserve has been provided. the existing development only provides a 7.5m landscaping strip, and a 4m landscaping strip has been provided to the Motor Vehicles Sales premises on the adjacent property. The Council has previously granted a variation to the landscaping requirements on the February 1997 Planning Approval for the Automotive Dealership on the principle of averaging, given the required area of landscaping was still being provided. The variation is considered acceptable as it will result in a consistent streetscape appearance.</td>
<td></td>
</tr>
</tbody>
</table>

*Clause 5.3 - Control of Advertisements*

Clause 5.3.1 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2.

An assessment of the proposed signage is contained in the Policy section of this report.

*Clause 6.6 - Matters to be considered by Council*

Clause 6.6 outlines the matters to which Council is to have due regard as required to an application.

The following is an assessment of the proposed development against the relevant requirements:

- **Clause 6.6(q) - Access and Egress**

Clause 6.6(q) of TPS2 requires the Council to give due regard to whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.

The proposed development will utilise existing crossovers in addition to providing new crossovers to assist with vehicle manoeuvrability around the site and onto Beale Way.
The applicant, through Shawmac, has prepared a Traffic Statement to assess the impacts associated with parking and traffic generation from the proposed development. The Traffic Statement concluded that the traffic impact generated by the proposed Motor Vehicle Sales and Repairs business will not compromise the access and egress points and that there was adequate parking to service the development.

Clause 6.6(r) - Traffic

Clause 6.6(r) of TPS2 requires the Council to give due regard to the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

The Traffic Statement concluded that the traffic impact generated by the proposed Motor Vehicle Sales and Repairs business would be of a similar magnitude as those generated by the existing site and traffic flows through adjacent intersections will remain at similar levels as currently being experienced. The operational performance of intersections is expected to generally remain unchanged.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

Wastewater

Given the servicing of vehicles is proposed, it is considered appropriate to require the construction of a washdown area to ensure the control of wastewater. The applicant has proposed 85m² of washdown area, which is considered sufficient to service the proposed development. A condition of Planning Approval requiring the washdown area be constructed and maintained for the duration of the development, prior to occupation of the development, to the satisfaction of the City of Rockingham, is recommended. The Washdown areas must constructed of hard-stand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains.

Conclusion

The proposal includes demolition of a minor portion of the existing sales office, and erection of a new building for use as a motor vehicle sales premise and repair station, and associated outdoor display of vehicle and signage.

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

It is recommended that the application be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the proposed Motor Vehicle Sales Premises and Repair Station at Lot 100 (No.20) Smeaton Way and Lot 16 (No.2-4) Beale Way, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
*That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/14/000674 and accompanying:

- Site Plan, Drawing C.3 DA SK1, dated 10 November 2014;
- Elevations, Drawing C.3 DA SK2, dated 10 November 2014; and
- Demolition Plan, Drawing C.3 SK3, dated 10 November 2014

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

**Conditions**

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

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

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

4. All stormwater generated by the development shall be designed to be contained of onsite and certified by a hydraulic engineer, prior to the issue of a Building Permit.

   The design shall be implemented and maintained for the duration of the development.

5. The washdown area(s) must be constructed prior to occupation of the development to the satisfaction of the City of Rockingham. The washdown area(s) must be constructed of hardstand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains.

   Washdown areas, including petrol and oil separators, must be maintained in good working order for the duration of the development.

6. The carpark must:
   - provide a minimum of 81 parking spaces;
   - be designed in accordance with User Class 2 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
   - include two (2) car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
   - be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   - have lighting installed, prior to the occupation of the development; and
   - confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

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

7. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the issue of a Building Permit:

(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
(ii) Any lawns to be established;
(iii) Any natural landscape areas to be retained;
(iv) Those areas to be reticulated or irrigated; and
(v) Verge treatments.

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

9. The display, storage, and parking of vehicles must only occur in the areas depicted for parking and display on the approved plans.

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

11. Two (2) short-term bicycle parking spaces and five (5) long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to the issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

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

Advice Notes

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

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

3. With respect to Condition No.5, the applicant and owner should liaise with the City of Rockingham's Health Services to confirm requirements for the washdown area.

4. With respect to Condition No.8, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

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

Committee Recommendation

Moved Cr Hamblin, seconded Cr Pease:

That Council ADOPT the Responsible Authority Report for the proposed Motor Vehicle Sales Premises and Repair Station at Lot 100 (No.20) Smeaton Way and Lot 16 (No.2-4) Beale Way, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
*That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/14/000674 and accompanying:

- Site Plan, Drawing C.3 DA SK1, dated 10 November 2014;
- Elevations, Drawing C.3 DA SK2, dated 10 November 2014; and
- Demolition Plan, Drawing C.3 SK3, dated 10 November 2014

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

**Conditions**

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

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

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

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

5. The washdown area(s) must be constructed prior to occupation of the development to the satisfaction of the City of Rockingham. The washdown area(s) must be constructed of hardstand, bunded, graded, roofed and serviced by a petrol and oil separator suitable for connection to Water Corporation sewer mains. Washdown areas, including petrol and oil separators, must be maintained in good working order for the duration of the development.

6. The carpark must:-

   (i) provide a minimum of 81 parking spaces;

   (ii) be designed in accordance with User Class 2 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;

   (iii) include two (2) car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;

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

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

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

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

7. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to the issue of a Building Permit:

(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
(ii) Any lawns to be established;
(iii) Any natural landscape areas to be retained;
(iv) Those areas to be reticulated or irrigated; and
(v) Verge treatments.

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

9. The display, storage, and parking of vehicles must only occur in the areas depicted for parking and display on the approved plans.

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

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Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
### Planning and Development Services

**Statutory, Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-104/14 Proposed Child Care Premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000336.1</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr R Dicey</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr C R and Ms F J Stewart</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning, Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>8 December 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2014 (PDS-092/14)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
</tbody>
</table>

**Site:**
- Lot 603 Mandurah Road, Baldivis
- Lot Area: 1.42ha
- LA Zoning: Rural
- MRS Zoning: Rural

**Attachments:** Applicant’s Further Information
- Schedule of Submissions

**Maps/Diagrams:**
1. Location Plan
2. Aerial Photo
3. Site Plan
4. Alternative Carpark Configuration
5. Ground Floor Plan
6. Upper Floor Plan
7. Elevations (west and north)
8. Elevations (east and south)
9. Signage
10. Artist Impression of Signage
11. Proposed Road modifications
12. Consultation Plan
Purpose of Report

To re-consider an application seeking Planning Approval for a Child Care Premises (CCP) to be developed on Lot 603 Mandurah Road, Baldivis.
The application for a Child Care Premises, which is the subject of this report, was considered at the ordinary Meeting of Council held on 25 November 2014, when it was decided to refer the matter back to the Planning and Engineering Services Committee. The additional information submitted by the applicant has been included in this report.

