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     - PD-025/19 Proposed Scheme Amendment No.175 - Rezoning from ‘Rural’ to ‘Special Rural’  
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<td>16.</td>
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<td>Matters Behind Closed Doors</td>
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<td>18.</td>
<td>Date and Time of Next Meeting</td>
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<td>19.</td>
<td>Closure</td>
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City of Rockingham  
Planning and Engineering Services Committee  
Meeting Minutes  
Monday 15 April 2019 - Council Boardroom

### 1. Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee Meeting open at **4:02pm**, 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 Barry Sammels (Mayor)  
- Cr Deb Hamblin (Deputy Mayor)  
- Cr Katherine Summers  
- Cr Leigh Liley  
- Cr Joy Stewart

#### 2.2 Executive

- Mr Michael Parker  
- Mr Mike Ross  
- Mr Peter Doherty  
- Mr Sam Assaad  
- Mr Peter Ricci  
- Mr Brett Ashby  
- Mr Rod Fielding  
- Mr David Caporn  
- Mr Ian Daniels  
- Mr Om Gupta  
- Mr Tony Bailey  
- Mr James Henson  
- Mr Adam Johnston  
- Mrs Cassie Strebel  
- Mr Greg Delahunty  
- Mr Chris Parlane  
- Mr Aiden Boyham  
- Ms Jelette Edwards  
- Mr Peter Le  
- Mr Tom Kettle  
- Ms Melinda Wellburn

#### 2.3 Members of the Gallery:  
- 34
2.4 **Apologies:**

Cr Mark Jones

2.5 **Approved Leave of Absence:** Nil

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

Nil

4. **Public Question Time**

4:03pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 **Ms Laura Von Kelaita, Shoalwater - PD-027/19 - Proposed Changes to Parking Controls - Timed Parking Restrictions - Waterfront Village**

The Chairperson invited Ms Von Kelaita to present her questions to the Planning and Engineering Services Committee. Ms Von Kelaita asked the following question:

1. Could it please be considered that the proposed number of ½ hour parking bays along Railway Terrace be reduced in place of an increased number of 2 hour bays?

*The Chairperson advised that this is an item contained in today’s Committee agenda and will be considered later in the meeting.*

4.2 **Mr Terry Power, Singleton - Bight Reefs Reserve Toilet**

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

1. What is the true cost to install and the ongoing maintenance of the toilet block?

*The Chairperson advised that the question will be taken on notice.*

2. Were all Councillors aware and supportive of the project in 2016/17?

*The Chairperson advised that Council resolved in 2010 to erect a temporary toilet on Laurie Stanford Reserve and then transferred to another reserve in the future or sold when no longer required. In 2016 a local sporting club requested that the temporary toilet be retained and an additional toilet facility be erected on Bight Reefs Reserve. The Chairperson advised that the Director Engineering and Parks Services would provide a written response on those Council resolutions.*

3. Has the toilet strategy and plan been produced?

*The Chairperson advised there is a strategy and timetable for the construction of toilet facilities at various reserves.*

4. Are you aware that there used to be a bus stop on the reserve which was frequently vandalised, smashed bottles, drug deals, anti-social behaviour which stopped once the bus stop was removed?

*The Chairperson advised that the issue of the bus stop on the reserve was raised at a meeting of the Singleton Residents Association when the matter of toilet facilities was being dealt with. It was identified that the reserve was popular and significantly used by mothers of young children, however, there was a lack of toilet facilities. A request was made to the City to construct toilets there and the City agreed to this request. This also resulted in the removal of the bus stop.*

4. Bight Reefs Reserve is a small reserve where there is no parking available and very secluded, why is a toilet needed? There are three toilets in the vicinity which are very accessible and easy to use.
The Chairperson advised that the construction of toilet facilities is often controversial. People don’t want toilets built where they live. People who live near a reserve are written to and asked to put in a submission, that way the Council has an idea of public opinion. When this proposal was advertised, the majority of the submissions were in favour.

5. Are those letters available to the public?

The Chairperson advised that the question will be taken on notice and the Director Engineering and Parks Services would provide a response in writing.

6. Is it still too late to over-turn this decision?

The Chairperson advised that there is provision for a Rescinding Motion to be presented to Council and that it is dependent on whether the majority of the Council feels that it should occur.

4.3 Mr Bob Needham, Shoalwater - PD-022/19 - Proposed Residential Building - Transitional Accommodation for Males at Risk of Homelessness

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

1. Why when 81% of the people that responded to the proposal objected are we still continuing with it?

The Chairperson advised that when the Council receives an application for a development it has to by law consider that application. This item is on today’s Committee agenda and will be debated later in the meeting and a recommendation will be made to Council at its meeting next week.

2. Why was a 500m radius of the building used as the only impact area when these people are clearly mobile and congregate around public areas?

Mr Mike Ross, Acting Director Planning and Development Services advised that planning regulations stipulate the City’s advertising requirements. The 500m notification radius captured people that could be interested in the proposal. The proposal was advertised on the City’s website and over 600 notification letters were sent to surrounding landowners. The City has complied with the planning regulations in terms of how the proposal was advertised.

3. Will these people come from the bush camps on the fringe of Rockingham etc.?

The Chairperson advised that he was unable to answer that question. The selection for the facility for men who may become homeless is a matter for St Patrick’s.

Mr Mike Ross, Acting Director Planning and Development Services advised that it is unlikely to occur, as it is not a crisis accommodation proposal.

4:24pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Summers:

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 18 March 2019, as a true and accurate record subject to the following amendment:

Item PD-016/19 - Proposed Scheme Amendment No.176 - Omnibus Amendment to Town Planning Scheme No.2

Proposal No.5 - Parking Requirements for Land Uses not specified in Parking Tables should read (wherever it occurs):
Amend sub-clause 4.15.1.4(c) as follows:

“(c) in the Primary Centre Waterfront Village Zone for a purpose which is not specified in Table No.4, the local government is to determine the minimum number of car parking bays required for the development having regard to:
(i) the nature of the proposed development;
(ii) the number of employees likely to be employed on the site;
(iii) the anticipated demand for parking; and
(iv) the orderly and proper planning for the locality;”

The table in Proposal No.6 to show the following amendment (wherever it occurs):

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Existing Permissibility</th>
<th>Proposed Permissibility ('X' Prohibited)</th>
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<tbody>
<tr>
<td>Caravan Park</td>
<td>Rural</td>
<td>X A</td>
<td>X</td>
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<tr>
<td>Camping Area</td>
<td>Special Industry Rural</td>
<td>X A</td>
<td>X</td>
</tr>
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</table>

Committee Voting – 4/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:25pm 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

4:25pm The Chairperson asked if there were any interests to declare. There were none.

9. Petitions/Deputations/Presentations/Submissions

9.1 Deputations

4:25pm The Chairperson invited Dr Paul Anderson, Shoalwater to make his deputation.

Dr Anderson stated that the Officer's report was full of inaccuracies and asked the Councillors if they had actually read the report. The Chairperson advised that any Councillor that does not read the material presented to them is not doing their job.

The public consultation by St Patrick's amounted to four people turning up at the initial meeting. All the residents received was a one page letter.

Dr Anderson expressed his concerns in relation to potential anti-social behaviour of residents and that the facility is proposed to run 24/7, 365 days. He believes some of the residents will suffer from mental health, alcohol and drug issues.

Dr Anderson questioned St Patrick's management system and thought the provision of an after-hours emergency hotline phone number for surrounding residents during incidents of anti-social behaviour was disgusting.

Dr Anderson requested the Committee's refusal of this application.
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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</table>
| 4:34pm   | The Chairperson invited a second resident of Shoalwater to make her deputation.  
                        The resident advised that she and her children were victims of domestic violence and wanted her details kept confidential.  
                        The resident outlined the severe physical and mental abuse that she had experienced and the precautions that she has taken to avoid such abuse again.  
                        The resident believed that everyone has the right to feel safe in their own home and should the facility be approved, that right would be taken away from her and her children.  
                        The resident requested the Committee’s refusal of this application.  |
| 4:40pm   | The Chairperson invited Ms Luciana Edwards, Shoalwater to make her deputation.  
                        Ms Edwards advised that she was representing many of the residents in Shoalwater and that they were very disappointed and disheartened by the Officer's recommendation. Since becoming aware of the proposal, many residents have suffered from sleeplessness, stress and anxiety.  
                        Ms Edwards compared the proposed facility to one currently in operation in Fremantle, which has had incidents of violence and abusive behaviour. If these facilities are run so successfully, why has Fremantle been reported as an unsafe place to be in?  
                        Ms Edwards questioned the training of the staff of these facilities, the safety of surrounding residents and the need for an after-hours emergency phone number.  
                        Ms Edwards believes that this facility will have a negative effect on the amenity and lifestyle of the community and requested the Committee to 'see the light' and refuse the application.  |
| 4:50pm   | The Chairperson invited Ms Belinda Moharich from Moharich and More and Mr Victor Crevatin representing St Patrick's Community Support Centre to make their deputation.  
                        Ms Moharich advised that she was comforted by the Officer's recommendation for approval, as she believes that it is everyone's right to have a roof over their head, be clean and have somewhere to store their personal items.  
                        Ms Moharich explained that St Patrick's is not a crisis accommodation facility and only provides medium-term accommodation for a maximum of two years or until permanent living arrangements are found. Residents come from a variety of backgrounds including relationship breakdowns and loss of employment.  
                        Ms Moharich advised that only residents capable of living independently would be permitted in the facility. She also advised that St Patrick's has a Building Management Plan which enables them to evict residents who breach any of the facility's conditions.  
                        Ms Moharich requested a positive recommendation to Council next week.  
                        Cr Hamblin advised that she had a few questions:  
                        1. Please explain 'homeless' and 'risk of homelessness'?  
                           Mr Crevatin advised that proposed residents need to apply for affordable housing. St Patrick's has a vetting system in place, whereby proposed residents are screened to see if they can live independently and are suitable for the type of accommodation offered.  
                        2. How do you envisage the continuity in leadership?  
                           Ms Moharich advised that St Patricks has full-time staff during the day and staff on-call 24 hours, however, due to staff on holidays or leaving its employment, continuity of leadership may change. |
3. If you had the opportunity to build a purpose built facility, would you build it there?

Mr Crevatin advised that he was not in a position to answer that question.

Cr Summers stated that people with no home still have the same rights and responsibilities as the rest of Australian citizens and are required to abide by the law. It was also expressed that these people need assistance getting back on their feet.

5:00pm The Chairperson thanked Dr Anderson, a resident of Shoalwater, Ms Edwards and Ms Moharich for their deputations.

10. Matters for which the Meeting may be Closed

Nil

5:02pm - Crs Liley and Stewart departed the Planning and Engineering Services Committee meeting

11. Bulletin Items

Planning and Development Services Information Bulletin - April 2019

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
   3.5 Food Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Event Approvals
   4.6 Permit Approvals
   4.7 Complaint - Information
   4.8 Noise Complaints - Detailed Information
   4.9 Health Approvals
   4.10 Septic Tank Applications
   4.11 Demolitions
   4.12 Swimming Pool and Drinking Water Samples
   4.13 Rabbit Processing
   4.14 Hairdressing and Skin Penetration Premises

Building Services
1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Other Permits
   4.3 Monthly Caravan Park Site Approvals
<table>
<thead>
<tr>
<th>4.4 Master Builders Association - City of Rockingham Nomination</th>
</tr>
</thead>
</table>

### Compliance and Emergency Liaison

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Refurbishment of the New Compliance Headquarters
4. Information Items
   4.1 Ranger Services Action Reports
   4.2 Building Compliance
   4.3 Emergency Management and Fire Prevention
   4.4 Prohibited Burning Period
   4.4 CRM - March 2019
   4.5 SmartWatch Key Result Areas

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Tamworth Hill Swamp Management Plan
   3.3 Lake Richmond Management Plan Review - Stage 2
   3.4 Coastal Hazard Risk Management and Adaption Plan – Stage 2
   3.5 Bushland Management Plan
4. Information Items

### Land and Development Infrastructure

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

### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Heritage Strategy
   3.2 Pedestrian Access Way Strategy Review
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
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<td>Delegated Development Refusals</td>
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<td>4.11</td>
<td>Strata Plans</td>
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<tr>
<td>4.12</td>
<td>Subdivision/Amalgamation Refused</td>
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**Planning and Development Directorate**

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Proposed Amendment No’s 161 and 162 to Town Planning Scheme No.2
   3.3 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 Design Review Panel (LUP/2094)
   3.7 Safety Bay/Shoalwater Foreshore Master Plan
4. Information Items
   4.1 Directional Signs to Public Car Parks - Waterfront Village

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Councillors acknowledge having read the Planning Services Information Bulletin - April 2019 and the content be accepted.

Committee Voting - 4/0

5:07pm - Cr Stewart rejoined the Planning and Engineering Services Committee meeting.

**Engineering and Parks Services Information Bulletin - April 2019**

**Engineering and Parks Services Directorate**

1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Bushfire Risk
   4.2 Petition – Bights Reef Reserve Toilet

**Asset Services**

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Alignment of Asset Classes to A-Spec
   3.2 Drainage Condition Audit
   3.3 Asset System Data Audit
   3.4 Facility Security Plan
   3.5 Reserve Electrical Asset Mapping
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<td>4. Information Items</td>
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<tr>
<td>4.1 Asset Maintenance Team</td>
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<td>4.2 Asset Maintenance - Buildings</td>
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<td>4.3 Asset Maintenance – Reserves</td>
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<tr>
<td>4.4 Strategic Asset Management</td>
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**Infrastructure Project Delivery**

1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Beach Foreshore Revitalisation Stage One
4. Information Items
   4.1 Aqua Jetty monolith sign, Warnbro
   4.2 Asbestos Removal at City Depot SES Building, Rockingham
   4.3 Autumn Centre Refurbishment Works, Rockingham
   4.4 Baldivis Road and Safety Bay Road, Baldivis
   4.5 Baldivis Recreation Centre Refurbishment Works, Baldivis
   4.6 Bert England Lodge Floor Finish Replacement Works, Cooloongup
   4.7 Council Depot and Operation Centre security electric fence, Rockingham
   4.8 Depot Nursery Bush Maintenance Shed Replacement, Rockingham
   4.9 Fantasy Park light emitting diode (LED) lighting renewal, Waikiki
   4.10 Hymus Street and Esplanade Footpath, Rockingham
   4.11 Kingaroy Reserve play equipment and surrounds, Baldivis
   4.12 Lagoon Reserve landscape upgrade, Secret Harbour
   4.13 Lighting replacements
   4.14 Longbeach Rise Public Open Space, Port Kennedy
   4.15 Mersey Point carpark lighting replacement, Shoalwater
   4.16 Mike Barnett Sport Complex – refurbishment of the clubroom area, Rockingham
   4.17 Mike Barnett Sport Complex – replacement of backboards, Rockingham
   4.18 Old Abattoir roof replacement works, Hillman
   4.19 Patterson Road and Victoria Street, Rockingham
   4.20 Playground Replacement Programme
   4.21 Read Street, Warnbro Sound Avenue and Safety Bay Road, Waikiki
   4.22 Rockingham Tennis Club Extension Works, Rockingham
   4.23 Secret Harbour Foreshore fitness equipment
   4.24 Surf Drive Reserve play equipment and seating, Secret Harbour
   4.25 The Ridge Estate pond retaining wall, Baldivis
   4.26 Townsend Reserve Gazebo, Rockingham

**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 Chimes Estate Maintenance, Baldivis
   4.3 Landscape Works, Secret Harbour Foreshore
   4.4 Contract Landscape Management Works
   4.5 Greening Plan
   4.6 Bird deterrent installation in Cook Is. Pines – City Park
   4.7 Waikiki Foreshore – Wind mesh fencing
   4.8 Anniversary Reserve - Spectator Viewing Area Improvements
4.9 Sports Oval Line marking

**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 2018/2019
   4.6 Civil Maintenance Program 2018/2019
   4.7 Road Rehabilitation Program Main Roads Grant 2018/2019
   4.8 Road Renewal Program Municipal Works 2018/2019
   4.9 Drainage Renewal Program Municipal Works 2018/2019
   4.10 Footpath Renewal Program Municipal Works 2018/2019
   4.11 Litter and Street Sweeping Program 2018/2019
   4.12 Graffiti Program 2018/2019
   4.13 Delegated Authority for the payment of crossover subsidies
   4.14 Third Party Works within the City
   4.15 Asset Inspections
   4.16 Verge Treatment Applications
   4.17 Verge Issues
   4.18 Coastal Infrastructure
   4.19 Coastal Management

**Advisory Committee Minutes**

**Committee Recommendation**

 Moved Cr Sammels, seconded Cr Hamblin:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin - April 2019 and the content be accepted.

Committee Voting - 4/0
### 12. Agenda Items

#### Planning and Development Services

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**Planning and Development Services**

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-021/19 Final Support - Land Excision from R26359 from ‘Public Recreation’ to ‘Emergency Services’ and ‘Road Dedication’</th>
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<tr>
<td>File No:</td>
<td>LUP/2074</td>
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<tr>
<td>Applicant:</td>
<td>Department of Fire and Emergency Services (DFES)</td>
</tr>
<tr>
<td>Owner:</td>
<td>Crown</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 April 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>22 January 2019 (PD-001/19), 23 May 2017 (PDS-019/17)</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>
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<tr>
<td>Site:</td>
<td>Reserve 26359, Lot 1300 Mandurah Road, Port Kennedy</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>6.4395ha</td>
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<td>LA Zoning:</td>
<td>Regional Reserve Parks and Recreation</td>
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<td>MRS Zoning:</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<tr>
<td></td>
<td>2. Proposed Land Excision and Stakehill Road dedication</td>
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<tr>
<td></td>
<td>3. Consultation Plan</td>
</tr>
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</table>
1. Location Plan

**Purpose of Report**

To confirm support for a proposed land excision of Reserve 26359, to create a new reserve for the purpose of ‘Emergency Services’ and dedication of a new ‘Road Reserve’ for Stakehill Road, following advertising.

**Background**

Reserve 26359 (Lot 1300) was created as a condition of subdivision in 1961.

Reserve 26359 is a ‘C’ classified Crown Reserve vested in 1988 and held by the former Shire of Rockingham for the purpose of “Public Recreation”. The City of Rockingham has managed the land through a vesting order for 29 years, but it remains vacant.

In July 2015, the City completed advertising of a land excision from Reserve 26359 to surrender the northern portion to Racing Wagering Western Australia (RWWA) where it administers the adjoining Reserve 51284. In keeping with creating a reserve with logical boundaries the land identified north as a ‘Road Reserve’ (Lot 501) is proposed to be absorbed into Reserve 51284. This land excision was referred to the Department of Lands (now Department of Planning, Lands and Heritage, DPLH) and is yet to be finalised.

In May 2017, Council resolved to support the surrender of the southern portion of Reserve 26359, Mandurah Road, Port Kennedy in favour of DFES for the purpose of a future Career Fire and Rescue Fire Station and Volunteer Hub and Regional Office.

In January 2019, Council resolved to surrender of the southern portion of Reserve 26359, Mandurah Road Port Kennedy for the purpose of ‘Emergency Services’ in favour of the Department of Fire and Emergency Services for the purpose of a future Career Fire and Rescue Fire Station and Volunteer Hub and Regional Office, and the 40m wide central portion of Reserve 26359 being dedicated as a ‘Road Reserve’, subject to advertising.
The proposed land excision includes the following:

(a) The surrender of the southern portion of Reserve 26359, Mandurah Road, Port Kennedy in favour of the DFES, for the purpose of a future Career Fire Station and Volunteer Hub and Regional Office; and

(b) That a portion of Reserve 26359 be dedicated as road reserve.

2. Proposed Land Excision and Stakehill Road dedication

Implications to Consider

a. Consultation with the Community

The proposal was referred to service authorities and 11 adjacent owners and occupiers on the consultation plan below for a period of 35 days. Advertising was carried out in accordance with the Department of Planning, Lands and Heritage (DPLH) guidelines for s152 Reserves under the Planning and Development Act 2005 (P&D Act 2005), as follows:

- A sign was erected giving notice of the proposal; and
- Details of the proposal were advertised on the City's webpage.

At the close of the submission period on 4 March 2019, 7 submissions were received. Six submissions were received from service agencies and one submission from an adjoining owner.
3. Consultation Plan

Larkhill Vet Hospital Access

Submission:

(i) Larkhill Vets has a simple access limestone road around the edge of R26359, including a 6m strip on its Western border and the western half of its southern border. Larkhill Vets is desperate to keep this access available.
Larkhill Vet Hospital Access (cont…)

City’s Comment:
On 30 November 2005, the Western Australian Planning Commission granted Development Approval for an access to equine Veterinary Hospital via a fire break on R26359 for Emergency Access of injured horses, subject to the following conditions:

1. The installation of lockable gates at both ends of the access track to prevent public access.
2. The gates shall be locked when the access track is not in use during the day, with the gates closed and signposted (“please close” or similar) to ensure they stay closed (not locked).
3. The access track is to be maintained to the satisfaction of the Western Australian Planning Commission.
4. The access track is to be constructed entirely within the firebreak along the boundary of Reserve 26359 and the work shall not result in the removal of existing bushland unless approved by the Western Australian Planning Commission.

Recommendation 1:
The approved access for the equine Veterinary Hospital is acknowledged. This does not, however, prejudice the proposed land excision of the southern portion for Emergency Services, as the access is along a perimeter fire break.

b. Consultation with Government Agencies

1. Water Corporation (WC)

Submission:
(i) In this instance, no objection or comment to the proposal is raised as no Water Corporation infrastructure is affected.

City’s Comment:
Noted

2. Racing, Gaming and Liquor (RWWA)

Submission:
(i) RWWA consider the information is consistent with previous discussions with the City of Rockingham. RWWA has no objections to the proposal.

City’s Comment:
Noted

3. Department of Water and Environmental Regulation (DWER)

Submission:
(i) The DWER has no objections to the proposed excisions and road dedication.

City’s Comment:
Noted

4. Telstra

Submission:
(i) Telstra has no objections to the land excision and road dedication and provided general advice on the protection of assets.
4. **Telstra (cont...)**

City’s Comment:
Noted

5. **ATCO**

**Submission:**
(i) ATCO provided a plan of existing assets.

City’s Comment:
Noted

6. **Main Roads Western Australia (MRWA)**

**Submission:**
(i) MRWA raised no objection subject to requesting the City of Rockingham install barriers to prevent vehicular access to or from Ennis Avenue from Lot 501. This access point remains accessible and due to safety concerns should be permanently closed.

(ii) No vehicle access will be permitted to or from the proposed lot to Mandurah Road, or within 30m of the truncation of the intersection of Mandurah Road, Ennis Avenue and Stakehill Road.

City’s Comment:
Lot 501 is an unmade road that will be closed but it is not the subject of the current proposal which is for a road dedication and land excision. MRWA comments are noted. Upon future proposals for development being made, access arrangements can be considered in accordance with MRWA advice.
7. Department of Biodiversity, Conservation and Attractions (DBCA)

Submission:

(i) Bush Forever Site 356

The subject area includes areas of native vegetation with Bush Forever Site 356. Any future clearing within the site will require a native clearing permit application to be assessed and approved by the DWER under the provisions of the Environmental Protection Act 1986. It is understood that the DFES are seeking a clearing permit from DWER for the proposed Career Fire Station.

It is the department's expectation that impact on the environmental values of the Bush Forever site will be considered by DWER during their assessment of the clearing permit application. It is the department's further expectation that the planning system will refer to State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region, when making a decision on the application. The Department of Planning, Lands and Heritage Strategy and Engagement Section should be consulted on the proposal with regard to the Bush Forever site.

City's Comment:

Noted. The DFES application for clearing permit is being assessed by DWER.

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 Strategic Community Plan 2019-2029:

**Aspiration 3:** Plan for Future Generations

**Strategic Objective:** Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy

Nil

e. Financial

The City's advertising costs and land surveying costs have not been fully quantified, however, costs associated with this land excision are being reimbursed, as agreed by DFES.

f. Legal and Statutory

Reserve 26359 is within a Regional Reserve for Parks and Recreation in Town Planning Scheme No.2 (TPS2) and the Metropolitan Region Scheme (MRS). Reserve 26359 is a Bush Forever site.

