City of Rockingham  
Planning and Engineering Services Committee  
Meeting Minutes  
Monday 15 January 2018

<table>
<thead>
<tr>
<th>CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Declaration of Opening</td>
</tr>
<tr>
<td>2. Record of Attendance/Apologies/Approved Leave of Absence</td>
</tr>
<tr>
<td>3. Responses to Previous Public Questions Taken on Notice</td>
</tr>
<tr>
<td>4. Public Question Time</td>
</tr>
<tr>
<td>5. Confirmation of Minutes of the Previous Meeting</td>
</tr>
<tr>
<td>6. Matters Arising from the Previous Minutes</td>
</tr>
<tr>
<td>7. Announcement by the Presiding Person without Discussion</td>
</tr>
<tr>
<td>8. Declaration of Member’s and Officer’s Interest</td>
</tr>
<tr>
<td>9. Petitions/Deputations/Presentations/Submissions</td>
</tr>
<tr>
<td>10. Matters for which the Meeting may be Closed</td>
</tr>
<tr>
<td>Engineering and Parks Services</td>
</tr>
<tr>
<td>EP-001/18 Recommendation from the Marine Infrastructure Advisory Committee Meeting held on 27 November 2017 (Absolute Majority)</td>
</tr>
<tr>
<td>Planning and Development Services Information Bulletin – January 2018</td>
</tr>
<tr>
<td>Engineering and Parks Services Information Bulletin – January 2018</td>
</tr>
<tr>
<td>12. Agenda Items – Planning and Engineering Services Committee</td>
</tr>
<tr>
<td>Planning and Development Services</td>
</tr>
<tr>
<td>PD-001/18 Proposed Reconsideration of Telecommunications Infrastructure (Mobile Telephone) Secret Harbour District Centre - State Administrative Tribunal</td>
</tr>
<tr>
<td>PD-002/18 Proposed Allocation of Cash-in-Lieu of Public Open Space Funds</td>
</tr>
<tr>
<td>PD-003/18 Proposed Section 40 Liquor Licence (Singleton Social and Sporting Association Inc.)</td>
</tr>
<tr>
<td>PD-004/18 Proposed Amendment to Planning Policy No.3.1.1 - Rural Land Strategy (Final Adoption)</td>
</tr>
<tr>
<td>13. Reports of Councillors</td>
</tr>
<tr>
<td>14. Addendum Agenda</td>
</tr>
<tr>
<td>15. Motions of which Previous Notice has been given</td>
</tr>
<tr>
<td>16. Notices of Motion for Consideration at the Following Meeting</td>
</tr>
<tr>
<td>17. Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
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<tr>
<td>18.</td>
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<td>19.</td>
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<tr>
<td>20.</td>
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</tbody>
</table>
# Planning and Engineering Services Committee Minutes

**Monday 15 January 2018**

## 1. Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4:01pm**, welcomed all present, and delivered the Acknowledgement of Country.

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

### 2.1 Councillors

- Cr Chris Elliott
- Cr Matthew Whitfield
- Cr Barry Sammels (Mayor)
- Cr Deb Hamblin (Deputy Mayor)
- Cr Joy Stewart
- Cr Mark Jones

### 2.2 Executive

- Mr Andrew Hammond, Chief Executive Officer
- Mr Mike Ross, A/Director Planning and Development Services
- Mr Peter Doherty, Director Legal Services and General Counsel
- Mr Sam Assaad, Director Engineering and Parks Services
- Mr Brett Ashby, Manager Strategic Planning and Environment
- Mr Rod Fielding, Manager Health and Building Services
- Mr David Caporn, Manager Compliance and Emergency Liaison
- Mr Ian Daniels, Manager Infrastructure Project Delivery
- Mr Om Gupta, A/Manager Engineering Services
- Ms Danielle Quinlivan, Coordinator Projects
- Mr James Henson, Manager Land and Development Infrastructure
- Mr Steve Timbrell, Coordinator Projects and Contracts
- Ms Melinda Wellburn, PA to Director Planning and Development Services

### 2.3 Members of the Gallery:

4

### 2.4 Apologies:

- Cr Katherine Summers

### 2.5 Approved Leave of Absence:

Nil

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

Nil

## 4. Public Question Time

**4:02pm** The Chairperson invited members of the Public Gallery to ask questions.
<table>
<thead>
<tr>
<th>4.1</th>
<th>Mr Peter Green, 25 Nabberu Loop, Cooloongup - Lake Richmond and Mangles Bay Marina</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Chairperson invited Mr Green to present his questions to the Planning and Engineering Services Committee. Mr Green asked the following questions:</td>
</tr>
<tr>
<td>1.</td>
<td>Has the City considered applying for RAMSAR listing for Lake Richmond? I am aware of its heritage listing of last year.</td>
</tr>
<tr>
<td></td>
<td>The Chairperson advised that the question will be taken on notice.</td>
</tr>
<tr>
<td>2.</td>
<td>If so, can copies of all correspondence/application/responses be made available referring to RAMSAR listing?</td>
</tr>
<tr>
<td></td>
<td>The Chairperson advised that the question will be taken on notice.</td>
</tr>
<tr>
<td>3.</td>
<td>As for Waterways Management the process for 25 year expenditure attributed to the City was completed in November 2016, as yet the income to be generated has not concluded. What is the dollar figure associated with the expenditure for the 25 years?</td>
</tr>
<tr>
<td></td>
<td>The Chairperson advised that City Officers have been in discussion with Cedar Woods and LandCorp for a considerable time on this issue, however, negotiations have not been completed, so no amount has been reported to Council and no Councillor is in a position to respond to that question until that has happened.</td>
</tr>
<tr>
<td>4.</td>
<td>Mr Andrew Hammond, Chief Executive Officer advised that until such time as the design, size and scale of the water mass is known, it is impossible to determine what that will be. Until the State Government decides whether or not it approves the MRS Amendment, City Officers and the proponent will not be in a position to have the level of detail necessary to do the analysis to provide a briefing for Council. No assessment of potential revenue can be made until the design and area of waterways management and marina is known. The built form will provide the rateable areas on which the assessment on a special rate levy can be generated.</td>
</tr>
<tr>
<td>5.</td>
<td>That being the case, does that mean the original design has been changed or will potentially change?</td>
</tr>
<tr>
<td></td>
<td>Mr Andrew Hammond, Chief Executive Officer advised that until such time as the State Government makes a decision the City does not know.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.2</th>
<th>Mr David Tiley, Group General Manager, Whistling Kite - PDS-001/18 Proposed Reconsideration of Telecommunications Infrastructure (Mobile Telephone) Secret Harbour District Centre - State Administrative Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Chairperson invited Mr Tiley to present his questions to the Planning and Engineering Services Committee. Mr Tiley asked the following questions:</td>
</tr>
<tr>
<td>1.</td>
<td>Has the Council given any consideration to scientific data with respect to emissions from the tower?</td>
</tr>
<tr>
<td>2.</td>
<td>If it was approved, can the Council provide reassurance that it is safe for workers to carry out plant equipment maintenance on the roof of the hotel?</td>
</tr>
<tr>
<td></td>
<td>The Chairperson advised that this is an item contained in tonight’s Committee agenda and will be considered later in the meeting.</td>
</tr>
</tbody>
</table>

| 4:12pm | There being no further questions the Chairperson closed Public Question Time. |
5. **Confirmation of Minutes of the Previous Meeting**

   **Moved Cr Whitfield, seconded Cr Stewart:**

   That Committee *CONFIRMS* the Minutes of the Planning and Engineering Services Committee Meeting held on 11 December 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**

   **4:13pm** The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. **Declarations of Members and Officers Interests**

   **4:13pm** The Chairperson asked if there were any interests to declare.
   There were none.

9. **Petitions/Deputations/Presentations/Submissions**

   Nil
10. Matters for which the Meeting may be Closed

<table>
<thead>
<tr>
<th>Time</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>4:14pm</td>
<td>The Chairperson advised in accordance with section 5.23(2)(b) of the Local Government Act 1995 – if there are any questions or debate on Confidential Item EP-001/18 – Recommendations from the Marine Infrastructure Advisory Committee Meeting held on 27 November 2017 (Absolute Majority), then the Planning and Engineering Services Committee will need to defer the matter for consideration at Agenda Item 18 - Matters Behind Closed Doors. There were no questions or request for debate.</td>
</tr>
</tbody>
</table>

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**CONFIDENTIAL ITEM**

**NOT FOR PUBLIC ACCESS**

Section 5.95(3) Local Government Act 1995 (the Act)

This item may be discussed behind closed doors as per Section 5.23(2)(b) of the Act

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**Engineering and Parks Services**

**Engineering Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-001/18 Recommendation from the Marine Infrastructure Advisory Committee Meeting held on 27 November 2017 (Absolute Majority)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>COM/71-04</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Jerome King, A/Manager Engineering Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>15 January 2018</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Minutes of the Marine Infrastructure Advisory Committee Meeting 27 November 2017</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

**Voting Requirements**

Absolute Majority
Recommendations to the Planning and Engineering Services Committee

Advisory Committee Recommendation 1 of 1:
That Council APPOINTS Mr Ian Saggers as the representative of the Mangles Bay Fishing Club Inc. to the Marine Infrastructure Advisory Committee.

Officer Recommendation if Different to Advisory Committee Recommendation
That Council APPOINTS Mr Ian Saggers as the representative of the Mangles Bay Fishing Club Inc. to the Marine Infrastructure Advisory Committee until September 2018.

The Officer’s Reason for Varying the Advisory Committee Recommendation
It is a requirement to add the term of the appointment.

Committee Recommendation
Moved Cr Sammels, seconded Cr Hamblin:
That Council APPOINTS Mr Ian Saggers as the representative of the Mangles Bay Fishing Club Inc. to the Marine Infrastructure Advisory Committee until September 2018.

