MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 20 March 2017 at 4:00pm
City of Rockingham Boardroom
City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 20 March 2017

CONTENTS

1. Declaration of Opening 3
2. Record of Attendance/Apologies/Approved Leave of Absence 3
3. Responses to Previous Public Questions Taken on Notice 3
4. Public Question Time 4
5. Confirmation of Minutes of the Previous Meeting 6
6. Matters Arising from the Previous Minutes 6
7. Announcement by the Presiding Person without Discussion 6
8. Declaration of Member’s and Officer’s Interest 6
9. Petitions/Deputations/Presentations/Submissions 6
10. Matters for which the Meeting may be Closed 6
11. Bulletin Items 6
   Planning and Development Services Information Bulletin – March 2017 6
   Engineering and Parks Services Information Bulletin – March 2017 6
12. Agenda Items – Planning and Engineering Services Committee 6
    Planning and Development Services 12
    PDS-011/17 Proposed Modification to Building Envelope 12
    PDS-012/17 Reconsideration of Landscaping Condition - Telecommunications Infrastructure (Fixed Wireless Facility) 19
13. Reports of Councillors 28
14. Addendum Agenda 28
15. Motions of which Previous Notice has been given 28
16. Notices of Motion for Consideration at the Following Meeting 28
17. Urgent Business Approved by the Person Presiding or by Decision of the Committee 28
18. Matters Behind Closed Doors 28
19. Date and Time of Next Meeting 28
20. Closure 28
# City of Rockingham
## Planning and Engineering Services Committee Meeting Minutes
### Monday 20 March 2017 - Council Boardroom

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

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

<table>
<thead>
<tr>
<th>2.1 Councillors</th>
<th></th>
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<tbody>
<tr>
<td>Cr Chris Elliott</td>
<td>Chairperson</td>
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<tr>
<td>Cr Matthew Whitfield</td>
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<tr>
<td>Cr Deb Hamblin (Deputy Mayor)</td>
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<tr>
<td>Cr Joy Stewart</td>
<td>(Deputising for Cr Summers)</td>
</tr>
<tr>
<td>Cr Barry Sammels (Mayor)</td>
<td></td>
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<tr>
<td>Cr Justin Smith</td>
<td>(Observer)</td>
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<tr>
<td>Cr Lee Downham</td>
<td>(Observer)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>2.2 Executive</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Andrew Hammond</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr Peter Doherty</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Doug Forster</td>
<td>A/Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Manager Major Planning Projects</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health Services</td>
</tr>
<tr>
<td>Mr Ian Daniels</td>
<td>Manager Engineering Services</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
<td>Manager Asset Services</td>
</tr>
<tr>
<td>Mr James Henson</td>
<td>Manager Land and Development Infrastructure</td>
</tr>
<tr>
<td>Mr Adam Johnston</td>
<td>Manager Parks Services</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
</tbody>
</table>

| 2.3 Members of the Gallery: | 3 |
| 2.4 Apologies: | Cr Katherine Summers |
| 2.5 Approved Leave of Absence: | Nil |

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

#### 3.1 Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina
At the Planning and Engineering Services Committee meeting held on 20 February 2017, Mr Green asked the following question that was taken on notice and the Director, Planning and Development Services provided a response in a letter dated 27 February 2017, as follows:
Question
1. Will the Traffic Assessment Report form part of the Local Structure Plan application?

Response
All technical documentation submitted in support of a Local Structure Plan is released during the public consultation period.

4. Public Question Time

4:01pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Waikiki Beach, Security Services and Mangles Bay Marina

The Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. The Chairperson advised that all the questions will be taken on notice. Mr Mumme asked the following questions:

1. What does the community think about the second phase of the sand replacement trial at Waikiki? Will the opinions be published?

2. In the forthcoming tender for Security Services will there be provision for the personnel on patrol to be a) in unmarked cars at times, b) for that possibility to be advertised, c) able to make citizens arrests and d) actively and immediately ensure the security of citizens?