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 approved access for the equine Veterinary Hospital does not adversely impact upon the proposed land excision for the southern portion for Emergency Services, given that the access is along a perimeter fire break. The equine Veterinary Hospital access should be acknowledged and maintained by DFES as part of the land excision, as a condition of Council’s support to the proposal.
It is recommended that Council surrender the southern portion of Reserve 26359 to DFES and dedicate the central portion of Reserve 26359 as ‘Road Reserve’.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **CONFIRMS** the surrender of the southern portion of Reserve 26359, Mandurah Road Port Kennedy for the purpose of ‘Emergency Services’ in favour of the Department of Fire and Emergency Services for the purpose of a future Career Fire and Rescue Fire Station and Volunteer Hub and Regional Office, and the dedication of a ‘Road Reserve’ as shown on Approved Plan below, subject to access to equine Veterinary Hospital being maintained via a fire break on R26359 for Emergency Access of injured horses, in accordance with the Development Approval of 30 November 2005.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council **CONFIRMS** the surrender of the southern portion of Reserve 26359, Mandurah Road Port Kennedy for the purpose of ‘Emergency Services’ in favour of the Department of Fire and Emergency Services for the purpose of a future Career Fire and Rescue Fire Station and Volunteer Hub and Regional Office, and the dedication of a ‘Road Reserve’ as shown on Approved Plan below, subject to access to equine Veterinary Hospital being maintained via a fire break on R26359 for Emergency Access of injured horses, in accordance with the Development Approval of 30 November 2005.
Proposed ‘Emergency Services’ land excision and ‘Road Reserve’ dedication

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-022/19 Proposed Residential Building - Transitional Accommodation for Males at Risk of Homelessness</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2018.0000125.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Slavin Architects, on behalf of St Patrick’s Community Support Centre</td>
</tr>
<tr>
<td>Owner:</td>
<td>Trustees of Sisters of St Joseph</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning, Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 April 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 28 (23-27) Penguin Road, Shoalwater</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>0.5393ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Community Purposes</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>1. Development Application</td>
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<td></td>
<td>2. Schedule of Submissions</td>
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<td></td>
<td>3. Petition</td>
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<td></td>
<td>4. Clause 67: Planning and Development (Local Planning Scheme) Regulations 2015</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Penguin Road Streetview: Penola House and Chapel</td>
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<td>3. Arcadia Drive Streetview: Kimolee</td>
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<td></td>
<td>4. Mersey Road Streetview: Three Dwellings</td>
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<td></td>
<td>5. Aerial photo</td>
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<td>6. Advertised Site Plan</td>
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<td>7. Advertised Site Plan (Northern Portion)</td>
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<td>8. Advertised Level One Floor Plan</td>
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<td>9. Advertised Existing Floor Plan – Demolition Works</td>
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<td></td>
<td>10. Advertised Streetview Elevation (Penguin Road)</td>
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</tbody>
</table>
Purpose of Report

To consider an application by the St Patrick’s Community Support Centre (St Patrick’s) to upgrade and use the existing two storey residential building (“Penola House”) on the property of the St Joseph’s Convent, located at 23-27 (Lot 28) Penguin Road, Shoalwater, for the accommodation of up to 31 single males at risk of homelessness.

Background

Lot 28 Penguin Road (the subject land) has been owned and used by the Sisters of St Joseph of the Sacred Heart since 1949.

The subject land comprises of 5,393m² in area, and contains several buildings used for a variety of purposes, including:

- A Chapel;
- Three detached dwellings;
- A two storey dormitory building; and
- A 14 bedroom retreat centre.

The subject land fronts onto three streets, being Penguin Road, Mersey Road and Arcadia Drive, Shoalwater.
The Chapel fronts onto Penguin Road and was built in the 1960's as a Chapel for the Sisters. In the 1980's, use of the Chapel opened up to provide Sunday mass for the wider community, which is the use that continues today.

Also fronting onto Penguin Road is “Penola House”, the original dormitory for the sisters which was built in the 1960's. The dormitory building was renovated in 1979 and renamed “Penola House”.

The building fronting Arcadia Drive, known as “Kimolee”, was approved in 1974 for the accommodation of aged Sisters. This building is used as a holiday and spiritual retreat centre for members of the congregation.

Three dwellings on Mersey Road and the corner of Penguin Road were approved by the City in 1999 for use by the Sisters, primarily as short term holiday accommodation and training/meditation purposes. The Applicant states the dwellings are currently occupied by two Sisters.

In 2014, the City granted Development Approval for the single storey extension and alteration of Kimolee, to modernise the building, incorporating 14 bedrooms and additional car parking.

In July 2018, the City granted Development Approval for the construction of a storage shed within the site, in conjunction with and to the rear of the Kimolee building.
4. Mersey Road Streetview: Three Dwellings

5. Aerial Photo

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MAY 2019

PRESIDING MEMBER
About St Patrick’s

St Patrick’s Community Support Centre is a not-for-profit organisation specialising in providing "a range of integrated community services to assist vulnerable and disadvantaged persons towards self-sufficiency and improved quality of life".

The application states "St Patrick’s provides access to a range of support services including:

- Housing;
- Health;
- Welfare and emergency relief activities;
- Education and training;
- A day centre including meals and facilities 365 days per year; and
- Specialised services for youth, families, women, single men, those with mental health and substance misuse issues, and rough sleepers."

The application also states "St Patrick’s provides a holistic, integrated model providing wrap-around services to meet the complex social needs of clients. To achieve this a range of service and programs are managed directly or in partnership by the centre, which fall within the following four key areas:

- Housing;
- Day centre;
- Collaborations;
- Outreach and specialist services”.

St Patrick’s service area of covers the south-west metropolitan area of Perth, but this has expanded in certain program areas to metropolitan wide service provision.

The head office of St Patrick’s is based in Queen Street, Fremantle.

St Patrick's advised it has over 25 years' experience in the delivery of community support services.

Details

On 24 May 2018, the City received from Slavin Architects, on behalf of St Patrick's Community Support Centre, a Development Application for the establishment of a Lodging House in the two storey 'Penola' building at 23-27 Penguin Road, Shoalwater.

The original application included the following elements:

- Accommodation for 30 single males within no dependents, for up to 2 years;
- One St Patrick’s staff member present on-site during office hours Monday to Friday 8 am to 4pm;
- An on-call staff member available after office hours Monday to Friday, 4pm onwards and on weekends;
- Two Head Lodgers proposed to liaise with Housing Staff during and after hours, regarding any related issues pertaining to the lodging house;
- There are currently 30 bedrooms on the upper floor of Penola House, and internal building alterations are proposed to reconfigure some of this space to provide kitchen/ dining facilities for residents;
- The Ground Floor plan showed building alterations proposed to ablution areas to provide ensuite and kitchen/dining facilities, including a bedroom for a Caretaker. The applicant subsequently confirmed reference on the plan to a Caretaker Bedroom was made in error;
- One on-site car bay proposed for use of the staff member on duty, as the residents will not be allowed to own cars;
- A new covered seating area proposed to be constructed in the front garden area to provide residents with an external, sheltered seating area;
A dedicated bin store proposed near the front boundary of the property adjacent to the eastern boundary and the main driveway.

In terms of the resident selection process and operational matters, the application stated:

- Acceptance into Penola House is managed by way of a referral process. Applications for housing are dealt with centrally through St Patrick’s Housing Services in Fremantle, with applicants undergoing a formal assessment process before being allocated accommodation.
- To be eligible to reside in Penola House residents must:
  - be in receipt of Centrelink benefits;
  - be 18 years of age and over;
  - be able to live independently;
  - be willing to share facilities;
  - agree to abide by House Rules and the Licence to Occupy; and
  - be able to meet specific program requirements where applicable.
- Applicants that do not satisfy the eligibility criteria, or have significant issues with alcohol or drug abuse; poor mental health or other reasons that prevent them from living independently in an ordinary residential setting will not be permitted at Penola House, and will be referred by St Patrick’s to the most appropriate service for assistance.
- St Patrick’s operates under a ‘three strikes’ policy in the event of a resident breaching the rules or conditions. When a potential breach is identified, an investigation process is undertaken to determine the seriousness of the breach, and if validated, a strike is issued. Staff have the ability to evict serious breaches on the spot, giving two hours to vacate the property.
- St Patrick’s does not allow a resident to remain on the premises due to inappropriate actions or behaviour, including drug use/possession, drunk and disorderly or bullying or intimidating behaviour. The application does not indicate where evicted residents are relocated to.
- Immediate neighbours will be provided with contact details for on-call staff, and encouraged to call 24/7 to discuss issues of concern they consider urgent that cannot wait until normal business hours. For matters of health and safety, neighbours are urged to contact emergency services.

The application was supported by the following documents:

- Site Plan;
- Ground Floor Plan;
- Upper Floor Plan;
- Existing Floor/Demolition Plan
- Street Elevation Plan;
- Outdoor Seating Plan;
- Building Management Plan; and
- Bushfire Management Plan.

Prior to advertising the application, in response to a request by the City, additional information was received from the applicant on 22 August 2018.

Modifications to the original application included:

- Amending reference in the application from Lodging House to Community Use Accommodation;
- Increasing occupancy numbers from 30 to 31 residents;
- Amending reference from a Caretaker to Bedroom 31 on the Ground Floor Plan.

The following documents were also provided by the applicant:
• An amended Building Management Plan;
• An amended Bushfire Management Plan;
• A Waste Management Plan; and
• A Traffic Impact Statement.

Subsequent to public advertising, amended Site and Ground Floor Plans were received on 29 October 2018, which showed:

• Bin Store relocated to the front of Penola House;
• 6 on-site car parking spaces provided in front of Penola House;
• A dedicated ground floor central courtyard at the rear of Penola House for use by the residents, in addition to the seating area proposed at the front of Penola House; and
• A bedroom for a Caretaker on the Ground Floor Plan. Based on clarification from the Applicant, it is evident this was shown in error. The Ground Floor Plan should reference Bedroom 31.

Concerns of the City regarding the functionality of the proposed on site car parking resulted in a further amended Site Plan being provided on 18 February 2019, which showed:

• Vehicle swept path analysis;
• On-site parking amended from 6 to 4 car bays; and
• Bin store relocated to the grassed area in front of Penola House.
6. Advertised Site Plan
7. Advertised Site Plan (Northern Portion)
8. Advertised Level One Floor Plan
9. Advertised Existing Floor Plan – Demolition Works
10. Advertised Streetview Elevation (Penguin Road)

11. Advertised Seating Area Plan
12. Amended Ground Floor Plan (29 October 2018)

13. Amended Site Plan (18 February 2019)
The applicant has clarified the following inconsistencies in the application information provided:

- The application seeks approval for up to 31 residents (including the ground floor bedroom) in Penola House;
- The application does not seek approval for a live-in staff member (caretaker), as the ground floor plan would imply. The ground floor bedroom is intended to be Bedroom No. 31.

### 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 property owners and occupiers within 500m radius of the subject site, as per the consultation plan below.

A total of 616 notification letters were posted out. The application was also advertised on the City's website, and information about the proposal was placed on the City’s Facebook page.

The public submission period ran for 30 days, between the dates of 11 September and 12 October 2018.

At the closing of advertising, a total of 216 submissions were received.

In addition, a Petition was received on 24 October 2018 objecting to the proposal, which contained signatures from 181 people, a number of whom also lodged submissions. A copy of the Petition is contained in the Agenda attachments.

14. Consultation Plan

The following is a breakdown of the submissions:

- 216 submissions received;
- 177 submissions objected to the proposal;
- 37 submissions either supported or indicating no objection to the proposal. While indicating support, some of these submissions highlight operational concerns, which are addressed later in this report;
- 2 submissions were received that indicated neither support nor objection, or provided no comment. These are not considered to be valid submissions.

Of the 214 valid submissions received:
- 27 Submissions were received from locations beyond the area shown on the Submission Locations Plan in Figure 15 below. These included 7 submissions in support and 20 objecting.
- 14 submissions were received with names or addresses withheld. As such, it is not possible to verify the location of these submitters. These included 3 submission in support, and 11 submissions objecting to the proposal.

Four submissions were received after the period of public advertising.
16. Submission Locations (Enlargement Map)

The submissions in support outlined the following reasons for supporting the application:

- The provision of transitional accommodation is a positive initiative. Single men need stable accommodation and friendly support to rebuild their lives;
- The community has a responsibility to accommodate the disadvantaged and homeless;
- There is a need for safe and affordable homeless accommodation and support infrastructure;
- Penola House is suitable building in an appropriate location for this type of use, in a residential area on a bus route and near amenities;
- There are demonstrated economic and social benefits for the government and society by assisting the homeless to re-integrate into society;
- If properly managed, it will be an asset to the community; and
- St Patricks has the capacity to effectively manage the facility.

The submissions objecting to the proposal are summarised below:

<table>
<thead>
<tr>
<th>Antisocial Behaviour</th>
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</thead>
<tbody>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>(i) There are concerns the behaviour of residents (and to some extent, visitors of the residents) of Penola House will compromise the safety and security of residents of the surrounding community, their visitors and tourists visiting the area, through:</td>
</tr>
<tr>
<td>• alcohol/substance abuse (noting there are liquor outlets nearby)</td>
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</table>
### Antisocial Behaviour (cont…)

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<tr>
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</thead>
<tbody>
<tr>
<td>•</td>
<td>loitering and trespassing</td>
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<tr>
<td>•</td>
<td>theft and crime.</td>
</tr>
</tbody>
</table>

**Proponent’s Response:**

It is important to understand that residents at Penola are likely people that find themselves at risk of homelessness as a result of economic situations, through such causes as relationship breakdowns that prevent them from finding accommodation within the private housing sector or other housing programs. Potentially some Penola residents may find themselves as a result to be in circumstances of inadequate and unstable housing such as “couch surfing” with friends, or indeed without in housing options at all.

Suitable applicants will be assessed against the strict eligibility criteria set by St Pats. As the facilities at Penola are not designed for people with complex issues needing intensive supports or therapeutic interventions, assessment of applicants for suitability to be accommodated at Penola will include current / previous drug and alcohol use and criminal history.

If an applicant discloses current drug use or high alcohol consumption they will *not be considered for accommodation*. If there is previous drug and / or alcohol abuse the applicant will be required to provide references from professional services to demonstrate that they have completed any relevant program and have remained drug free for a period of time not less than three months. Previous accommodation history with references will also be used to assist in determining suitability.

St Patrick’s current experience in the Fremantle area indicates that despite Fremantle having significantly more liquor outlets within close proximity, we do not encounter a rise in alcohol related issues with our residents.

St Patrick’s maintains an excellent relationship with neighbours and the wider community, and complaints, including those relating to resident behaviour, are rare. Our residents are expected to behave in a socially acceptable manner. Any complaints regarding a resident loitering or trespassing will be dealt with accordingly.

**Behaviour Management**

Unlike situations where private residences are rented to tenants that display anti-social behaviour and those tenants cannot be evicted immediately (with the resulting adverse impact on the local community), the nature of Penola allows greater flexibility than formal lease agreements under the *Residential Tenancies Act 1987* whereby housing officers are able to act in real time to ensure the safety of others and the property by having the resident removed for a period of time until the issue is resolved.

To ensure the health and safety for all residents, visitors, staff and neighbours, St Patrick’s staff reserve the right to evict as regards serious breaches of health or safety. When a potential breach is brought to the attention of housing services, an investigation process is set in place to determine the seriousness of the breach and if there are grounds to issue a breach.

Breaches are issued for a number of reasons:

- **Minor breaches** may be issued for infringements of the LTO and house rules, which are unlikely to result in serious property damage, or the safety of others.

- **Serious breaches** are issued where there has been serious damage to property or the safety of others has been compromised

If it was considered that the severity of the breach so warranted, the housing officer may commence the eviction process regardless of whether there have been previous breaches. Once a resident has been evicted from the property they are not permitted to return for a period of time. Housing services does not allow an individual to retain their residence where serious risk is identified.
Antisocial Behaviour (cont…)

City Comments:
The application indicates the Proponent's resident screening criteria has a focus on selecting individuals with the capacity to be independent, who can live appropriately with other residents and the surrounding community. St Patrick's states that people with significant behavioural issues will not be accepted into Penola House.

Mechanisms are proposed to manage the health and safety of residents, visitors, staff and the community in the event that breaches occur of the expected code of conduct.

The application states that St Patrick's is an experienced service provider, having managed accommodation over 25 years. St Patrick's has indicated that in its experience, it is rare for circumstances to arise which would give rise to risk to persons or property.

Given the above, the City considers the potential for the behaviour of residents to adversely affect the safety and security of the surrounding community to be low.

Submission:

(ii) There are concerns about the background of the residents, in that men with criminal backgrounds, mental health and substance abuse issues may compromise the safety of local residents, businesses, local tourism and the public.

Proponent's Response:
The assessment process is designed to determine a person's capacity and ability to live independently and sustainably maintain residence in a harmonious manner with other residents of the shared housing. Thorough background checks are done at the time of the assessment, which also determines an applicant's suitability to be housed. Applicants that do not satisfy the eligibility criteria, or have significant alcohol and other drug issues, mental ill health or other reasons that prevent them from living independently in a residential setting, will not be accommodated at Penola and will be referred to an alternate service that will meet that person's needs.

St Patrick's is not a specialised provider of mental health accommodation nor a specialised provider of alcohol and other drug rehabilitation or accommodation, therefore applicants with significant mental health concerns and alcohol and drug issues will be directly referred to the most appropriate specialist provider. St Patrick's does not provide accommodation for persons recently paroled or with a serious criminal history.

St Patrick's has been providing accommodation options since 1993 and has established good working relationships with the local Council (City of Fremantle), local Chamber of Commerce (City of Fremantle), Police and community groups, to ensure that there is respect and understanding with all parties in regards to communication and community awareness.

Assessment and Screening Procedures
All St Patrick's clients undergo a screening and assessment process which is conducted by fully qualified and trained St Patrick's housing services staff.

Case and client screening procedures include the following components:

Client pre-screening: before accepting a new client:

1. Staff examine the referral form to obtain initial client information including risks to determine if a face-to-face assessment is warranted.
2. The referral is discussed with the worker from the referring agency to determine special needs, cultural needs, risks, accommodation and health history.
3. After the pre-screening process, a face-to-face client assessment interview is conducted with the potential client to obtain information on current health status and other medical issues, and their most recent accommodation.
### Antisocial Behaviour (cont…)

- All applicants for housing must:
  1. Undergo assessment to determine if they meet the stringent entry criteria.
  2. Provide references to verify their previous accommodation, reason for leaving and ability to live independently. This is critical in ensuring applicants possess the necessary life skills to live an independent life like the majority of residents in Shoalwater.

- The term independent living means that the resident is:
  1. Able to maintain their own personal care and hygiene;
  2. Responsible for their own nutrition;
  3. Able to cook;
  4. Able to self-regulate;
  5. Responsible for personal time management;
  6. Able to maintain a clean living area, both in private and common areas;
  7. Able to live in an environment with unrelated people and maintain appropriate behaviours in order to live harmoniously with other residents and the broader community.

- Where a vacancy for housing exists or is imminent, an appropriate applicant is identified from the waiting list in line with criteria outlined in St Patrick’s waitlist management procedure. Consideration is given to the most appropriate property for the applicant including connection with local community and “fit” with other residents of the property and neighbourhood.

- Once an individual has been identified, the housing administration worker makes contact with the applicant to:
  1. Inform them that there may be a housing vacancy in the near future;
  2. Invite them to attend an assessment interview via the contact details provided and, if necessary, details are provided to referring agency using the contact details provided. If the applicant is homeless or in transient accommodation, or if the vacancy needs to be filled quickly, a phone call will be made to the applicant asking them to attend the interview. They are asked to bring a current health care card. Once a housing space becomes available, an allocation is made in accordance with the organisation’s allocations procedure.

We take this opportunity to reconfirm that residents at Penola will be persons capable of living independently and in the same manner as the majority of residents in the Shoalwater area.

<table>
<thead>
<tr>
<th>City Comments:</th>
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<tbody>
<tr>
<td>The Proponent's resident screening criteria has a focus on selecting individuals with the capacity for living independently and harmoniously with other residents and the surrounding community.</td>
</tr>
<tr>
<td>The Proponent has also advised that applicants with significant alcohol, drug or mental health issues or other issues will not be accepted at Penola House.</td>
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<th>Submission:</th>
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<tr>
<td>(iii) Concern about the number of residents proposed to be accommodated in Penola House is excessive. Accommodating a large number of residents with troubled backgrounds on the site will cause problems.</td>
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<th>Proponent's Response:</th>
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<tbody>
<tr>
<td>As stated previously, the backgrounds of the residents at Penola are no different to many persons in the wider community except that for reasons of economic hardship, they find themselves at risk of homelessness. The residents of Penola do not have significant mental health concerns or alcohol and drug issues.</td>
</tr>
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</table>
Antisocial Behaviour (cont…)

St Patrick’s has a residence in Fremantle that shares a common boundary with a primary school, is diagonally opposite private residences (including families), and is in the midst of a busy tourist area, with many other pressures on amenity including traffic and parking. Despite these sensitivities, this residence operates sympathetically with the neighbourhood and community and we experience no complaints or issues.

The neighbouring Primary School has provided a letter of support which helps to illustrate the effectiveness of St Patrick’s management regimes.

This property has 35 individual rooms with shared facilities (and at its peak had 42). We encounter minimal issues from our residents as St Patrick’s is mindful of the dynamics of each residence and also practice a best placement philosophy that ensures a positive productive atmosphere, personal relations and excellent neighbour relations. Similar to Penola, the residence provides transitional accommodation, not crisis or emergency accommodation.

As outlined previously under the heading Antisocial Behaviour (ii), St Patrick’s assessment process is designed to determine whether or not a person will be able to live independently and sustainably maintain their residence in a harmonious manner with others. To this end, a thorough background check is undertaken at the time of the assessment, which also determines an applicant’s suitability to be housed.

City Comments:

The concerns appear to be based on assumptions that residents with significant behavioral problems will be accepted into Penola House. Refer above to the City’s previous comment on this matter for Issues (i) and (ii).

Given the applicant's stated resident selection procedures and proposed management measures, it is not possible on planning grounds to substantiate requiring a reduction in the number of residents to be accommodated. The application needs to be assessed and determined on the basis upon which it has been made.

The number of residents proposed is consistent with the capacity that Penola House was constructed to accommodate, which is not excessive.

There is no definitive measurement for the City to consider the number of residents to be excessive.

Submission:

(iv) There are many elderly and vulnerable residents in the surrounding neighbourhood who are genuinely fearful of the proposal proceeding.

Proponent’s Response:

As stated earlier, St Patrick’s has other residences that are located in residential areas, one residence in particular is located in Dorothy Street East Fremantle which is situated amongst an aging population, some of which would be considered as elderly and vulnerable. The residence is located in the middle of the street and surrounded by the other 17 properties. There have been no reports of dangerous and intimidating acts against any residents, let alone the vulnerable and elderly.

Neighbours of this residence are very accepting of the St Patrick’s residents and have written letters to support the Penola proposal. In contradiction to the concerns that have been raised regarding Penola, what we have experienced is that some residents have reported building strong rapport with our residents, which in turn nurtures a strong sense of community security and belonging.

City Comments:

As indicated above, concerns appear to be based on assumptions that residents with significant behavioral problems will be accepted into Penola House. Refer above for previous comment on this matter.

There is no planning basis to consider that the proposal will have a significant social impact if the transitional accommodation is well managed.
### Property Values

**Submission:**
(i) The proposal will adversely affect local property values.

**Proponent's Response:**
There is no evidence to suggest the intended usage of the site will have an adverse effect on property prices within the immediate area. St Patrick's has a similar residence located in Dorothy Street East Fremantle, which has been used as an affordable housing residence since the early 1990's. To the best of our knowledge the residence in question has not had any adverse impacts on property prices in the surrounding area, and St Patrick’s has no record of such a concern from either immediate neighbours of the Dorothy Street property, the City of Fremantle, real estate agents or developers. We are aware of no objective expert evidence to support such a contention more broadly in Western Australia for similar uses. We also contend any potential impact on property values is not in fact a valid planning consideration and should not therefore be used as basis for final determination of the current development application.

**City Comments:**
Impacts on property values are not a relevant planning consideration.

### Inappropriate Location

**Submission:**
(i) Concerns that the site is too remote from employment, essential and social support services required by the residents. A use such as this should be located closer to required services, particularly if the residents don't have cars.

**Proponent's Response:**
Penola House has good access to public transport with Penguin Road being part of main bus route with bus stops located within 30m for travel to/from the Rockingham Train station. Transit to Rockingham bus station via bus is 26-27 minutes which is comparable with other locations in Rockingham and by no means the longest. It would be expected that a large number of community members are currently accessing the excellent public transport in the area to transit to and from work. If working in the Perth CBD this would also include an additional 30 minutes to the trip. ‘Social Security Guide 3.2.8.60- Unsuitable Work’ identifies that a one way trip from home to work is acceptable if under 90 minutes duration. As such Centrelink have deemed it acceptable for a resident to commute from Shoalwater to Fremantle on public transport for work. If a resident gains paid employment while accommodated at Penola House, the public transport service will provide access to any workplace, and further, it may be possible to transfer the resident to another location if full time employment is secured.

Having the residence co-located with essential and social support services could be counterproductive in the encouragement of independent living skills that St Patricks is aiming to achieve. There will be no requirement for the type of intensive supports to be located in close proximity as implied by this question given the type of residents who would be considered for Penola House. Just as any job seeker living out in the community, our residents will have to attend appointments and other commitments in the same way as numerous others in the community are reliant on public transport.

St Pats is strongly committed to ecologically sustainable programs and fully supports the governments initiatives to encourage people out of their private vehicles and onto public transport. This philosophy is at the cornerstone of this proposal.

**City Comments:**
There are no locational criteria for uses of this nature embodied in the local planning framework.
Inappropriate Location (cont…)

The location of the site is somewhat remote from support services and employment opportunities, however the site is connected via a public transport network. While the frequency of bus services is not high, the fact remains that a bus stop is located in front of the subject site.

This issue is not fatal to the application, being more relevant to St Patrick's site selection considerations.

Management Issues

Submission:

(i) What support will residents receive in order to address:

- Medical needs, including addiction management?
- Financial management?
- Personal development?
- Education?
- Employment?
- Emotional support?
- To contribute positively to the community?

Proponent's Response:

Due to the independent nature of the residents, they will require low level support to address their personal needs. The fulltime staff member on-site at Penola House will be able to provide support to actively connect residents to appropriate support services and assist them in their transition to living independently in the broader community. Residents who present with medical issues that prevent them from accessing public transport will have their accommodation reviewed and will be relocated to a more appropriate location. As substance addiction excludes applicants from being accommodated at Penola House, they will not be expected to attend any addiction management. If attending a service for any previous addictions it would be part of their productive routine to self-manage their appointments.

