MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 14 April 2014 at 4:00pm
City of Rockingham Boardroom
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<td>157</td>
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<td>161</td>
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</table>
### Planning and Engineering Services Committee Minutes

**Monday 14 April 2014**

**City of Rockingham**

**Planning and Engineering Services Committee Meeting Minutes**

**Monday 14 April 2014 - Council Boardroom**

#### 1. Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee Meeting open at 4.00pm, welcomed all present, and recited the Acknowledgement of Country.

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

<table>
<thead>
<tr>
<th>2.1 Councillors</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Cr Richard Smith (Deputy Mayor)</td>
<td>Chairperson</td>
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<tr>
<td>Cr Chris Elliott</td>
<td></td>
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<tr>
<td>Cr Ron Pease JP</td>
<td></td>
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<tr>
<td>Cr Deb Hamblin</td>
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<td>Cr Allan Hill OAM JP</td>
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<table>
<thead>
<tr>
<th>2.2 Executive</th>
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<tbody>
<tr>
<td>Mr Chris Thompson</td>
<td>A/Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Project Manager Keralup</td>
</tr>
<tr>
<td>Mr Richard Rodgers</td>
<td>Manager Building Services (until 4.22pm)</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Ms Julia Dick</td>
<td>A/Manager Health Services</td>
</tr>
<tr>
<td>Mr Gary Rogers</td>
<td>Manager Procurement and Projects</td>
</tr>
<tr>
<td>Mr James Henson</td>
<td>Manager Parks Development (until 4.22pm)</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>PA to Director Planning and Development Services</td>
</tr>
</tbody>
</table>

| 2.3 Members of the Gallery: | 13 |
| 2.4 Apologies: | Nil |
| 2.5 Approved Leave of Absence: | Nil |

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

Nil

#### 4. Public Question Time

**4.02pm** The Chairperson invited members of the Public Gallery to ask questions.

**4.1** Dr Ken Parker, 19 Alassio Parade, Secret Harbour - Footpath between Port Kennedy and Secret Harbour.
The Chairperson invited Dr Parker to present his questions to the Planning and Engineering Services Committee. Dr Parker had provided the Chairperson with correspondence prior to the commencement of the Committee meeting and asked the following question:

1. What is the timetable for the installation of a footpath along Warnbro Sound Avenue, between Port Kennedy and Secret Harbour?

The Chairperson handed Dr Parker’s correspondence to Mr Chris Thompson, Acting Chief Executive Officer, who advised that he would take the question on notice, would look into the situation and advise Dr Parker accordingly.

The Chairperson thanked Dr Parker for his interest and concern on the matter.

4.05pm There being no further questions the Chairperson closed Public Question Time.

5. **Confirmation of Minutes of the Previous Meeting**

Moved Cr Hamblin, seconded Cr Elliott:

That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 17 March 2014, as a true and accurate record.

Committee Voting – 5/0

6. **Matters Arising from the Previous Minutes**

Nil

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

4.06pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

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

4.07pm Cr R Smith declared the following Declaration of Interest:

<table>
<thead>
<tr>
<th>8.1 Item PDS-034/14</th>
<th>Proposed Redevelopment of the Salvation Army Site for a larger place of Worship and Community Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor/Officer:</td>
<td>Cr R Smith</td>
</tr>
<tr>
<td>Type of Interest:</td>
<td>Impartiality</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Long association with the annual Red Shield Appeal - helps recruit collectors.</td>
</tr>
<tr>
<td>Extent of Interest (if applicable):</td>
<td>Once a year volunteer support, approximately 6-8 weeks.</td>
</tr>
</tbody>
</table>

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

Nil

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

Nil
## 11. Bulletin Items

### Planning and Development Services Information Bulletin – April 2014

#### Health Services

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 Mosquito Control Program
   3.7 Ocean Water and Storm Water Sampling

4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 After Hours Noise and Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Building Plan Assessments
   4.9 Septic Tank Applications
   4.10 Demolitions
   4.11 Swimming Pool and Drinking Water Samples
   4.12 Rabbit Processing
   4.13 Hairdressing and Skin Penetration Premises
   4.14 Family Day Care
   4.15 Emergency Services
   4.16 Emergency Management and Recovery
   4.17 Ranger Services

#### Building Services

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually
   4.4 Demolition Permit
   4.5 Permanent Sign Licence
   4.6 Community Sign Approval
   4.7 Temporary Sign Licence
   4.8 Street Verandah Approval
   4.9 Occupancy Permits
   4.10 Stratas
   4.11 Unauthorised Building Works
   4.12 Monthly Caravan Park Site Approvals
### 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 Karnup District Water Management Strategy (EVM/136)
   - 3.3 Water Campaign (EVM/56-02)
   - 3.4 Karnup District Structure Plan (LUP/1546)
4. Information Items
   - 4.1 Delegated Final Adoption of Structure Plan
   - 4.2 Delegated Minor Change to Structure Plan
   - 4.3 Lifting of Urban Deferment Request - Lots Bounded by the Kwinana Freeway, Mundijong Road, Baldivis Road and Lot 1000 Baldivis Road, Baldivis
   - 4.4 Advertising of Proposed Structure Plans

### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 CouncilsOnline (Planning Products via the Web) formerly eDA
4. Information Items
   - 4.1 Land Use – Planning Enforcement
   - 4.2 Subdivision/Development Approvals and Refusals by the WAPC
   - 4.3 Notifications and Gazettals
   - 4.4 Subdivision Clearances
   - 4.5 Subdivision Survey Approvals
   - 4.6 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 Subdivision/Amalgamation Refused
   - 4.12 Approval of the Amendment to Interim Registration of Lake Richmond on the Register of Heritage Places and Waiver of Suspension of Planning Approval
   - 4.13 Joint Development Assessment Panel Approvals

### 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 Waterfront Sector - Development Policy Plan and Masterplan (LUP/1617)
   - 3.3 Northern Smart Village Sector - Development Policy Plan and Masterplan (LUP/1595)
   - 3.4 Campus Sector - Development Policy Plan and Masterplan (LUP/1618)
   - 3.5 Eastern Sector - Development Policy Plan and Masterplan (LUP/1619)
   - 3.6 Keralup
   - 3.7 Mangles Bay Marina

### Advisory Committee Minutes
Committee Recommendation

That Councillors acknowledge having read the Planning Services Information Bulletin – April 2014 and the content be accepted.

Committee Voting – 5/0

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</thead>
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<tr>
<td>2. Human Resource Update</td>
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<td>3. Project Status Reports</td>
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<tr>
<td>4. Information Items</td>
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<tr>
<td>4.1 Delegated Authority for approval of Directional Signage</td>
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<td>4.2 Delegated Authority for Thoroughfare Closures</td>
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<td>4.3 Local Area Traffic Management and Road Safety Design Projects 2013/2014</td>
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<td>4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions</td>
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<tr>
<td>4.5 Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions</td>
</tr>
<tr>
<td>4.6 Delegated Authority to approve the release of Bonds for private subdivisional works</td>
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<td>4.7 Handover of Subdivisional Roads</td>
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<td>4.8 Delegated Authority for the payment of Crossover Subsidies</td>
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<tr>
<td>4.9 Mundijong Road Extension Project</td>
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<tr>
<td><strong>Engineering Operations</strong></td>
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<tr>
<td>1. Engineering Operations Team Overview</td>
</tr>
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<td>4. Information Items</td>
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<td>4.4 Road Construction Program State Black Spot 2013/2014</td>
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<td>4.6 Road Resurfacing Program Municipal Works 2013/2014</td>
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<td>4.7 Drainage Program Municipal Works 2013/2014</td>
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<td>4.8 Road Maintenance Program 2013/2014</td>
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<td>4.9 Passenger Vehicle Fleet Program 2013/2014</td>
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<td>4.10 Light Commercial Vehicles Program 2013/2014</td>
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<td>4.11 Heavy Plant Program 2013/2014</td>
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<tr>
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<td>2. Human Resource Update</td>
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<td>3. Project Status Reports</td>
</tr>
<tr>
<td>3.1 Golden Bay Shared Use Oval</td>
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<td>3.2 Mornington Reserve Development</td>
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<td>3.3 Lake Richmond Boardwalk</td>
</tr>
<tr>
<td>3.4 Warnbro Sound Avenue - Bakewell to Port Kennedy Drive Irrigation Project</td>
</tr>
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<td>3.5 Warnbro Recreation Ground Irrigation Upgrade</td>
</tr>
<tr>
<td>3.6 Rae Road Streetscape Project- Read to Seabrooke Avenue</td>
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<td>3.7 Dixon Road Environmental Management Plan Review</td>
</tr>
<tr>
<td>3.8 Tramway Management Plan Review</td>
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4. Information Items
   4.1 Groundwater Monitoring
   4.2 Mundijong Road Environmental Offsets
   4.3 Climate Change Mitigation
   4.4 Lake Richmond Heritage Listing
   4.5 Delegated Subdivision Public Open Space Practical Completion
   4.6 Delegated Subdivision Public Open Space Handovers
   4.7 Delegated Public Open Space Approvals
   4.8 Memorial Seat Approvals

Parks Operations
1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Hourglass Reserve replacement of long jump running track
   3.2 Stan Twight Reserve replacement of netting to turf cricket practice nets
   3.3 Waterfront Village porous paving to tree surrounds
   3.4 Play Equipment Replacement
   3.5 Anniversary Park AFL Boundary Fence Replacement
4. Information Items
   4.1 Parks Maintenance Program 2013/2014

Asset Management
1. Asset Management Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Footpath Condition Audit
   3.2 ROMAN Traffic Count Update
4. Information Items
   4.1 Asset Management Improvement Strategy
   4.2 Asset Systems Management

Building Maintenance
1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal

Procurement and Capital Projects
1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
### Planning and Engineering Services Committee Minutes

**Monday 14 April 2014**

#### 4.4 Shoalwater North Underground Power Project

#### 4.5 2014 Public Area Lighting and Arterial Lighting

#### 4.6 Lark Hill Wind Turbine

#### 4.7 Bent Street Boat Launching Facility – Navigation Channel

#### 4.8 Baldivis Library and Community Centre - Design

#### 4.9 Challenger Court Electrical System Upgrade

#### 4.10 Secret Harbour Surf Life Saving Club - Renovation

#### 4.11 Val Street Jetty Design

#### 4.12 Point Peron Geotextile Sand Container Construction (C12/13-74)

#### 4.13 Settlers Hill Toilet Installation (Grice Reserve)

#### 4.14 Mike Barnett Sporting Complex Roof Replacement

#### 4.15 Administration Building Upgrade of BMS

#### 4.16 Currie Street Reserve Sports Floodlighting

#### 4.17 City Centre Infrastructure Works Car Park Design and Construction

#### 4.18 Administration Building Foyer Acoustic Panelling

#### 4.19 Aquatic Centre – Renovation Works

#### 4.20 Anniversary Park Change Rooms

#### 4.21 Lark Hill Sub Metering

#### 4.22 Barbecue Replacement

#### 4.23 Challenger Court Eaves

#### 4.24 Port Kennedy Community Centre Acoustic Ceiling

#### 4.25 Watts Road Toilet Rust Treatment

#### 4.26 Arcadia Drive Toilet Rust Treatment

#### 4.27 Waikiki Toilet Rust Treatment

#### 4.28 Administration Building Solar System

#### 4.29 Autumn Centre Solar System

#### 4.30 Churchill Park Toilet System Solar System

#### 4.31 Aqua Jetty Roof Replacement

#### 4.32 Aqua Jetty Condensation Issue

### Waste and Landfill Services

1. Waste and Landfill Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   1. Waste kerbside collection
   2. 240 litre recycling bin service
   3. 240 litre bin recycling participation statistics
   4. Destroyed and stolen refuse bins
   5. Landfill statistics
   6. Education and promotion

### Advisory Committee Minutes

#### Committee Recommendation

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – April 2014 and the content be accepted.

Committee Voting – 5/0

**4.22pm - Mr Richard Rodgers, Manager Building Services and Mr James Henson, Manager Parks Development departed the Planning and Engineering Services Committee meeting.**

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 MAY 2014

____________________________________
PRESIDING MEMBER
12. Agenda Items

Planning and Development Services

Planning and Development Services
Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-030/14 Proposed Amendment to Delegated Authority Register - Structure Plan Approval Consultation</th>
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<tr>
<td>File No:</td>
<td>LUP/125</td>
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<tr>
<td>Risk Register No:</td>
<td>405 and 409</td>
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<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Author:</td>
<td>14 April 2014</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
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<tr>
<td>Date of Committee Meeting:</td>
<td></td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
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<td>Lot Area:</td>
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Purpose of Report

To amend the Delegated Authority Register concerning the readvertising of Proposed Structure Plans in circumstances when the Western Australian Planning Commission (WAPC) requires modifications prior to approval.

Background

A review of the City’s Structure Plan assessment procedures has recently been undertaken to ensure that its practices are aligned to current planning requirements and deliver high quality assessments of proposals in a timely manner, in accordance with statutory requirements.
Broadly speaking, when a Proposed Structure Plan is lodged with the City, the assessment process involves the following:

- Assessment and a decision as to whether the Proposed Structure Plan should be advertised, within 60 days of lodgement;
- Public advertising;
- Final assessment and a decision by Council whether to adopt the Proposed Structure Plan, within 60 days of the completion of advertising;
- Assessment and approval by the WAPC, within 60 days of being notified of the Council’s decision.

The review has confirmed the complex nature of contemporary Structure Plans, with addition of new requirements for Local Water Management Strategies, Bushfire Hazard Assessment, and other technical documents in recent years. This has made the City’s responsibility to deliver comprehensive assessment of Structure Plans within statutory time constraints more challenging, and the review has identified a number of procedural improvements that will assist the City in meeting its obligations under the Scheme.

**Details**

When a Proposed Structure Plan is referred to the WAPC for approval, it is required to consult with the Council if it proposes to require modifications, prior to making a decision. This enables the Council to determine whether the modifications are substantial and warrant readvertising. Given the WAPC is required to make a decision within 60 days, the Council’s decision would need to be made urgently.

It is unlikely that the City could facilitate the preparation and presentation of a Report to Council on the matter within the required timeframe, and it is therefore proposed that authority be delegated to the Chief Executive Officer to determine whether any modification to a Proposed Structure Plan required by the WAPC is substantial and should be readvertised, under clause 4.2.6.14 of Town Planning Scheme No.2.

It is noted that the Council has previously delegated authority with respect to the following decisions relating to Proposed Structure Plans:

- Determining the detail to be contained in a Structure Plan;
- Determining whether to require a Proponent to address certain matters specified in TPS2;
- Determining whether a Proposed Structure Plan is suitable for advertising;
- Final adoption of a Proposed Structure Plan following approval by the WAPC; and
- The adoption of a minor change to or departure from a Structure Plan.

**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 contained in the Community Plan 2011:

   **Aspiration 11:** Planning for population growth to ensure that future development and land-use contribute to a sustainable city that provides for a genuinely desirable lifestyle.
d. Policy

Structure Plan Preparation Guidelines

The WAPC’s Guidelines provide guidance in the preparation and assessment of structure plans. Importantly, they provide guidance to the City as to what constitutes a substantial modification. In this regard, the Guidelines note that the following changes can be considered minor and should not require readvertising:

- “increase in residential density that is within the identified residential banding as per the R-Codes (i.e. low, medium or high density);
- realignment of neighbourhood connector roads (or below in the road hierarchy) that do not negatively affect the connectivity of the movement network or accessibility to activity areas;
- modifications to public or community land use (district or local) that do not alter the overall provision of and accessibility to the public or community land uses throughout the structure plan area;
- modifications to the size and location of activity centres, high schools, primary schools, public and community purpose sites that do not alter the overall distribution of, or accessibility to, these land uses (note - consultation must be undertaken with the Department of Education if any modification is proposed to high schools or primary schools); and
- any change to major pedestrian and cyclist networks that do not negatively affect connectivity or accessibility to destinations and activity areas.”

e. Financial

Nil

f. Legal and Statutory

Upon the completion of public advertising and a decision by the Council to adopt or refuse to adopt a Proposed Structure Plan, clause 4.2.6.10 of Town Planning Scheme No.2 states that the Commission is to either:

(a) approved the Proposed Structure Plan with or without modifications; or
(b) refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the Council.

The Commission is required under clause 4.2.6.11 to make its decision within 60 days, unless there is agreement with the Proponent for an extension of time.

If the Commission decides to require modifications to the Proposed Structure Plan, clause 4.2.6.13 requires it to consult with the Council prior to approving the Proposed Structure Plan.

If the Council considers that the proposed modifications are substantial, clause 4.2.6.14 allows it to readvertise the Proposed Structure Plan.

g. Risk

Risk Implications of Implementing Officer Recommendation

Medium:

- A decision under delegated authority may not align with the Council’s expectations.

Risk Implications of Not Implementing Officer Recommendation

High:

- The Council may be unable to require readvertising of a Proposed Structure Plan by being unable to make a determination within the statutory time period.
## Comments

The delegation of authority will complement existing delegations in relation to Proposed Structure Plans ensure the City can make a determination on any proposal by the WAPC to require modifications to a Proposed Structure Plan, within the timeframe stipulated by Town Planning Scheme No.2.

## Voting Requirements

Absolute Majority

## Officer Recommendation

That Council **AMEND** the Delegated Authority Register (Local Government to Chief Executive Officer) 8.3 Planning and Development Act 2005 - Town Planning Scheme to include the determination of whether any modification to a Proposed Structure Plan required by the Western Australian Planning Commission is substantial and should be readvertised, under clause 4.2.6.14 of Town Planning Scheme No.2.

## Committee Recommendation

That Council **AMEND** the Delegated Authority Register (Local Government to Chief Executive Officer) 8.3 Planning and Development Act 2005 - Town Planning Scheme to include the determination of whether any modification to a Proposed Structure Plan required by the Western Australian Planning Commission is substantial and should be readvertised, under clause 4.2.6.14 of Town Planning Scheme No.2.

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
**Strategic Planning and Environment Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-031/14 Proposed Indicative Development Guide Plan - Tuart Ridge Neighbourhood Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/420-04</td>
</tr>
<tr>
<td>Risk Register No</td>
<td>402, 403 and 404</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Cardno (WA) Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Amex Corporation Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chandran Kizhakke Veetil, Senior Strategic Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 April 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>April 2009 (PD56/4/09); October 2010 (SPE-006/10); May 2011 (SPE-017/11)</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 9021 Makybe Drive, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>3.6 hectares</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Proposed Indicative Development Guide Plan</td>
</tr>
<tr>
<td></td>
<td>2. Schedule of Submissions</td>
</tr>
<tr>
<td></td>
<td>3. Location of Lot 9021 Makybe Drive, Baldivis</td>
</tr>
<tr>
<td></td>
<td>4. Tuart Ridge Structure Plan identifying the proposed 'Neighbourhood Centre'</td>
</tr>
<tr>
<td></td>
<td>5. Proposed Indicative Development Guide Plan</td>
</tr>
<tr>
<td></td>
<td>6. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>7. Locations of submissioners</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location of Lot 9021 Makybe Drive, Baldivis</td>
</tr>
<tr>
<td></td>
<td>2. Tuart Ridge Structure Plan identifying the proposed 'Neighbourhood Centre'</td>
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</tr>
<tr>
<td></td>
<td>6. Activity Centre Functions, Characteristics, and Targets</td>
</tr>
<tr>
<td></td>
<td>7. Comparison between IDGP and Table 2.8 of the Local Commercial Strategy</td>
</tr>
</tbody>
</table>

### Purpose of Report

To consider the proposed Indicative Development Guide Plan (IDGP) for the ‘Tuart Ridge Neighbourhood Centre’ located on Lot 9021 on the corner of Delta Road and Makybe Drive, Baldivis (Figure 1).
Background

The subject land is currently vacant and is designated as a ‘Village Centre’ (Neighbourhood Centre) on the ‘Tuart Ridge Structure Plan’ (TRSP). The TRSP was originally approved by the Western Australian Planning Commission (WAPC) on 24 September 2001.

History

In March 2001, the Council adopted a Comprehensive Development Plan [note: now termed “Structure Plan” under the Town Planning Scheme No 2 (TPS 2)] for the Tuart Ridge estate on the corner of Baldivis Road and Clyde Avenue. The Structure Plan area contained a 6,000m² local centre site, a 5,000m² public community purposes site, a 3,000m² private community purposes site and a primary school site, complemented by three residential R40 sites. The remainder of the Plan consisted of residential R20 development and public open space.

The Plan was subsequently approved by the WAPC subject to various conditions, including the following:

‘(b) The location and configuration of the commercial centre is to be investigated having regard to “Main Street” shopping principles at the time of, or prior to, the submission of a subdivision application for the land incorporating the site.’

In September 2005, the Council resolved to adopt minor changes to the Structure Plan, including a revised road network in and around the Village Centre, reconfiguration of the land uses (although the land areas remain the same), and the introduction of residential R25 lots fronting the primary school.
In April 2009, the Council adopted an application seeking a modification to the Tuart Ridge Structure Plan to incorporate a revised design for the Village Centre. The main intent of the proposed change was to replace the individual zones shown in the Tuart Ridge Village Centre with a ‘Village Centre’ precinct, which required the submission of further detail prior to subdivision or development within the Village Centre. The application also sought to reduce the size of the public community purpose site from 5,000m² to 2,000m².

The Village Centre was to make provision for a local retail centre, a community purpose site having a public community facility (which should be designed and constructed and ceded to the City free of cost), and a private community purpose site (which should be made available for purchase by an appropriate community organisation).

In March 2012, a minor modification to the Structure Plan was adopted by the Council under delegated authority. This application proposed minor changes to the layout of Stage 10 to enable the relocation of Public Open Space (POS) in close proximity to the Village Centre. The modified layout also allowed for increased east-west permeability between the proposed Village Centre Boulevard, Stage 10 and the neighbouring subdivision to the east of Tuart Ridge (Figure 2).

