MINI Planning Committee

Held on MONDAY 20 April 2015

Ackington Boardroom at 4.00pm

Services
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   - Planning and Development Services
     - PDS-027/15 Single House - Visual Privacy Variation
     - PDS-028/15 Joint Development Assessment Panel Application - Fast Food Outlet and Signage - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour
     - PDS-029/15 Rockingham Beach Foreshore Master Plan – Consent to Advertise
   - Engineering and Parks Services
     - EP-006/15 Tender T14/15-82 - Period provision of mechanical and auto electrical repairs and services for the civil engineering heavy plant, heavy trucks, light trucks and refuse collection trucks.
     - EP-007/15 Budget Amendment to allocate Roads to Recovery funding to the reconstruction of a portion of Young Road, Baldivis. (Absolute Majority)
     - EP-008/15 Tender T14/15-73 – Period provision of general building maintenance services including Carpentry, Tiling, Bricklaying Plastering, Roofing Repairs and Roof Plumbing
     - EP-009/15 Tender T14/15-89 – Period supply of turf renovation services for sports fields and public open spaces
13. Reports of Councillors
14. Addendum Agenda
15. Motions of which Previous Notice has been given
<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>16.</td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
<td>97</td>
</tr>
<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
<td>97</td>
</tr>
<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
<td>97</td>
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<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
<td>97</td>
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<tr>
<td>20.</td>
<td>Closure</td>
<td>97</td>
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</table>
City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 20 April 2015 - Council Boardroom

1. Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee Meeting open at 4.03pm, welcomed all present, and delivered the Acknowledgement of Country.

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

<table>
<thead>
<tr>
<th>2.1 Councillors</th>
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<tbody>
<tr>
<td>Cr Richard Smith (Deputy Mayor)</td>
<td>Chairperson</td>
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<tr>
<td>Cr Chris Elliott</td>
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<tr>
<td>Cr Ron Pease JP</td>
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<tr>
<td>Cr Deb Hamblin</td>
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<td>Cr Allan Hill OAM JP</td>
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<table>
<thead>
<tr>
<th>2.2 Executive</th>
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<tbody>
<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Chris Thompson</td>
<td>Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
<td>Manager Building Services</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health Services (until 4.19pm)</td>
</tr>
<tr>
<td>Mr Ian Daniels</td>
<td>Manager Engineering Services</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
<td>Manager Asset Services (until 4.19pm)</td>
</tr>
<tr>
<td>Mr James Henson</td>
<td>Manager Parks Development (until 4.19pm)</td>
</tr>
<tr>
<td>Mr Stuart McCarthy</td>
<td>Manager Engineering Operations</td>
</tr>
<tr>
<td>Mr Allan Moles</td>
<td>Manager Integrated Waste Services</td>
</tr>
<tr>
<td>Mr Adam Johnston</td>
<td>Manager Parks Operations</td>
</tr>
<tr>
<td>Mrs Gail Wells</td>
<td>PA to Director Engineering and Parks Services</td>
</tr>
</tbody>
</table>

| 2.3 Members of the Gallery: | 4 |
| 2.4 Apologies:             | Nil |
| 2.5 Approved Leave of Absence: | Nil |
### 3. Responses to Previous Public Questions Taken on Notice

<p>| | |</p>
<table>
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<td>Nil</td>
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### 4. Public Question Time

