MINUTES
Planning and Engineering Services Committee Meeting
Held on Tuesday 24 October 2017 at 4:00pm
City of Rockingham Boardroom
# City of Rockingham
## Planning and Engineering Services Committee
### Meeting Minutes
#### Tuesday 24 October 2017

<table>
<thead>
<tr>
<th>CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Declaration of Opening</td>
</tr>
<tr>
<td>2. Error! Reference source not found.</td>
</tr>
<tr>
<td>3. Record of Attendance/Apologies/Approved Leave of Absence</td>
</tr>
<tr>
<td>4. Responses to Previous Public Questions Taken on Notice</td>
</tr>
<tr>
<td>5. Public Question Time</td>
</tr>
<tr>
<td>6. Confirmation of Minutes of the Previous Meeting</td>
</tr>
<tr>
<td>7. Matters Arising from the Previous Minutes</td>
</tr>
<tr>
<td>8. Announcement by the Presiding Person without Discussion</td>
</tr>
<tr>
<td>9. Declaration of Member’s and Officer’s Interest</td>
</tr>
<tr>
<td>10. Petitions/Deputations/Presentations/Submissions</td>
</tr>
<tr>
<td>11. Matters for which the Meeting may be Closed</td>
</tr>
<tr>
<td>Planning and Development Services Information Bulletin – October 2017</td>
</tr>
<tr>
<td>Engineering and Parks Services Information Bulletin – October 2017</td>
</tr>
<tr>
<td>13. Agenda Items – Planning and Engineering Services Committee</td>
</tr>
<tr>
<td>Planning and Development Services</td>
</tr>
<tr>
<td>PDS-055/17 Amendment to Appoint Authorised Persons Delegation of Authority</td>
</tr>
<tr>
<td>PDS-056/17 Proposed Street Naming Theme - ‘Millars Landing’</td>
</tr>
<tr>
<td>PDS-057/17 Proposed Telecommunications Infrastructure (Mobile Telephone) Secret Harbour District Centre</td>
</tr>
<tr>
<td>PDS-058/17 Proposed Modification to Building Envelope</td>
</tr>
<tr>
<td>PDS-059/17 Amendment No.171 to Town Planning Scheme No.2 - Cash-in-Lieu for Carparking in the Primary Centre Waterfront Village Zone</td>
</tr>
<tr>
<td>PDS-060/17 Proposed Amendment to Planning Policy 3.1.1 - Rural Land Strategy</td>
</tr>
<tr>
<td>PDS-061/17 Proposed Amendments to Planning Policy 3.3.4 - Cash-In-Lieu of Carparking</td>
</tr>
<tr>
<td>PDS-062/17 Proposed Amendments to Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities</td>
</tr>
<tr>
<td>PDS-063/17 Amendment No.168 - Additional Use to Residential (R20) Zone (Nursing Home) - Final Adoption</td>
</tr>
<tr>
<td>PDS-064/17 Proposed Telecommunications Infrastructure Golden Ponds</td>
</tr>
<tr>
<td>PDS-065/17 Proposed Modification to Building Envelope</td>
</tr>
<tr>
<td>14. Reports of Councillors</td>
</tr>
<tr>
<td>15. Addendum Agenda</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>---</td>
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<tr>
<td><strong>16.</strong></td>
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<td><strong>19.</strong></td>
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</tr>
<tr>
<td><strong>21.</strong></td>
</tr>
</tbody>
</table>
City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Tuesday 24 October 2017 - Council Boardroom

1. Declaration of Opening

The Chief Executive Officer declared the Planning and Engineering Services Committee Meeting open at 4:02pm and welcomed all present, and delivered the Acknowledgement of Country.

2. Election of Presiding Member/Chairperson

The Chief Executive Officer, Mr Andrew Hammond, invited nominations for the position of Chairperson of the Planning and Engineering Services Committee for the ensuing two years.

The following nomination was received:

Cr Elliott

As there was no more than one nomination for the position, Cr Elliott was declared elected to the position of Chair of the Planning and Engineering Services Committee for the ensuing two years.

The Chief Executive Officer congratulated Cr Elliott and wished the Planning and Engineering Services Committee well with its deliberations and vacated the Chair.

Cr Elliott assumed the Chair and thanked the Committee for their confidence in him as Chair and was looking forward to working with Councillors and Officers over the next two years.

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

3.1 Councillors

Cr Chris Elliott Chairperson
Cr Matthew Whitfield
Cr Deb Hamblin (Deputy Mayor)
Cr Barry Sammels (Mayor)
Cr Katherine Summers
Cr Joy Stewart Observer

3.2 Executive

Mr Andrew Hammond Chief Executive Officer
Mr Bob Jeans Director Planning and Development Services
Mr Peter Doherty Director Legal Services and General Counsel
Mr Sam Assaad Director Engineering and Parks Services
Mr Peter Ricci Manager Major Planning Projects
Mr Brett Ashby Manager Strategic Planning and Environment
Mr Dave Waller A/Manager Statutory Planning
Mr Erica Scott Coordinator Health and Building Services
Mr David Caporn Manager Compliance and Emergency Liaison
Mr Ian Daniels Manager Engineering Services
Mr Kelton Hincks Manager Asset Services
Mr James Henson Manager Land and Development Infrastructure
<table>
<thead>
<tr>
<th>Planning and Engineering Services Committee Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tuesday 24 October 2017</strong> PAGE 5</td>
</tr>
</tbody>
</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017

PRESIDING MEMBER

<table>
<thead>
<tr>
<th>名称</th>
<th>职位</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Adam Johnston</td>
<td>Manager Parks Services</td>
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<tr>
<td>Mr Peter Varris</td>
<td>Manager Governance and Councillor Support</td>
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<tr>
<td>Ms Sue Langley</td>
<td>Governance Officer</td>
</tr>
<tr>
<td>Ms Andrea Holman</td>
<td>PA to Director Engineering and Parks Services</td>
</tr>
</tbody>
</table>

3.3 **Members of the Gallery:** 7

3.4 **Apologies:** Nil

3.5 **Approved Leave of Absence:** Nil

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

4.1 **Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Various**

At the Planning and Engineering Services Committee meeting held on 18 September 2017, Mr Mumme asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 28 September 2017 as follows:

**Natural Area Conservation: Environmental Management Plans:**

**Question**

1. How much money in the last financial year was budgeted for a) Wetlands (excluding Lake Richmond) b) for Bushlands to cover everything in the actual management work including for example weeding, weed control, replanting, fencing, signage?

**Response**

The operating budget for reserve maintenance incorporates both environmental and non-environmental works at each reserve. The 2016/17 budget for reserves with environmental areas excluding Lake Richmond was $1.207 million.

**Question**

2. Are separate figures available for each of the 23 reserves? If so, what were they in FY16/17?

**Response**

Separate figures for each reserve are not available.

**Question**

3. How much of the budgeted money was actually spent?

**Response**

The 2016/17 expenditure for reserves with environmental areas excluding Lake Richmond was $1.185 million, representing a net expenditure of 98.2%.

**Question**

4. The proposed Plan says that “Relative to available resources, only 9 of these [23 EMP] plans have been completed to date.” Why have only nine plans been achieved under the current model when the intention was for 23 plans?

**Response**

The development of environmental management plans requires a considerable amount of officer time and resources, particularly with respect to other ongoing environmental projects and impact assessments undertaken by the City.

As such, it is usually feasible for one or two environmental management plans to be developed in a financial year, hence why only 9 plans have been completed to date since the previous Specific Purpose Strategies were adopted by Council in 2012.
On this basis, the development of 23 individual environmental management plans was not considered to be a pragmatic approach. This issue has been addressed by the new Community Plan Strategy - Natural Area Conservation.

Question

5. How can a plan costing $120,000 be expected to provide a “targeted environmental management plan” when it will be expected to cover the management of at least ten wetlands (or bushlands) whose individual plans have been estimated to cost an average of $53,000?

Response

The development of environmental management plans requires engaging suitably qualified consultants to undertake flora and fauna surveys. By assessing multiple sites at one time, it is possible to achieve considerable cost savings in consultant service fees with respect to desktop assessments, report preparation, mapping and travel time.

Question

6. Earlier I asked what would happen to the $460,000 saved under the proposed model and was told it would go into general funds, not environmental work. If Council believes its own words “the purpose of the CPS is to protect and enhance the City’s natural capital through effective measurement and management of threatening processes.” will Council use these funds to achieve that purpose?

Response

The Council will allocate funds it considers necessary to implement the Strategy and subsequent management plans and monitoring programs on an annual basis.

Question

7. What aspects of a reserve like Baldivis Nature Reserve are considered to be able to be dealt with effectively in the same EMP as Lewington Nature Reserve?

Response

These reserves require the same scope of consultant services works to inform the preparation of an environmental management plan, including an assessment of vegetation complexes, vegetation condition, weed species distribution and a search of priority flora and fauna. As detailed in the Community Plan Strategy - Natural Area Conservation, these reserves are also subject to similar threatening processes which require assessment and management, such as invasive flora, invasive fauna, inappropriate access, fire and rubbish dumping.

Mersey Point Coastal Erosion:

Question

8. In the decision-making process for the new Mersey Point Jetty, what account was taken of the fact the sand bar has moved north?

Response

It is acknowledged that Mersey Point and Penguin Island sandbar are very dynamic locations and can accrete or erode very rapidly. Movement is sensitive to small changes in the wind and wave climate.

The preferred jetty location was identified after four (4) years of land and hydrographic surveys to identify a stable location separated from the coastal dynamics occurring at Mersey Point and the Penguin Island Sandbar.

Question

9. How far north has it moved so far?
Response
The sandbar is located within the Shoalwater Island Marine Park managed by Department of Biodiversity Conservation and Attractions, Swan Coastal District Branch. The City does not monitor the sandbar movement.

Question
10. What surety is there that the “mass build-up of sand at the present Jetty” will not expand to render the new jetty unusable within a few years?

Response
The new jetty footprint site located 150m to the north of the existing timber jetty, in a stable section of coastline with very little change to the seabed and is removed from the on-going sediment dynamics of the sand bar.

The City will continue to monitor the shoreline movement at Mersey Point upon practical completion of the new jetty and post demolition of the existing timber jetty in 2018/19 to record and monitor the stability of the shoreline.

4.2 Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina

At the Planning and Engineering Services Committee meeting held on 18 September 2017, Mr Green asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 22 September 2017 as follows:

(Preamble to questions)
I note there are numerous comments regarding the project, briefly:

- Critical that the proponent has the ability to deliver on its intent
- That the proponent has the financial capacity and logistical capability to deliver the project within a reasonable time
- Risks that the developer experiencing financial, legal or logistical difficulties that cause the project to be abandoned during the construction phase
- The developer obtaining a development approval but then experiencing financial, legal or capacity difficulties that prevents the project from being commenced at all

Recommend that the State Government confirm that the proponent has the financial capacity and logistical capability to deliver the project within a reasonable time, prior to authorising a development application.

And the recommendation:
- That the necessary due diligence has been undertaken to ensure that the proponent has the necessary financial capacity and logistical capability to plan, construct and commission the project within a reasonable time

Question
1. Are the above new guidelines the City of Rockingham has introduced for projects of this nature? If yes:
   (i) Has the experience of the Mangles Bay Marina been the catalyst for such guidelines? If no,
   (ii) Why then has such comments and recommendation been attached to this project?

Response
They are not new 'guidelines' but specific to the Wanliss Street Marina proposal.

Given that the Wanliss Street Marina is proposed on Crown land, within the regionally significant Rockingham Beach area, the State Government will be asked to seek the necessary assurances that the project can be delivered.
(Preamble to questions)

It is clear that the proponents of the MBM project do not propose to adjust their coastal setback in accordance with their CHRMAP, section 8, which states "The projects financials are unable to accommodate the City's request for an increased foreshore width" and, following the lack of correspondence from Cedar Woods over the past 8 months on Waterways Management revolving around the same issue, I ask:

Question
2. Why is the City even requesting the WAPC to clarify the foreshore width, because if the WAPC supports the proponents 20 metres, Waterways Management costs and income become unviable for the City?

Response
The financial forecasts within the 25 Year Waterway Maintenance Plan cannot be finalised, and referred to Council for consideration, until the extent of foreshore reserve is defined.

Question
3. If the WAPC support the City's foreshore width, the proponents project becomes unviable?

Response
This is a speculative statement, not a question.

Question
4. Or is this just a case of handballing the problem back to WAPC, who should have determined this back in 2013?

Response
No, the City has no jurisdiction over the process that confirms the extent of the foreshore reserve.

Question
5. If the WAPC currently makes a recommendation on MRS Amendment 1280/41, does the City consider they are contravening their own policy dcp 1.8 regarding Waterways Management and 'Deed of Agreement' which requires signing before determination of rezoning?

Response
This question is best directed to the Department of Planning, Lands and Heritage.

5. Public Question Time

4:05pm The Chairperson invited members of the Public Gallery to ask questions.

5.1 Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina

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

1. Is it correct that statutory planning necessary for the MBM project includes both the MRS amendment process and, if the MRS amendment is approved, all required planning approvals pursuant to the City of Rockingham planning scheme, including approval of the Local Structure Plan?

2. At what stage is the planning assessment of the MBM project pursuant to the City's planning scheme, including approval of the Local Structure Plan? What further steps are required to complete that planning assessment and decision-making process.

Approximately how much more time does the City estimate this will take?
3. What is the estimate of the City’s senior planning officers as to the earliest possible date by which all the statutory planning processes will be completed in relation to the MBM project?

4. Does the City consider it will be possible for all the statutory planning approvals for the MBM project to be achieved by early 2018?

5. During the recent Local Government Election many candidates were heard to say when asked about the MBM project, ‘it is no longer a City project, in fact it is a State Government Project now.’ If the MRS amendment is approved, is it not the case that the City will provide a Local Structure Plan for the Community to comment on, therefore making it a very important City project?