**Background**

The subject land is well vegetated, with the western portion of the lot remaining in its natural state. The site slopes steeply from its centre to Mandurah Road with a fall of 10m. There is an existing dwelling and shed are located on the property. The Lot is surrounded by rural and rural/residential land uses.

On 24 July 2012 the Western Australian Planning Commission (WAPC) granted conditional approval for a three lot subdivision for 1655 Mandurah Road, Baldivis. Lot 603 was created as a result of this subdivision. This subdivision was approved without the necessary Town Planning Scheme Amendment, required by the City’s Town Planning Scheme No.2 and Rural Land Strategy.

**Details**

The applicant seeks approval to develop a Child Care Premises (CCP) on the subject site. The proposal is summarised as follows:

- Maximum of 80 children;
- Days of operation: Monday to Friday, Closed Public Holidays;
- Hours of operation: 7:00am to 6:00pm (originally 6:30am to 6:00pm);
- 10 full time staff and three (3) part time staff;
- Existing double storey residence to be fit out with required amenities;
- 269m² kindergarteners outdoor area;
- 179m² toddlers outdoor area;
- 131m² Babies outdoor area;
- Driveway;
- 25 carparking bays including one accessible bay (an alternative car park layout, to address neighbour concerns, was provided);
- Six trees are proposed to be removed for the initial carpark, with eight to be removed for the alternative; and
- One 6.4m x 1.75m advertising sign.

The applicant has provided the following justification in support of the proposal:

- “Local businesses and organisations are already situated on this road;
- The right and left turning access from Ennis Road provides easy drop off and pick up for families travelling throughout the area;
- The existing building itself is very unique in nature and will allow easy conversion into a child care facility
- The proposal seeks to ensure that appropriate and flexible child care facilities are provided to accommodate the needs of the children and their carers and ensured the health and safety of children attending the services by recently exceeding and meeting the National Quality Standards set by the Australian Children’s Education and Care Quality Authority at our Waikiki centre.”

The applicant has submitted a Traffic Impact Assessment (TIA) in the support of the proposal. The findings of the TIA have been summarised as follows:
- A passing turning lane right for the south approach of Mandurah Road and a turning pocket left for the north approach of Mandurah Road is required at the intersection of Mandurah Road and the child care centre access road;
- The intersection of Mandurah Road and the child care centre access road will function sufficiently during the morning drop-off and evening pick-up periods;
- The proposed provision of 25 marked on-site spaces is appropriate for an 80 children capacity child care centre;
- The proposed access, car parking and site servicing layout has been designed for an 8.8m medium rigid vehicle (MRV). Refuse collection can be undertaken onsite using MRV dimensioned vehicles. This will require waste collection to be undertaken by a private waste management contractor, which has access to smaller trucks. If refuse collection was undertaken using City’s 12.5m heavy rigid vehicle (HRV) dimensioned vehicles, kerbside collection will be required;
- There are no traffic engineering reasons why a child care centre should not be approved at Lot 603 Mandurah Road, Baldivis.

Additional Information
The applicant supplied further information to all Councillors prior to the Council meeting held on 25 November 2014. The further information is contained in full at an Appendix to this report. The additional information is summarised below:

- The City’s current Child Care Policy may be in need of review in light of the Federal Government's major overhaul of the National Child Care Regulations;
- The applicants obligations under Education and Care Services National Regulations (Regulation 113);
- The Early Childhood National Curriculum of Australia instructs educators to tailor their programs so that “Children develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation” and enable children to “begin to recognise that they have a right to belong to many communities”, including rural;
- Not allowing children the right to a “semi-rural lifestyle environment where people reside in a tranquil setting” is exclusive and discriminatory;
- My World’s intends to be sympathetic to and enhance the characteristics of the land;
- My World would like to note that a Montessori primary school is undergoing application for approval also on Mandurah Road, Baldivis;
- My World will plant approximately 300 trees on the premises and provide black cockatoo nesting boxes to compensate the 6-8 trees removed in order to avoid any disturbance to the black cockatoo population; and
- My World is prepared to amend its sign so that it complies with the City’s Policy.”
3. Proposed Site Plan (For modified car parking layout see Figure 4)
4. Alternative Carpark Configuration

- Car park to be setback by 10m from primary frontage road
- Car park to be setback by 10m from the property boundary
5. Proposed Ground Floor Plan

6. Proposed Upper Floor Plan
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JANUARY 2015
9. Proposed Signage
10. Artist Impression of the Sign
11. Proposed Road Modifications
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 owners and occupiers for comment for a period of 14 days.

At the close of the advertising period five submissions, all objecting to the proposal, were received. A consultation plan is depicted below:

12. Consultation Plan

The key points raised in submissions, along with the City’s comments, are provided below:

<table>
<thead>
<tr>
<th>Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission</td>
</tr>
<tr>
<td>(i) Concerned with the impact this development could have upon vehicular traffic safety.</td>
</tr>
<tr>
<td>Applicants Response:</td>
</tr>
<tr>
<td>The traffic report issued by ML Traffic Engineers has addressed issues that are relevant to this application in the context of the site’s location, being specifically vehicle access including safe provisions for turning, on-site manoeuvrability, traffic generation and parking generation.</td>
</tr>
<tr>
<td>As such, the information contained within this assessment is deemed relevant and sufficient for the purpose of assessment of the application by the planning authority. The traffic report concludes that there are no traffic engineering reasons why a child care centre should not be approved at Lot 603 Mandurah Road, Baldivis.</td>
</tr>
</tbody>
</table>
City's Response:
The City's Engineering Services has assessed the TIA and advised that, should the proposed road modifications be carried out in accordance with the TIA, there are no concerns relating to the impact on existing local traffic and road safety.