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<tbody>
<tr>
<td><strong>4.04pm</strong> The Chairperson invited members of the Public Gallery to ask questions.</td>
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<tr>
<td><strong>4.1</strong> Mr Simon Wilkes, Urbis Pty Ltd – PDS-028/15 JDAP Fast Food Outlet for McDonalds</td>
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<tr>
<td>The Chairperson invited Mr Wilkes to present his question to the Planning and Engineering Services Committee. Mr Wilkes wished to register support for the recommendation by the officers for the proposal.</td>
<td></td>
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<tr>
<td>The Chairperson advised that this is an item contained in the tonight’s Committee agenda and will be considered later in the meeting.</td>
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<tr>
<td><strong>4.2</strong> Mr Simon Woodaker, McDonalds – PDS-028/15 JDAP Fast Food Outlet for McDonalds</td>
<td></td>
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<tr>
<td>The Chairperson invited Mr Woodaker to present his question to the Planning and Engineering Services Committee. Mr Woodaker advised that the outlet would be a family flagship store, providing modern amenities such as multi media, a larger playground and other modern innovations, and was happy to provide further information if required.</td>
<td></td>
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<tr>
<td>The Chairperson advised that this is an item contained in the tonight’s Committee agenda and will be considered later in the meeting.</td>
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<tr>
<td><strong>4.3</strong> Mrs Catherine Comley, Oneida Road Secret Harbour - PDS-02815 JDAP Fast Food Outlet for McDonalds</td>
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<tr>
<td>The Chairperson invited Mrs Comley to present her question to the Planning and Engineering Services Committee. Mrs Comley asked the following question:</td>
<td></td>
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<tr>
<td>1. Why was the application for a fast food outlet being considered so close to a residential area, as it would increase traffic, litter, odour and hoons, as was already being experienced with the petrol outlet nearby on Warnbro Sound Avenue. Mrs Comley wished to register her opposition to the proposal.</td>
<td></td>
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<tr>
<td>The Chairperson advised that this is an item contained in the tonight’s Committee agenda and will be considered later in the meeting.</td>
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<tr>
<td><strong>4.07pm</strong> There being no further questions the Chairperson closed Public Question Time.</td>
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### 5. Confirmation of Minutes of the Previous Meeting

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<tr>
<td>Moved Cr Hill, seconded Cr Pease:</td>
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<tr>
<td>That Committee <strong>CONFIRM</strong> the Minutes of the Planning and Engineering Services Committee Meeting held on 16 March 2015, as a true and accurate record.</td>
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<td>Committee Voting – 5/0</td>
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### 6. Matters Arising from the Previous Minutes

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<tbody>
<tr>
<td>Nil</td>
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## 7. Announcement by the Presiding Person without Discussion

**4.08pm** 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

**4.09pm** The Chairperson noted the interests declared in Item 8.1 and asked if there were any further interests to declare.

### 8.1 Item EP-008/15

**Tender T14/15-73 - Period provision of general building maintenance services including Carpentry, Tiling, Bricklaying, Plastering, Roofing Repairs and Roof Plumbing**

<table>
<thead>
<tr>
<th>Officer:</th>
<th>Mr Kelton Hincks</th>
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<tbody>
<tr>
<td>Type of Interest:</td>
<td>Impartiality</td>
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<tr>
<td>Nature of Interest:</td>
<td>His brother-in-law is the proprietor of EMSO Maintenance</td>
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<tr>
<td>Extent of Interest (if applicable):</td>
<td>Not Applicable</td>
</tr>
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The Chairperson noted there were no further interests declared.

## 9. Petitions/Deputations/Presentations/Submissions

Cr Hill tabled the document ‘The Sea and the Forest’ for consideration in relation to PDS-029/15 Rockingham Foreshore Master Plan.

## 10. Matters for which the Meeting may be Closed

**Nil**

## 11. Bulletin Items

**Planning and Development Services Information Bulletin – April 2015**

### Health Services

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Health Promotion
   3.5 Mosquito Control Program
   3.6 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
<table>
<thead>
<tr>
<th>4.7 Complaint - Information</th>
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<tbody>
<tr>
<td>4.8 Noise Complaints - Detailed Information</td>
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<tr>
<td>4.9 Building Plan Assessments</td>
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<td>4.10 Septic Tank Applications</td>
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<td>4.11 Demolitions</td>
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<td>4.12 Swimming Pool and Drinking Water Samples</td>
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<td>4.13 Rabbit Processing</td>
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<td>4.14 Hairdressing and Skin Penetration Premises</td>
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<td>4.15 New Family Day Care Approvals</td>
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<td>4.16 Emergency Services</td>
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<td>4.17 Restricted Burning Period</td>
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<td>4.18 Social Media</td>
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<td>4.19 Bush Fire Hazard Reduction Program</td>
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<td>4.20 Local Government Grant Scheme</td>
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<td>4.21 Ranger Services</td>
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<tr>
<td>4.22 Prosecutions</td>
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</tbody>
</table>

**Building Services**

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

**Strategic Planning and Environment**

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

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Planning Products via the Web formerly eDA
4. Information Items

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 MAY 2015

PRESIDING MEMBER
4.1 Land Use - Planning Enforcement
4.2 Subdivision/Development Approvals and Refusals by the WAPC
4.3 Notifications and Gazettals
4.4 Subdivision Clearances
4.5 Subdivision Survey Approvals
4.6 Delegated Development Approvals
4.7 Delegated Development Refusals
4.8 Delegated Building Envelope Variations
4.9 Subdivision/Amalgamation Approved
4.10 Strata Plans
4.11 Subdivision/Amalgamation Refused
4.12 Proposed Modification to Approved Building Envelope - Lot 201 Emerald Court, Golden Bay