2. Tuart Ridge Structure Plan identifying the proposed ‘Neighbourhood Centre’

In August 2012, the Council considered a review of the Local Commercial Strategy (LCS) in relation to the Baldivis locality. The review of the LCS assessed the retail and commercial floor space provisions within Baldivis to ensure they respond to retail needs and State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2). Under the amended LCS, the Village Centre is identified as a Neighbourhood Centre. In accordance with SPP 4.2, retail floor space caps have been removed, and a more flexible approach for Centres has been adopted which encourages mixed use development.
Details

The City has now received a proposed IDGP for the Tuart Ridge Neighbourhood Centre. The IDGP provides for the retail and commercial components of the Neighbourhood Centre to be developed in accordance with the principles of *Liveable Neighbourhoods* and is based on ‘Main Street’ design requirements (Figure 3).

3. Proposed Indicative Development Guide Plan

The IDGP provides for a mixed-use configuration, which includes:

- A supermarket;
- 17 specialty retail tenancies;
- A private community purpose site (Childcare Centre);
- A public community purposes site (Piazza);
- A gym; and
- R40 Residential Dwelling Sites.

Car Parking facilities and pedestrian pathway have also been provided for the public benefit and use.

Supermarket and Retail Tenancies

The supermarket covers 1,500m² retail floor space. The 17 retail tenancies proposed will be consisting of a variety of commercial, retail and food and beverage uses. In combination, these activities aim to create a diverse and multi-functional Neighbourhood Centre to adequately service the residents of Tuart Ridge and other residents from surrounding localities. To this end, a Retail Sustainability Assessment Report (RSA) was also presented along with the IDGP application.

Service and delivery for the Neighbourhood Centre is contained within two loading bay areas located on the northern portion of the supermarket and in-between the Food and Beverage Tenancy and Retail Tenancy 2.
Private Community Purpose Site (Childcare Centre)

The Childcare Centre is envisaged to be located at the south western portion of the Neighbourhood Centre adjacent to Makybe Drive. Under the City’s Local Planning Policy 3.3 Planning for Community Facilities in New Suburbs, a childcare centre is considered to be a suitable private community purpose use. The childcare centre will adequately service the residents within Tuart Ridge and neighbouring estates and will have synergies with the existing school site based on its close proximity and similar activities (learning environment).

Public Community Purposes Site (Piazza)

The Public Piazza is proposed to be located adjacent to the Main Street to the south and will be connected to the existing school site and northern portion of the Neighbourhood Centre by a pedestrian linkage. The piazza will be an important public space and will ensure that pedestrian amenities are maintained within the Neighbourhood Centre, whilst promoting vibrancy and adequate surveillance within the heart of the Neighbourhood Centre, all of which are requirements of Liveable Neighbourhoods. The design intent envisages a ‘generally square’ public piazza, where there is good orientation, with two sides having built edges and two sides being open to the extended public realm and the Main Street. The proponent advises that the piazza will include the following features:

- The built form edges will have awnings/verandahs facing into the piazza and pavements that are generally flat so as to permit and encourage alfresco dining and the like.
- The piazza will be treated with a mixture of soft landscape and paving but with emphasis on the latter, so as to give it a civic flavour. Shade will be integrated either by structures or landscaping or both.
- Some level change will be created by way of seating steps to add interest.
- The piazza will not be fenced or secured.
- The piazza will have a textural, ‘artistic’ and a relaxed community ambience.

Appropriate design parameters will be utilised to ensure that no commercial activity or its effects will impede on or reduce the public capacity to access and utilise the piazza.

R40 Residential Dwelling Sites

The R40 residential dwelling sites are proposed in the northern and south eastern portions of the Neighbourhood Centre adjacent to Makybe Drive and Delta Road. The proposed dwellings immediately north of the supermarket and northern car park will be front loaded lots with access onto Delta Road. The remainder of the residential lots will be rear loaded (i.e. all vehicular access will be from the rear laneways). The treatment between the interface of the supermarket and residential lots to the north will be addressed via appropriate fencing and landscaped screening which will not detract from the residential amenity. An acoustic wall will also be provided to partially enclose the Supermarket loading bay area to protect the amenity of adjacent residential dwellings. The south-eastern residential site has been identified as a R40 grouped housing site.

The location and distribution of the proposed land uses are indicative at this stage and will be formalised during the development application process.

Parking and Pedestrian Movement

Parking is to be located at the north eastern and southern portion of the Neighbourhood Centre with some on-street parking proposed along the Main Street. The wider footpaths and street trees along the Main Street will create a high quality pedestrian environment and promote low speed vehicular movements.

A pedestrian link from the southern portion of the Neighbourhood Centre abutting the school north to Delta Road which dissects the Main Street has been proposed as indicated on the IDGP. The Proponent advised that the Minister for Education and Training had requested the Developer of the land to create a pedestrian pathway to link the school site and commercial/retail land uses. The pedestrian pathway would ensure a strong pedestrian circulation within the area and effective integration of land uses.
Implications to Consider

a. Consultation with the Community

Advertising Methodology

Advertising was undertaken in accordance with the requirements of Clause 6.3.3 of TPS2. The Proposed IDGP was advertised for a period of 30 days, commencing on 26 February 2014 and concluding on 28 March 2014. Public advertising was carried out in the following manner:

- Approximately 250 owners and occupiers (Figure 4), government agencies/serving authorities and the Baldivis Community Association were notified of the proposal in writing and invited to comment;
- A sign was erected within the IDGP area at the corner where the proposed Main Street intersects with Makybe Drive;
- A notice was placed in the Sound Telegraph newspaper on 26 February 2014 and another advertisement in the Weekend Courier newspaper on 7 March 2014; and
- Copies of the Proposed IDGP and relevant documents were made available for inspection at the City’s Administrative Office and placed on the City’s website.

4. Consultation Plan

Public Submissions: Following the close of the submission period, the City had received 16 written submissions from the public (Figure 5).
5. Locations of Submissioners

A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.2 to this report). Nine submissions raised concern with respect to traffic and parking, while seven submissions supported the proposal. The issues raised with respect to traffic and parking are summarised and addressed below.

### Traffic and Parking

Concerns regarding traffic and parking have been raised in nine (9) submissions. Specific issues raised are related to 'excessive noise', dangerous driving', 'increase in traffic', 'parking at the school', and 'issues with school children pick up/drop off'. Concerns were also raised in regards to children walking along Makybe Drive to go to school regularly.

It is important to note that the submissioners have made suggestions to provide speed humps along Makybe Drive to slow down traffic, additional foot path along Makybe Drive, and pedestrian crossing at Main Street and Arwon Street.

### City's comment:

Council Officers had discussed the traffic related issues and their potential to cause traffic congestion in the vicinity of the proposed Neighbourhood Centre with the proponent prior to the IDGP being advertised. The proponent has been advised that the inclusion of traffic management solutions will need to be addressed during the development application stage. This matter is further discussed in the Comments section of this report.

The footpath along the Makybe Drive is adjacent to the proposed Neighbourhood Centre boundary and extends further to school. The school children coming from the Makybe Drive/Delta Road intersection will have to cross the proposed Main Street when using this pathway to go to school and back. It should be noted that no footpath is provided on the residential area side of the Makybe Drive, and retrofitting a pathway is not advisable as the entry (driveway) to these residential lots are directly from Makybe Drive and would create a substantial number of conflict points.

Due consideration will be given to the issues raised by the submissioners when assessing the development application for the Neighbourhood Centre.
b. **Consultation with Government Agencies**

The Department of Education, Makybe Rise Primary School, and the Public Transport Authority were notified of the proposal in writing and invited to comment.

The City received an email from the Chair of the Makybe Drive Primary School Board (School Board) seeking specific information about the Neighbourhood Centre development and a detailed response was provided. The School Board subsequently made a submission, which is described below:

<table>
<thead>
<tr>
<th>School-specific submission:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Makybe Rise Primary School Board has made a submission, which has put forward the following suggestions:</td>
</tr>
<tr>
<td>1. No licensed premises or adult themed shops should be located in the tenancies lying along the South of Main Street;</td>
</tr>
<tr>
<td>2. No licensed premises should be located within the entire IDGP area;</td>
</tr>
<tr>
<td>3. Proposed entrance to the loading bay from the Makybe Drive should have pedestrian crossings marked; and</td>
</tr>
<tr>
<td>4. Minimise the disruption of traffic to school during the construction of Main Street through to Delta Road.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City’s comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>With respect to the concerns regarding the types of land uses that may occupy the tenancies within the Neighbourhood Centre, “adult themed shops” (referred to as ‘Restricted Premises’ under TPS2) are not permitted in the ‘Commercial’ zone. There are various types of licensed premises which are discretionary land uses in the ‘Commercial’ zone under TPS2, including Restaurant, Small Bar, Nite Club and Tavern. A Liquor Store is defined as a ‘shop’ under TPS2, which is a permitted use.</td>
</tr>
<tr>
<td>In TPS2, clause 4.22 outlines the application requirements for a Licensed Premises and states that in determining any application for a Licensed Premises, the Council shall take into account the following:-</td>
</tr>
<tr>
<td>• the General and Specific Objectives of TPS2 (clause 1.6.1 and 1.6.2);</td>
</tr>
<tr>
<td>• such matters as are in the opinion of the Council relevant to the use or development of the subject of the application (clause 6.6 of TPS2); and</td>
</tr>
<tr>
<td>• have regard to any relevant Policy in determining an application for a Licensed Premises.</td>
</tr>
<tr>
<td>In this regard, the Council’s Planning Policy 3.3.19 - Licensed Premises provides guidance for the assessment and determination of Liquor License applications and Planning Applications within the City. The Policy aims to protect the safety and amenity of existing and future residents and business proprietors against alcohol related problems such as anti-social behaviour, violence, property damage, harm and promote the responsible sale and consumption of alcohol.</td>
</tr>
<tr>
<td>In regards to minimising traffic disruptions during construction, the City in consultation with the proponent of the IDGP has provided relevant information to the School Board which includes the Developer putting in place an appropriate traffic management plan at the time of construction.</td>
</tr>
<tr>
<td>The suitability of providing a pedestrian crossing at the entrance to the loading bay will be considered by the City in its consideration of the development application for the Neighbourhood Centre.</td>
</tr>
</tbody>
</table>
c. Strategic Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Strategic Community Plan 2011:

**Aspiration 11**: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

The main purpose of SPP 4.2 is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. It is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres, and with coordinating their land use and infrastructure planning.

The Policy states that local governments and, where appropriate, landowners, can prepare activity centre structure plans for strategic metropolitan, secondary, district and specialised centres. While not subject to the centre plan provisions of the Policy, the planning and development of neighbourhood centres should be guided by detailed area plans, in this particular case an IDGP, were required by a local planning scheme or structure plan. Figure 6 illustrates the retail function of neighbourhood centres and includes supermarkets as a typical retail type.

### TABLE 3: ACTIVITY CENTRE FUNCTIONS, TYPICAL CHARACTERISTICS AND PERFORMANCE TARGETS

<table>
<thead>
<tr>
<th>Typical characteristics</th>
<th>Perth Capital City</th>
<th>Strategic metropolitan centres</th>
<th>Secondary centres</th>
<th>District centres</th>
<th>Neighbourhood centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main role/function</td>
<td>Perth Capital City is the largest of the activity centres, providing the most important concentrated development in the region. It has the greatest range of high value services and jobs, and the largest commercial component of any activity centre. Strategic metropolitan centres are the main regional activity centres. They are multipurpose centres that provide a diversity of uses. These centres provide the full range of economic and community services necessary for the communities in their catchments. Secondary centres share similar characteristics with strategic metropolitan centres but serve smaller catchments and offer a more limited range of services, facilities and employment opportunities. They perform an important role in the city's economy, and provide essential services to their catchments. District centres have a greater focus on serving the daily and weekly needs of residents. They offer a smaller scale development enabling close to a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchments. Neighbourhood centres provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport connectivity and accessibility</td>
<td>Focus of regional road and rail infrastructure as well as rail bus network.</td>
<td>Important focus for passenger rail and high frequency bus network.</td>
<td>Important focus for passenger rail and high frequency bus network.</td>
<td>Focal point for bus network.</td>
<td>Shopping/transfer point for bus network.</td>
</tr>
<tr>
<td>Typical retail types</td>
<td>As per strategic metropolitan centres</td>
<td>Department stores, Discount department stores, Supermarkets, Full range of specialty shops</td>
<td>Department stores, Discount department stores, Supermarkets, Specialty shops</td>
<td>Department stores, Discount department stores, Supermarkets</td>
<td>Department stores, Supermarkets, Convenience goods, Small scale comparison shopping, Personal services, Some specialty shops</td>
</tr>
<tr>
<td>Typical Office development</td>
<td>Major offices, Commonwealth and state government agencies</td>
<td>Major offices, State government agencies</td>
<td>Major offices, Professional and service businesses</td>
<td>District level office development</td>
<td>Local professional services</td>
</tr>
</tbody>
</table>

6. Activity Centre Functions, Typical Characteristics, and Performance Targets

[Source: State Planning Policy 4.2 - Activity Centres for Perth and Peel]

Planning Policy No.3.1.2 – Local Commercial Strategy

The City’s Local Commercial Strategy (LCS) was reviewed in 2012 to reflect the recommendations of the SPP 4.2 for a more flexible approach towards centres and specifically neighbourhood centres. Mixed-use developments are encouraged with a focus on the role and function of a centre rather than its size.

Specific maximums on neighbourhood and local centres in Baldivis have been removed. The role and function of neighbourhood and local centres is detailed in Table 2.8 of the LCS. A comparison of the proposed IDGP and Table 2.8 – Neighbourhood and Local Centre descriptions in the Baldivis Precinct of the LCS is summarised in Figure 7.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 MAY 2014

PRESIDING MEMBER
<table>
<thead>
<tr>
<th>Level in Hierarchy</th>
<th>LCS Description</th>
<th>Proposed IDGP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriate catchment served</td>
<td>5,000 to 20,000 residents</td>
<td>Based on the RSA prepared for the Neighbourhood Centre development, the population within the catchment is projected to grow to approximately 26,940 by 2026 from the 2012 estimated population of 12,700.</td>
</tr>
<tr>
<td>Typical floor space provision</td>
<td>Generally 4,500m² to 10,000m²</td>
<td>Indicatively 3,440m².</td>
</tr>
<tr>
<td>Typical retail anchor tenants</td>
<td>Comparison, weekly and convenience services including a supermarket (variety of sizes including full, mid-size and discount offer), range of specialty stores and personal services.</td>
<td>The neighbourhood centre is intended to be anchored by a supermarket and 17 other retail tenancies.</td>
</tr>
</tbody>
</table>
| Potential mix of uses              | Local service and commercial facilities, including banks, post office real estate agents and local commercial. Medium density and shop-top residential. | Proposed land uses in the IDGP area is based on a Main Street retailing in a mixed-use configuration, which includes:  
  • Supermarket  
  • 17 specialty retail tenancies consisting of retail, commercial, and food and beverage  
  • Private Community Purpose Site (Childcare Centre)  
  • Public Piazza  
  • Gym  
  • Residential |

7. Comparison of the proposed IDGP and Table 2.8 – *Neighbourhood and Local Centre descriptions in the Baldivis Precinct*

e. **Financial**
   
   Nil

g. **Legal and Statutory**
   
   **Town Planning Scheme No.2 (TPS 2)**
   
   Provision 2 of the Modified Structure Plan adopted in 2012 requires the preparation of an IDGP for the Village Centre incorporating the principles of *Liveable Neighbourhoods* and identifying the distribution of land use within the centre, to include minimum residential densities, road connections, building envelopes, building configurations and setbacks, pedestrian and vehicular access, and car parking layouts.
   
   The IDGP is required to be endorsed by the Council prior to it formulating any comments or recommendations on applications for the subdivision and development of the land identified as Village Centre on the Structure Plan.

h. **Risk**
   
   **Risk Implications of Implementing Officer Recommendation**
   
   Low:
   
   • IDGP may not align with community expectations.
Risk Implications of Not Implementing Officer Recommendation

Medium:
- An application for review of Council's decision by SAT.

Medium:
- Failure to adopt IDGP creates risk of ad-hoc development and compromised planning outcomes.

Comments

Land Use Configuration:
Two distinct character precincts can be delineated for the IDGP, based on intended land use and built form. These precincts depicted in the table below identify land use configuration having the elements of a typical ‘mixed-use’ neighbourhood centre as promoted under SPP 4.2 and the City’s LCS.

<table>
<thead>
<tr>
<th>Main Street Precinct</th>
<th>Residential Precinct</th>
</tr>
</thead>
<tbody>
<tr>
<td>The purpose of the Main Street Precinct is to provide for retail, office, commercial, residential and other such uses in a mixed use configuration. It is to front onto a pedestrian-friendly, slow traffic and high amenity main street, and a public piazza.</td>
<td>The Residential Precinct is to provide for residential uses complementary to the neighbourhood centre.</td>
</tr>
</tbody>
</table>

Traffic Movement and Parking

The IDGP has been prepared in accordance with a Traffic Impact Assessment Report (TIA report). The TIA report identifies the following:

1. The proposed Neighbourhood Centre development has the potential to generate additional traffic volumes of up to 2005 vehicles per day (vpd), however, the additional traffic is predicted to have little impact on the road network performance due to the well-designed infrastructure along Makybe Drive, Delta Road, Toparoa Street and other adjacent roads and the well-spaced intersections along the roads.

2. A turning paths analysis of trucks accessing and egressing the two proposed loading bay areas indicates that all truck movements can be accommodated within the proposed bay area geometry:
   - A truck utilising the Supermarket loading bay will enter the site via Delta Road and reverse into the loading bay area. The truck will then exit the loading bay area in forward gear onto the Main Street and turn left onto Delta Road.
   - A truck utilising the proposed loading bay between the Food and Beverage Tenancy and Retail Tenancy 2 will access the area via Makybe Drive and reverse into the bay. Trucks will then exit the loading bay in forward gear and turn right onto Makybe Drive.

3. The site is not well serviced by public transport, with the nearest public transport being in excess of 800 metres from the site, however, the Public Transport Authority (PTA) has advised the Council that two new future bus routes (565 and 566) and incremental extensions of the current routes (564 and 567) to eventual terminuses on Sixty Eight Road have been planned. PTA hopes that Route 565 may be introduced sometime this year.

4. A total of 200 parking bays are proposed to service the Neighbourhood Centre. On-street car parking will be provided along Main Street and will count towards the required parking provision in accordance with Liveable Neighbourhoods. Parking is provided at a level commensurate with demand, given that the peak times for the Neighbourhood Centre and the adjacent school vary, and as such no unacceptable level of deficiencies in parking will occur.

It is to be noted that the provision of bicycle parking and end-of-trip facilities will be in accordance with the City’s Planning Policy 3.3.14 – Bicycle and End-Of-Trip Facilities and will be addressed during the development application stage.
There is a potential for the Makybe Drive/Main Street intersection to get congested once the Neighbourhood Centre is in operation. The Council Officers have already discussed this matter with the proponent and the inclusion of traffic management solutions will be addressed during the development application stage.

**Urban Form:**

The IDGP facilitates the development of ‘Main Street’ built form and includes design controls to provide for pedestrian-friendly active ground floor frontages. The Main Street built form includes design controls to provide for pedestrian-friendly, slow traffic, and high amenity environment having active ground floor frontages.

Parking is to be located at the north eastern and southern portion of the Centre with some on-street parking proposed along the Main Street. The wider footpaths and street trees along the Main Street will create a high quality pedestrian environment and promote low speed vehicular movements.

**Acoustic Assessment**

An acoustic assessment was prepared by Herring Storer Acoustics to provide an assessment of noise emissions associated with the two proposed loading bays. Noise emissions at the residential dwellings proposed within the Neighbourhood Centre were determined by calculation using the computer programme SoundPlan.

The report outlines that noise level emissions associated with the proposed Supermarket loading bay area (entry from Delta Road) (refer to Figure 4) were found to comply with the Environmental Protection (Noise) Regulations 1997 if the following is applied:

- Extension of loading bay noise barrier wall to at least the front of the final truck location during deliveries (Figure 10);
- Deliveries during the day period only (0700 – 1900 Monday to Saturday);
- Engines and refrigeration units are switched off during deliveries;
- A minimum height fence of 1.8m is located to the rear of the residential lots; and
- Deliveries are restricted to 1 every two hours

It has been recommended that all small truck deliveries can occur during the day period (0700-1900) unrestricted but during the night and evening and on Sundays deliveries are limited to 5 per hour.

Noise level emissions associated with the proposed loading bay area between the Food and Beverage Tenancy and Tenancy 2 (refer to Figure 5) were found to comply with the Environmental Protection (Noise) Regulations 1997, if the following is applied:

- Deliveries during the day period only (0700 – 1900 Monday to Saturday);
- Engines are switched off during deliveries; and
- A minimum height fence of 1.8m is located to the rear of the residential lots.

The proposed IDGP is prepared based on the presumption that there will be no deliveries on Sundays and Public Holidays, however, the proponent has indicated that a detailed acoustic assessment based on finished floor levels and interior plant locations will be undertaken as part of the development application which may prescribe a different set of delivery timings.

Whilst it is acknowledged that noise nuisance can be appropriately managed to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997, the proponent has been advised that the noise and amenity related issues associated with the loading bay and its effect on adjacent residential lots within the Neighbourhood Centre will be evaluated in more detail during the development application stage.

**Conclusion**

The proposed Tuart Ridge Neighbourhood Centre represents an integrated Activity Centre which will add value and amenity to the existing Tuart Ridge Estate (Estate). The size of the centre is in accordance with the City’s amended LCS and is supported by a RSA. The mix of land uses proposed within the Neighbourhood Centre will adequately service the residents of Tuart Ridge and surrounding estates and will create a focal point and sense of place within the Estate.
The proposal facilitates development that is consistent with the mixed-use 'Main Street' configuration as envisaged in the Liveable Neighbourhoods.

The findings of the Traffic Impact Assessment concluded that the proposal will have no impacts on surrounding land uses and the traffic network. The supporting Acoustic Assessment concludes that based on the implementation of design and operation characteristics, both loading bay areas would comply with the Environmental Protection (Noise) Regulations 1997.

It is considered that the IDGP is suitable for adoption by the Council for the following reasons:

1. The IDGP is compliant with the intentions of State Planning Policy 4.2 - Activity Centres for Perth and Peel, in promoting a typical mixed-use 'Main Street' based neighbourhood centre as espoused in Liveable Neighbourhoods.