<table>
<thead>
<tr>
<th>Submission</th>
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<tbody>
<tr>
<td>(ii) No public transport facilities in the area.</td>
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</table>

Applicants Response:
My World Child Care provides a courtesy pickup and drop-off service to its clients and staff. This service operates within a 20 km radius of our centres and is at no additional cost to the families or staff. This service benefits families who:

- Do not have vehicles or the finances to run these vehicles;
- Have illness and/or disabilities that hinder them in transporting their children;
- Families who have been instructed by the Department of Child Protection to put their children into child care or need the encouragement to seek education for their kindy aged children.

This service is also of benefit to staff that do not have vehicles or are unable to drive. This courtesy bus not only picks up from homes but is also able to pick up from the local train stations and bus stops, thus increasing the 20 km transport radius to all of Perth that is serviced by public transport. Note - our centre in Waikiki conducts pickups and drop offs to Baldivis. With approval of the new centre approximately 15 to 20 families currently attending our Waikiki centre would transfer to this centre as it would be a more convenient location.

The following schools are in close proximity to the proposed centre. My World has many buses available to drop off and collect students to and from these schools.

- Baldivis Secondary College;
- Baldivis Primary School;
- Tranby College;
- Settlers Primary School;
- Makybe Rise Primary School;
- Port Kennedy Primary School;
- St Bernadettes Primary;
- Endeavour Education Support Centre;
- Peel Language Development School;
- Secret Harbour Primary School; and
- Comet Bay College.

City's Response:
It is noted that public transport is not available and that the trip generation may have the potential to be reduced with the bus collection and drop off service offered by the CCP. The provision of this service is at the discretion of the operator and is considered to be insufficient compared to Public Transport. The locational requirements of PP3.3.5 seek to locate CCP near Public Transport.

<table>
<thead>
<tr>
<th>Location</th>
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<tbody>
<tr>
<td>Submission</td>
</tr>
<tr>
<td>(i) The proposal is not sympathetic to the characteristics of the area in which it is located.</td>
</tr>
</tbody>
</table>
### City's Response:
The proposal has been assessed against the provisions of both TPS2 and PP3.1.1, See Comments section and Policy section of the report.

### Submission

**Submission**

(ii) The proposal does not comply location criteria of Planning Bulletin 72 and Planning Policy 3.3.5.

### Applicant's Response:

There is an existing child care service located within the Rural Zone, which demonstrates that this use is consistent with the objective of the zone; Christian Youth Camps (CYC) CARE operates on Mandurah Road, Cooloongup and provides Before School Care and After School Care and Vacation Care for school aged children. It operates on all state school days opening from 7.00am to 6.00 pm and caters for the needs of up to 140 primary school aged children for all school days and 70 children during the public school holiday period.

(i) Planning Bulletin 72 lists a number of different locational criteria, including the one mentioned above, and states that a Child Care “may” meet those criteria, rather than “must” meet those criteria. Although the proposed centre is not within easy walking distance of commercial, recreational or community nodes and education facilities, it is located in a very central and convenient location for the intended purpose.

The future proposed redevelopment of Mandurah Road connects three populated areas with limited child care facilities; those being Warnbro, Baldivis and Secret Harbour. Also the proposed site is consistent with the location of many community facilities that are located along Mandurah Road (including an existing child care service).

(ii) With a future proposed school within a 5 minute drive from the proposed site, adjoining uses that are compatible with the proposed child care centre are set to increase. As mentioned above, there are many other examples of compatible services located along Mandurah Road.

(iii) My World Child Care provides a courtesy pickup and drop-off service to its clients and staff.

### City's Response:

The applicant's response refers to the Christian Youth Camps (CYC) CCP approved at 861 Mandurah Road, Baldivis. The argument of precedent can only be used in circumstances where the prevailing context is identical. In this instance this is not considered so, for the following reasons:

- The initial CYC CCP was approved under a former Town Planning Scheme No.1;
- It was approved prior to PP3.3.5 and Planning Bulletin 72;
- Rather than Rural Residential properties, the CYC CCP is bounded by a ‘Lifestyle Village’ to the directly to the North and a ‘Church’ and ‘School’ directly to the South.
- A portion of 861 is zoned as ‘Development’ under TPS2 and ‘Urban’ under the MRS.

The proposal fails to comply with the locational criteria of PB72 and PP3.3.5 in the following ways:

(i) The site is not within walking distance of commercial, recreation and community nodes;

(ii) It is not located in an area where adjoining uses are compatible with a CCP); The example of the existing CCP at 861 Mandurah Road, Baldivis is not considered relevant as the prevailing context of both CCPs differs. The proposed Montessori school on Mandurah Road has yet to be considered by the Council and should not be considered as justification for a CCP in this location; and
(iii) It is not located near Public Transport services. It is noted that a pick up and drop off service may be offered, however, this is considered to be limited in comparison to public transport.

**Submission**

(iii) There is no supporting infrastructure to establish the CCP.

**City's Response:**

It is noted that that infrastructure such as public transport and pedestrian facilities are lacking in the area. It is acknowledged that water supply and wastewater disposal could be accommodated satisfactorily on site.

**Servicing**

**Submission**

(i) Groundwater availability and Effluent Disposal are concerns.

**Applicant's Response:**

In regards to water usage, we will meet and be in line with and restrictions and requirements that are required. We do plan to aim at being self-sufficient with our water usage via sustainable practices such as implementing rain water collection which is not currently being utilized to its full efficiency at the location.

There are a number of existing groups in the locality that have similar water usage needs:

- CYC Care;
- Baldivis Children’s Forrest;
- Rockingham Holiday Village;
- Tuart Lakes Lifestyle Village;
- Vernon Arms Tavern;
- The Old Barnyard Restaurant;
- Free Reformed Churches of Australia;
- Munja Gardens Function Centre.

With regard to wastewater the location which the property falls into is not classed as a catchment area. As a result leach drains are being considered as well as non-leach drain options. Any effluent disposal systems will be subject to shire approval in accordance with any restrictions. Thus, these requirements will be met.

**City's Response:**

The applicant’s response is noted. The City's Health Services is satisfied that water supply is not an issue for the proposal. Should approval be granted, a new septic system, to the satisfaction of the City, would be required prior to occupation of the development.