6. Will the City provide clear up to date information to newly elected councillors on the status of the MBM project? Other to just read the Planning Bulletin?

7. My final question relates to item 4.13 section 6 Statutory Planning, HMAS Stirling Redevelopment Project in the Bulletin, which states,

‘During public consultation sessions on the proposal Defence responded to a number of issues such as increase to local traffic. It was advised that there will be a small increase to traffic on Point Peron Road and mitigation measures are in place to reduce congestion.’

   a) When did the consultation sessions take place, is 2015 correct?
   b) If the MBM project goes ahead, is it not the case that Pont Peron Road will be closed?
   c) As the City of Rockingham will be responsible for the road network has the City advised Defence of the Cardno Traffic Impact Assessment completed in June 2016 for the MBM, and the potential consequences it could have with personnel traversing to and from HMAS Stirling, that being 15,000 vehicles per day using Memorial Drive?

The Chairperson advised that the questions will be taken on notice.

4:12pm There being no further questions the Chairperson closed Public Question Time.

6. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Whitfield:

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 18 September 2017, as a true and accurate record.

Committee Voting – 5/0

7. Matters Arising from the Previous Minutes

Nil

8. Announcement by the Presiding Person without Discussion

4:12pm 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.

9. Declarations of Members and Officers Interests

4:12pm The Chairperson asked if there were any interests to declare.

There were none.
10. **Petitions/Deputations/Presentations/Submissions**

   Nil

11. **Matters for which the Meeting may be Closed**

   Nil

12. **Bulletin Items**

Planning and Development Services Information Bulletin – October 2017

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
   3.5 Food Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspection
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 Permit Approvals
   4.7 After Hours Noise and Smoke Nuisance Complaint Service
   4.8 Complaint - Information
   4.9 Noise Complaints - Detailed Information
   4.10 Animal Exemptions
   4.11 Building Plan Assessments
   4.12 Septic Tank Applications
   4.13 Demolitions
   4.14 Swimming Pool and Drinking Water Samples
   4.15 Rabbit Processing
   4.16 Hairdressing and Skin Penetration Premises
   4.17 New Family Day Care Approvals
   4.18 Caravan Park and Camping Ground Inspections

**Building Services**

1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Demolition Permit
   4.4 Permanent Sign Licence
   4.5 Community Sign Approval
   4.6 Street Verandah Approval
   4.7 Occupancy Permits
   4.8 Strata Titles
<table>
<thead>
<tr>
<th>4.9</th>
<th>Unauthorised Building Works (Section 51 of the Building Act)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.10</td>
<td>Monthly Caravan Park Site Approvals</td>
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<tr>
<td>4.11</td>
<td>R Code Variations</td>
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</tbody>
</table>

**Compliance and Emergency Liaison**

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Ranger Services Action Reports
   - 4.2 Singleton Volunteer Bush Fire Brigade - Activity
   - 4.3 Community Education
   - 4.4 Rockingham/Kwinana State Emergency Service
   - 4.5 Volunteer Celebration Function
   - 4.6 Restricted Burning Period – Permits Required
   - 4.7 Volunteer Support Legislation
   - 4.8 SmartWatch Key Result Area: Visibility
   - 4.9 SmartWatch Key Result Area: Engagement with Community
   - 4.10 SmartWatch Key Result Area: Increasing perception of Safety
   - 4.11 Notable Statistics

**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 Wetland Management Plan
   - 3.3 Lake Richmond Management Plan Review
   - 3.4 Coastal Hazard Risk Management and Adaption Plan
4. Information Items
   - 4.1 Notification of Approval of Structure Plans by the Western Australian Planning Commission
   - 4.2 Delegated Advertising of Proposed Structure Plans
   - 4.3 Lifting of Urban Deferment Guidelines
   - 4.4 Advertising for Amendment to Local Commercial Strategy (Parkland Heights Neighbourhood Centre)
   - 4.5 Port Kennedy Development Bill 2017

**Land and Development Infrastructure**

1. Land and Development Infrastructure Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Structure Plan Approval Referrals
   - 4.2 Subdivision Approval Referrals
   - 4.3 Urban Water Management Referrals
   - 4.4 Traffic Report Referrals
   - 4.5 Delegated Land and Development Infrastructure Assets Approvals
   - 4.6 Subdivision Clearance Requests
   - 4.7 Handover of Subdivisional Roads
   - 4.8 Development Application Referrals
   - 4.9 Delegated Subdivision 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
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused
   4.13 HMAS Stirling Redevelopment Project

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 ‘Mangles Bay Marina’
4. Information Items
   4.1 Western Trade Coast Protection Area (WTCPA) - Buffer Definition (LUP/407-09)

Advisory Committee Minutes

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:
That Councillors acknowledge having read the Planning Services Information Bulletin – October 2017 and the content be accepted.

Committee Voting – 5/0
# Engineering and Parks Services Information Bulletin – October 2017

**Engineering and Parks Services Directorate**

1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Foreshore Masterplan – Stage One Construction
4. Information Items

**Engineering Services**

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

**Parks Services**

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

**Asset Services**

1. Asset Services Team Overview
2. Human Resource Update
## Project Status Reports
- Facilities and Reserve Accessibility Audits
- Footpath Condition Audit
- Secure Access Strategy and Operations Implementation

## Information Items
- Asset Maintenance Team
- Asset Maintenance – Buildings
- Asset Maintenance – Reserves
- Construction and Capital Works Program
- Lighting Construction Program
- Park Infrastructure & Construction Program
- Strategic Asset Management

### Advisory Committee Minutes

#### Committee Recommendation

**Moved Cr Whitfield, seconded Cr Hamblin**

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – October 2017 and the content be accepted.

Committee Voting – 5/0
13. Agenda Items

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-055/17 Amendment to Appoint Authorised Persons Delegation of Authority</th>
</tr>
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<tr>
<td>File No:</td>
<td>CPM/130</td>
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<tr>
<td>Applicant:</td>
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<td>Owner:</td>
<td></td>
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<tr>
<td>Author:</td>
<td>Ms Erica Scott, Coordinator Health Services</td>
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<tr>
<td>Other Contributors:</td>
<td>Mrs Jelette Edwards, Governance Coordinator</td>
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<td>Mr Michael Howes, Senior Environmental Health Officer</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>24 October 2017</td>
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<tr>
<td>Previously before Council:</td>
<td>September 2016 (GMS-018/16), January 2017 (GMS-002/17)</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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Purpose of Report

For Council to delegate authority to the Chief Executive Officer to appoint authorised persons under the Health (Asbestos) Regulations 1992.

Background

The Department of Health recognised that the penalty provisions under the Health (Asbestos) Regulations 1992 were not a sufficient deterrent to prevent mishandling of asbestos cement materials.
The Health (Asbestos) Regulations 1992 were amended on 24 January 2017 to reflect the terminology used in the Public Health Act 2016, to increase the penalties for offences under the Regulations, and to enable local governments to issue infringement notices for specified offences.

These amendments were introduced as an intermediate measure to deter unlawful conduct and encourage compliance, while the process of regulation review is ongoing and a new set of subsidiary legislation to the Public Health Act 2016 is being developed.

**Details**

The Regulations included a clause to delegate the authorisation for officers to issue infringement notices under the Health (Miscellaneous Provisions) Act 1911. The City queried this delegation with the Department of Health at the time of the amendment. The Department of Health undertook further investigation, and has since been advised by the State Solicitor's Office that there are no powers to delegate this power under the Health (Miscellaneous Provisions) Act 1911.

The Health (Asbestos) Regulations 1992 were further amended on 19 September 2017 to insert a clause to allow for the delegation of power to the Chief Executive Officer of the local government.

This report is to allow Council to delegate authority to the Chief Executive Officer to appoint authorised persons under the Health (Asbestos) Regulations 1992.

**Implications to Consider**

a. **Consultation with the Community**
   
   Not Applicable

b. **Consultation with Government Agencies**
   
   The amendments to the Health (Asbestos) Regulations 1992 have been initiated by the Department of Health

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 C:** Quality Leadership
   
   **Strategic Objective:** Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within accountable, legally compliant, transparent and ethical environment.

d. **Policy**
   
   Nil

e. **Financial**
   
   Nil

f. **Legal and Statutory**
   
   Health (Asbestos) Regulations 1992
   
   Regulation 15D. Infringement notices
   
   (5) A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2.

   (6) Each local government that appoints a person as an authorised officer under subregulation (5) must issue to the officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
(7) A local government may delegate a power or duty conferred or imposed on it by this regulation to the Chief Executive Officer of the local government.

Voting Requirements

Under the Local Government Act 1995 section 5.42 states a local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under – the Local Government Act 1995 other than those referred to in section 5.43 or the Planning and Development Act 2005 section 214(2), (3) or (5). *Absolute majority required.

The head of power for the Health (Asbestos) Regulations 1992 is the Health (Miscellaneous Provisions) Act 1911 (the Act). The Act is silent on the voting requirements needed for a local government to delegate powers or the discharge of any of its duties therefore only simple majority is needed for voting requirements.

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

This delegation to the Chief Executive Officer will allow the City to enforce the Regulations in regard to the issuing of infringements for breaches of the Health (Asbestos) Regulations 1992.

Voting Requirements

Simple Majority

Officer Recommendation

That Council DELEGATES to the Chief Executive Officer power or duty conferred or imposed on an enforcement agency as per regulation 15D(7) of the Health (Asbestos) Regulations 1992.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin

That Council DELEGATES to the Chief Executive Officer power or duty conferred or imposed on an enforcement agency as per regulation 15D(7) of the Health (Asbestos) Regulations 1992.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-056/17</th>
<th>Proposed Street Naming Theme - 'Millars Landing'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>21.2017.11.1</td>
<td>Cedar Woods Properties Limited</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td></td>
<td>Upside Property Pty Ltd and Woodbrooke Property Pty Ltd (both wholly owned subsidiaries of Cedar Woods Properties Limited)</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td></td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td></td>
<td>Mrs Sharon Peacock, Projects Research Officer</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>24 October 2017</td>
<td>Executive</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
<td>Lots 460-463 and 709 Baldivis Road and Lots 447 and 459 St Albans Road, Baldivis</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td></td>
<td>67.82ha</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td></td>
<td>Development</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td></td>
<td>Urban</td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td></td>
<td>2. Structure Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Subdivision Plan</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider an application seeking approval for a street naming theme based on the ‘Timber Industry’ for a residential subdivision located at Lots 460-463 and 709 Baldivis Road and Lots 447 and 459 St Albans Road, Baldivis. The Estate is to be marketed as “Millars Landing”.

Background

In 2009, a Metropolitan Region Scheme (MRS) Amendment rezoned approximately 383ha in Baldivis, including this site, from ‘Rural’ to ‘Urban Deferred’. In 2014, the Minister for Planning approved the lifting of ‘Urban Deferment’ and the subject land was rezoned to ‘Urban’.

In February 2017, a subdivision application was submitted for Stage 1A of the estate for the creation of 75 lots. Conditional Approval was granted in July 2017. A subdivision application for the creation of 45 lots for Stage 1B is currently under assessment.

In September 2017, the Western Australian Planning Commission (WAPC) granted approval to the North East Baldivis Structure Plan. The area subject of this Structure Plan is identified within the East Baldivis District Structure Plan, which was endorsed by the Council in February 2014, subject to modifications.

The approved Structure Plan contains the following elements:

- The creation of approximately 830 residential lots, with densities ranging from ‘R25’ - ‘R40’;
- A 3.5ha Primary School Site;
- A Local Centre accommodating 1,500m² of Commercial floor space;
- Seven areas of Public Open Space totalling 8.518ha;
- An upgrade to Baldivis Road and Pug Roads; and
- A new neighbourhood connector road being provided to connect between Baldivis Road and Pug Road.

2. Structure Plan

Stages 1A & 1B boundary
3. Subdivision Plan
Details

Millars Landing is located adjacent to the historic 1920s tramway reserve which was set aside to transport milled timber by the Millars Timber & Trading Co, which is where the proposed estate name 'Millars Landing' is derived.

The applicant has advised that the street names are based on terms used in the timber industry, to reinforce the connection to the areas history.

Examples of the proposed street names are as follows:

Heartwood - *In a cross section of a log, the heartwood is the centre and dead portion where growth rings appear.*

Planer - *A piece of sawmill equipment that planes rough lumber, leaving it smooth and uniform in size.*

Cambium - *Layer of living cells between the wood and the innermost bark of a tree.*

Rosser - *Machine that peels bark using knives.*

Implications to Consider

a. **Consultation with the Community**
   
   Nil

b. **Consultation with Government Agencies**

   Consultation with the Geographic Names is required following the Council’s decision.

c. **Strategic**

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

   **Aspiration D:** Sustainable Environment

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

d. **Policy**
   
   Nil

e. **Financial**
   
   Nil

f. **Legal and Statutory**

   The Land Administration Act 1997 (section 26A) requires developers of new subdivisions to submit street names for support by the Council. The responsibility for approving street names rests with the Geographic Names Committee. The proposed theme is in accordance with Geographic Names Committee Principles, Procedures and Guidelines.

g. **Risk**

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

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

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

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

   Nil
Comments

The City’s Planning Procedure No.1.4 – Street Names and Their Themes (Planning Procedure No.1.4) provides guidelines and procedures for street naming themes and associated street names for subdivisions within the City. All applications for approval of street naming themes are assessed by the City for compliance with Planning Procedure No.1.4 and are referred to Council for determination.

The proposed theme relating to the ‘Timber Industry’ is compliant with the City’s Planning Procedure No.1.4 and the Geographic Names Committee Principles, Procedures and Guidelines, which recognises names associated with historical events connected to the area and descriptive names appropriate to the features as a preferred source.

In the light of the above, it is recommended that the Council support the proposed street naming theme.