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>11. Bulletin Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Planning and Development Services Information Bulletin – January 2018</strong></td>
</tr>
<tr>
<td><strong>Health Services</strong></td>
</tr>
<tr>
<td>1. Health Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>3.1 FoodSafe</td>
</tr>
<tr>
<td>3.2 Industrial and Commercial Waste Monitoring</td>
</tr>
<tr>
<td>3.3 Mosquito Control Program</td>
</tr>
<tr>
<td>3.4 Environmental Waters Sampling</td>
</tr>
<tr>
<td>3.5 Food Sampling</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Mosquito-Borne Disease Notifications</td>
</tr>
<tr>
<td>4.2 Food Recalls</td>
</tr>
<tr>
<td>4.3 Food Premises Inspections</td>
</tr>
<tr>
<td>4.4 Public Building Inspections</td>
</tr>
<tr>
<td>4.5 Outdoor Public Event Approvals</td>
</tr>
<tr>
<td>4.6 Permit Approvals</td>
</tr>
<tr>
<td>4.7 After Hours Noise and Smoke Nuisance Complaint Service</td>
</tr>
<tr>
<td>4.8 Complaint - Information</td>
</tr>
<tr>
<td>4.9 Noise Complaints - Detailed Information</td>
</tr>
<tr>
<td>4.10 Animal Exemptions</td>
</tr>
<tr>
<td>4.11 Building Plan Assessments</td>
</tr>
<tr>
<td>4.12 Septic Tank Applications</td>
</tr>
<tr>
<td>4.13 Demolitions</td>
</tr>
<tr>
<td>4.14 Swimming Pool and Drinking Water Samples</td>
</tr>
<tr>
<td>4.15 Rabbit Processing</td>
</tr>
<tr>
<td>4.16 Hairdressing and Skin Penetration Premises</td>
</tr>
<tr>
<td>4.17 New Family Day Care Approvals</td>
</tr>
<tr>
<td>4.18 Caravan Park and Camping Ground Inspections</td>
</tr>
<tr>
<td><strong>Building Services</strong></td>
</tr>
<tr>
<td>1. Building Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Monthly Building Permit Approvals - (All Building Types)</td>
</tr>
<tr>
<td>4.2 Other Permits</td>
</tr>
<tr>
<td>4.3 Monthly Caravan Park Site Approvals</td>
</tr>
<tr>
<td><strong>Compliance and Emergency Liaison</strong></td>
</tr>
<tr>
<td>1. Compliance and Emergency Liaison Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Private Swimming Pool and Spa Inspection Program</td>
</tr>
<tr>
<td>4.2 Ranger Services</td>
</tr>
<tr>
<td>4.3 Emergency Management and Fire Prevention</td>
</tr>
<tr>
<td>4.4 Prohibited Burning Period</td>
</tr>
<tr>
<td>4.5 CRMs</td>
</tr>
<tr>
<td>4.6 Fire Control Inspection Program</td>
</tr>
<tr>
<td>4.7 SmartWatch Key Result Area: Visibility</td>
</tr>
</tbody>
</table>
### Planning and Engineering Services Committee Minutes

**Monday 15 January 2018**

#### Strategic Planning and Environment

1. **PRESIDING MEMBER**

4.8 SmartWatch Key Result Area: Engagement with Community

4.9 SmartWatch Key Result Area: Increasing perception of Safety

4.10 Notable Statistics

#### Information Items

4.1 Notification of Approval of Structure Plans by the Western Australian Planning Commission

4.2 Delegated Advertising of Proposed Structure Plans

4.3 Tuart woodlands and forests of the Swan Coastal Plain being considered as a Threatened Ecological Community

#### Land and Development Infrastructure

1. **PRESIDING MEMBER**

3.1 Local Planning Strategy (LUP/1352)

3.2 Waterwise Council Program (EVM/56-02)

3.3 Wetland Management Plan

3.4 Lake Richmond Management Plan Review

3.5 Coastal Hazard Risk Management and Adaption Plan

#### Information Items

3.6 Delegated Subdivision Engineering and Public Open Space Practical Completions

3.7 Delegated Authority to approve the release of Bonds for private subdivisional works

#### Statutory Planning

1. **PRESIDING MEMBER**

2. Human Resource Update

3. Project Status Reports

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

#### Planning and Development Directorate

1. **PRESIDING MEMBER**

2. Human Resource Update

3. Project Status Reports

4. Information Items

4.1 Notification of Approval of Structure Plans by the Western Australian Planning Commission

4.2 Delegated Advertising of Proposed Structure Plans

4.3 Tuart woodlands and forests of the Swan Coastal Plain being considered as a Threatened Ecological Community

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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 FEBRUARY 2018**

**PRESIDING MEMBER**
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 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Improvements to City Square and Civic Plaza (LUP/1933)
   3.6 ‘Mangles Bay Marina’
4. Information Items
   4.1 ‘Kwinana Loop Freight Railway’

Advisory Committee Minutes

Committee Recommendation

Moved Cr Stewart, seconded Cr Whitfield
That Councillors acknowledge having read the Planning Services Information Bulletin – January 2018 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – January 2018

Engineering and Parks Services Directorate
1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Information Items
   3.1 Bushfire Risk

Asset Services
1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Facilities and Reserve Accessibility Audits
   3.2 Footpath Condition Audit
   3.3 Specific Purpose Plan - Facility Security
4. Information Items
   4.1 Asset Maintenance Team
   4.2 Asset Maintenance – Buildings
   4.3 Asset Maintenance – Reserves
   4.4 Asset Management

Infrastructure Project Delivery
1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Foreshore Masterplan – Stage One Construction
4. Information Items
   4.1 Buildings and Facilities Construction Program
   4.2 Lighting Construction Program
   4.3 Park Infrastructure and Construction Program

Parks Services
1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Public Open Space Handovers
   4.2 2017/2018 Parks Services Projects Summary
   4.3 2017/2018 Parks Services Project Information
   4.4 Parks Maintenance Program 2017/2018

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Future Traffic Modelling
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure
   4.2 Delegated Authority for approval of Directional Signage
   4.3 Delegated Authority for approval of Heavy Haulage
   4.4 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.5 Civil Works Program 2017/2018
   4.6 Civil Maintenance Program 2017/2018
   4.7 Road Rehabilitation Program Main Roads Grant 2017/2018
   4.8 Road Resurfacing Program Municipal Works 2017/2018
   4.9 Road Renewal Program Municipal Works 2017/2018
   4.10 Drainage Renewal Program Municipal Works 2017/2018
   4.11 Delegated Authority pursuant to Part 3 of the Graffiti Vandalism Act 2016
   4.12 Litter and Street Sweeping Program 2017/2018
   4.13 Graffiti Program 2017/2018
   4.14 Delegated Authority for the payment of crossover subsidies
   4.15 Third Party works within the City
   4.16 Asset Inspections
   4.17 Verge Treatment Applications
   4.18 Verge Obstructions
   4.19 Coastal Infrastructure
   4.20 Coastal Management

Advisory Committee Minutes

Committee Recommendation

Moved Cr Stewart, seconded Cr Whitfield:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – January 2018 and the content be accepted.

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

#### Planning and Development Services

**Planning and Development Services**

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-001/18 Proposed Reconsideration of Telecommunications Infrastructure (Mobile Telephone) Secret Harbour District Centre - State Administrative Tribunal</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2017.00000231.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Aurecon Australasia Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Perpetual Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 January 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>October 2017 (PDS-057/17)</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 7001 Secret Harbour Boulevard, Secret Harbour

**Lot Area:**

6.0138ha

**LA Zoning:**

District Town Centre

**MRS Zoning:**

Urban

**Attachments:**

- Schedule of Submissions

**Maps/Diagrams:**

1. Location Plan
2. Aerial Photo
3. Proposed Monopole Location
4. Site location
5. Site Layout
6. North Elevation
7. Photomontage Locations
8. Montage 1 - Cycle Underpass Secret Harbour Boulevard
9. Montage 2 - Anstey Road
10. Montage 3 - Warnbro Sound Avenue
11. Montage 4 - Oasis Drive
12. Montage 5 - Clarkshill Road

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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 FEBRUARY 2018

PRESIDING MEMBER
13. Montage 6 - Cnr Stamford and Ortona Crescents
14. Montage 7 - Secret Harbour Boulevard
15. Submission Locations

1. Location Plan

2. Aerial Photo
Purpose of Report

To reconsider the development application for Telecommunications Infrastructure (mobile telephone) at Lot 7001 Secret Harbour Boulevard, Secret Harbour, being the site of the Secret Harbour District Centre, as invited by the State Administrative Tribunal (SAT).

Background

On 20 July 2017, an Application for Development Approval was received for Telstra to establish Telecommunications Infrastructure (mobile telephone) at Lot 7001 Secret Harbour Boulevard, Secret Harbour, being the site of the Secret Harbour District Centre.

The matter was referred to the Ordinary meeting of Council on 31 October 2017, whereupon the Council resolved not to endorse the Committee recommendation. In doing so, the Council failed to resolve whether to refuse the application, or provide grounds for varying the Committee recommendation.

The applicant was advised of the outcome of the Council meeting on 2 November 2017.

Details

On 30 November 2017 Telstra lodged an application for review with SAT seeking a review of the Councils decision.

The matter was considered by SAT at a directions hearing held on 15 December 2017, whereupon the following orders were issued by SAT:

1. Pursuant to s31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting of 23 January 2018.
2. The matter is listed for mediation on 1 February 2018 to commence at 10am on-site at No.420 Secret Harbour Boulevard, Secret Harbour, and thereafter of the offices of the City of Rockingham.
3. By 29 January 2018 the respondent is to file and serve a statement of issues for the purposes of mediation.
4. The Mayor of the respondent is invited to attend and/or nominate one or more Councillors and/or the Chief Executive Officer of the respondent to attend the mediation.
5. By 31 January 2018 the parties are to exchange any documents to be relied on which have not already been provided.