**Amenity**

**Submission**

(i) The proposed development will have a detrimental impact on the visual amenity enjoyed from surrounding land.
**Applicant's Response:**
The scale and character of the existing building will not be changed (as specified in the plans submitted for the proposed centre). The facilities will be maintained to a higher standard than they are currently, only natural colours will be used both inside and outside the building, the visual amenity will actually become more aesthetically pleasing with this maintenance and the panoramic vistas to the subject site and its immediate surrounds will in no way be detrimentally impacted or affected. As previously mentioned, we plan to dramatically improve the visual impact of the property with a particular focus on the landscaping. All improvements will be submitted to, and approved by, the City.

The car park is proposed to be relocated away from the adjoining neighbour boundary.

**City's Response:**
While an individual’s right to a view in not a material planning consideration, the impact on the visual amenity of the location is a relevant concern. Although Council could reasonably condition the implementation of a landscaping plan, to reduce the visual impact of the proposal, the preservation of existing vegetation constitutes a superior outcome as this vegetation contributes to the existing visual amenity of the location. In this regard it is a concern that the proposed car park will require the removal of six to eight trees depending on the location.

**Submission**
(ii) The land use is incompatible with adjoining land uses.

**City's Response:**
The proposal has been assessed within the context of surrounding land uses. Refer to Comments section.

**Submission**
(iii) Noise will impact on the amenity of surrounding properties.

**Applicant's Response:**
The parking has been reconfigured to remove traffic from the adjoining neighbour boundary.

**City's Response:**
Noise from the proposal including children playing and vehicles entering and exiting the premises is required to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (Regulations). Due to the size of the property the City's Health Services is satisfied that the proposal could comply with the Regulations.

**Submission**
(iv) The volume of vehicle moments is completely incongruous with that of surrounding properties.

**City's Response:**
It is noted that the number of vehicle movements is not typical of what is expected within the Rural zone.

**Submission**
(v) Does not comply with hours of operation outlined in Planning Bulletin 72 and LPP 3.2.5.

**Applicant's Response:**
The CCP will limit its hours of operation from 7 am to 6 pm on weekdays only. Outside of these business hours, when residents are generally not at work, there will be no activity on-site.

**City's Response:**
The applicant’s response is considered to sufficiently address this concern.
b. Consultation with Government Agencies

Due to the proximity of Lot 603 to a road reserved as an Other Regional Road under the MRS, the application was referred to the Department of Planning (DoP) for comment.

The following response was received:

<table>
<thead>
<tr>
<th>Department of Planning</th>
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<tbody>
<tr>
<td>Though the Department has no objections to the proposal based on regional transport planning grounds, the following advice is provide for consideration by the City:</td>
</tr>
<tr>
<td>• To clarify, access to the subject lot was previously considered by the Department in 1999 based on a rural residential land use. The proposed child care centre presents a significant increase in traffic volumes accessing the subject lot, hence the need for the assessment.</td>
</tr>
<tr>
<td>• Though it is acknowledged that traffic conditions post deviation of Mandurah Road will be more desirable for access to the subject lot, the City should note that the local road network is likely to maintain a higher level of background traffic than anticipated by the applicant’s traffic consultants. This should be factored into the City’s assessment.</td>
</tr>
<tr>
<td>• The Department is concerned with safety of the proposed access arrangements following deviation of Mandurah Road. Vehicles exiting the subject lot may not be able to safely make a right turn movement out of the subject lot. Given that this access will be to/from a future local road, the City will ultimately be responsible for determining whether the right-out movement can be safely performed. However the Department suggests that the City consider limiting this access to left-in/left-out operation only.</td>
</tr>
<tr>
<td>• It is anticipated that the City will determined the need for the proposed left turn bay and approach taper upon detailed design of the future road network.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Response:</th>
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<tbody>
<tr>
<td>The advice provided by the DOP is noted, however, the City's Engineering Services has assessed the TIA and advised that, should the proposed road modifications be carried out in accordance with the TIA, there are no concerns relating to the impact on existing local traffic and road safety</td>
</tr>
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<tr>
<th>c. Strategic</th>
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<tbody>
<tr>
<td>Community Plan</td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

d. Policy

| State Planning Policy No.2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1) |
| SPP2.1 applies to land within the Peel-Harvey Catchment. It requires that new developments incorporate effluent management systems in accordance with the Health Services, EPA and the Water Authority of Western Australia requirements. |
| Should the proposal be approved the proposed development will be required to incorporate a nutrient retentive effluent management system, which is a requirement in the Peel Harvey Catchment. |
| Planning Bulletin No. 72 - Child Care Centres (PB72) |
| PB72 aims to: |
| a) Outline a consistent policy approach to planning for CCPs; and |
| b) Advise of planning considerations in relation to the location and development of CCPs. |
CCPs provide a much needed community function, but many are operated as a commercial venture, with market forces influencing the location and availability of the service. While the WAPC strongly supports the provision of necessary facilities, it is important to emphasise that the need for a service does not justify development in inappropriate locations.

Section 3.6 states that a TIA should be required for the development of a CCP. The submitted TIA has been accepted by the City’s Engineers.

Section 3.7 states that a Noise Impact Assessment may be required for the development of a CCP. It also states that, as a general rule, the hours of operation of a CCP should be limited to between the hours of 7 am and 7 pm weekdays and on Saturdays, unless otherwise agreed to with the City. The proposal has been amended to operate between 7am and 6pm. The City’s Health Services advised that an acoustic assessment is not required as the proposal CCP is set back sufficiently from surrounding development not to warrant an acoustic assessment.

The provisions of PB72 have been incorporated into the City’s Local Planning Policy 3.3.5 Child Care Premises.

Planning Policy No. 3.1.1 – Rural Land Strategy (PP3.1.1)

PP3.1.1 provides the basis for land use planning in the rural area of the district. In particular, it provides Council with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

PP3.1.1 considers the City’s rural land in terms of ‘Planning Units’, which are further divided into Planning Precincts.

The subject property is located within ‘Planning Unit 4’; The primary objective for this Planning Unit is to encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east. The proposed CCP is not consistent with a special rural/special residential land use. A CCP is an ‘X’ use within the special rural/special residential zones, under TPS2, supports this.

It is noted that the carpark will require the removal of six – eight trees, depending on the location; this is not supported by the City.

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

Clause 4.3 - Planning Considerations – Pylon Sign

The proposed sign is not consistent with the provision of PP3.3.1 as it is 6.4m high in lieu of the permissible 6m and has an area of 9.6m² in lieu of the permissible 4m².