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.3 Campus Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.5 Southern Gateway Sector - Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
   3.6 Rockingham Station Sector - Masterplanning and Development Policy Plan (LUP/1848)
   3.7 Mangles Bay Marina
   3.8 Rockingham Beach Foreshore Master Plan
4. Information Items

Advisory Committee Minutes

Committee Recommendation

Moved Cr Pease, seconded Cr Elliott:
That Councillors acknowledge having read the Planning Services Information Bulletin – April 2015 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – April 2015

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

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Anniversary Park Car Park Resurfacing
   4.2 Road Construction Program Roads to Recovery 2014/2015
   4.3 Road Construction Program Main Roads Direct Grant 2014/2015
   4.4 Road Construction Program Municipal Works 2014/2015
   4.5 Road Renewal Program Municipal Works 2014/2015
   4.6 Footpath Construction Program Municipal Works 2014/2015
   4.7 Road Maintenance Program 2014/2015
   4.8 Litter Team & Sweeping 2014/2015
   4.9 LitterBusters 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 ANZAC Centenary Memorial
   4.3 Kulija Road Environmental Offsets
   4.4 Climate Change Mitigation
   4.5 Lake Richmond Heritage Listing
   4.6 Dixon Road Conservation Reserve AAG Funding
   4.7 Urban Water Management Referrals
   4.8 Structure Plan Approval Referrals
   4.9 Subdivision Approval Referrals
   4.10 Development Application Referrals
   4.11 Delegated Subdivision Public Open Space Practical Completion
   4.12 Delegated Subdivision Public Open Space Handovers
   4.13 Delegated Public Open Space Approvals
   4.14 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 Baldiavis 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 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 Anniversary Park - Upgrade of Poles, Luminaires and Switch Gear
   3.2 Sepia Court Childcare - Replace Asbestos Fence
   3.3 Aqua Jetty – Replacement of Perimeter Fencing
   3.4 Operations Centre Refurbishment
   3.5 Replace Dugout Structures – Hourglass Reserve
   3.6 Warning Signage and Fire Panel Upgrade – City of Rockingham Depot and Operations Centre
   3.7 Replacement of Timber Flooring – Watts Road Girl Guides Building
   3.8 Replacement of Lighting at Village Green War Memorial Site
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 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
   3.5 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 - Renovation
   4.9 Val Street Jetty Design
   4.10 Mike Barnett Sporting Complex Roof Replacement
   4.11 City Centre Infrastructure Works Car Park Design and Construction
   4.12 Lark Hill Sub Metering
   4.13 Aqua Jetty Roof Replacement
   4.14 Aqua Jetty Condensation Issue
   4.15 Baldivis Reserve Toilet Replacement
   4.16 Lions Park Upgrade
   4.17 Coastal Adaptation and Protection Grant
   4.18 Rockingham Day Care Fire Panel Replacement
   4.19 Lotteries House Replacement of Elevator
   4.20 Administration Building Replacement of Elevator
   4.21 Aqua Jetty Swimming Club Office
   4.22 Eighty Road Reserve Club Facility
   4.23 Laurie Stanford Reserve Development
   4.24 Rhonda Scarrott Reserve Development
   4.25 Recreational Boating Facilities Scheme Round 20 Grants
   4.26 Light Pole and Luminaire Period Tender
   4.27 Safety Bay Tennis Club – Reroofing & General Renovations
   4.28 Lifelinks – South Coast Women’s Health Building - Roof Modifications
   4.29 Baldivis Recreation Centre - Reroofing

#### 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 Waste Education and Promotion

### Committee Recommendation

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

Committee Voting – 5/0

4.19pm - Mr Rod Fielding, Manager Health Services; Mr James Henson, Manager Parks Development; and Mr Kelton Hincks, Manager Asset Services departed the Planning and Engineering Services Committee meeting.
12. Agenda Items