2. The IDGP complies with Local Planning Policy 3.1.2 – Local Commercial Strategy as per Table 2.8 - Neighbourhood and Local Centre descriptions in the Baldivis Precinct.

3. Any potential adverse effects associated with the traffic and noise, particularly around the loading bays and the Makybe Drive/Main Street intersection, shall be addressed at the development application stage.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *ADOPT* the Proposed Indicative Development Guide Plan for the Tuart Ridge Neighbourhood Centre at Lot 9021 Makybe Drive, Baldivis.

**Committee Recommendation**

That Council *ADOPT* the Proposed Indicative Development Guide Plan for the Tuart Ridge Neighbourhood Centre at Lot 9021 Makybe Drive, Baldivis.

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>Proposed Cattery, Dog Kennels and Caretaker’s Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000376</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planit Consulting Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Dave and Mrs Tammy Buxton</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 April 2014</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>
</tbody>
</table>

| Site:                   | Lot 1026 (No.16) Young Road, Baldivis              |
| Lot Area:               | 7.4398 ha                                           |
| LA Zoning:              | Rural & Other Regional Road                         |
| MRS Zoning:             | Rural & Other Regional Road                         |
| Attachments:            |                                                     |
|                         | 1. Schedule of Submissions                          |
|                         | 2. Management Measures and Treatments               |
| Maps/Diagrams:          |                                                     |
|                         | 1. Location Plan                                    |
|                         | 2. Site Aerial Photo                                |
|                         | 3. Stage 1: Site Plan                               |
|                         | 4. Stage 1: Site Plan Inset                         |
|                         | 5. Stage 1: Floor Plan                              |
|                         | 6. Stage 2: Site Plan                               |
|                         | 7. Stage 2: Floor Plan                              |
|                         | 8. Elevations                                       |
|                         | 9. Caretakers’ Dwelling Floor Plan                  |
|                         | 10. Caretakers’ Dwelling Elevations                 |
|                         | 11. Consultation Plan                               |
|                         | 12. Noise Sensitive Receivers                       |
Purpose of Report

To consider an application seeking Planning Approval for a Cattery, Dog Kennels and Caretaker’s Dwelling on Lot 1026 (No.16) Young Road, Baldivis.
Background

In March 2013, Planning Approval was granted for earthworks (filling) in the south western corner of the site.

Details

The applicant seeks approval for the establishment and operation of a Cattery, Dog kennels and Caretaker’s Dwelling. The existing dwelling is to be retained on-site and the proposed development constructed in the south western corner of the site. Specifically, the following is proposed:

Stage 1
- an office/reception area;
- cattery and associated outdoor play area;
- dog kennels provided in a two wing building accommodating 88 dogs, associated exercise yards;
- associated food preparation areas, grooming rooms, stores and toilets for staff and patrons;
- a caretakers dwelling;
- associated rainwater tanks; and
- a carpark containing 12 parking spaces.

Stage 2
- an additional wing to the dog kennels to provide for an additional 52 dogs and additional storage and exercise yards; and
- relocation of the caretaker’s dwelling further east.

The proposed hours of operation are from 7:00am to 6:00pm Monday to Saturday, with animals kept on site 24 hours a day, seven days per week. The development would operate with eight staff, including a caretaker.
3. Stage 1: Site Plan
4. Stage 1: Site Plan Inset
5. Stage 1: Floor Plan
6. Stage 2: Site Plan
7. Stage 2: Floor Plan
8. Elevations
9. Caretaker's Dwelling Floor Plan
10. Caretaker's Dwelling Elevations

Implications to Consider

a. Consultation with the Community

In accordance with clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation (PP1.3), the application was referred to the owners and occupiers of land within a 500m radius of the site for a period of 21 days. Two signs were also erected on site, with one sign located adjacent to each road frontage.

At the close of the advertising period four submissions were received, as shown in Figure 11. The issues raised in the submissions are discussed below.
11. Consultation Plan

<table>
<thead>
<tr>
<th>Land Use</th>
</tr>
</thead>
</table>
| **(i) Submission:**
The City is adopting an ad hoc approach to the location of kennel and cattery placement as opposed to other councils who have specific zones for such developments.

<table>
<thead>
<tr>
<th>Applicant’s Response:</th>
</tr>
</thead>
</table>
The applicant is of the opinion that Council, in accordance with relevant statutory provisions, does permit dog kennels and catteries within the Rural zone of the Rockingham TPS2. The Rockingham TPS2 identifies a dog kennel and cattery as an ‘A’ land use within the rural zoning table presented below. The ‘A’ land use requires the development application to undertake a period of public notification, whereby third party submitters can comment on the appropriateness of the development. In accordance with the zoning tables contained within the Rockingham TPS2, there are various zones where a dog kennel and cattery are specifically classified as prohibited development. Moreover, the Rural zone permits the proposed use subject to compliance with the statutory provision of the Rockingham TPS2. It is the applicant’s opinion that the inclusion of a dog kennel and cattery within the Rural zone warrants favourable consideration from Council and is well supported within the Rural zone of the Rockingham TPS2.

<table>
<thead>
<tr>
<th>City’s Comment:</th>
</tr>
</thead>
</table>
Through Table 1 – Zoning Table in Town Planning Scheme No.2 (TPS2), the Council has determined the appropriate zones in which to locate the use classes of Dog Kennels and Catteries. The only zone in which such use classes may be permitted is the Rural Zone, where it is an ‘A’ use, which means Dog Kennels and Catteries are not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 6.3 of TPS2.
Applications in the Rural zone are then considered on their merits, based on the impacts of the development and the suitability of the site. A merits based approach to the assessment of developments allows each site to be individually considered for its appropriateness for development rather than having a rigid, prescriptive and very limited location for such developments.

(ii) Submission:
Unfair to impact on the amenity and social fabric of the rural land for an urban land created service.

City's Comment:
The Rural zone is the only zone in the City of Rockingham where Dog Kennels and Catteries could be approved. Given this, it is considered generally to be a suitable land use for the rural zone.

Noise

(i) Submission:
The noise impact has been inadequately assessed and is inaccurate.

City's Comment:
The applicant has provided a revised Noise Impact Assessment following the City's review of the initial report submitted with the application. The City is satisfied with the amended assessment.

Recommendation 1:
That a condition of approval require a detailed acoustic report be provided once the development is completed, that demonstrates that all noise sources comply with the Environmental Protection (Noise) Regulations 1997, including noise from the dog kennels, the exercise yards and runs, cattery, plant and equipment.

Recommendation 2:
That a condition of approval require the management conditions contained on pages 15 and 16 of the Noise Impact Assessment be complied with.

(ii) Submission:
The animals will be stressed as they are taken out of their home environment and will therefore make a lot of noise.

Applicant's Response:
The layout and design of the kennels reduces visual stimuli, which reduces the likelihood of a dog barking. The kennels also have acoustic materials designed into them, to ameliorate noise impacts.

City's Comment:
The City is satisfied the noise impacts can be appropriately managed, as outlined in the Noise Impact Assessment.

Recommendation 3:
That a condition of approval require an Operational Management Plan be prepared that identifies the processes and measures to manage dogs that are barking when in the external yards.

(iii) Submission:
The noise impacts could be removed with the establishment of noise barriers around the facility.
**Applicant's Response:**
The development would include 1.3ha of revegetated areas, including deep rooted indigenous tree species, which will increase screening and noise attenuation.

**City's Comment:**
The Noise Impact Assessment recommends the inclusion of acoustic screens with varying heights. The development will also have a landscaped screen bund surrounding the development to assist with noise attenuation.

<table>
<thead>
<tr>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>The additional noise will detract from the rural zoning and lifestyle.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The Rural zone is the only zone in which dog kennels and catteries are permitted.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The City is satisfied with the Noise Impact Assessment provided with the application. A subsequent assessment will be required to be provided once the development is operating to demonstrate the development is complying with the Environmental Protection (Noise) Regulations 1997. Given the requirement to comply with the Noise Regulations, the City considers the development would not detract from the amenity of the area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Traffic and Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>An upgrade of the intersection of Young Road and Karnup Road should be undertaken.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The largest vehicle expected to access the site is a heavy rigid vehicle. This is the same size vehicle as the City’s waste collection vehicle (12m long) that operates along Young Road.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The City is satisfied that the road network is adequate to facilitate access to the site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Visual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>The appearance of the facility could be improved with screening.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>I refer submitters to the Statement of Landscape Intent (SLI) attached to the Town Planning Report for this development application. The SLI demonstrates the applicant intent to revegetate 1.3 ha with a combination of deep rooted, indigenous tree species over a 24 month period. The proposed revegetation will increase screening and noise attenuation for the proposed development. The applicant is satisfied that the density and indigenous species proposed within the SLI will assist alleviate any impacts associated with the proposed development within the rural zone.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The City is satisfied with the SLI in terms of its approach to screening of the development. Some of the species, however, require reconsideration as they are not suitable for the location.</td>
</tr>
</tbody>
</table>
The applicant has provided an amended SLI. The City considers suitable species are now included.

**Recommendation 4:**

*That a condition of approval require submission of a Landscape Plan and approval by the City for the landscape screening works.*

### Security

**Submission:**

Assurances that animals cannot escape the enclosures.

**Applicant’s Response:**

All exercise yards are securely fenced and accessible from the enclosed kennels. This aspect of design significantly reduces the risk of break outs as the dogs are securely contained within the facility for the duration of their stay at the boarding kennel. All fences will be constructed to inhibit dogs from digging underneath.

Site management techniques ensure access to the kennel is restricted to staff only, at the discretion of the kennel proprietor. Management techniques as documented within the development application will ensure all animals are securely contained within the kennels.

The owner/operator has many years of experience in animal management, specifically boarding kennels. They are highly trained and experienced in all facets of boarding kennel operations.

In this regard, it is highly unlikely that animals within the temporary care of the boarding kennel would break out and result in any form of negative impact to surrounding developments.

**City’s Comment:**

The City has no concerns regarding animal escape providing the development is operated as outlined within the applicant’s report.

**Recommendation 5:**

*That a condition of approval require preparation and implementation of a management plan addressing animal escape.*

### Odours

**Submission:**

Potential odours from the large number of animals on the property

**Applicant’s Response:**

Management and maintenance techniques to reduce the potential of odour generation from the proposed use have been extensively documented within the Town Planning Report moreover briefly outlined within this response below:

- Kennels are well maintained and well ventilated to reduce odour;
- Kennels are maintained and cleaned on a regular basis to prevent odour generation;
- Removal of solid dog waste daily;
- Remove excess food scraps daily; and
- Thorough washing of kennel floors daily.

All kennels and pens are to be constructed with impervious concrete floors and drained by gravity to a basket trap prior to discharge to an onsite septic system. Liquid waste associated with wash down areas shall be discharged into a Council approved absorption area.
Effective management of all onsite effluent will ensure storage and disposal of waste will be performed in an environmentally sound manner to protect human and the environment health from the effects of potentially infectious discharge. It should also be highlighted the owner/operator of this development has many years’ experience in animal management which is endorsed through the management practices encouraged to reduce the likelihood of offensive odour.

To our knowledge, the owner/operator has never received an infringement notice from the relevant local authority regarding issues pertaining to odour or insufficient hygiene practices relating to boarding kennels. It is considered that the proposed development will not result in foul or offensive odour. Management practices are in place to maintain acceptable levels of hygiene and reduce the potential of odour impacting the amenity of adjoining and neighbouring developments within the locality.

City’s Comment:
The City does not consider that the development would generate adverse odour impacts provided waste is collected and disposed of correctly and kennels cleaned at least daily as outlined within the applicant’s report.

Recommendation 6:
That a condition of approval require the preparation and implementation of a management plan addressing odour.

Economic Impact

Submission:
Adverse impacts will have a negative and questionable economic impact on current ownership

City’s Comment:
The impact on property values is not a relevant planning consideration.

Disease Control

Submission:
Potential for infectious disease from being passed onto livestock or abattoir works within the surrounding area

Applicant’s Response:
It is noted that dogs and cats coming into boarding kennels must have up to date vaccinations to be admitted. Dogs and cats without documentation confirming vaccination will be refused entry into the kennel area. The operators of the proposed kennel have extensive experience in managing all aspects of kennel operation. Throughout their experience there has not been any reported occurrence of disease either within the kennels or transferred to third party recipients. Additionally, effective management of all onsite effluent will ensure storage and disposal of waste will be performed in an environmentally sound manner to protect human and the environment health from the effects of potentially infectious discharge.

City’s Comment:
The City is satisfied that the development is unlikely to result in an adverse impact on the surrounding area from infectious diseases.

b. Consultation with Government Agencies
The proposal was referred to the following Agencies for comment:
- Department of Water; and
Responses were received from the following Agency:

<table>
<thead>
<tr>
<th>1. Department of Water (DoW)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Floodway Advice</strong></td>
</tr>
<tr>
<td>The Serpentine River Flood Study shows the general area is affected during major river flows with the 100 year ARI flood level expected to be 3.6m AHD. The site of the proposed development is located within the floodway. For this proposal:</td>
</tr>
<tr>
<td>- the obstruction caused by the proposed development is not considered to detrimentally impact the general flooding regime of the area;</td>
</tr>
<tr>
<td>- proposed floor levels of 4.8m AHD will provide adequate flood protection; and</td>
</tr>
<tr>
<td>- the proposal is likely to become isolated during major flood events with floodwaters cutting road access to the lot.</td>
</tr>
<tr>
<td>The proposal is acceptable with regard to major flooding.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>The DoW advice is noted. A condition and advice note should be added to the Planning approval to reflect the DoW comments.</td>
</tr>
<tr>
<td><strong>Recommendation 7:</strong></td>
</tr>
<tr>
<td><em>That a condition of approval requires finished floor levels to be a minimum of 4.1m AHD, being 500mm above the 3.6m AHD 100 year flood level.</em></td>
</tr>
</tbody>
</table>

| **Urban Water Management**   |
| Drainage systems and the proposed car park should be designed and constructed consistent with the Stormwater Management Manual for Western Australia. |
| **City's Comment:**          |
| Noted |
| **Recommendation 8:**        |
| *That an advice note on the approval recommend compliance with the Stormwater Management Manual for Western Australia.* |

| **Groundwater**              |
| The site is located within the Stakehill Groundwater Area. And groundwater abstraction for purposes other than domestic and/or stock watering is required to be licenced by the DoW. A high proportion of groundwater in the Stakehill Groundwater Area is currently allocated, and thus there may be limited resources available to new developments. |
| **City's Comment:**          |
| Noted |
| **Recommendation 9:**        |
| *That an advice note on the approval outline the groundwater licensing requirements and potential limitations.* |
Peel Harvey Coastal Plain Catchment

The site is located within the Peel-Harvey Catchment and thus the provisions of the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 and the State Planning Policy No.2.1 – Peel-Harvey Coastal Plain Catchment (SPP2.1) apply.

Under SPP 2.1, conventional on-site effluent disposal systems will only be supported where it can be demonstrated that there is at least a 2m vertical separation between the base of the leach drain and the highest known groundwater level and a 100m horizontal separation between the disposal system and the nearest water body.

Alternative wastewater treatment systems that comply with the guidelines in the DoW’s Water Quality Protection Note 70: Wastewater Treatment and Disposal – DomesticSystems may be accepted with on-going maintenance requirements. Any alternative wastewater treatment system or aerobic treatment unit approved for the development should be of a type approved by the Department of Health and reduce:
- Phosphorus
- Pathogenic Microbes
- Biological oxygen demand
- Non-filterable residue.

City’s Comment:
More than one wastewater system will be present on the site as a result of the development. In this regard an application to Construct a Septic System is required to be approved by the WA Department of Health.

Recommendation 10:
That a condition of approval require the wastewater treatment system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue.

Recommendation 11:
That an advice note on the approval advise of the requirement for approval of the wastewater treatment system.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy

Planning Policy 3.3.1 – Rural Lands Strategy (PP3.3.1)

PP3.3.1 provides the basis for land use planning in the Rural Zone. Planning Unit 6D, in which the subject site is located, is bound by the Kwinana Freeway to the west, Folly and Doghill Roads in the north and the Serpentine Drain to the east and the south. It is characterised by extensive clearing and land degradation and is subject to inundation. PP3.3.1 identifies that this precinct is intended for future special rural development, to a minimum size of 8ha. Given the environmental constraints and existing developments, such as the piggery, scope for such development is likely to be limited.

The proposed development has been assessed in accordance with PP3.3.1, which is outlined below:-
<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision and development to be carried out in accordance with an approved Rural Concept Plan, where the following performance standards apply:-</td>
<td>A rural concept plan does not apply to this site.</td>
<td>Yes</td>
</tr>
<tr>
<td>- Provision of an Aerobic Treatment Unit (ATU) for effluent disposal purposes.</td>
<td>This would be a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>- Buildings to be setback 30m from all subdivisional roads and 10m from all other boundaries, except that a 50m landscaped buffer is required along the Kwinana Freeway reservation.</td>
<td>The development is consistent with the setback requirements of TPS2.</td>
<td>Yes</td>
</tr>
<tr>
<td>- Stormwater shall be retained on site to WRC and Council specifications.</td>
<td>Roof water will be captured in three 375,000L size rainwater tanks, to be used as water supply.</td>
<td>Yes</td>
</tr>
<tr>
<td>- Minimum building level 0.5m above 1:100 year flood level in areas of inundation as identified.</td>
<td>The Department of Water (DoW) has advised that the 100 year ARI flood level is expected to be 3.6m AHD. Given the finished floor level of the development is 4.8m, it is consistent with this requirement.</td>
<td>Yes</td>
</tr>
<tr>
<td>- No development being permitted within 20m of the 1:100 floodway.</td>
<td>DoW has identified that the site is located within floodway, however considers the development suitable. See full comments from DoW below.</td>
<td>Yes</td>
</tr>
<tr>
<td>- Subdivision/development proposals are to include a landscaping plan detailing a proposed tree planting programme.</td>
<td>This would be a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td>- Development shall be of a scale that minimises intrusion into the landscape.</td>
<td>The development is of a scale that is considered appropriate for a rural area. The buildings contain elements that mimic the character of rural buildings. A range of neutral colours and colours form the natural landscape are to be used. A condition should be imposed requiring a schedule of colours and finishes be approved by the City prior to applying for a Building Permit.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
When sensitive development (such as rural-residential development) is proposed near an existing/proposed intensive rural land uses (such as piggeries, poultry farms, market gardens or any other agricultural activity or industry), or a new intensive rural land use is proposed near existing or proposed sensitive development, the requirements of the WAPC’s State Industrial Buffer Policy must be observed.

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Kennels have a nominal 500m buffer requirement in the EPA’s Separation Distances between Industrial and Sensitive Land Uses. This is discussed in the Comments Section below.</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**State Planning Policy No.2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1)**

SPP2.1 applies to land within the Peel-Harvey Catchment. It requires that new developments incorporate effluent management systems approved by the Health Department, EPA and the Water Authority of Western Australia.

The proposed development will incorporate a nutrient retentive effluent management system, which is a requirement in the Peel Harvey Catchment.

**e. Financial**

Nil

**f. Legal and Statutory**

**Town Planning Scheme No.2 (TPS2)**

*Permissibility*

Catteries and Dog Kennels are (‘A’) uses in the Rural Zone, which are not permitted unless the Council has exercised its discretion by granting planning approval after advertising the proposal. A Caretakers’ Dwelling is an (“IP”) use that is not permitted unless the use is incidental to the predominant use of the land as determined by the Council.

**Rural Zone**

The objective of the Rural Zone under TPS2 is 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.

The City considers that the proposed Cattery and Dog Kennels complies with the objectives of the Rural Zone and provides a service for the keeping of animals. It is the most appropriate zone in which to locate such land uses. The development setbacks are compliant with TPS2 and the PP3.3.1.

**Car Parking**

There are no parking requirements specified for the proposed development. In this regard clause 4.15.1.4(a) of TPS2 identifies that parking requirements are to be determined on the basis of:

- the nature of the proposed development;
- the number of employees likely to be employed on the site;
- the anticipated demand for parking;
- the orderly and proper planning of the locality.

The applicant has advised that the facility operates under a scheduling system, whereby clients attend the premises on a booking basis. The operators allow 20 minutes to settle the pets and finalise all documentation. A maximum of three staff are used during peak times. This would see a peak of nine vehicles per hour, and maximum of six vehicles at any one time.
The development would have a total of eight staff, including the caretaker. Therefore, the development requires a total of 14 parking spaces. The development includes 13 parking spaces.

One parking space for people with disability is required to be provided in accordance with the Building Code of Australia. The development provides one such space.

It is recommended that an additional parking space be provided, to provide a total of 15 spaces on site.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- There is the potential risk of the applicant lodging either a request for reconsideration of a condition or an application for review to the State Administrative Tribunal if aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Medium:
- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal.

Comments

Noise

The Environmental Protection Authority’s Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses (guidelines) specifies generic separation distances between industrial and sensitive land uses to avoid land use conflicts. For dog kennels a buffer distance of 500m is identified. There is no generic buffer requirement identified under the guidelines for a cattery.

The Guidelines state that where the actual separation distance between the industry and the sensitive land use is less than the recommended buffer distance, a site and industry specific scientific study is required to demonstrate that the lesser distance will not result in unacceptable impacts.

The applicant has prepared a site specific Noise Impact Assessment (NIA). It considers the noise impact of the dogs barking from within the kennels and associated external yards. It also considers the noise impact of the mechanical plant servicing the kennels.

Whilst there are seven noise sensitive premises within the 500m buffer area, the NIA assessed the impacts of the development on the three nearest noise sensitive premises, as these are worst case scenario in terms of noise impact. The closest residence is approximately 260m from the proposed development.

The NIA has assessed the proposed development against the Environmental Protection (Noise) Regulations 1997. It has determined that the development will comply with the noise emission criteria with the implementation of the acoustic treatments and management measures as outlined in Attachment 1.