Planning Policy No. 3.3.5 – Child Care Premises (PP3.3.5)

The following are objectives of PP3.3.5:

- “To secure the amenity of the locality by ensuring that Child Care Premises (CCP) are consistent with the scale and character of the immediate area;
- To ensure that appropriate and flexible child care facilities are provided to accommodate the needs of the children and their carers.
- To consider the health and safety of children attending the Child Care Premises within the confines of the planning system.”

The below table is an assessment against the location requirements of PP3.3.5 where a CCP is considered to be suitable:
<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distributed strategically to provide the maximum benefit to the community it serves.</td>
<td>The proposed CCP is located in isolation from compatible land uses, commercial development and residential development of a sufficient density.</td>
<td>No</td>
</tr>
<tr>
<td>Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities.</td>
<td>No commercial, recreation or community nodes and education facilities existing within a walkable distance from the CCP.</td>
<td>No</td>
</tr>
<tr>
<td>Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties).</td>
<td>The proposed CCP is not considered to be compatible with adjoining rural/residential land uses. This is highlighted by the significant opposition to the proposal.</td>
<td>No</td>
</tr>
<tr>
<td>Serviced by public transport (where available).</td>
<td>The CCP is not served by Public Transport.</td>
<td>No</td>
</tr>
<tr>
<td>Considered suitable from a traffic engineering/safety point of view.</td>
<td>The TIA submitted is considered to be satisfactory.</td>
<td>Yes</td>
</tr>
<tr>
<td>Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.</td>
<td>The size and nature of the proposal is considered to have potential to affect the amenity of the Rural area in which it is proposed to be located.</td>
<td>No</td>
</tr>
</tbody>
</table>


This document contains a set of guidelines and addresses a range of matters that need to be taken into consideration at various stages of the planning process to provide an appropriate level of protection to life and property on land where bush fire risk is identified. The subject property is located within an existing rural setting with a potential bush fire risk.

There is an existing FMP over the subject lot, however, as the land use is proposed to changed, a new one is required as a condition of approval should the application be approved.

e. **Financial**

Nil

f. **Legal and Statutory**

Metropolitan Region Scheme (MRS)

The subject property is zoned ‘Rural’ under the MRS and is therefore affected by Clause 32 (Resolution No.55 – Development in the Rural Zone) under the MRS.

The application must be determined by the WAPC, pursuant to the MRS. The City will provide its comments and recommendations to the WAPC following the Council’s decision on the proposal under TPS2.

Planning Approval is therefore required from the WAPC (MRS) and the Council (TPS2) in order for the applicant to proceed with the development.
Town Planning Scheme No.2 (TPS2)

Permissibility

Child Care Premises is interpreted under TPS2 as follows:

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

A child care premises is not permitted, within the Rural Zone, unless Council has exercised its discretion by granting Planning Approval.

Rural Zone

The objective of the Rural Zone is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

Setbacks

TPS2 requires all development to be setback 30m from Mandurah Road and 10m from all other boundaries.

Clause 4.15 - Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.2 of TPS2.

Considerations under Clause 6.6

Relevant sections of Clause 6.6 have been discussed throughout the report.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

Rural Zone

The proposal is considered to be inconsistent with the objective of the Rural zone as it is a commercial proposal that does not assist in the preservation of land for farming and foster semirural development which is sympathetic to the particular characteristics of the area in which it is located.

PP3.3.5

As is demonstrated in the assessment against the provisions of PP3.3.5, the proposed location is considered to be unsuitable for a CCP. The lot is isolated from sufficient residential density, compatible land uses and public transport. It is considered that the proposed site for the CPP does not suit the locational benefit.

Amenity

The traffic increase associated with the proposal is not typical of what is expected within the Rural zone. Although the generated traffic is considered to be acceptable from a road safety perspective, the difference from the prevailing conditions is considered to impact on the amenity of the location.

Compatibility with adjoining land uses

The proposal is considered to incompatible with the surrounding land uses for the following reasons:

- It fails to meet locational criteria of PB72 and PP3.3.5; and
- It has generated significant opposition from residents in the area.
Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)

The proposed sign is not consistent with the provision of PP3.3.1 as it is 6.4m high in lieu of the permissible 6m and has an area of 9.6m² in lieu of the permissible 4m².

Additional Information

The City’s response to the applicant’s additional information is provided, in order of the points raised, as follows:

1. **The City’s current Child Care Policy may be in need of review in light of the Federal Government’s major overhaul of the National Child Care Regulations**

   **City’s Response**
   
   This is not a relevant Planning consideration. The *Education and Care Services National Regulations 2012* which is subsidiary to the *Education and Care Services National Law (WA)* Act 2012 have been developed to set operational standards for CCP operators. These regulations pertain to matters including operator approvals and qualifications, quality control and the health and safety of children. They do not consider town planning matters.

   PP3.3.5 is based upon the WAPC’s PB72. PB72 was prepared in 2009 in consultation with the Department for Child Protection, Department for Communities, Department of Health, Department of Environment and Conservation and local government. PB72 and PP3.3.5 focus on matters pertaining to the proper location, considerations and standards that should apply to the development of CCP. It is considered, from a planning point of view, that these matters are sufficiently addressed in both documents.

   The assessment of this proposal against the locational criteria of PB72 and PP3.3.5 has determined it to be unsuitable in terms of both documents. It is the obligation of a CCP operator to comply with the relevant Child Care legislations as well as TPS2 and City Planning Policy.

2. **Obligations under Education and Care Services National Regulations (Regulation 113)**

   **City’s Response**
   
   This is not a relevant Planning consideration. It is the remit of the City to ensure that CCPs are appropriately located in areas that are suitable for the CCP, the surrounding land uses and the general public.

   It is the remit of a CCP operator to ensure compliance with relevant Child Care statutory instruments as well as relevant planning legislation and Planning Policy. The site is unsuitable from a locational point of view as demonstrated in the Policy section of this report.

3. **The Early Childhood National Curriculum of Australia instructs educators to tailor their programs so that “Children develop a sense of belonging to groups and communities and an understanding of the reciprocal rights and responsibilities necessary for active community participation” and enable children to “begin to recognise that they have a right to belong to many communities”, including rural.**

   **City’s Response**
   
   This is not a relevant planning consideration as it is not relevant when assessing a proposal against the objectives of the TPS2 Zoning and the Rural Land Strategy. There are many opportunities for a child, living in a rural area, to develop a sense of belonging. Attendance of a CCP, located in a Rural area, is not considered necessary to foster this sense of belonging.