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-027/15 Single House - Visual Privacy Variation</th>
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<tbody>
<tr>
<td>File No:</td>
<td>74.2014.67.1</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Aintree Holdings Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr S and Mrs M Hubbard</td>
</tr>
<tr>
<td>Author:</td>
<td>Mrs Katrina Mohsenin, Building Surveyor</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Ms Keara Freeley, Planning Officer</td>
</tr>
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<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>20 April 2015</td>
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<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
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<tr>
<td>Site:</td>
<td>Lot 220 Foreshore Drive Singleton</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>957m²</td>
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<tr>
<td>LA Zoning:</td>
<td>Residential R5/20</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td></td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Aerial Photo</td>
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<tr>
<td></td>
<td>3. Site Plan</td>
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<td></td>
<td>4. Floor Plan (First Floor)</td>
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<td></td>
<td>5. Elevation (South)</td>
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<td>6. Cone of Vision</td>
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<td>7. Site Photo</td>
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1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application seeking R-Codes Approval for a visual privacy variation to an existing Single House on Lot 220 (No.34) Foreshore Drive, Singleton.

Background

A Building Permit application and Residential Design Codes application were submitted in October and November 2013 for a two-storey dwelling to be constructed on the subject lot. An R-Codes variation was proposed, to reduce the set back to a major opening to the master suite located on the first floor that overlooks the family room and outdoor living area of the adjoining property, lot 221 (No.32) Foreshore Drive.

The City sought comments from the adjoining property owners and received their objection regarding the proposed development on the basis that it will overlook their property and the impact on privacy.

Obscure glazing was subsequently proposed to the opening by the applicant, to a height of 1.6m, which made the window R-Code compliant.

On 16 February 2014, an application was received from the applicant requesting the requirement to install obscure glazing to be removed from the master suite window, which requires a variation to the visual privacy requirements of the R-Codes.

Details

The applicant seeks an R-Code approval to permit a 1.9m side boundary setback to the master suite, in lieu of 4.5m, which is a variation to the visual privacy setback.

The applicant considers that the master suite window will not adversely affect visual privacy of the neighbouring property. The applicant’s justification for the reduction of the visual privacy setback is detailed in the submissions table under the 'Implications to Consider' section.
3. Site Plan
4. Floor Plan (First Floor)
5. Elevation (South)

6. Cone of Vision
**Consultation with the Community**

The City's Building Services re-advertised the R-Codes Approval to the adjoining neighbour, Lot 221 (No.32) Foreshore Drive, Singleton for a period of 14 days. The City received an objection from the adjoining property owners as detailed in the table below.

| Submission:                                                                                   |
| (i) Concerned with the impact that the reduced setback of the major opening to the Master Suite will have on privacy to the family room and front verandah. |

**Proponent's Response:**

"The window section in the Master Suite directly adjacent to the southern boundary is setback 1.91m, and forms part of a contiguous window opening including the window section facing the eastern boundary (and front setback area).

After deduction of the corner structural mullion between the two frames, the overall width of the window is 1.08m in width, and with a window frame height of 1.543m results in a window frame that is approx. 1.65m² in area.

While the setback of the window is outside the 'Deemed to Comply' requirements of the Residential Design Codes (Part 5.4.1), impact on the adjacent property owner is virtually non-existent, as the 'Cone of Vision' envelope extends into a driveway area only.

A line of sight in any direction, toward front or rear setback areas of Lot 221 (adjacent site) does not impact any sensitive outdoor living areas or major openings of the property next door. Additionally, views can only be obtained if they are taken from a relatively small portion of floor area in the Master Suite, and not an area that is occupied frequently."
City's Comment:

Under Clause 5.4.1 of the R-Codes, a 4.5m setback is required to major openings to bedrooms. The major opening overlooks the family room and front verandah of the adjoining property and a 1.9m setback is proposed in lieu of the required 4.5m. Further, no screening is proposed and therefore the City considers that the reduced setback will impact on the privacy of the adjacent property owner.

b. Consultation with Government Agencies
Nil

c. Strategic Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

State Planning Policy 3.1 - Residential Design Codes (R-Codes)

The R-Codes provide two avenues that an applicant can choose to seek approval. The first being a proposal which complies in all respects with the Deemed-to-Comply provisions of the R-Codes, which are a set of standard requirements, or the second being, a proposal that complies with the Design Principles (i.e. a set of specific criteria).

Proposals for Single Houses considered against the Design Principles of the R-Codes, require an R-Codes variation application, which therefore requires the exercise of discretion by the Council.

The applicant seeks variation to Clause 5.4.1 of the R-Codes relating to visual privacy as a 1.9m setback to the boundary is provided in lieu of the required 4.5m. The City considers the proposed development does not comply with the Design Principles.