I refer to a recent website release by Cedar Woods in which they speak of consultation with the boating clubs and say that a group including the TCYC and the MBFC is “currently contributing to a business case for the occupation of a site of approximately 3.5ha with marina frontage and beachfront access … will be leased on a long-term basis for the clubs to build their clubrooms, hardstand and boat maintenance facilities. … [including]: A frontage to the marina with the club offered 60% to 75% of the total pens.”

3. Are Council officers aware that leases at other marinas for 8 metre craft begin at $600/metre/year which means nearly $5000 a year excluding club fees and other charges (or $20,000 for 20 metre craft)?

4. Does Council know how many low-income members of both clubs there are and whether or not they may be able to afford such fees?

5. Is Council aware that the members of the TCYC have never been surveyed as to their views on the MBM? If so, will Council call on the clubs to their members to ascertain whether they believe they will be able to afford the above fees. If not, how will Council ensure that its support of the concept of the MBM meets the community aspiration of financial sustainability?

6. If local people do not take up boat pens, will out-of-towners be sought?

7. What evidence does the City have of the ability of either club to fund the construction of new clubrooms and maintenance facilities?

8. How many pens does the City expect to own – 200 or 175 or none?

At the last Council meeting I asked a question about the adequacy of the drill holes to provide enough information about support for the canal-marina walls. The reply was that “The onus would be on the proponent to demonstrate that sufficient geo-technical investigation has been carried out for the approval of the responsible authority …[who would include] the WAPC, EPA and CoR.”

9. Will costings for assessment by the responsible authority of the geotechnical investigations be included in the 25 year Waterways Management or are they included in the cost of construction?

10. If any of those parties has to enlist the help of suitably qualified consultants, will Cedar Woods or Landcorp pay for the consultants?
11. How much was paid to MP Rodgers for their work and who paid – Cedar Woods, Landcorp or the City?

I note that the report on Stage 3 of the CSCA will soon be available and "outlines key areas of the coastline north of Point Peron which are vulnerable to coastal hazards." (Item 3.4)

12. Will the information in Stage 3 be used to assess the adequacy of the MBM’s proposals for coastal protection if and when the LSP is considered by Council? If not why not?

13. Will the information in stage 3 be forwarded as soon as it becomes available to the WAPC for inclusion in its deliberations on the Rezoning?

Revised proposal for East Rockingham Waste to Energy Facility. From my understanding of the revision that is the correct approach because the technology is completely different from the previously assessed technology and has higher pollution and a higher risk of fire and explosion. I congratulate the City on standing up for health of residents in Hillman and Kwinana Beach and of workers on the Kwinana strip.

14. Did the City speak with the City of Kwinana to seek their views?

15. Is the City aware that two air quality monitoring stations in the CoK are no longer operating – one in Calista which has been removed and one near Thomas Road and Abernethy Road which has been closed up?

16. Is the City aware that the North Rockingham AQMS does not monitor particulates from diesel engines?

17. Will the City ask the DER to include Particulates 10 and 2.5 in the North Rockingham station? If not why not?

The Chairperson took the questions on notice.

4.2 Mr Laurie Chantry, Planning Solutions - PDS-012/17 - Reconsideration of Landscaping Condition - Telecommunications Infrastructure (Fixed Wireless Facility)

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

1. The Telecommunications Facility was approved by Council in compliance with the 50m landscape buffer to the Kwinana Freeway, so why does the deletion of the landscaping condition fail to comply with the City’s Rural Land Strategy?

2. Why hasn't landscaping been installed at the Freeway Service Centres?

3. Why was a landscaping condition imposed by Council when there are no residents living on Leary Road?

4. Would the Committee members be prepared to meet on-site to discuss the matter before the Council meeting?

Mr Andrew Hammond, Chief Executive Officer advised that the request cannot be approved at Committee and will need to be considered at the Ordinary meeting of Council, and if it is decided to proceed with an on-site meeting, then the item would need to be deferred.

4:19pm There being no further questions the Chairperson closed Public Question Time.
### 5. Confirmation of Minutes of the Previous Meeting

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

That Committee **CONFIRMS** the Minutes of the Planning and Engineering Services Committee Meeting held on 20 February 2017, as a true and accurate record.