An independent planning consultant Altus Planning has been appointed by the City to act for the Council at SAT.

In accordance with the SAT order No.1, Council is invited to reconsider the Development Approval sought by Telstra for Telecommunications Infrastructure comprising the following:

- 23.8m high monopole structure with a circular headframe at the 25m level, with 3 panel antennas and 6 remote radio units attached.
- Telstra and Optus equipment cabinets located at the base of the monopole within a 27m² unfenced leased area. It is intended for Optus to co-locate on this structure in the future.
- The proposed monopole mast is located in a service area adjacent to the northern-western end of the shopping centre building, approximately 20m from the shopping centre car park to the north.
- Access to service the facility by Telstra service vehicle is intermittent and proposed via the existing car park circulation roadway.

The application is in response to a perceived need for improved Telstra coverage in the Secret Harbour area.

The location of the proposed Telecommunications Infrastructure is situated at the Secret Harbour Shopping Centre, located on the western side of Warnbro Sound Avenue and south of Secret Harbour Boulevard, Secret Harbour.
Woolworths supermarket within the shopping centre building abuts the proposed Telecommunications Infrastructure site to the south-east, while the Celebrations drive through liquor store is located to the north-west. The Whistling Kite tavern is located to the south and has a service area accessed from adjacent to the proposed telecommunications infrastructure.

The nearest Residential zoned land to the proposal is located beyond the drive through liquor store, approximately 85m west.

The Secret Harbour Primary School and oval are located north of Secret Harbour Boulevard, with the classrooms situated approximately 330m from the proposed Telecommunications Infrastructure site.

A Caltex service station and buildings of the shopping centre are located north-east and south-east of the proposed site.

Land between the proposed Telecommunications Infrastructure site and Secret Harbour Boulevard is used for car parking, and contains ancillary buildings and service areas associated with the shopping centre.

3. Proposed Monopole Location
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 FEBRUARY 2018

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 FEBRUARY 2018

PRESIDING MEMBER
7. Photo Montage Locations

8. Montage 1 (Cycle Underpass Secret Harbour Boulevard)
9. Montage 2 (Anstey Road)

10. Montage 3 (Wambro Sound Avenue)
11. Montage 4 (Oasis Drive)

12. Montage 5 (Clarkhill Road)
13. Montage 6 (Cnr Stamford & Ortona Crescents)

14. Montage 7 (Secret Harbour Boulevard)
Implications to Consider

a. Consultation with the Community

No further consultation has been undertaken as part of the section 31 reconsideration process, as the application was advertised for public comment as discussed below, in the lead up to Council considering the matter.

In accordance with Clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was previously referred to property owners and occupiers within 500m radius of the proposed telecommunications infrastructure, as per the submission location plan below. A total of 570 landowners and occupiers were consulted.

Two signs were erected on site and notices were placed on the City’s website. The application was advertised in the Sound Telegraph on the 16 and 23 August 2017.

At the closing of advertising, a total of 41 submissions were received.

The following is a breakdown of the submissions:
- 36 submissions objecting to the proposal; and
- 5 submissions received supporting or indicating no objection to the proposal.

Submissions objecting were also received from properties located at 17 Cobblestone Circuit, 54 Secret Harbour Boulevard and 15 Genoa Place, which are not shown on the consultation plan.

15. Submission Locations
An assessment of the concerns raised by the submitters is as follows:

### Health Impacts

<table>
<thead>
<tr>
<th>Submission:</th>
<th>(i) Exposure to radiation and health and safety risk as a result of development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent's Response:</td>
<td>This is not a valid planning ground of objection. Notwithstanding, the facility is required to be licensed by the Australian Media and Communications Authority (ACMA) and will operate in accordance with Commonwealth regulatory standards established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The State Planning Policy recognises that licensing standards provide sufficient safeguards and states that “buffer zones and/or setback distances are not to be included in planning schemes or local planning policies.”</td>
</tr>
<tr>
<td>City's Comments:</td>
<td>In terms of State Planning Policy 5.2 – <em>Telecommunications Infrastructure</em> (SPP5.2), setback distances for Telecommunications Infrastructure to address health or safety standards for human exposure to electromagnetic emissions are not to be set out in local planning schemes, or local planning policies, because standards are set by ARPANSA. It is for this reason that planning policies do not contain specified buffer distances for Telecommunications Infrastructure. Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters. As such, it is not within the scope of the City to address health and safety matters. The Secret Harbour Primary School classrooms are located 330m north of the proposed tower. The Department of Education lodged a submission of “no objection”, indicating that sufficient separation exists between the school and the Telecommunications Infrastructure.</td>
</tr>
</tbody>
</table>

### Property Values

<table>
<thead>
<tr>
<th>Submission:</th>
<th>(i) Adverse impact on property values</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponents Response:</td>
<td>This is not a valid planning ground of objection. Notwithstanding, we are unaware of any independent or reputable studies that have established a link between the provision of fast and efficient telecommunications services and reduced property values. We would understand that access to fast and reliable voice and data services is essential for the efficient operation of local businesses, to improve social connectivity, and for educational purposes.</td>
</tr>
<tr>
<td>City's Comments:</td>
<td>The impact of the proposed Development on property values is not a valid planning consideration.</td>
</tr>
</tbody>
</table>

### Visual Amenity

<table>
<thead>
<tr>
<th>Submission:</th>
<th>(i) Concerns regarding adverse visual impact of the Telecommunications Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponents Response:</td>
<td>The nature of the technology is such that height is an integral part of the successful functioning of a network. It is impractical for base stations to be invisible such that the State Planning Policy does not require facilities to be screened from public view. Instead, the Policy encourages placement and design techniques to minimise visual impact, particularly when viewed from places of community sensitivity.</td>
</tr>
</tbody>
</table>
Visual Amenity (Cont…)

We submit that the proposed facility has been situated, designed and located so as to minimise potential visual impact with specific regard to avoiding locally or regionally significant views, areas of cultural heritage or conservation value, or areas in close proximity to community sensitive land uses. From most vantage points the backdrop is a service/loading area or is screened by the shopping centre itself, other buildings or vegetation. Whilst collective view experiences hold greater weight when balancing the visual impact against the community benefit the technology will bring, it is also acknowledged that those dwellings in closest proximity have an outlook away from the shopping centre car park towards parkland. The design response includes the use of headframes to minimise the overall height, the construction of a monopole that enables the structure to present the smallest profile and the use of equipment cabinets to minimise ground level infrastructure. Additionally, the lighter finishes and modern architectural form of the shopping centre together with a degree of visual clutter from light poles and advertising signage assists in being able to demonstrate recognised blending principles.

City’s Comments:
The assessment of the visual impact of development a proposal for Telecommunications Infrastructure is made on a ‘case by case’ basis. The photo montages submitted indicate the upper portion of the Telecommunications Infrastructure will be visible above the existing buildings of the shopping centre from all directions. The lower portion of the Telecommunications Infrastructure will only be visible from a northerly aspect against the backdrop of the shopping centre, as it will be otherwise screened by buildings. The close proximity of the proposed Telecommunications Infrastructure to the 8.5m high buildings of the shopping centre (and Celebrations liquor store) reduces the visible extent of the structure to only the upper portion of the monopole structure when viewed from the west, south and east. The extent of visual impact of the upper portion of the monopole structure will vary depending on the viewing location, however, it must be recognised that the subject land accommodates a large developed commercial shopping centre and associated car park. As such, the area can be characterised as having a somewhat “busy” urban landscape.
Visual Amenity (Cont…)

Established trees and vegetation screen the structure from residential properties and the primary school to the north, meaning the predominant viewing audience will be traffic using Secret Harbour Boulevard, approximately 85m to the north, or pedestrians using the pathway network. Views obtained from Secret Harbour Boulevard and the pedestrian movement network will be intermittent in nature, as verge trees (and car park vegetation) provide an element of screening to the proposed Telecommunications Infrastructure and contribute to mitigating the visual impact. The visual prominence of the structure is further mitigated by the (85m) distance separating the structure from the main viewing audience.

The ground level infrastructure, as proposed, will be visible from a northerly aspect. This visual impact can be mitigated by enclosing the compound with screen walls painted to match the colour of the adjoining shopping centre building wall.

On balance, the degree of visual impact is considered acceptable, as discussed in the Comments section of this report.

Alternative Locations

(i) There are better alternative locations available (eg Lark Hill)

Proponent’s Response:

Whether or not there may be alternative sites available is not determinate of the matter.

The site selection process for the processed facility has been lengthy and rigorous (as outlined in section 5 of the development application submission). We further submit that the proposed location, on balance, has the least impact of those sites for which service objectives can be met and for which landowner interest was expressed and is compliant with the planning policy framework.

City Comments:

Alternative sites and design options were considered by the proponent, and after the site selection process the current proposal was considered the most suitable. The Council is required to consider the application before it.

Impact on Shopping Centre

(i) The proposed location will impact on Woolworths waste handling

Proponents Response:

Having regard to their own operational needs and that of their tenants the Shopping Centre Management have directed Telstra as to where the proposed facility may be located.

The plans illustrate that all but approximately 1m² of the 27.2m² lease area either accommodates an existing storage room to be demolished or is within an area delineated by kerbing.

![Existing Bin Store Compound](image-url)
Impact on Shopping Centre (Cont…)

City's Comments:
The proposed Telecommunications Infrastructure will be erected in the location of an existing store room (adjacent a bin store compound), which will be demolished. The proposal will not impact on waste management for the shopping centre, or the servicing requirements of the nearby Whistling Kite tavern and the drive through bottle shop. A Construction and Maintenance Traffic Management Plan is recommended as a condition to manage this aspect, in the event approval is granted.

b. Consultation with Government Agencies

During the public consultation period the City consulted the Department of Education, which lodged a submission of “no objection” to the proposal.