Once again, the emphasis is on independent living, therefore the residents will be required to demonstrate a level of personal commitment and investment in their own lives. Employment goals remain an agreement between the resident, Job Search provider and Centrelink with strict consequences for not meeting obligations. As such residents are fully responsible for meeting all expectations. If a resident is not meeting expectations with his job search St Patrick’s will work with the resident to improve.

St Patrick’s residents have proven to contribute positively to the communities in which they live. There have been no cases where St Patrick’s has encountered a neighbour of a residence that has claimed that they were uncomfortable with living in the immediate area. In fact residences are operated in a transparent manner with feedback from neighbours strongly encouraged. This feedback allows St Patrick’s to understand the local community’s thinking and needs and also shapes the way that the residence operates, and to successfully function in any given community, which in turn provides the most beneficial environment for both residents and members of the community.

City Comments:

As indicated by the Proponent, residents will be selected on their ability to live independently and obtain access to the appropriate range of support services available through a range of agencies.

Furthermore, St Patrick's proposes to operate a system involving multiple layers of support, through a housing worker based on site Monday to Friday; two trained and supported senior residents, and housing workers on call 24/7.
Management Issues (cont…)

Submission:
(ii) Operational aspects, including:

- Concerns regarding the adequacy of the selection criteria used for screening residents for admittance to Penola House;
- Concerns that residents with criminal backgrounds will be allowed to reside at the property;
- Concerns about the number and type of visitors attracted to the site, and the lack of screening of visitors;
- Concerns of inadequate onsite supervision, particularly after hours and in weekends. The proposal is considered under staffed;
- Concerns about the remote proximity, and effectiveness of ‘on-call’ after hours support staff;
- Concerns the residents will have nothing to occupy them during the day, resulting in loitering and anti-social behaviour;
- Concerns residents will not have a curfew, and be allowed to come and go as they please;
- Concerns about access to alcohol, on or off site;
- Concerns about the enforceability of St Patrick’s ‘no car’ rules, noting that no on-site parking is provided for either residents or visitors.

Proponent's Response:
The assessment process has been designed to capture all the relevant information to determine if the applicant meets the eligibility criteria. At the time of assessment the applicant must provide details of previous accommodation and contact details for a reference person that can provide further detail and verification.

Questions relating to criminal history are asked during the assessment interview. Applicants that have serious convictions will not be accommodated in any St Patrick’s residences in residential areas including Penola House.

It is not common for residents to have visitors. Our residents tend to be the ones that go visiting with others. This option is strongly encouraged by St Patrick’s as it preserves the privacy of other residents as well as stronger integration back into the community. No other residence of St Patrick’s offers on-site parking for residents or visitors. This has not had an impact on the wider community and no reports of additional vehicles parking off-site have been received. The type of visitor will be no different than a visitor to any other property, although we do not assess visitors on their eligibility to visit. We do however reserve the right to ban certain individuals from our residences if necessary. We expect all residents to manage and take responsibility for any visitor they have enter the building or surrounding area and accept consequences for their visitors actions.

There will be adequate supervision at Penola House with two head residents and a staff member based there during standard St Patrick’s business hours. We believe this is more than sufficient to monitor the residents given the assessment process seeks to ensure they will not have any significant issues. Most of St Patrick’s residences do not have staff based on-site and operate with minimal issues. We find our residents are seeking safety, stability and peace of mind, and tend to form strong positive bonds with each other. After hours on-call staff are required to address after hours emergencies and urgent maintenance matters. This can be done by providing phone support to the head resident or attending in person if deemed necessary. It is rare in our experience to have a circumstance arise which would give rise to risk to persons or property, but if it did, the emergency services would be called. A number of on-call staff live within 15 minutes of Penola House and are available 24 hours per day which could in most cases provide a better response time.
Management Issues (cont…)

Unlike other social welfare recipients that may be accommodated in private properties within the Shoalwater area, Penola residents are not permitted to remain idle and are expected to engage in activities to constructively fill their time. Activities may include Centrelink compliance activities such as work for the dole, volunteering, exercising and any other activity that will assist in developing healthy patterns of behaviour.

As the residents will be living independently there will be no curfew. Based experience with other residences we have no need to enforce a curfew as we do not accept applicants that are not ready to live independently or have addiction and/or behavioural issues. Residents that prefer to come and go all night will be relocated as they would have demonstrated they are not yet ready to live independently which requires positive daily activity.

As we will not be accommodating those with addiction issues there is no reason to prohibit alcohol. Unlike a person experiencing problems with alcohol consumption in a private residence, if a Penola resident is found to be having trouble regulating their alcohol intake they will be asked to take the necessary steps to address the issue or face consequences which may include having their accommodation withdrawn. This is standard practice in all other residences managed and aims to provide sufficient social control while still respecting the rights of the residents. It is rare for a resident to receive a notice to address their alcohol consumption and even rarer for an eviction based on alcohol consumption given the strict management regimes in place for all St Patrick’s premises.

St Patrick’s does not provide parking for residents or visitors at any residence. From experience there are few applicants that have their own a vehicle. Applicants who own their own vehicles are advised of alternative options that cater for resident parking. Visitors parking is not provided as residents are encouraged to leave the residence to socialise and visit friends and family. It is rare for a resident to own a vehicle due to the cost of maintaining it, payments such as registration, insurance and other running costs which are above the affordability limit for most individuals on Newstart allowance. Residents who ignore our request for no vehicles or allow their visitors to park on-site will face appropriate consequences which may include having accommodation withdrawn. We reserve the right to enforce the no-vehicle rule if there are valid reports from neighbours confirming that residents or visitors are parking on the verge of surrounding streets in an attempt to bypass our parking rules.

City Comments:

The Building Management Plan submitted with the application indicates how St Patrick’s intend to manage the use in respect to resident selection, support and supervision of residents, managing visitors, managing antisocial behaviour and neighbourly relations, based on the St Patrick’s service model.

It is recommended that a revised Building Management Plan be approved by the City prior to the use establishing, in the event approval is granted. A revised Building Management Plan should address:

- Details of the House Rules and resident behavioural expectations;
- Contact details for surrounding residents of access to 24 hour/7 day on-call staff and Senior Residents;
- Include measures managing visitors, specify visiting hours and behavioural expectations;
- Implement the recommendations contained in the Bush Fire Management Plan submitted with the application;
- Specify an incident reporting process, with an annual report to be provided to the City on all reported incidents and the outcomes of investigations.
Amenity Impacts

Submission:
(i) Concerns the proposal will adversely impact on the quality of life of local residents, and the residential character of the area.

Proponent's Response:
St Patrick’s manages its facilities diligently with due regard for any impacts on immediately adjoining and other nearby properties and has established management regimes to minimise any negative amenity or social impacts. As a result there have been very few complaints associated with our operations. When complaints have been received they’ve been dealt with as a matter of priority. The same approach will be taken with Penola House as explained previously in the Building Management Plan submitted in support of the development application.

St Patrick’s has a long history in managing similar types of residences within the City Ward of Fremantle and also within the North, East, Hilton and Beaconsfield Wards, and works closely with the City of Fremantle and neighbours surrounding these residences to cultivate and promote positive and strong neighbour relations. Expectations for behaviour and respect are the same as those required by a private landlord.

St Patrick’s as an organisation strives to be a ‘good neighbour’ and expects the same of its residents. It is acknowledge all neighbours are entitled to a peaceful and safe environment. Neighbours located in the immediate surrounds of a St Patrick’s residence are provided with contact details for on-call staff and are welcome to call 24/7 if there is an issue or concern that they consider urgent and cannot wait until normal business hours.

In case of an urgent matter, housing services encourages the neighbours to call emergency services immediately if necessary to protect health and safety, though such events have proven extremely rare in our experience. Suggestions, complaints and feedback from neighbours are welcomed, taken seriously and acted on diligently within a reasonable timeframe.

As stated previously, applicants that do not satisfy the eligibility criteria or have significant issues with abuse of alcohol and other drugs, poor mental health or other reasons that prevent them from living independently in an ordinary residential setting will be referred by St Patrick’s to the most appropriate service for assistance.

City Comments:
Amenity Impacts are discussed in the Comments section of this report below.

Submission:
(ii) Concern regarding the cumulative impact of the proposal (given the nature of the other uses on the land) on the amenity of the area.

Proponent's Response:
The site was originally purchased in 1949 and used for holiday accommodation for the Sisters of St Joseph. The chapel was built in the 1960s as a chapel for the sisters and the dormitory building was also built around this time to provide accommodation for up to forty (40) occupants. The dormitory was renovated in 1979 and named Penola House. During the 1980’s the church opened the Sunday chapel mass to the wider community. This continues to this day with community mass celebrated every Sunday at 8.00am. Kimolee was constructed in 1974 and is used as a retreat centre. It provides accommodation for up to thirteen (13) people. Three (3) additional grouped dwellings at the western end of the subject land provides permanent accommodation for two (2) sisters.
Amenity Impacts (cont…)

The use of the land and buildings thereon has evolved over time to accommodate the sisters and the local community for use as spiritual retreats, prayer days and a variety of accommodation types for the community. The use of Penola House for residential purposes has remained unchanged although the intensity of such usage has varied over the years depending upon need and demand by individuals and groups including Aged Care groups, dedicated Men’s Retreats, Single Mothers groups, encounter groups and multicultural groups to name a few.

Access and egress for Kimolee residents will remain unchanged via Arcadia Drive. Similarly access to and egress from the three grouped dwellings will remain unchanged from Mersey Road. The church congregation will continue to access the site from Penguin Road. Individual pedestrian access for the new Penola House residents will be via the existing u-shaped driveway on Penguin Road with limited vehicle movements expected due to the rules regarding vehicle ownership and visitors.

As detailed, historically the site has provided safe and unobtrusive access and egress for a variety of individuals, small and large groups. To the best of our knowledge there have been no adverse impacts on the amenity of the neighbourhood with no complaints having ever been received. The proposal utilises existing pedestrian and vehicle access paths and will not change the historical use of the site and its impact on the amenity of the area. Furthermore with the construction of the additional proposed car parking bays on-site, the existing parking arrangements on this part of the subject land will be improved.

Recently the facilities on site have not been fully utilised by the Sisters resulting in the Penguin Street frontage only being activated for the 1 hour Sunday morning mass. To reconnect Penola with the street and to improve the level of casual surveillance of the street, the proposal includes a small covered seating area discretely located behind the front building setback and integrated into the existing garden area. In line with the Western Australian Planning Commissions publication Designing Out Crime Planning Guidelines, maximising casual surveillance increases a sense of safety and can deter criminal activity. In accordance with the Explanatory Guidelines for the Residential design Codes of Western Australia -Clause 5.1 Street surveillance- “Buildings with street frontages that employ balconies, living areas and common areas contribute to increased casual surveillance of the street. This increases both actual and perceived levels of safety for pedestrians.”

In addition to the potential to improve passive supervision of the street (a desired design element of the R-codes), this area has also been designed as a secondary space to the resident’s primary passive recreation space located in the central courtyard of Penola House, with the intention being to provide individuals or a small group of no more than four people with an intimate and contemplative quiet space away from the larger, more active central courtyard. The activity within this space will of course not be as significant as the activity generated during Sunday mass however it is hoped that by providing this discrete level of activation passive supervision of the street realm will be improved during those intermittent times when some Penola House residents may choose to utilise the seating area.

City Comments:

The proposed use is unlikely to significantly conflict with the operation of other activities on site, as the other activities are largely separate. Visitors attending Penola House however, may potentially arrive at the time the Chapel is being used.

The potential for this to occur, based on the low visitor numbers expected for Penola House, is considered low. In any event, any such conflict in land use would be short term, for the duration of the church services.

Refer to the Comment section below for further discussion on amenity impacts.

Submission:

(iii) Increased noise from visitors and support services, and from residents using the courtyard proposed in front of Penola House.
### Amenity Impacts (cont…)

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<tr>
<th>Proponent's Response:</th>
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<tr>
<td>St Patrick’s has a long history in managing similar types of residences within the City Ward of Fremantle and also within the North, East, Hilton and Beaconsfield Wards. From our experience these residences do not attract a high level of visitors as the buildings are not designed to cater for entertaining or engaging with visitors in dedicated areas of the residence. It has been our experience that if visitors do come, they typically arrive and leave by public transport. Residents are fully responsible for the conduct of their visitors and may be subject to breaches/eviction if their visitor causes a nuisance. If a visitor is frequently at the property for excessive amounts of time, the resident they are visiting may be requested to have the visitor spend less time at the property. Support services will generally be accessed externally to the residence, other than the St Patrick’s housing worker on the premises. As noted elsewhere, residents will be screened for their capacity to access other services independently in the community. The covered seating area in front of Penola has been designed as a secondary space to the resident’s primary passive recreation space located in the central courtyard of Penola House. The intention of this space is to provide individuals or a small group of no more than four people with an intimate and contemplative quiet space away from the larger, more active central courtyard. The activity within this space will of course not be as significant as the activity generated during Sunday mass however it is hoped that by providing this discrete seating area some level of passive supervision of the street realm will be improved during those intermittent times when some Penola House residents may choose to utilise the seating area. This is in line with the Western Australian Planning Commissions publication <em>Designing Out Crime Planning Guidelines</em>, maximising casual surveillance increases a sense of safety and can deter criminal activity.</td>
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<tr>
<td>The Proponent has the ability to manage visitor behavior through the residents and the Building Management Plan. Visitor numbers are expected to be low. The City considers that the seating area proposed for residents in front of Penola may give rise to potential noise, which may adversely affect neighbouring properties. The amended plans (refer to Figure 12) show a centralised courtyard at the rear of Penola House for use by the residents, which, in conjunction with adjacent verandah spaces provide outdoor open space for residents. As such, in order to maintain residential amenity, in the event approval is granted, it is recommended that the seating structure at the front of Penola House is excluded from approval.</td>
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<tr>
<th>Submission: (iv)</th>
<th>The proposal is out of character with the accepted use of the site by the Sisters of St Joseph.</th>
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<tr>
<td>The Sisters of St Joseph have owned the land since 1949. The original use of the land and buildings thereon was for holiday accommodation for the sisters. The chapel was built in the 1960s as a chapel for the sister’s use. The original dormitory for the sisters was also built around this time. The dormitory was renovated in 1979 and named Penola House after the little town in which the Congregation of SOSJ was founded. (<em>In her Footsteps</em> by Mary Cresp). The use of the land and buildings thereon has evolved over time to accommodate the sisters and the local community for use as spiritual retreats, prayer days and crisis accommodation for the community. The use of Penola House for residential purposes has remain unchanged although the intensity of such usage has varied over the years depending upon need and demand.</td>
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### Amenity Impacts (cont...)

The following response has been provided by Margaret Cleary rsj, Regional Leader - Centre West for the Sisters of Saint Joseph:

*The history of the Sisters of Saint Joseph of the Sacred Heart is one that follows closely the call of our foundress, St Mary of the Cross MacKillop, that the Sisters were to ‘never see a need without doing something about it’.*

*The Sisters have interpreted this in different ways as the times and the circumstances in which we are situated changes. This year we celebrated 150 years of the foundation of the first House of Providence.*

*There is a need at this time in our history in Western Australia, in Fremantle and Rockingham in particular, to attend to the cry of those who are experiencing homelessness for whatever reason.*

*The Sisters began a similar service for homeless women and have a house at Beaconsfield to respond to this particular need. This response is evolving and has changed since its inception.*

*Penola by the Sea has been used for many and varied groups, which included Aged Care, men’s retreats, single mothers, Engaged and Marriage Encounter and multicultural groups to name a few.*

*St Pat’s has a depth and breadth of knowledge and experience in the area of the rehabilitation of homeless men. The ongoing support and structures they have in place demonstrates this and gives us great confidence. Our community of women, at 182 Arcadia Drive, will remain as neighbours to this mission.*

*We are very pleased to support the work of St Pat’s in making a positive and practical response to this need for homeless men, as it fits very neatly into the Sisters own philosophy and provides us with a way to see the former buildings occupied by the Sisters employed for a mission close to the heart of our Foundress.*

#### City Comments:

While the intensity of the use of Penola House has diminished over time, the character of the proposed use is generally consistent with the previous building usage, having been used as a residence for the Sisters of St Joseph, albeit, the current application is for use by men.

#### Submission:

**(v)** Privacy concerns, as rooms overlook adjoining properties.

#### Proponent’s Response:

*Despite no change to the existing windows or use of the subject rooms for bedrooms, if the City consider the overlooking of neighbouring properties is an issue, then it can be addressed by installing appropriately approved external screening to prevent any overlooking into other nearby or adjoining properties.*

#### City Comments:

*Upper floor bedrooms have window openings that overlook the adjoining property to the east (29 Penguin Road). Should approval be granted, a condition is recommended requiring privacy treatments to the upper floor bedroom windows (such as privacy screens, or the use of opaque glass etc) to effectively mitigate any privacy issues.*

#### Submission:

**(vi)** Concerns the number of men proposed to be housed at Penola House, given the (perceived) backgrounds of the men, is disproportionate to the surrounding, vulnerable ageing populated area.
Amenity Impacts (cont...)  

**Proponent's Response:**
Please refer to the answer provided for Anti-Social Behaviour in this submission (ii). The assessment process is designed to determine whether or not a person will be able to live independently and sustainably maintain residence in a harmonious manner both with other residents of the shared housing and the local community. A thorough background check is done at the time of the assessment which also determines an applicant’s suitability to be housed. Applicants that do not satisfy the eligibility criteria, or have significant Alcohol and Other Drug issues, mental ill health or other reasons that prevent them from living independently in a residence setting, will be referred to an alternate service that will meet that person’s needs. In other words, we would expect that the primary difference between our residents, and other residents in the community, would be an economic one where they have been unable to maintain affordable and appropriate accommodation due to financial barriers. Accordingly, the concerns articulated should not arise any more for our residents than they might with other persons living in the community. There is also concern that any perceptions held that form the basis of some objections received by the City raised may be discriminatory and should not therefore be considered when determining the development application.

**City Comments:**
Penola House has the capacity to accommodate the number of residents proposed, having been used as a residence by the Sisters of St Joseph previously. The Proponent's resident screening criteria and behavior management initiatives outlined in the Building Management Plan submitted with the application are designed to ensure that only suitable residents that are capable of independent and sustainable living are accepted into Penola House. According to St Patrick’s, those applicants with significant problems such as with drug/ alcohol dependencies are directed to other facilities elsewhere.

**Submission:**
(vii) Concerns that the presence in the community of 31 men with possible mental health, drug/alcohol issues (walking to the shops and bus stops, and being around children and the elderly) will adversely impact on the quality of life of local residents.

**Proponent's Response:**
See response to (vi) above.

**City Comments:**
The perceptions of some objectors do not align with the information provided by the Applicant, in that only residents capable of meeting St Patrick's screening criteria would be accepted into Penola House. The screening criteria are based on acceptable social norms and types of behavior expected of individuals to be able live in harmony with the surrounding community. It is inevitable that residents will from time to time, interact with and be visible within the surrounding community as they move to and from Penola House going about their lives.

**Traffic Concerns**

**Submission:**
(i) Concerns regarding increased traffic from visitors and support services.

**Proponent's Response:**
Penola House is located on a designated bus route with bus stops in close proximity.
### Traffic Concerns (cont…)

The property is also served by dual use pathways for both pedestrians and cyclists. As such there is significant opportunity available for residents to access local services and facilities.

Applicants for accommodation who intend to maintain a vehicle will not be admitted to reside at Penola House, as residents are prohibited from parking on site or surrounding road verge and penalties apply for residents found to be in breach.

New residents, having secured accommodation through the assessment process described above will be “dropped off” at Penola House. A new resident does not have the option of arriving in ‘their’ car, as this is not permitted at any of our residential sites which is made clear during their assessment process.

When they arrive the housing support officer provides the resident with an induction to the property which includes safety, amenities, introduction to key residents and other relevant points of interest and are handed the keys.

Long term residents will also not be able to park a vehicle on-site. If they wish to obtain a vehicle they will be supported by the St Patrick’s housing support services team to obtain other accommodation that allows on-site parking.

Visitors and guests are allowed to come to Penola House between 8.00am-8.00pm. Our experience in operating a number of other residences indicates that visitors are rare, and visitors arriving by vehicle very rare indeed. Visitor bays provided on-site have proven more than sufficient to accommodate this. Historically, St Patrick’s has not encountered increased traffic flows from visitors at any of its existing residential locations.

Most support services the residents may require will be accessed in the community, utilising the excellent access to public transport immediately adjacent to the property. The in-house support will be through the housing worker on-site, which has been provided for in the proposal.

### City Comments:

Traffic impacts of the proposal are discussed in the Legal and Statutory section of this report below.

### Submission:

(ii) Concerns regarding inadequate on-site parking for support staff or visitors, and insufficient parking at the bowling club car park during peak periods.

### Proponent’s Response:

Please note the response to Traffic Concerns in point (i) above. Also, as stated in the Amenity Impacts section of this submission (i.e. point iii), St Patricks has a long history of managing similar type residences within the City Ward of Fremantle and also within the North, East, Hilton and Beaconsfield Wards. From our experience the residences do not attract a high level of visitors as the buildings are not designed to cater for entertaining or engaging with visitors. It has been our experience that if visitors do come they typically arrive and leave by public transport. Residents are fully responsible for the conduct of their visitors and may be subject to breaches/eviction if their visitor causes a nuisance. If a visitor is frequently at the property for excessive amounts of time, the resident they are visiting may be requested to have the visitor spend less time at the property.

Provisions will be made to provide further on-site parking bays at Penola House which will adequately cater for any possible visitors. There will be no changes or effect to traffic demands relating to the Chapel, as there are no visitors permitted on a Sunday during mass times, hence, there will be no potential vehicle activity relating to Penola House during these times. The aforementioned on-site parking bays will also be available for use by the Chapel for Sunday morning services, resulting in a net increase in the availability of off-street parking for the property, with no substantive increase in vehicular activity expected.
### Traffic Concerns (cont…)

| City Comments: |
| Parking is discussed in the Legal and Statutory section of the report below. |

### Other Concerns

| Submission: |
| (i) Concerns that community consultation about this proposal has been inadequate. |

| Proponent's Response: |
| St Patrick’s sought advice from the City of Rockingham as to its intended voluntary consultation being a community open day, and followed the City of Rockingham’s proposed consultation map with regard to the distribution of invitation to the open day. The invitation was delivered by hand by St Patrick’s staff to all addresses indicated on the map provided by the City. St Patrick’s wanted to provide local residents the opportunity to visit the site on an open day (Thursday 30 August 2018), view the site plans for the intended renovations and more importantly, to ask any questions of St Patrick’s staff and a former resident and address any questions. St Patrick’s voluntarily consultation was undertaken before, and was additional to, the formal consultation process undertaken by the City to give residents additional time to inform themselves about the proposal. It is contended the proposal has been well publicised in the local community and residents have had significant opportunity to gain more information and put forward their views. St Patrick’s has reviewed all the submissions received and made a concerted effort to further explain and amend the proposal where required. |

| City Comments: |
| Community consultation has been undertaken by the City in excess of statutory requirements: |
| • 616 Notification letters were posted out to owners/occupiers within 500m of the subject land; |
| • the application was advertised on the City’s website; |
| • information about the proposal was placed on the City’s Facebook page; |
| • The public submission period ran for 30 days, between the dates of 11 September and 12 October 2018. |

The Community consultation initiated by St Patrick’s is in accordance with good practice. This did not involve the City.

| Submission: |
| (ii) Approval of this application will create a precedent, in that the City will be compelled to approve other similar applications. |

| Proponent's Response: |
| It is not appropriate for the proponent to comment on the City’s roles and responsibilities in respect to approving similar applications or approving this application using its discretionary powers. It is contended any such proposal must be considered on its individual merits with due regard for the relevant planning requirements and any reasonable, valid submissions if publicly advertised. |

| City Comments: |
| All applications for Development Approval are considered on their individual circumstances and determined on their planning merit, based on the matters involved and the relevant planning framework. |
Other Concerns (cont…)

Submission:
(iii) The proposal does not satisfy the objectives for the zone, or the relevant planning framework.

Proponent's Response:
The site is zoned Community Purposes with the stated objective being to provide for the development of religious, educational, health and social care facilities, accommodation for the aged and infirm, and other services by organisations involved in activities for community benefit, in convenient locations within the Scheme Area.

The proponent is a duly registered charity whose objectives and resources are strictly directed towards activities for community purposes and benefit. To this end St Patrick's will be providing a full-time staff member presence at Penola House to provide continued support to actively connect residents to appropriate support services and assist them in their transition to living independently in the broader community. Given these facts it is contended the proposal is consistent with the land’s zoning objectives, will not give rise to any negative impacts given the strict management arrangements with the only potential non-compliance issue being on-site parking which is a discretionary development standard in the City’s local planning framework.

City Comments:
This is discussed in ‘Policy’ and ‘Legal and Statutory’ sections of the report below.

Submission:
(iv) The bin store location is visually prominent, and should be relocated away from the street.

Proponent's Response:
St Pat’s acknowledge the concerns raised in respect to the location of the bin store and therefore have relocated it away from contiguous properties. The new location is behind the front building setback, with bins screened from view behind a brick wall constructed to match the existing Penola and church buildings. This location will provide ready access on bin day from the bin store to the street boundary via the main driveway.