4. **Not allowing children the right to a “semi-rural lifestyle environment where people reside in a tranquil setting” is exclusive and discriminatory.**

   **City’s Response**
   
   This is not a relevant planning criteria for the establishment of a CCP within the City. By not supporting a CCP in this location the City is in no way discriminating against people including children. The assessment of the application and the subsequent recommendation is made after reviewing the proposal against relevant statutory and strategic planning instruments.
5. My World’s intends to be sympathetic to and enhance the characteristics of the land.
   City’s Response
   A CCP is not considered to be a rural or a semi-rural land use. It is considered to be a
   commercial land use that has the ability to impact on the natural environment and
   surrounding land uses.

6. My World would like to note that a Montessori primary school is undergoing application for
   approval also on Mandurah Road, Baldivis.
   City’s Response
   The City’s assessment of the Montessori planning application is not relevant to this
   proposal. This application has yet to be determined.

7. My World will plant approximately 300 trees on the premises and provide black cockatoo
   nesting boxes to compensate the 6-8 trees removed in order to avoid any disturbance to the
   black cockatoo population.
   City’s Response
   The planting of 300 trees is not necessarily a suitable offset for the removal of remnant
   vegetation. The preservation of existing vegetation constitutes a better outcome as this
   vegetation contributes to the natural environment, ecology and visual amenity of the
   location.

8. My World is prepared to amend its sign so that it complies with the City’s Policy.
   City’s Response
   This is noted and has been removed from the reasons for refusal.

Conclusion
On the basis that the proposal is incompatible with the surrounding land uses, inconsistent with
PP3.3.5 and has the potential to impact detrimentally on the amenity of the location, the proposal is
recommended for refusal. The additional information submitted by the applicant does not
demonstrate sufficient town planning merit to approve the CCP in this location.

Voting Requirements
Simple Majority

Officer Recommendation
That Council REFUSE the application for the proposed Child Care Premises on Lot 603 Mandurah
Road, for the following reasons:

1. The proposed development fails to comply with the objective of the Rural Zone in Town
   Planning Scheme No.2, to preserve the land for farming and foster semi-rural development
   which is sympathetic to the character of the area, having regard to the City’s Rural Land
   Strategy.

2. The proposed Child Care Premises fails to meet the locational criteria of Local Planning
   Policy 3.3.5 – Child Care Premises in the following manner:
   - Clause 4.1 (a) – The Child Care Premises is not strategically located in an area to
     provide the maximum benefit to the community it serves;
   - Clause 4.1 (b) - The Child Care Premises not within easy walking distance or part of
     appropriate commercial, recreation or community nodes and education facilities;
   - Clause 4.1 (c) - The Child Care Premises is incompatible with surrounding land uses
     and has the potential to be detrimental to the amenity of neighbours due to
     increased vehicular traffic; and
   - Clause 4.1 (e) – The Child Care Premises is not serviced by Public Transport.
### Committee Recommendation

**Moved Cr Hill, seconded Cr Pease:**

That Council *REFUSE* the application for the proposed Child Care Premises on Lot 603 Mandurah Road, for the following reasons:

1. The proposed development fails to comply with the objective of the Rural Zone in Town Planning Scheme No.2, to preserve the land for farming and foster semi-rural development which is sympathetic to the character of the area, having regard to the City’s Rural Land Strategy.

2. The proposed Child Care Premises fails to meet the locational criteria of Local Planning Policy 3.3.5 – Child Care Premises in the following manner:
   - Clause 4.1 (a) – The Child Care Premises is not strategically located in an area to provide the maximum benefit to the community it serves;
   - Clause 4.1 (b) - The Child Care Premises not within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;
   - Clause 4.1 (c) - The Child Care Premises is incompatible with surrounding land uses and has the potential to be detrimental to the amenity of neighbours due to increased vehicular traffic; and
   - Clause 4.1 (e) – The Child Care Premises is not serviced by Public Transport.

**Committee Voting – 4/1**

(Cr R Smith voted against)

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

Not Applicable

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

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-045/14</th>
<th>Budget Amendment to allocate Roads to Recovery funding to the reconstruction of Pug Road, Baldivis (Absolute Majority)</th>
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<tr>
<td>File No:</td>
<td>PUG1</td>
<td></td>
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<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Proponent/s:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Scott Lambie, Manager Engineering Services</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>8 December 2014</td>
<td></td>
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<td>Previously before Council:</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
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<td>Lot Area:</td>
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<tr>
<td>Attachments:</td>
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<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Locality Plan</td>
<td></td>
</tr>
</tbody>
</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JANUARY 2015

PRESIDING MEMBER
Purpose of Report

To request Council amend the 2014/2015 adopted Budget to allocate funds budgeted under “New R2R Projects” to allow for the reconstruction of Pug Road in Baldivis.

Background

Roads to Recovery is a Federal Government funded program with the objective of contributing to Infrastructure Investment through supporting maintenance of the nation’s local road infrastructure assets, which facilitates greater access for Australians and improved safety, economic and social outcomes. The previous program ended at the end of the 2013/2014 financial year and at the time of adopting the City’s 2014/2015 budget, only verbal confirmation on the continuation of the funding program had been received. As such, the majority of the expected Roads to Recovery income, while included in the budget, was not allocated to a specific project in case the programme was not to continue or allocations were reduced.

Formal confirmation that the program was to continue was received from the office of the Minister for Infrastructure and Regional Development in October 2014, allowing the City to allocate the remaining funds to road projects.

Pug Road is located in Baldivis and runs east west between the Kwinana Freeway (no connection) and St Albans Road. It is 520 metres long and has a pavement width of 6 metres. Pug Road has been identified within the City’s Asset renewal plan for resurfacing within the 2014/2015 program year.
Details

During visual inspections of roads selected for resurfacing, it was noted that Pug Road was suffering from significant pavement deformation where portions of the road was starting to sink. This strongly suggests that the road sub pavement had failed and that significantly more work would be required to ensure longevity of the road.

Pug Road was subsequently removed from the resurfacing programme with the view of reconstructing the road when the Roads to Recovery funding became available.