Committee Voting – 5/0

### 6. Matters Arising from the Previous Minutes

Nil

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

**4:20pm** 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

**4:20pm** The Chairperson asked if there were any interests to declare.

There were none.

### 9. Petitions/Deputations/Presentations/Submissions

Nil

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

Nil

### 11. Bulletin Items

**Planning and Development Services Information Bulletin – March 2017**

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
   3.5 Food Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 Permit Approvals
   4.7 After Hours Noise and Smoke Nuisance Complaint Service
   4.8 Complaint - Information
   4.9 Noise Complaints - Detailed Information
   4.10 Animal Exemptions
   4.11 Building Plan Assessments
   4.12 Septic Tank Applications
### Building Services

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   1. Monthly Building Permit Approvals - (All Building Types)
   2. Private Swimming Pool and Spa Inspection Program
   3. Demolition Permit
   4. Permanent Sign Licence
   5. Community Sign Approval
   6. Street Verandah Approval
   7. Occupancy Permits
   8. Strata Titles
   9. Unauthorised Building Works (Section 51 of the Building Act)
10. Monthly Caravan Park Site Approvals
11. R Code Variations

### Compliance and Emergency Liaison

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   1. Ranger Services Action Reports
   2. Emergency Services
   3. Social Media
   4. Customer Requests Emergency Service Team
   5. Training
   6. Fire Control Compliance Program
   7. Vulnerable Communities Plan
   8. SmartWatch Key Result Area: Visibility
   9. Key Result Area: Engagement with Community
10. Key Result Area: Increasing perception of Safety
11. Notable Statistics
12. Review of Parking and Animal Hotspots

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   1. Local Planning Strategy (LUP/1352)
   2. Waterwise Council Program (EVM/56-02)
   3. Karnup District Structure Plan (LUP/1546)
   4. Cockburn Sound Coastal Alliance - Vulnerability & Flexible Adaptation Pathways Project Stage 3 (EVM/149)
   5. Greening Plan (PKR/52-02)

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1 Correction of numerical error
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<tr>
<td>3.6</td>
<td>Frog Population Monitoring Program (EVM/174)</td>
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<td>4.</td>
<td>Information Items</td>
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<td>4.1</td>
<td>Proposed Structure Plans Not Accepted for Advertising</td>
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<td>4.2</td>
<td>Delegated Advertising of Proposed Structure Plan</td>
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<td>4.3</td>
<td>Revised Proposal for East Rockingham Waste to Energy Facility</td>
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</tbody>
</table>

**Land and Development Infrastructure**

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

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   | 3.1 | Planning Products via the Web formerly eDA |
4. Information Items
   | 4.1 | Land Use - Planning Enforcement |
   | 4.2 | Subdivision/Development Approval and Refusals by the WAPC |
   | 4.3 | Notifications and Gazettals |
   | 4.4 | Subdivision Clearances |
   | 4.5 | Subdivision Survey Approvals |
   | 4.6 | Subdivision Lot Production |
   | 4.7 | Delegated Development Approvals |
   | 4.8 | Delegated Development Refusals |
   | 4.9 | Delegated Building Envelope Variations |
   | 4.10 | Subdivision/Amalgamation Approved |
   | 4.11 | Strata Plans |
   | 4.12 | Subdivision/Amalgamation Refused |
   | 4.13 | Point Peron Upgrade |

**Planning and Development Directorate**

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   | 3.1 | Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08) |
   | 3.2 | Northern Smart Village Sector – Masterplan, Development Policy Plan and Proposed Amendment No’s.161 and 162 to Town Planning Scheme No.2 |
   | 3.3 | Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 and LUP/1847) |
   | 3.4 | Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2 |
| 3.5 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2 |
| 3.6 Redevelopment of City Square and Civic Plaza (LUP/1933) |
| 3.7 ‘Mangels Bay Marina’ |

4. Information Items

4.1 Release of Version 1.1 of Guidelines for Planning in Bushfire Prone Areas
4.2 Rockingham Strategic Metropolitan Centre Public Parking Strategy
4.3 Perth and Peel Transport Plan for 3.5 Million People and Beyond