The City is satisfied with this assessment, subject to preparation of a Noise Impact Assessment being undertaken post commencement of the development, to demonstrate the development is complying with the assigned noise criteria. It is also recommended that approval be limited to only Stage 1 in order to ensure that the development is achieving these requirements. Stage 2 can be considered as a subsequent and separate application for planning approval.
12. Noise Sensitive Receivers

**Acid Sulfate Soils (ASS)**

The subject site is identified as having a moderate to low risk of ASS occurring within 3m of the natural soil level. Should any excavation occur move than 3m below natural ground level, an assessment is required to be undertaken in accordance with the former Department of Environment and Conservation's *Identification of Acid Sulfate Soils and Acid Landscapes*. Should this assessment determine that ASS would be affected, a management plan must be submitted to and approved by the Department of Environment and Regulation prior to any works commencing.

**Conclusion**

The proposed cattery, dog kennels and caretakers' dwelling are uses that Council can permit in the Rural zone. The impacts of the development have been assessed, along with the submissions received through the neighbour notification. On balance of the issues, the proposed development is considered to be suitable for the subject site and would not adversely impact upon the amenity of the locality. To ensure the scale of the development is appropriate, it is recommended that the development be limited only to Stage 1 as part of this approval. The City would consider a subsequent application for Stage 2 upon demonstration that Stage 1 is operating satisfactorily.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVE** the application for the Cattery, Dog Kennels and Caretaker's Dwelling at Lot 1026 (No.16) Young Road, Baldivis subject to the following conditions:

1. This Approval must be undertaken in accordance with the amended development application plans dated 5th February 2014.
2. This Approval is restricted to Stage 1 of the development only, as illustrated on Drawing No.DA3A dated 5 February 2014.
3. All Finished Floor Levels must be a minimum of 4.1m AHD.
4. An Operational Management Plan (OMP) must be prepared and submitted to the City for its approval prior to the use commencing. The OMP shall address:

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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 MAY 2014

PRESIDING MEMBER
- Management of animals, and in particular methods for addressing barking dogs in the outdoor areas of the development;
- Animal escape; and
- Odour prevention and management.

The development must operate in accordance with the approved OMP at all times, for the duration of the development.

5. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, during construction.

6. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.

7. The development must be connected to an alternative on-site wastewater system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue, and constructed to the satisfaction of the City.

The alternate wastewater system must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) any lawns to be established;
   (iii) any natural landscape areas to be retained;
   (iv) those areas to be reticulated or irrigated; and
   (v) verge treatments.

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

9. The landscape buffer/screen bund must be vegetated such that the development minimises visual impact from public spaces and adjacent properties, to the satisfaction of the City, prior to the commencement of development and must be retained and maintained in good condition at all times.

10. The carpark must contain a minimum of 15 parking spaces and:
    (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;
    (ii) include one (1) car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
    (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
    (iv) have lighting installed, prior to the occupation of the development; and
    (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

The car park must comply with the above requirements for the duration of the development.

11. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
12. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

13. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

   All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

14. All measures required to be implemented on pages 15 and 16 of the Noise Impact Assessment, prepared by Acoustic Logic and dated 27th February 2014, shall be implemented prior to (where applicable) for the duration of the development.

15. An Acoustic Report must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
   (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest ‘noise sensitive premises’ and surrounding residential area;
   (ii) tonality, modulation and impulsiveness; and
   (iii) confirm the implementation of noise attenuation measures.

   Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

16. A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit.

   The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.

17. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by City before any works are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan.

18. Arrangements being made to the satisfaction of the City for the payment of contributions towards the Administration and Community Infrastructure items in accordance with Clause 5.6.15 of the City of Rockingham Town Planning Scheme No.2, prior to commencement of the development of the Caretaker’s Dwelling.

**Committee Recommendation**

That Council **APPROVE** the application for the Cattery, Dog Kennels and Caretaker’s Dwelling at Lot 1026 (No.16) Young Road, Baldivis subject to the following conditions:

1. This Approval must be undertaken in accordance with the amended development application plans dated 5th February 2014.

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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>File No:</th>
<th>Risk Register No:</th>
<th>Applicant:</th>
<th>Owner:</th>
<th>Author:</th>
<th>Other Contributors:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDS-033/14 Three Grouped Dwellings</td>
<td>DD020.2013.00000374</td>
<td>363 and 365</td>
<td>Belle Construction Pty Ltd</td>
<td>Mr Ross Onions and Ms Elizabeth Polini</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
<td>Mr Dave Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning</td>
</tr>
</tbody>
</table>

**Date of Committee Meeting:**
14 April 2014

**Previously before Council:**

**Disclosure of Interest:**

**Nature of Council’s Role in this Matter:**
Tribunal

**Site:**
Lot 201 (No.16) Capella Pass, Warnbro

**Lot Area:**
1,084m²

**LA Zoning:**
Residential (R30)

**MRS Zoning:**
Urban

**Attachments:**
Schedule of Submissions

**Maps/Diagrams:**
1. Location Plan
2. Aerial Photograph
3. Site Plan
4. Unit 1 Elevations
5. Unit 2 Elevations
6. Unit 3 Elevations
7. View to Site Looking north
8. View of Site from Warnbro Beach Carpark (looking east)
9. View to Site from Top of Dune (looking east)
10. Consultation Plan
11. Visual Privacy ‘Cone of Vision’ from Rooftop Terraces
Planning and Engineering Services Committee Minutes
Monday 14 April 2014

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 MAY 2014

1. Location Plan

2. Aerial Photograph
### Purpose of Report

To consider an application seeking Planning Approval for three Grouped Dwellings at Lot 201 (No.16) Capella Pass, Warnbro.

### Background

Nil

### Details

The applicant seeks Planning Approval to construct three Grouped Dwellings at Lot 201 (No.16) Capella Pass, Warnbro. The application includes the following:-

- Three double storey grouped dwellings serviced by a common property access way, comprising three bedrooms, study and associated living areas; and
- A rooftop terrace for each unit, accessed via an external staircase leading from the first floor balconies of each unit.
4. Unit 1 Elevations
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 19 MAY 2014

5. Unit 2 Elevations

5. Unit 2 Elevations
6. Unit 3 Elevations
7. View to site looking north

8. View to Site from Warnbro Beach Carpark (looking east)
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation, the application was referred to adjacent and nearby owners and occupiers for comment for a period of 14 days.

At the close of the advertising period, four submissions were received from nearby property owners and one was received from a resident in Port Kennedy, who submitted the same submission as what was received from a nearby property owner. Three submissioners objected the proposal and two submissions raised conditional support to the proposal, but requested that measures be taken to ensure visual privacy was maintained. The consultation plan is depicted below:
10. Consultation Plan

**Amenity**

**Submission:**
(i) Concerns were raised that the character of the area will be compromised as the proposed units are not on the same scale or proportions of surrounding dwellings.

City's Comment:
The Residential R30 zoning of the site allows for the development of three Grouped Dwellings on the site. The Residential Design Codes (R-Codes) permit the construction of two storey dwellings in this location. The proposed development will not be out of scale of proportions to the surrounding development and are in context with this foreshore location. Whilst the area is predominantly developed with Single Houses, the adjacent site has been developed for three Grouped Dwellings. The residential amenity of the area is therefore not considered to be compromised.

**Submission:**
(ii) Objections were received in regards to the building height.

**Applicant’s Response:**
While the walls surrounding the terraces are slightly over height, the terraces themselves have a small floor area compared to the rest of the house.

Since the terrace is much smaller than the area of the second storey for each unit, we believe the impact on the neighbours would be minimal.
Especially if you consider the terraces themselves would fit within the roof space of a standard hip and valley roof, which has a maximum ridge height of 9m, and would have more visual bulk.

**City’s Comment:**

The portions of walls that do not meet the ‘Deemed to Comply’ criteria of the Residential Design Codes (R-Codes), with respect to Building Height, are the walls surrounding the roof terraces, which have been designed with a higher wall height to ensure the visual privacy of adjacent landowners. This matter is discussed in more detail in the Policy section of this report.

The overall bulk and scale of the wall is considered to be ‘broken up’ despite the wall height variation, as only a small section of wall relating to the terraced roofed areas being non-compliant with the Deemed to Comply criteria of the R-Codes. The façade is further broken up by varying setbacks of walls and the placement of windows, and is therefore not considered to greatly impact the visual amenity of neighbours. On this basis, the proposed wall height is considered acceptable.

**Submission:**

(iii) Concerns were raised that there would be a loss of privacy due to the increased building height, balconies, rooftop terrace area and location of some windows.

**City’s Comment:**

The proposed development complies with the ‘Deemed to Comply’ criteria of the Residential Design Codes with respect to Visual Privacy with all balconies setback 7.5m from adjoining properties. The rooftop terraces also comply with the Visual Privacy requirements (see figure 11). The City does not consider that neighbours privacy will be adversely affected by the rooftop terraces.
11. Visual Privacy ‘Cone of Vision’ from Rooftop Terraces.

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 contained in the Community Plan 2011:

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.
d. Policy

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

The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia.

The applicant seeks approval to vary the ‘Deemed to Comply’ criteria of the R-Codes as follows:-
- The proposed building height of Unit 1 is 8.2m. The maximum building height permitted under the ‘Deemed to Comply’ provisions of the R-Codes is 7m; and
- The proposed building heights of Units 2 and 3 are 7.8m. The maximum building height permitted under the under the ‘Deemed to Comply’ provisions of the R-Codes is 7m.

When development does not meet the ‘Deemed to Comply’ criteria, the R-Codes provide an alternative assessment tool through compliance applying ‘Design Principles’. The R-Codes provides the following ‘Design Principles’ with respect to Building Height:-

“Building Height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:
- adequate access to direct sun into buildings and appurtenant open spaces;
- adequate daylight to major openings into habitable rooms; and
- access to views of significance.”

No overshadowing to neighbouring properties will occur as a result of the proposed development and therefore daylight to major openings and habitable rooms of adjacent properties will not be compromised. The design of the adjacent Grouped Dwellings at No.14 Capella Pass do not achieve views of significance (to Warnbro Beach) and submissions received from these owners did not object to potential loss of views.

The foreshore reserve directly adjacent the subject site does not afford public access along the lot boundary, as the area adjacent is a vegetated sand dune, and views to the proposed development will predominantly occur from a carpark located approximately 50m away from the subject site. For this reason, the development is unlikely to be visually intrusive to the public realm. The proposed development will maintain direct sun to the foreshore reserve.

As previously mentioned, the wall height variation only relates to the terraced roof area. The façade of the building will be broken up by balconies, openings and varying wall setbacks. The amenity of the adjoining properties is therefore not considered to be adversely compromised. The variation is considered to meet the ‘Design Principles’ of the R-Codes in this respect and is acceptable.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

The subject land is zoned ‘Residential R30’, where a Grouped Dwelling is a ‘D’ use that is not permitted unless the Council has exercised its discretion by granting Planning Approval. TPS2 requires all residential development to be in accordance with the R-Codes.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:
- There is the potential risk of the applicant lodging either a request for reconsideration or an application for review to the State Administrative Tribunal if the applicant is aggrieved by a condition of Planning Approval.
Risk Implications of Not Implementing Officer Recommendation

Medium:
- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal.

Comments

The main concern of submissioners was the potential loss of privacy as a result of overlooking. The proposed development is compliant with the visual privacy criteria of the R-Codes in this respect.

Given the variation to the building height is only to a section of wall on each unit, the balance of which is broken up by openings and varying setback to reduce building bulk, the R-Code variations will not adversely impact neighbours through loss of visual amenity of views.

The proposed development is generally compliant with the R-Codes and is recommended for conditional Planning Approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application seeking Planning Approval for Three Grouped Dwellings at Lot 201 (No.16) Capella Pass, Warnbro, subject to the following conditions:

1. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City.
3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
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   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.
4. Above-ground meter boxes must not be located in a street setback area at any time.
5. No further permanent structures shall be erected on the roof terraces, without the prior approval of the City.

Committee Recommendation

That Council APPROVE the application seeking Planning Approval for Three Grouped Dwellings at Lot 201 (No.16) Capella Pass, Warnbro, subject to the following conditions:

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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-034/14 Proposed Redevelopment of the Salvation Army Site for a larger place of Worship and Community Uses</th>
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</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000368.001</td>
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<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
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<tr>
<td>Applicant:</td>
<td>MYM Architecture and Design Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Salvation Army (WA) Property Trust</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
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<td>Date of Committee Meeting:</td>
<td>14 April 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Cr Smith declared an Impartiality Interest in Item PDS-034/14, as detailed in Clause 3.3 of Council's Code of Conduct and Regulation 111 of the Local Government (Rules of Conduct) Regulations 2007 and as per section 5.65 of the Local Government Act 1995, as he has a long association with the annual Red Shield Appeal - helps recruit collectors.</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 447 (No.5) Willmott Drive, Lot 5 (No.7) Willmott Drive, Cooloongup and Lot 18 (No.13) Exhibition Way, Cooloongup</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 447 3,575m²</td>
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<td></td>
<td>Lot 5 684m²</td>
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<td>Lot 18 745m²</td>
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<td>LA Zoning:</td>
<td>Lot 447 Community Purposes - Church</td>
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<td>Lots 5 and 18 Residential (R20)</td>
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<td>3. TPS2 Zoning Map</td>
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<td>4. Existing Site Plan</td>
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<td>5. Aerial Perspective</td>
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<td>6. Willmott Drive Persepctive</td>
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<td>7. Site Plan Proposed Development</td>
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<td>8. Floor Plan</td>
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<td>9.</td>
<td>Elevation Plans</td>
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<td>11.</td>
<td>Exhibition Way Perspective</td>
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</tbody>
</table>

1. Location Plan

2. Aerial Photo

Lot 18 (No.13) Exhibition Way

Lot 5 (No.7) Wilmott Drive – Existing Low Cost Food Centre

Lot 447 (No.5) Wilmott Drive - Existing Salvation Army Corps Building
Purpose of Report

To consider an application seeking Planning Approval for the redevelopment of the Salvation Army site for a larger Place of Worship and Community Uses situated at the corner of Read Street and Willmott Drive.

Background

The City understands that the Salvation Army has used Lot 5 as a Place of Worship and Community Uses for approximately 20 years, during which time the existing building has been substantially altered and prior to this it was used as a Baptist Church. The existing dwelling on Lot 13 fronting Exhibition Way is also owned by the Salvation Army and is currently vacant.

In June 2012, the Council granted Planning Approval for the relocation of the Rockingham Low Cost Food Centre from Unit 4, No.29 Hurrell Way, Rockingham to Lot 5 (No.7) Willmot Drive, Cooloongup, which is also owned by the Salvation Army. The Rockingham Low Cost Food Centre currently operates and provides an inexpensive alternative for grocery shopping to people who are in receipt of a health care card or pension card.

In August 2012, the City granted Planning Approval for additions and alterations to Place of Worship at Lot 447 (No.5) Willmott Drive, Cooloongup. The alterations included the refurbishment of the existing hall, replacement and expansion of office and kitchen facilities, and a new activity/lobby area. The proposal was to increase the floor area the existing main building by approximately 150m². This approval has not proceeded and expires in August 2014.
4. Existing Site Plan

- Low Cost Food Centre
- Brick & Tile House
- Assembly Hall
Details

Details of Application

The proposed development on Lot 18 (No.13) Exhibition Way, Lot 5 (No.7) Willmott Drive and Lot 447 (No.5) Willmott Drive involves the following:

Activities (proposed and existing)

The types of activities to be provided to the public are not proposed to change relative to those currently occurring. Whilst the activities are relatively unchanged, the new building will enable the Salvation Army to increase its capacity to provide Services to the community and to provide for a growing congregation.

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>Existing times of activity</th>
<th>Existing occupancy</th>
<th>Proposed times of activity and occupancy</th>
<th>Proposed occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday Worship</td>
<td>Sunday from 8.00am-12.00pm</td>
<td>55</td>
<td>Sunday from 8.00am-12.00pm</td>
<td>over time up to capacity/200</td>
</tr>
<tr>
<td>Kids Church</td>
<td>Sunday from 8.00am-12.00pm</td>
<td>20</td>
<td>Sunday from 8.00am-12.00pm</td>
<td></td>
</tr>
<tr>
<td>Mainly Music</td>
<td>Thursday 9.00am-1.00pm</td>
<td>20</td>
<td>Thursday 9.00am-1.00pm</td>
<td></td>
</tr>
<tr>
<td>Financial Counseling</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-3.00pm</td>
<td>3</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-3.00pm</td>
<td>5</td>
</tr>
<tr>
<td>Emergency Relief</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-3.00pm</td>
<td>5</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-3.00pm</td>
<td>5</td>
</tr>
<tr>
<td>Community Lunch</td>
<td>Tuesday 12.00pm-3.00pm</td>
<td>40</td>
<td>Tuesday/Thursday 12.00pm-3.00pm</td>
<td>40</td>
</tr>
<tr>
<td>Bread Roll</td>
<td>Collection by staff and display in centre Monday, Wednesday and Friday</td>
<td>1</td>
<td>Collection by staff and display in centre Monday, Wednesday and Friday</td>
<td>1</td>
</tr>
<tr>
<td>PLA-Partnership with EPlus</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-4.00pm</td>
<td>2</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-4.00pm</td>
<td>4</td>
</tr>
<tr>
<td>Life Coaching/Relaxation classes</td>
<td>Tuesday, Wednesday, Thursday, Friday 9.30am-12.00pm</td>
<td>3</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-12.00pm</td>
<td>3</td>
</tr>
<tr>
<td>The Shed-The Thrift Shop</td>
<td>Wednesday 5.00pm-7.00pm</td>
<td>10</td>
<td>Wednesday 5.00pm-7.00pm</td>
<td>10</td>
</tr>
<tr>
<td>Band Practice</td>
<td>Friday 6.00pm-8.00pm</td>
<td>15</td>
<td>Friday 6.00pm-8.00pm</td>
<td>15</td>
</tr>
<tr>
<td>Youth Group</td>
<td>Tuesday, Thursday, Friday 9.00am-6.00pm</td>
<td>10</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.00am-6.00pm</td>
<td>10</td>
</tr>
<tr>
<td>Corps Cadets</td>
<td>Sunday 9.00am-8.00pm</td>
<td>10</td>
<td>Sunday 9.00am-8.00pm</td>
<td>10</td>
</tr>
<tr>
<td>Fellowship Ministries</td>
<td>Sunday 9.00am-8.00pm</td>
<td>10</td>
<td>Sunday 9.00am-8.00pm</td>
<td>10</td>
</tr>
<tr>
<td>Small groups (senior healthy)</td>
<td>Saturday 9.00am-11.00am</td>
<td>15</td>
<td>Friday, Saturday 9.00am-11.00am</td>
<td>15</td>
</tr>
<tr>
<td>Alcoholics Anonymous</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-5.00pm</td>
<td>20</td>
<td>Monday, Tuesday, Wednesday, Thursday, Friday 9.30am-5.00pm</td>
<td>20</td>
</tr>
<tr>
<td>Low Cost Food Centre</td>
<td>Nobody currently doing work experience</td>
<td>1</td>
<td>Nobody currently doing work experience (weekdays 9.00am-5.00pm)</td>
<td>1</td>
</tr>
<tr>
<td>Work Experience e EPlus</td>
<td>Storage of equipment and run by existing staff</td>
<td>5</td>
<td>Storage of equipment and run by existing staff</td>
<td>5</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>Storage of equipment and run by existing staff</td>
<td>5</td>
<td>Storage of equipment and run by existing staff</td>
<td>5</td>
</tr>
</tbody>
</table>
The hall within Salvation Army church building has a Public Building Licence approval through the City's Health Services for a capacity to accommodate up to 264 persons.

**Existing Building Floor Areas**

- Main building: total of 621m² (consisting of worship hall - 289m², office - 82m², multi-purpose - 49m², kitchen - 25m², storage - 33m², toilets - 50m² and lobby circulation - 93m²);
- Shed -thrift shop -138m²;
- Existing house (lot18) - 116m²; and
- Sundry Shed/stores - 86.5m².

**Total building area (existing) 961.5m²**

**Proposed Building Floor Areas**

- Main Building - 1365m² (worship hall - 327m², office/admin - 229m², multi-purpose - youth - 112m², multi-purpose - children - 100m², thrift shop - 127m², kitchen - 48m², toilets - 75m², storage - 84m², lobby circulation - 263m²; and
- Shed - 138m².

**Total building area (proposed) 1641m²**

The proposed hours of operation are as follows:

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<thead>
<tr>
<th></th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thur</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>9:00am</td>
<td>9:00am</td>
<td>8:00am</td>
<td>8:00am</td>
<td>8:00am</td>
<td>9:00am</td>
<td>8:00am</td>
</tr>
<tr>
<td>Finish</td>
<td>7:00pm</td>
<td>4:00pm</td>
<td>5:00pm</td>
<td>6:00pm</td>
<td>10:00pm</td>
<td>11:00am</td>
<td>7:00pm</td>
</tr>
</tbody>
</table>

The specific detail of the staff activities undertaken from the site over the span of operating hours will initially be as follows:

**Staff**

- 2 Financial Counsellors
- 2 Emergency Relief
- 1 Admin/Doorways Manager
- 2 Corps Officers
- 1 Counselling room/Interview room
- 4 general office spaces/interview spaces (individual)
- Open office (accommodate 5 spaces)
- 1 large meeting room.
- 1 packaged food storage room (pantry) access from ER offices
- Staff kitchenette within the general office area.

It is proposed that the existing building will remain operational during the construction of the new building. Once the new building is complete operations will transfer across and the old building will be demolished to make way for the public car park. The Low Cost Food Centre building will not be modified.

The application is supported by a Transport Statement (October 2013) and preliminary Noise Report (February 2014).
5. Aerial Perspective (Cnr Read Street and Willmott Drive)

6. Willmott Drive Perspective
7. Site Plan Proposed Development

Admin Offices & Kitchen
Low Cost Food Centre (Retained)
New Staff Parking Area
Multi-purpose Hall Children
Multi-purpose Hall Youth
Worship Hall
Carpark
8. Floor Plan
9. Elevation Plans
Implications to Consider

a. **Consultation with the Community**

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby owners and occupiers for comment for a period of 28 days.

At the close of the advertising period, five submissions were received from nearby property owners (one of which is the Department of Housing). The four neighbour submissions objected to the proposal. The Department of Housing submission did not raise any objection to the proposal. A consultation plan is depicted below.