Implications to Consider

a. Consultation with the Community
   Nil
b. Consultation with Government Agencies
   Nil
c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:-
   
   Aspiration 6: Civic buildings, public places and transport infrastructure of contemporary design; constructed and maintained using best practice principles.

d. Policy
   Nil
e. Financial
   A budget amendment of $420,000 is required to allow for the reconstruction of Pug Road. The full amount is to be funded from the budgeted item “New R2R Projects” which currently has a budget allocation of $440,000.
f. Legal and Statutory
   In accordance with 6.8 Section(1) (b), of the Local Government Act 1995
   ‘A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure from municipal fund not included an annual budget is authorised in advance by resolution’.
g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
   Risk Implications of Not Implementing Officer Recommendation
   Nil

Comments

The budget amendment is being sought now rather than waiting until the next budget review process in February in order to provide sufficient time for the City’s Engineering Operations outside workforce to undertake the work during the summer months, as the area around Pug Road can be subject to high water table and surface inundation during periods of regular rainfall.

Therefore, as the current condition of Pug Road requires earlier intervention, a budget amendment to assist with the reconstruction is recommended.

Voting Requirements

Absolute Majority
Officer Recommendation

That Council AMEND the 2014/2015 Budget to allocate $420,000 from “New R2R Projects” (GL 415193.31) to allow for the reconstruction of Pug Road in Baldivis.

Committee Recommendation

Moved Cr Hill, seconded Cr J Smith:

That Council AMEND the 2014/2015 Budget to allocate $420,000 from “New R2R Projects” (GL 415193.31) to allow for the reconstruction of Pug Road in Baldivis.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Reference No & Subject: EP-046/14 Tender T14/15-56 – Period supply and delivery of sprinklers, pressure PVC pipe, poly pipe and subsidiary fittings

File No: T14/15-56
Risk Register No: 51
Proponent/s: Mr Adam Johnston, Manager Parks Operations
Author: Mr Peter Griffiths, Coordinator Parks Operations
Other Contributors: Mr Allan Devlin, Irrigation Coordinator
Date of Committee Meeting: 8 December 2014
Previously before Council:
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter:
Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments: Schedule of Rates
Maps/Diagrams:

Purpose of Report

Provide Council with details of the tenders received for Tender T14/15-56 – Period supply and delivery of sprinklers, pressure PVC pipe, poly pipe and subsidiary fittings, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T14/15-56 – Period Supply and delivery of sprinklers, pressure PVC pipe, poly pipe and subsidiary fittings was advertised in the West Australian on Saturday, 10 October 2014. The Tender closed at 2.00pm, Wednesday, 29 October 2014 and was publicly opened immediately after the closing time.
Details

The scope of the contract is for the supply and delivery of sprinklers, pressure PVC pipe, poly pipe and subsidiary fittings for the installation and maintenance of irrigation systems within the City of Rockingham.

Total Eden Pty Ltd submitted conforming and alternate tender submissions. The alternate tender submission was based on non-fixed pricing with supplier increases/decreases dictating future pricing. This pricing alternative did not meet the tender requirements for fixed pricing over the contract term.

The period of the contract will be from the date of award for a period of 36 months.

Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Eden Pty Ltd (Conforming submission)</td>
</tr>
<tr>
<td>Total Eden Pty Ltd (Alternate submission)</td>
</tr>
<tr>
<td>Environmental Industries Pty Ltd T/As Thinkwater Canning Vale</td>
</tr>
<tr>
<td>PGC Irrigation Contractors Pty Ltd</td>
</tr>
<tr>
<td>Judroc Pty Ltd T/As The Watershed Water Systems</td>
</tr>
<tr>
<td>Bellevue WA Pty Ltd T/As Poly Pipe Traders</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Level of Service</td>
<td>20</td>
<td>18</td>
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<td>Understanding Tender Requirements</td>
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<tr>
<td>Tendered Price/s</td>
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<td>Total Weighted Scores</td>
<td>100</td>
<td>90</td>
<td>71</td>
<td>82</td>
<td>80</td>
<td>78</td>
<td>47</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 Aspirations contained in the Community Plan 2011:
   
   **Aspiration 4:** A healthy community engaging in positive and rewarding lifestyles with access to a range of passive and active recreational and personal development opportunities
   
   **Aspiration 6:** Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

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

e. Financial
   Capital works expenditure will be in accordance with the City’s Business Plan and operational expenditure will be in accordance with the Engineering and Parks operations maintenance budgets as allocated in the 2014/2015 operational budget.

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

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Medium:
   
   - Failure of tender/quote documentation to establish compliance and assessment criteria to ensure proper assessment and selection process is adopted. Failure of Tender/Quote process to comply with Council’s Purchasing Policy and Tender Regulations.

   Risk Implications of not implementing Officer Recommendation
   Nil

Comments

Following consideration of the submissions in accordance with the tender assessment criteria all companies demonstrated a capacity to undertake the works, however, the submission received from Environmental Industries Pty Ltd T/As Thinkwater Canning Vale is considered the best value to the City and therefore recommended as the preferred tenderer.
Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACCEPT** the tender submitted from Environmental Industries Pty Ltd trading as Thinkwater Canning Vale, Unit 2 4/6 Mallaig Way Canning Vale, WA 6155 for Tender T14/15-56 – Period Supply and delivery of sprinklers, pressure PVC pipe, poly pipe and subsidiary fittings in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

Committee Recommendation

Moved Cr J Smith, seconded Cr Pease:

That Council **ACCEPT** the tender submitted from Environmental Industries Pty Ltd trading as Thinkwater Canning Vale, Unit 2 4/6 Mallaig Way Canning Vale, WA 6155 for Tender T14/15-56 – Period Supply and delivery of sprinklers, pressure PVC pipe, poly pipe and subsidiary fittings in accordance with the tender documentation for the contract period being from the date of award for a period of 36 months.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
# Engineering and Parks Services
## Landfill Services

<table>
<thead>
<tr>
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<tbody>
<tr>
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<tr>
<td>Risk Register No:</td>
<td>14, 16, 17 and 46</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr Allan Moles, Manager Integrated Waste Services</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
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<td>Other Contributors:</td>
<td></td>
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<td>Date of Committee Meeting:</td>
<td>8 December 2014</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</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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<tr>
<td>Attachments:</td>
<td>Draft Waste Collection Strategy dated December 2014</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

## Purpose of Report

To seek Council endorsement of the draft Waste Collection Strategy dated December 2014 for the purpose of community consultation.