Department of Education

Submission

(i) The Department of Education has reviewed the document and wishes to advise that it has no objection to this proposal. There is sufficient distance separation from the proposed tower to the Secret Harbour Primary School on Maratea Parade, Secret Harbour.

City's Comments:
Noted.

c. Strategic Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

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

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

- "facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;"
- manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and
- promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure."
An assessment of the application against the relevant matters to be considered listed in SPP5.2 is as follows:

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis.</td>
<td>The visual impact of the application was assessed by the City, which included an appraisal of the applicant's visual amenity assessment and photomontages, as well as a site inspection.</td>
<td>Yes</td>
</tr>
<tr>
<td>Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:</td>
<td>The visual impact of the proposed Telecommunications Infrastructure is minimised by the utilising a slimline 'monopole' structural form. The proposed site is well back from the surrounding road network, in a service area for the shopping centre, where the lower portion of the infrastructure will be screened from most viewing angles by adjacent buildings. This will ensure that:</td>
<td>Yes</td>
</tr>
<tr>
<td>(a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;</td>
<td>(a) the proposed Telecommunications Infrastructure will not be prominently visible when viewed from scenic routes, lookouts or recreation areas;</td>
<td>Yes</td>
</tr>
<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>(b) the proposed Telecommunications Infrastructure will not detract from significant views of any heritage place, landmark, streetscape, panorama or vista;</td>
<td>Yes</td>
</tr>
<tr>
<td>(c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised; and</td>
<td>(c) the proposed Telecommunications Infrastructure will not be located on a site where environmental or cultural heritage values may be compromised. While the structure will to some extent (by necessity) be visible, Telecommunications Infrastructure is considered to be consistent with the urban landscape of the district town centre; and</td>
<td>Yes</td>
</tr>
<tr>
<td>(d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.</td>
<td>(d) the slim form and the unpainted colour of the monopole structure is designed to assist it blend against the background of the building and sky.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Policy Requirement

Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.

The applicant has submitted that reliable depth of coverage will be provided to users currently experiencing reduced signal level on hand held devices (particularly inside of buildings); for motorists travelling along Mandurah Road and for those shadowed by the dune system.

<table>
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<tr>
<th>Provided</th>
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<tbody>
<tr>
<td>The applicant investigated potential to co-locate onto the nearest existing telecommunications infrastructure at Port Kennedy, Golden Bay and Karnup, and advised that further upgrades of these site will not achieve the desired coverage objectives, particularly for locations closest to the coast and in-building coverage. Co-location is not possible in this instance. Roof mounted ‘low impact’ options were also considered. These were not pursued as coverage objectives could not be achieved, due to insufficient elevation or the inability to secure lease agreements.</td>
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<tr>
<th>Compliance</th>
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<tbody>
<tr>
<td>Yes</td>
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</tbody>
</table>

Telecommunications infrastructure should be co-located and whenever possible:

(a) Cables and lines should be located within an existing underground conduit or duct; and

(b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.

The applicant investigated potential to co-locate onto the nearest existing telecommunications infrastructure at Port Kennedy, Golden Bay and Karnup, and advised that further upgrades of these site will not achieve the desired coverage objectives, particularly for locations closest to the coast and in-building coverage. Co-location is not possible in this instance.

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<tbody>
<tr>
<td>The applicant investigated potential to co-locate onto the nearest existing telecommunications infrastructure at Port Kennedy, Golden Bay and Karnup, and advised that further upgrades of these site will not achieve the desired coverage objectives, particularly for locations closest to the coast and in-building coverage. Co-location is not possible in this instance. Roof mounted ‘low impact’ options were also considered. These were not pursued as coverage objectives could not be achieved, due to insufficient elevation or the inability to secure lease agreements.</td>
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<tr>
<th>Compliance</th>
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<tbody>
<tr>
<td>Yes</td>
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</tbody>
</table>

The proposal is considered consistent with SPP5.2.

**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 a consistent approach in the assessment and determination of applications for Development Approval for Telecommunications;

(b) To manage the environmental, cultural heritage, visual and social impacts of Telecommunications Infrastructure through appropriate provisions intended to minimise any potential adverse impacts from such Telecommunications Infrastructure;

(c) To facilitate the provision of Telecommunications Infrastructure in an efficient and environmentally responsible manner to meet community needs; and

(d) To ensure that Telecommunications Infrastructure is included in the relevant planning processes as essential infrastructure for business, personal and emergency reasons."

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

<table>
<thead>
<tr>
<th>Policy Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The preferred location for telecommunications infrastructure that cannot be classified as low impact facilities is in the Industrial, Commercial and Rural Zones.</td>
</tr>
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</table>

<table>
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<tr>
<th>Provided</th>
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<tbody>
<tr>
<td>The proposed is not a “low impact” facility and will be located within the District Town Centre zone, which is a commercial zone and a preferred location.</td>
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<table>
<thead>
<tr>
<th>Compliance</th>
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<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirement</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>To provide for future co-location, new mobile telecommunication towers and sheds</td>
</tr>
<tr>
<td>and sheds are to be designed to permit at least 3 carriers to co-locate. Carriers</td>
</tr>
<tr>
<td>shall co-locate onto existing towers wherever possible.</td>
</tr>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications</td>
</tr>
<tr>
<td>infrastructure should be made on a case by case basis.</td>
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<tr>
<td>Telecommunications infrastructure should be sited and designed to have minimal</td>
</tr>
<tr>
<td>impact on the environmental, cultural heritage, social and visual landscape.</td>
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<tr>
<td>Be located away from scenic routes and recreation sites.</td>
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<tr>
<td>To avoid detracting from significant views of landmarks, streetscapes and vistas.</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Policy Requirement</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>The scale, materials and colours should be sympathetic to the surrounding landscape and use techniques to blend the facility into the environment.</td>
</tr>
<tr>
<td>Towers should be of monopole construction.</td>
</tr>
<tr>
<td>The screening of the base of the tower and associated installations by vegetation will be applied on a ‘case by case’ basis.</td>
</tr>
</tbody>
</table>

Planning Policy 3.2.3 Secret Harbour Town Centre (PP3.2.3)

PP3.2.3 is a local planning policy which the Council must have due regard to in its consideration of applications seeking Development Approval within the Secret Harbour Town Centre. The policy is to be read in conjunction with an adopted Indicative Development Plan (IDP) and intends to “establish a flexible framework that is clear and concise, within which an integrated Town Centre will be created”.

Relevant objectives of PP3.2.3 include:

(i) To create a Town Centre which will become the primary social and commercial focus of the locality and surrounding district.

(ii) To achieve an integrated townscape character that incorporates Main Street design principles.

(iii) To create a built environment and landscape that will make a substantial contribution to the sense of community and identity of Secret Harbour.

(iv) To achieve a contemporary mixed use development by incorporating the best features of commercially successful townsapes.

(v) To allow the Town Centre to grow in stages, whilst maintaining a ‘sense of being’ at every stage.

(vi) To maintain flexibility to ensure that various land use combinations can be incorporated as demand emerges.

The policy advocates the implementation of ‘Liveable Neighbourhoods’ objectives and requirements for the development of a town centre with the following stated Desired Future Character:

“The Town Centre will be the major commercial and social centre of Secret Harbour and its wider district centre catchment. An integrated, distinctly urban townscape character is envisaged, with a legible network of human scaled streets and public places defined by an orderly and generally contiguous framework of active, street front buildings”.

The policy outlines Development Guidelines which are directed at managing the desired built form outcome of the centre, and which do not specifically relate to Telecommunications Infrastructure.

In so far as the IDP is concerned, the proposed Telecommunications Infrastructure does not compromise future development of the centre, given the location proposed, while the form of development proposed is consistent with the Desired Future Character for the centre.
e. **Financial**

There are potential financial implications for the City if the Council decision is not based on valid planning grounds, in the event of the matter proceeding to a hearing at SAT. Implications include the cost of engaging an independent planning consultant and any expert witnesses, and the potential for costs being awarded against the Council by SAT.

f. **Legal and Statutory**

*State Administrative Tribunal Act 2004:*

If invited by SAT, the Council has the ability to reconsider its decision pursuant to Section 31(2) of the *State Administrative Tribunal Act 2004.* This report forms the assessment for the Council to reconsider its decision.

*Town Planning Scheme No.2 (TPS2)*

Clause 3.2 - Zoning and Land Use

The proposed use is interpreted as 'Telecommunications Infrastructure', which is a land use which is not permitted (“D”) unless the Council grants its approval within the District Town Centre zone.

g. **Risk**

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

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

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

Nil

**Comments**

The applicant has indicated that there is a need for Telecommunications Infrastructure in the Secret Harbour Town Centre area. Alternative sites and design options were considered by the applicant, with the current proposal being the only feasible option.

Applications need to be considered by Council on a ‘case by case’ basis.

The proposal is compliant with SPP5.2, PP3.3.16 and PP3.2.3, and is considered an appropriate use for the zone.

Perceived impacts on human health and visual impact are the main concerns raised in submissions. Standards established by ARPANSA include substantial safety margins to address human health. As such, SPP5.2 states it is not within the scope of the policy to address human health and safety matters.

The visual impact in this instance is considered acceptable and adequately mitigated, as the existing shopping centre buildings assist to screen and reduce the size of the structure from most viewing perspectives.

Telecommunications Infrastructure is consistent with the urban form of a district town centre, and is not considered out of character for a shopping centre.

Screening is recommended of the ground level infrastructure, in the form of a wall or solid fence painted to match the colour of the adjoining exterior wall of the Woolworths Supermarket. In addition to screening the ground level equipment cabinets from view and improving amenity, the screen wall will assist to protect the assets from accidental damage or vandalism.

Approval is recommended, subject to conditions.

Independent town planning consultant Altus Planning has inspected the site and has advised that the application is recommended for approval, based on a review of the visual impact of the proposal and consideration of other similar proposals that have been approved by other local governments and SAT.