Next Steps

Street names that are consistent with the Council approved street naming theme and comply in all respects with Planning Procedure No.1.4, will be determined by the City and referred to the Geographic Names Committee for final approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS the proposed street naming theme relating to the ‘Timber Industry’ for the residential subdivision located at Lots 460-463 and 709 Baldivis Road and Lots 447 and 459 St Albans Road, Baldivis, known as ‘Millars Landing’.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin

That Council SUPPORTS the proposed street naming theme relating to the ‘Timber Industry’ for the residential subdivision located at Lots 460-463 and 709 Baldivis Road and Lots 447 and 459 St Albans Road, Baldivis, known as ‘Millars Landing’.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
4:41pm  Cr Stewart departed the meeting.
4:45pm  Cr Stewart rejoined the meeting.

## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-057/17 Proposed Telecommunications Infrastructure (Mobile Telephone) Secret Harbour District Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2017.00000231.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Aurecon Australasia Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Perpetual Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning, Mr Donna Shaw, A/Coordinator Statutory Planning, Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>24 October 2017</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 7001 Secret Harbour Boulevard, Secret Harbour</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>6.0138ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>District Town Centre</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
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<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
</tbody>
</table>
| Maps/Diagrams:          | 1. Location Plan  
2. Aerial Photo  
3. Proposed Monopole Location  
4. Site location  
5. Site Layout  
6. North Elevation  
7. Photomontage Locations  
8. Montage 1 - Cycle Underpass Secret Harbour Boulevard  
9. Montage 2 - Anstey Road  
10. Montage 3 - Warnbro Sound Avenue |
11. Montage 4 - Oasis Drive
12. Montage 5 - Clarkshill Road
13. Montage 6 - Cnr Stamford and Ortona Crescents
14. Montage 7 - Secret Harbour Boulevard
15. Submission Locations
Purpose of Report

To consider an application seeking Development Approval for Telecommunications Infrastructure (mobile telephone) at Lot 7001 Secret Harbour Boulevard, Secret Harbour, being the site of the Secret Harbour District Centre.

Background

The location of the proposed Telecommunications Infrastructure is situated at the Secret Harbour Shopping Centre, located on the western side of Warnbro Sound Avenue and south of Secret Harbour Boulevard, Secret Harbour.

Woolworths supermarket within the shopping centre building abuts the proposed Telecommunications Infrastructure site to the south-east, while the Celebrations drive through liquor store is located to the north-west. The Whistling Kite tavern is located to the south and has a service area accessed from adjacent to the proposed telecommunications infrastructure.

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

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

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

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

Details

Development Approval is sought by Telstra for Telecommunications Infrastructure comprising the following:

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

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

4. Site Location
5. Site Layout

- Proposed Circular Headframe
- Existing Concrete Kerb
- Proposed Telstra 25.9m High Type 3T Monopole
- Proposed 6x RRUs to be stacked on proposed mounting poles
- Proposed Telstra 3.2kV PVXG10.1T-B2 Panel Antennas to be installed on proposed circular headframe
- Proposed Telstra R996102 Outdoor Cabinet & Filter Plinth
- Existing Storage Room to be removed to make way for monopole & ODU for carriers
- Proposed Telstra P150 Rated Isolation Switchboard
- Proposed Telstra Eaton EBE Outdoor Power Rack
- Future Telstra R996102 Outdoor Cabinet & Filter Plinth

BIN STORAGE AREA

OPTUS 6 BAY ODC

SHOPPING CENTRE
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017
PRESIDING MEMBER
7. Photo Montage Locations

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

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

12. Montage 5 (Clarkshill Road)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 NOVEMBER 2017
PRESIDING MEMBER
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 proposed telecommunications infrastructure, as per the submission location plan below. A total of 570 landowners and occupiers were consulted.

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

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

The following is a breakdown of the submissions:

- 41 submissions received;
- 36 submissions objecting to the proposal; and
- 5 submissions received supporting or indicating no objection to the proposal.

Submissions objecting were also received from properties located at 17 Cobblestone Circuit, 54 Secret Harbour Boulevard and 15 Genoa Place, which are not shown on the consultation plan.
An assessment of the concerns raised by the submitters is as follows:

<table>
<thead>
<tr>
<th>Health Impacts</th>
</tr>
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<tbody>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>Proponent’s Response:</td>
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<td>City’s Comments:</td>
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<table>
<thead>
<tr>
<th>Property Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>Proponents Response:</td>
</tr>
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<tr>
<td>City’s Comments:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Visual Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission:</td>
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<tr>
<td>Proponents Response:</td>
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</tbody>
</table>
Visual Amenity (Cont…)

We submit that the proposed facility has been situated, designed and located so as to minimise potential visual impact with specific regard to avoiding locally or regionally significant views, areas of cultural heritage or conservation value, or areas in close proximity to community sensitive land uses. From most vantage points the backdrop is a service/loading area or is screened by the shopping centre itself, other buildings or vegetation. Whilst collective view experiences hold greater weight when balancing the visual impact against the community benefit the technology will bring, it is also acknowledged that those dwellings in closest proximity have an outlook away from the shopping centre car park towards parkland.

The design response includes the use of headframes to minimise the overall height, the construction of a monopole that enables the structure to present the smallest profile and the use of equipment cabinets to minimise ground level infrastructure. Additionally, the lighter finishes and modern architectural form of the shopping centre together with a degree of visual clutter from light poles and advertising signage assists in being able to demonstrate recognised blending principles.

City’s Comments:

The assessment of the visual impact of development a proposal for Telecommunications Infrastructure is made on a ‘case by case’ basis.

The photo montages submitted indicate the upper portion of the Telecommunications Infrastructure will be visible above the existing buildings of the shopping centre from all directions. The lower portion of the Telecommunications Infrastructure will only be visible from a northerly aspect against the backdrop of the shopping centre, as it will be otherwise screened by buildings.

The close proximity of the proposed Telecommunications Infrastructure to the 8.5m high buildings of the shopping centre (and Celebrations liquor store) reduces the visible extent of the structure to only the upper portion of the monopole structure when viewed from the west, south and east. The extent of visual impact of the upper portion of the monopole structure will vary depending on the viewing location, however, it must be recognised that the subject land accommodates a large developed commercial shopping centre and associated car park. As such, the area can be characterised as having a somewhat “busy” urban landscape.
### Visual Amenity (Cont…)

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

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

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

### Alternative Locations

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

**Proponent’s Response:**

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

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

**City Comments:**

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

### Impact on Shopping Centre

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

**Proponents Response:**

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

The plans illustrate that all but approximately 1m² of the 27.2m² lease area either accommodates an existing storage room to be demolished or is within an area delineated by kerbing.
Impact on Shopping Centre (Cont…)

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

b. Consultation with Government Agencies

The City also consulted the Department of Education, which lodged a submission of “no objection” to the proposal.

<table>
<thead>
<tr>
<th>Department of Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission</td>
</tr>
<tr>
<td>(i) The Department of Education has reviewed the document and wishes to advise that it has no objection to this proposal. There is sufficient distance separation from the proposed tower to the Secret Harbour Primary School on Maratea Parade, Secret Harbour.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted.</td>
</tr>
</tbody>
</table>

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 2015-2023.8:

**Aspiration D:** Sustainable Environment

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

d. Policy

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

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

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

An assessment of the application against the relevant matters to be considered listed in SPP5.2 is as follows:
<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications</td>
<td>The visual impact of the application was assessed by the City, which included an appraisal of the applicant's visual amenity assessment and photomontages, as well as a site inspection.</td>
<td>Yes</td>
</tr>
<tr>
<td>infrastructure should be made on a case by case basis.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telecommunications infrastructure should be sited and designed to minimise visual</td>
<td>The visual impact of the proposed Telecommunications Infrastructure is minimised by the utilising a slimline 'monopole' structural form. The proposed site is well back from the surrounding road network, in a service area for the shopping centre, where the lower portion of the infrastructure will be screened from most viewing angles by adjacent buildings. This will ensure that:</td>
<td></td>
</tr>
<tr>
<td>impact and whenever possible:</td>
<td>(a) the proposed Telecommunications Infrastructure will not be prominently visible when viewed from scenic routes, lookouts or recreation areas;</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>(b) the proposed Telecommunications Infrastructure will not detract from significant views of any heritage place, landmark, streetscape, panorama or vista;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) the proposed Telecommunications Infrastructure will not be located on a site where environmental or cultural heritage values may be compromised. While the structure will to some extent (by necessity) be visible, Telecommunications Infrastructure is considered to be consistent with the urban landscape of the district town centre; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) the slim form and the unpainted colour of the monopole structure is designed to assist it blend against the background of the building and sky.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) be located to avoid deterring from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.</td>
<td></td>
</tr>
</tbody>
</table>
Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.

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

Telecommunications infrastructure should be co-located and whenever possible:
(a) Cables and lines should be located within an existing underground conduit or duct; and
(b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.

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

The proposal is considered consistent with SPP5.2.

Planning Policy 3.3.16 - Telecommunications Infrastructure (PP3.3.16)

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

“(a) To promote a consistent approach in the assessment and determination of applications for Development Approval for Telecommunications;

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

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

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

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

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The preferred location for telecommunications Infrastructure that cannot be classified as low impact facilities is in the Industrial, Commercial and Rural Zones.</td>
<td>The proposed is not a “low impact” facility and will be located within the District Town Centre zone, which is a commercial zone and a preferred location.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirement</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>To provide for future co-location, new mobile telecommunication towers and sheds are to be designed to permit at least 3 carriers to co-locate. Carriers shall co-locate onto existing towers wherever possible.</td>
<td>The proposed telecommunications infrastructure is structurally capable of accommodating 3 carriers, however, whether a third carrier co-locates onto it will depend on their coverage needs. Refer above to comments on SPP5.2.</td>
<td>Yes</td>
</tr>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis.</td>
<td>The visual impact of the application was assessed by the City, which included an appraisal of the applicant's visual assessment and photomontages as well as a site inspection. For the reasons discussed further below, while the proposed structure will (by necessity) be visible to some degree, it is not regarded as being visually obtrusive.</td>
<td>Yes</td>
</tr>
<tr>
<td>Telecommunications Infrastructure should be sited and designed to have minimal impact on the environmental, cultural heritage, social and visual landscape.</td>
<td>The proposal will have no impact on the environmental and cultural heritage landscape. The proposed Telecommunications Infrastructure will provide reliable Depth of Coverage, and therefore enhanced service to local residents. The social impacts of the proposal are considered positive. Refer to the Comments section below for discussion of the visual landscape implications.</td>
<td>Yes</td>
</tr>
<tr>
<td>Be located away from scenic routes and recreation sites.</td>
<td>Secret Harbour Boulevard is located 85m to the north of the proposed monopole structure. Views from Secret Harbour Boulevard will be intermittent in nature, as intervening vegetation screens the structure and mitigates the visual impact when viewed by passing traffic. The nearest recreation site the Secret Harbour oval is located 112m away from the structure, to the north of Secret Harbour Boulevard. Established trees and the lower level of the reserve (below the level of Secret Harbour Boulevard) effectively screen the structure from view.</td>
<td>Yes</td>
</tr>
<tr>
<td>To avoid detracting from significant views of landmarks, streetscapes and vistas.</td>
<td>The surrounding landscape is generally flat, so the proposal will not detract from any significant views of landmarks or vistas. As the structure is proposed well set back from the surrounding road network and screened from view from Oasis Drive (by the built form of the shopping centre) it is unlikely to detract from any streetscapes.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirement</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>The scale, materials and colours should be sympathetic to the surrounding landscape and use techniques to blend the facility into the environment.</td>
<td>The proposal is for a slim line monopole structure, which by retaining a natural galvanised metal finish can more effectively blend with the lighter backgrounds of the building and sky.</td>
<td>Yes</td>
</tr>
<tr>
<td>Towers should be of monopole construction.</td>
<td>The proposed structure is a slim line monopole tower.</td>
<td>Yes</td>
</tr>
<tr>
<td>The screening of the base of the tower and associated installations by vegetation will be applied on a ‘case by case’ basis.</td>
<td>As the proposed location is within a paved service area of the shopping centre, vegetation screening would be inappropriate in this instance. The ground level infrastructure can be completely screened from views from the north by the installation of a masonry wall around the perimeter of the proposed lease area. This would also secure the infrastructure from accidental damage or vandalism.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

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

Relevant objectives of PP3.2.3 include:

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

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

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

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

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

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

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

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

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

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

f. **Legal and Statutory**

   **Town Planning Scheme No.2 (TPS2)**
   
   Clause 3.2 - Zoning and Land Use
   
   The proposed use is interpreted as 'Telecommunications Infrastructure', which is a land use which is not permitted ("D") unless the Council grants its approval within the District Town Centre zone.

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

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

### Comments

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

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

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

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

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

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

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

Approval is recommended, subject to conditions.

### Voting Requirements

**Simple Majority**

### Officer Recommendation

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

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Layout and Access Plan, Drawing No. W108058, dated 02.08.2016; and
   - Site Elevation Plan, Drawing No. W108058, dated 02.08.2016.
2. Prior to the commencement of any works a Construction and Maintenance Traffic Management Plan ("CMTMP") shall be submitted and approved by the City, which shall include provisions to minimise any inconvenience and safety risk for nearby properties during construction and maintenance works. The CMTMP shall include a requirement for the proponent to consult with and notify nearby businesses in regards to potential disruptions during construction and maintenance work.

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

4. All built structures associated with the screening the base of the telecommunications infrastructure shall be maintained by the applicant at all times to the satisfaction of the City.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

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

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Layout and Access Plan, Drawing No. W108058, dated 02.08.2016; and
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3. A 2m high screen wall shall be erected around the perimeter of the proposed lease area, which shall match the colour of the adjacent exterior wall of the Woolworths Supermarket. Plans detailing the proposed screening measures shall be submitted for the approval of the City prior to works commencing.