City Comments:
The original site plan (as advertised) showed a 1.5m high brick structure bin store located adjacent the eastern side boundary, within the front yard setback.

Since advertising, the applicant has twice amended the location of the bin store, to:
1. Adjacent the front of Penola House, on the western side of the front entrance porch to the building, approximately 6m east of the Chapel building; and
2. A stand-alone brick structure 7.5m back from the street boundary within the grassed area inside the horseshoe driveway (Figure 13).

While the second amended location maximises separation between the bin store and the entrances to Penola House and the Chapel, this location is more visually prominent, being located significantly forward of the existing buildings relative to the street.

While the spatial constraints to site development are acknowledged, the preferable location for a bin store would be screened from view from the public domain, yet conveniently accessible for bin servicing. To this extent, there would appear scope for the bin store to be re-located to the rear of the Chapel, west of Penola House where space is available to access the bins between the buildings for servicing.

Should approval be granted, it is recommended that a condition is included requiring the bin store to be relocated to the rear of the Chapel.
b. Consultation with Government Agencies

The City consulted with the WA Police, seeking information on Police call-outs to a similar facility for men at risk of homelessness operated by St Patrick’s in Beaconsfield.

This is discussed further below in the Comments section of this report.

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 2019-2029:

Aspiration 3: Plan for Future Generations

Strategic Objective: Responsive planning and control of land use: – Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy

Local Planning Policies:
Nil

State Planning Policies

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

The subject property is identified within a designated Bushfire Prone Area.

As such, a Bushfire Management Plan (BMP) is required to be prepared which assesses the bushfire risk and addresses the bushfire protection criteria outlined in the Guidelines for Planning in Bushfire Prone Areas.

The applicant provided a BMP, which was certified by an accredited Level 3 Bushfire Planning Practitioner. The BMP identified the BAL rating for the site as no greater than BAL12.5.

The BMP includes various management recommendations to assist mitigate the risk from bushfire, which satisfy the protection criteria in the Guidelines.

The proposed land use is not regarded as a Vulnerable Land Use, as defined in SPP3.7, which is a land use where persons are less able to respond to a bushfire emergency.

Residents will be made aware of their surroundings and be familiar with the exits should they have to evacuate due to bushfire.

Measures are included in the Building Management Plan which support the BMP, requiring:

- Residents to be single males with no dependents, 18 years of age and over;
- Residents are able to live independently;
- Residents to agree to abide by the Licence to Occupy and the house rules.

It is considered the BMP satisfies the requirements of SPP3.7.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 – Zoning Table

The subject site is zoned “Community Purposes” in TPS2.

The proposed use is interpreted as a ‘Residential Building’, which is a ‘D’ (i.e. discretionary) land use within the Community Purposes zone. A Residential Building is defined to mean:

“A building or a portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation.
• Temporarily by two or more persons; or
• Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school”.

The proposed land use is therefore potentially permissible.

The Objective of the Community Purposes zone is “...to provide for the development of religious, educational, health and social care facilities, accommodation for the aged and infirm, and other services by organisations involved in activities for community benefit, in convenient locations within the Scheme area”.

St Patrick’s provides a range of integrated community services to assist vulnerable and disadvantaged people towards achieving self-sufficiency and an improved quality of life. The services provided benefit the community as a whole, and as such are considered consistent with the Objective of this zone.

Clause 4.14.2 – Form of development

Pursuant to Clause 4.14.2, in considering this application, the Council shall ensure that site planning, scale, built form, elevations and landscaping of the development contribute positively to the streetscape, appearance and amenity of the locality.

The proposal seeks to utilise Penola House in its existing form, with the exception of the following proposed new structures:

• A covered seating area adjacent the horseshoe driveway, with seating orientated towards Penola House. This structure is proposed to be located 8m back from the street boundary, which is consistent to the setback of the dwelling on the adjoining land to the east. For the reasons outlined earlier in this report, it is recommended the seating area is excluded, in the event approval is granted.

• A 1.5m high brick screened bin store. As mentioned earlier, the City recommends the bin store is relocated away from the front yard in the event approval is granted.

In addition, 4 new car bays are to be constructed adjacent the existing concrete horseshoe driveway, of which two are proposed within the 6m front yard setback.

While parking is permitted in the front yard, the extent of hard stand may limit the potential extent of landscaping achievable to offset the visual impact of parked vehicles. The City considers there to be insufficient space to enable construction of the proposed car bay No.4 nearest the street without removing the adjacent tree. Given the above, it is recommended that this car bay be excluded, in the event approval is granted.

A condition is recommended, in the event approval is granted, requiring the preparation and implementation of a Landscaping Plan to ensure that development contributes positively to the streetscape, appearance and amenity of the locality.

Clause 4.14.3 - Parking

Pursuant to Clause 4.14.3, car parking is to be provided for the development in accordance with Table 2 and the provisions of Clause 4.15. Table 2, however, does not specify a parking rate for a Residential Building. As such, the parking requirements for a Residential use are taken for guidance, as outlined in the Residential Design Codes of WA (R Codes).

Based on the R Codes, parking is provided at a rate of:

• 1 car parking space for each 1 bedroom dwelling (31 car spaces); and
• 1 visitor parking space for each four dwellings in a group dwelling development (7 spaces).

The Proponent has indicated that residents will not be permitted to own a car, and further, that visitors will be few, and will not be permitted to park on-site.

The Traffic Impact Statement (TIS) indicates the following anticipated average daily traffic volumes:

• 4 cars per day; and
• 1 service delivery vehicle per week.
The traffic volumes are well within the capacity of the local street network to accommodate traffic from this proposal.

The TIS indicates that visitations to the site will be low, involving in most cases either a service vehicle (ie a van or small truck for linen), or visitors of the residents using public transport. Where visitors arrive by car, they will be encouraged to park at the public car park nearby, adjacent to the Safety Bay Bowling Club.

The deflection of visitor car parking to the Bowling Club car park is not accepted, as the onus is on the applicant to provide adequate onsite parking for the development in the first instance. While it is accepted that traffic generated by service vehicles and residents would likely be low, the City considers there is a need for the provision of on-site car parking spaces to accommodate:

- any social support service vehicles that would attend to support the residents;
- St Patrick’s on site staff vehicles;
- Cars bringing residents to the property for the first time; and
- Visitors.

Given the above, three (3) on-site car parking bays are considered adequate to meet this demand.

Clause 4.14.4 – Planning Control

Pursuant to Clause 4.14.4, in considering this application the Council shall have regard to required street setback and the need for adequate landscaping.

As Penola House adjoins residential zoned land (Coded R15), a 6m primary street setback is taken to apply. No building structures are proposed within the 6m primary street setback.

The Council has the ability to require up to 10% of the total site area to be provided as landscaping under sub-clause (b). As the subject land is used for a range of different activities, it is considered reasonable to assess landscaping requirements in context with the portion of the subject land that is the subject of the current application. In this respect, it is noted that the landscaped area proposed to the front of Penola House exceeds 10%.

Planning and Development (Local Planning Scheme) Regulations 2015

Clause 67 of the Planning and Development (Local Planning Scheme) Regulations (‘the Regulations’) outlines matters to be considered by the Council in determining this application. The provisions of Clause 67 are reproduced in full as an Attachment to this report, however, are described below to the extent they are considered particularly relevant to the current proposal.

(a) The aims and provisions of this scheme;

(g) Any local planning policy;

(m) the compatibility of the development within its setting, including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) The amenity of the locality including the following:
   (i) Environmental impacts of the development;
   (ii) The character of the locality;
   (iii) Social impacts of the development;

(s) The adequacy of:
   (i) The proposed means of access to and egress from the site; and
   (ii) Arrangements for the loading, unloading, manoeuvring and parking of vehicles;

(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
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

Amenity Impacts

In considering submitter concerns regarding potential amenity impacts of the proposal, the following core issues need consideration:

- What is the amenity of the surrounding area?
- Whether, and to what extent the accommodation of 31 men at risk of homelessness in Penola House will prejudicially affect the amenity of the surrounding locality?

TPS2 defines amenity to mean “all those factors which combine to form the character of an area and include the present and likely future amenity”.

In considering this issue, the Council is required to consider the proposal having regard to the preservation of both the present and likely future amenity of the locality.

While the concept of locality is necessarily flexible, the State Administrative Tribunal (SAT) has found previously that determination of the boundaries of the locality in any given case is generally concerned with town planning impacts.

For the current application, the boundaries of the locality are regarded as being defined by Arcadia Drive, Seaforth Road and Safety Bay Road, being the area within which future residents of Penola House could reasonably be expected to frequent, whether for recreation, shopping or gaining access to employment and services.
The locality can be characterised based on the following attributes:

- A predominantly quiet, low density residential area (zoned R15/R20), with pockets of medium density (R40) land generally located proximate to a local activity centre 500m east of the site on Safety Bay Road;
- Building form is a mix of single and two storey (on Arcadia Drive) detached single dwellings on Lots with generous street setbacks on the low density land, while some two story group housing and single dwellings on small lots with minimal street setbacks exist in the R40 areas.
- Properties include a mix of owner occupied and rental properties, as well as properties used for holiday accommodation;
- Mersey Point and the nearby coastline of Shoalwater are significant natural features and major recreation nodes of importance for tourism;
- The Safety Bay Bowling Club and public car park are located nearby the subject land, diagonally across Mersey Road.

As such, the locality is considered to be a predominantly residential area.

Based on the existing zonings, there is no significant potential for further residential development in this area other than on undeveloped lots. As such, the future amenity of the locality is unlikely to significantly change.

As to whether, and to what extent the accommodation of 31 men at risk of homelessness in Penola House will prejudicially affect the amenity of the surrounding locality, the following points are noted.

Concerns raised in submissions include:

- Residents affected by mental health issues or being intoxicated or affected by drugs; the occurrence of anti-social behaviour and crime towards local residents and tourists and associated risks to health and safety;
- Inadequate on site supervision and concerns about the management of the proposal;
- The prospect of encountering residents in the street and the anxiety this may cause;
- Elderly residents in the neighbourhood feeling vulnerable and fearful of the proposal proceeding;
- The prospect of residents congregating with little to do, given the location of the property from support services and places of employment;
- Traffic generation.
The above issues, if substantiated, have the potential to adversely impact the amenity of the locality. In regards to the Proposal, it is noted however that:

- Penola House is a purpose built facility for human habitation, the intensity of the use of which has decreased over time until the present. The proposal will re-activate the use of Penola House to an intensity consistent with the building’s capacity to house residents;
- St Patrick’s is an experienced service provider having managed accommodation over 25 years. St Patrick’s has indicated that in its experience, it is rare for circumstances to arise which would give rise to risk to persons or property;
- St Patrick’s resident screening procedure has a focus on selecting individuals with the capacity to be independent and live appropriately with other resident’s and the surrounding community. People with significant behavioural issues will not be accepted into Penola House;
- St Patrick’s operate a system involving multiple layers of support, through a housing worker based on site Monday to Friday; two trained and supported senior residents, and housing workers on call 24/7. The Proponent has stated that most of St Patrick’s residences do not have staff based on site and operate with minimal issues.
- Mechanisms are proposed to manage the health and safety of residents, visitors, staff and community in the event breaches of the expected code of conduct.
- The application states that residents are not permitted to remain idle and are expected to engage in activities to fill their time. This could include engaging in employment, training, volunteering and exercising. Management action is taken in the event resident behaviour does not meet expectations.

Further to the above, the City enquired with the WA Police and obtained documents to help understand the kind of conduct that could be encountered by residents in the locality if the application was to be approved.

The City obtained a Police report on incident call outs relating to a similar facility operated by St Patrick’s (Colgan House) in Beaconsfield. Colgan House comprises of 19 bedrooms, shared kitchen and private bathrooms. The Police report indicated that over a period of five years there were 10 call outs to the above property.

The callouts related to the following types of events:

- Family/domestic violence (2)
- Welfare check (2)
- Judicial processes (1)
- Stealing (2)
- Disturbance (1)
- Assault (1)
- Other incident - not listed (1).

It should be noted the Police report indicates only the callouts to the address in question, and does purport to reflect convictions for the events investigated.

In addition, St Patrick’s provided a letter from the Officer in Charge of the Fremantle Police Station which states "I have reviewed out internal holdings of complaints and police attendance at Colgan House and can provide supportive detail that police have had minimal engagement at this address and no significant criminal nor anti-social activity is evident".

To conclude on amenity, in consideration of all of the information available and having regard to St Patrick’s stated experience, the City considers, on balance, the proposal is unlikely to adversely impact on the amenity of the area.

In light of the above, the core issue before Council is whether the proposed development in its proposed location is acceptable, having regard to the planning framework.

In this respect, the City concludes that the proposal:
• Is a permissible use in the zone;
• Is consistent with the Objective for the Community Purposes zone;
• Will not generate traffic that will adversely impact on the locality;
• Will not adversely impact on the privacy of adjoining land, as any existing bedroom windows in Penola House which overlook adjoining land can be screened or treated to prevent overlooking; and
• If managed as indicated in the application, the proposal is unlikely to adversely impact on the amenity of the locality;
• Police records do not indicate significant issues with the operation of Colgan House, a similar use as the one proposed.

On balance, it is considered the application does not present any fatal flaw which would warrant refusal.

It is recommended that approval is granted, subject to conditions.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for a change of use to Residential Building (Transitional Accommodation for Males at Risk of Homelessness) on Lot 28 (23-27) Penguin Road, Shoalwater, 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 Plan, Drawing No. DA01, dated 14/2/19;
   - Existing Floor Plan – Demolition Works, Drawing No. A205, dated 7/1217;
   - Ground Floor Plan, Drawing No. DA04, dated 29/10/2018;
   - First Floor Plan, Drawing No. A201, 7/12/17;
   - Bushfire Management Plan, dated 10/8/18;

   save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

2. A Building Management Plan shall be approved by the City of Rockingham prior to establishment of the use, which must be observed and performed in accordance with the tenor of its provisions, including the following measures:
   (i) Specify the House Rules and the behavioural expectations residents are expected to abide by;
   (ii) Specify behaviour management measures to ensure compliance with (i);
   (iii) Specify the details of access to 24 hour/7 day on-call staff, and performance expectations regarding response times upon being notified of incidents;
   (iv) Specify the contact details of the Senior Residents nominated to a supervisory role from time to time;
   (v) Provide the contact details required by (iii) and (iv) above to all property owners/occupiers within 100m of the subject land;
   (vi) Include measures managing visitors, specify visiting hours, behavioural expectations and consequences for non-compliance;
   (vii) Implement recommendations contained in the Bush Fire Management Plan referred to in Condition 1 above, in particular, emergency evacuation procedures;
(viii) Specify an incident reporting process, with a report to be provided to the City on an annual basis outlining all reported incidents and the outcomes of investigations.

3. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established and areas to be mulched;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

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

4. Prior to applying for a Building Permit, the openings to the upper floor bedroom windows on the eastern side of the building must be designed in accordance with the following requirements:
   (i) Consist of fixed obscure glazing with no part of the window below a height of 1.6m above floor level able to be opened; or
   (ii) Have a sill height not less than 1.6 metres above floor level; or
   (iii) Have external privacy screens installed to prevent overlooking of the adjoining property.

The design must be implemented and maintained for the duration of the development to the satisfaction of the City of Rockingham.

5. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

6. The proposed resident seating area shown on the Site Plan in front of Penola House is excluded from this approval.

7. The car parking must:
   (i) Provide three (3) car parking spaces on site in accordance with the approved site plan, with the exception that proposed Car Bay No.4 is excluded from this approval;
   (ii) Be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained in good condition thereafter;
   (iv) Confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

8. A Waste Management Plan shall be approved by the City of Rockingham prior to establishment of the use, which must be observed and implemented in accordance with the tenor of its provisions, for the duration of the development. The Waste Management Plan shall provide for the re-location of the bin store away from the front of Penola House to a location on site that is screened from view of the public domain.

9. Residents shall not be permitted to gather on the site in front of Penola House.
Committee Recommendation

Moved Cr Summers, seconded Cr Elliott:

That Council APPROVES the application for a change of use to Residential Building (Transitional Accommodation for Males at Risk of Homelessness) on Lot 28 (23-27) Penguin Road, Shoalwater, 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 Plan, Drawing No. DA01, dated 14/2/19;
   - Existing Floor Plan – Demolition Works, Drawing No. A205, dated 7/12/17;
   - Ground Floor Plan, Drawing No. DA04, dated 29/10/2018;
   - First Floor Plan, Drawing No. A201, 7/12/17;
   - Bushfire Management Plan, dated 10/8/18;

save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

2. A Building Management Plan shall be approved by the City of Rockingham prior to establishment of the use, which must be observed and performed in accordance with the tenor of its provisions, including the following measures:
   (i) Specify the House Rules and the behavioural expectations residents are expected to abide by;
   (ii) Specify behaviour management measures to ensure compliance with (i);
   (iii) Specify the details of access to 24 hour/7 day on-call staff, and performance expectations regarding response times upon being notified of incidents;
   (iv) Specify the contact details of the Senior Residents nominated to a supervisory role from time to time;
   (v) Provide the contact details required by (iii) and (iv) above to all property owners/occupiers within 100m of the subject land;
   (vi) Include measures managing visitors, specify visiting hours, behavioural expectations and consequences for non-compliance;
   (vii) Implement recommendations contained in the Bush Fire Management Plan referred to in Condition 1 above, in particular, emergency evacuation procedures;
   (viii) Specify an incident reporting process, with a report to be provided to the City on an annual basis outlining all reported incidents and the outcomes of investigations.

3. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established and areas to be mulched;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

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

4. Prior to applying for a Building Permit, the openings to the upper floor bedroom windows on the eastern side of the building must be designed in accordance with the following requirements:
(i) Consist of fixed obscure glazing with no part of the window below a height of 1.6m above floor level able to be opened; or

(ii) Have a sill height not less than 1.6 metres above floor level; or

(iii) Have external privacy screens installed to prevent overlooking of the adjoining property.

The design must be implemented and maintained for the duration of the development to the satisfaction of the City of Rockingham.

5. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

6. The proposed resident seating area shown on the Site Plan in front of Penola House is excluded from this approval.

7. The car parking must:

   (i) Provide three (3) car parking spaces on site in accordance with the approved site plan, with the exception that proposed Car Bay No.4 is excluded from this approval;

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

   (iii) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained in good condition thereafter;

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

8. A Waste Management Plan shall be approved by the City of Rockingham prior to establishment of the use, which must be observed and implemented in accordance with the tenor of its provisions, for the duration of the development. The Waste Management Plan shall provide for the re-location of the bin store away from the front of Penola House to a location on site that is screened from view of the public domain.

9. Residents shall not be permitted to gather on the site in front of Penola House.

10. Pursuant to cl 72 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA), the time for which this development approval is granted is limited to a period of 12 months.

    Advice Note: The Council will review an extension of the 12 month approval period, following the applicant submitting a further application for development approval beyond the period of 12 months. The City recommends that it be submitted no later than 3 month prior to the expiration of that period, to allow a public consultation process to take place before that application is considered by Council.

Committee Voting – 3/2

Councillors having voted for the motion: Cr Elliott (2)
Cr Summers

Councillors having voted against the motion: Cr Sammels
Cr Hamblin

NOTE: Due to an equality of votes at the Planning and Engineering Services Committee meeting, the Chairperson exercised his obligation to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).

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

To enable further assessment on the impact of the facility on surrounding landowners during the 12 month trial period.
Implications of the Changes to the Officer’s Recommendation

The Committee has recommended the addition of Condition 10, as follows:

"10. Pursuant to cl 72 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA), the time for which this development approval is granted is limited to a period of 12 months."

The Council has the discretion to specify an approval period under the Planning and Development (Local Planning Schemes) Regulations 2015 (WA).

This addition of Condition 10 would have the following planning and logistical implications:

1. It is possible that the Proponent may maintain that a 12 month period is insufficient to justify spending $790,000 (excluding GST) to upgrade Penola House to the standard necessary for the proposed use.

2. By limiting the approval to a period of 12 months, the Proponent will be required to lodge a fresh application for development approval with the City with sufficient lead-in time to allow (if granted) the use to continue unabated. For the City to process a further development application, and to allow for sufficient public consultation, this would mean the Proponent would need to submit a fresh development application at least 3 months prior to expiration of the 12 month period.

3. If the Proponent considers that an approval limited to a period of 12 months is inadequate or unreasonable, it may seek to have that condition reviewed in State Administrative Tribunal.

These matters should be borne in mind when determining whether to impose Condition 10.

Should Council impose Condition 10, it is recommended that the words "commencing from the date of issuing of an Occupancy Permit for the building work" be added to make it clear that the 12 month period does not commence until the building work has been completed and an Occupancy Permit has been issued as follows:

10. Pursuant to cl 72 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA), the time for which this development approval is granted is limited to a period of 12 months, commencing from the date of issuing of an Occupancy Permit for the building work.
### Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (MSWJDAP) on an application for proposed Lifestyle Village at Lots 2 and 13 (Nos 1447 and 1457) Mandurah Road, Baldivis.

### Background

The subject land has a total land area of 4.0467ha.
The subject land is well vegetated with more than 50 mature Tuart trees and two mature Jarrah trees. The topography of the site is steep with a fall of approximately 20m from east to west. There is an existing house and associated outbuildings on each lot.

The lots are located within the area known as the “Baldivis Rural Wedge” which has a distinctly rural amenity, characterised by small scale rural and semi-rural land uses such as plant nurseries and hobby farming and special rural residential development.

The Vernon Arms tavern and White Lakes Brewery are located directly to the north of the subject land. To the east is the Lake Walyungup wetland which is highly visible from the adjoining roads.

The subject land is otherwise surrounded by rural-style residential land on one to two hectare lots.

1. Location Plan
A Joint Development Assessment Panel application has been received seeking development approval for a Lifestyle Village on Lots 2 and 13 (Nos 1447 and 1457) Mandurah Road, Baldivis. The application consists of the following:

- Development of a 'Lifestyle Village' which includes the construction of 68 chalets, a feature 'screen' wall, private access roads, a communal clubhouse and associated open spaces;
- The proposed chalets are made up of 22 one bedroom chalets and 46 two bedroom chalets, with each chalet including a kitchen, dining and living area, one bathroom and laundry as well as an additional study room, store area and alfresco area;
- Each chalet will also be provided with a carport providing parking for one vehicle as well as 24 visitor parking bays, forward of the chalets; and
- The existing houses and associated structures are proposed to be retained.

The following reports accompany the development application:

- Acoustics Report;
- Planning Report;
- Transport Statement;
- Environmental Impact Assessment;
- Bushfire Management Plan and Emergency Plan; and
The original development proposal included a series of five commercial tenancies adjacent to the visitor car bays. Amended plans were subsequently provided which removed these commercial tenancies from the application. It is noted, however, that reference to the commercial tenancies was not removed throughout the supporting reports.
3. Site Plan
4. Unit Floor Plan and Elevations
5. Detailed One Bedroom and Two Bedroom Plans
6. Perspectives
Implications to Consider

a. Consultation with the Community

In accordance with Clause 64 of the deemed provisions of City of Rockingham Town Planning Scheme No.2 (TPS 2) the application was advertised for public comment over a period of 28 days, commencing on 23 January 2019 and concluding on 20 February 2019. The proposed intensity of residential land use warranted comment from nearby owners and occupiers prior to Council providing its recommendation to the MSWJDAP.

Note: Advertising was undertaken prior to the City becoming aware of *Henville v City of Armadale* [2018] WASAT 108 (HENVILLE) which is detailed in the Legal and Statutory section of this report.

Advertising was carried out in the following manner:

- Landowners and occupiers within 500 metres of the site were notified in writing of the proposed development, as shown in Consultation Map below;
- A sign advertising the proposed development was erected on the front boundary, between the two sites;
- A notice appeared in the public notices section of the Sound Telegraph on the 23 January 2019 and the 30 January 2019; and
- Copies of technical documents and plans of the proposal were made available for public inspection at the City’s Administration Offices and placed on the City’s website.
7. Consultation Map

At the close of the public consultation period a total of 12 submissions were received, which included eight (8) objections, one (1) petition objecting the proposal from landowners of six rural properties and three (3) letters of support.
A Schedule of Submission is attached, however, given that the proposed land use cannot be approved, the City has not considered these submissions.

A detailed assessment of the land use permissibility is included in the Legal and Statutory section of this report.

b. **Consultation with Government Agencies**

The following Government departments and service agencies were consulted:

- Department of Water and Environmental Regulations (DWER);
- Department of Health (DoH);
- Department of Fire and Emergency Services (DFES); and
- Department of Planning, Lands and Heritage (DPLH).

The submissions are contained within the attached Schedule of Submissions, however, given that the proposed land use cannot be approved, the City has not considered these submissions.

c. **Strategic Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

- **Aspiration 3:** Plan for Future Generations
- **Strategic Objective:** Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

City of Rockingham Town Planning Scheme No.2 (TPS2)

**Clause 3.2 - Zoning Table**

The subject land is zoned ‘Rural’ under TPS2.

The applicant has applied for a ‘Lifestyle Village / Park Home Estate’ which includes the construction of 68 chalets that “provide alternative accommodation for the aged” as well as a communal clubhouse. The ‘Chalets / Park Homes’ are also referred to as ‘Grouped Dwellings’ throughout the Planning Report.

In its submission, the applicant contends that the proposed development reasonably fits within the definition of a ‘Caravan Park’ land use under TPS2. This is based upon a decision from the Minister for Planning, Lands and Heritage that in summary concluded that, where no distinction is drawn between a ‘Park Home’ and a ‘Caravan’ under a Town Planning Scheme a ‘Park Home’ shall be treated as a ‘Caravan’.