Should the Council decide not to grant Development Approval, it must do so via an Alternative Motion.
Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for Telecommunications Infrastructure (Mobile Telephone) on Lot 7001 Secret Harbour Boulevard, Secret Harbour, subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Layout and Access Plan, Drawing No.W108058, dated 02.08.2016; and
   - Site Elevation Plan, Drawing No.W108058, dated 02.08.2016.

2. Prior to the commencement of any works a Construction and Maintenance Traffic Management Plan ("CMTMP") shall be submitted and approved by the City, which shall include provisions to minimise any inconvenience and safety risk for nearby properties during construction and maintenance works. The CMTMP shall include a requirement for the proponent to consult with and notify nearby businesses in regards to potential disruptions during construction and maintenance work.

3. A 2m high screen wall shall be erected around the perimeter of the proposed lease area, which shall match the colour of the adjacent exterior wall of the Woolworths Supermarket. Plans detailing the proposed screening measures shall be submitted for the approval of the City prior to works commencing, and maintained for the duration of the development.

4. The telecommunications infrastructure shall be structurally capable of accommodating three telecommunications carriers.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:

That Council APPROVES the application for Telecommunications Infrastructure (Mobile Telephone) on Lot 7001 Secret Harbour Boulevard, Secret Harbour, subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Layout and Access Plan, Drawing No.W108058, dated 02.08.2016; and
   - Site Elevation Plan, Drawing No.W108058, dated 02.08.2016.

2. Prior to the commencement of any works a Construction and Maintenance Traffic Management Plan ("CMTMP") shall be submitted and approved by the City, which shall include provisions to minimise any inconvenience and safety risk for nearby properties during construction and maintenance works. The CMTMP shall include a requirement for the proponent to consult with and notify nearby businesses in regards to potential disruptions during construction and maintenance work.

3. A 2m high screen wall shall be erected around the perimeter of the proposed lease area, which shall match the colour of the adjacent exterior wall of the Woolworths Supermarket. Plans detailing the proposed screening measures shall be submitted for the approval of the City prior to works commencing, and maintained for the duration of the development.

4. The telecommunications infrastructure shall be structurally capable of accommodating three telecommunications carriers.

Committee Voting – 3/2

(Crs Hamblin and Stewart voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning and Development Services

#### Statutory Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-002/18 Proposed Allocation of Cash-in-Lieu of Public Open Space Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD21.2016.00000003.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td>Owner:</td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Mike Ross, A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Gary Rogers, Manager Community Infrastructure Planning</td>
</tr>
<tr>
<td></td>
<td>Mrs Claire O'Neill, Community Infrastructure Project Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 January 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

**Site:**

- Lot 1478 Endeavour Drive (Reserve 45678 - Veteran’s Memorial Park)

**Lot Area:**

- 28,827m²

**LA Zoning:**

- Public Open Space

**MRS Zoning:**

- Urban

**Attachments:**

- 1. Location Plan
- 2. Aerial Site Plan
- 3. Proposed Concept Design

**Maps/Diagrams:**

- 1. Location Plan
- 2. Aerial Site Plan
- 3. Proposed Concept Design
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 FEBRUARY 2018
**Purpose of Report**

To seek approval for allocating cash-in-lieu of Public Open Space (POS) funds towards improvements to Lot 1478 Endeavour Drive, Port Kennedy (Reserve 45678), from the Minister for Transport, Planning and Lands.

**Background**

In March 2016, the Western Australian Planning Commission (WAPC) granted conditional Subdivision Approval for the creation of 26 green title residential lots at Lot 503 Benbecula Loop, Port Kennedy. Condition No.11 of this approval required as follows:

“11. An area(s) of land at least 1,233.5m$^2$ in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for Public Recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government).”

Advice Note No.2 of this approval advised the following:

“2. The Western Australian Planning Commission hereby approves of a cash-in-lieu contribution in accordance with Section 153 of the Planning and Development Act 2005.”

The applicant submitted a Valuation Report demonstrating that $162,822.00 was the value of land in lieu of providing POS. The City referred the Valuation Report to a Property Valuer for review, whom advised the amount of cash-in-lieu required to be paid by the landowner was $185,025.00. The City and the applicant agreed to a negotiated amount of $175,773.75, which was paid to the City on the 29th August 2017.

Following satisfactory compliance with the Subdivision Approval, the 26 green title lots were created.

**Veteran’s Memorial Park Reserve**

In late 2015 an audit was completed on four of the City’s existing youth spaces (Singleton Skate Park, Daniel Kelley Memorial Skate Park, Veterans Memorial Skate Park and Cooloongup Skate Park). The purpose of the audit was to identify maintenance works required, and identify whether or not the skateparks still meet the function for a skate/youth space in 2016, given the skateparks were built in the early 1990s.

As a result of the audit, the Port Kennedy Skate Park (PKSP) located at Reserve 45678 (Veteran’s Memorial Park), was identified for demolition and replacement. It is a requirement that cash-in-lieu of POS funds must be applied within the vicinity of the subdivided area and hence, the City has made the decision to allocate funds received from the cash-in-lieu payment from the subdivision of Lot 503 Benbecula Loop, Port Kennedy, to the upgrade of PKSP. Details of the expenditure form the basis of this report.

**Details**

**Proposed Design**

The proposed vision for PKSP is as follows:

‘The vision for the project is to demolish the existing neighbourhood level skate park and upgrade the space to provide contemporary, dynamic sub district level youth outdoor recreation space. The space is intended to encourage physical activity in addition to providing a congregation area for interaction among young people.’

The project objectives are as follows:

- Encourage physical activity through provision of a contemporary, innovative space;
- Provide opportunity for social interaction;
- Provide supporting infrastructure and amenities such as shelter/ shade, path links, signage, vegetation, drink fountains, bins, lighting and other appropriate site furniture;
- Incorporate robust infrastructure and equipment suitable for the site conditions that is environmentally and economically sustainable, and considers accessibility;
- Consider the outcomes of consultation with young people and the local community to ensure that the space meets current and future needs, and appeals to both male and female demographics;
- Consider the impact of the proposed activities and equipment on the site on neighbouring properties and existing activities; and
- Incorporate Crime Prevention Through Environmental Design (CPTED) and Healthy Active by Design (HABD) principles.

On behalf of the City, Emerge Associates prepared a Concept Design Report (Nov 2017) which includes the following:
- Open plaza style skatepark area;
- Skate-able entry path;
- Bowl option;
- Banked Seating area;
- Multipurpose court;
- Ping pong tables;
- Shade shelters;
- Seating;
- Drink fountains; and
- Bike racks.
3. Proposed Concept Design
Implications to Consider

a. Consultation with the Community
The City conducted preliminary consultation with the community on the design of the skatepark through the following methods:
- In January and July 2017, surveys were distributed at skate events and at two Junior Council Meetings; and
- In August 2017, workshops were held with Year 5 and 6 students at ‘Rockingham Lakes Primary School’ and ‘Endeavour Primary School’.

As a result of this consultation, it was recommended that PKSP contain the following design concepts:
(i) Provide a unique space that complements the City’s skate park/youth space network;
(ii) Accommodate a variety of skill levels;
(iii) Provide supporting amenities consistent with its intended uses;
(iv) Accommodate a variety of types of users; and
(v) Accommodate a high number of users.

The school groups were consulted again on the initial concept design in December 2017. In addition, the design will be workshopped with different users and advertised for public comment in early to mid-2018.

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 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
Development Control Policy 2.3 – Public Open Space in Residential Areas (DC 2.3)
DC2.3 is a WAPC Policy which guides the provision of POS in residential areas. The objective of DC2.3 is to ensure all residential development in the State is complemented by adequate and well-located areas of POS. DC2.3 outlines in what circumstances a cash payment can be made by the subdivider in lieu of providing land for POS, as follows:

- The land area is such that a 10 percent contribution would be too small to be of practical use;
- There may be sufficient open space already in the locality; and
- Public open space is planned in another location by way of a Town Planning Scheme or Local Structure Plan.”

The WAPC may impose a POS condition of Subdivision Approval with a footnote seeking the provision of a cash-in-lieu equivalent of the POS, where the required 10% area of open space would yield an area of unsuitable size and dimension of practicable use, as has occurred in this instance.

The City considered that the provision of POS within the subdivision area was unsuitable, as a 1,233.5m² area of POS is not suitable for active recreational purposes and there are existing areas of POS available in the locality, to service the future residents of the subdivision area.
e. **Financial**

The budget is under allocated by the cash-in-lieu amount. The proposed works are expected to be carried out under the 2017/18 Budget. The cash-in-lieu of POS funds are currently held in a Reserve account. The project budget was established on the basis that the cash-in-lieu sum of $175,773.75 would be directed to this project, in addition, to the $660,000 allocated in the Asset Management Plan. The concept design has been undertaken based on a project budget of $750,000, exclusive of project management fee.

f. **Legal and Statutory**

**Planning and Development Act 2005 (P&D Act 2005)**

Section 153 of the P&D Act 2005 outlines when payment in lieu of providing POS is accepted by agreement with the City and the owner of the land.

Section 154 of the P&D Act 2005 enables POS funds to be used to purchase land for parks, recreation grounds, open spaces within the vicinity of the subdivided area; repaying of loans for the purchase of such land; and/or with approval from the Minister for Transport, Planning and Lands, the improvement or development of parks, recreation grounds and open spaces nearby the subdivision. In this instance, the City seeks approval from the Minister for Transport, Planning and Lands to use the POS funds to upgrade the PKSP at 'Veterans Memorial Park', Port Kennedy, which is consistent with the improvement of parks within the vicinity of the subdivision.

Under Section 154(2)(c) of the P&D Act 2005, the cash-in-lieu of POS funds can be applied by the City, with the approval of the Minister for Transport, Planning and Lands, for the improvement or development of parks, recreation grounds or open spaces generally on any land in that locality vested in or administered by the City. The expenditure of POS funds for the purposes proposed requires the approval of the Minister for Transport, Planning and Lands, prior to the commencement of works.