4. All built structures associated with the screening the base of the telecommunications infrastructure shall be maintained by the applicant at all times to the satisfaction of the City.

**Committee Voting – 3/2**

Cr Summers and Cr Hamblin voted against

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

Not Applicable

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

Not Applicable

**Note:** The Chairperson had to repeatedly request members of the gallery to refrain from making interjections during the meeting.
## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-058/17 Proposed Modification to Building Envelope</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD024.2017.0000015.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Andrew and Ms Jo-Louise Mcllvinney</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Andrew and Ms Jo-Louise Mcllvinney</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>24 October 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1011 (No.24) Peelfold Glen, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,357m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Special Residential</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

1. Location Plan
2. Aerial Photograph
3. Site Photograph
4. Existing and Proposed Building Envelope Plan
5. Consultation Plan
1. Location Plan

2. Aerial Photograph

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017

PRESIDING MEMBER
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1011 (No.24) Peelfold Glen, Golden Bay.

Background

The site is located west of Mandurah Road, south of Dampier Drive, and east of Golden Bay Estate. The existing Building Envelope was created as part of the original subdivision of Peelhurst Estate, Golden Bay and has never been modified.

The existing Building Envelope is continuous and of regular shape with an area of 600m². It is setback approximately 25.9m from the primary street, 6.7m from the northern boundary, 7.4m from the southern boundary and 5.9m from the rear boundary.

Details

The applicant proposes to amend the Building Envelope for the purposes of accommodating a future Patio, Swimming Pool and Outbuilding around the existing Single House. The size of the approved Building Envelope will increase from 600m² to 655m². The Building Envelope will remain a contiguous area, but is irregular in shape.

3. Site Photograph
4. Existing and Proposed Building Envelope Plan

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017

PRESIDING MEMBER
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to the adjacent landowners for comment for a period of 14 days, as shown on the Consultation Plan below. At the conclusion of the advertising period, two submissions were received from adjoining neighbours raising no objections.

b. Consultation with Government Agencies

Not Applicable

c. Strategic Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

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

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Schedule No.5 of TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>Requirement</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an adverse environmental impact.</td>
<td>No vegetation will be removed for the purposes of varying the Building Envelope.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an unacceptable level of bushfire risk.</td>
<td>The proposed modification will not result in an increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
<tr>
<td>No unacceptable amenity impacts to neighbours.</td>
<td>The proposal was referred to the adjoining neighbours and no objections were received. The modification is not considered to result in an adverse impact upon adjoining landowners.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation is a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The size of the original Building Envelope will be increased from 600m² to 655m², which is an increase of 9.1% and less than the permitted 10% increase in size.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The Building Envelope comprises a single contiguous area, but is irregular in shape. It is considered that the irregular shape will maximise usable space for residents, but without impacting on the residential amenity of the neighbours.</td>
<td>No</td>
</tr>
</tbody>
</table>

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

The future Patio and Outbuilding will be within 6m of the existing Single House on-site and therefore, will be required to comply with the approved Bushfire Management Plan (BMP) for 2A Peelhurst Estate, dated May 2014.

It is considered that the proposed locations for the future Patio and Outbuilding will not increase or intensify the existing bushfire risk to the estate. The BMP recommends 3m wide trafficable firebreaks along the northern and southern subject lot boundaries. The proposed modifications have a minimum setback of 3m from these boundaries and will not interfere with the recommended firebreaks.

e. Financial

Nil

f. Legal and Statutory

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

g. Risk

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

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

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

Nil
Comments

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

It is recommended that the proposed Building Envelope be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application to vary the Building Envelope at Lot 1011 (No.24) Peelfold Glen, Golden Bay.

Committee Recommendation

Moved Cr Sammels, seconded Cr Whitfield:

That Council APPROVES the application to vary the Building Envelope at Lot 1011 (No.24) Peelfold Glen, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Planning and Development Services**

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-059/17 Amendment No.171 to Town Planning Scheme No.2 - Cash-in-Lieu for Carparking in the Primary Centre Waterfront Village Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/2087</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, A/Manager Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>24 October 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>July 2004 (PD15/7/04); November 2009 (PD77/6/09); April 2012 (DPD-002/12)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Primary Centre Waterfront Village</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Central City Area</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Town Planning Scheme No.2 Zoning Map</td>
</tr>
<tr>
<td></td>
<td>2. Car Parking Areas for the Primary Centre Waterfront Village Zone</td>
</tr>
</tbody>
</table>

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017

PRESIDING MEMBER
Purpose of Report

To consider initiating Scheme Amendment No.171 to Town Planning Scheme No.2 (TPS2) to modify the calculation of cash-in-lieu carparking within Area A of the Primary Centre Waterfront Village Zone.

Background

In July 2004, Council adopted a Parking Study for the now Primary Centre Waterfront Village area, with the intent of providing direction for the provision of public parking within the area. The Parking Study recommended that a portion of all car parking requirements be provided through cash-in-lieu to contribute towards the provision of public parking.

In November 2009, Council resolved to adopt for Final Approval Amendment No.90 to TPS2, for the purposes of amending the text provisions relating to carparking standards in the general Scheme Area, specifically incorporation car parking provisions in TPS2 for developments within the then ‘Waterfront Village’ Zone.

In April 2012, Council resolved to adopt for Final Approval Amendment No.113 to TPS2, for the purposes introducing the planning framework for the Waterfront Village and Smart Village Sectors of the Centre Plan for the Rockingham Strategic Metropolitan Centre.

This created carparking areas 'A' and 'B' within the Primary Centre Waterfront Village, as shown in Figure 2 below. In the case of development on land within Area A, the cash-in-lieu payment is for the cost of providing and constructing a decked structure, whilst in Area B it is for the cost of providing and constructing on-street parking bays.
2. Car Parking Areas for the Primary Centre Waterfront Village Zone

Details

The cash-in-lieu of carparking provisions within Area A of the Primary Centre Waterfront Village Zone needs to be amended to clarify that a multi-decked structure is required. Changes are also proposed to further define what is required to be provided and constructed, and how the cash-in-lieu amount is to be calculated as follows:

Clause 4.15.6.1 sub-paragraph (3) of TPS2 provides for cash-in-lieu for carparking within Area A of the Primary Centre Waterfront Village Zone as follows:

"(3) In the case of development on land within Area A – the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking bays in the form of a decked structure (including full civil works, lighting, signage, line marking and landscaping), for that area of land which would have been occupied by the parking spaces and manoeuvring area as estimated by a qualified civil engineer approved by the Council."

Clause 4.15.6.1 sub-paragraph (3) is proposed to be modified as follows (changes in bold and red):

"(3) In the case of development on land within Area A - the cash-in-lieu payment shall not be less than the estimated cost of providing and constructing the parking bays (and all necessary vehicular and pedestrian access areas and manoeuvring areas) in the form of a multi-decked structure, where the cost of providing and constructing a multi-decked structure is the sum of:

(a) the estimated value of the land upon which the multi-decked structure is likely to be constructed, as determined by a licenced valuer, approved by the Council; and

(b) the estimated cost of constructing a multi-decked structure (including full civil works, lighting, signage, lifts and lift shafts, line marking, decorative cladding/screening, landscaping, security and vehicle monitoring equipment as estimated by a qualified Quantity Surveyor, approved by the Council, acting in accordance with the principles and costings set out in the then current edition of Rawlinsons Australian Construction Handbook, insofar as those principles and costings apply to those items."
Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following
   Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   Aspiration D: Sustainable Environment
   Strategic Objective: Land Use and Development Control – Planning for population
   growth and guiding development and land use to ensure that future
   generations enjoy a sustainable city and a genuinely desirable
   lifestyle.

d. Policy
   Clause 47 of the Planning and Development (Local Planning Schemes) Regulations 2015
   requires the Local Government to, as soon as reasonable practicable, prepare a notice in a
   form approved by the Commission giving details of:
   (a) the purpose of the amendment; and
   (b) where the amendment may be inspected; and
   (c) to whom and during what period submissions in respect of the amendment may be
       made.
   On completion of the preparation of the notice, the local government must advertise the
   standard amendment to a local planning scheme as follows:
   (a) publish the notice in a newspaper circulating in the scheme area;
   (b) display a copy of the notice in the offices of the local government for the period for
       making submissions set out in the notice;
   (c) give a copy of the notice to each public authority that the local government
       considers is likely to be affected by the amendment;
   (d) publish a copy of the notice and the amendment on the website of the local
       government;
   (e) advertise the scheme as directed by the Commission and in any other way the local
       government considers appropriate. local government must ensure that the standard
       amendment to the local planning scheme is made available for inspection by the
       public during office hours at the office of the local government.
   The period for submissions set out in a notice must be not less than a period of 42 days
   commencing on the day on which the notice is published in a newspaper circulating in the
   scheme area.
   Should Council resolve to initiate Amendment No.171, the City will advertise the
   Amendment in accordance with the above requirements.

e. Financial
   Nil

f. Legal and Statutory
   Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations)
   The procedures for dealing with proposals to amend TPS2, as per the Planning and
   Development Act 2005, are set out in the Regulations.
Regulation 35(1) enables the Council to prepare or adopt an amendment to TPS2, in a form approved by the Commission. The resolution must specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment, and include an explanation for the reason for the local government forming that option.

A standard amendment means it is an amendment to a zone or reserve that is consistent with the Scheme objectives, Local Planning Strategy, Metropolitan Region Scheme, consistent with a structure plan and minimal impact on land in the Scheme area, and has no significant environmental, social, economic or governance impacts.

The City considers the Amendment to be a Standard Amendment, given it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

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 following comments are made in respect to the proposed modifications to Clause 4.15.6.1 sub-paragraph (3):

Multi-Decked Structure

The City's Planning Policy No.3.2.5 - Development Policy Plan - Waterfront Village Sector (PP3.2.5) nominates locations in the Waterfront Village where additional public parking supply is possible.

The three nominated sites for public car parks (ie: adjacent to Patterson Road; Kent Street between the museum and tennis club; and on the corner of Harrison Street and Val Street) have been depicted on the Indicative Development Plan within PP3.2.5 as having development potential above the decked car parking level(s).

It might be argued that the wording of the existing Clause 4.15.6.1(3) does not require the calculation to be based on a multi-decked carparking structure, which would significantly alter the amount of cash-in-lieu funds collected given the cost difference in constructing an at grade carpark compared to a multi-decked carpark.

To ensure sufficient funds are collected to enable the City to construct a multi-decked carparking structure to cater for future carparking demand within the Waterfront Village, it is proposed to amend Clause 4.15.6.1(3) to specifically include the construction of a multi-decked carparking structure in the cost of calculating the required amount of cash-in-lieu.

Lifts and Lift Shafts

In specifying that a multi-decked carparking structure is required, lifts will be required to service this structure to ensure compliance with the National Construction Code of Australia.

The wording of the existing Clause 4.15.6.1(3) is therefore proposed to be amended to include lifts in the cost of calculating the required amount of cash-in-lieu.

Cladding/Decorative Screening

PP3.2.5 seeks to facilitate contiguous streetfront development and limit the visual impact of carparks. In this regard, PP3.2.5 requires parking areas to be consolidated and located behind generally contiguous buildings or an appropriate colonnade or structural screening device (other than a blank wall).

The wording of the existing Clause 4.15.6.1(3) does not specifically provide for cladding/decorative screening to achieve this requirement of PP3.2.5, and is therefore proposed to be amended to include cladding/decorative screening in the cost of calculating the required amount of cash-in-lieu.
Quantity Surveyor
The wording of the existing Clause 4.15.6.1(3) requires a Civil Engineer to estimate the cost of constructing carparking. Quantity Surveyors specialise in building measurement and estimating the value of construction costs, and are therefore the appropriate specialist to determine the cost of construction carparking, not a Civil Engineer.

The wording of the existing Clause 4.15.6.1(3) is therefore proposed to be amended to require estimations to be undertaken by a qualified Quantity Surveyor.

Landscaping and Line Marking

Landscaping and Line Marking are standard requirements in the development of carparking bays, and whilst are typically required as conditions of Development Approval, were not previously included in the cost calculation.

The wording of the existing Clause 4.15.6.1(3) is therefore proposed to be amended to include landscaping and line marking in the cost of calculating the required amount of cash-in-lieu.

Security and Vehicle Monitoring Equipment

Given the carparking structure will be built on City owned land, the City seeks to include the provision of security and vehicle monitoring equipment to ensure the facility is secure, and any potential time limit on carparking can be monitored.

The wording of the existing Clause 4.15.6.1(3) is therefore proposed to be amended to include security and vehicle monitoring equipment in the cost of calculating the required amount of cash-in-lieu.

Rawlinsons Australian Construction Handbook

The estimated cost of constructing parking bays has previously varied on differing estimates by civil engineers, and it is considered that a more consistent and appropriate method of calculating cash-in-lieu is by applying building cost indicators compiled by the Rawlinsons Australian Construction Handbook which are regularly updated.

The wording of the existing Clause 4.15.6.1(3) is therefore proposed to be amended to include the use of the Rawlinsons Australian Construction Handbook to determine the cost of construction.