It is noted that a ‘Caravan Park’ is an ‘A’ use within the Rural zone under TPS2. This means the land use is not permitted unless the Local Government has exercised its discretion following advertising.

On 19 October 2018, in HENVILLE, the State Administrative Tribunal (SAT) affirmed a decision by the City of Armadale to refuse an application for a park home park licence. Critical to the SAT’s reasoning was the interpretation of the word ‘Vehicle’ as defined in the Act and accordingly, the interpretation of what constitutes a ‘Park Home’.

In HENVILLE, the SAT concludes that a ‘Park Home’ must meet three tests:

1. It must be a means of transport to be a conveyance and therefore a vehicle as defined;
(2) It must be a vehicle of a class or description as provided for by the Regulations; and
(3) It must be fitted or designed for habitation.

The SAT also determined that for an object to be a ‘vehicle’ for the purposes of the Act, it must be a means of transport and not merely moveable or capable of movement.

There is no detailed evidence contained within the proposed Development Application that the ‘Chalets/Park Homes’ meet the first two limbs of the test. Notably there is no evidence that the ‘Chalets/Park Homes’ are vehicles capable of being a means of transport i.e. the ‘Chalets/Park Homes’ do not contain axles, chassis or wheels.

It is therefore concluded that the development does not contain any ‘Park Homes’ and consequently cannot be treated as a ‘Caravan Park’ land use pursuant to TPS2.

In effect, it is considered that the proposal must be treated as a ‘Grouped Dwelling’ development. A ‘Grouped Dwelling’ is defined in TPS2 and State Planning Policy 3.1 Residential Design Codes (R-Codes) as:

“A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.”

The proposal is considered to satisfy this definition, as it includes 68 single-storey chalets over the two lots. Additionally, the applicant refers to the ‘Chalets’ as ‘Grouped Dwellings’ on a number of occasions in its submission. It is therefore concluded that the proposal must be treated as ‘Grouped Dwelling’ development, which is a prohibited ‘X’ use that is not capable of approval within the Rural Zone.

For the above reasons, the development application must be refused, as Council and MSWJDAP has no discretion to approve ‘X’ land uses.

It could be contended that the proposal may be treated as a ‘Lifestyle / Retirement Village’, which is a Use Not Listed under TPS2, however, this is not considered to be appropriate as the R-Codes specifically make provision for aged accommodation (i.e Aged or dependant person’s dwellings). Consequently, applications for aged accommodation that contain two or more dwellings are appropriate to be treated as ‘Grouped Dwellings’ pursuant to 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
Nil

Voting Requirements
Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for the proposed Lifestyle Village at Lots 2 and 13 (No’s 1447 and 1457) Mandurah Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro South-West Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

Refuse the DAP Application reference DAP/18/01451 and accompanying plans

- Site Plan, Drawing No.SK1 Rev A, dated 16.03.2018;
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MAY 2019

Planning and Engineering Services Committee Minutes
Monday 15 April 2019
PD-023/19

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MAY 2019

• Ground Floor Plan, Drawing No.SK2 Rev 01.01, dated 16.03.2018;
• Unit Floor Plan and Elevations, Drawing No.SK3 Rev 01.01, dated 16.03.2018;
• Club House Floor Plan and Elevations, Drawing No.SK4 Rev 01.01, dated 16.03.2018;
• Site Plan Tank Locations, Drawing No.SK5, dated 16.03.2018;
• Recreational Area Site Plan, Drawing No.SK6, dated 16.03.2018;
• Site Sections, Drawing No.SK7, dated 16.03.2018;
• Perspectives, Drawing No.SK8, dated 16.03.2018;
• Survey Plan, Drawing No.SK9, dated 16.03.2018

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to the following reason:

Reason
1. The proposed development is for a land use which is prohibited ('X') under Town Planning Scheme No.2.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:
That Council ADOPTS the Responsible Authority Report for the application for the proposed Lifestyle Village at Lots 2 and 13 (No's 1447 and 1457) Mandurah Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro South-West Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

Refuse the DAP Application reference DAP/18/01451 and accompanying plans

• Site Plan, Drawing No.SK1 Rev A, dated 16.03.2018;
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• Site Sections, Drawing No.SK7, dated 16.03.2018;
• Perspectives, Drawing No.SK8, dated 16.03.2018;
• Survey Plan, Drawing No.SK9, dated 16.03.2018

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to the following reason:

Reason
1. The proposed development is for a land use which is prohibited ('X') under Town Planning Scheme No.2.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
Planning and Development Services
Statutory Planning Services

Reference No & Subject: PD-024/19
Final Approval Scheme Amendment No.173 - Schedule No's 1 and 2 General Interpretations and Land Use Interpretations of Town Planning Scheme No.2

File No: LUP/2100

Applicant:
Owner:
Author: Mr Greg Delahunty, Senior Projects Officer
Other Contributors: Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 15 April 2019
Previously before Council: November 18 (PDS-62/18)

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

Site: 
Lot Area: 
LA Zoning: 
MRS Zoning: 
Attachments: 
Maps/Diagrams: 

Purpose of Report
To consider the Final Approval of Scheme Amendment No.173 to Town Planning Scheme No.2 (TPS2) for the purpose of amending Schedule No.1 General Interpretations and Schedule No.2 Land Use Interpretations for consistency with the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).

Background
In November 2018, Council resolved to adopt Amendment No.173 to TPS2 for the purposes of amending TPS2.

Details
Following the conclusion of the advertising period, Amendment No.173 must be considered by Council for Final Approval.
Some minor modifications to Amendment No.173 are required to ensure that the short term accommodation provisions are consistent with the Regulations.

**Implications to Consider**

a. **Consultation with the Community**
This Scheme Amendment was advertised in accordance with the Regulations for a period of 45 days, commencing on 18 January 2019 and concluding on 4 March 2019. Public advertising was carried out in the following manner:
- A notice appeared in the Public Notices section of the Weekend Courier on the 18 January 2019;
- Copies of the Amendment and supporting documentation were made available for inspection at the City's Administration Offices and on the City's website.

At the conclusion of the advertising period, no submissions were received.

b. **Consultation with Government Agencies**
All Scheme Amendments are required to be referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment is required, prior to advertising. The EPA advised that the Scheme Amendment should not be assessed under the Act, and that it was not necessary to provide any environmental advice or recommendations on the Scheme Amendment.

The Western Australian Planning Commission (WAPC) was also consulted.

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 3:** Plan for Future Generations

**Strategic Objective:** Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. **Policy**
Nil

e. **Financial**
Nil

f. **Legal and Statutory**
**Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)**
The procedures for dealing with an application to amend TPS2, as per the Planning and Development Act 2005, are set out in the Regulations. Regulation 35 (1) allows the Council to adopt a standard amendment to TPS2.

Regulation 50(3) provides that the City shall:

“As soon as practicable after the end of the consideration period for a standard amendment to a local planning scheme, or if no submissions have been received within the submission period, after the end of the submission period, the local government must pass a resolution:-

(a) to support the amendment to the local planning scheme with or without modification;

or

(b) not to support the amendment to the local planning scheme.

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

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

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

Nil
Comments

The proposed Scheme Amendment will ensure consistency between TPS2 and the Regulations. It will also ensure consistency between the City’s Policy framework and TPS2.

The proposed adjustments related to holiday accommodation have been included to address minor errors with the document that was advertised. These adjustments, however, are consistent with the Regulations and do not change the intent of the advertised amendment. The adjustments are as follows:

<table>
<thead>
<tr>
<th>Modification</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal 1</td>
<td>‘Short stay accommodation’ is not currently within Schedule No.1 – General interpretations. As such, it cannot be replaced with ‘short term accommodation’. Instead it should have been included in Proposal 3.</td>
</tr>
<tr>
<td>Proposal 3</td>
<td>This was included in Proposal 1 instead of Proposal 3.</td>
</tr>
<tr>
<td>Proposal 7</td>
<td>‘Short stay accommodation’ was incorrectly identified to be replaced by ‘holiday accommodation’ in the original proposal. It is, however, more appropriate to replace it with ‘holiday accommodation’ and to replace ‘single short stay accommodation’ with ‘holiday house’.</td>
</tr>
<tr>
<td>Proposal 7</td>
<td>‘Single short stay accommodation’ was omitted from the original proposal.</td>
</tr>
<tr>
<td>Proposal 9</td>
<td>‘Holiday accommodation’ is proposed to replace ‘short stay accommodation’ within Proposal 7. As such, it is not necessary to insert it as a new land use interpretation within Proposal 9.</td>
</tr>
<tr>
<td>Proposal 11</td>
<td>‘Holiday accommodation’ will replace ‘short stay accommodation’ which already exists in the land use zoning table, it is therefore not necessary to include it as a new change to the land use Zoning Table.</td>
</tr>
</tbody>
</table>

It is recommended that the Council grant Final Approval to adopt Scheme Amendment No.173, subject to the adjustments highlighted in red.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** for Final Approval Amendment No.173 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows (modifications in red):

   **Proposal 1**
   
   Replace the following interpretations within Schedule No.1 - General interpretations with the corresponding definitions set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37:
- commercial vehicle
- frontage
- gazetted date (to be replaced with commencement day)
- incidental use
- net lettable area
- non-conforming use
- predominant use
- short stay accommodation (to be replaced with short-term accommodation)

Proposal 2
Replace the following interpretation within Schedule No.1 - General interpretations with the corresponding definition set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37 the following Schedule No.1 - General Interpretations for general consistency with the Regulations:
- building envelope means the area of land within which all buildings, retaining walls and effluent disposal facilities on a lot must be contained;

Proposal 3
Insert the following new interpretations within Schedule No.1 - General interpretations as set out in the model provisions in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37:
- building height
- cabin
- chalet
- floor area
- minerals
- precinct
- short-term accommodation
- wall height

Proposal 4
Delete the following Schedule No.1 - General Interpretations for consistency with the Regulations.
- freeway service station

Proposal 5
Insert the following statement in Schedule No.1 - General Interpretations as set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37:
(2) A word or expression that is not defined in this Scheme -
(a) has the meaning it has in the Planning and Development Act 2005; or
(b) if it is not defined in that Act - has the same meaning as it has in the R-Codes

Proposal 6
Replace the following land use definitions within Schedule No.1 - land use interpretations with the corresponding land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:
- abattoir
- agriculture - extensive
- agriculture - intensive
- amusement parlour
- bed and breakfast
- caravan park
- caretaker’s dwelling
- car park
- child care premises
- club premises
- consulting rooms
- convenience store
- educational establishment
- exhibition centre
- fuel depot
- funeral parlour
- home business (Also amend Clause 4.16.2 for consistency)
- home occupation (Also amend Clause 4.16.1 for consistency)
- home office
- home store
- hospital
- hotel
- industry
- industry - extractive
- industry - light
- medical centre
- motel
- nightclub
- reception centre
- restricted premises
- service station
- shop
- small bar
- tavern
- telecommunications infrastructure
- transport depot

Proposal 7

Replace the following land use definitions within Schedule No.1 - land use interpretations with the corresponding land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:

- car wash (to be replaced by motor vehicle wash)
- cattery (to be replaced with animal establishment)
- community use/purpose (to be replaced by community purpose)
- dog kennels (to be replaced with animal establishment)
- family day care centre (to be replaced by family day care)
- industry - rural (to be replaced by industry - primary production)
- livestock holding facility (to be replaced by industry - primary production)
- motor vehicle and marine sales premises (to be replaced by motor vehicle, boat or caravan sales)
- motor vehicle repair station (to be replaced by motor vehicle repair)
- piggery (to be replaced by animal husbandry - intensive)
- plant nursery (to be replaced by garden centre)
- poultry farm (to be replace by animal husbandry - intensive)
- private recreation (to be replaced by recreation - private)
- public worship - place of (to be replaced by place of worship)
- restaurant (to be replaced by restaurant/cafe)
- rural pursuit (to be replaced by rural pursuit / hobby farm)
- short stay accommodation (to be replaced by holiday house accommodation)
- showrooms (to be replaced by bulky goods showroom)
- single short stay accommodation (to be replaced by holiday house)
- veterinary clinic (to be replaced by veterinary centre)
- warehouse (to be replaced by warehouse/storage)

These land use interpretations will also be replaced accordingly within the Table No.1 Zoning table.

Proposal 8
Replace the following land use definitions within Schedule No.1 - land use interpretations for general consistency with the corresponding land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:

- fast food outlet means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -
  (a) without further preparation; and
  (b) primarily off the premises;
- lunch bar means premises without a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -
  (a) without further preparation; and
  (b) primarily off the premises;
  (c) within industrial or commercial areas.

Proposal 9
Insert the following new land use definitions into Schedule No.1 - land use interpretations as set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:

- art gallery
- brewery
- civic use
- commercial vehicle parking
- holiday accommodation
- liquor store - large
- liquor store - small
- park home park
- rural home business
- serviced apartment
- tourist development
- trade supplies
- tree farm
- winery

These land use interpretations will also be inserted within the Table No.1 Zoning table.

Proposal 10

Insert the following new land use definitions into Schedule No.1 - land use interpretations for general consistency with land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:

- freeway service station means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services:
  
  (a) service station facilities;
  (b) emergency breakdown repair for vehicles;
  (c) charging points for electric vehicles;
  (d) facilities for cyclists;
  (e) restaurant, cafe or fast food services, but does not include the sale or consumption of alcohol under the Liquor Licensing Act 1988;
  (f) take-away food retailing without a facility for drive-through service;
  (g) public ablution facilities, including provision for disabled access and infant changing rooms;
  (h) parking for passenger and freight vehicles;
  (i) outdoor rest stop facilities such as picnic tables and shade areas;
  (j) Main Roads WA truck safety inspection/monitoring facilities and weighbridge, including Main Roads WA information facilities.

This land use interpretation will also be inserted into Table No.1 Zoning table.

Proposal 11

The following changes are proposed to the Zoning Table, respective of the permissibility as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Proposed Permissibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Residential</td>
<td>X</td>
</tr>
<tr>
<td>Primary Centre City Centre</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Primary Centre Waterfront Village</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Primary Centre Urban Village</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Primary Centre City Living</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Primary Centre Campus</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Primary Centre Urban Living</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Use Class</td>
<td>Zoning</td>
<td>Proposed Permissibility</td>
</tr>
<tr>
<td>---------------------------</td>
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<td>-------------------------</td>
</tr>
<tr>
<td><strong>District Town Centre</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Commercial</strong></td>
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<td>D</td>
</tr>
<tr>
<td><strong>Special Commercial</strong></td>
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<tr>
<td><strong>Service Commercial</strong></td>
<td></td>
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<td><strong>Port Kennedy Business Enterprise</strong></td>
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<tr>
<td><strong>Light Industry</strong></td>
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<tr>
<td><strong>General Industry</strong></td>
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<td><strong>Rural</strong></td>
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<td><strong>Community Purpose</strong></td>
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<tr>
<td><strong>Serviced Apartments</strong></td>
<td>Residential</td>
<td>X</td>
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<tr>
<td></td>
<td>Primary Centre City Centre</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>Primary Centre Waterfront Village</td>
<td>D</td>
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<td>Primary Centre Urban Village</td>
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### Proposal 12

It is proposed to include the following land use interpretations within the Special Rural Zones: as per Clause 4.12, Schedule No.4 and Plan No’s 3 and 4 and within the Special Residential Zone as per Clause 4.13, Schedule No.5 and Plan No’s 5, 6 and 7.

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Proposed Permissibility</th>
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<tbody>
<tr>
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#### Winery

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#### Civic Use

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</table>
Proposal 13
The following amendments are proposed to Parking Tables (Tables No.2, 3 and 4):

<table>
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<tr>
<th>Table No.</th>
<th>Current Land Use</th>
<th>Proposed Land Use</th>
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<tr>
<td>2,3,4</td>
<td>Showroom</td>
<td>Bulky Goods Showroom</td>
</tr>
<tr>
<td>2</td>
<td>Motor Vehicle Repair Station</td>
<td>Motor Vehicle Repair</td>
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<tr>
<td>2</td>
<td>Plant Nursery</td>
<td>Garden Centre</td>
</tr>
<tr>
<td>2,3,4</td>
<td>Private Recreation</td>
<td>Recreation – Private</td>
</tr>
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<td>2,3,4</td>
<td>Public Worship: Place of</td>
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<td>2,3,4</td>
<td>Restaurant</td>
<td>Restaurant/Cafe</td>
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<td>2,3,4</td>
<td>Short Stay Accommodation</td>
<td>Holiday Accommodation</td>
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<td>2</td>
<td>Veterinary Clinic</td>
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<tr>
<td>2,3,4</td>
<td>Warehouse</td>
<td>Warehouse/Storage</td>
</tr>
</tbody>
</table>

Proposal 14
All current terminology being updated by this amendment is to be replaced everywhere it appears within Town Planning Scheme No.2.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council:

1. **ADOPTS** for Final Approval Amendment No.173 to *Town Planning Scheme No.2* for the purposes of amending Town Planning Scheme No.2 as follows (modifications in red):

**Proposal 1**
Replace the following interpretations within Schedule No.1 - General interpretations with the corresponding definitions set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37:

- commercial vehicle
- frontage
- gazetted date (to be replaced with commencement day)
- incidental use
- net lettable area
- non-conforming use
- predominant use
- short stay accommodation (to be replaced with short term accommodation)
Proposal 2
Replace the following interpretation within Schedule No.1 - General interpretations with the corresponding definition set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37 the following Schedule No.1 - General Interpretations for general consistency with the Regulations:
- building envelope means the area of land within which all buildings, retaining walls and effluent disposal facilities on a lot must be contained;

Proposal 3
Insert the following new interpretations within Schedule No.1 - General interpretations as set out in the model provisions in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37:
- building height
- cabin
- chalet
- floor area
- minerals
- precinct
- short-term accommodation
- wall height

Proposal 4
Delete the following Schedule No.1 - General Interpretations for consistency with the Regulations.
- freeway service station

Proposal 5
Insert the following statement in Schedule No.1 - General Interpretations as set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 37:
(2) A word or expression that is not defined in this Scheme -
(a) has the meaning it has in the Planning and Development Act 2005; or
(b) if it is not defined in that Act - has the same meaning as it has in the R-Codes

Proposal 6
Replace the following land use definitions within Schedule No.1 - land use interpretations with the corresponding land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:
- abattoir
- agriculture - extensive
- agriculture - intensive
- amusement parlour
- bed and breakfast
- caravan park
- caretaker’s dwelling
- car park
- child care premises
- club premises
- consulting rooms
- convenience store
- educational establishment
- exhibition centre
- fuel depot
- funeral parlour
- home business (Also amend Clause 4.16.2 for consistency)
- home occupation (Also amend Clause 4.16.1 for consistency)
- home office
- home store
- hospital
- hotel
- industry
- industry - extractive
- industry - light
- medical centre
- motel
- nightclub
- reception centre
- restricted premises
- service station
- shop
- small bar
- tavern
- telecommunications infrastructure
- transport depot

Proposal 7
Replace the following land use definitions within Schedule No.1 - land use interpretations with the corresponding land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:
- car wash (to be replaced by motor vehicle wash)
- cattery (to be replaced with animal establishment)
- community use/purpose (to be replaced by community purpose)
- dog kennels (to be replaced with animal establishment)
- family day care centre (to be replaced by family day care)
- industry - rural (to be replaced by industry - primary production)
- livestock holding facility (to be replaced by industry - primary production)
- motor vehicle and marine sales premises (to be replaced by motor vehicle, boat or caravan sales)
- motor vehicle repair station (to be replaced by motor vehicle repair)
- piggery (to be replaced by animal husbandry - intensive)
- plant nursery (to be replaced by garden centre)
- poultry farm (to be replace by animal husbandry - intensive)
- private recreation (to be replaced by recreation - private)
- public worship - place of (to be replaced by place of worship)
- restaurant (to be replaced by restaurant/cafe)
- rural pursuit (to be replaced by rural pursuit / hobby farm)
- short stay accommodation (to be replaced by holiday house accommodation)
- showrooms (to be replaced by bulky goods showroom)
- single short stay accommodation (to be replaced by holiday house)
- veterinary clinic (to be replaced by veterinary centre)
- warehouse (to be replaced by warehouse/storage)

These land use interpretations will also be replaced accordingly within the Table No.1 Zoning table.

Proposal 8
Replace the following land use definitions within Schedule No.1 - land use interpretations for general consistency with the corresponding land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:

- **fast food outlet** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -
  (a) without further preparation; and
  (b) primarily off the premises;
- **lunch bar** means premises without a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -
  (a) without further preparation; and
  (b) primarily off the premises;
  (c) within industrial or commercial areas.

Proposal 9
Insert the following new land use definitions into Schedule No.1 - land use interpretations as set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:

- art gallery
- brewery
- civic use
- commercial vehicle parking
- **holiday accommodation**
- liquor store - large
- liquor store - small
- park home park
- rural home business
- serviced apartment
- tourist development
- trade supplies
- tree farm
- winery
These land use interpretations will also be inserted within the Table No.1 Zoning table.

**Proposal 10**

Insert the following new land use definitions into Schedule No.1 - land use interpretations for general consistency with land use terms set out in the model provisions for Local Planning Schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 38:

- **freeway service station** means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services:
  
  (a) service station facilities;
  (b) emergency breakdown repair for vehicles;
  (c) charging points for electric vehicles;
  (d) facilities for cyclists;
  (e) restaurant, cafe or fast food services, but does not include the sale or consumption of alcohol under the Liquor Licensing Act 1988;
  (f) take-away food retailing without a facility for drive-through service;
  (g) public ablation facilities, including provision for disabled access and infant changing rooms;
  (h) parking for passenger and freight vehicles;
  (i) outdoor rest stop facilities such as picnic tables and shade areas;
  (j) Main Roads WA truck safety inspection/monitoring facilities and weighbridge, including Main Roads WA information facilities.

This land use interpretation will also be inserted into Table No.1 Zoning table.

**Proposal 11**

The following changes are proposed to the Zoning Table, respective of the permissibility as follows:

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<tr>
<th>Use Class</th>
<th>Zoning</th>
<th>Proposed Permissibility</th>
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## Use Class

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<td></td>
<td>Primary Centre City Centre</td>
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### Use Class

<table>
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<tr>
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<tr>
<td>Primary Centre Waterfront Village</td>
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<tr>
<td>Primary Centre Urban Village</td>
<td>X</td>
</tr>
<tr>
<td>Primary Centre City Living</td>
<td>X</td>
</tr>
<tr>
<td>Primary Centre Campus</td>
<td>X</td>
</tr>
<tr>
<td>Primary Centre Urban Living</td>
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<tr>
<td>District Town Centre</td>
<td>X</td>
</tr>
<tr>
<td>Commercial</td>
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<tr>
<td>Special Commercial</td>
<td>X</td>
</tr>
<tr>
<td>Service Commercial</td>
<td>X</td>
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<tr>
<td>Port Kennedy Business Enterprise</td>
<td>X</td>
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<tr>
<td>Light Industry</td>
<td>X</td>
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<td>Special Industry</td>
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<td>Community Purpose</td>
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</table>

### Civic Use

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Proposed Permissibility</th>
</tr>
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<tbody>
<tr>
<td>Residential</td>
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<tr>
<td>Primary Centre City Centre</td>
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<td>Primary Centre Waterfront Village</td>
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<td>D</td>
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<td>Rural</td>
<td>A</td>
</tr>
<tr>
<td>Community Purpose</td>
<td>P</td>
</tr>
</tbody>
</table>

### Proposal 12

It is proposed to include the following land use interpretations within the Special Rural Zones: as per Clause 4.12, Schedule No.4 and Plan No’s 3 and 4 and within the Special Residential Zone as per Clause 4.13, Schedule No.5 and Plan No’s 5, 6 and 7.
Proposal 13
The following amendments are proposed to Parking Tables (Tables No.2, 3 and 4):

<table>
<thead>
<tr>
<th>Table No.</th>
<th>Current Land Use</th>
<th>Proposed Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,3,4</td>
<td>Showroom</td>
<td>Bulky Goods Showroom</td>
</tr>
<tr>
<td>2</td>
<td>Motor Vehicle Repair Station</td>
<td>Motor Vehicle Repair</td>
</tr>
<tr>
<td>2</td>
<td>Plant Nursery</td>
<td>Garden Centre</td>
</tr>
<tr>
<td>2,3,4</td>
<td>Private Recreation</td>
<td>Recreation – Private</td>
</tr>
<tr>
<td>2,3,4</td>
<td>Public Worship: Place of</td>
<td>Place of Worship</td>
</tr>
<tr>
<td>2,3,4</td>
<td>Restaurant</td>
<td>Restaurant/Cafe</td>
</tr>
<tr>
<td>2,3,4</td>
<td>Short Stay Accommodation</td>
<td>Holiday Accommodation</td>
</tr>
<tr>
<td>2</td>
<td>Veterinary Clinic</td>
<td>Veterinary Centre</td>
</tr>
<tr>
<td>2,3,4</td>
<td>Warehouse</td>
<td>Warehouse/Storage</td>
</tr>
</tbody>
</table>

Proposal 14
All current terminology being updated by this amendment is to be replaced everywhere it appears within Town Planning Scheme No.2.