## Background

The City adopted its current Waste Strategy in April 2011 which outlined a number of strategies and actions related to waste collection, landfill services, litter and illegal dumping.

The purpose of the draft Waste Collection Strategy dated December 2014 (the draft Strategy) is to review and update the waste collection aspects of the City’s 2011 Waste Strategy to ensure that the services provided to the community continue to meet current and future expectations.

## Details

The City provides a comprehensive waste collection service to the community including:

- Kerbside waste and recycling collections
• Street, park and event waste collections
• Commercial waste collections
• Bulk verge general waste collections
• Bulk verge green waste collections
• Millar Road Landfill Facility tip passes
• Rockingham Beach Front waste collections

The City currently provides services to 45,360 households, 1,175 commercial premises and also services 900 street and park bins.

The City’s growth rate has a direct impact on the waste collection service with on average 1,500 new services provided each year. This increasing demand for services and the changing requirements to service high density developments necessitates the need to plan for additional resources to adequately meet the service requirements, now and into the future.

The need for an efficient waste collection service is tempered by the objective to reduce the amount of waste generated and disposed in landfills. Recovery targets for municipal solid waste in the Perth Metropolitan Region are 50% by 2015 and 65% by 2020 however the City is currently achieving less than 30%.

The following are the major initiatives proposed in the draft Strategy:

360 Litre Recycle Bins
• Continue the rollout of larger 360 litre recycling bins to new and replacement fortnightly recycling services, with a complete rollout to be completed by the end of 2015/2016.

Three Bin Collection Service
• Introduce a three bin collection system in 2016/2017 with the existing 240 litre recycling bin being utilised as a “green waste” bin serviced fortnightly.
• Progressively rollout 140 litre general waste bins to new and replacement services as part of the new standard three bin collection service.

Bulk Verge Green Waste Collections
• Reduce the number of collections from three x 2m³ to two x 3m³ per year.

Millar Road Landfill Facility Tip Passes
• Reduce the number of tip passes allocated per service from four general waste and four green waste to four multi-purpose tip passes.

Implications to Consider

a. Consultation with the Community
   Public comment will be invited on the draft Waste Collection Strategy dated December 2014, for a period of four weeks.

b. Consultation with Government Agencies
   Not Applicable

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

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

   **Aspiration 12:** Carbon footprint reduction and waste minimisation centred upon public awareness and the use of new technologies.
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 JANUARY 2015

PRESIDING MEMBER

d. Policy
Nil

e. Financial
The waste collection service is provided on a fee for service basis and the cost is covered by the fees and charges set by the City each year.

Initiatives will be included for funding though the team plan and business plan processes and the additional bin infrastructure required for the three bin collection system, expected to cost $4 million, may potentially be part funded through external grants and the Carbon Tax Reserve.

f. Legal and Statutory
The Waste Avoidance and Resource Recovery Act 2007 (WARR Act) is the principal legislation providing for waste services by local governments.

Under the WARR Act a local government may provide, or enter into a contract for the provision on its behalf of, waste services.

The WARR Act defines local government waste as waste from residential sources and waste generated by the operations of a local government but does not include sewerage.

As the City provides waste services for waste other than local government waste as defined under the WARR Act, the general provisions under Section 3.18(2) of the Local Government Act 1995 are used to provide the services and the fees and charges are imposed under the provisions of Section 6.16 of the Local Government Act 1995.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Medium:
- Potential reputation and financial risk if best practice initiatives not introduced to increase efficiency and reduce waste disposed in landfill.

Comments
The City provides a comprehensive waste collection service that has been one of the best performed services in the annual Customer Satisfaction Survey’s with more than 80% of respondents rating the service as performing “well/very well” since 2009.

Although the service levels currently provided are adequate and have not been subject to any consistent issues or complaints, the percentage of waste that is diverted from landfill has remained relatively static for a number of years at under 30% and is significantly below the target of 50% in 2015.

The current cost per tonne of disposing of waste at the Millar Road Landfill Facility is almost $100 compared to under $20 to process a tonne of recyclables. This price difference will increase as the landfill levy will be significantly increased to $55 per tonne from January 2015 with the levy set to increase incrementally to $70 from 1 July 2019.

The initiatives included in the draft Strategy are intended to increase the level of recycling and reduce the impact of the increasing cost of landfill.

In relation to bulk verge waste collections the current service has improved following increased supervision and compliance checks by both the City and its contractor. Despite the increased compliance there are some properties that do not comply with the requirements of the service and further improved enforcement strategies need to be implemented.
To address the concerns regarding fire and storm risks it is proposed to reduce the number of collections to two and increase the limit to three cubic metres per collection. These collections would be timed to just before the fire season (October) and prior to the winter storm season (May) each year.

The City introduced a number of changes to the way the tip passes are managed over the last few years with the old manual tear off tip passes being replaced with the current barcode passes included on the rates notices. As a result of these changes the City has been able to manage the reissue of passes where required and been able to track and produce statistics regarding the use of the tip passes.

Although some properties use all the passes issued (539 or 1%), the majority of properties do not use the tip passes and the average number of passes redeemed is less than three.

Based on the number of tip passes redeemed and the individual usage statistics a reduction in the number of tip passes issued from four general waste and four green waste to four multi-purpose tip passes is considered adequate to accommodate the majority of the community. These multi-purpose tip passes will be able to be used for either general or green waste. Based on the current usage this may impact approximately 6% of properties.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *ENDORSE* the draft Waste Collection Strategy dated December 2014 for the purpose of undertaking community consultation.

**Committee Recommendation**

Moved Cr J Smith, seconded Cr Hamblin:

That Council *ENDORSE* the draft Waste Collection Strategy dated December 2014 for the purpose of undertaking community consultation.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
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<tr>
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<th>Reports of Councillors</th>
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<tr>
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<th>Addendum Agenda</th>
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<th>Motions of which Previous Notice has been given</th>
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<th>Notices of Motion for Consideration at the Following Meeting</th>
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<th>Urgent Business Approved by the Person Presiding or by Decision of the Committee</th>
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<th>Matters Behind Closed Doors</th>
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<th>Date and Time of Next Meeting</th>
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<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 19 January 2015</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<th>Closure</th>
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<td>There being no further business, the Chairperson wished all Councillors, staff and their families compliments of the season and a Happy New Year, thanked them for their contribution over the past year and declared the meeting closed at <strong>5.06pm</strong>.</td>
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