This will ensure up-to-date building indicators are used to accurately determine the estimated cost of each component of the carparking structure, and the associated amount of cash-in-lieu required.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** (initiate) Amendment No.171 to Town Planning Scheme No.2 for the purposes of modifying Clause 4.15.6.1 sub-paragraph (3) as follows (changes in bold and red):

   "(3) In the case of development on land within Area A - the cash-in-lieu payment shall not be less than the estimated cost of providing and constructing the parking bays (and all necessary vehicular and pedestrian access areas and manouevring areas) in the form of a multi-decked structure, where the cost of providing and constructing a multi-decked structure is the sum of:

   (a) the estimated value of the land upon which the multi-decked structure is likely to be constructed, as determined by a licenced valuer, approved by the Council; and

   (b) the estimated cost of constructing a multi-decked structure (including full civil works, lighting, signage, lifts and lift shafts, line marking, decorative cladding/screening, landscaping, security and vehicle monitoring equipment as estimated by a qualified Quantity Surveyor, approved by the Council, acting in accordance with the principles and costings set out in the then current edition of Rawlinsons Australian Construction Handbook, insofar as those principles and costings apply to those items."
2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34(e) of the Planning and Development (Local Planning Schemes) Regulations 2015, as it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

### Committee Recommendation

**Moved Cr Sammels, seconded Cr Hamblin:**

That Council:

1. **ADOPTS** (initiate) Amendment No.171 to Town Planning Scheme No.2 for the purposes of modifying Clause 4.15.6.1 sub-paragraph (3) as follows (changes in bold and red):

   "(3) In the case of development on land within Area A - the cash-in-lieu payment shall not be less than the estimated cost of providing and constructing the parking bays (and all necessary vehicular and pedestrian access areas and manoeuvring areas) in the form of a multi-decked structure, where the cost of providing and constructing a multi-decked structure is the sum of:

   (a) the estimated value of the land upon which the multi-decked structure is likely to be constructed, as determined by a licenced valuer, approved by the Council; and

   (b) the estimated cost of constructing a multi-decked structure (including full civil works, lighting, signage, lifts and lift shafts, line marking, decorative cladding/screening, landscaping, security and vehicle monitoring equipment as estimated by a qualified Quantity Surveyor, approved by the Council, acting in accordance with the principles and costings set out in the then current edition of Rawlinsons Australian Construction Handbook, insofar as those principles and costings apply to those items."

2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34(e) of the Planning and Development (Local Planning Schemes) Regulations 2015, as it is consistent with the Scheme objectives and has no significant environmental, social, economic or governance impacts.

   Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Planning and Development Services
Statutory Planning Services

Reference No & Subject: PDS-060/17 Proposed Amendment to Planning Policy 3.1.1 - Rural Land Strategy

File No: LUP/815-02

Applicant: 

Owner: 

Author: Miss Donna Shaw, A/Coordinator Statutory Planning

Other Contributors: Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 24 October 2017

Previously before Council: December 2003 (PD279/12/03), August 2008 (PD164/8/08), February 2009 (PD22/2/09), November 2009 (PD137/11/09), February 2010 (PD4/2/10), August 2012 (SPE-017/12), February 2013 (SPE-003/13)

Disclosure of Interest: 

Nature of Council’s Role in this Matter: Executive

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

Purpose of Report
To consider amending Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1) to ensure the minimum lot size for rural-residential development is in accordance with the minimum lot sizes currently recommended in each Planning Unit of PP3.1.1.

Background
PP3.3.1 provides the basis for land use planning for rural land within the City and provides guidance in the assessment of land use, rezoning and subdivision proposals on Rural zoned land. PP3.3.1 establishes Planning Units for rural land based on broad planning and environmental criteria, which further define issues and constraints and land use capability. It is used to guide Council in the decision making process for proposals pertaining to Rural zoned land.

The current PP3.1.1 was adopted by Council in 2003. Numerous modifications have been made to PP3.1.1 to accommodate buffer changes, incorporation of the Visual Landscape Evaluation and various other minor changes.
Details

Provision No.8 of the Objectives section of PP3.1.1 currently allows variations to minimum lot sizes prescribed in the individual Planning Units of PP3.1.1, if the applicant can demonstrate that all general objectives of PP3.1.1 have been satisfied.

To ensure consistency in minimum lot sizes, provision No.8 is proposed to be modified to remove the ability to use compliance with general objectives to determine lot size, and the prescribed minimum lot sizes of each Planning Unit in PP3.1.1 be retained as the basis for determining lot sizes.

Details of the proposed modifications (in bold and red) are as follows:

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

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

Specifically the Strategy provide guidelines to ensure that Special Rural/Special Residential development is:
- managed to minimise impacts on rural land uses;
- protects and enhances the rural landscape and environmental values;
- recognises the opportunities for environmental repair.

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

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

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

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

Special Residential zones offer a style of spacious living at densities lower than traditional single residential developments but higher than Special Rural-residential developments, and on conventional freehold titles. Lot sizes generally vary between 2000m² and 1ha.

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

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

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

Accordingly a range of lot sizes should be permitted that best match these criteria. These may best suit Special Residential (2000 – 4000 m²) or Special Rural lots (1 ha – 5 ha).

All of the remaining area, immediately west and east of Mandurah Road should be planned in this way.
To ensure subdivision and development conforms to the objectives and land use capabilities of each Planning Unit, the minimum lot size for rural-residential development must be in accordance with the recommended minimum lot size of each Planning Unit.

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

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

“To preserve viable rural landholdings and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council and the Commission may adopt from time to time as a guide to future development within the Zone.”

The objective for the Special Rural zone is:-

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

The objective for the Special Residential Zone is:-

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

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

Whilst it is noted that PP3.1.1 is required to be updated for consistency with up to date terminology and the Planning and Development (Local Planning Schemes) Regulations 2015, additional modifications to PP3.1.1 are not proposed at this time, given a full review of PP3.1.1 will be completed upon finalisation of the Local Planning Strategy.

**Implications to Consider**

a. **Consultation with the Community**

Under clause 4(1) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), if the local government resolves to amend a Planning Policy, the local government must advertise the proposed amendments to the Policy as follows:

"(i) publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:

(a) the subject and nature of the proposed amended Policy; and
(b) the objectives of the proposed amended Policy; and
(c) where the proposed amended Policy may be inspected; and
(d) to whom, in what form and during what period submissions in relation to the proposed amended Policy may be made;

(ii) if, in the opinion of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;

(iii) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate.”

Under Clause 4(2), the period for making submissions in relation to a local Planning Policy must not be less than a period of 21 days commencing on the day on which the notice of the Policy is published under subclause (1)(a).

b. **Consultation with Government Agencies**

Nil
c. Strategic

Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

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

g. Risk

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

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

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

Nil

Comments

The current wording of Provision No.8 of the Objectives section of PP3.1.1 allows applicants to vary the recommended minimum lot sizes in each Planning Unit of PP3.1.1, if the general objectives have been achieved.

The minimum lot sizes specified in each Planning Unit of PP3.1.1 are based on land capability, land use characteristics, areas of conservation and significance and available groundwater. Each Planning Unit has a specific objective for how the Planning Unit will be developed in future.

The ability to vary the minimum lot sizes specified in each Planning Unit of PP3.1.1 by achieving general objectives is considered to compromise the purpose of the Planning Units in providing a broader context and vision for the development of rural land within the City, and results in ad-hoc development inconsistent with the objectives for each Planning Unit.

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

Council’s consent is sought to advertise the proposed amendments to PP3.1.1, following which any public submissions will be considered, before referring the matter back to Council for adoption.

Voting Requirements

Simple Majority

Officer Recommendation

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

Moved Cr Sammels, seconded Cr Hamblin:

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

**PLANNING POLICY 3.1.1**

**RURAL LAND STRATEGY**

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

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

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

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

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

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

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

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

Special Residential zones offer a style of spacious living at densities lower than traditional single residential developments but higher than Special Rural-residential developments, and on conventional freehold titles. Lot sizes generally vary between 2000 m² and 1 ha.

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

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

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

Accordingly a range of lot sizes should be permitted that best match these criteria. These may best suit Special Residential (2000 - 4000 m²) or Special Rural lots (1 ha - 5 ha).

All of the remaining area, immediately west and east of Mandurah Road should be planned in this way.

To ensure subdivision and development conforms to the objectives and land use capabilities of each Planning Unit, the minimum lot size for rural-residential development must be in accordance with the recommended minimum lot size of each Planning Unit.
Specific objectives for the rural, special rural and special residential zones have been adopted in draft TPS No. 2.

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

“To preserve viable rural landholdings and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council and the Commission may adopt from time to time as a guide to future development within the Zone.”

The objective for the Special Rural zone is:

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

The objective for the Special Residential Zone is:

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

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

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report
To consider amending Planning Policy 3.3.4 - Cash-In-Lieu of Carparking to reflect changes in legislation, terminology and assessment criteria.

Background
In May 2008, the Council adopted PP3.4.

Details
The following amendments to PP3.4 are proposed:

Legislation
The following change is proposed to the name of relevant Legislation, with the associated terminology used in these documents also amended:

(i) The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
The Regulations were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the Town Planning Regulations 1967. PP3.3.14 terminology is amended to be consistent with the Regulations (e.g. 'Development Approval' in lieu of 'Planning Approval').

Terminology
(i) The 'City Centre', 'Waterfront Village' and 'Secret Harbour Town Centre' zone have been replaced with 'Primary Centre City Centre', 'Primary Centre Waterfront Village' and 'District Town Centre' zones respectively in accordance with the correct names for these zones in TPS2.
(ii) Minor wording changes are proposed to simplify the Policy for ease of use.

Assessment Criteria
(i) The use of a Civil Engineer to calculate the construction cost of carparking bays has replaced a Quantity Surveyor, as a Quantity Surveyor is the correct professional to provide this service.
(ii) Reference to the Rawlinsons Australian Construction Handbook has been included, which is used as a guide for calculating construction costs.

It should be noted that PP3.3.4 applies to land outside the Primary Centre Waterfront Village Zone whereas Planning Policy No.3.2.5 - Development Policy Plan - Waterfront Village Sector applies to land within the Primary Centre Waterfront Village Zone. Proposed Scheme Amendment No.171 to TPS2 is a separate report in this agenda.

Implications to Consider

a. Consultation with the Community
   Under clause 5(2) of the deemed provisions in Town Planning Scheme No.2 (TPS2), the Local Government may make an amendment to a local Planning Policy without advertising the amendment if, in the opinion of the Local Government, the amendment is a minor amendment.

   The City considers the proposed amendments to be minor and administrative in nature and therefore the Policy is not required to be advertised.

b. Consultation with Government Agencies
   Nil

c. Strategic Community Plan
   This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   Aspiration D: Sustainable Environment
   Strategic Objective: Land Use and Development Control - Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   PP3.3.4 is not part of TPS2, and does not bind the Council in respect of any application for development approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.
Planning and Engineering Services Committee Minutes
Tuesday 24 October 2017
PDS-061/17 PAGE 67

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017

Placing and Engineering Services Committee Minutes
Tuesday 24 October 2017
PDS-061/17 PAGE 67

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017

PRESIDING MEMBER

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

Council’s consent is sought for minor amendments to PP3.3.4.
The amendments proposed are administrative and operational to ensure legislation and terminology within the Policy are correct, and to provide minor text changes for clarification on requirements for calculating the construction cost of carparking bays.
It is recommended the Council adopt the revised PP3.3.4.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the revised (modifications in bold and red) Planning Policy 3.3.4 - Cash-in-Lieu Of Carparking.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:
That Council ADOPTS the revised (modifications in bold and red) Planning Policy 3.3.4 - Cash-in-Lieu Of Carparking.

PLANNING POLICY 3.3.4
CASH-IN-LIEU OF CARPARKING

1. Introduction

The concept of cash-in-lieu contributions for carparking is based on the Town Planning philosophy that where commercial developments have a shortfall of carparking, it is reasonable for the ‘Council’ to assist by accepting money for this shortfall to provide carparking bays in an adjacent or nearby existing or proposed public ‘carpark’, if possible.

It is recognised that several of the older commercial developments within the Municipality are often restricted in size and because of their location may have limited scope for extension. In this context, it is recognised that developers cannot always meet the full parking requirements on-site.

In the case of the Primary Centre City Centre Zone, where new development is being initiated, the Council may prefer the contribution of cash-in-lieu of carparking in some instances, in order to achieve its stated design development objectives.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council shall have due regard to in its consideration of applications seeking to pay cash-in-lieu of the provision of carparking.

This Planning Policy should not be seen to be replacing the developer's responsibility to provide on-site parking, but rather as a means for the Council to accommodate the parking demand created in a particular locality by the developer's shortfall.

2. Policy Application

An application for Development Approval shall make provision for parking bays in accordance with the standards and requirements as set out in clause 4.15 and Table Nos.2 and 3 of Town Planning Scheme No.2 (TPS2).

In accordance with clause 4.15.6 of TPS2, the Council may agree to accept a cash payment in lieu of the provision of carparking, but subject to the following requirements:-
Planning and Engineering Services Committee Minutes
Tuesday 24 October 2017
PDS-061/17 PAGE 68

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 NOVEMBER 2017
PRESIDING MEMBER

(a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking bays required by TPS2, plus the value, as estimated by a sworn valuer appointed by the Council, of that area of his land which would have been occupied by the parking spaces and manoeuvring area;

(b) payments made under clause 4.15.6 shall be paid into a parking fund to be used for the provision of public carparking facilities. The Council may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in which a cash-in-lieu arrangement is made; and

(c) all costs incurred in obtaining the valuation shall be borne by the developer proposing the cash-in-lieu contribution.

This Planning Policy does not address the cash-in-lieu requirements for the Primary Centre Waterfront Village Zone which are set out in Planning Policy No.3.2.5 - Development Policy Plan - Waterfront Village Sector.

3. Policy Objectives
The objectives of this Planning Policy are as follows:-

(a) to explain the circumstances where the Council may agree to accept a cash payment in lieu of the provision of carparking; and

(b) to explain the manner in which the Council will calculate the cash payment in lieu of the provision of carparking.

4. Policy Statement

4.1 Scope of Planning Policy
This Planning Policy only applies to commercial developments within the Commercial, Development, Primary Centre City Centre and District Town Centre zones and it may apply to the Service Commercial zone, in exceptional circumstances.

Developments within the General Industry, Light Industry and Primary Centre Waterfront Village zones are excluded from this Policy.