In accordance with Clause 2.52 of the R-Codes the determination by a decision maker on the suitability of a proposal, shall have regard to the following:

(a) any relevant purpose, objectives and provisions of the Scheme;

(b) any relevant objectives and provisions of the R-Codes;

(c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and

(d) orderly and proper planning.

The Deemed-to-Comply and Design Principles relevant to Visual Privacy are as follows:

<table>
<thead>
<tr>
<th>Design Principles</th>
<th>Deemed-to-Comply</th>
<th>Compliant Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1.1</td>
<td>C1.1</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P1.1</th>
<th>Minimal direct overlooking of active habitable spaces and outdoor living areas through:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Building layout and design;</td>
</tr>
<tr>
<td></td>
<td>• Design of major openings; and</td>
</tr>
<tr>
<td></td>
<td>• Location of screening devices.</td>
</tr>
</tbody>
</table>

| C1.1 | Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are: | No |
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 MAY 2015

The proposed development fails to comply with the R-Codes as a major opening to the master suite is not setback the required 4.5m. Further, this major opening overlooks the outdoor front verandah and the family room of the adjoining property and no screening devices have been proposed.

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)
The subject site is zoned Residential under TPS2 and has a designated R-Code of R5/20. Clause 6.6 of the City's Town Planning Scheme No.2 details the matters that the Council, in considering an application for planning approval, is to have due regard to, as are in the opinion of the Council relevant to the use or development the subject of the application. The following matters are considered to be relevant:-

(o) the preservation of the amenity of the locality;
(p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
(z) any relevant submissions received on the application.

In the above respect, the proposal could adversely impact upon the amenity of the neighbour and is therefore not considered to be compliant with TPS2.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

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

The proposed development fails to comply with the R-Codes with regards to visual privacy, as a major opening to the master suite overlooks the family room and front verandah of the neighbouring property.

Major openings to habitable rooms are required to be setback 4.5m from the lot boundary, a reduced setback of 1.9m has been proposed however, with no screening being provided.

The applicant is not willing to modify the design, as it considers that the window complies with the Design Principles of the R-Codes.

An objection has been received from the adjoining property owners on both occasions, citing loss of privacy and overlooking impacts.

1 It is considered that the proposed visual privacy variation will negatively impact on the adjoining property and as such the R-Codes application is recommended for refusal.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **REFUSE** the application for an R-Codes approval for a Single House on Lot 220 (No.34) Foreshore Drive, Singleton as the proposed development fails to comply with the Acceptable Development Provisions and the Design Principles of the Residential Design Codes, in respect of Clause 5.4.1 - Visual Privacy, for the following reasons:

(i) The major opening directly overlooks the front verandah and family room of the adjacent dwelling on Lot 221 (No.32) Foreshore Drive, Singleton;

(ii) The Master Suite is setback 1.9m from the lot boundary in lieu of the required 4.5m; and

(iii) No screening is proposed to reduce any impacts on visual privacy.

### Committee Recommendation

Moved Cr Hill; seconded Cr Hamblin:

That Council **REFUSE** the application for an R-Codes approval for a Single House on Lot 220 (No.34) Foreshore Drive, Singleton as the proposed development fails to comply with the Acceptable Development Provisions and the Design Principles of the Residential Design Codes, in respect of Clause 5.4.1 - Visual Privacy, for the following reasons:

(i) The major opening directly overlooks the front verandah and family room of the adjacent dwelling on Lot 221 (No.32) Foreshore Drive, Singleton;

(ii) The Master Suite is setback 1.9m from the lot boundary in lieu of the required 4.5m; and

(iii) No screening is proposed to reduce any impacts on visual privacy.

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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1 Footnote: Deletion of incorrect information
### Planning and Development Services Directorate Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-028/15 Joint Development Assessment Panel Application - Fast Food Outlet and Signage - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</th>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2015.00000089.001</td>
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<tr>
<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Urbis Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Perpetual Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Barton, Projects Officer, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 April 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 2003 = 30,580m², Lot 2010 = 27,493m², Lot 2013 = 3,522m²</td>
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<td>LA Zoning:</td>
<td>District Town Centre</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
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</tbody>
</table>
1. Location Plan

12. Signage Elevations 1 c
13. Signage Elevations 2 c
14. Signage Details 1 of 2
15. Signage Details 2 of 2
16. Intersections
17. Indicative Development