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 allocation of POS funds towards the upgrade of PKSP at Veterans Memorial Park, Port Kennedy, complies with the requirements of the P&D Act 2005. The park improvement’s to this reserve is considered to be necessary and appropriate in this circumstance.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council SUPPORTS the use of cash-in-lieu of Public Open Space funds towards improvement works to the Port Kennedy Skate Park at Reserve 45678 (Veterans Memorial Park, Port Kennedy), subject to Final Approval from the Minister for Transport, Planning and Lands.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Sammels:

That Council SUPPORTS the use of cash-in-lieu of Public Open Space funds towards improvement works to the Port Kennedy Skate Park at Reserve 45678 (Veterans Memorial Park, Port Kennedy), subject to Final Approval from the Minister for Transport, Planning and Lands.

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>PD-003/18 Proposed Section 40 Liquor Licence (Singleton Social and Sporting Association Inc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD069.2017.0000011.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Matt Pursell</td>
</tr>
<tr>
<td>Owner:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 January 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 4064 Cavender Street, Singleton (Reserve 43022)</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1.9260ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
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<td></td>
<td>3. Reserve No’s 43022 and 26471</td>
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<td></td>
<td>4. Proposed Licenced Area</td>
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<tr>
<td></td>
<td>5. Photo of Community Centre Building from North-East</td>
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<tr>
<td></td>
<td>6. Consultation Plan</td>
</tr>
</tbody>
</table>
To consider an application from the Singleton Social and Sporting Association Inc. (SSSA) for a Section 40 Certificate of Local Planning Authority (S.40 Certificate) at the Laurie Stanford Reserve, Singleton.

**Purpose of Report**
Background

- In 2016, the City renovated the Singleton Sports and Community Centre (SSCC) facility at the Laurie Stanford reserve, which is leased to the SSSA.
- The SSSA is a combined entity, incorporating the following community groups who use the newly renovated building:
  - Comet Bay Bowling Club
  - Singleton Social Club
  - Singleton Residents Association
  - Golden Bay Tennis Club
  - Singleton Play Group
  - Singleton Irwinians Cricket Club
  - Peel Junior Soccer Association.
- The Comet Bay Bowling Club is the current holder of a Club-Restricted liquor licence, which is a temporary arrangement that provides for the sale and consumption of liquor at the SSCC during the following times:
  - Monday 11:30am to 6:30pm;
  - Tuesday 11:30am to 6:30pm;
  - Wednesday 11:30am to 6:30pm;
  - Thursday 11:30am to 8:30pm;
  - Friday 11:30am to 11:30pm;
  - Saturday 11:30am to 11:30pm; and
  - Sunday 11:30am to 6:30pm.
  - No trading is permitted on Christmas Day, Good Friday or before noon on Anzac Day.
- The intention is for the Bowling Club to surrender this licence in the event that a Club-Restricted licence is granted to the SSSA.
- The SSSA submitted a S.40 Certificate application with the City on 21 September 2017.
- The application included a proposed ‘al fresco’ licenced area that encapsulated an open area of turfed land between the northern wall of the SSCC building and a line of trees within the reserve approximately 18m north of the building. The intention being to establish in this space approximately 20 tables and 160 chairs in relation to ‘Sundowners’ operated by the Singleton Social Club.
- The proposed licenced area spanned two parcels of Reserve land, Lot 4064 (Reserve 43022, set aside for the purpose Club and Club Premises) and Lot 1991 (Reserve 26471, set aside for the purpose of Public Recreation).
- Advice received from the Department of Planning, Lands and Heritage indicated that a proposed licenced area over Reserve 26471 is not consistent with the purpose of the reserve, and is therefore not supported. As a result, the application was amended to reduce the licenced area to lie within the boundaries of Reserve 43022.
The applicant is seeking approval for a S.40 Certificate of Local Planning Authority. A S.40 Certificate from the City confirms that the proposed use of the premises complies either conditionally or unconditionally with Town Planning Scheme No.2 (TPS2), or if it cannot comply with the relevant planning laws for reasons specified.

A S.40 Certificate from the City is required to accompany a Liquor Licence application made to the Department of Local Government, Sport and Cultural Industries (DLGSCI) (formerly the Department of Racing Gaming and Liquor).

The applicant has applied for a 'Club-Restricted' Licence. A Club-Restricted Licence authorises the sale and supply of liquor to members of the club and to the guests of that member in the company of that member. The club, however, must not sell packaged liquor and the trading hours are specified on the conditions of the licence, should it be granted by the DLGSCI.

The application includes the following details:

- The applicant has requested the following trading hours:
  - Mondays     11:30am to 9pm;
  - Tuesdays    11:30am to 9pm;
  - Wednesdays  11:30am to 9pm;
  - Thursdays   11:30am to 10pm;
  - Fridays     11:30am to 11:30pm;
  - Saturdays    11:30am to 11:30pm; and
  - Sundays     11:30am to 6:30pm.
- No trading is permitted on Christmas Day, Good Friday or before noon on Anzac Day.

- The proposed licenced area includes the Community Centre building, and appurtenant external areas adjacent to the northern entry of the building and the bowling greens on the south-east side. These external areas are located wholly within the boundaries of Reserve 43022.

- The proposed hours are intended to facilitate use by the various clubs in the SSSA, and to provide some flexibility to hold special events when required. It is not the intention of the applicant to operate continuously within the proposed hours.

The applicant has advised:

- “The Singleton Social Club will hold Sundowners on fortnightly Friday nights during October to April, from 6pm-10pm in the proposed alfresco area. Trestle tables and chairs will be set up on the lawn around the bbq area and some live acoustic music may be played from the courtyard. Social Club volunteers may stay for an hour for a post event drink whilst packing up.

- The Singleton Irwinians Cricket Club seniors train on Thursday night, and play on Saturday afternoons during cricket season. They have a bbq and a few beers after training and also after games on Saturday. Occasionally they plan to hold fundraising events or wind ups which may utilise the alfresco area or the multipurpose hall in the evenings.

- The Comet Bay Bowling Club operates mainly during the day on weekdays and weekends throughout the year. They serve from the inside bar or from the servery on the south-east side of the building, so if there is any junior sports being played on the northern side of the centre the north doors or gate will be shut during these times. They also have community bowls on Friday nights in summer that usually finish around 8:30pm.

- The Singleton Residents Association use the building for meetings and community events like the Easter Fun Day, Volunteer firefighter fundraising and other community events that may use the bar facilities.

- The two halls and kitchens and meeting room are available for hire and the hirers may require the use of bar facilities that may or may not be provided by the SSSA. (The hirer may seek an extraordinary liquor licence for themselves or utilise the SSSA licence.) These may be birthday parties, work functions, wedding receptions etc so the liquor licence application times need to be open and flexible to best utilise the Community Centre. Another example is the Peel Football Umpires hire the hall and utilise the bar area after training during football season.

- It is planned to play live music at Sundowners (in the courtyard on north side) as it was in the past (with no previous complaints) but should complaints arise we will do an immediate review of volume levels. Should live music (electric with PA) be played, the band will be positioned inside one of the halls and doors kept closed to minimise disturbance to the public. All live music to be over by 10pm. Live music may also be played outdoors during the day at special events like wind ups or community fairs etc.

- The intention is to NOT sell alcohol while there are junior sports events happening on the sports grounds on the north side of the community centre. However should this need to occur i.e. a Bowling Carnival held during the day, then alcohol will only be served from the inside bar or outside servery to the bowling greens (south east side) The northern door or gate will be shut to prevent juniors from entering. Youth teams will predominately use the sports grounds from the morning to mid-afternoon”.

- The applicant has submitted a House Management Policy, a Code of Conduct and Management Plan in support of the S.40 application.
4. Proposed Licenced Area

5. Photo of Community Centre Building from North-East

Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was referred to nearby and adjacent landowners highlighted yellow on the Consultation Plan below. At the conclusion of the advertising period, a total of 11 submissions were received, comprising of 4 submissions of objection and 7 submissions of support, or qualified support.
Two submissions received from properties located at Secret Harbour and Balcatta, given the proximity to the subject site, are not shown on the consultation plan.

6. Consultation Plan

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

<table>
<thead>
<tr>
<th>Submission:</th>
<th>Proponent’s Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerns the proposed trading hours are excessive. Reduced trading is requested.</td>
<td>The intention is not to operate 12 hrs day, 7 days a week. The current and past liquor licensees have permission to operate within these hours now, nothing has really changed from the past 20 years. But the SSSA needs to provide flexibility to function and operate the bar by several community groups. e.g. The bowling club has midday matches and then shuts and may open again in the early evening on several weekdays. The Social Club has Sundowners on a Friday once a fortnight in the evenings during Summer. The Cricket club seniors train and play Thursday and Saturday and open the bar afterwards. The proposed hours the SSSA are applying to maintain the flexibility for all the clubs to function, but in reality the bar is run by volunteers and so will only be open for limited times while their club has an event. As the bar sales are the only income for the SSSA, it will need to operate the bar regularly in order to pay for the upkeep and management of the Singleton Sporting and Community Centre.</td>
</tr>
</tbody>
</table>
City's Comments:
It is not the applicant’s intention to sell or consumer alcohol continuously throughout the proposed hours of trading outlined in the application. Notably, the application seeks the flexibility for each club within the SSSA to operate a bar at a time conducive to the operation of the club or community group concerned.

The proposed closing hours are consistent with other S.40 certificate applications supported by the City for Club- Restricted liquor licences on reserve land.

As such, the City considers the proposed trading hours are reasonable for such a facility of this nature and represent a reasonable balance between the needs of the surrounding neighbourhood and those of the SSSA.