4.2 Planning Considerations
In considering the acceptability of a cash contribution in lieu of carparking, the Council will have due regard to the following: -

(a) the availability of existing and proposed public parking within the vicinity of the development;

(b) the development's contribution to the streetscape;

(c) the need for such a facility or service in the locality; and

(d) the availability of the proposal to act as a catalyst for other new development or redevelopment and thereby encouraging the upgrading of an area.

The acceptance of a cash-in-lieu payment is purely discretionary and the Council may decide to require full provision of carparking in accordance with TPS2 standards, if in its opinion the amenity of the area may be in any way adversely affected or if there is not the opportunity to provide additional public parking in the vicinity of the property.

Cash-in-lieu contributions shall generally only be permitted for up to 25% of the overall on-site parking requirements for a development, with the exception of development proposals within the Primary Centre City Centre Zone, where it is discretionary.

In negotiating a cash contribution in lieu of carparking, the Council may accept a proportion of the payment being provided in the form of streetscape works (up to an agreed value), with the balance of the contribution being paid in cash. Note: It is unlikely, however, that streetscape works will be accepted as a proportion of the cash-in-lieu contribution for development proposals within the Primary Centre City Centre Zone.

4.3 Calculating Cash-in-lieu of Carparking

(a) Land Area Component: The amount of land subject to the assessment for the land value component and construction component is to be determined by multiplying the number of parking bays in shortfall by the area of one typical parking bay and associated vehicle manoeuvring and circulation areas. This is usually 21.25m².
For example, if a development has a shortfall in carparking by 10 parking bays, then the sworn land valuation would relate to 212.5m² (i.e. 10 x 21.25m²) of land and the construction costs would refer to the construction of a 212.5m² carpark.

(b) Land Value Component: A land value component (the value of that area of the land which would have been occupied by the parking spaces and manoeuvring area), assessed at the time of development, will be charged. The value of the land is to be determined from a sworn valuation conducted by a Licensed Valuer as approved by the Council, and all costs incurred in obtaining the valuation will be borne by the developer proposing a cash-in-lieu contribution for carparking.

(c) Construction Component: A construction component cost, assessed at the time of development, will be charged. The construction costs are to include sealing, kerbing, drainage, marking and lighting of the carparking area as if it was to be constructed on the subject site. The applicant will be responsible for submitting to the Council for assessment, an itemised quotation for these works, prepared with reference to the Rawlinsons Australian Construction Handbook by a qualified Quantity Surveyor, acceptable to the Council.

Note: Construction costs may also be calculated to fund a deck structure instead of ‘at grade’ carparking in those areas where public parking will be provided in this arrangement.

The total cost of the cash payment in lieu of the carparking shortfall will be the sworn land valuation value combined with the construction cost.

5. Authority

This Planning Policy has been adopted by the Council under Clause 4 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015. The Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

6. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in

Carpark: means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or premises in which cars are displayed for sale.

Council: means the Council of the City of Rockingham.

7. Delegation

Applications seeking approval to make a cash payment in lieu of the provision of carparking will be referred to the Council for determination. Where the Council agrees to accept cash-in-lieu of carparking, the negotiations shall occur with the Director, Planning and Development Services and the results of the negotiations shall be presented to the Chief Executive Officer for approval, prior to the issue of a Building Permit.

8. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 27th May 2008 and modified by the Council on the xx

9. Revocation

This Planning Policy supersedes the Council’s Statement of Planning Policy No.6.1 - Cash-in-lieu of Carparking: Commercial Developments.
**Planning and Development Services**

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-062/17 Proposed Amendments to Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1265-05</td>
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<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, A/Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>24 October 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>April 2009 (PD54/4/09), July 2011 (SP-039/11)</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></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></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

**Purpose of Report**

To consider amending Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities (PP3.3.14) to reflect changes in legislation, strategies and terminology.

**Background**

In April 2009, the Council adopted PP3.3.14.

In July 2011, Council resolved to modify PP3.3.14 to reflect the new bicycle parking requirements of State Planning Policy 3.1 - Residential Design Codes and to reflect the footpath clearance requirements of the City's Health Policy 6.6 - Outdoor Eating Facilities in Public Places.

**Details**

The following amendments to PP3.3.14 are proposed:

**Legislation and Strategies**

The following changes are proposed to the names of relevant Legislation and Strategies, with the associated terminology used in these documents also amended.
(i) The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

The Regulations were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the Town Planning Regulations 1967. PP3.3.14 terminology is amended to be consistent with the Regulations (e.g. ‘Development Approval’ in lieu of ‘Planning Approval’).

(ii) Reference to the Perth Metropolitan Transport Strategy 1995-2029 has been replaced by the Western Australian Bicycle Network Plan 2014-2031, which is the current strategy.

**Terminology**

Minor wording changes are proposed to simplify the Policy for ease of use.

### Implications to Consider

**a. Consultation with the Community**

Under clause 5(2) of the deemed provisions in Town Planning Scheme No.2 (TPS2), the Local Government may make an amendment to a local Planning Policy without advertising the amendment if, in the opinion of the Local Government, the amendment is a minor amendment.

The City considers the proposed amendments to be minor and administrative in nature and therefore the Policy is not required to be advertised.

**b. Consultation with Government Agencies**

Nil

**c. Strategic Community Plan**

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

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

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

PP3.3.14 is not part of TPS2, and does not bind the Council in respect of any application for development approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**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
Planning and Engineering Services Committee Minutes  
Tuesday 24 October 2017  
PDS-062/17  

Comments

Council’s consent is sought for minor amendments to PP3.3.14.

The amendments proposed are administrative and operational to ensure legislation and strategies within the Policy are correct, and to provide minor text changes for clarification on requirements for bicycle parking devices.

It is recommended the Council adopt the revised PP3.3.14.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the revised (modifications in bold and red) Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:

That Council ADOPTS the revised (modifications in bold and red) Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities.

PLANNING POLICY 3.3.14

BICYCLE PARKING AND END-OF-TRIP FACILITIES

1. Introduction

The City of Rockingham supports the use of sustainable transport and acknowledges the need to provide supportive environments including bicycle parking and end-of-trip facilities. New developments should endeavour to include bicycle parking alongside car parking. Large-scale development will be encouraged to also provide end-of-trip facilities including lockers, change rooms and showers.

Existing development will be encouraged to provide these bicycle parking and end-of-trip facilities when upgrading developments.

The aim of the policy is to facilitate the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City. The Western Australian Bicycle Network Plan 2014-2031 seeks to double the number of cycling trips in Western Australia within five years, and this Policy aims to cater for this projected demand for bicycle parking and end-of-trip facilities.

Clause 67 of the deemed provisions of Town Planning Scheme No.2 sets out the matters that the Council, in considering an application for Development Approval, is to have due regard to as are in the opinion of the Council relevant to the use or development the subject of the application, and includes:-

"(iv) the availability and adequacy for the development of the access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)"

2. Policy Application

This Policy applies to all applications for Development Approval, including change-of-use applications where an intensification of land use is proposed.

3. Policy Objectives

The objectives of this Planning Policy are as follows:

---

1 Correction of typographical error
a) To ensure the provision of appropriate bicycle parking and end-of-trip facilities in new developments and extensions or intensification of existing developments in the City as outlined in Table 1; and

b) To provide guidance on the development and design of bicycle parking and end-of-trip facilities.

4. Policy Statement

4.1 Provision of Bicycle Parking Devices

Bicycle parking devices are installations that allow for the secure and convenient parking of bicycles, and are separated into two different types: long-term parking and short-term parking. Long-term and short-term bicycle parking devices are to be provided at the rates shown on the following table:

<table>
<thead>
<tr>
<th>Use*</th>
<th>Minimum Long-term Parking</th>
<th>Minimum Short-term Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Multiple Dwelling</td>
<td>As per the Residential Design Codes</td>
<td>As per the Residential Design Codes</td>
</tr>
<tr>
<td>• Lodging House</td>
<td>1 space per 3 lodging rooms</td>
<td>1 space per 10 lodging rooms</td>
</tr>
<tr>
<td>• Short Stay Accommodation</td>
<td>1 space per 40 guest bedrooms</td>
<td>none required</td>
</tr>
</tbody>
</table>
| • Commercial (b):-  
  - Local Shops (less than 1,000m² NLA) | 1 space per 250m² NLA | 1 space per 150m² NLA (minimum 2 spaces) |
  - Neighbourhood Centres (between 1,001m² - 4,999m² NLA) | 1 space per 500m² NLA (minimum 4 spaces) | 1 space per 300m² NLA (minimum 6 spaces) |
  - District Centres (greater than 5,000m² NLA) | 1 space per 1,500m² NLA (minimum 10 spaces) | 1 space per 750m² NLA (minimum 16 spaces) |
<p>| • Office | 1 space per 200m² NLA | 1 space per 500m² NLA |
| • Consulting Rooms | 1 space per 8 practitioners | 1 space per 4 practitioners |
| • Medical Centre | 1 space per 200m² NLA for premises greater than 300m² | 1 space per 200m² NLA available to the public, including swimming pools |
| • Hotel (excluding accommodation) | 1 space per 100m² of bars and public areas, including lounges, beer gardens and restaurants | 1 space per 150m² of bars and public areas, including lounges, beer gardens and restaurants |
| • Tavern | none required | 1 space for every 30 people the building is designed to accommodate |
| • Small Bar | none required | 1 space for every 30 people the building is designed to accommodate |
| • Nightclub | none required | 1 space for every 30 people the building is designed to accommodate |
| • Health Studio | 1 space per 400m² NLA available to the public, including swimming pools | 1 space per 200m² NLA available to the public, including swimming pools |
| • Private Recreation | none required | 1 space for every 30 people the building is designed to accommodate |
| • Community Use | none required | 1 space for every 30 people the building is designed to accommodate |
| • Exhibition Centre | none required | 1 space for every 30 people the building is designed to accommodate |
| • Public Worship - Place of | none required | 1 space for every 30 people the building is designed to accommodate |
| • Club Premises | none required | 1 space for every 30 people the building is designed to accommodate |
| • Reception Centre | none required | 1 space for every 30 people the building is designed to accommodate |
| • Showroom | 1 space per 750m² NLA for premises greater than 300m² | 1 space per 1,000m² NLA |</p>
<table>
<thead>
<tr>
<th>Use*</th>
<th>Minimum Long-term Parking</th>
<th>Minimum Short-term Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry - Service^c</td>
<td>1 space per 800m² NLA for premises greater than 300m² NLA</td>
<td>none required</td>
</tr>
<tr>
<td>Industry - Light</td>
<td>none required</td>
<td></td>
</tr>
<tr>
<td>Other Industrial Uses</td>
<td>1 space per 1,000m² for premises greater than 300m² NLA</td>
<td>none required</td>
</tr>
</tbody>
</table>

a Unless defined elsewhere by this Policy, the uses specified above are defined in Schedule No.1 - Interpretations of the City of Rockingham Town Planning Scheme No.2.

b "Commercial" includes a Shop, Bank, Betting Agency, Convenience Store, Fast Food Outlet, Homestore, Lunch Bar, Restaurant, Restricted Premises, Service Station (convenience store component).

c "Industry - Service" includes a Dry Cleaning Premises, Funeral Parlour, Landscape Supply Yard, Laundromat, Motor Vehicle and Marine Sales Premises, Motor Vehicle Repair Station, Open Air Display, Plant Nursery, Trade Display.

The Council may approve an application that does not comply with Table 1 or may approve an application for a use that is not listed in Table 1 having regard to:

(i) the Western Australian Bicycle Network Plan 2014-2031 aim of doubling the number of cycling trips in Western Australia within five years;

(ii) Austroads Part 14 - Bicycles;

(iii) the nature of the proposed development;

(iv) the number of employees likely to be employed on site;

(v) the anticipated demand for employee, customer, resident and student parking; and

(vi) the orderly and proper planning of the locality.

4.2 Design of Bicycle Parking Facilities

Long-term bicycle parking facilities should be located in a convenient and secure location for employees/residents and can include the following:

- Locked compounds with communal access using duplicate keys or electronic swipe cards in a secure location and fitted with bicycle parking devices; or
- Fully-enclosed individual lockers; or
- Devices to which the bicycle frame and wheels can be locked positioned close to and directly visible from inside the place of employment.

Short-term bicycle parking facilities includes devices to which the bicycle frame and wheels can be locked, and should be located in a convenient and secure position close to the entrance of the premises.

Regardless of the type of bicycle parking, bicycle parking devices should be designed in accordance with AS 2890.3 - Bicycle Parking Facilities and Austroads Part 14 - Bicycles, must be convenient and secure, and should comply with the following criteria:

- enable wheels and frame to be locked to the device without damaging the bicycle;
- be placed in public view (i.e. where they can be viewed by passers-by, shopkeepers, station attendants, teachers or fellow workers);
- be located outside pedestrian movement paths;
- be easily accessible from the road;
- be arranged so that parking and vehicle manoeuvring will not damage adjacent bicycles;
- be protected from manoeuvring motor vehicles and opening car doors;
- be as close as possible to the cyclist's ultimate destination;
- be well lit by appropriate existing or new lighting;
- be protected from the weather; and
- be sympathetic in design, material and colour to compliment the surrounding environment.

Where the building is built up to the front boundary, the City will accept short-term parking spaces being provided in the road reserve adjacent to the building, located so as to provide a minimum clear footpath width of 1.5m directly adjacent to the building unless otherwise approved by the City, subject to the standards defined in AS 2890.3 being met.

Long-term parking must be provided on site.

Signs should be provided to direct cyclists to parking devices where their purpose is not immediately apparent or are not readily visible.

4.3 Provision of End-of-Trip Facilities

End-of-trip facilities include destination facilities provided for bicycle commuters such as showers, change rooms and lockers.