Committee Voting – 4/0

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

Implications of the Changes to the Officer’s Recommendation
Not Applicable
**Planning and Development Services**  
**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-025/19 Proposed Scheme Amendment No.175 - Rezoning from 'Rural' to 'Special Rural'</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/2120 D19/51954</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Masterplan P/L</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr TC and Mrs PJ Tremlett</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 April 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>August 2018 (PD-044/18)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Lot 106 (569) Eighty Road, Baldivis</td>
</tr>
<tr>
<td>Site:</td>
<td>3.2447ha</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Rural</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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</tr>
<tr>
<td>Attachments:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo of Subject Land</td>
</tr>
<tr>
<td></td>
<td>3. Indicative Development Plan</td>
</tr>
<tr>
<td></td>
<td>4. Current Zoning</td>
</tr>
<tr>
<td></td>
<td>5. Proposed Zoning</td>
</tr>
<tr>
<td></td>
<td>6. Site Photo</td>
</tr>
<tr>
<td></td>
<td>7. Tree Retention Plan</td>
</tr>
<tr>
<td></td>
<td>8. South Metropolitan Peel Sub-Regional Planning Framework</td>
</tr>
</tbody>
</table>

**Purpose of Report**

To consider initiating an amendment to Town Planning Scheme No.2 (TPS2) to rezone Lot 106 (No.569) Eighty Road, Baldivis from 'Rural' to 'Special Rural'.
1. Location Plan

2. Aerial Photo of Subject Land

Future Baldivis District Sporting Facility

Lot 106 Eighty Road
Background

Site Context
Lot 106 Eighty Road is located on the western side of Eighty Road, approximately 1.7km north of the intersection with Sixty Eight Road, Baldivis.

Comprising of 3.2ha area, the site contains a single dwelling, an outbuilding and swimming pool located toward the western end of the property.

The subject property has section of flat land, with elevations falling gently from east to west. Levels range from approximately 7m AHD to 3m AHD.

The property has historically been parkland cleared with a number of large trees scattered throughout, and an understorey comprising of mixed weedy grassland. Large Marri, Jarrah and Tuart trees provide potential breeding and foraging habitat for Black Cockatoos.

The surrounding area has the following characteristics:
- The future Baldivis District Sporting Facility (BDSF) is proposed to be located on the adjoining land to the north;
- The evolving urban area of South Baldivis is located opposite the site, east of Eighty Road;
- A landscape supply yard adjoins the site to the south;
- A Conservation Category wetland located on land to the west, a portion of which traverses the south-west corner of the subject land.

Details

The applicant seeks Council approval to rezone the land from 'Rural' to 'Special Rural'.

The applicant has provided an Indicative Development Plan (IDP) which seeks to create three lots of at least 1 ha area, with a shared single point of access to Eighty Road.

3. Indicative Development Plan

The applicant's justification for the Scheme Amendment is as follows:

1. The historic ‘Rural’ zoning of the subject land has been superseded by the recently adopted WAPC Sub-Regional Framework, which designates the land for rural residential purposes. It is submitted that this has confirmed that the use of the property for rural purposes is not the most appropriate utilisation of the subject land is not the preferred use of the site.

In order for the preferred use of the land identified in the Framework to occur, the Rural zone classification of the site must be replaced by an appropriate zoning under TPS2 that permits rural residential activity to occur. The relevant existing zone in TPS2 for this to occur is Special Rural.
2. The subject site is contained within Planning Unit No.4 of the City’s Planning Policy No.3.1.1 - Rural Land Strategy (PP3.1.1), which supports Special Rural zoning over the subject site.

3. The proposal is in accordance with the relevant State Planning Policies of the Western Australian Planning Commission (WAPC).

4. The subject site has been assessed in terms of its ability to meet planning, environmental, land capability, bush fire and servicing requirements and no constraints have been identified that cannot be appropriately managed as part of the planning and development processes.

The following documents were provided in support of the Scheme Amendment:

(i) Scheme Amendment Submission Report;
(ii) Environmental Assessment Report;
(iii) Bushfire Management Plan.

4. Current Zoning (Rural)

5. Proposed Zoning (Special Rural)
6. Site Photo

### Implications to Consider

a. **Consultation with the Community**
   
   If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations (2015)* (the Regulations) for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating the area.

b. **Consultation with Government Agencies**
   
   Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council, in accordance with the Regulations.

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 2019-2029:

   **Aspiration 3:** Plan for Future Generations
   
   **Strategic Objective:** Responsive planning and control of land use:
   
   Plan and control the use of land to meet the needs of a growing population, with consideration of future generations.

d. **Policy**
   
   **State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)**
   
   SPP3.7 notes in Table 1 that a Bushfire Hazard Level assessment and a Bushfire Management Plan (BMP) addressing the bushfire protection criteria is to be submitted in the consideration of amendments to local planning schemes.

   The Guidelines for Planning in Bushfire Prone Areas (the Guidelines) require the applicant to demonstrate, by way of a Bushfire Hazard Level Assessment (BAL), that the land proposed to be rezoned has, or can be made to have, a low to moderate bushfire hazard level (i.e. BAL-Low to BAL-29).

   A BMP has been prepared for the proposal demonstrating that a maximum BAL-29 is applicable to the proposed building envelopes through the imposition of Asset Protection Zones (APZs) around future houses. The BMP also demonstrates that the bushfire protection measures of the Guidelines are compliant and it is therefore considered acceptable from a bushfire safety point of view.
While some vegetation is required to be removed or modified to reduce the bushfire threat, the proposal is considered to be compliant with the objectives of SPP3.7, as it does not result in an increased bushfire threat.

Figure 7 below identifies trees potentially requiring modification or removal within APZ's around the building envelopes. The City considers that tree retention can be further refined at the subdivision stage and that sufficient information is provided to progress the Scheme Amendment in the meantime.

7. Tree Survey/Retention Plan

South Metropolitan Peel Sub-Regional Planning Framework

In March 2018, the WAPC adopted the South Metropolitan Peel Sub-Regional Planning Framework (the Framework), forming part of the PerthandPeel@3.5million suite of land use planning and infrastructure frameworks, intended to guide the future growth of Perth and Peel regions as a compact, consolidated and connected city that can accommodate a population of 3.5 million by 2050.

The framework identifies the site under the South Metropolitan Peel Sub-Regional Planning Framework (SMPSRPF) as 'Rural Residential' as shown in Figure 8.

Within the framework, rural residential land is characterised by Lots between 1 and 4ha.

The proposed Scheme Amendment is generally consistent with this Framework plan.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 MAY 2019

8. South Metropolitan Peel Sub-Regional Planning Framework

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

PP3.1.1 provides the basis for land use planning in the rural area of the City. It provides a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land. The subject site is located within Planning Unit No.4 of PP3.1.1.

The primary objective of Planning Unit No.4 is to encourage Special Rural/Special Residential development which recognises and enhances the landscape and natural resource attributes of the land and provides a rural context to proposed urban development to the east.

The recommended lot sizes for Planning Unit No.4A are 1ha (west of the ridgeline) and 5,000m² (east of the ridgeline) where reticulated water is provided. While located east of the ridgeline, the proposed lot sizes comply with the 1ha minimum lot size requirement for the Special Rural zone and is consistent with the Subregional Planning Framework.

In March 2018, following the release of the adopted SMPSRPF, the City identified an inconsistency between PP3.1.1 and the outcomes proposed in the SMPSRPF, with respect to Rural zoned land. Most significant, was the inconsistency with the lot sizes currently provided for under PP3.1.1 and general presumption against subdivision of land identified as Rural and the minimum lot size of 1.0ha - 4.0ha for ‘Rural Residential’ in the SMPSRPF.

In August 2018, Council resolved not to support applications to rezone land to ‘Special Rural’ and ‘Special Residential’ which fail to comply with the Framework, until the review of PP3.1.1 has been finalised. Council also resolved that it will still consider applications to rezone land to ‘Special Rural’ and ‘Special Residential’ provided they comply with the current PP3.1.1 and the Framework, which is the case for this application for a Scheme Amendment. Accordingly there is no need to defer the application for rezoning pending the outcomes of the review of PP3.1.1 as it is compliant with the Framework.

PP3.1.1 specifies that a Rural Concept Plan (RCP) be provided, prior to initiating a Scheme Amendment. The purpose of a RCP is to demonstrate the relationship between the proposal and the surrounding properties, as a means of ensuring orderly subdivision and development.
An Indicative Development Plan (IDP) (Figure 3) has been provided indicating a three lot subdivision yield over the subject land. Proposed lot sizes range from 1.02ha to 1.18ha in area and includes Building Envelopes to control the siting of development and to ensure significant vegetation is retained where possible.

Whilst a Rural Concept Plan which indicates how the site will integrate with adjoining properties has not been submitted, in this case, however, the following is noted:

- Land adjoining to the north is a future Baldivis District Sporting Facility;
- To the south is a landscape supply business;
- The ridgeline and a Conservation Category Wetland (CCW) constrain the development of land to the west;
- The South Baldivis urban area is located immediately east of the subject land.

The City considers there is a planning basis for the rezoning of Lot 106. Further, it is considered the IDP is considered acceptable.

e. Financial
Nil

f. Legal and Statutory
Planning and Development (Local Planning Schemes) Regulations (2015) (Regulations)
The proposed Scheme Amendment is a ‘Standard Amendment’ in accordance with Regulation 34(a) of the Regulations, which then requires the amendment to be referred to the Environmental Protection Authority (EPA) and advertised for public comment.

The Council is required to resolve to either Adopt (initiate) the Scheme Amendment or Not Proceed with a Scheme Amendment and notify the WAPC in writing of its decision under Regulation 35(1).

TPS2 was recently amended in March 2019 to replace all occurrences of ‘Local Development Plan’ (LDP) with the term ‘Structure Plan’, as it applies to Special Rural zones and Special Residential zones. TPS2 was also amended with respect to the references of “Local Development Plan certified by the Chief Executive Officer” being replaced with “Structure Plan certified by the Commission.” Accordingly, a Structure Plan must be prepared to guide subdivision and development if the land is rezoned to Special Rural.

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 proposal is considered to be consistent with the WAPC Framework, which has designated the site as Rural Residential, and with the Council’s resolution in August 2018 with respect the exemption that applies to the moratorium on Special Rural and Special Residential Amendments.

It is proposed to rezone the site to ‘Special Rural’ and include the land in Schedule No.4 ‘Portions of Planning Unit 4’ of TPS2. Provisions already contained in TPS2 can be applied at the time of subdivision to designate Building Envelopes and retain significant vegetation.

As such, Amendment No.175 is supported which seeks to rezone Lot 106 (No.569) Eighty Road, Baldivis from ‘Rural’ to ‘Special Rural’.

Voting Requirements
Simple Majority
**Officer Recommendation**

That Council:

1. **ADOPTS** (initiate) Amendment No.175 to Town Planning Scheme No.2 as follows:
   
   (i) Rezone Lot 106 (No.569) Eighty Road, Baldivis from 'Rural' to 'Special Rural'.
   
   (ii) Amend the Scheme Maps to contain Lot 106 (No.569) Eighty Road, Baldivis within the Special Rural Zone and reference this on the Scheme Map as 'Special Rural'.
   
   (iii) Modify the location table in 'Schedule No.4 - Special Rural Zones' Portions of Planning Unit No.4 of the Rural Land Strategy to include Lot 106 (No.569) Eighty Road, Baldivis as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 (vi)</td>
<td>Lot 106 Eighty Road, Baldivis.</td>
</tr>
</tbody>
</table>

   (iv) Amend Plan No.4 - Special Rural Zones (North) to include Lot 106 (No.569) Eighty Road, Baldivis with bold outline and designate it as '4 (vi)'.

2. **CONSIDERS** the proposed Scheme Amendment as a 'Standard Amendment' in accordance with Regulation 34(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council:

1. **ADOPTS** (initiate) Amendment No.175 to Town Planning Scheme No.2 as follows:

   (i) Rezone Lot 106 (No.569) Eighty Road, Baldivis from 'Rural' to 'Special Rural'.

   (ii) Amend the Scheme Maps to contain Lot 106 (No.569) Eighty Road, Baldivis within the Special Rural Zone and reference this on the Scheme Map as 'Special Rural'.

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   (iv) Amend Plan No.4 - Special Rural Zones (North) to include Lot 106 (No.569) Eighty Road, Baldivis with bold outline and designate it as '4 (vi)'.

2. **CONSIDERS** the proposed Scheme Amendment as a 'Standard Amendment' in accordance with Regulation 34(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.

   Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
## Purpose of Report

To consider the adoption of modifications to ‘Planning Policy No.3.2.5 – Development Policy Plan – Waterfront Village Sector’ (PP3.2.5) that will increase building height and modify built form within the ‘Foreshore Precinct’ of the Waterfront Village Sector.

---

**Reference No & Subject:**

<table>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-026/19</th>
<th>Final Adoption of Amendment to Planning Policy No.3.2.5 – Development Policy Plan: Waterfront Village Sector – Including New Height Provisions within the Foreshore Precinct</th>
</tr>
</thead>
</table>

**File No:**

LUP/367-04

**Applicant:**

Owner:

Author:

Mr Greg Delahunty, Senior Projects Officer

Mr Bob Jeans, Director Planning and Development Services

**Other Contributors:**

**Date of Committee Meeting:**

15 April 2019

**Previously before Council:**

27 November 2018 (PD-63/18)

**Disclosure of Interest:**

Executive

**Site:**

Primary Centre Waterfront Village

**Lot Area:**

Central City Area

**LA Zoning:**

Primary Centre Waterfront Village

**MRS Zoning:**

Central City Area

**Attachments:**

1. Schedule of Submissions

2. Advertised Figures 3.1.1, 3.1.2, 3.3, 3.3.1 – 3.3.8

**Maps/Diagrams:**

1. Waterfront Village Sector Indicative Development Plan

2. Rockingham Strategic Metropolitan Centre Boundary

3. Waterfront Village Precinct Concept Plan

4. Building Height Waterfront Village

5. Foreshore Precinct Concept Plan

6. Consultation Plan
**Background**

**The Planning Framework**

The planning and development for the Rockingham foreshore is dealt with by the *Town Planning Scheme No.2* (TPS2) zoning of ‘Primary Centre – Waterfront Village Zone’ and by the *Planning Policy No. 3.2.5 – Development Policy Plan ‘Waterfront Village Sector’* (PP3.2.5).

The ‘Primary Centre – Waterfront Village Zone’ was gazetted into TPS2 in September 2012, and PP3.2.5 was simultaneously adopted on the day the zoning came into effect.

These two planning instruments (the zoning and the Policy) guide all existing and future development within the Waterfront Village Sector.

1. Waterfront Village Sector Indicative Development Plan

**Strategic Metropolitan Centre – Activity Centre Plan**

The Waterfront Village Sector forms part of the wider Rockingham Strategic Metropolitan Centre.

The planning framework for the Strategic Metropolitan Centre has been progressively implemented, following the approval of the Activity Centre Plan by the Council and Western Australian Planning Commission in 2009.
2. Rockingham Strategic Metropolitan Centre Boundary

The Activity Centre Plan sets out the following planning guidelines for the Waterfront Village Sector:

**Waterfront Village Sector**

**Desired Future Character**

Port Rockingham was once the busiest port in the State by tonnage of goods shipped through the jetties at the end of Railway Terrace. The associated beachfront and townsite was subsequently transformed into one of the State’s favourite holiday and day trip destinations. With the shifting south of many of its commercial and civic functions to the new Regional Centre in the early 1970’s, the historic ‘main street’ centre retained a compact townscape character well suited to the demands of a contemporary urban waterfront lifestyle.

The emerging Waterfront Village will continue with its transformation into a regionally significant beachfront hub with further redevelopment of under-utilised public and private properties. An attractive mix of medium and high density residential and short-stay apartments, hospitality-focused retail, offices and urban waterfront recreation uses will continue to make this a priority destination on the Rockingham coastline.

**Preferred Uses**

- Appropriate TOD uses lining the Transit Route
- Mixed use, urban-scaled development
- Residential (medium to high density)
- Serviced apartments
- Entertainment/hospitality
- Possible Contemporary Arts Centre
- Restaurants, small bars and cafes
- Local convenience retailing
- Public carparks
- Passive parklands
Elements

Continue with transformation of the historic beachfront centre into a contemporary waterfront residential, commercial and recreational activity node servicing local residents and regional visitors.

Prepare an updated Sector Development Plan with relevant changes to residential codings to guide the progressive consolidation and transformation of the area consistent with its TOD context.

Respond to the rare combination of a northerly coastal aspect, sheltered beach and shady parkland with appropriate land uses, in detailed urban design and with site responsive architecture.

Consolidate development within the walkable catchment of the transit system.

Facilitate continued infill of residential and short-stay apartments along the central section of Rockingham Beach Road and along the south western side of Railway Terrace through to the Read Street intersection.

Retain and enhance activated commercial frontages to Rockingham Beach Road, central Kent Street, Flinders Lane (north of Kent Street) and Railway Terrace (north of Kent Street).

Update and expand application of the existing building height Policy consistent with an adopted sector improvement plan.

Ensure that all new development is planned in accordance with the sustainability principles listed in Section 3.1.6 and designed to meet any applicable sustainability Key Performance Indicators endorsed by the City of Rockingham.

Planning Policy 3.2.5 – Development Policy Plan – Waterfront Village Sector

The guiding planning principles set out in the overall Activity Centre Plan have been further detailed in PP 3.2.5.

The Policy introduces an Indicative Development Plan (IDP) which deals with the recommended development pattern in much greater detail than the Activity Centre Plan. It also sets out the various requirements for future development under the following headings:

- Transit Oriented Development (TOD)
- Waterfront Village Sector Planning Guidelines
- Residential and Mixed Use Building Typologies
- Residential Design Codes
- Residential Density
- Building Height
- Frontage Types
- Car Parking

This report deals with the ‘Building Height’ category.

Waterfront Village Precincts

The Development Policy Plan for the Waterfront Village Sector divides the area into seven Precincts:
3. Waterfront Village Precinct Concept Plan

Building Height

The Policy illustrates a Building Height Overlay for the Waterfront Village IDP, with permitted building heights rising with proximity to the route of the Central Transit Route and proximity to activity generators.

The building heights prescribed in PP3.2.5 are generally consistent with the wider TOD based density height provisions set down in the approved 2009 Activity Centre Plan.

The existing Building Height Overlay requires:

- Less elevated residential development at the western end of the Waterfront Village Sector
- Varying height controls of a minimum 2-3 storeys (6m) at street level, rising to eight (8) storeys (30-32m) within 300m of the coastline; this building height limit was put in place to comply with State Governments Coastal Planning Policy (SPP 2.6). Under SPP2.6, a maximum height of eight (8) storeys or 32m was permitted, subject to public support. This provision within SPP2.6 has subsequently been deleted by the WAPC.
- Variations in additional building height is contemplated by PP 3.2.5, however, these locations were placed beyond the 300m limit prescribed by the then operable SPP2.6.
- The building height controls are subject to overshadowing and solar penetration requirements.
4. Building Height - Waterfront Village Sector

Building height limits of 32m or ten (10) storeys are currently required for the area within the Foreshore Precinct.

**Foreshore Precinct – Planning Policy Elements**

The Foreshore Precinct is the area relevant to a proposed Hotel (and mixed use) building proposals. In respect of the Foreshore Precinct, PP 3.2.5 states:

**Application**

The Policy applies to the Foreshore Precinct as defined in the Precinct Plan (refer to Figure 4.1). The Foreshore Precinct extends along the foreshore reserve from Val Street through to Wanliss Street and incorporates Churchill and Bell Parks and properties between Rockingham Beach Road, Railway Terrace, Kent Street and Wanliss Street.

**Desired Future Character**

The visual and economic revitalization of the Waterfront Village area will be pivotal to the future prospects of the overall Policy Area.

The Precinct has a proud history as a timber port, a former district centre and tourist destination. Development along this ‘promenade strip’ should be designed to imaginatively respond to the opportunity presented by the rare combination of a stimulating ocean outlook, a safe family beach and well-shaded, waterfront parkland.

The Precinct should aim to achieve a lively, mixed use character with an emphasis on land-uses which will generate interest and pedestrian activity within the public domain.

A contemporary waterfront aesthetic of varied, yet unified, architectural style (similar to the newer architecture of East Perth and Subiaco) is seen as more appropriate than resorting to a superficially themed (e.g. ‘colonial’, ‘Federation’ etc.) building appearance.
Preferred Uses

- Retail
- Entertainment
- Eating and drinking places
- Short-stay accommodation
- Offices and commercial
- Recreation
- Multiple dwellings/residential

Required Elements

The Indicative Development Plan (IDP) and the Foreshore Precinct Concept Plan (both within the DPP), set out the general location and pattern of development envisaged by the City. Whilst there is scope for flexibility in such matters, development is required to adhere to certain “Required Elements” as set out in the Policy, dealing with:

- buildings to be street front, mixed use, based on ‘main street’ principles.
- location, configuration and activation of built form.
- a requirement for active street fronts.
- buildings to ‘infill’ street fronts.
- recommended ground floor, street front land uses.
- preferred upper floor land uses.
- encouraging short stay and mixed use developments
- minimum residential densities.
- maximum building heights, coupled with front, side and rear setbacks.
- carparking.
- façade treatments, materials and transparency.
- high design standards, related to public domain interface.
- landscaping.

Building Height Development Controls

The DPP sets out detailed height controls on properties along the following streets:

- Rockingham Beach Road
- Kent Street
- Flinders Lane
- Railway Terrace
- Wanliss Street

Height controls vary between a minimum of 6m (2 storeys) at the street, through a maximum of 30m-32m setback from the street, which is subject to overshadowing and solar penetration to the street level.

This section of the Policy also deals with side setbacks, visual separation and minimum site dimensions.
5. Foreshore Precinct Concept Plan

The Waterfront Village Policy became operational in September 2012. In that time, several major medium rise buildings have been approved and constructed. The Policy has delivered a workable planning framework to guide the redevelopment of the Foreshore Precinct.

Town Planning Scheme No.2 (TPS2)

Under TPS2 properties within the Waterfront Village Sector are zoned ‘Primary Centre – Waterfront Village Zone’. The Scheme defines the Waterfront Village Zone and sets out the following objectives:

- to promote contemporary waterfront residential and accommodation, commercial, tourism and recreational activities, which serves local residents and visitors alike, in accordance the Development Policy Plan for the Waterfront Village Sector;
• to maximise the potential of the northerly coastal aspect, sheltered beach and shady parkland of the Waterfront through appropriate quality built form and site responsive architecture;
• to achieve appropriate land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transit system;
• to create a permeable, well connected network of public streets and spaces that provides legible and high amenity linkages, particularly for pedestrians;
• to provide contiguous, activated street front development;
• to promote active day and night time retail and social environments;
• to encourage vibrant and diverse uses which promote the Waterfront as a destination;
• to provide a high amenity, street based transit route that will provide a high calibre model of sustainable, transit orientated development; and
• to provide high quality public spaces that permits a range of recreation and social activities and foster high quality development along their margins.

The Scheme also provides Council (or a Joint Development Assessment Panel) the ability to exercise discretion in the application of the Residential Design Codes to residential development. This would include any residential component of a mixed use development.

Details

In November 2018, Council resolved to advertise modifications to Planning Policy No. 3.2.5 - 'Waterfront Village Sector' (PP3.2.5) for public comment.

At the conclusion of the advertising period 34 submissions had been received, including one with a petition signed by 28 individuals. The comments received are detailed in the attached Schedule of Submissions.

The submissions have been assessed by City Officers and comments provided in response to the relevant points raised, as shown below in the 'Consultation' section of this Report.

Modifications to the Policy Amendment

Prior to final adoption of the Policy Amendment, a number of minor modifications are proposed. These modifications are required to ensure consistency with the State’s planning framework and the height model included in the Building Height Study. These changes will result in lower building heights than those proposed in the advertised Policy Amendment. As such, they will not result in greater impacts on the community. The following modifications are proposed:

1. Building Heights

It is proposed to modify all building heights in the proposed Policy amendment for consistency with the newly released State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments (R-Codes - Volume 2).

2. Height Bonus on Lots less than One (1) Hectare in size

It is proposed to reduce the height bonus for lots under one (1) hectare in size from 18 storeys to 16 storeys. This is consistent with the original Height Model undertaken in the Building Height Study.

Implications to Consider

a. Consultation with the Community

Advertising Methodology

The modified Policy was advertised for a period of approximately 59 days, commencing on the 19 December 2018 and concluding on the 15 February 2019. Public advertising was carried out in the following manner:

• Landowners and occupiers within 500m of the study area (as shown on Figure 6), servicing agencies and major stakeholders were notified of the proposal in writing and invited to comment;

• The proposal was advertised on the City’s website and included the following:
- background information;
- supporting documents;
- invitation to comment;
- the option to provide on-line submissions;

- Notices appeared in the public notices section of the Sound Telegraph newspaper on 19 December 2018 and 16 January 2019;
- A notice appeared in the public notices section of the Weekend Courier newspaper on 21 December 2018; and
- Copies of the draft Policy were made available for inspection at the City’s Administrative Offices.

6. Consultation Plan

A total of 34 public submissions were lodged in response to the public advertising of the draft Policy:
- 10 submission of support;
- 24 submissions of objection, raising various matters as noted below.

Response to Issues of Concern

1. **Over Height (24 Storeys is too high)**

*City’s Comment:*

The Policy amendment proposes a moderate height increase of two storeys to the Rockingham Beach Road frontage with the opportunity for height bonus (up to 24 storeys) to be achieved, subject to meeting numerous planning criteria. Consequently, it is considered that the increase of height though the Policy amendment can be managed in a manner that respects the context and character of the locality.