10. Consultation Plan

<table>
<thead>
<tr>
<th>Legend:</th>
<th>Subject Site</th>
<th>Consulted</th>
<th>Submissions</th>
</tr>
</thead>
</table>

**Traffic**

**Submission:**

(i) The proposal will have detrimental impacts on surrounding residents on Exhibition Way due to increased traffic and parking.

**Applicant's Response:**

Upon reassessing the access for service vehicles it has been confirmed that the secure car park area accessed from Exhibition Way will be for staff passenger vehicles and small utility vehicles only. There is no requirement for large trucks to enter this area or to be reversing from here. Rubbish bins from the bin enclosure will be wheeled to the street for collection. The larger bulk bin for waste generated by the Thrift Shop will be relocated permanently to an area in the front car park (entered off Willmott Drive) near the front door of the Thrift Shop area where collection takes place once a week. Any noise generated will be then further away from the neighbours and be contained within the public car park area. Food deliveries to the kitchen have been currently done by staff in their own vehicles and small vans, none of which have reversing beepers nor generate excessive engine noise.
It is planned that this delivery method will continue as the kitchen provides one lunch time meal a week (planned for one more day per week),
And the rest of the time provides light snacks for day to day operations and weekend services events.

City's Comment:
It is agreed that larger service delivery vehicles accessing the carpark from Exhibition Way could have a detrimental impact on the occupants of adjoining residents, especially the owner of No.11 Exhibition Way. The applicant has submitted amended plans deleting the service bay from the Exhibition Way carpark.
The Applicant has agreed that service vehicles will access the site from Exhibition Way, and that a boundary wall will be constructed between the carpark and No.11 Exhibition Way. This will minimise the impact of delivery vehicles upon neighbours.
Concerns relating to informal parking on the verge are considered warranted and could be controlled through appropriate landscaping planted along the verge.

Recommendation 1:
That a condition of approval that requires landscaping to be planted along the verge of Exhibition way to ensure informal parking in not available.

Submission:
(ii) The development would have an adverse impact on the safety of road users on Exhibition Way.

Applicant's Response:
As stated above, there is proposed to be only staff access to this side of the site, (off Exhibition Way). This is not deemed to represent an increased risk to residents in this street.

City's Comment:
The City's Engineering Services has assessed the Traffic Impact Statement (TIS) and advised that there are no concerns relating to the impact on existing local traffic using Exhibition Way, given the limited use by staff.

Amenity – Noise

Submission:
(i) The development would have an adverse impact on amenity of neighbours due to noise and disturbance.

Applicant’s Response:
The types of social services provided to the public is not planned to change from that which is currently provided, and therefore continue to not disturb the neighbours. Public traffic movements are designed to be directed to a single entrance/exit onto Willmott Drive which will in fact be an improvement on the current situation where there is access to the site for vehicles and pedestrians from Exhibition Way. The principle entrance to the building will be on the public car park side (off Willmott Drive). As previously stated it is proposed that only small passenger vehicles will have access to the secure staff car park area off Exhibition Way. No heavy vehicles will access this area.
Further to our previous correspondence in response to various submissions received and concerns raised during the advertising period, the Salvation Army would like to confirm that brick walls will be provided as neighbour fences along the development area boundary.
The residential neighbours that share the eastern boundary of the proposed development site will have new walls erected as part of the building phase.
The boundaries in question are with lots 17 Exhibition Way and Lot 6 Willmott Drive.
The fence between the Low Cost Food Centre and Lot 6 Willmott Drive is proposed to be 1.8m high, and the dividing fence with Lot 17 Exhibition Way is proposed to be 2.4m high in accordance with the recommendations within the Acoustic Report. (Gabriels Environmental Design).

The construction of these new boundary fences will both enhance the appearance and rectify the existing poor state of these fences.

It is also anticipated that this substantial solid barrier will more than adequately respond to any privacy and noise concerns that these closest residential neighbours may have had.

**City's Comment:**

Noise from the building is required to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (Regulations). With regards to Church Services, noise from divine worship is exempt from the provisions of the Regulations. Other activities, however, must also comply with the 'Assigned Noise Levels' under the Regulations.

The Preliminary Noise Report indicates that the development will achieve compliance with the 'Assigned Noise Levels', subject to some minor structural modifications. These requirements are acceptable to the City's Health Services in order to comply with the Regulations.

Noise from vehicles entering/leaving the site and from people gathering outside is also required to comply with the Regulations, however it is difficult to measures noise from activities which create intermittent noise. Further, once vehicles and or people have left the premises then the Regulations no longer are applicable.

Generally these concerns are considered on amenity grounds, rather than under the Regulations. As the church and associated activities generally are contained within the building and operate during day time hours, the proposal does not raise significant noise concerns. The building design is also such that it will act as barrier to ameliorate noise to residents on Exhibition Way. The proposed boundary wall to the eastern neighbouring properties will also assist with noise mitigation.

Given patrons and visitors will access the site via the car park fronting Willmott Drive, the proposed development is unlikely to have an adverse impact on the amenity, due to noise and disturbance, because of the layout of the proposal.

**Recommendation 2:**

*That a further Acoustic Report be provided as a condition of approval to confirm compliance with the Regulations prior to occupation of the development.*

**Submission:**

(iii) Some submissioners were concerned that the proposed development would have an adverse impact on their amenity due to increased operating hours.

**Applicant's Response:**

The occupation of the building will only be at its maximum on Sundays (if the congregation numbers grow) for four hours. The rest of the time the occupancy is expected to be at its maximum, 60-80 people, and generally for approximately 80% of the time around 20 people.

The volume of cars passing along Exhibition Way is not expected to increase. There is no reason for the public to drive in this street to access the proposed Salvation Army Building, as there is none except for staff.

The accompanying acoustic report identifies areas which will be required to be addressed during detailed design, but it is not anticipated that significantly higher levels of noise will be generated due to the increased use. Appropriate noise attenuation strategies will be employed in consultation with the Acoustic Engineers.

In the most part the increased use will be during weekday working hours, and required to realise the full potential of this new facility.
City's Comment:
The major change in the operation of the Salvation Army from its current operations to those proposed in the new building revolves around increased capacity for a growing congregation. In further discussions with the Salvation Army, it has been confirmed that there is only one mass held on a Sunday, followed by a morning tea.

Given that the operation of the other activities conducted after normal business hours is proposed to remain the same, it is not considered that there will be any substantial impacts from these incidental uses. The proposed development is unlikely to have an adverse impact on the amenity of neighbours as the existing and proposed hours of operation are generally the same. The Salvation Army will also provide similar services to those already being provided within the community.

Amenity - Visual

Submission:
(i) The amenity of the directly adjoining residents will be compromised due to a loss of privacy (Exhibition Way).

Applicant's Response:
This side of the building will be a low vehicle and pedestrian traffic area and not disturb the residential neighbours. A suitably high neighbouring fence will be erected along this boundary. A 1.8m/2.4m brick high fence is proposed in the previously presented Acoustic Report compiled by Gabriels Environmental design.

This will act as both a visual and acoustic screen this neighbour. Further to this the building setback (office area) is 13m from this boundary. Well within the requirements within the R-Codes.

City's Comment:
The privacy of neighbours will be maintained as the proposed development has a side setback of 13m from No.11 Exhibition Way, thus creating a substantial separation. The setback of 13m is substantially in excess of the 1.5m required setback stipulated under the (R-Codes), which applies in this circumstance.

The Salvation Army has also agreed, and is shown on amended plans, to construct a 2.4m wall to this neighbour and 1.8m to the neighbour adjoining the Low Cost Food Centre, which also addresses privacy concerns.

Recommendation 3:
That a condition require construction of a 1.8m masonry wall adjoining No.9 Willmott Drive and 2.4 masonry wall adjoining No.11 Exhibition Way.

Submission:
(ii) The proposed development would have a detrimental impact on streetscape due to the size and scale of the proposed buildings.

Applicant's Response:
The building is proposed to be all single level. Two areas; the Worship Hall and the Youth multipurpose hall, are the tallest spaces with the highest ridge point at 6.3m. These two spaces are closest to Read Street and are more than 40m away from the nearest neighbour. They are also lower than the ridge height of a typical two storey residence.

With the above in mind this proposal does not represent over development of the site. It is in fact a very conservative development of the site.
### 11. Exhibition Way Perspective

**City's Comment:**

The City acknowledges that the size and the scale of the proposed development (1,641m$^2$) is considerably larger in floor area than the current Salvation Army buildings (961m$^2$), but does not consider that the proposal will have a detrimental impact on streetscape.

The Exhibition Drive perspective is such that the building will not dominate the streetscape because it is single storey for a large part of its frontage to Exhibition Way, where it transitions to double storey height closer to Read Street. The proposed development is also of a similar height to the existing Church building. The proposed development adjacent to No.11 Exhibition Way will be setback 13m from the side boundary.

The removal of some mature trees located on-site will be required but the mature trees located within the Exhibition Way road reserve will be retained. With additional tree planting and landscaping the impact of the proposed development on neighbouring properties will be softened.

#### Recommendation 4:

*That screen planting be provided within the front street setback area of the development to Exhibition Way.*

#### Submission:

(iii) The proposal would have an adverse impact on the residential character of the area and is overdevelopment of the site.

#### Applicant's Response:

The Salvation Army relies on the donation of goods and furniture currently providing a public service and low cost household items to those who are otherwise unable to afford them. This service has been running has been running for many years and is not proposed to change.

The deliveries to the Thrift Shop will be managed from the public car park side of the development. No clothing bins or storage space will provide from the Exhibition Way side of the development. The size of the thrift shop operation is not proposed to be increased and therefore there is not expected to be any subsequent increase of charitable donation due to the fact the new building will be bigger.

Salvation Army both a religious organisation and a social/public service provider have only the highest of intentions as in their mission statement: Our mission is to preach the gospel of Jesus Christ and meet human needs in his name without discrimination.
The increased size of the building proposed is to better provide a wider range of services in a superior quality facility which has been designed to enhance the day to day life of those in need.

The aim and hope of the Salvation Army in building this facility is to enhance the quality of life and sense of neighbourhood in this area. (not the reverse). The single storey nature of this development is not deemed to change the aesthetics of this area. A new purpose built facility such as this is replacing an old building which has been altered substantially over the last 40 years. The current appearance of the site building and surrounds is in fact in need of some urgent 'cosmetic' work and repair.

Any change to the aesthetics of the area will be an improvement on the current state of the site.

City's Comment:
The City does not consider that the proposal is over development of the site because it complies with the requirements of TPS2. The City acknowledges that the proposal includes a substantially larger building and car park than the current facility, but the modern building design has architectural merit and is considered to be appropriate in built form and height. On this basis the City considers that the proposed development will not detract from the residential streetscape or amenity of the area.

Submission:
(i) The development would have adverse impact on the reputation of the area due to the scale of the development.

Applicant's Response:
This is in fact not the case. The Salvation Army have many different Corps facilities, on many different types and classifications of site. The Corps facilities will be always be attached to a worship hall facility which in most cases means that the land is zoned for Church or Worship.

The Salvation Army as stated previously will be providing the same services as currently delivered. The reputation of the Salvation Army precedes itself and certainly wouldn't have a negative impact on any neighbourhood it happened to be serving.

City's Comment:
The location of the proposed Assembly Hall and associated uses is predominately located within the Community Purpose Zone, where a Church is permitted. The extent of existing development on the land is such that it is underdeveloped, with large areas of unused land. Given the large area of the site, the extent of new development is approximately half of the current land area. The balance portion of the site is proposed for car parking. The proposal represents a substantial improvement over the existing building on the site and will provide a modern purpose built facility.

Amenity - Odour

Submission:
(i) Neighbours were concerned that the kitchen would create odours.

Applicants Response:
Appropriate environmental control measures will be employed in the detailed design of this facility to ensure that any cooking odours will be within Regulation levels. The kitchen is not proposed to operate as a full commercial kitchen. As stated above the type of food which going to be prepared is snack food in nature with cooked meals twice a week, during the middle of the day.
City's Comment:
Exhaust facilities must be provided in accordance with AS1668.2-2002, and must be fitted with a ‘state of art’ filtration and odour suppression devices to the satisfaction of the City, prior to the occupation of the development. A condition of Planning Approval is recommended which addresses this matter.

**Recommendation 5:**
*That a condition of Planning Approval be imposed which requires the installation of State of the Art ‘odour suppression devices’ to the satisfaction of the City.*

### Property Values

**Submission:**
Neighbours were concerned that there would be an adverse impact on property values.

**Applicant’s Response:**
The proposed development is not seeking to alter the use of this site. The Salvation Army has been operating from these premises for more than twenty years, prior to which this building was a Baptist church.
The building upgrade and new facilities provided should help to enhance the surrounding amenity of this area, and it is therefore considered that property values would not be affected in this area.

**City’s Comment:**
The impact of the proposed development on property values is not a relevant planning consideration.

### Requested Changes to Plans

**Submission:**
(i) No access from Exhibition Way.

**Applicant’s Response:**
This will not change – Only Staff will access this site, and local traffic will not be impacted in any negative way.

**City’s Comment:**
Vehicle access will still be required from Exhibition Way for staff parking. It is not reasonable to prohibit all vehicular access from Exhibition Way. The main car park servicing patrons will be from Willmott Drive.

**Submission:**
(ii) A 1.8m minimum boundary fence being constructed from masonry along the front boundary facing Exhibition Way.

**Applicant’s Response:**
A solid fence will not add street appeal. The council also have open space requirement in the event a street fence is proposed. The Exhibition Way side of the development will in fact, as proposed have landscaping from the face of the building out to the site boundary.

**City’s Comment:**
A solid fence along Exhibition Way would not comply with the R-Codes and would be inconsistent with Crime Prevention Through Environmental Design (CPTED) principles by not allowing casual surveillance of Exhibition Way. A solid wall would have a detrimental impact on streetscape of Exhibition Way.
### Submission:

(iii) Reposition the buildings away from Exhibition Way.

<table>
<thead>
<tr>
<th>Applicants’ Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little to no noise is generated by general office activities. This part of the building is also setback ~13m from the boundary with No.8 Exhibition Way.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>City’s Comment:</th>
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<tbody>
<tr>
<td>The Council must consider the current application on its merits, and can either approve the development, with or without conditions or refuse the proposal. The City considers that the design and layout of the development is ideal because it minimises the impact on residents along Exhibition Way. The main car park is accessed from Willmott Drive and configuration of the design of buildings means that most of the daily impacts of traffic and activity will occur away from neighbours.</td>
</tr>
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</table>

### Submission:

(iv) Leave the site unchanged and relocate the development to more suitable commercial business area.

<table>
<thead>
<tr>
<th>Applicant’s Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>This site has ample area to fit a development such as the one proposed. The Zoning allows for this type of development, and although a little larger, it is the same as proposed in a previously accepted Planning Proposal from 2012.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City’s Comment:</th>
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<tbody>
<tr>
<td>Refer to the above comment on submission (iii).</td>
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</tbody>
</table>

### Submission:

(v) Down size the development to retain the dwelling on Exhibition Way.

<table>
<thead>
<tr>
<th>Applicant’s Response:</th>
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</thead>
<tbody>
<tr>
<td>This proposed development is the size required to suit the changing requirements of the Salvation Army in this region. The removal of the existing vacant house belonging to the Salvation Army is required to facilitate this proposal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City’s Comment:</th>
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</thead>
<tbody>
<tr>
<td>The existing dwelling on Lot 13 Exhibition Way is proposed to be demolished to provide for a new staff car parking area. The proposed car park is ancillary to the proposed development.</td>
</tr>
</tbody>
</table>

### b. Consultation with Government Agencies

In accordance with the delegation power from the WAPC to the City, for development on Read Street (Category 3 road reservation - Other Regional Road) the proposal was referred to the Department of Planning for comment. The Department of Planning provided advice that noise impacts from Read Street on the development could be significant and should be appropriately managed by the Applicant. The preliminary Noise Report considers the impacts of traffic along Read Street and therefore addresses the Department’s concerns.

### c. Strategic

**Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.
d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Lot 447 is zoned ‘Community Purposes’ and Lots 5 and 18 are zoned ‘Residential R20’ under Town Planning Scheme No.2 (TPS2). While the City acknowledges that Lot 447 is being used as a Church, the proposed redevelopment plans were assessed for compliance with TPS2.

A Church is interpreted under TPS2 as a ‘Public Worship – Place of’, which is a use that is not permitted in Residential Zone unless Council has exercised its discretion by granting Planning Approval after advertising the proposal for public comment. A ‘Public Worship – Place of’ is a discretional use in a Community Purposes zone.

The other activities undertaken on-site are interpreted as ‘Community Use/Purpose’, which are a discretionary use in both the Community Purposes and Residential zones.

Place of Worship is interpreted under TPS2 as follows:

"means premises used for religious activities such as a church, chapel, mosque, synagogue or temple."

Community Use/Purpose is interpreted under TPS2 as:-

"means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities and services by organisations involved in activities for community benefit."

The Council has discretion to either approve the proposal, with or without conditions, or refuse the application.

Community Purposes zone

The proposed development is consistent with the purpose of the Community Purpose zone, which facilitates the development of religious, educational, health and social care facilities, accommodation for the aged and infirm, and other services by organisations involved in activities for community benefit, in convenient locations within the Scheme Area.

In accordance with Clause 4.14.2 of TPS2 in considering the appropriate the form of development in the Community Purposes Zone, the Council shall ensure that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

Parking

The proposal includes 65 car parking bays which complies with the car parking requirements of TPS2, based on 1 bay per 4 persons accommodated for the Place of Worship.

In accordance with Clause 4.15.4 of TPS2 reciprocal parking of bays is permissible where a development comprises separate uses that operate at different times to one another. Given that the range of Community Uses offered by the Salvation operate at varying times it is considered that parking will be adequate.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration or an application for review to the State Administrative Tribunal if the applicant is aggrieved by a condition of Planning Approval.
Risk Implications of Not Implementing Officer Recommendation

Medium:
- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal.

Comments

The objections raised by submissioners can be satisfactorily addressed by conditions of Planning Approval. The City considers that the location of the proposed development is acceptable as the development complies with the requirements of TPS2.

The agreement for the Salvation Army to construct masonry walls adjoining neighbouring properties will ameliorate impacts from the proposed development. The proposed redevelopment is appropriate to its setting in terms of its design and on the basis that the Salvation Army already operates from the site. The Acoustic Consultants Report demonstrated that the development will be able to achieve compliance with the Regulations.

The City's agrees with the findings of the TIS, where the additional traffic is predicted to have little impact on the road network performance, due to the well-designed infrastructure along Read Street and Willmott Drive and the well-spaced intersections. No changes to the road network are required to facilitate the proposed development. Traffic safety along Willmott Drive and Exhibition Way will not be unduly affected.

It is recommended that Council grant conditional Planning Approval to the proposed redevelopment of the Salvation Army site for a Place of Worship and Community Use.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the application for the redevelopment of the Salvation Army site for a Place of Public Worship and Community Use on Lot 447 (No.5) Willmott Drive, Lot 5 (No.7) Willmott Drive, Cooloongup and Lot 18 (No.13) Exhibition Way, Cooloongup, subject to the following conditions:

1. Masonry walls to be constructed along the boundary of No.9 Willmott Drive to a height of 1.8m and along the boundary of No.11 Exhibition Way to a height of 2.4m prior to occupation of the development.

2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.

3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) The location, number and type of existing and proposed trees and shrubs including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments utilising screening vegetation and mature trees to deter informal parking.

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

4. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.
5. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) include 2 car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and

The car park must comply with the above requirements for the duration of the development and must be retained and maintained in good condition at all times.

6. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

7. The existing redundant crossovers must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

8. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

9. Exhaust facilities associated with the proposed kitchen must be provided in accordance with Australian Standard AS 1668.2—2002, *The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure)* and be fitted with "state of the art" filtration and odour suppression devices to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.

10. An Acoustic Report must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
   (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
   (ii) tonality, modulation and impulsiveness; and
   (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

11. Service vehicles must only access the site via the Willmott Drive car park and are restricted to the hours of 7:00am to 7:00pm Monday to Saturday, for the duration of the development.

12. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times, for the duration of the development.
13. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to applying for a Building Permit.

Footnotes

(i) A separate approval from the City’s Health Services is required under the Health (Public Building) Regulations 1992. This is required prior to the lodgement of an application for a Building Permit-Certified. The applicant should liaise with the City’s Health Services in this regard.

(ii) The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City’s Health Services for information on confirming requirements.

(iii) A separate approval from the City’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit-Certified. The applicant should liaise with the City’s Health Services in this regard.

(iv) With respect to Condition 3, the applicant and owner should liaise with the City’s Parks Services to confirm requirements for landscaping plans.

Committee Recommendation

That Council APPROVE the application for the redevelopment of the Salvation Army site for a Place of Public Worship and Community Use on Lot 447 (No.5) Willmott Drive, Lot 5 (No.7) Willmott Drive, Cooloongup and Lot 18 (No.13) Exhibition Way, Cooloongup, subject to the following conditions:

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3. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:

   (i) The location, number and type of existing and proposed trees and shrubs including calculations for the landscaping area;

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   (iii) Any natural landscape areas to be retained;

   (iv) Those areas to be reticulated or irrigated; and

   (v) Verge treatments utilising screening vegetation and mature trees to deter informal parking.

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

4. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.

5. The carpark must:

   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
(ii) include 2 car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, **Parking facilities, Part 6: Off-street parking for people with disabilities**, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, **Design for access and mobility, Part 1: General Requirements for access—New building work**;

(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and

The car park must comply with the above requirements for the duration of the development and must be retained and maintained in good condition at all times.

6. Materials, sea containers, goods or bins must not be stored within the carpark at any time

7. The existing redundant crossovers must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

8. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:

   (i) the location of bin storage areas and bin collection areas;

   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;

   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and

   (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

9. Exhaust facilities associated with the proposed kitchen must be provided in accordance with Australian Standard AS 1668.2—2002, **The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure)** and be fitted with "state of the art" filtration and odour suppression devices to the satisfaction of the City prior to the occupation of the development, and must be maintained at all times.