Where long-term bicycle parking spaces are provided, showers must be provided at the following rate:

Table 2 - Provision of showers

<table>
<thead>
<tr>
<th>Number of long-term parking spaces provided</th>
<th>Number of showers required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>0</td>
</tr>
<tr>
<td>3-5</td>
<td>1</td>
</tr>
<tr>
<td>6-10</td>
<td>2 (one male, one female)</td>
</tr>
<tr>
<td>11-20</td>
<td>4 (two male, two female)</td>
</tr>
<tr>
<td>more than 20</td>
<td>4 (two male, two female) plus additional showers at the rate of 2 showers (one male, one female) for every 10 long-term parking spaces after 20 provided thereafter</td>
</tr>
</tbody>
</table>

Where it can be demonstrated that staff of a development work predominately part-time, casual or varied hours, the requirement to provide for shower facilities may be reduced where shower facilities are used at different hours.

Where showers are required, change rooms must also be provided. They must be provided as either:

- a combined shower and change cubicle; or
- one communal change room for each gender, directly accessible from the showers for that gender without passing through a public space.

Shower and change facilities must be located so that users and their belongings have a high level of security.

All showers provided are to dispense both hot and cold water. Cold-only showers must not be counted towards the requirements of this section.

Clothing lockers encourage cycling by providing secure storage for cycling clothes, footwear and towels. Clothing lockers should be:

- provided at a minimum rate of one clothing locker for each long-term bicycle parking space;
- of suitable volume and dimensions to allow storage of clothing, towels, cycling helmets and footwear;
- well ventilated, secure and lockable; and
- located close to shower and change facilities.

Where possible, showers and clothing lockers should be located close to long-term bicycle parking facilities. Where bicycle parking lockers are provided, clothing may be stored within the bicycle parking locker provided there is adequate space and hangers.
5. Authority

This Planning Policy has been adopted by the Council under Clause 4 (4) of the deemed provisions of TPS2. The Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

6. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:

- **Council** means the Council of the City of Rockingham.
- **Deemed Provisions** means the Schedule 2 - Deemed Provisions for local planning schemes in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.
- **Device** means a thing to or in which one or more bicycle frame(s) and wheels can be locked, and includes rails, bicycle lockers and bicycle compounds.
- **Net Lettable Area (NLA)** means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:
  (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
  (b) lobbies between lifts facing other lifts serving the same floor;
  (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
  (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
- **Residential Design Codes** means State Planning Policy 3.1 - Residential Design Codes as amended from time to time.
- **Long-term parking** includes day parking for employees, residents’ parking at apartments and student parking at educational establishments.
- **Short-term parking** includes parking for shoppers and visitors to a premises.
- **Space** means parking for one bicycle.

7. Delegation

Applications for Development Approval that comply with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to the Delegated Authority Register.

8. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 28th April 2009.

9. Amendment

This Planning Policy was amended by the Council at its ordinary Meeting held on the ____.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-063/17 Amendment No.168 - Additional Use to Residential (R20) Zone (Nursing Home) - Final Adoption</th>
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<tr>
<td>File No:</td>
<td>DD022.2017.00000168.1; LUP/2071</td>
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<tr>
<td>Applicant:</td>
<td>Mr Steven Fernandez, Veris</td>
</tr>
<tr>
<td>Owner:</td>
<td>MercyCare Human Services Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Gayle O'Leary, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Ms Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>24 October 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
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<tr>
<td>Site:</td>
<td>Lot 8 (No.5) Belrose Crescent, Cooloongup</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>706m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Residential (R20)</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td>Amendment No.168 Scheme Amendment Report</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo of Site and Surrounds</td>
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<td>3. Current TPS2 Zoning Map</td>
</tr>
<tr>
<td></td>
<td>4. Streetscape View of Subject Site (No.5 Belrose Crescent)</td>
</tr>
<tr>
<td></td>
<td>5. Streetscape View of Existing Nursing Home from Belrose Crescent</td>
</tr>
<tr>
<td></td>
<td>6. Streetscape View of Existing Nursing Home from Corner Belrose Crescent and Tanby Place</td>
</tr>
<tr>
<td></td>
<td>7. Streetscape View of Existing Nursing Home from Tanby Place</td>
</tr>
<tr>
<td></td>
<td>8. Draft Concept Plan for Nursing Home Expansion to Lot 8 (Site Context)</td>
</tr>
<tr>
<td></td>
<td>9. Draft Concept Plan for Nursing Home Expansion to Lot 8 (Enlarged)</td>
</tr>
<tr>
<td></td>
<td>10. Consultation Plan</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider for Final Approval, Amendment No.168 to Town Planning Scheme No.2 (TPS2), to include the Additional Use of ‘Nursing Home’ at Lot 8 (No.5) Belrose Crescent, Cooloongup.

Background

The subject site contains an existing dwelling and shed. It adjoins an existing Nursing Home which is located on Lot 300 (No.1-9) Tanby Place, Cooloongup.

The Nursing Home ("Tanby Hall") was originally approved in May 1996 with 40 aged care bedrooms. The facility was expanded to accommodate 14 bedroom extensions in October 1997 and has since been approved for minor extensions (laundry room expansion) in October 2001 and (an office) in September 2011.

In May 2017, Council initiated Amendment No.168 to TPS2 to include the Additional Use of ‘Nursing Home’ at Lot 8 (No.5) Belrose Crescent, Cooloongup.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 NOVEMBER 2017

PRESIDING MEMBER
4. Streetscape View of Subject Site (No.5 Belrose Crescent)

5. Streetscape View of Existing Nursing Home from Belrose Crescent
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 NOVEMBER 2017

6. Streetscape View of Existing Nursing Home from Corner Belrose Crescent and Tanby Place

7. Streetscape View of Existing Nursing Home from Tanby Place

A draft concept plan for the expansion of the existing Nursing Home onto Lot 8 has been provided to support the application. The plan depicts eight new aged care bedrooms and a lounge area, an outdoor garden space and a carpark containing eleven car parking bays. This plan is indicative only and has not been formally submitted to the City for consideration.
8. Draft Concept Plan for Nursing Home Expansion to Lot 8 (Site Context)
9. Draft Concept Plan for Nursing Home Expansion to Lot 8 (Enlarged)
Details

At the end of the public advertising period, the application must be considered by Council for Final Approval for Amendment No.168 to TPS2 to include the Additional Use of ‘Nursing Home’ at Lot 8 (No.5) Belrose Crescent, Cooloongup.

Implications to Consider

a. Consultation with the Community

This Scheme Amendment was advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 42 days, commencing on 16th August 2017 and concluding on 29th September 2017. Public advertising was carried out in the following manner:

- A notice appeared in the public notices section of the Weekend Courier on the 18th August 2017 and the 25th August 2017;
- A sign was erected on site;
- Nearby and adjacent landowners and servicing agencies were advised of the proposal in writing and invited to comment, as shown in Figure 6 below; and
- 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 Amendment should not be assessed under the Act, and that it was not necessary to provide any environmental advice or recommendations on the Amendment.

The Western Australian Planning Commission (WAPC) was also consulted. Following the close of the advertising period, no submissions were received by the City.

c. Strategic

Community Plan

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

**Aspiration B:** Strong Community

**Strategic Objective:** Mobility and Inclusion - Community services, programs and infrastructure that effectively cater for all residents including seniors, youth and vulnerable populations.

**Aspiration D:** Sustainable Environment

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

d. Policy

Nil

e. Financial

Not Applicable

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 proposed by the owner of land.

Regulation 47(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.

Metropolitan Region Scheme

The proposal is consistent with the ‘Urban’ zoning of the land under the MRS.

Town Planning Scheme No.2 (TPS2)

The subject site is zoned ‘Residential’ (R20) under TPS2.

Under TPS2, a Nursing Home:

"means any building used for the medical treatment or care of sick persons, whether resident or not, but does not includes a Medical Centre or hospital."

Lot 300 (No.1-9) Tanby Place is zoned ‘Community Purposes’ and designated ‘Aged Persons Accommodation’ in the Scheme Map.
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 unlikely to impact upon the amenity of the adjacent residents given the low key nature of the proposal shown on the draft concept plan. The proposal will be further assessed upon receipt of a Development Application for the nursing home expansion.

The expansion of the Nursing Home proposal is consistent with the existing nursing home land use adjoining the site and is compatible with the surrounding residential area and is supported. Therefore, it is recommended that the Council grant Final Approval to adopt Scheme Amendment No.168.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** for Final Approval Amendment No.168 to Town Planning Scheme No.2, in pursuance of Section 75 of the Planning and Development Act 2005, as follows:

(i) Include Additional Use No.31 in Schedule 2 as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.</td>
<td>Lot 8 (No.5) Belrose Crescent, Cooloongup</td>
<td>Nursing Home</td>
<td></td>
</tr>
</tbody>
</table>

(ii) Amend the Scheme Maps Accordingly.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council **ADOPTS** for Final Approval Amendment No.168 to Town Planning Scheme No.2, in pursuance of Section 75 of the Planning and Development Act 2005, as follows:

(i) Include Additional Use No.31 in Schedule 2 as follows:

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<tbody>
<tr>
<td>31.</td>
<td>Lot 8 (No.5) Belrose Crescent, Cooloongup</td>
<td>Nursing Home</td>
<td></td>
</tr>
</tbody>
</table>

(ii) Amend the Scheme Maps Accordingly.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Reference No & Subject:

<table>
<thead>
<tr>
<th>PDS-064/17</th>
<th>Proposed Telecommunications Infrastructure Golden Ponds</th>
</tr>
</thead>
</table>

### Applicant:
- NSD Pty Ltd trading as Prime Planning

### Owner:
- Aldwigh Holdings Pty Ltd

### Author:
- Mr Neels Pretorius, Planning Officer

### Other Contributors:
- Ms Donna Shaw, A/Coordinator Statutory Planning
- Mr Mike Ross, Manager Statutory Planning

### Date of Committee Meeting:
- 24 October 2017

### Site:
- Lot 470 Mundijong Road, Baldivis

### Lot Area:
- 37.3ha

### LA Zoning:
- Rural

### MRS Zoning:
- Rural

### Nature of Council’s Role in this Matter:
- Tribunal

### Attachments:
- Schedule of Submissions

### Maps/Diagrams:
1. Location Plan
2. Aerial Photo
3. Site and Detailed Location
4. Facility Layout
5. Southern Elevation
6. Consultation Plan
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application seeking Development Approval for Telecommunications Infrastructure (Mobile Telecommunications Services) at Lot 470 Mundijong Road, Baldivis.

Background

Since 1997, the Council has granted Development Approval to various land uses on the land as part of the Golden Ponds, Recreational Fish and Marron Farm. The approved uses at the premises include the following:

- Recreational Fish Farm and associated development;
- Reception Centre;
- Caravan Park, Short Stay Accommodation Units and Recreational Vehicle Bays;
- Breeding Hatchery;
- Plant Nursery; and
- Homestore.

The location of the proposed Telecommunications Infrastructure is situated on the western side of the property, north of the short stay accommodation and recreational vehicle bays on the site.

The nearest Residential zoned land to the proposal is located west of the Kwinana Freeway (approximately 2.3km), and the nearest dwellings are approximately 300m south of the subject site on Special Rural zoned land.

Details

Development Approval is sought by Vodafone for Telecommunications Infrastructure comprising the following:

- 55m high guyed mast;
- 3 panel antennas attached at a centreline height of 53.5 metres;
- An equipment cabin (2.38m x 3.15m) installed at the base of the tower; and
- A 2.4m high chain link security fence surrounding the 100m² lease area.

The applicant has advised that Vodafone is currently co-sited with Telstra, Optus and BKAL Pty Ltd on an existing 50 metre high lattice tower 1.2 kilometres north of the subject site. As the existing tower to the north of the site is at its structural capacity, a new structure is required in the locality to provide for coverage and additional technologies including 4G and future 5G coverage. It was also advised that if an upgrade was feasible, it would have been undertaken pursuant to the Telecommunications (Low-Impact Facilities) Determination 1997, without the need for a Development Application.

The subject site was selected on the following basis:

- Technically feasible and network coverage;
- Rural zone which is suitable for the proposal;
- Rural character of the area will not be adversely affected;
- Landowner support;
- No clearing of trees are required;
- The proposal will not prejudice existing or future land use; and
- The development cost.
3. Site and Detailed Location
4. Facility Layout
5. Southern Elevation
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 proposed telecommunications infrastructure, as per the submission location plan below. A total of 15 landowners and occupiers were consulted and at the close of the consultation period, no submissions were received.

b. Consultation with Government Agencies

Nil

c. Strategic Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2023:

Aspiration D: Sustainable Environment

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

d. Policy

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

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

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

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

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis.</td>
<td>The visual impact of the application was assessed by the City, as well as with a site inspection.</td>
<td>Yes; the structural form and location of the facility are designed to minimise visual impact. The monopole mast will (by necessity) be visible to varying degrees</td>
</tr>
<tr>
<td>Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:</td>
<td>To reduce visual impact from outside the subject land, a guyed, narrow open lattice mast is proposed. The antennae and mast are to be finished in a non-reflective factory grey colour and the equipment shelter is proposed to be non-reflective Colorbond &quot;Pale Eucalypt&quot;</td>
<td>No, however, the recreational area comprises the existing camping and short stay accommodation areas located on the same site as the proposed development.</td>
</tr>
<tr>
<td>(a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;</td>
<td>(a) the proposed Telecommunications Infrastructure will be visible when viewed from or recreation areas;</td>
<td>Yes</td>
</tr>
<tr>
<td>(b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;</td>
<td>(b) the proposed Telecommunications Infrastructure will not detract from significant views of any heritage place, landmark, streetscape, panorama or vista;</td>
<td>Yes</td>
</tr>
<tr>
<td>(c) not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised; and</td>
<td>(c) the proposed Telecommunications Infrastructure will not be located on a site where environmental or cultural heritage values may be compromised. While the structure will to some extent (by necessity) be visible, the Telecommunications Infrastructure is considered to be consistent with other telecommunications facilities in the Rural area;</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The proposal is considered compliant with SPP5.2.