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Concerns about noise, including loud music late at night.</strong></td>
</tr>
</tbody>
</table>

Proponent’s Comment:
All events must maintain noise levels within the RCC guidelines. The alfresco licence is limited to 10pm on any night.

Excerpt from the SSSA Management Plan:

*The provision of entertainment, which is appropriate and suitable to the premises, is an important part of the business.*

The entertainment provided has to be of a kind that is acceptable to our patrons but at the same time does not cause undue offence, noise or disturbance to persons who live in close proximity to the premises.

In order to minimize any undue offence, noise or disturbance:

- Entertainment will be of a kind that complies with the law and any conditions imposed on the license by the licensing authority, or any requirements of or directions given by other relevant authorities.
- The providers of entertainment will be made aware by the approved manager of requirements both general and special that are in place concerning the provision of entertainment at the premises.
- Any complaint by a member of the public that they are experiencing undue offence, noise or disturbance as a result of entertainment being provided at the premises will be brought to the attention of the duty manager who will take reasonable steps to resolve the matter (if possible). All complaints are to be recorded in the appropriate register.

City's Comment:
Noise emanating from the premises is unlikely to cause disturbance to neighbour properties, as:

- The Comet Bay Bowling club, which uses the outdoor bowling greens to the south-east of the Community Centre building, operates mainly during the day on weekdays and weekends, although it does hold community bowls events on Friday nights in summer that are understood to finish by generally 8:30pm. The City has no record of complaints in relation to this use in the past.
- The Community Centre building is relatively separated from the dwellings surrounding the Laurie Stanford reserve, and has been constructed to meet BCA noise attenuation specifications. This should adequately mitigate noise generated from within the building.
- Use of the external al fresco area on the north side of the building by the Singleton Social Club for Sundowners (Friday fortnights during summer) and by the Singleton Irwinians Cricket Club is relatively infrequent. While live music is proposed at Sundowners (in the courtyard on the north side of the building), the use of this external area will be restricted to 10pm on Friday and Saturday nights to avoid disturbing neighbouring properties.
- Should live music (electric with PA) be played, the band will be located inside one of the halls and the doors kept closed to minimise disturbance to the public. Live music will be concluded by 10pm.
- The applicant is obliged to operate in accordance with the *Environmental Protection (Noise) Regulations 1997*.

**Submission:**

**Concerns of potential antisocial behaviour.**

**Proponent’s Comment:**

The whole concept of the Singleton Social and Sporting association is to bring different community groups together in a very social environment. Hopefully those positive role models in our community will help discourage any anti-social behaviour. To deal with unruly or drunk patrons I have included an excerpt on customer service from the SSSA Management policy.

**Customer Service**

*There is a firm commitment by management to provide a well run, organized and friendly licensed premises. Patrons may be expected to feel confident that the sale of liquor and the provision of other services at the premises will be provided by staff who are professional in their manner and who understands their responsibilities under the law as it applies to the sale of liquor.*

The liquor control act 1988 allows staff at this premise to sell liquor on the licensed premises at any time that the premises are open for trade unless they have reasonable cause to refuse to sell liquor to a particular person. Refusal of service is necessary at times and is obligatory in certain circumstances. For example it is obligatory to;

- Refuse to sell alcohol or supply liquor to a drunken person.
- Not allow a drunken person to consume liquor on licensed premises.
- Not allow violent, quarrelsome, disorderly or indecent behaviour to take place on licensed premises.
- Not permit drunkenness on licensed premises.
- Refuse to sell or supply liquor to a juvenile, or refuse to allow a juvenile to remain on licensed premises (refer to section on juveniles in this management plan).
- Staff will carry out their duties at all times in a friendly and professional manner.
- Staff will not drink liquor whilst they are on duty.
- Staff will discourage any activity by patrons that may lead to the irresponsible consumption of liquor.
- Staff will not perform any act or engage in any act that is immodest or lewd.

**City’s Comment:**

The Department of Local Government, Sport and Cultural Industries, in considering applications for a Liquor Licence, determines if the application is in the public interest. In this regard, the applicant is required to demonstrate the principles of harm minimisation, code of conduct and management policy in accordance with the guidelines.

Public interest is assessed by the DLGSCI based on ‘harm or ill health’, impact on amenity, offence, annoyance, disturbance or inconvenience caused or any other matter.

The Code of Conduct, Management Policy and Public Interest Assessment documents provide a statement of intent on the way the licensee wishes to operate the premises and outlines the licensee’s commitment to controlling patrons, controlling juveniles and the responsible sale of alcohol, harm minimisation and resolving complaints. The onus is on the club to manage the licensed premises in such a way that ensures anti-social behaviour does not occur. The DLGSCI has the ability to investigate complaints and if found to be substantiated, can review the terms of the liquor license.
<table>
<thead>
<tr>
<th><strong>Submission:</strong></th>
<th>Experienced past incidents in relation to Singleton Sundowners held at the reserve.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proponent's Comment:</strong></td>
<td>I, Matt Pursell have been President of the Singleton Social Club for the past 5 years and am not aware of any incidents other than the mobbing of volunteers at the club by nearby partygoers in January 2014. There are only 12 Sundowners a year and there have been none held in 2015/2016 due to the renovations taking place.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
<td>The City has no record of noise complaints regarding the Singleton Social Club sundowner events. The DLGSCI has the ability to review the terms of a liquor licence in the event of substantiated complaints being received.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Submission:</strong></th>
<th>Concern about alcohol being consumed in proximity to the skate park and areas frequented by young people.</th>
</tr>
</thead>
</table>
| **Proponent's Comment:** | The Singleton Sporting and Community Centre is approximately 200m from the Singleton Skate park and Youth space. It is ideally situated so that parents at Community events can passively supervise their children from a safe distance. Please see map below for proposed outside licensed area.  
  
  The Chief Health Officer in evaluating the SSSA liquor license has stipulated the following  
  1. At any time the premises is primarily being used for dedicated junior sport/activity or any other junior event, liquor may not be sold, supplied or consumed in any areas visible to the sport/activity.  
  Therefore the north entrance to the building will be closed while junior sports events concur with bar hours. |
| **City's Comment:** | The northern entrance of the building facing the reserve will be kept closed while junior sports events occur, in the event that liquor is sold during this time. |

<table>
<thead>
<tr>
<th><strong>Submission:</strong></th>
<th>Traffic safety concern</th>
</tr>
</thead>
</table>
| **Proponent's Comment:** | It is illegal under WA state law to drive while intoxicated.  
  The new Community Centre design has had the drive ways and carparks remodelled for safer access and traffic flow. The driveway that ran between the building and game fields has been removed in favour of a grassed area for access to clubrooms. The new carpark has 4 disabled areas and well marked out bays. One of the popular aspects of the Community Centre is that it is within walking distance of home to anyone in the Singleton area so most people who are drinking in the Summer months walk home safely. |
| **City's Comment:** | A Club Restricted Licence authorises the sale and supply of liquor to members of the SSSA and to the guests of the members in the company of a member only. As the sale of alcohol is not available to the general public it is considered the granting of a S.40 Certificate would result in minimal increased traffic.  
  The SSSA will be required to manage the sale and consumption of liquor in accordance with any terms of a Liquor Licence granted by the DLGSCI in accordance with its Code of Conduct and management policy. The SSSA’s code of conduct includes management commitments that discourage drink driving and promote initiatives such as car-pooling and the use of designated drivers. |
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 and Strategic Objectives contained in the Community Plan 2015-2025:

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

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

d. Policy
Planning Policy 3.3.19 - Licenced Premises (PP3.3.19)
PP3.3.19 provides guidance for the assessment and determination of Liquor Licence Applications within the City. The objectives of PP3.3.19 are to:

"(a) Provide a framework for the assessment and determination of Liquor License Applications, including the issuing Section 39 and 40 certificates under the Liquor Control Act 1988;

(b) Assist the Council in its consideration of applications for Planning Approval which involve a liquor license;

(c) Identify appropriate locations for different types of licensed premises;

(d) Protect the safety and amenity of existing and future residents and business proprietors against anti-social behaviour; and

(e) Minimise personal harm or ill health caused to people, or any group, due to excessive consumption of liquor."

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

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

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td></td>
<td></td>
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<tr>
<td>Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties. A significant potential impact includes circumstances in which if the application were granted: (i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or</td>
<td>The City has supported S.40 Certificates for sporting clubs utilising reserves, based on Policy compliance. Conditions are recommended to ensure the proposal will not significantly impact on the amenity of the surrounding neighbourhood.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Location (cont...)</strong></td>
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<tr>
<td>(ii) The amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened. Licensed premises should generally have an active street front.</td>
<td>The City considers adverse impacts on the amenity of the surrounding residential area can be mitigated by conditions of approval limiting the trading hours with no consumption of alcohol permitted outside the building after 10pm on Fridays and Saturdays, and ensuring the venue is appropriately managed.</td>
<td>Yes</td>
</tr>
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<table>
<thead>
<tr>
<th><strong>Number of Patrons</strong></th>
<th></th>
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<tbody>
<tr>
<td>Premises are restricted to maximum patron numbers under the Health (Public Building) Regulations 1992, and those numbers are to be complied with at all times.</td>
<td>The SSSA must comply with the maximum accommodation number under the Health (Public Building) Regulations 1992.</td>
<td>Yes</td>
</tr>
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</table>

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<tr>
<th><strong>Previous History</strong></th>
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<tr>
<td>The City will generally review the history of complaints regarding existing licensed premises when considering an Application for Planning Approval for a “Change of Use” or an Extended Trading Permit.</td>
<td>The SSSA does not currently hold a Liquor Licence. The City has no record of complaints regarding the Singleton Social Club ‘Sundowners’ or the liquor licence currently held by the Comet Bay Social Club.</td>
<td>Yes</td>
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<table>
<thead>
<tr>
<th><strong>Noise</strong></th>
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<td>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit a noise report, prepared by a suitably qualified acoustic consultant (as determined by the City), in order to ensure that the noise emanating from the licensed premises is not excessive and indicating the likely noise nuisance and what sound attenuation measures are needed.</td>
<td>Noise emanating from the premises is unlikely to cause disturbance to neighbouring properties if managed appropriately, as evening trading hours will be limited, while most activity will be confined within or on the south-east side of the community building (Comet Bay Bowling Club).</td>
<td>Yes</td>
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<th><strong>Harm Minimisation</strong></th>
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<td>The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, Code of Conduct and Management Plan in accordance with the Department of Local Government, Sport and Cultural Industries Guidelines.</td>
<td>The applicant has provided a House Management Policy, Code of Conduct and Management Plan in accordance with the DLGSCI guidelines. Staff of the SSSA will have successfully completed their required training and obtained the appropriate approval from the licensing authority prior to the approval of an application for a licence. The responsible service of alcohol will be required at all times.</td>
<td>Yes</td>
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</table>
Consultation

Where the City considers the approval of a licenced premise is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of communication in accordance with PP3.3.19.