10. An Acoustic Report must be prepared which demonstrates that the completed development complies with the **Environmental Protection (Noise) Regulations 1997**, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

   (i) noise sources compared with the assigned noise levels as stated in the **Environmental Protection (Noise) Regulations 1997**, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;

   (ii) tonality, modulation and impulsiveness; and

   (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

11. Service vehicles must only access the site via the Willmott Drive car park and are restricted to the hours of 7:00am to 7:00pm Monday to Saturday, for the duration of the development.

12. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, **Control of the obtrusive effects of outdoor lighting**, at all times, for the duration of the development.

13. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit or, alternatively, a Deed of Agreement being entered into between the landowner and the City of Rockingham requiring the amalgamation of all lots onto one Certificate of Title prior to applying for a Building Permit.
Footnotes

(i) A separate approval from the City’s Health Services is required under the Health (Public Building) Regulations 1992. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City’s Health Services in this regard.

(ii) The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City’s Health Services for information on confirming requirements.

(iii) A separate approval from the City’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City’s Health Services in this regard.

(iv) With respect to Condition 3, the applicant and owner should liaise with the City’s Parks Services to confirm requirements for landscaping plans.

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>Reference No &amp; Subject:</th>
<th>PDS-035/14</th>
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<td>DD020.2013.00000314</td>
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<td>Risk Register No:</td>
<td>363 and 365</td>
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<tr>
<td>Applicant:</td>
<td>Aldwich Holdings Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Aldwich Holdings Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 April 2014</td>
<td></td>
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<tr>
<td>Previously before Council:</td>
<td>June 2010 (PD63/6/10); December 2009 (PD149/12/09); November 2009 (PD146/11/09); July 2004 (PD152/7/04); October 1998 (10PS/98-9.4.8); January 1997 (1PS/97-5.3.2)</td>
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<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 470 (No.353) Mundijong Road, Baldivis</td>
<td></td>
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<td>Lot Area:</td>
<td>37.3ha</td>
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<td>LA Zoning:</td>
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Purpose of Report

To consider an application seeking Planning Approval for additions to an existing Camping Area, Caravan Park and Short Stay Accommodation at Lot 470 (No.353) Mundijong Road, Baldivis.

Background

Since 1997, the Council has granted planning 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;
- Short Stay Accommodation Units (26 units);
- Additional Short Stay Units (17 Units) and 12 Recreational Vehicle Bays;
- Breeding Hatchery;
- Plant Nursery; and
- Homestore.

Details

The applicant seeks approval for additions to an existing Camping Area, Caravan Park and Short Stay Accommodation.

The proposal includes the following:-

- An additional twelve Short Stay Accommodation chalets;

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PRESIDING MEMBER
- 50 caravan bays;
- Camping area;
- Ablution block (Toilets, showers and laundry facilities).

2. Site Plan

3. Proposed Development
Access to the accommodation sites will be via the existing eastern Mundijong Road crossover and from a new crossover located on the western corner of the site from Mundijong Road. An existing centrally located crossover used to access the site will be closed, leaving only two crossovers.

4. Crossover Locations

Implications to Consider

a. Consultation with the Community

The proposal was advertised for public comment in accordance with the requirements of Clause 6.3 of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation, for a period of 20 days, commencing on the 18th February 2014 and concluding on the 10th March 2014.

At the conclusion of the advertising period, one submission was received from Alcoa Australia, who own the land to the east and south east of the site, raising no objections to the proposal.

b. Consultation with Government Agencies

The proposal was referred to the following agencies for comment:

- Department of Planning;
- Department of Environment Regulation; and
- Department of Water (DoW).

Responses were received from the following Agencies.

1. Department of Water

Urban Water Management

DoW advised that drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia, and that the proposal is located within the Peel-Harvey catchment.
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City's Comment:
The DoW advice is noted.

Recommendation:
That an advice note to the approval be included advising the applicant that the subject site is within the Peel Harvey Catchment and require compliance with the Stormwater Management Manual for Western Australia.

Groundwater

DoW advised that there may be difficulties securing groundwater in the Stakehill Groundwater Area, and groundwater quantity may not be available for the proposed development.

City's Comment:
Noted

Recommendation:
That an advice note to the approval be included, outlining the groundwater licencing requirements and potential limitations.

Flooding

DoW advised that the Serpentine River Floor Study shows that parts of the lot are affected by flooding during major river flows with the 100 year Average Recurrence Interval floor level in the south west corner estimated to be 6.2m Australian Height Datum (AHD).

DoW noted that whilst the proposed development was outside of the Serpentine River Floodway, a minimum habitable floor level of 6.7m AHD is recommended.

City's Comment:
The DoW advice is noted. A condition of approval should reflect the above DoW comments.

Recommendation:
That a condition of approval require habitable floor levels of proposed buildings to be to a minimum of 6.7m AHD to provide adequate flood protection.

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. Policy

State Planning Policy No. 2.1 - Peel-Harvey Coastal Plain Catchment (SPP 2.1)

The purpose of SPP 2.1 is to improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment, whilst balancing land uses changes and economic growth of the catchment as to avoid and minimise environmental damage.

SPP 2.1 provides the following development criteria to minimise the impact of commercial developments within the Peel-Harvey Coastal Plain Catchment:
“New developments must incorporate effluent management systems approved by the Health Department, Environmental Protection Authority and the Water Authority of Western Australia, or connect to an existing reticulated sewerage system if available.”

The applicant has been advised that the onsite waste water is required to be treated by an Aerobic Treatment Unit. This will need to be nutrient retentive, in accordance with the requirements in SPP 2.1. The application for the Alternative Wastewater Treatment or Aerobic Treatment Unit will need to be considered in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and should be a type approved by the Department of Health.

The proposed development complies with SPP2.1 as it provides a recreational, social and economic opportunity for the region, and the environmental impacts of the development can be managed as to avoid environmental damaged to the Peel-Harvey Coastal Plain.

Planning Policy 5.2 – Rural Land Strategy (PP3.3.1)

The land is included within Planning Unit 6C of PP3.3.1. Planning Unit 6 has limited land capability for a range of rural uses and is further constrained by the recommendations of the Serpentine Flood Study, the Government’s Sewerage Policy and the management restrictions of the Peel-Harvey Catchment.

Tourism related proposals can be considered within Precinct 6C provided that the Government’s Sewerage Policy and the management restrictions of the Peel-Harvey Catchment are satisfied.

The proposed development is required to comply with the Government’s Sewerage Policy. It must also have no adverse environmental impacts on the Peel-Harvey Catchment.

Planning Policy 3.3.3 – Caravan Parks (PP3.3.3)

The purpose of PP3.3.3 is to set out the objectives and policy provisions which the Council shall have due regard to in the assessment and determination of applications for Planning Approval for Caravan Parks. The following is an assessment of the proposal against the requirements of PP3.3.3:-

Location

PP3.3.3 requires Caravan parks that are designed to cater primarily for tourists to be located with good access to key tourist attractions.

The subject site is located in close proximity to Bonney’s Water Ski Park and the soon to be completed Perth Wake Park. The proposed development complies with the location requirements of PP3.3.3.

Setbacks

The proposed development complies with Town Planning Scheme No.2 (TPS2) setbacks. This assessment is detailed in the Legal and Statutory section of the report.

Open Space

PP3.3.3 requires, in accordance with Division 5 of the Caravan Parks and Camping Grounds Regulations 1997, at least 10% of the total area of the Caravan Park being set aside for recreational purposes. Of this, two thirds must be in the one area, unless otherwise approved by the Council. In addition, a minimum of 25m² of private open space should also be provided within each Caravan site. The proposal is compliant with the open space requirements.

Landscaping

Vegetation buffers and landscaping is required to integrate a Caravan Park into the landscape and in providing screening from surrounding landuses, as well as reducing visual and noise impacts and providing privacy for park users.

A condition of Planning Approval requiring the applicant to provide a landscaping plan is recommended to address this requirement.
Vehicle Access and Carparking

 PP3.3.3 requires the entrance road and two-way internal roads of the Caravan Park are to be a minimum width of 6 metres and one-way internal roads are to be a minimum width of 4 metres. Each Caravan site is required to have parking for a minimum of one vehicle. In addition, one visitor parking bay per 20 caravan sites (to a minimum of four bays) is to be provided.

There is adequate space on site to provide the four visitors carparking bays required. A condition of Planning Approval requiring the provision of four visitors carparking bays and construction of the carparking area in accordance Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking is recommended to address these requirements.

Waste Disposal

 PP3.3.3 requires all Caravan Parks to be connected to the public reticulated sewerage supply, where available. Where a reticulated sewerage supply is not available, a reticulated on-site effluent disposal system approved by the Health Department of Western Australia may be permitted. As previously mentioned, the applicant has been advised that onsite waste water is required to be treated by an Aerobic Treatment Unit, in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Fire Safety

 PP3.3.3 requires the provision of firebreaks in accordance with the Council’s Fire Notice. The owner of the property is required to comply with this requirement irrespective of this development application. The proposal is considered to meet the objectives and requirements of PP3.3.3. In respect to Fire Safety, as the development includes habitable buildings, a Fire Management Plan will need to be prepared in accordance with the Western Australian Planning Commissions ‘Planning for Bushfire Protection Guidelines 2010’. A condition of Planning Approval is recommended to this effect.

Planning Policy 3.3.1 – Control of Advertisements

The applicant should be required to remove unauthorised signage from within the Mundijong Road reserve, which includes ‘A’ frame signs and price board signs and the like.

e. Financial

Nil

f. Legal and Statutory

Clause 32 Resolution

The subject land is affected by a Clause 32 Resolution – Development in the Rural Zone under the Metropolitan Region Scheme. As such, the application is required to be determined by the WAPC in addition to receiving Council approval. The application has been referred to the WAPC. Planning Approval from both the Council and the WAPC is required for the proposed development to proceed.

Town Planning Scheme No.2 (TPS2)

Permissibility

The proposed development includes three land uses under TPS2. The interpretation and permissibility of these land uses under TPS2 are as follows:

“Stay Accommodation:- means the occupations of a chalet, caravan, camp or any other form of tourist accommodation approved by the Council, by persons for a period of not more than a total of three months in any one twelve month period.”

Short Stay Accommodation is a land use that is not permitted unless the Council has exercised its discretion by granting Planning Approval after giving special notice in accordance with Clause 6.3.

“Caravan Park:- has the same meaning as in the Caravan Parks and Camping Grounds Act 1995.”
A Caravan Park is a land use that is not permitted unless the Council has exercised its discretion by granting Planning Approval after giving special notice in accordance with Clause 6.3.

"Camping Area:- means land use for the lodging of persons in tents or other temporary shelter."

A Camping Area is a land use that is not permitted unless the Council has exercised its discretion by granting Planning Approval after giving special notice in accordance with Clause 6.3.

Zoning

The objective of the Rural zone is to preserve land for farming and foster semi-rural development which is sympathetic to the characteristics of the area in which it is located, having regard to the objectives of the PP3.3.1 as a guide to future development within the zone.

Whilst the proposal is not a rural use, there are existing private recreation and non-rural land uses in close proximity to the subject site. The proposed development represents an extension of the existing Short Stay Accommodation, which is considered to be consistent with the Rural zoning objectives and rural character of the area.

Setbacks

TPS2 requires development to be setback 30m from the Primary Street and 10m from all other side boundaries. The development is proposed to be setback 30m from Mundijong Road and 96m from the western boundary and is therefore compliant with TPS2.

Carparking

TPS2 requires 1 bay per unit, plus 1 bay per employee for Short Stay Accommodation/ Given that no additional staff are proposed, 12 carparking bays are required. Four visitors carparking bays will also be required in accordance with PP3.3.3. There is adequate space on site to provide the necessary carparking bays.

Caravan Parks and Camping Regulations 1997 (Regulations)

The Regulations set out the regulatory requirements for the establishment of caravan and camping parks, including licencing requirements and duties of caravan and camping park operators. Enforcement of the Regulations is undertaken by the City’s Building Services. The applicant will be advised of the requirements to comply with the Regulations in this respect.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration or an application for review to the State Administrative Tribunal if the applicant is aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Medium:

- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal.

Comments

Traffic

The proposed development will result in an increase in traffic entering and exiting the site onto Mundijong Road, which is classed as a Regional Road under the control of the Department of Planning. Department of Planning raised no concerns with the proposal. The City is satisfied that the existing road network has sufficient capacity to accommodate the potential increases in traffic, subject to an existing crossover being removed.
Regional Planning Implications

The Economic and Employment Lands Strategy: non-heavy Industrial Perth Metropolitan and Peel Regions April 2012, identifies land east of the Freeway and north of Mundijong Road within an ‘industrial Investigation’ area, with the development requiring resolution of drainage, water management and environmental constraints. As these investigations are continuing and the land is still zoned Rural in the MRS, the City does not consider that the proposal would prejudice future planning options for industrial purposes as these outcomes have not been finalised.

Conclusion

The proposed development is consistent with the existing Short Stay Accommodation on site. No objections were received during the advertising period, and the proposed development is unlikely to adversely impact upon the rural amenity of the locality. The proposal is generally consistent with TPS2 and Policy requirements, and is recommended for conditional Planning Approval.

It is also recommended that the applicant be advised prior to any future applications for development being considered for Golden Ponds, a Masterplan of the overall site will be required for the Council’s consideration.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the proposed additions to Camping Area, 50 Caravan Bays and 12 Short Stay Accommodation Units at Lot 470 (No.353) Mundijong Road, Baldivis, subject to the following conditions:

1. The central crossover as marked on the approved plans in RED is to be removed, and the verge area reinstated to the satisfaction of the City. The new crossover must be designed in accordance with specifications submitted to and approved by the City, prior to construction.
2. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
4. Habitable floor levels of proposed buildings must maintain a minimum of 6.7m AHD to provide adequate flood protection.
5. The development must be connected to an alternative on-site waste water system designed to reduce phosphorus, pathogenic microves, biological oxygen demand, and non-filterable residue and constructed to the satisfaction of the City.
6. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.
   All works must be carried out in accordance with the Waste Management Plan, for the duration of development.
7. The carpark must contain a minimum of 50 bays for Caravan Park Sites, 12 bays for Short Stay Accommodation Units and 4 visitor parking spaces and:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking; prior to applying for a Building Permit;
(ii) include one (1) car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and

(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:-

(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area, as necessary to provide screening of the approved development from Mundijong Road;

(ii) Any lawns to be established;

(iii) Any natural landscape areas to be retained;

(iv) Those areas to be reticulated or irrigated; and

(v) Verge treatments.

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

9. A Fire Management Plan being prepared, approved and relevant provisions implemented for the duration of the development, in accordance with the WAPC’s Guideline Planning for Bushfire Protection Edition 2, May 2010 to the satisfaction of the City.

10. All illegal signage placed in the Mundijong Road reserve must be removed within 28 days of this Planning Approval.

Footnotes

(i) Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to applying for a Building Permit.

(ii) The applicant is advised that prior to the consideration of any further applications for development on the Golden Ponds site, an overall Masterplan will be required to be submitted for the Council’s consideration.

(iii) The disposal of wastewater on-site must be with the approval of the City; the applicant and owner should liaise with the City’s Health Services in this regard. The onsite waste water treatment system is required to be nutrient retentive.

(iv) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City’s Building Services in this regard.

(v) A Licence to Take Water for the use of groundwater may need to be obtained; the applicant and owner should liaise with the Department of Water in this regard.

(vi) The Applicant is reminded of the need to comply with the Caravan and Camping Regulations 1997; the applicant and owner should liaise with the City’s Building Services in this regard.

(vii) The subject site is located within the Peel-Harvey Catchment and thus the provision of the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992 and the State Planning Policy No.2.1 – Peel Harvey Coastal Plain Catchment apply. In this regard, drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia; the applicant and owner should liaise with the Department of Water in this regard.
**Committee Recommendation**

That Council **APPROVE** the proposed additions to Camping Area, 50 Caravan Bays and 12 Short Stay Accommodation Units at Lot 470 (No.353) Mundijong Road, Baldivis, subject to the following conditions:

1. The central crossover as marked on the approved plans in RED is to be removed, and the verge area reinstated to the satisfaction of the City. The new crossover must be designed in accordance with specifications submitted to and approved by the City, prior to construction.

2. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.

4. Habitable floor levels of proposed buildings must maintain a minimum of 6.7m AHD to provide adequate flood protection.

5. The development must be connected to an alternative on-site waste water system designed to reduce phosphorus, patrogenic microbes, biological oxygen demand, and non-filterable residue and constructed to the satisfaction of the City.

6. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:

   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

   All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

7. The carpark must contain a minimum of 50 bays for Caravan Park Sites, 12 bays for Short Stay Accommodation Units and 4 visitor parking spaces and:

   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking; prior to applying for a Building Permit;
   (ii) include one (1) car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

8. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:

   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area, as necessary to provide screening of the approved development from Mundijong Road;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.
The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

9. A Fire Management Plan being prepared, approved and relevant provisions implemented for the duration of the development, in accordance with the WAPC’s *Guideline Planning for Bushfire Protection Edition 2, May 2010* to the satisfaction of the City.

10. All illegal signage placed in the Mundijong Road reserve must be removed within 28 days of this Planning Approval.

Footnotes

(i) Approval to commence development must be separately obtained under the provisions of the Metropolitan Region Scheme. Your application has been forwarded to the Western Australian Planning Commission for determination. Approval should be obtained prior to applying for a Building Permit.

(ii) The applicant is advised that prior to the consideration of any further applications for development on the Golden Ponds site, an overall Masterplan will be required to be submitted for the Council’s consideration.

(iii) The disposal of wastewater on-site must be with the approval of the City; the applicant and owner should liaise with the City’s Health Services in this regard. The onsite waste water treatment system is required to be nutrient retentive.

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(vii) The subject site is located within the Peel-Harvey Catchment and thus the provision of the *Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992* and the *State Planning Policy No.2.1 – Peel Harvey Coastal Plain Catchment* apply. In this regard, drainage systems should be designed and constructed consistent with the Stormwater Management Manual for Western Australia; the applicant and owner should liaise with the Department of Water in this regard.

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-036/14 Proposed Shop, Warehouse and Four Multiple Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000435</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Town Planning Management Engineering Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Redset Nominees Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 April 2014</td>
</tr>
</tbody>
</table>

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

Tribunal

### Site:

Lot 13 (No.52) Parkin Street, Rockingham

### Lot Area:

1,468m²

### LA Zoning:

Commercial

### MRS Zoning:

Urban

### Attachments:

- Schedule of Submissions
- Location Plan
- Aerial Photograph
- Site Plan
- Detailed Site Plan
- Front (South) Elevation
- Rear (North) Elevation
- Eastern Elevation (section 1)
- Eastern Elevation (section 2)
- Western Elevation
- Section 1
- Section 2
- Overshadow Plan
- Subject Site (looking east)
- Adjacent Properties (looking east)
- Consultation Plan
1. Location Plan
Purpose of Report

To consider an application seeking Planning Approval for a Shop, Warehouse and Four Multiple Dwellings at Lot 13 (No.52) Parkin Street, Rockingham.

Background

In August 2011, the City granted Planning Approval under delegated authority for a Shop and Four Multiple Dwellings on the subject site, which expired in August 2013.

In December 2013, the applicant lodged a fresh application for Planning Approval which is the subject of this report, seeking renewal of the 2011 Planning Approval.

Details

The applicant is seeking Planning Approval for a Shop, Warehouse and Four Multiple Dwellings development at Lot 13 (No.52) Parkin Street, Rockingham, comprising of a two storey building as follows:

Ground Floor:
- 293m² Shop space for a liquor store and 126m² of associated storage;
- 185m² Warehouse; and
- Apartment entry.
First Floor:
- Four Multiple Dwelling units and associated outdoor living areas.

The development also proposes 24 carparking bays and storage and bin store areas.

The existing building on the site will be demolished and the tenant (Liquorland) will occupy the proposed Shop area in the new development.
3. Site Plan - Parkin Street
4. Detailed Site Plan - Parkin Street
8. Eastern Elevation (section 2)
13. Subject Site (looking east)

14. Adjacent Properties (eastern boundary)
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2) and Planning Procedure 1.3 – Community Consultation, the application was referred to adjacent and nearby owners and occupiers for comment for a period of 21 days.

At the close of the advertising period, a joint submission was received from 6 of the owner/occupiers from the adjacent unit complex at No.54 Parkin Street, Rockingham. The consultation plan is depicted as follows:

15. Consultation Plan

### Amenity

**Submission:**

(i) Light and warmth would be restricted to the rear units of the adjacent site due to the proposed boundary wall.

**Applicant's Response:**

The proposal does not impact on the daylight, direct sun or ventilation for the proposed buildings on the site. The proposal complies with the Deemed-to-comply elements of 6.4.2 relating to solar access for adjoining sites.

The boundary wall has no impact on any north facing windows or living spaces on the adjoining property. A solar access/overshadow diagram has been provided which demonstrates that the proposed development does not impact on solar access to the adjoining property.

Further, the minimal shadow created on the adjoining property is not caused by the boundary wall but by the second storey which is compliant. The proposed boundary wall does not impact on daylight, direct sun or ventilation to the adjoining buildings.
City's Comment:
The proposal wall was assessed by the City in accordance with the Design Principles of the Residential Design Codes (R-Codes), which relates to ensuring adjacent buildings have adequate sunlight, ventilation, daylight and visual privacy. The private open space courtyards are overshadowed by approximately 50%. The balance of the privacy courtyards is not overshadowed, and daylight and ventilation is maintained to adjoining properties. Courtyards will only be overshadowed by 50% at 12 noon on the 21 June (winter solstice). During morning periods of the day, the wall will not overshadow courtyards to this extent. The proposed boundary wall variation meets the Design Principles as it results in the protection of privacy between adjoining properties.

Submission:
(ii) Reduction in privacy due to close proximity of proposed residences caused by the proposed reduced setback.

Applicant's Response:
The development complies with all of the privacy requirements of the (R-Codes).

City's Comment:
The proposed development complies with the ‘Deemed to Comply’ privacy requirements of the R-Codes. No overlooking of adjacent properties will occur. The upper floor balconies have privacy screens which will restrict views into the neighbours courtyards at No.54 Parkin Street.

Submission:
(iii) Potential noise pollution caused by air conditioning and refrigeration units in close proximity to adjacent residences.