Planning Policy 3.3.16 - Telecommunications Infrastructure (PP3.3.16)

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

"(a) To promote a consistent approach in the assessment and determination of applications for Development Approval for Telecommunications;

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

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

(d) To ensure that Telecommunications Infrastructure is included in the relevant planning processes as essential infrastructure for business, personal and emergency reasons."
The following is an assessment of the proposal against the requirements of PP3.3.16:

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The preferred location for telecommunications Infrastructure that cannot be classified as low impact facilities is in the Industrial, Commercial and Rural Zones.</td>
<td>The proposed is not a “low impact” facility and will be located within the Rural zone, which is a preferred location.</td>
<td>Yes</td>
</tr>
<tr>
<td>To provide for future co-location, new mobile telecommunication towers and sheds are to be designed to permit at least 3 carriers to co-locate. Carriers shall co-locate onto existing towers wherever possible.</td>
<td>The proposed telecommunications infrastructure is structurally capable of accommodating 3 carriers. Refer above to comments on SPP5.2.</td>
<td>Yes, N/A</td>
</tr>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis.</td>
<td>Refer above to comments on SPP5.2.</td>
<td>Yes</td>
</tr>
<tr>
<td>Telecommunications Infrastructure should be sited and designed to have minimal impact on the environmental, cultural heritage, social and visual landscape.</td>
<td>The proposal will have no impact on the environmental and cultural heritage landscape. The proposed Telecommunications Infrastructure will provide reliable depth of coverage, and therefore enhanced service to local residents. Refer to the Comments section below for discussion of the visual landscape implications.</td>
<td>Yes</td>
</tr>
<tr>
<td>Be located away from scenic routes and recreation sites.</td>
<td>Mundijong Road next to the site is not a scenic route. The tower will be located on a recreational site.</td>
<td>No, however, given the recreational site is on the subject site (short stay accommodation and caravan site), the proposal is considered acceptable as the owner has consented to the application.</td>
</tr>
<tr>
<td>To avoid detracting from significant views of landmarks, streetscapes and vistas.</td>
<td>The surrounding landscape is generally flat, so the proposal will not detract from any significant views of landmarks or vistas. The tower is setback 200m from Mundijong Road and will therefore not impact directly on the streetscape.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The scale, materials and colours should be sympathetic to the surrounding landscape and use techniques to blend the facility into the environment.

The proposal is for a slim line monopole structure, which by painting it with non-reflective grey paint finish can more effectively blend with the lighter backgrounds of the building and sky.

Towers should be of monopole construction.

The proposed structure is a slim line monopole tower.

The screening of the base of the tower and associated installations by vegetation will be applied on a ‘case by case’ basis.

As the proposed location is behind existing buildings and also located 200m away from Mundijong Road, vegetation screening would be inappropriate in this instance.

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning and Land Use

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

The objective of the Rural zone is as follows:

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

The general provisions of TPS2 also require the development to be setback a minimum of 30 metres from the primary street (i.e. Mundijong Road) and 10 metres from all other boundaries. The tower will be located approximately 200m Mundijong Road and approximately 100m from the side boundary.

No native or remanent vegetation is required to be removed unless with the approval of the Council, other than for a fire break, fire protection or other measures specified in TPS2. There is no removal of vegetation required by the proposal.

The proposed development is considered to be compliant with TPS2.

g. Risk

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

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

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

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

Nil

Comments

The proposal is considered compliant with SPP5.2 and PP3.3.16, given the Rural zoning of the subject land and the siting and design of the proposed Telecommunications Infrastructure.
It is recognised the facility will be, by necessity, visible, however, the design of the Telecommunications Infrastructure seeks to partially mitigate these impacts, and no objections to the proposal were received.

Approval is recommended, subject to conditions.

### Voting Requirements

**Simple Majority**

### Officer Recommendation

That Council **APPROVES** the application for Telecommunications Infrastructure (Mobile Telecommunications Services) on Lot 470 Mundijong Road, Baldivis, subject to the following condition:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site and Location Plan, Drawing No. AW6171-001-P1.
   - Site Setout Plan, Drawing No. AW6171-001-P2.
   - South Elevation Plan, Drawing. No AW6171-001-P3.

### Committee Recommendation

**Moved Cr Whitfield, seconded Cr Hamblin:**

That Council **APPROVES** the application for Telecommunications Infrastructure (Mobile Telecommunications Services) on Lot 470 Mundijong Road, Baldivis, subject to the following condition:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site and Location Plan, Drawing No. AW6171-001-P1.
   - Site Setout Plan, Drawing No. AW6171-001-P2.
   - South Elevation Plan, Drawing. No AW6171-001-P3.

Committee Voting – 4/1
Cr Summers voted against

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

Not Applicable

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

Not Applicable
Planning and Development Services
Statutory Planning Services

Reference No & Subject: PDS-065/17
Proposed Modification to Building Envelope

File No: DD024.2017.0000017.001
Applicant: Content Living Pty Ltd
Owner: Mr Joshua Pyrc and Ms Falon Comerford
Author: Mr Neels Pretorius, Planning Officer
Other Contributors:
Ms Donna Shaw, A/Co-ordinator Statutory Planning
Mr Mike Ross, Manager Statutory Planning

Date of Committee Meeting: 24 October 2017
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Tribunal

Site: Lot 1031 Gaze Grove, Golden Bay
Lot Area: 2,608m²
LA Zoning: Special Residential
MRS Zoning: Rural

Attachments: 
Maps/Diagrams:
1. Location Plan
2. Aerial Photograph
3. Site Overview – Building Layout Plan
4. Existing and Proposed Building Envelope Plan (Detail)
5. Consultation Plan
1. Location Plan

2. Aerial Photograph

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 NOVEMBER 2017

PRESIDING MEMBER
**Purpose of Report**

To consider an application to vary the approved Building Envelope at Lot 1031 Gaze Grove, Golden Bay.

**Background**

The site is located west of Mandurah Road, north of Crystaluna Drive, and east of Golden Bay Estate. The existing Building Envelope was created as part of the subdivision of Peelhurst Estate Golden Bay and has never been modified.

The approved Building Envelope has an area of 600m² and is setback 10m from Gaze Grove, 3m from the western boundary, 10m from the eastern boundary and 35m from the southern boundary.

**Details**

The applicant proposes to modify the approved Building Envelope for the purposes of building a new dwelling. The size of the Building Envelope will increase from 600m² to 660m².

4. Existing and Proposed Building Envelope Plan (Detail)
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to the adjacent landowners for comment for a period of 14 days, as shown on the Consultation Plan below. At the conclusion of the advertising period no submissions were received.

b. Consultation with Government Agencies

Not Applicable

c. Strategic Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

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

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Schedule No.5 of TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>Requirement</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an adverse environmental impact.</td>
<td>No additional vegetation will be removed for the purposes of varying the Building Envelope.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an unacceptable level of bushfire risk.</td>
<td>The proposed modification will not result in an increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
<tr>
<td>No unacceptable amenity impacts to neighbours.</td>
<td>The proposal was referred to the adjoining neighbours and no submissions were received. The modification is not considered to result in an adverse impact upon adjoining landowners.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation is a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The size of the original Building Envelope will be increased from 600m² to 660m², which is an increase of 10%, which complies with the maximum allowable increase of 10%.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The Building Envelope is generally of a regular shape and will comprise a single contiguous area.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

The purpose of the proposed Building Envelope modification is for the future construction of a Single House on the site. A Bushfire Management Plan was submitted when the original Building Envelope was approved.

The proposed modification of the Building Envelope will not result in an increase in bushfire risk. The proposal is considered to be compliant with the requirements of SPP3.7.

e. **Financial**

Nil

f. **Legal and Statutory**

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

g. **Risk**

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

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

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

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

Nil

**Comments**

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

It is recommended that the proposed Building Envelope be approved.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council APPROVES the application to vary the Building Envelope at Lot 1031 Gaze Grove, Golden Bay.

Committee Recommendation

Moved Cr Sammels, seconded Cr Whitfield

That Council APPROVES the application to vary the Building Envelope at Lot 1031 Gaze Grove, Golden Bay.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Addendum Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
16. Motions of which Previous Notice has been given

<table>
<thead>
<tr>
<th>Engineering and Parks Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference No &amp; Subject:</td>
</tr>
<tr>
<td>File No:</td>
</tr>
<tr>
<td>Proponent/s:</td>
</tr>
<tr>
<td>Author:</td>
</tr>
<tr>
<td>Other Contributors:</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
</tr>
<tr>
<td>Previously before Council:</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
</tr>
<tr>
<td>Nature of Council's Role in this Matter:</td>
</tr>
<tr>
<td>Site:</td>
</tr>
<tr>
<td>Lot Area:</td>
</tr>
<tr>
<td>LA Zoning:</td>
</tr>
<tr>
<td>MRS Zoning:</td>
</tr>
<tr>
<td>Attachments:</td>
</tr>
</tbody>
</table>
2. Concept Design showing three (3) parking locations |

**Purpose of Report**

To provide Officer comment and advice to Cr Barry Sammels' Notice of Motion.

**Background**

Cr Barry Sammels submitted the following motion for consideration at the 26 September 2017 Council Meeting:

"That Council APPROVES the construction of on-street parking bays in Exhibition Way, Rockingham subject to:"
1. Confirmation that use of The Salvation Army Corps complex complies with previous development applications.

2. The outcome of community engagement with affected residents.

**Details**

The Salvation Army (Rockingham Corps) opened its new facility on the corner of Read Street and Willmott Drive in September 2015. Since its opening the facility has seen a higher than anticipated usage, reflecting the needs of many people in the community. The building project cost the organisation $4.5M and represents a significant and valuable investment into the community.

The aerial photograph below shows the current building and surrounds. The photos also shows an increase in parking bays to 54 public bays plus 9 staff bays (total 63 bays). This is a significant increase however the upgraded facility also caters for more community needs and this has resulted in a problem with parking during the high demand periods.

The Salvation Army is requesting that the City consider developing overflow parking along Exhibition Way in order to meet the needs of the Salvation Army’s programs during times of high access.

No indication has been given in the written request regarding the peak timeframes or the quantity of parking bays required. During discussions it was indicated that the peak times were during certain weekday mornings when meals were supplied.
Three options have been identified as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of Spaces</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Carpark</td>
<td>30 (max)</td>
<td>60° bays. Opposite residents, realignment of footpath required, will retain trees, potential services</td>
</tr>
<tr>
<td>Southern Carpark</td>
<td>9</td>
<td>60° bays. Adjacent Salvation Army, will retain trees, potential services, least impact on residents</td>
</tr>
<tr>
<td>Eastern Carpark</td>
<td>7</td>
<td>Parallel bays. Adjacent residents, potential services, direct impact on residents</td>
</tr>
</tbody>
</table>

Implications to Consider

a. Consultation with the Community

No consultation has been undertaken with affected residents, however it would be proposed that the proposal is provided to residents in the locality for comment as part of the approval process.
b. Consultation with Government Agencies
Nil

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

**Aspiration C:** Quality Leadership

**Strategic Objective:** Infrastructure - Civic Buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. Policy
Nil

e. Financial
The estimated cost of providing on-street parking is as follows

<table>
<thead>
<tr>
<th>Location</th>
<th>Design/Survey Cost</th>
<th>Construction Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Western Carpark</td>
<td>$12,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>2. Southern Carpark</td>
<td>$4,500</td>
<td>$30,000</td>
</tr>
<tr>
<td>3. Eastern Carpark</td>
<td>$3,750</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

These estimates do not include ancillary costs such as service relocations, tree works or reconstruction of footpaths.

f. Legal and Statutory
Nil

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 Salvation Army has requested that the City fund these upgrades to the parking as they believe it is the City’s social responsibility.

The facility provides a number of commercial services in addition to the charitable purposes. For this reason, it is recommended that the request for additional parking be viewed as also supporting a commercial interest.

Irrespective of compliance with the Development Approval and Public Building approval, it is suggested that this request is primarily for the use of public funds for a private benefit.

Indications from Ranger Services are that there does not appear to be noticeable complaints from the area relating to this facility and therefore there does not appear to be a specific community benefit for the provision of this additional parking.

There is a likelihood that there will be adverse comments from residents along Exhibition Way to the proposal for on-street parking on their residential street as this will impact on their amenity and this will need to be taken into consideration.
The City could provide financial assistance through one of the community grants, subject to the application meeting the requirements of that program.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the construction of on-street parking bays in Exhibition Way, Rockingham subject to:

1. Confirmation that use of The Salvation Army Corps complex complies with previous development applications.
2. The outcome of community engagement with affected residents.
3. The Salvation Army being successful in its application for a Community Grant.
4. The Salvation Army contributing any balance of the cost of the infrastructure above the value of the community grant.

**Notice of Motion from Cr Barry Sammels**

That Council **APPROVES** the construction of on-street parking bays in Exhibition Way, Rockingham subject to:

1. Confirmation that use of The Salvation Army Corps complex complies with previous development applications.
2. The outcome of community engagement with affected residents.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Summers:

That Council **SUPPORTS** the construction of on-street parking bays in Exhibition Way, Rockingham subject to:

1. Confirmation that use of The Salvation Army Corps complex complies with previous development applications.
2. A community consultation is undertaken with all affected residents.
3. The outcomes of the community consultation be brought back to Council with further recommendations on location, number of bays and costings.

Committee Voting – 5/0

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

The Committee changed the Officer’s Recommendation for the purpose of clarity.

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

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Notices of Motion for Consideration at the Following Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Matters Behind Closed Doors</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 20 November 2017</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td></td>
<td>Closure</td>
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<td></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>5:17pm</strong>.</td>
</tr>
</tbody>
</table>