It is noted that the overall building height is proposed to be reduced from that proposed throughout the advertised Policy amendment for consistency with the R-Codes - Volume 2. For example this will reduce a 24 storey building by 15m in height from 90m to 75m.
2. Parking

City's Comment:
The increase in building height will not place further strain on public parking resources. Each private development is required to provide parking on-site commensurate with the rate identified under TPS2. Additionally, within the subject Zone, there is a requirement to provide cash-in-lieu of parking for 60% of the parking requirement for commercial development as well as for the visitor component of residential development. Consequently, the increase in height will potentially allow for more cash-in-lieu funds to be received, which will translate to further public parking resources within the locality.

3. Aesthetic

City's Comment:
The City retains the services of a Design Review Panel (DRP) which provides advice to applicants and the Council on the design of development proposals. It is considered that the input of the DRP will contribute to aesthetically pleasing buildings being developed in this location.

4. Out of Context and Character

City's Comment:
The Policy amendment proposes a moderate height increase of two storeys to the Rockingham Beach Road frontage with the opportunity for height bonus to be achieved subject to meeting numerous planning criteria. The overall height limit on the Kent Street frontage is actually being reduced, albeit it will provide a more rational building envelope that will be easier to develop. Consequently, it is considered that the increase of height though the Policy amendment can be managed in a manner that respects the context and character of the locality. Additionally, context and character are key reference points for the City's DRP. Any subsequent development applications will be required to demonstrate how proposals respect the context and the character of the locality.

5. Wind Tunnels

City's Comment:
Given the limited opportunities for buildings to avail of the height bonus above the proposed 12 storey building height limit, it is considered that there is negligible opportunity for tall buildings to contribute to wind tunnels in this location. The Council on Tall Buildings and Urban Habitat’s ‘Wind Tunnel Testing of High-Rise Buildings’ indicates that a wind tunnel test may only be advisable if the height of the building is over 120m tall. This is well above the greatest height that may be achieve through this Policy amendment.

6. Crime

City's Comment:
There is no evidence that the Policy amendment will lead to an increase in crime in the location.

7. Overshadowing of Parks and Surrounding Public Areas

City's Comment:
The shadow analysis contained within the Building Height Model demonstrates that the foreshore parks will not be overshadowed at 9am, 12pm or 3pm on 21 June. It also demonstrates that the southern side of Kent Street will not be effected by shadow at 12pm on 21 June. This is the metric used when assessing shadow impacts within the planning framework.

8. There is sufficient vacant land within the City

City's Comment:
This is not a relevant consideration
9. **Property Values**

**City's Comment:**
This is not a relevant consideration.

10. **Environmental Impact**

**City's Comment:**
There is no evidence that the Policy amendment will have an impact on the environment. The land is zoned Central City Area under the Metropolitan Region Scheme and currently contains urban development.

11. **Compensation Owner in area for loss of property value**

**City's Comment:**
This is not a relevant consideration.

12. **Timing of Advertising the Policy Amendment over Christmas**

**City's Comment:**
The Regs require that Policy Amendments be advertised for a minimum of 14 days. Given that the proposal was advertised over the Christmas period, the City decided to advertise the Policy amendment for 59 days. The nature of the advertising is discussed earlier in the consultation section of this report.

13. **Loss of views**

**City's Comment:**
There is no right to a view. In any case, the setbacks required between buildings will ensure that views corridors are maintained.

14. **Over Supply of Apartments**

**City's Comment:**
There is not a relevant consideration.

15. **Safety and Sustainability of Taller Buildings**

**City's Comment:**
The safety of buildings is regulated through the Building Act 2011. The sustainability of development is a key criteria in State Planning Policy 7 - Design WA and a key reference point for the City's DRP. Accordingly, the safety and sustainability of buildings can be adequately provided for at development application stage.

16. **Lack of Geological and Climate change information in Policy**

**City's Comment:**
These matters are not considered to be relevant to the Policy amendment.

17. **Key Performance Indicators (KPIs) for planning need to incorporate assessments of risks from geology and climate change as appropriate to specific locations within the City**

**City's Comment:**
This not relevant to the proposed Policy amendment.

18. **The likely weight of a 24 storey buildings using current construction methods needs to be determined.**

**City's Comment:**
This is not within the ambit of the Policy Amendment, it will be undertaken at development application stage.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>19. Sea Level Rise</strong></td>
<td></td>
</tr>
<tr>
<td>City's Comment:</td>
<td>The City is currently undertaking Coastal Hazard Risk Management Adaptation Planning (CHRMAP) for the whole local government area. It is anticipated that actions identified within this CHRMAP can be translated into updates to the City’s Planning Framework if necessary. It is premature to look at sea level rise for this Policy Amendment in isolation. The City currently informs prospective purchasers of land if a property is located in areas that will potentially be subject to coastal inundation.</td>
</tr>
<tr>
<td><strong>20. In the Policy there should be explanations of the following: contemporary urban waterfront lifestyle; appropriate land uses; site responsive architecture.</strong></td>
<td>City's Comment: Although these terms appear within the Height Study and the existing Policy, they do not form part of the Policy amendment.</td>
</tr>
<tr>
<td><strong>21. A survey of accommodation providers (both registered and unregistered) within the City to establish current occupancy and needs as a first step before proposing to increase accommodation along the Waterfront precinct</strong></td>
<td>City's Comment: Commercial competition is not a valid planning consideration.</td>
</tr>
<tr>
<td><strong>22. A survey of accommodation providers is required ascertain how they feel about having a further 160 short stay units in that precinct.</strong></td>
<td>City's Comment: This provision of additional short stay accommodation is not part of the proposed Policy amendment. The hotel Policy provisions are currently within PP3.2.5.</td>
</tr>
<tr>
<td><strong>23. Obtain data on the numbers of owner-occupiers presently living in the Waterfront precinct as against the numbers of corporate or overseas owners whose units are empty much of the time.</strong></td>
<td>City's Comment: This is not relevant to the proposed Policy Amendment.</td>
</tr>
<tr>
<td><strong>24. In proposing this Amendment Council should state whether it is aware of any developers who have said that they would build here if the height limits were increased?</strong></td>
<td>City's Comment: The Policy amendment provides greater scope for increased height within the precinct, it also allows for a rationalised building envelope for buildings fronting Kent Street. Consequently, it is considered that the Policy amendment could assist with stimulating development activity in the locality. The Policy amendment seeks to facilitate desirable Town Planning outcomes, is therefore not necessary to understand if developers are prepared to act on the new Policy provisions.</td>
</tr>
<tr>
<td><strong>25. There is a need for more clarity about this issue of calling Rockingham a regional destination</strong></td>
<td>City's Comment: Rockingham is identified as a Strategic Metropolitan Centre under State Planning Policy 4.2 - Activity Centres for Perth and Peel. As such, it serves a regional function providing the full range of economic and community services necessary for communities in their catchments. It is appropriate to refer to Rockingham in this context.</td>
</tr>
</tbody>
</table>
26. Evidence of the reasons why people wish to move to Rockingham or to the Waterfront or set up businesses on the Waterfront needs to be obtained before the Policy can continue with the assumption.

City's Comment:
This is not relevant to the proposed Policy Amendment.

27. The Building Height Study should be released to the public.

City's Comment:
The Height Study was made available to the public during public advertising.

28. Figure 3.3.1 – 3.3.8 should be redrawn with the sun at 32 degrees at midday and also at 9am and 3pm. The text should also be changed to give a more accurate impression of shadowing.

City's Comment:
These figures are indicative cross sections that represent how building height will be managed within the precinct. It is not their intent to present as overshadowing diagrams. The height model contained within the Building Height Study demonstrated that any overshadowing impacts on the Public Realm from buildings will be acceptable.

29. Pedestrian access not required to incentivise a height bonus and should be deleted

City's Comment:
It is the Council’s strategy to provide long term parking stations on the South side of Kent Street. Consequently, the provision of additional pedestrian permeability through the street block will benefit the community.

The provision of an activated pedestrian connection through a private development site is, however, only one requirement for achieving a height bonus. Should a development not seek a height bonus, there is no requirement to provide this pedestrian access.

30. Show parking areas to be lost and those needed for possible hotels.

City's Comment:
The Policy amendment does not seek to get rid of public parking areas. Any hotel development will be required to provide parking through a mixture of on-site parking and cash-in-lieu funds.

31. The City’s Tourism Strategy needs to be read in conjunction with the Waterfront Village Policy

City's Comment:
This is outside the ambit of the proposed Policy amendment.

32. In the case of sites fronting both Rockingham Beach Road and Kent Street the proposed building envelopes leave a large and low courtyard with reduced amenity between the two taller building volumes.

A taller and deeper buildings along Kent Street would be a more appropriate typology.

City's Comment:
The contexts of Rockingham Beach Road and Kent Street are very different and demand different built form responses.

Rockingham Beach Road has an ocean outlook and a well-vegetated foreshore that suits increased building height that provides views without resulting in an excessive visual presence, whereas Kent Street is a more intimate environment with limited outlook that demands a more traditional relationship between buildings and the street.
32. (Cont…)
The height limitation for Kent Street has been set to limit the impact of overshadowing on the southern side of Kent Street. The depth of buildings has also been limited to ensure that shadows cast by taller buildings fronting Rockingham Beach Road will fall short of rear balconies on the Kent Street buildings.

It is envisaged that areas behind the buildings will be utilised mainly for carparking with some roof top communal courtyards.

33. Should a site have dual access to Kent and Rockingham Beach Road, flexibility should be allowed to ensure “non-activated/ dead space” is minimised.

City’s Comment:
The activation of private areas away from the street is only required when a height bonus is being sought. The Policy amendment requires an activated pedestrian connection from Rockingham Beach Road to Kent Street as one of the criteria required to achieve the height bonus. This can be achieved within the proposed building envelope.

34. Query how the different building typologies for Kent Street and Rockingham Beach Road is dealt with on sites with dual frontage to both streets.

City’s Comment:
Rockingham Beach Road and Kent Street will demand different built form responses. Should a site contain frontage to both streets the development will be required to respond accordingly.

35. There should be flexibility regarding minimum building separation of 12m between towers on the same site.

City’s Comment:
This is consistent with the requirements of the R-Codes - Volume 2. This separation will ensure the amenity of occupants in separate towers.

b. Consultation with Government Agencies

The following Government Agencies were also consulted:
- Alinta Gas
- Atco Gas
- Water Corporation
- Western Power
- The Department of Transport
- The Public transport Authority
- Telstra

Comments on the modification to the Policy were received from the following:
- The Water Corporation;
- ATCO Gas; and
- The Department of Transport

All three submissioners offered no objection to the proposed modification to the Policy.

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 Strategic Community Plan 2019-2029:

Aspiration 3: Plan for Future Generations
Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
Under the provisions of Clause 3 Schedule 2 - Deemed Provisions of the Planning and Development (Local Planning Schemes Regulations) 2015 (the Regs), the Council may prepare a local planning Policy in respect of any matter related to the planning and development of the Scheme area.

The amendment to Planning Policy 3.2.5 was advertised in accordance with Clause 3 Schedule 2 - Deemed Provisions of the Regs.

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

Modifications

Building Heights
The Department of Planning, Lands and Heritage’s recently released R-Codes – Volume 2 seeks to guide apartment and mixed use development within the State. Section 2.2 of the R-Codes – Volume 2 provides building heights in meters for ‘number of storeys’. It is therefore proposed to update the proposed Policy amendment for consistency with the R-Codes – Volume 2. The proposed updates are shown in the table below:

<table>
<thead>
<tr>
<th>Storeys</th>
<th>Original Proposed Height (m)</th>
<th>Revised Height (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>12.5</td>
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<tr>
<td>4</td>
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<tr>
<td>7</td>
<td>26.5</td>
<td>24</td>
</tr>
<tr>
<td>8</td>
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</tr>
<tr>
<td>12</td>
<td>45</td>
<td>39</td>
</tr>
<tr>
<td>16</td>
<td>N/A</td>
<td>51</td>
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<td>24</td>
<td>90</td>
<td>75</td>
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</table>

Amended Figures 3.3.1 - 3.3.8 will also be updated to reflect the new building heights

Height Bonus for Sites below 1 Hectare in size
It is proposed to reduce the height bonus for lots under one (1) hectare in size from 18 storeys to 16 storeys. It was originally proposed as 18 storeys in error, as 16 storeys is consistent with the Height Model undertaken in the Building Height Study.
Submissions
The submissions received during the advertising period did not raise any substantiated planning matters, which would provide cause for not adopting the proposed modifications to the Policy

Conclusion
The proposed Policy amendment is responsive to the context of the locality and has the potential to deliver a variety of building heights that will create a pleasing urban composition. As such, it is recommended that Council adopt the amended ‘Planning Policy No.3.2.5 - Development Policy Plan - Waterfront Village subject to the modifications discussed above.

Voting Requirements
Simple Majority

Officer Recommendation
That Council ADOPTS the modifications to ‘3.2.5 – Development Policy Plan: Waterfront Village Sector, to include new variation provisions for ‘Hotel’ Development within the Foreshore Precinct.

Committee Recommendation
Moved Cr Sammels, seconded Cr Hamblin:
That Council ADOPTS the modifications to ‘3.2.5 – Development Policy Plan: Waterfront Village Sector, to include new variation provisions for ‘Hotel’ Development within the Foreshore Precinct, as follows:

1. Include the following replacement Figures:
   - Figure 3.1.1 - Indicative Development Cross Section - Rockingham Beach Road
   - Figure 3.1.2 - Indicative Development Cross Section - Patterson Road
   - Figure 3.3 – Building Height
   - Figure 3.3.1 - Profile of Development Section AA
   - Figure 3.3.2 - Profile of Development Section BB
   - Figure 3.3.3 - Profile of Development Section CC
   - Figure 3.3.4 - Profile of Development Section DD
   - Figure 3.3.5 - Profile of Development Section EE
   - Figure 3.3.6 - Profile of Development Section FF
   - Figure 3.3.7 - Profile of Development Section GG
   - Figure 3.3.8 - Profile of Development Section HH

2. Include the following modified text in ‘4.1.5 Building Height Development Controls - Foreshore Precinct:
   (a) Building Height:
   Rockingham Beach Road
   Street front:
   Minimum 6.0m/2 storeys, maximum 12.0m/3 storeys within a 3.5m street setback, 39.0m/12 storeys at a 3.5m street setback in accordance with Figure 3.3 and Figures 3.3.1 - 3.3.4 and subject to Section 4.1.5 (b), (c), (d) and (e).
   Rear of site (other than Rockingham Hotel property):
   Nil from centre-line of street block to 4.0m setback. Variable maximum 19.0m to 32.0m, north of the 4.0m setback.
   Ground floor to first floor:
   Minimum 3.6m with a minimum floor to ceiling height of 3.0m.
Kent Street
Street front:
Minimum 6.0m/2 storeys, maximum 18.0m/5 storeys within 3.5m street setback, 24m/7 storeys at a 3.5m street setback and 27.0m/8 storeys at a 6.0m street setback
Rear of site (other than Rockingham Hotel property):
12.0m/3 storeys from centre-line of street block to 25.0m setback.
Ground floor to first floor:
Minimum 3.6m with a minimum floor to ceiling height of 3.0m.

Flinders Lane, Railway Terrace, Wanliss Street
Street front:
Minimum 6.0m/2 storeys, maximum 15.0m/4 storeys within 3.5m street setback, 39.0m/12 storeys at a 3.5m street setback in accordance with Figure 3.3 and Figures 3.3.1 - 3.3.4 and subject to Section 4.1.5 (b), (c), (d) and (e).
Rear of site (other than Rockingham Hotel property):
Nil from centre-line of street block to 4.0m setback. Maximum 19.0m between 4.0m and 6.5m setback. Maximum 30.0m thereafter.
Ground floor to first floor:
Minimum 3.6m with a minimum floor to ceiling height of 3.0m.

Rockingham Beach Road Height Bonus Provision
In order to achieve a height bonus the proposed development:
(a) Must provide an activated 8m wide pedestrian walkway from Kent Street to Rockingham Beach Road;
(b) Is located on a single consolidated site of a minimum of 4,000m², located within the Foreshore Precinct.
(c) Is consistent with the Objectives of the Primary Centre, as set out in Clause 3.4.2 of the Town Planning Scheme No.2.
(d) Is consistent with Clause 4.3.3 (Special Considerations Applicable to Planning Applications, specifically sub-clause (a), (b) and (e).
(e) Is consistent with the Objectives of the Primary Centre Waterfront Village Zone, as set out in Clause 4.3B.1.
(f) Is consistent with the planning and development principles, as set out in Clause 2.2 of this Policy.
(g) Is consistent with the Required Elements – Foreshore Precinct, as set out in Clause 4.1.4 of the Policy, except where varied by this Clause
(h) Receives an endorsement with respect to the building design from the City’s Design Review Panel.

Provided the above is achieved, the following height bonus applies:

Sites above 1 Hectare in size –
Minimum 6.0m/2 storeys, maximum 12.0m/3 storeys within a 3.5m street setback, 75.0m/24 storeys at a 3.5m street setback in accordance with Figure 3.3 and Figures 3.3.1 - 3.3.4 and subject to Section 4.1.5 (b), (c), (d) and (e).

Sites below 1 Hectare in size –
Minimum 6.0m/2 storeys, maximum 12.0m/3 storeys within a 3.5m street setback, 51.0m/16 storeys at a 3.5m street setback in accordance with Figure 3.3 and Figures 3.3.1 - 3.3.4 and subject to Section 4.1.5 (b), (c), (d) and (e).
(b) **Front and Rear Setbacks:**

*Rockingham Beach Road:*

Street front:

Nil setback for development to 12.0m/3 storeys high, 3.5m setback-thereafter.

Uppermost floor must be setback a further 3m.

Rear of site (other than Rockingham Hotel property):

Minimum 4.0m setback from centre-line of street block to development from ground level to 19.0m high, height thereafter setback in accordance with R-codes.

*Kent Street*

Street front:

Nil setback for development to 18.0m/5 storeys high, 3.5m setback for development to 21.0m/6 storeys high and 6.0m setback for development thereafter.

Rear of site (other than Rockingham Hotel property):

Nil setback from centre-line of street block for development from ground level to 12.0m/3 storey high, height thereafter setback minimum 25.0m.

*Railway Terrace, Flinders Lane and Wanliss Street:*

Street front:

Nil setback for development to 15.0m/4 storeys high, 3.5m setback for development to 39.0m/12 storeys high.

Uppermost floor must be setback a further 3m.

Rear of site (other than Rockingham Hotel property):

Minimum 4.0m setback from centre-line of street block for development from ground level to 19.0m high, height thereafter setback minimum 6.5m.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
Planning and Development Services
Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Proposed Change to Parking Controls - Timed Parking Restrictions - Waterfront Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/1980-03</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Peter Ricci, Manager Major Planning Projects</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>15 April 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>January 2019 (GM-001/19), February 2019 (PD-11/19)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Existing Timed Parking Restrictions</td>
</tr>
<tr>
<td></td>
<td>2. Railway Terrace</td>
</tr>
<tr>
<td></td>
<td>3. Rockingham Beach Road (west)</td>
</tr>
<tr>
<td></td>
<td>4. Rockingham Beach Road (east)</td>
</tr>
<tr>
<td></td>
<td>5. Flinders Lane Foreshore Carpark</td>
</tr>
<tr>
<td></td>
<td>6. Val Street</td>
</tr>
<tr>
<td></td>
<td>7. Image Included in Community Consultation</td>
</tr>
<tr>
<td></td>
<td>8. Waterfront Village ‘Central Core’</td>
</tr>
<tr>
<td></td>
<td>9. Existing and Recommended Timed Parking Restriction</td>
</tr>
</tbody>
</table>

**Note:** A petition from business traders in Railway Terrace was tabled at the meeting.

**Purpose of Report**

To consider amendments to the timed parking restrictions at the Waterfront Village following completion of community consultation.

**Background**

At the Annual Electors’ Meeting held on 19 December 2018, it was resolved that:

“Council take the following action in relation to the developments in Railway Terrace:

(i) Immediately change the parking restrictions from “half hour” to “two hours”.”
(ii) Install appropriate "Disabled Parking Bays" on both sides of Railway Terrace.
(iii) Defer the recommencement of construction works as late as possible into 2019."

In February 2019, Council considered point (i) above in the context of reviewing on-street timed parking restrictions for various public parking locations within the Waterfront Village. The existing timed parking restrictions are generally shown in Figure 1.

1. Existing Timed Parking Restrictions

Council resolved to approve, for the purpose of community consultation, proposed changes to the timed parking restriction for Railway Terrace, Rockingham Beach Road, Val Street and the Flinders Lane foreshore carpark, as depicted in Table 1 and Figures 2 - 6 below. All timed parking restrictions are proposed to apply from 8am - 6pm.

<table>
<thead>
<tr>
<th>Location</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Railway Terrace</td>
<td>30 minutes 1. 2 hours 2.</td>
<td>30 minutes 3. 2 hours 4.</td>
</tr>
<tr>
<td>2 Rockingham Beach Road (Parkside) - Railway Terrace to zebra pedestrian crossing</td>
<td>No limit</td>
<td>2 hours *</td>
</tr>
<tr>
<td>3 Rockingham Beach Road (Parkside) - zebra pedestrian crossing to Flinders Lane</td>
<td>No limit</td>
<td>3 hours *</td>
</tr>
<tr>
<td>4 Flinders Lane Foreshore Carpark</td>
<td>No limit 5.</td>
<td>3 hours *</td>
</tr>
<tr>
<td>5 Val Street</td>
<td>No limit</td>
<td>2 hours</td>
</tr>
</tbody>
</table>

1. 22 vehicle bays and 2 motorcycle bays
2. 4 motorcycle bays
3. 14 vehicle bays
4. 8 vehicle bays and 6 motorcycle bays
5. Includes 1 fifteen (15) minute bay
* Includes 1 five (5) minute bay

Table 1 - Current and Proposed Timed Parking Restrictions
2. Railway Terrace

3. Rockingham Beach Road (west)
4. Rockingham Beach Road (east)

5. Flinders Lane Foreshore Carpark
Comment was invited on the proposed amendments to the timed parking restrictions which is detailed in the ‘Consultation with the Community’ section below.

Implications to Consider

a. Consultation with the Community

Community consultation was carried out between 28 February - 25 March 2019 through the following means:

(i) Letters and/or email correspondence to all commercial landowners and traders affected by the proposed amendments (approximately 110 in total);

(ii) Letters to the strata owners of the residential apartment buildings in the vicinity of the proposed amendments;

(iii) Advertisements in the editorial section of the Sound Telegraph on 1 March 2019 and Weekend Courier on 6 March 2019;

(iv) A media release from the City which appeared in the Sound Telegraph on 6 March 2019;

(v) Notifications on the City’s social media platforms (Facebook and Instagram);

(vi) Notification on RockPort; and

(vii) A dedicated webpage on the City’s website through which submissions could be lodged via ‘Share Your Thoughts’.

The correspondence issued by the City included the image below which showed the existing and proposed timed parking arrangements.
7. Image Included in Community Consultation

At the conclusion of the consultation period, 127 submissions were received.

The feedback was varied and raised of number of issues, many of which were not related to the subject matter. Numerous submitters took the opportunity to raise multiple issues in the one submission and the following Table seeks to breakdown the responses received.

<table>
<thead>
<tr>
<th>Matters Relating to Proposed Timed Parking Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Proposed Alternative Time Limits</td>
</tr>
<tr>
<td>- Increase 30 minutes to 2 hours/30 minutes not long enough</td>
</tr>
<tr>
<td>- Increase 3 hours to 4 hours</td>
</tr>
<tr>
<td>- Increase Railway Terrace to 4 hours</td>
</tr>
<tr>
<td>- 1 hour maximum in Railway Terrace</td>
</tr>
<tr>
<td>- 2 hours not long enough for meal or beach/park visit</td>
</tr>
<tr>
<td>- All bays should be at least 1 hour</td>
</tr>
<tr>
<td>- All bays should be at least 3 hours</td>
</tr>
<tr>
<td>- All bays should be at least 4 hours</td>
</tr>
<tr>
<td>- Need more untimed bays close to Foreshore</td>
</tr>
<tr>
<td>- Retain current time limits</td>
</tr>
<tr>
<td>- Rockingham Beach Road (Parkside) should be increased to 4 hours</td>
</tr>
<tr>
<td>- No limit for Val Street</td>
</tr>
<tr>
<td>(ii) No time limits/proposed time limits do not cater for extended visit</td>
</tr>
<tr>
<td>(iii) Support proposed time limits</td>
</tr>
<tr>
<td>(iv) Time limits in Railway Terrace should only apply from 12pm – 4pm or 5pm</td>
</tr>
<tr>
<td>Matters Relating to Proposed Timed Parking Restrictions</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>(v) No 3 hour bays on weekends or Public Holidays 1</td>
</tr>
<tr>
<td>(vi) ‘Drop-off bays’ are ineffective 3</td>
</tr>
<tr>
<td>(vii) Long-term parking too remote 6</td>
</tr>
<tr>
<td>(viii) More research needed 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Matters NOT Relating to Proposed Timed Parking Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Dissatisfied with reduced parking provision in Railway Terrace/more parking required (ie. decked parking) 36</td>
</tr>
<tr>
<td>(ii) Make better use of private carparks 2</td>
</tr>
<tr>
<td>(iii) Inadequate ACROD parking provision 5</td>
</tr>
<tr>
<td>(iv) Objection to paid parking 2</td>
</tr>
<tr>
<td>(v) Paid parking is an option worthy of consideration 3</td>
</tr>
<tr>
<td>(vi) Off-street carparks unsafe (ie. Gary Holland Community Centre carpark) 4</td>
</tr>
<tr>
<td>(vii) Relocate Sunday Rotary Market from the Gary Holland Community Centre carpark 3</td>
</tr>
<tr>
<td>(viii) Timed Parking is motivated by revenue raising 4</td>
</tr>
<tr>
<td>(ix) Overflow parking required 1</td>
</tr>
<tr>
<td>(x) Alternate transport should be promoted 1</td>
</tr>
<tr>
<td>(xi) Bicycle parking not addressed 1</td>
</tr>
<tr>
<td>(xii) Caravan/Motorcycle parking not addressed 1</td>
</tr>
</tbody>
</table>

* The Total represents the number of times the issue was raised in a submission - numerous submissions raised more than one issue.