The application was referred to nearby and adjacent property owners for comment. This has been further discussed in the Consultation with the Community section of this report.

Consistency with Planning Approval

Ensure compliance with conditions that have been placed on a Planning Approval (if appropriate).

Development Approval is not required by the SSSA for use of the Laurie Stanford Reserve.

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The proposal complies with PP3.3.19.

e. Financial

Nil

f. Legal and Statutory

Liquor Control Act 1988 (LC Act)

The power to grant a Liquor Licence is vested in the licencing authority (DLGSCI). Whilst the Council has to ability to grant a S.40 Certificate, the ultimate determination on whether a Liquor Licence is issued rests with the DLGSCI.

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

Town Planning Scheme No.2 (TPS2)

Clause 4.22 of TPS2 relates to Licenced Premises Applications. Sub-clause 4.22.2 of TPS2 requires Council take into account (i) the general and specific objectives of TPS2, (ii) Clause 67 of the deemed provisions of TPS2 and (iii) have regard to any relevant Policy of the Council.

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

g. Risk

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

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

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

Under a “Club-Restricted” liquor licence the SSSA seeks to sell alcohol for consumption on site by members (and the guests of members) of the sport clubs and community groups that form part of the SSSA.

The licensing hours sought are wide ranging to provide the Club with flexibility to cater for the needs of these various groups.

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the Section 40 Certificate of Local Planning Authority (Club-Restricted Liquor Licence) for the Singleton Social and Sporting Association at 24 Cavender Street, Singleton (Reserve 43022), subject to the following conditions:

1. Trading hours are restricted to between the following times:
   - Mondays 11:30am to 9pm;
   - Tuesdays 11:30am to 9pm;
   - Wednesdays 11:30am to 9pm;
   - Thursdays 11:30am to 10pm;
   - Fridays 11:30am to 11:30pm;
   - Saturdays 11:30am to 11:30pm; and
   - Sundays 11:30am to 6:30pm.
   - No trading is permitted on Christmas Day, Good Friday or before noon on Anzac Day.

2. There shall be no activity associated with sale and consumption of alcohol permitted to occur outside of the Singleton Sports and Community Centre building after 10pm on Fridays and Saturdays (inclusive).

3. The sale and supply of alcohol is restricted to members of the Singleton Social and Sporting Association and to the guests of that member in the company of that member only.

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

5. All rubbish within the licensed area and the car park being disposed of in a waste receptacle following club activities.

6. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Local Government, Sport and Cultural Industries.

7. The House Management Policy and Code of Conduct Management Plan received on 18 October 2017 must be complied with at all times.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Sammels:

That Council **APPROVES** the Section 40 Certificate of Local Planning Authority (Club-Restricted Liquor Licence) for the Singleton Social and Sporting Association at 24 Cavender Street, Singleton (Reserve 43022), subject to the following conditions:

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7. The House Management Policy and Code of Conduct Management Plan received on 18 October 2017 must be complied with at all times.

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>PD-004/18 Proposed Amendment to Planning Policy No.3.1.1 - Rural Land Strategy (Final Adoption)</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/815-02</td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
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<tr>
<td>Owner:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Mike Ross, A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>15 January 2018</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>December 2003 (PD279/12/03), August 2008 (PD164/8/08),</td>
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<td>February 2009 (PD22/2/09), November 2009 (PD137/11/09),</td>
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<td>February 2010 (PD4/2/10), August 2012 (SPE-017/12),</td>
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<td>February 2013 (SPE-003/13), October 2017 (PDS-060/17)</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>
<td>Executive</td>
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<tr>
<td>Site:</td>
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<tr>
<td>Lot Area:</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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<td>Attachments:</td>
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<td>Maps/Diagrams:</td>
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**Purpose of Report**

To consider the adoption of the draft amended Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1), following public advertising.

**Background**

In October 2017, Council resolved to adopt the revised Provision No.8 of the Objectives of PP3.1.1 for the purpose of public advertising.

**Details**

The purpose of amending Provision No.8 is to ensure the minimum lot size for rural-residential development is in accordance with the minimum lot sizes currently recommended in each Planning Unit of PP3.1.1
The public advertising period for the draft amended PP3.1.1 has concluded, the details of which form the basis of this report.

### Implications to Consider

**a. Consultation with the Community**

In accordance with clause 4(1) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), the proposed amendments to PP3.1.1 were advertised in the following manner:

- An advertisement was published in the Weekend Courier Newspaper on 10 November 2017;
- A copy of the draft Planning Policy was advertised on the City's website from 10 November 2017 to 4 December 2017; and
- Copies of the draft Planning Policy were made available in the City's Administration Office.

At the conclusion of the public advertising period on 4 December 2017, no submissions were received.

**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 contained in the Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

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

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Under the deemed provisions (Local Planning Policies) in TPS2 the Council may prepare, modify or revoke a Planning Policy. If the Council resolves to amend the PP3.1.1, the City is required to publicly advertise the proposed changes for a period of 21 days.

**g. Risk**

All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.

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

Nil

### Comments

The City considers the current wording of Provision No.8 should be modified to instead require all minimum lot sizes to be consistent with the required minimum lot sizes of each Planning Unit of PP3.1.1.

No submissions were receiving during the public advertising period.

It is recommended that Council adopt the amended PP3.1.1.
Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the revised (modifications in bold and red) Provision No.8 of the Objectives of Planning Policy 3.1.1 - Rural Land Strategy, for the purpose of public advertising:

**PLANNING POLICY 3.1.1**

**RURAL LAND STRATEGY**

**8. Provide for a range of rural lifestyle opportunities.**

This Rural Land Strategy provides the context for the preparation or amendment of the Town Planning Scheme to include statutory planning controls which reflect the objectives and policies of the Strategy.

Specifically the Strategy provide guidelines to ensure that Special Rural/Special Residential development is:

- managed to minimise impacts on rural land uses;
- protects and enhances the rural landscape and environmental values;
- recognises the opportunities for environmental repair.

Proposals for Special Rural/Special Residential development need to incorporate appropriate standards to meet the above objectives. A Rural Concept Plan is needed to set out an appropriate layout and to incorporate management measures consistent with the objectives for the precinct and for the strategy.

Rural Concept Plans should be prepared prior to rezoning land for Special Residential/ Special Rural purposes to ensure that controls over land use are consistent with the purpose of the subdivision, land capability and environmental effects.

The concept plan should include the subdivision layout, lot sizes, building envelopes, open space, roads, landscape and other features and the proposed staging of development.

The minimum lot size for rural-residential development has been 2 ha and 1 ha where reticulated water is available. There is increasing evidence that the standard 2 ha minimum is creating lots which are too big for a rural retreat and too small for a hobby farm. This has created difficulties in land management and in some cases has resulted in development which is wasteful of land and expensive to service. Increasing numbers of people are seeking a rural block which is smaller and more manageable than the standard special rural blocks resulting in a growing interest in rural cluster and special residential developments.

Special Residential zones offer a style of spacious living at densities lower than traditional single residential developments but higher than Special-Rural-residential developments, and on conventional freehold titles. Lot sizes generally vary between 2000m² and 4ha.

Both urban and rural forms need to be sufficiently flexible to take advantage of the physical assets of the rural setting.

The Strategy therefore encourages subdivision based upon the natural and physical characteristics of the land rather than stipulate a minimum or average lot size. However guidelines are given to provide a reasonable expectation to landowners. These are generally in accord with those recommended in the 1996 Strategy.

Special Rural/Special Residential development needs to be guided primarily by landscape and wetland protection criteria. This is the case along the sensitive eastern side of Mandurah Road incorporating a series of wetlands.

Accordingly a range of lot sizes should be permitted that best match these criteria. These may best suit Special Residential (2000 - 4000 m²) or Special Rural lots (1 ha - 5 ha).
All of the remaining area, immediately west and east of Mandurah Road should be planned in this way.

To ensure subdivision and development conforms to the objectives and land use capabilities of each Planning Unit, the minimum lot size for rural-residential development must be in accordance with the recommended minimum lot size of each Planning Unit.

Specific objectives for the rural, special rural and special residential zones have been adopted in draft TPS No. 2.

TPS No. 2 has the following objective for the Rural zone:

“To preserve viable rural landholdings 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 and the Commission may adopt from time to time as a guide to future development within the Zone.”

The objective for the Special Rural zone is:

“To identify areas within which co-ordinated subdivision can occur for the purposes of providing a rural lifestyle that is not associated with large scale, intensive rural activities, whilst also allowing for the effective management of the land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment.”

The objective for the Special Residential Zone is:

“To set aside areas where the retention of vegetation and landform or other features which distinguish the land, warrant a larger residential lot size than that expected in a standard residential zone.”

These terms, though not consistent with the model scheme text have common usage and acceptance and have been maintained.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

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Committee Voting – 5/0
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