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Stewart:

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

Committee Voting – 5/0

**Engineering and Parks Services Information Bulletin – March 2017**

**Engineering and Parks Services Directorate**

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

**Engineering Services**

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

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Dog Exercise Area
   3.2 Weld Street shower and drink fountain - Rockingham
   3.3 Practice Cricket Net Modification - Rhonda Scarrott Reserve, Golden Bay
   3.4 Practice Cricket Net Renewal – Careeba Reserve, Koorana Reserve and Warnbro Oval
   3.5 Bore and Irrigation Cabinet – Malibu Reserve
   3.6 City Parks – Central Irrigation Management System
   3.7 Play Equipment Replacements
   3.8 Synthetic Turf Renewal - Lark Hill Practice Cricket Nets
   3.9 Limestone Access Track Upgrade - Lark Hill Reserve
   3.10 Replace Conservation Reserve Fencing
   3.11 New Conservation Reserve Fencing – Foreshore Drive, Singleton
   3.12 New Conservation Reserve Fencing – Lake Richmond
   3.13 Tamworth Hill Swamp, Conservation Works
   3.14 Dixon Road Reserve, Conservation Works
   3.15 Outdoor Gym Equipment - Harmony Park, Singleton
   3.16 Outdoor Gym Equipment – Lions Park and Safety Bay Foreshore
   3.17 Wilkes Loop Landscaping - Baldivis
4. Information Items
   4.1 Delegated Public Open Space Handovers
   4.2 Parks Maintenance Program 2016/2017

**Asset Services**

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Path condition audit 2016-2017
   3.2 Maintenance and provision of public toilets
   3.3 Lighting consultants (Technical Planning/Design, Underground Power Program)
4. Information Items
   4.1 Strategic Asset Management
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 APRIL 2017

PRESIDING MEMBER

Advisory Committee Minutes

Committee Recommendation

Moved Cr Whitfield, seconded Cr Stewart:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – March 2017 and the content be accepted.

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

### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Planning and Development Services</th>
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<tbody>
<tr>
<td>File No:</td>
<td>PDS-011/17</td>
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<tr>
<td>Applicant:</td>
<td>Proposed Modification to Building</td>
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<tr>
<td>Owner:</td>
<td>Envelope</td>
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<tr>
<td>Author:</td>
<td>DD024.2017.00000004.001</td>
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<tr>
<td>Other Contributors:</td>
<td>Mr Ricky and Mrs Mekayca Schroder</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Ms Gayle O'Leary, Planning Assistant</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>Mr David Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>20 March 2017</td>
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<tr>
<td>Site:</td>
<td>Tribunal</td>
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<tr>
<td>Lot Area:</td>
<td>Lot 903 (No.36) Sawley Close, Golden Bay</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>2,432m²</td>
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<td>MRS Zoning:</td>
<td>Special Residential</td>
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<td>Attachments:</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Aerial Photograph</td>
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<tr>
<td></td>
<td>3. Existing and Proposed Building Envelope Plan</td>
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<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photograph
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 903 (No.36) Sawley Close, Golden Bay.

Background

The site is located west of Mandurah Road, north of Dampier Drive, and east of Golden Bay Estate. The existing Building Envelope was created as part of the original subdivision of the subject land in 2007.

The original Building Envelope is 918m² and is setback 9m from the primary street, 6m from the northern and southern boundaries, and 10m from the rear boundary.

Details

The application proposes to modify the Building Envelope for the purpose of accommodating a future shed. The size of the Building Envelope will reduce from 918m² to 915.7m².
3. Existing and Proposed Building Envelope Plan
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions 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 the adjacent landowners by the landowner, as shown on the Consultation Plan below. At the conclusion of the advertising period, one submission was received stating no objections.