A full copy of all submissions is contained in the attached Schedule of Submissions.

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 2019-2029:

Aspiration 1: Actively Pursue Tourism and Economic Development

Strategic Objective: Coastal Destination - Promote the City as the premier metropolitan coastal tourism destination.

d. Policy
Nil

e. Financial
A cost will be incurred for the installation of signs and road markings (as necessary) to reflect any amendments to the parking controls that are currently in place. Although the provision of signage is yet to be confirmed, the cost is likely to be in the vicinity of $5,000.

f. Legal and Statutory
Parking Local Law 2018 - 1.10 Powers of the Local Government apply together with 3.1 Determination of parking stalls and parking stations.
"1.10 The local government may prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

3.1 The local government may by resolution constitute, determine and vary and also indicate by signs:

(a) parking stalls;
(b) parking stations;
(c) permitted times and conditions of parking in parking stalls and parking stations which may vary with the locality;
(d) permitted classes of vehicles which may park in parking stalls and parking stations;
(e) permitted classes of persons who may park in specified parking stalls or parking stations; and
(f) the manner of parking in the parking stalls and parking stations."

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 community consultation process raised a number of issues, and although there were some consistent themes, there was also opposing views on the same matter.

The proposed parking time restrictions were derived from the adopted Community Plan Strategy – Rockingham Strategic Metropolitan Centre Public Parking (‘Parking Strategy’) which recommends that the time restrictions ‘build on the City’s strategic approach to parking at the Waterfront Village where long-term visitors should park in the off-street parking stations south of Kent Street allowing access close to the foreshore for short-term visitors.’

The Parking Strategy also recommends that the ‘Central Core’ of the Rockingham Foreshore be defined, and within the Central Core, the following should apply:

- On-street parking in the main streets is primarily provided for business activity and should be short-term and provision for loading, taxis and drop-off and pick-up.
- There should be no long-term (more than 3 hours) on-street parking.
- On-street parking for longer term stays should be provided outside the Central Core.

The ‘Central Core’, or the area where the primary activity and attraction occurs, was defined and is depicted in Figure 8 below.
8. Waterfront Village ‘Central Core’

The process then involved the land use profile within the ‘Central Core’ being identified in an effort to reconcile the likely behaviour or length of stay with the timed parking restrictions. The behaviours of other visitors, who may use the foreshore parks and beach, were also taken into account in arriving at the proposed time parking limits.

Although there is guidance on the timed parking restrictions that should be imposed, the amount of variables that require consideration in this instance causes complexity which is reflected in the diversity of issues raised during community consultation.

A large proportion of submitters felt that additional time restrictions should either not be imposed or increased in their duration. Of those that provided rationale, it was expressed that the proposed timed parking restrictions did not allow sufficient time for regular activities to be carried out such as visiting a café, dining for lunch or visiting the parks/beach for an extended stay. The proposed timed parking restrictions for each street is discussed below.

**Timed Parking Restrictions**

(i) **Railway Terrace**

The mix of 30 minute and 2 hour bays seek to provide a balance between those seeking to purchase a take-away meal, coffee etc and those who wish to stay for a longer period for lunch or an appointment. It is not intended to accommodate those that seek to spend an extended period at the Foreshore and the suggestions that the duration be beyond 2 hours are not supported.

Equally, to impose a ‘flat’ 1 hour limit for Railway Terrace does not recognise the profile of the commercial outlets and is not supported.

Some traders within Railway Terrace supported the proposed time limits suggesting that the existing 30 minute bays are achieving the turnover intended to allow proximate, available parking.

In the circumstances, it is recommended that the proposed timed parking restrictions in Railway Terrace be approved. There is limited rationale to consider a proposed change to the mix of 30 minute and 2 hour bays as suggested in some submissions.
One submission suggested that the restriction relating to the 30 minute bays only be imposed from 12pm or when the ‘churn’ of vehicles is required to service the ‘takeaway lunch trade’; it is currently proposed to apply from 8am – 6pm as per all timed parking bays at the Waterfront Village. By applying the restrictions from 12pm it was suggested that these bays would be available for extended visits in the morning when parking demand is generally reduced.

This approach has merit and is recommended for approval. It is another way of seeking to match timed parking with the adjacent commercial activity. Although the period when the restriction applies (ie. 12pm - 6pm) is different to the other 30 minute bays at the Foreshore, this arrangement could act as test case against which other 30 minute bays could be reviewed in the future.

Recommendation:
That the proposed 30 minute and 2 hour time restriction on Railway Terrace be approved with the 30 minute restriction applying from 12pm – 6pm only.

(ii) Rockingham Beach Road/Flinders Lane Foreshore Carpark

The mix of 2 and 3 hour bays between Railway Terrace and Flinders Lane was seeking to cater for lunch diners and those wanting an extended stay at the Foreshore. Also, the 3 hour bays, between the zebra pedestrian crossing and Flinders Lane, reflects the fact that the intensity of commercial use is lower in this location.

The suggestion that two hours is not long enough for a meal and/or to visit the park/beach is generally not supported. It is acknowledged that there will be occasions where a stay in excess of two hours may occur, but there are bays available within the Foreshore for a longer duration of stay.

Given the location of the proposed 2 hour bays in proximity to the commercial tenancies on Rockingham Beach Road, Railway Terrace and Harrison Street it is recommended that the 2 hour limit be approved.

As mentioned above, the 3 hour bays on Rockingham Beach Road and within the Flinders Lane foreshore carpark were intended to offer an opportunity for those desiring a longer stay. Numerous submitters advise that they regularly visit to the Rockingham Foreshore for a full day or times in excess of 3 hours and there is limited opportunity to conveniently park.

The City has been consistent in its approach to promote long-term parking in the off-street carparks south of Kent Street and other adjacent on-street locations where, the parking surveys conducted in early 2017 and throughout December – February 2019 demonstrated, there is available parking at most times. It is also the case that there are untimed bays on Rockingham Beach Road, east of Flinders Lane abutting Bell Park and the Wanliss Street foreshore carpark.

Notwithstanding, in response to the feedback received and in recognition that behavioural change will take time, it is recommended that the 3 hour bays (approximately 60 in total) not be approved and remain with no time restrictions.

This arrangement will be reviewed following completion of the Rockingham Beach Foreshore Revitalisation project when the City commences its regular surveys of parking occupancy and duration.

Recommendation:
(i) That the proposed 2 hour time restriction on Rockingham Beach Road be approved.

(ii) That the proposed 3 hour time restriction on Rockingham Beach Road and within the Flinders Lane foreshore carpark not be approved.

(iii) Val Street

The bays in Val Street have proximity to the food and beverage tenancies at ‘The Boardwalk’ development and Railway Terrace, along with other commercial uses, and there is a strong case to provide for the regular turnover of vehicles. The proposed 2 hour limit generally provides sufficient time for this to occur and it is recommended for approval.

Recommendation:
That the proposed 2 hour time restriction on Val Street be approved.
(iv) ‘Drop-off Bays’
The proposal involves two additional 5 minute ‘drop-off bays’, to allow people and goods to be deposited and collected close to the foreshore, bringing the total to four (including the 15 minute bay in the Flinders Lane foreshore carpark).

Some submissions raised concern that these bays are ineffective in the circumstances were sole parents are wanting to leave children and belongings at the foreshore whilst the vehicle is moved to a long-term bay. The challenges associated with the elderly remaining unsupervised was also raised.

It is acknowledged that there may be situations where the use of the ‘drop-off bays’ present difficulties but the wider benefit of the approach should not be discounted. Also, the use of these bays needs to be monitored to clearly understand their effectiveness. It is therefore recommended that the new ‘drop-off bay’ in Rockingham Beach Road (in proximity to Railway Terrace) be approved. It is also recommended that the additional ‘drop-off bay’ near the zebra pedestrian crossing not be approved in light of the abutting 3 hour bays not being recommended for approval.

Recommendation:
(i) That the proposed 5 minute ‘drop-off’ bay on Rockingham Beach Road, adjacent to the intersection of Railway Terrace, be approved.
(ii) That the proposed 5 minute ‘drop-off’ bay on Rockingham Beach Road, adjacent to the zebra pedestrian crossing, not be approved.

Other Matters Raised During Community Consultation
Although the purpose of this Report is to consider proposed time parking restrictions, some of the other matters raised in the submissions warrant comment, as follows:

(i) Reduced Parking Provision
The reduction in parking brought about the Rockingham Beach Foreshore Revitalisation Project was raised within a significant proportion of the submissions. In February 2019, Council resolved to investigate opportunities for additional on-street parking at the Rockingham Foreshore as a short-term measure to offset the loss of bays in Railway Terrace.

These on-street parking opportunities at Esplanade, May Street, Harrison Street and Florence Street are currently being advertised for comment and the matter will be tabled before Council in May 2019.

The long-term approach, as contained in the Parking Strategy, is to monitor public parking occupancy, and when it regularly reaches 85% capacity, measures will be investigated to meet or regulate demand which may include the provision of new decked parking.

(ii) Private Off-street Car parks
It was suggested that the City should proactively seek to ensure that the private off-street carparks within the Waterfront Village are maintained to reach potential. This matter is addressed as a ‘New Action’ in the Parking Strategy which states:

- Investigate the potential for the City to facilitate the large private carparks within the Waterfront Village realising their parking potential in terms of maintenance and the provision of bays.

The City has already liaised with the landowners of certain private carparks in recognition of the above and will continue to do so as the opportunity arises.

(iii) ACROD Parking Provision
In February 2019, Council considered this matter and was satisfied with the provision of ACROD parking at the Rockingham Foreshore.

(iv) Paid Parking
There is no intention to introduce paid parking in the foreseeable future.

(v) Safety Concerns - Off-street Car parks
This matter is valid in the light of the City’s approach to have long-term visitors park in the off-street carparks and walk to their destination. If these carparks do not present as a safe option throughout the day or night then the ability to achieve the outcome is compromised.

The City will consider undertaking a safety audit of the Gary Holland Community Centre and Museum carparks to determine the current circumstances and whether measures can be introduce to improve safety. This should also extend to the connection between these carparks and the foreshore.
(vi) Overflow Parking

The Parking Strategy also contains a ‘New Action’ relating to overflow parking which states:

- Establish Guidelines that enable overflow parking resources, including remote locations, to service large events and other busy periods.

The City has recently allowed for overflow parking during community events within the Village Green and the Guidelines to create a consistent approach will be progressed.

Conclusion

It is therefore recommended that the amendments to the timed parking restrictions, as detailed above, be approved.

It is important that the timed parking restrictions be regularly monitored and reviewed as parking demand and behaviours evolve. Figure 9 depicts the various timed parking restrictions that will apply across the Waterfront Village in the event that the recommended amendment are approved.

9. Existing and Recommended Timed Parking Restrictions

<table>
<thead>
<tr>
<th>Voting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Majority</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Officer Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council APPROVES the Parking Controls - Timed Parking Restriction for the on-street bays on Railway Terrace, Rockingham Beach Road and Val Street, Rockingham as shown below:</td>
</tr>
</tbody>
</table>
Moved Cr Hamblin, seconded Cr Sammels:

That Council APPROVES the Parking Controls - Timed Parking Restriction for the on-street bays on Railway Terrace, Rockingham Beach Road and Val Street, Rockingham as shown below:
The Committee’s Reason for Varying the Officer’s Recommendation

To enable longer parking for customers of business traders in Railway Terrace.

Implications of the Changes to the Officer’s Recommendation

Although the City’s Parking Strategy provides general guidance on the approach to timed parking restrictions, it does not offer a definitive position given the many variables that apply.

In essence, the Parking Strategy recommends that there be no long-term parking in the ‘Central Core’, and to that extent, the Recommendation from the Planning and Engineering Services Committee (‘Committee Recommendation’) is consistent.

The Parking Strategy also recommends that the land use profile of the abutting commercial businesses be considered in allocating timed parking restrictions which was the basis to the draft arrangement which was advertised for comment.

Given the number of vacant tenancies in Railway Terrace, and the potential for the businesses to change, the process of allocating timed parking limits to commercial use is fraught.

The petition lodged on behalf of traders on Railway Terrace is noted, although it failed to include all traders. It should be noted that all Railway Terrace traders, and the others at the Rockingham Foreshore, were contacted by the City during the consultation period. At least three submissions were received from traders in Railway Terrace.

The views of the traders is clearly relevant and important, however, they are not the only stakeholders and cannot speak for all visitors to the Rockingham Foreshore.

Notwithstanding, the proposed ratio of 30 minute bays to 2 hour bays within the Committee Recommendation is generally supported on the basis that a mix of bays will be provided. As mentioned above, there is limited basis to recommend a different mix.
The Committee Recommendation reflected the Officer Recommendation for the 30 minute bays to apply from 12pm - 6pm (it generally applies between 8am - 6pm). This timeframe was intending to offer more longer term bays outside of the period when the turnover of bays is primarily needed.

Given that the Committee Recommendation only provides for six 30 minute bays in Railway Terrace (as opposed to fourteen in the Officer Recommendation) there is less incentive to apply the different timeframe. It is also the case that the additional 2 hour bays will provide for an extended parking option in Railway Terrace.

It is therefore recommended that the 12pm - 6pm timeframe for the 30 minute bays be removed on Railway Terrace.
CONFIRMED AT A PLANNING AND ENGINEERING
SERVICES MEETING HELD ON MONDAY 20 MAY 2019

PRESIDING MEMBER
It is essential these assets are serviced to ensure risk is managed appropriately and service delivery to the community is maintained. An effective electrical maintenance service plays an important role in achieving this outcome through preventative and reactive measures.

**Details**

Tender T18/19-55 - Framework Agreement for the Supply of Electrical Maintenance Services was advertised in the West Australian on Saturday, 19 January 2019 and the Sound Telegraph on Wednesday, 23 January 2019. The Tender closed at 2.00pm, Wednesday, 13 February 2019 and was publicly opened immediately after the closing time.

The scope of works includes, but is not limited to, the installation, repair and maintenance of the following items associated with City managed buildings and park infrastructure:

**Separable Portion A - Buildings and parks infrastructure electrical services:**
- Internal/external lighting attached to buildings;
- In ground feature up lights;
- Park lights-bollards only;
- Electric barbecues;
- Automated public toilets;
- New and existing general power outlets;
- Exhaust fans;
- Repairs and replacement on components to security lighting;
- Electrical sub meters;
- Electric urns;
- Electric heaters;
- Power failures; and
- Periodic testing of all City facilities.

**Separable Portion B - Irrigation electrical services:**
- Installation / removal of irrigation controller units;
- Diagnosing irrigation controller and irrigation switchboard system faults;
- Installation and repair of irrigation pump protection systems;
- Installation and repair of pump starters and associated equipment;
- Connect and disconnect irrigation components from main power supply;
- General irrigation switchboard maintenance; and
- Fountains and pumps.

**Works not covered by this contract:**
- Repairs and maintenance to decorative street lighting, oval floodlighting, car park pole and reserve lighting.

The following tender evaluation panel was appointed in accordance with the City's procurement framework:
- Manager Asset Services - Separable Portions A and B (via delegated authority from the Director Engineering and Park Services);
- Building Operations Supervisor - Separable Portion A and B;
- Contracts Officer - Separable Portion A and B; and
- Irrigation Supervisor - Separable Portion B only.
Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores for Separable Portion A – Buildings and park infrastructure electrical services.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>M Power U Electrical Contracting Pty Ltd</td>
<td>35 Pts</td>
<td>29.33</td>
<td>23.33</td>
<td>24.30</td>
<td>76.97</td>
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<tr>
<td>Northlake Electrical Pty Ltd</td>
<td>26.67</td>
<td>27.33</td>
<td>19.40</td>
<td>73.40</td>
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<tr>
<td>Ace+ Pty Ltd</td>
<td>26.66</td>
<td>25.33</td>
<td>20.80</td>
<td>72.80</td>
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<tr>
<td>Hoskins Building Services Pty Ltd</td>
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<td>Greenlite Electrical Contractors Pty Ltd</td>
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<tr>
<td>Elexacom Pty Ltd</td>
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<td>21.20</td>
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<tr>
<td>Future Power WA Pty Ltd</td>
<td>29.50</td>
<td>18.67</td>
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<td>Downer EDI Works Pty Ltd</td>
<td>26.67</td>
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<td>Hender Lee Electrical Contractors Pty Ltd</td>
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<td>16.80</td>
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<td>22.60</td>
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<td>TEMPO Australia Pty Ltd</td>
<td>24.17</td>
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<td>Wired West Electrical Contracting Pty Ltd</td>
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<td>15.33</td>
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</tr>
<tr>
<td>Mechanical and Electrical Services Pty Ltd</td>
<td>18.67</td>
<td>16.33</td>
<td>25.40</td>
<td>60.40</td>
<td></td>
</tr>
<tr>
<td>Gilmour &amp; Jooste Pty Ltd</td>
<td>20.33</td>
<td>16.00</td>
<td>20.60</td>
<td>56.93</td>
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<tr>
<td>Lightspeed Communications &amp; Electrical Pty Ltd</td>
<td>17.67</td>
<td>15.33</td>
<td>20.60</td>
<td>53.60</td>
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</tr>
<tr>
<td>All West Electrical Contractors Pty Ltd</td>
<td>14.00</td>
<td>11.67</td>
<td>21.30</td>
<td>46.97</td>
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</tr>
<tr>
<td>QTM Electrical Pty Ltd</td>
<td>17.50</td>
<td>8.67</td>
<td>20.60</td>
<td>46.77</td>
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<tr>
<td>Live N Up Electrical Pty Ltd</td>
<td>12.33</td>
<td>11.00</td>
<td>19.40</td>
<td>42.73</td>
<td></td>
</tr>
</tbody>
</table>

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores for Separable Portion B – Irrigation electrical services.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenlite Electrical Contractors Pty Ltd</td>
<td>35 Pts</td>
<td>24.94</td>
<td>25.81</td>
<td>26.60</td>
<td>77.35</td>
</tr>
<tr>
<td>Northlake Electrical Pty Ltd</td>
<td>26.44</td>
<td>26.06</td>
<td>19.40</td>
<td>71.90</td>
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<tr>
<td>M Power U Electrical Contracting Pty Ltd</td>
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<td>19.44</td>
<td>24.30</td>
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<tr>
<td>Future Power WA Pty Ltd</td>
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<td>15.63</td>
<td>22.60</td>
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<tr>
<td>Wired West Electrical Contracting Pty Ltd</td>
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<td>15.33</td>
<td>30.00</td>
<td>64.63</td>
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<tr>
<td>Ace + Pty Ltd</td>
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<td>23.56</td>
<td>17.40</td>
<td>64.59</td>
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<tr>
<td>Hoskins Building Services Pty Ltd</td>
<td>20.69</td>
<td>15.94</td>
<td>20.90</td>
<td>57.53</td>
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<tr>
<td>Surun Services Pty Ltd</td>
<td>17.75</td>
<td>15.69</td>
<td>22.60</td>
<td>56.04</td>
<td></td>
</tr>
</tbody>
</table>
The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

### Implications to Consider

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

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

c. **Strategic**
   
   **Community Plan**
   
   This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Strategic Community Plan 2019-2029:

   **Aspiration 2:** Grow and Nurture Community Connectedness and Wellbeing
   
   **Strategic Objective:** Services and facilities - Provide cost effective services and facilities which meet community needs.

   **Aspiration 4:** Deliver Quality Leadership and Business Expertise
   
   **Strategic Objective:** Management of current assets – Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.

d. **Policy**
   
   In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. **Financial**
   
   Expenditure will be in accordance with the Engineering and Parks Services operational maintenance budgets.

   The labour rates submitted by the recommended tenderers’ are comparable to the rates accepted in past electrical service supply contracts. Expenditure on previous contracts covering the same services was $470,000 per annum.

### Assessment Criteria

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>35 pts</td>
<td>35 pts</td>
<td>30 pts</td>
<td></td>
<td>100 pts</td>
</tr>
</tbody>
</table>

| Downer EDI Works Pty Ltd | 23.13 | 14.19 | 18.30 | 55.61 |
| Mechanical and Electrical Services Pty Ltd | 17.13 | 11.69 | 25.40 | 54.21 |
| DU Electrical Pty Ltd | 18.43 | 15.13 | 20.60 | 54.16 |
| Hender Lee Electrical Contractors Pty Ltd | 22.5 | 14.69 | 16.80 | 53.99 |
| Gilmour & Jooste Pty Ltd | 17.44 | 13.13 | 20.60 | 51.16 |
| QTM Electrical Pty Ltd | 17.18 | 7.44 | 20.60 | 45.23 |
| Live N Up Electrical Pty Ltd | 9.69 | 9.69 | 19.40 | 38.78 |

Downer EDI Works Pty Ltd 23.13 14.19 18.30 55.61
Mechanical and Electrical Services Pty Ltd 17.13 11.69 25.40 54.21
DU Electrical Pty Ltd 18.43 15.13 20.60 54.16
Hender Lee Electrical Contractors Pty Ltd 22.5 14.69 16.80 53.99
Gilmour & Jooste Pty Ltd 17.44 13.13 20.60 51.16
QTM Electrical Pty Ltd 17.18 7.44 20.60 45.23
Live N Up Electrical Pty Ltd 9.69 9.69 19.40 38.78
f. Legal and Statutory


‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

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

Following a detailed analysis of the submissions received for Separable Portion A, and in accordance with the tender assessment criteria, it was considered that some of the submissions may not have a complete understanding of the level of service required under the Contract. Given this, the assessment panel undertook measures to ensure tenderers’ demonstrated a thorough understanding of the works, including the assessment of their quality management systems, occupational safety and health processes and provision of a comprehensive methodology in relation to works management.

The submission received from M Power U Pty Ltd presented a clear understanding of the full requirements of Separable Portion A - Buildings and parks infrastructure electrical services by addressing the specific requirements of the assessment criteria. The submission included a clear works management methodology demonstrating a concise understanding of the critical elements as well as an understanding of the City’s requirement for delivering a quality service. M Power U Pty Ltd are also the City’s existing public area lighting maintenance contractor and are performing to the required standard. Therefore, M Power U Pty Ltd is recommended as the preferred tenderer for Tender T18/19-55 - Framework Agreement for the Supply of Electrical Maintenance Services; for Separable Portion A - Buildings and parks infrastructure electrical services.

A separate analysis was completed on the submissions received for Separable Portion B - Irrigation electrical services as the level of experience and key competencies are comparatively different for this service.

Following the analysis on the submissions, Greenlite Electrical Contractors Pty Ltd demonstrated its extensive experience with irrigation electrical maintenance services and provided a good understanding of the requirements of the Contract. Greenlite Electrical Contractors Pty Ltd are the City’s existing contractor for this service and are performing to the required standard. Therefore, Greenlite Electrical Contractors Pty Ltd is recommended as the preferred tenderer for Tender T18/19-55 - Framework Agreement for the Supply of Electrical Maintenance Services; for Separable Portion B - Irrigation electrical services.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ACCEPTS** the tender submitted from M Power U Pty Ltd from Unit 5/5 Nasmyth Road, Rockingham, for Tender T18/19-55 - Framework Agreement for the Supply of Electrical Maintenance Services; Separable Portion A - Buildings and parks infrastructure electrical services.
2. **ACCEPTS** the tender submitted from Greenlite Electrical Contractors Pty Ltd from 2/6 Profit Pass, Wangara, for Tender T18/19-55 - Framework Agreement for the Supply of Electrical Maintenance Services; Separable Portion B - Irrigation electrical services.

## Committee Recommendation

**Moved Cr Sammels, seconded Cr Summers:**

That Council:

1. **ACCEPTS** the tender submitted from M Power U Pty Ltd from Unit 5/5 Nasmyth Road, Rockingham, for Tender T18/19-55 - Framework Agreement for the Supply of Electrical Maintenance Services; Separable Portion A - Buildings and parks infrastructure electrical services.

2. **ACCEPTS** the tender submitted from Greenlite Electrical Contractors Pty Ltd from 2/6 Profit Pass, Wangara, for Tender T18/19-55 - Framework Agreement for the Supply of Electrical Maintenance Services; Separable Portion B - Irrigation electrical services.

Committee Voting – 4/0

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

Not Applicable

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

Not Applicable
### 13. Reports of Councillors

Nil

### 14. Addendum Agenda

Nil

### 15. Motions of which Previous Notice has been given

Nil

### 16. Notices of Motion for Consideration at the Following Meeting

Nil

### 17. Urgent Business Approved by the Person Presiding or by Decision of the Committee

Nil

### 18. Matters Behind Closed Doors

Nil

### 19. Date and Time of Next Meeting

The next Planning and Engineering Services Committee Meeting will be held on **Monday 20 May 2019** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

### 20. Closure

There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **6:01pm**.