Applicant's Response:
It is accepted that any air-conditioning and refrigeration units will need to comply with the permissible noise limits of the Environmental Protection (Noise) Regulations. The previous approval included a condition requiring an acoustic report being prepared demonstrating that it complies with the Noise Regulations. This report has been commissioned and will be submitted with the building licence application.

City's Comment:
It is considered that noise from plant, equipment, cool room and refrigeration has the ability to impact on the proposed and existing adjoining residential premises. A condition of Planning Approval is recommended to address this issue.

Recommendation 2:
The following conditions of Planning Approval are recommended to address this concern:

1. An Acoustic Report be prepared which demonstrates that all mechanical services associated with the development and any other noise sources comply with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City.

2. A Noise Management Plan prepared by a suitably qualified Acoustic Consultant is to be prepared, addressing all potential noise impacts from the commercial development, including details of the design requirements required to be incorporated into the development to mitigate potential noise impacts, to the satisfaction of the City.

Submission:
(iv) Location of bin store area and odour impacts on adjacent residences.
<table>
<thead>
<tr>
<th><strong>Applicant's Response:</strong></th>
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<tbody>
<tr>
<td>During the previous application process the bin store was required to be modified to meet the requirements of the Health Local Laws. The current application incorporates these changes. The Bin store complies with the requirements of the Health Local Laws so could not be considered to be inappropriate.</td>
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<thead>
<tr>
<th><strong>City's Comment:</strong></th>
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<tbody>
<tr>
<td>The subject site is surrounded by residential development. Whilst it is necessary to provide a bin store to service the proposed development, it is considered the bin store could have potential odour impacts on adjacent properties owners and as such, the bin store should be designed to ensure odour suppression.</td>
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<tr>
<th><strong>Recommendation 3:</strong></th>
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<tbody>
<tr>
<td>The following conditions of approval are required to address this concern:-</td>
<td></td>
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<tr>
<td>1. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.</td>
<td></td>
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<tr>
<td>2. The bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City, prior to applying for a Building Permit. The bin storage area must be constructed prior to the occupation of the development and be retained and maintained in good condition at all times.</td>
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<tr>
<th><strong>Submission:</strong></th>
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<tbody>
<tr>
<td>(v) Materials used to construct boundary wall (concrete tilt panels) not in keeping with ‘beachside’ residential area, and being visually offensive to adjacent property owners and future owners.</td>
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<thead>
<tr>
<th><strong>Applicant’s Response:</strong></th>
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<tbody>
<tr>
<td>This is subjective. The manner of construction makes no difference to amenity. If the issue is the treatment to the surface of the wall facing the adjoining units then the developer can negotiate a suitable finish to the wall to ensure that it minimises the impact on these owners.</td>
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<tr>
<th><strong>City's Comment:</strong></th>
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<tbody>
<tr>
<td>The R-Codes require the wall finish on the boundary to be treated to the satisfaction of the adjacent landowners.</td>
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<tr>
<th><strong>Recommendation 4:</strong></th>
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<tbody>
<tr>
<td>A condition of approval is required to address this concern:-</td>
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<tr>
<td>The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.</td>
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<tr>
<th><strong>Property Value</strong></th>
<th></th>
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<tbody>
<tr>
<td><strong>Submission:</strong></td>
<td></td>
</tr>
<tr>
<td>(vi) Loss of property value and re-saleability of units on the adjacent site.</td>
<td></td>
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<table>
<thead>
<tr>
<th><strong>Applicant’s Response:</strong></th>
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<tbody>
<tr>
<td>This is subjective, unfounded and not a relevant planning consideration.</td>
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<thead>
<tr>
<th><strong>City's Comment:</strong></th>
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<tbody>
<tr>
<td>Property values are not considered to be a relevant planning consideration.</td>
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</table>
Building Design and Construction

**Submission:**
(vii) Water runoff and potential flooding/damage to adjacent structures due to construction of boundary wall.

**Applicant's Response:**
The development will be required to adequately store, treat and dispose of stormwater to the City's satisfaction at the building licence stage, just as the neighbouring development would have been required to do. The neighbours are not permitted to allow their stormwater to flow or discharge onto lot 13 and therefore a boundary wall will have no impact on their stormwater.

Each development must deal with their own stormwater to the satisfaction of the City and this development would not cause any impact on the adjoining property if they are accommodating their stormwater appropriately.

**City's Comment:**
All stormwater from the development will be required to be contained on site. Should the proposal be approved, a standard condition of Planning Approval will be included in this respect.

**Submission:**
(viii) Potential impacts of asbestos and dust fibres when existing building is demolished.

**Applicant's Response:**
It is accepted that there would be a requirement to comply with any regulations pertaining to the removal of asbestos should any asbestos require removing during construction.

**City's Comment:**
Prior to the demolition of the existing building, the applicant will be required to obtain a Demolition Permit from the City's Building Services. The applicant will be required to comply with relevant legislation in respect to the removal of asbestos in this regard.

**Submission:**
(ix) Impacts of dust during construction.

**Applicant's Response:**
There will be no more dust generated compared to any other development. It would be expected that the City would require appropriate dust management measures to be implemented at building licence stage.

**City's Comment:**
Dust impacts could occur during construction can be controlled via condition of Planning Approval controlling sand blowing and dust nuisance.

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 contained in the Community Plan 2011:
**Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.

d. **Policy**

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

The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia. For the purposes of assessing residential development on land zoned Commercial, the provisions relating to the ‘R60’ density code shall apply.

The applicant is proposing variations to the ‘Deemed to Comply’ criteria of the R-Codes as follows:-

- A 1.5m setback to the upper floor walls on the eastern boundary has been proposed in lieu of the 2.5m setback required;
- A wall on the boundary has been proposed for 77% (49m) of the eastern boundary on the ground floor, which is more than the maximum 2/3rds (42.6m) the length of the side boundary permitted; and
- The wall on the boundary has a height of 3.8m, which exceeds the maximum height of 3.5m permitted.

The R-Codes also provide ‘Design Principles’ for assessment purposes, where development fails to meet the ‘Deemed to Comply’ criteria. The applicant has provided the following justification against the relevant 'Design Principles' for lot boundary setbacks:-

<table>
<thead>
<tr>
<th>Design Principle – 6.1.4 Lot Boundary Setbacks</th>
<th>Applicant’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</td>
<td>The proposal does not impact on the daylight, direct sun or ventilation for the proposed buildings on the site. See 3rd row relating to impact on adjoining property.</td>
</tr>
<tr>
<td>ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</td>
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</tr>
<tr>
<td>moderate the visual impact of building bulk on a neighbouring property;</td>
<td>The upper storey has been setback from the boundary in order to limit the impact of building bulk on the neighbouring properties. The development site adjoins 4 strata properties on this boundary. Whether the boundary wall is 77% as proposed or 66% makes no material difference to some of the properties and would not change the building bulk change.</td>
</tr>
<tr>
<td>ensure access to daylight and direct sun for adjoining properties; and</td>
<td>The proposal complies with the Deemed-to-Comply elements of 6.4.2 relating to solar access for adjoining sites. The boundary wall has no impact on any north facing windows or living spaces on the adjoining property. A solar access/overshadow diagram has been provided which demonstrates that the proposed development does not adversely impact on solar access to the adjoining property. Further, the minimal shadow created on the adjoining property is not caused by the boundary wall but by the second storey.</td>
</tr>
</tbody>
</table>
Despite the setback variation to the upper floor, the extent of overshadowing to neighbours falls within the 'Deemed to Comply' requirements of the R-Codes. The proposed boundary wall does not adversely impact upon daylight, direct sun or ventilation to the adjoining buildings.

| assist with the protection of privacy between adjoining properties. | The proposed wall greatly assists to limit the noise impacts from traffic, deliveries and operations of the commercial tenancies and effectively screens the adjoining properties from the operations of the site. |

The applicant has provided further general justification as follows:

"This project presented many unusual challenges from the outset. The most significant criterion was that the current liquor business had to remain in operation. This meant that any new building would have to be built:-

- Over the existing building (not viable, unsafe, too many services, etc) or
- Behind the existing building (unacceptable to Council, poor design outcome) or
- Adjacent to the existing building (ultimately the only logical location).

The building footprint was therefore predetermined with very little space to work within. From early discussions with Council’s Planning Officers a parapet wall on the eastern side was agreed as a logical and desirable result.

At considerable expense the owner also decided to do “the right and sustainable thing” by including four residential dwellings on top the commercial tenancy. While this was surely the most appropriate design approach it did however meet require considerable justification and modifications to satisfy the City’s previous planner. In each case his requests for new and additional information and drawings were met. These include such things as a roofed balcony facing the street and stone facings to the front elevation."

The following City comments are provided with respect to the proposed R-Code variations:

1. A 1.5m setback to the upper floor walls on the eastern boundary has been proposed in lieu of the 2.5m setback required.

It is considered that the proposed reduced setback results in the wall being visually intrusive to neighbouring properties and result in excessive building bulk. In this respect, it is recommended that the terraced areas be recessed 0.5m and different a wall treatment be used on these sections of wall, to ‘break up’ the building bulk of the wall. Recessing these sections of wall will still permit access to the storage areas for each Multiple Dwelling and will still allow for the required area of outdoor living space as per the R-Codes, but will assist in providing articulation to the wall.

2. A wall on the boundary has been proposed for 77% (49m) of the eastern boundary on the ground floor, which is more than the maximum 2/3rds (42.6m) the length of the side boundary permitted.

The proposed variation only results in an additional 6.4m length of wall along the side boundary, which is considered minor. Given the ground floor uses proposed are a Shop and a Warehouse, the additional length of boundary wall complies with the 'Design Principles' of the R-Codes with respect to privacy. The standard of finish to boundary wall should be to the satisfaction of the adjacent landowners to address any visual amenity impacts of the boundary wall.

3. The wall on the boundary has a height of 3.8m, which exceeds the maximum height of 3.5m permitted.
The City acknowledges that the height of the boundary wall is greater than the ‘Deemed to Comply’ requirements of the R-Codes. The R-Codes allow for the variation in boundary wall height to be approved based upon ensuring adequate daylight to buildings and open space and assisting in privacy, but it is acknowledged that the proposed wall height has a visual impact on building bulk on the side neighbours who lodged a joint submission.

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Zoning

The subject property is zoned Commercial under TPS2, where the Council must ensure that site planning, scale, built form elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality. The City considers that the proposed development complies with the form of development required under TPS2.

Land Use

The proposed development includes Multiple Dwellings, a Shop and a Warehouse. ‘Multiple Dwelling’ and ‘Warehouse’ are (‘D’) uses within the Commercial zone, which are uses that are not permitted unless the Council has exercised its discretion by granting Planning Approval.

A ‘Shop’ is a permitted use within the Commercial Zone.

Clause 4.6.4 of TPS2 requires applications for Planning Approval on a Commercially zoned lot having a common boundary with a Residential zoned lot, to apply setbacks in accordance with the R-Codes (R40). The City considers that the proposed development complies with the Design Principles of the R-Codes in respect to the variations proposed.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration or an application for review to the State Administrative Tribunal if the applicant is aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Medium:

- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal

Comments

Whilst objections to the proposed development have been received from the side neighbours, the standards under the 2013 R-Codes have not changed since the City granted the 2011 Planning Approval for the same proposal.

The majority of concerns raised by submissioners can be addressed via conditions of Planning Approval, with the exception of the height of the wall on the boundary exceeding the maximum height permitted under the R-Codes. In this respect, it is important to reiterate that the site is zoned Commercial, and the proposed wall height is consistent with the 2011 Planning Approval. The provision of a mixed use development is also considered a better planning outcome than providing just commercial development alone, as mixed use developments provide a range of land uses in one community, create walkable communities, provide passive surveillance and provide a greater housing variety and density. For this reason, the R-Code variations are considered acceptable.

The proposed development generally complies with the requirements of TPS2 and the R-Codes and is recommended for conditional approval.
Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVE the proposed Shop, Warehouse and Four Multiple Dwellings at Lot 13 (No.52) Parkin Street, Rockingham, subject to the following conditions:

1. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon completion of the development.

2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.

3. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

4. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.

5. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.

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

6. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.

7. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) include one car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (iv) have lighting installed, prior to the occupation of the development; and
   (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.
The car park must comply with the above requirements for the duration of the development.

8. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

9. The existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

10. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

11. The bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City, prior to applying for a Building Permit. The bin storage area must be constructed prior to the occupation of the development and be retained and maintained in good condition at all times.

12. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.

13. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, must be approved by the City's Manager, Health Services prior to applying for a Building Permit. All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

14. A Noise Management Plan prepared and approved by the City by a suitably qualified Acoustic Consultant, addressing all potential noise impacts from the commercial development, including details of the design requirements required to be incorporated into the development to mitigate potential noise impacts, to the satisfaction of the City.

15. The walls to the terraced area marked on the approved plan must be recessed 0.5m to the satisfaction of the City, prior to applying for a Building Permit.

16. The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

17. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit, and implemented as such for the duration of the development.

18. All doors of the Shop facing Parkin Street must be kept open and not locked during all hours when the subject premises is trading.

19. The side of the terrace facing the eastern boundary (adjacent Lot 705 (No.54) Parkin Street marked in red on the approved plans, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level, prior to applying for a Building Permit, and implemented as such for the duration of the development.

**Committee Recommendation**

That Council **APPROVE** the proposed Shop, Warehouse and Four Multiple Dwellings at Lot 13 (No.52) Parkin Street, Rockingham, subject to the following conditions:

1. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon completion of the development.

2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.
3. Earthworks must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

4. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City for, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.

5. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
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   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Verge treatments.

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

6. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.

7. The carpark must:
   (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (ii) include one car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (iv) have lighting installed, prior to the occupation of the development; and
   (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

   The car park must comply with the above requirements for the duration of the development.

8. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

9. The existing crossover must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City, prior to the occupation of the development.

10. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.

11. The bin storage area must be designed so that it is refrigerated and sealed to ensure the suppression of odour and ease of access for servicing to the satisfaction of the City, prior to applying for a Building Permit. The bin storage area must be constructed prior to the occupation of the development and be retained and maintained in good condition at all times.

12. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
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14. A Noise Management Plan prepared and approved by the City by a suitably qualified Acoustic Consultant, addressing all potential noise impacts from the commercial development, including details of the design requirements required to be incorporated into the development to mitigate potential noise impacts, to the satisfaction of the City.

15. The walls to the terraced area marked on the approved plan must be recessed 0.5m to the satisfaction of the City, prior to applying for a Building Permit.

16. The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City.

17. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.

18. All doors of the Shop facing Parkin Street must be kept open and not locked during all hours when the subject premises is trading.

19. The side of the terrace facing the eastern boundary (adjacent Lot 705 (No.54) Parkin Street marked in red on the approved plans, must be designed with permanent vertical screening to a minimum height of 1.6 metres above floor level, prior to applying for a Building Permit, and implemented as such for the duration of the development.

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
**Directorate, Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-037/14 Joint Development Assessment Panel Application – Mixed Use Development (54 Room Hotel, Restaurant, Function Rooms and Associated Facilities, 24 Residential Apartments and Commercial Offices) - Cnr Market and McNicholl Streets, Rockingham</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000080.1</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>363 and 365</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Samson Project Management Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>McGill Property Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Erika Barton, Projects Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 April 2014</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>
</tbody>
</table>

### Site:
- Lot 7 (No.31) and Lot 8 (No.33) McNicholl Street and Lot 14 (No.3) Market Street, Rockingham
- Lot 7 = 1,243.6m²
- Lot 8 = 1,179.4m²
- Lot 14 = 2,483.7m²
- Total = 4,906.7m²

### LA Zoning:
- Primary Centre City Centre

### MRS Zoning:
- Central City Area

### Attachments:
- Responsible Authority Report (RAR)

### Maps/Diagrams:
1. Location Plan
2. Aerial Photo
3. Access Easements
4. Site/Ground Floor Plan
5. First Floor Plan
6. Second Floor Plan
7. Third Floor Plan
8. Roof Plan
9. Elevations
1. Location Plan

2. Aerial Photo
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a proposed mixed-use development, comprising 54 room hotel, restaurant, function rooms and associated facilities, 24 residential apartments and 2 commercial office tenancies on Lot 7 (No. 31) and Lot 8 (No. 33) McNicholl Street and Lot 14 (No. 3) Market Street, Rockingham.

Background

In September 1993 an Integrated Development Guide Plan (IDGP) was approved by Council over the subject land as a prerequisite to subdivision of the land. As shown in Figure 3, the IDGP included a number of internal roads, which have been formalised through public access easements.

Details

The applicant seeks approval for a proposed four storey mixed-use development comprising of the following:

- A hotel containing:
  - 54 hotel rooms (levels 1 – 3);
  - 24 (1br) self-contained apartments/multiple dwellings (levels 1-3);
- associated reception/foyer (ground floor);
- two function rooms (ground floor); and
- a restaurant (ground floor);
- Two offices (255m²) (ground floor); and
- 135 car parking spaces over two levels.

4. Site/Ground Floor Plan
5. First Floor Plan
6. Second Floor Plan
7. Third Floor Plan
8. Roof Plan
9. Elevations

**Implications to Consider**

a. **Consultation with the Community**
   The proposal is generally consistent with the Indicative Development Plan as contained in the approved Rockingham City Centre - Activity Centre Plan (2009) and thus advertising of the proposal is not required.

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 contained in the Community Plan 2011:

   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable City that provides for a genuinely desirable lifestyle.
d. Policy

Planning Policy 3.2.1 – Development Policy Plan City Centre Sector (PP3.2.1)

The purpose of PP3.2.1 is to provide guidance on the type and form of development desired within the City Centre Sector. The subject site is located within the ‘Goddard’ Precinct of the Policy. The proposal is generally consistent with the requirements of PP3.2.1.

A full assessment of the proposed development against the requirements of PP3.2.1 is included in Attachment 1 (RAR).

Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

The purpose of PP3.3.14 is to ensure the provision of appropriate bicycle parking and end-of-trip facilities in new development and to provide guidance on the development and design of bicycle parking and end-of-trip facilities.

The required bicycle parking for the proposed development has been calculated at 4 long-term bicycle parking spaces and 8 short-term bicycle parking spaces and associated end-of-trip facilities. It is recommended in the RAR that a condition be imposed requiring the construction of the required amount of bicycle parking spaces and associated end of trip facilities.

Planning Policy 3.3.19 – Licensed Premises (PP3.3.19)

The purpose of PP3.3.19 is to inter alia provide guidance for the assessment of Planning Applications for licensed premises and aims to protect the safety and amenity of existing and future residents and business proprietors against alcohol related problems such as anti-social behaviour, violence, property damage, harm and to promote responsible sale and consumption of alcohol.

A full assessment of the proposed development against the provisions of PP3.3.19 is included in Attachment 1 (RAR).

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

The proposal was assessed against the requirements of TPS2 and is compliant. Details of the relevant Clauses of TPS2 and an explanation of how the development is compliant are as follows:

Clause 4.3A.1 – Objectives of the Zone

The subject site is zoned ‘Primary Centre City Centre’ under TPS2. The objectives of the Primary Centre City Centre Zone include inter alia:

“(b) to contribute to the development of integrated retail, office, commercial, residential, civic and community facilities generally in accordance with the requirements of the Development Policy Plan for the City Centre Sector;

(c) to achieve high intensity land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transit system;

(e) to locate car parking areas behind street front buildings;

(f) to provide contiguous, activated street front development;

(g) to promote active day and night time retail and social environments;

(h) to encourage vibrant and diverse uses which promote the Primary Centre City Centre Zone as a destination;

(j) to encourage development that will provide a high calibre model of sustainable, transit oriented development;”

The proposed development provides for a mix of land uses with a component of high density residential development and the building design addresses Market and McNicholl Streets and is considered to comply with the objectives of the zone.
Clause 4.3A.3 – Minimum Residential Density

In the Primary Centre City Centre Zone, all development for the purpose of multiple dwellings must have a minimum of one dwelling per 125m² of land area. Given the site area of 4,906.7m², a minimum of 40 dwellings is required. A total of 78 dwelling units have been provided and this requirement has been met.

Clause 4.15.1.1 – Carparking Requirements

Where land is proposed to be developed in the Primary Centre City Centre Zone, the minimum number of car parking bays required, and the maximum number of car parking bays allowable, for the proposed development is to be determined in accordance with Table No. 3.

Carparking requirements have been calculated as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bedrooms (54)</td>
<td>1/bedroom +</td>
<td>54</td>
</tr>
<tr>
<td>Other (157m²)</td>
<td>1/every 5m²(4m²) of bar/public areas</td>
<td>32(40)</td>
</tr>
<tr>
<td>Short Stay Accommodation/Multiple Dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling (24)</td>
<td>0.75/dwelling*</td>
<td>18</td>
</tr>
<tr>
<td>Visitor</td>
<td>0.25/dwelling*</td>
<td>6</td>
</tr>
<tr>
<td>Restaurant (175m²/(1.5m²/person) = 117 persons)</td>
<td>1/8(6) persons</td>
<td>15(20)</td>
</tr>
<tr>
<td>Office 1 (137m²)</td>
<td>1/60m²(40m²)</td>
<td>3(4)</td>
</tr>
<tr>
<td>Office 2 (119m²)</td>
<td>1/60m²(40m²)</td>
<td>2(3)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>130(145)</td>
</tr>
</tbody>
</table>

Notes:
- maximum in brackets
- As per the R-codes, Location A.
- includes 7 AS3959.6 spaces.

Further discussion on parking requirements and provision is provided in the Planning Assessment section of this report.

Clause 4.22 – Licensed Premises

It is likely that the restaurant will be licensed. At this point in time, however, there is no liquor license. In this regard, it is recommended that the City’s standard condition for subsequent use approval be applied to ensure this provision of the Scheme is appropriately considered once the licensing requirements are known.

Clause 5.3 – Control of Advertisements

Clause 5.3.1 of TPS2 requires planning approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2. There is no signage currently proposed as part of this development application.

Subsequent approval from the City would be required for any signage on the building.

Street Verandah Local Law 2000

Portions of the awnings of the proposed development extend into the road reserve. As such, approval must be obtained from the City, pursuant to the City of Rockingham Street Verandah Local Law 2000. An Advice Note advising of this requirement has been included in the Report’s recommendation.
g. Risk

Risk Implications of Implementing Officer Recommendation
Low:
- There is the potential risk of the applicant lodging either a request for reconsideration of a condition or an application for review to the State Administrative Tribunal if aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation
Medium:
- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an application for review to the State Administrative Tribunal.