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

**Aspiration D:** Sustainable Environment

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

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

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>Application complies with TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an adverse environmental impact.</td>
<td>The application proposes the modification of the approved Building Envelope onsite in order to accommodate a future shed addition. No vegetation will be removed for the purposes of the Building Envelope variation, however, the matter will be reassessed at the Development Approval stage for the proposed shed.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an unacceptable level of bushfire risk.</td>
<td>The proposed modification will not result in an increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
<tr>
<td>There are no unacceptable amenity impacts to neighbours.</td>
<td>The proposal was referred to the adjoining neighbours and no objections were received. The modification will not result in an adverse impact upon adjoining landowners.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation results only in a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The size of the proposed Building Envelope will be 915.7m² which is less than the current 918m² Building Envelope.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The Building Envelope is generally of a regular shape and will comprise a single contiguous area.</td>
<td>Yes</td>
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</table>

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

The proposed Building Envelope modification is proposed for the purpose of accommodating a future shed that will be located more than 6 metres away from the existing Single House. The subject site is separated from the adjoining southern lot by an access driveway. The proposal is considered to be compliant with the requirements of SPP 3.7.
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
   All Council decisions are subject to risk assessment according to the City's Risk Framework. Implications and comment will only be provided for the following assessed risks.
   Customer Service / Project management / Environment: High and Extreme Risks
   Finance / Personal Health and Safety: Medium, High and Extreme Risks
   Nil

Comments
The proposed Building Envelope complies with TPS2 and PP3.3.17. The impact of the proposed Building Envelope on the amenity of neighbouring properties is considered minimal given no vegetation is required to be removed, the proposal will not result an increase level of bushfire risk, and no comments were received from adjoining owners. The proposed Building Envelope will not result in an adverse environmental impact or an increased bushfire risk.

It is recommended that the proposed Building Envelope be approved.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVES the application to vary the Building Envelope at Lot 903 (No.36) Sawley Close, Golden Bay.

Committee Recommendation
Moved Cr Sammels, seconded Cr Hamblin:
That Council APPROVES the application to vary the Building Envelope at Lot 903 (No.36) Sawley Close, 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
# Planning and Development Services

## Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-012/17</th>
<th>Reconsideration of Landscaping Condition - Telecommunications Infrastructure (Fixed Wireless Facility)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2017.0000058.001</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planning Solutions (Aust) Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Nicrow Nominees Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Gayle O'Leary, Planning Assistant</td>
<td></td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr David Waller, Coordinator Statutory Planning  
|                         | Mr Michael Ross, Manager Statutory Planning |
| Date of Committee Meeting: | 20 March 2017 |
| Previously before Council: | November 2016 (PDS-080/16), December 2016 (PDS-083/16) |
| Disclosure of Interest: | Tribunal |
| Nature of Council’s Role in this Matter: | |
| Site:                   | Lot 9001 Leary Road, Baldivis |
| Lot Area:               | 5.7 ha |
| LA Zoning:              | Rural |
| MRS Zoning:             | Rural |
| Attachments:            | |
| Maps/Diagrams:          | 1. Location Plan  
|                         | 2. Aerial Photo  
|                         | 3. Approved Site Plan  
|                         | 4. Elevation Plan  
|                         | 5. View from subject site looking north to Freeway Service Centre  
|                         | 6. View of subject site looking south from Leary Road |
Purpose of Report

To reconsider Condition 4 of the Development Approval for Telecommunications Infrastructure (Fixed Wireless Facility) at Lot 9001 Leary Road, Baldivis, relating to the requirement for screen vegetation planting.
Background

In November 2016, the Council deferred an application seeking Development Approval for a Proposed Telecommunications Infrastructure (Fixed Wireless Facility) to enable Officer assessment of additional information presented at the November 2016 Planning and Engineering Services Committee meeting. The additional information was a revised proposal, which sought to relocate the monopole to have a 35 metre setback from the northern boundary and 10 metres from the western boundary.

In December 2016, Council approved the application seeking Development Approval for a Proposed Telecommunications Infrastructure (Fixed Wireless Facility) at the site, with a 30 metre setback from the western boundary and 10 metres form the northern boundary, subject to the following condition relating to screen vegetation:

“4. Screening vegetation must be planted such that the visual impact of the development from public spaces is minimised, to the satisfaction of the City, and must be retained and maintained in good condition at all times.”
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 APRIL 2017

The applicant seeks approval to delete Condition 4 of Development Approval to remove the requirement to provide vegetative screen. A summary of the applicant’s justification is as follows:

- The screening vegetation will not provide a significant visual benefit to the public spaces from the Kwinana Freeway;
- The proposed Telecommunications Infrastructure is located approximately 90 metres from the nearest Kwinana Freeway carriageway;
- Vehicles will be travelling at 100 kilometres an hour which will be too fast for observing the development;
- There is existing mature vegetation along the eastern boundary of the freeway reserve which provides screening;
- The slope of the site results in the freeway carriageway elevation being located lower than the ground level of the development which will provide natural screening due to topography;
- There are numerous vertical features such as lighting and signage which already mitigate the detrimental impact the development may have on visual amenity;
- Leary Road only serves five vacant rural lots and there is no access for through traffic; and
- The cost of providing landscaping and maintenance is excessive ($55,000).

All other elements of the approved Telecommunications Infrastructure remain unaltered.

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5. View from subject site looking north to Freeway Service Centre

6. View of subject site looking south from Leary Road

**Implications to Consider**

| a. | Consultation with the Community |
|    | Not Applicable |
| b. | Consultation with Government Agencies |
|    | Not Applicable |
| c. | Strategic |
|    | Community Plan |
|    | This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025: |
Aspiration D: Sustainable Environment

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

d. Policy

State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2)

SPP5.2 seeks to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in the protection of the visual character of local areas. The objectives of SPP5.2 are to:

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

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

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of the visual impact of development proposals for Telecommunications Infrastructure should be made on a case by case basis.</td>
<td>The screening vegetation was required as a condition of approval to mitigate the visual impact of the development, particularly for the equipment shelter located at ground level. This, coupled with the revised setback distances, is considered as an acceptable solution to the issue of visual amenity impacts of the development, rather than the visual impact of the monopole. The justification provided by the applicant argues for the removal of the condition on the basis of cost, maintenance and the approved setback distances is not considered sufficient nor appropriate in this context.</td>
<td>No</td>
</tr>
<tr>
<td>Telecommunications Infrastructure should be sited and designed to minimise visual impact and whenever possible: a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;</td>
<td>The screening vegetation is considered necessary to minimise visual impact to Leary Road and the neighbouring rural lots. The setback distances alone are not considered sufficient to adequately reduce the visual impact of the development, and so the provision of screening vegetation is necessary.</td>
<td>Partially compliant</td>
</tr>
</tbody>
</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 APRIL 2017

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
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<tbody>
<tr>
<td>b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;</td>
<td>The site is not located within close proximity to a heritage item or place, landmark, vista or panorama, and is not located on a site of environmental, cultural, heritage, social and visual significance.</td>
<td></td>
</tr>
<tr>
<td>c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and</td>
<td>The appearance, materials and colour scheme of the proposal have not been altered for this application.</td>
<td></td>
</tr>
<tr>
<td>d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.</td>
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</table>

Planning Policy 3.3.16 - Telecommunications Infrastructure (PP3.3.16)

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

"(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Telecommunications Infrastructure that cannot be classified as low-impact facilities; and

(b) To secure the amenity, health and convenience of the locality through appropriate provisions intended to minimise any potential adverse impacts from such Telecommunications Infrastructure."

It is considered that deleting the condition for screening vegetation will adversely impact the character and visual amenity of the rural lots located to the south of the site and the area located north of Leary Road. Screening vegetation is considered necessary, to reduce the visual impact of the equipment shelter and the structure at ground level.

Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1)

The subject site is located within Planning Unit 6C of PP3.1.1, which recommends that a 50 metre landscape buffer to the boundary of the Kwinana Freeway road reserve to limit the visual impact of development.

The lot is setback 18 metres from the Kwinana Freeway road reserve, which includes the Leary Road road reserve. The provision of a 30 metre setback from the western boundary, in lieu of 10 metres, was approved by Council in order to ensure that a landscape buffer can be provided, as recommended by PP3.1.1. The removal of the condition pertaining to the incorporation of screening vegetation is considered to be in conflict with the requirements of PP3.1.1 and is therefore inappropriate due to the visual impact.

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)
Clause 4.11.1 - Rural Zone
The objective of the Rural zone is as follows:

"To preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the zone."
Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 - Deemed Provision

Clause 67 - Matters to be considered by local government

Clause 67 (m) requires the Council to consider the compatibility of development with its setting, including the likely effect of height, bulk, scale, orientation and appearance of the development. The screening condition was included in the original approval to reduce the visual impact of the development on its rural surrounds. The removal of the condition is inappropriate as it contravenes with Clause 67 for this reason.

Clause 77 - Amending or cancelling development approval

Clause 77 permits the Council to consider a modification to the approved development including:

(b) to amend or delete any condition to which the approval is subject; and

(c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved.

Clause 77 also permits the Council to determine an application made to amend an approval, by approving the application with or without conditions.

g. Risk

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

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

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

Nil

Comments

The screening vegetation was imposed as a condition of approval to mitigate the visual impact of the development, particularly for the equipment shelter located at ground level. It is considered that the removal of screening vegetation would adversely impact visual amenity of the locality and undermine the setback of the development to the Freeway.

The removal of Condition 4 is not supported due to its resultant visual impact and would contravene the requirements of the City’s planning policies and SPP 5.2.

Voting Requirements

Simple Majority

Officer Recommendation

That Council REFUSES the application seeking to delete Condition 4 of the Development Approval, dated 20 December 2016, for Telecommunications Infrastructure (Fixed Wireless Facility) at Lot 9001 Leary Road, Baldivis, for the following reasons:

1. The removal of Condition 4 fails to comply with Clause 67(m) of the deemed provisions of TPS2, in regards to maintaining the rural character of the land;

2. The removal of Condition 4 fails to comply with the following policy provisions;

(i) State Planning Policy 5.2 - Telecommunications Infrastructure in regards to protecting visual amenity;

(ii) Planning Policy 3.3.16 - Telecommunications Infrastructure in regards to reducing visual impact upon the immediate locality; and

(iii) Planning Policy 3.1.1 - Rural Land Strategy as it conflicts with the recommendation for a 50 metre landscape buffer to be provided to the boundary of the Kwinana Freeway road reserve to limit the visual impact of development.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council REFUSES the application seeking to delete Condition 4 of the Development Approval, dated 20 December 2016, for Telecommunications Infrastructure (Fixed Wireless Facility) at Lot 9001 Leary Road, Baldivis, for the following reasons:

1. The removal of Condition 4 fails to comply with Clause 67(m) of the deemed provisions of TPS2, in regards to maintaining the rural character of the land;

2. The removal of Condition 4 fails to comply with the following policy provisions;

   (i) State Planning Policy 5.2 - Telecommunications Infrastructure in regards to protecting visual amenity; and

   (ii) Planning Policy 3.3.16 - Telecommunications Infrastructure in regards to reducing visual impact upon the immediate locality.

Committee Voting – 5/0

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

Point 2(iii) was deleted from the Officer's Recommendation as the proposal does comply with the 50m setback for a landscaping buffer (as required by the Rural Land Strategy).

Implications of the Changes to the Officer's Recommendation

Not Applicable
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>13. Reports of Councillors</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>14. Addendum Agenda</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>15. Motions of which Previous Notice has been given</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>16. Notices of Motion for Consideration at the Following Meeting</strong></td>
<td></td>
</tr>
<tr>
<td><strong>16.1 Notice of Motion from Cr Liley - Ban of Fracking</strong></td>
<td>In accordance with Clause 3.9 of the City of Rockingham Standing Orders, Cr Liley has submitted the following Notice of Motion for consideration at the April 2017 meeting: “That Council SUPPORTS the ban of fracking within the Perth metropolitan, Peel and South-West regions, as proposed by WA Labor State Government position.”</td>
</tr>
<tr>
<td><strong>17. Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>18. Matters Behind Closed Doors</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>19. Date and Time of Next Meeting</strong></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Tuesday 18 April 2017</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td><strong>20. Closure</strong></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>4:37pm</strong>.</td>
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</table>