**Comments**

**Design**

The application was referred to the City’s Urban Design Consultant for review and comment. The Consultant’s advice is included at Attachment 7 of the RAR; it concludes that the development responds appropriately to the planning framework and site.

Whilst it is not a Policy requirement, it is recommended that the awnings on the streetfront buildings be extended to a minimum depth of 2.5m to encourage greater activation of the street frontages, as well as improved energy efficiency through shading of the northern and western elevations.

**Car Parking and Access**

Under TPS2, the proposed development requires the provision of a minimum 130 parking spaces and 145 maximum parking spaces. The proposed development has provided for a total of 135 parking spaces, of which seven are designed in accordance with AS2890.6 (parking for people with a disability).

Parking provision for people with disability is based on the Building Code of Australia Requirements.

<table>
<thead>
<tr>
<th>Building Class</th>
<th>Requirement</th>
<th>Rate</th>
<th>Calculations</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 3 - Residential</td>
<td>Total car spaces multiplied by percentage of accessible rooms</td>
<td>54 spaces x 9.26%</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Class 5 – Office &amp; Conference Rooms</td>
<td>1 space/100 carparking spaces</td>
<td>37 spaces</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Class 6 - Restaurant</td>
<td>1 space/50 carparking spaces</td>
<td>15 spaces</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>7</strong></td>
<td></td>
</tr>
</tbody>
</table>

As outlined in the Background Section of this Report, this city block is encumbered by several easements that provide for internal vehicular access and shared carparking. The City is a party to the easements.

The development proposes to locate ten (10) carparking bays over two of the easements which provide vehicular access to Lot 10 Goddard Street and Lot 9 Market Street. It is recommended that a condition be imposed to delete the proposed carparking spaces located over these two easements, as they are required to service proposed developments on Lots 9 and 10.

There is opportunity for the provision of on-street parking on both Market and McNicholl Street adjacent to the subject site. It is estimated that six on-street parking spaces could be provided, subject to design.

Given the above, the development would provide for a total of 125 parking spaces on site and potentially six spaces off-site. It is therefore considered to comply with TPS2 parking requirements.
Access

The proposed development intends to narrow the existing easement on Lot 14, near the intersection with Market Street. Given this will restrict vehicular access to the site to a ‘one way’ arrangement (rather than the existing two way) and the access entitlements for the adjacent Lots 9 and 10 in accordance with the IDGP, it is recommended that this driveway be retained at its full 6m width to provide two-way access. It is recommended a condition be imposed to require modification to the development plans to reflect to existing legal easement arrangement.

It is not clear how heavy vehicles required to service the development, including waste and delivery vehicles, will be able to negotiate the internal road network (geometry and height clearance). It is recommended that a condition be imposed to require further information be provided to the City to demonstrate how service vehicles will be able to manoeuvre around the site.

Lot Amalgamation and Easements

Given the development is proposed over three lots, they will need to be amalgamated. Furthermore the easement which traverses Lots 7 and 8 will require extinguishment. In this regard, it is recommended that a condition be imposed addressing these matters.

Waste Disposal

A bin store has been provided for the proposed development, however, no further details as to the storage and disposal of waste have been provided.

Should the application be approved, it is recommended a condition be imposed requiring the preparation and implementation of a Waste Management Plan.

Conclusion:

The proposed mixed-use development is compliant with TPS2 and Policy requirements.

The proposed development complies with the intent and objectives of the Goddard Street Precinct and the Rockingham City Centre Sector and is considered to be suitable for its site and the locality.

It is recommended that Council adopt the Responsible Authority Report, which recommends conditional approval of the application.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the proposed mixed-use development, comprising 54 room hotel, restaurant, function rooms and associated facilities, 24 residential apartments and 2 commercial office tenancies on Lot 7 (No.31) and Lot 8 (No.33) McNicholl Street and Lot 14 (No.3) Market Street, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West JDAP resolve to:

Approve DAP Application reference DAP/14/00504 and accompanying plans DA01 to DA06 dated 1st March 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title, prior to applying for a Building Permit.

4. Prior to the commencement of the development, written evidence being supplied to the City of Rockingham that the parties have agreed to surrender the easement that encumbers Lots 7 and 8 McNicholl Street, and that the surrender documents have been lodged for registration.

5. The internal access road on Lot 14 connecting to Market Street must be widened to 6 metres for its entire length in accordance with the easement that encumbers Lot 14. The proposed parking spaces on Lot 14 adjacent to Lots 9 and 10 in the location of the existing easements are to be removed. Amended plans reflecting these changes must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.

6. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this access must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.

7. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

8. All stormwater generated by the development shall be designed to be contained of on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.

9. The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study. The works must be designed and approved by the City prior to any works commencing. All works must be completed prior to the occupation of the development and maintained for the duration of the development to the satisfaction of the City.

10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained; and
   (iv) Those areas to be reticulated or irrigated.
   The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

11. The carpark must:–
   (i) provide a minimum of 125 parking spaces;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include seven car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (v) have lighting installed, prior to the occupation of the development; and
(vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

The car park must comply with the above requirements for the duration of the development.

12. On-street car parking spaces must be provided for short term parking along McNicholl and Market Streets. The parking must be designed in accordance with the Australian Standard AS 2890.5—1993, *Parking facilities, Part 5: On-street parking*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development.

13. Eight short-term bicycle parking spaces and four long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

14. One secure hot-water shower, change room and clothing lockers must be provided for the development. It must be designed in accordance with Planning Policy 3.3.14, *Bicycle Parking and End-of-Trip Facilities*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.

15. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of Market and McNicholl Streets.

16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

17. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the *Environmental Protection (Noise) Regulations 1997*, must be approved by the City's Manager, Health Services prior to applying for a Building Permit.

All works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

18. An Acoustic Report must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
   (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
   (ii) tonality, modulation and impulsiveness; and
   (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

19. A Sign Strategy must be prepared and include the information required by *Planning Policy 3.3.1, Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
20. In accordance with the requirements of Planning Policy 3.2.1 – Development Policy Plan - City Centre Sector, entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Market and McNicholl Streets, at all times.

21. All doors of the commercial tenancies facing the McNicholl and Market Street frontages of the building must be accessible to customers and not locked during all hours when the subject premises are trading.

22. Street awnings must be provided to Market and McNicholl Street across the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.

23. Public or customer access must be from the Market or McNicholl Streets.

24. Above-ground meter boxes must not be located in a street setback area at any time.

25. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provide to the City of Rockingham's satisfaction prior to applying for a Building Permit.

26. A Management Plan, demonstrating how noise will be managed and the principles of harm minimisation in accordance with sections 4.1.3(d) and 4.1.3(e) of the Planning Policy 3.3.19, Licensed Premises, must be prepared to the satisfaction of the City, prior to the issue of a Section 39 Certificate. All works must be carried out in accordance with the Management Plan, for the duration of development.

27. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, prior to works commencing.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

2. A separate approval from the City of Rockingham’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham’s Health Services in this regard.

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4. The development (awnings) must comply with the Street Verandahs Local Law 2000 relating to encroachments into the road reserve. The applicant and owner should liaise with the City of Rockingham's Building Services in this regard.

5. The installation of security cameras linked to the City of Rockingham’s security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.

6. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

7. With respect to Conditions 9 and 10, the applicant and owner should liaise with the City of Rockingham’s Parks Services to confirm requirements for landscaping plans.

8. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
9. The applicant is advised that exhaust facilities associated with the proposed restaurant must be provided in accordance with Australian Standard AS 1668.2—2002, *The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure)* and be fitted with “state of the art” filtration and odour suppression.”

**Committee Recommendation**

That Council *ADOPT* the Responsible Authority Report for the proposed mixed-use development, comprising 54 room hotel, restaurant, function rooms and associated facilities, 24 residential apartments and 2 commercial office tenancies on Lot 7 (No.31) and Lot 8 (No.33) McNicholl Street and Lot 14 (No.3) Market Street, Rockingham contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel pursuant to Regulation 12(2) of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

“That the Metro South-West JDAP resolve to:

**Approve** DAP Application reference DAP/14/00504 and accompanying plans DA01 to DA06 dated 1st March 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.

3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title, prior to applying for a Building Permit.

4. Prior to the commencement of the development, written evidence being supplied to the City of Rockingham that the parties have agreed to surrender the easement that encumbers Lots 7 and 8 McNicholl Street, and that the surrender documents have been lodged for registration.

5. The internal access road on Lot 14 connecting to Market Street must be widened to 6 metres for its entire length in accordance with the easement that encumbers Lot 14. The proposed parking spaces on Lot 14 adjacent to Lots 9 and 10 in the location of the existing easements are to be removed. Amended plans reflecting these changes must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.

6. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this access must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.

7. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

8. All stormwater generated by the development shall be designed to be contained of on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.

9. The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study. The works must be designed and approved by the City prior to any works commencing. All works must be completed prior to the occupation of the development and maintained for the duration of the development to the satisfaction of the City.
10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained; and
   (iv) Those areas to be reticulated or irrigated.

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

11. The carpark must:-
   (i) provide a minimum of 125 parking spaces;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include seven car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
   (v) have lighting installed, prior to the occupation of the development; and
   (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

The car park must comply with the above requirements for the duration of the development.

12. On-street car parking spaces must be provided for short term parking along McNicholl and Market Streets. The parking must be designed in accordance with the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development.

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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
## Engineering and Parks Services

### Procurement and Project Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-008/14 T14/15-09 – Construction of Secret Harbour Surf Life Saving Club Building</th>
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</thead>
<tbody>
<tr>
<td>File No:</td>
<td>T14/15-09</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>162 and 406</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Andrew Davidson, Project Coordinator</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Gary Rogers, Manager Procurement and Projects</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 April 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>28/5544; CSV/1891; CSV/1565/04; CIP-012/11; CIP-016/11; CIP-019/11; CIP-009/12; CIP-012/12</td>
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<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
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<tr>
<td>Site:</td>
<td>Secret Harbour Surf Life Saving Club</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 2005</td>
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<tr>
<td>LA Zoning:</td>
<td>Parks and Recreation</td>
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<td>MRS Zoning:</td>
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<tr>
<td>Attachments:</td>
<td>Design Plan and Location</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Aerial image of existing Surf Club</td>
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</table>

Secret Harbour Surf Life Saving Club
Purpose of Report

For Council to delegate authority to the Chief Executive Officer to award tender T14/15-09 – Construction of Secret Harbour Surf Life Saving Club Building.

Background

Following previous reports to Council and the outcomes of a recent needs and feasibility study a project reference group was set-up and funding approved by Council for the detailed design and construction of a new Surf Club and Community Facility.

Subsequent to this, Council resolved to further investigate all applicable site locations for the Surf Club and have the Chief Executive Officer proceed with land tenure arrangements in respect to the siting. In addition, following a report to Council in December 2013 it was resolved that Council approve the subdivision process and endorse the concept plan for the Surf Club.

Details

The proposed location of the new facility is on land adjacent to the existing club, and is held by Secret Harbour Developments. Agreement has now been reached between the City and Secret Harbour Developments for the transfer of the land to the City and the land transfer process is presently underway.

The proposed new facility design is shown on the design plan (Attachment).

In conjunction with the development of the new surf club and community facility, the beach access will be modified, and provide a wider, safer access to the beach. These works are separate to the new facility works and do not form part of the tender.

Implications to Consider

a. Consultation with the Community

Consultation has taken place from the initial concept of the project. The Secret Harbour Surf Life Saving Club, the Secret Harbour Residents Association and the Surf Beach Board Riders Club have all been closely involved with the project. Members of each of these community groups are part of the Project Reference Group formed to ensure the design provided for all the needs of the community.

b. Consultation with Government Agencies

Consultation has been held with the State Department of Planning and Western Australian Planning Commission with regard to the land excision/tenure.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:

Aspiration 1: An involved and engaged community enjoying a lifestyle that caters for all residents, including those with specific or special needs.

Aspiration 3: A healthy community engaging in positive and rewarding lifestyles with access to a range of passive and active recreational and personal development opportunities.

Aspiration 5: Community facilities and services delivered in a timely manner, able to meet expectations and serve new and growing neighbourhoods.

Aspiration 7: Community facilities and services that are well utilised, accessible and cost effective, and where appropriate, multi-functional.

d. Policy

Purchasing Policy applies. To provide compliance with Section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, Regulation 11A (1).
e. Financial
An amount of $5,080,259 has been allocated in the 2013/14 budget for the design and construction of the new Secret Harbour Surf Life Saving Club and Community Facility.

f. Legal and Statutory
In accordance with section 5.42, subsection (1) read in conjunction with section 5.43 of the Local Government Act 1995.

'A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties'.

g. Risk
Risk Implications of Implementing Officer Recommendation
Medium:
• Failure of tender/quote documentation to establish compliance and assessment criteria for selection of the tender submission that would be most advantageous

Risk Implications of Not Implementing Officer Recommendation
Medium:
• Potential damage to the City’s procurement reputation thereby adversely impacting on the possible competitive advantage gained through the open tender process

Comments
The construction of a new enhanced multipurpose Secret Harbour Surf Life Saving Club (SHSLSC) Pavilion is a major infrastructure priority for the City of Rockingham. There are a number of planning processes underway at present including land subdivision, tenure agreements and detailed design documentation being finalised for tender which these are all expected to take a further few months.

Project elements such as tender endorsement by Council take additional reporting time in the Council process. Project schedules indicate the construction phase is expected to commence in spring 2014 and will take approximately 12 months to finish. It is of critical importance that this project occurs during this period so that the SHSLSC can continue to operate a valuable community beach safety service from its current facility whilst construction of the new building is occurring, thus minimising any impact to their operations or inconvenience the general public over the peak summer season. It would be detrimental if the project spanned two summer seasons.

Therefore, there is a need for this delegation so as to ensure that the construction tender is awarded as soon as practicable following tender closure and assessment abiding by procurement processes in order for prompt development in the interest of the Club and the community.

Voting Requirements
Absolute Majority

Officer Recommendation
That Council Delegate authority to the Chief Executive Officer to award tender T14/15-09 – Construction of Secret Harbour Surf Life Saving Club Building within the allocated project budget and tender requirements.

Committee Recommendation
That Council Delegate authority to the Chief Executive Officer to award tender T14/15-09 – Construction of Secret Harbour Surf Life Saving Club Building within the allocated project budget and tender requirements.

Committee Voting – 5/0
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Purpose of Report

Provide Council with details of the tenders received for Tender T13/14-75 – Electrical System Upgrade – Larkhill Sportsplex, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

The Tender was advertised in the West Australian on Saturday, 22 February 2014. The Tender closed at 2:00pm Wednesday, 12 March 2014 and was publicly opened immediately after the closing time.

Details

The Lark Hill Sportsplex was constructed in 2007 which included three double story sports club facilities with shared use agreements. Each building has an approximate gross floor area of 1,500m² and is equipped with air-conditioning, mechanical ventilation, cool rooms, lighting, industrial kitchens and bar facilities. The playing fields are also flood lit with 55 towers, each containing as much as 16 x 2,000 watt luminaires. The average annual power consumption across the three facilities is 375,000 kilowatt hours.

Since the occupancy of the various sporting clubs in 2008, there have been many queries relating to the high power consumption of each of the facilities. The City has installed various manually read sub-meters subsequent to these queries to establish where the majority of the energy is being consumed as well as a requirement for billing purposes. Although these meters are installed correctly, the integrity and accuracy of these meters have been questioned by the tenants.

A project was developed by City Officers in conjunction with electrical engineers with the intention of utilising the latest technology to remotely and accurately monitor all associated circuits relating to each tenanted area. These areas are to be broken down into usage types to allow the tenants and City Officers to efficiently manage the power consumption and also remotely switch on and off flood lighting. The software would log the actual usage against time to monitor when peak power usage is occurring.

Only one tender submission was received from Automation IT Pty Ltd for the price of $152,253 with separable portions totalling $303,262.
The submission received offered a system with far greater capabilities than required in the tender and therefore significantly exceeded project budget and does not represent best value for the City.

### Implications to Consider

| a. Consultation with the Community | Not Applicable |
| b. Consultation with Government Agencies | Not Applicable |
| c. Strategic | Community Plan |

This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

**Aspiration 6:** Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

| e. Financial | Funds of $100,000 are allocated in the 2013/14 Budget. |


‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $100,000 unless sub regulation (2) states otherwise’.

| g. Risk | Risk Implications of Implementing Officer Recommendation |
| Risk Implications of Not Implementing Officer Recommendation | Medium: |
| | • Potential damage to the City’s procurement reputation thereby adversely impacting on the possible competitive advantage gained through the open tender process. |

### Comments

Tender requests for services supplying this type of electrical upgrade have not been requested previously and the specification required for the works was very complex and had not been tested in the commercial market place.

As there was only one tender received, which exceeded the specifications required, it is recommended that the tender received from Automation IT Pty Ltd be declined. Officers can then review the internal and external feedback received as a result of the tender process before considering readvertising the tender.
**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *DECLINE* to accept the tender submission from Automation IT Pty Ltd for T13/14-75 – Electrical System Upgrade – Larkhill Sportsplex.

**Committee Recommendation**

That Council *DECLINE* to accept the tender submission from Automation IT Pty Ltd for T13/14-75 – Electrical System Upgrade – Larkhill Sportsplex.

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
### 13. Reports of Councillors

Cr Hill requested an update in the May or June Planning Services Bulletin on the vesting of Syren Street.

### 14. Addendum Agenda

Nil

### 15. Motions of which Previous Notice has been given

**Engineering and Parks Services**

Reference No & Subject: EP-010/14

Notice of Motion – Request for an increase in the frequency of the existing Bus Service to the Rockingham General Hospital

File No: TFT/5

Risk Register No: Cr Deb Hamblin

Proponent/s: Cr Deb Hamblin

Author: Mr Scott Lambie, Manager Engineering Services

Other Contributors: Ms Elaine Chan, Engineering Technical Officer - Transport

Date of Committee Meeting: 14 April 2014

Previously before Council: 14 April 2014

Disclosure of Interest: Advocacy

Nature of Council’s Role in this Matter: Advocacy

Site: Bus route for Route No. 556, servicing to/from Rockingham Station and Rockingham General Hospital

Lot Area: 

LA Zoning: 

MRS Zoning: 

Attachments: 

Maps/Diagrams: Bus route diagram supplied by Transperth
Purpose of Report

To provide Officer comment on Councillor Hamblin’s Notice of Motion.

Background

Councillor Hamblin submitted the following motion for consideration at the March 2014 meeting.
"That Council DIRECT the Chief Executive Officer to liaise with the Public Transport Authority, requesting for an increase in the frequency of the existing bus service to the Rockingham General Hospital."

Details

Rockingham General Hospital is located on Elanora Drive at Cooloongup which is approximately two kilometres away from the Rockingham Station by bus. There is currently one bus service (Route No. 556) that runs between the Rockingham Station and the Rockingham General Hospital.

Transperth have provided the average daily patronage data, which was recorded in September 2013. The average total number of users of the service during a typical weekday is 26.7 getting on, and 24.9 getting off at Elanora Drive (bus stop no. 21298) which equates to an average of around 2 patrons per bus trip. On the weekend the average number of daily users drops significantly to 5.4 getting on and 3.7 getting off.

The table below summarises the service period and frequency of this bus service:

<table>
<thead>
<tr>
<th>Service Period</th>
<th>Frequency</th>
<th>Service Period</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Rockingham General Hospital</td>
<td>6:34am to 7:00pm</td>
<td>30 mins (6:34am to 7:11am, 4:33pm to 7:00pm)</td>
<td>6:49am to 7:16pm</td>
</tr>
<tr>
<td></td>
<td>60 mins (other times)</td>
<td></td>
<td>60 mins</td>
</tr>
<tr>
<td>Back to Rockingham Station</td>
<td>6:49am to 7:16pm</td>
<td>60 mins</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saturday</td>
<td>8:23am to 6:30pm</td>
<td>60 mins</td>
<td>8:40am to 6:48pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>9:23am to 6:30pm</td>
<td>60 mins</td>
<td>8:40am to 5:48pm</td>
</tr>
</tbody>
</table>

Concerns with the frequency of this bus service have been raised by Councillor Hamblin on behalf of the public who rely on public transport as their primary means of transportation to the hospital.

Implications to Consider

a. Consultation with the Community
   No consultation has currently been conducted with regards to this proposal.

b. Consultation with Government Agencies
   The Public Transport Authority is the key stakeholder that would require consultation for the request for an increase in the frequency of bus service.

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspirations contained in the Community Plan 2011:
   
   **Aspiration 1:** An involved and engage community enjoying a lifestyle that caters for all residents, including those with specific or special needs.
   
   **Aspiration 8:** Transport systems that facilitate better use of public transport and promote non-car alternatives.

d. Policy
   Nil

e. Financial
   No cost to the City. The Public Transport Authority would bear the operational costs incurred for running additional bus services.
**Legal and Statutory**

Public Transport Authority Act 2003 Part 4 Section 12 and 13 give the Authority the functions - to provide and operate safe and reliable public passenger transport services, and all the powers it needs to perform its functions.

**Risk**

<table>
<thead>
<tr>
<th>Risk Implications of Implementing Officer Recommendation</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Implications of Not Implementing Officer Recommendation</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comments**

The increase in the frequency of the existing bus service (Route No. 556) will improve convenient access to the Rockingham General Hospital for hospital staff/patients/visitors that rely on public transport as their primary means of transportation.

With only an average patronage number of 2 passengers per trip on weekdays, it is perhaps that the route requires a greater level of promotion to improve awareness. It has been noted that when using the Public Transport Authority online Journey Planner search, route 556 often fails to be identified as a possible means of getting to the hospital from the Rockingham Train station. As the bus services are generally an hour apart, the online planner is likely identifying the 1.7km walk between the hospital and the Train Station as a quicker travel option.

Unless the number of passengers can be significantly increased, it is unlikely that the Public Transport Authority will support an increase in bus frequency.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **DIRECT** the Chief Executive Officer to liaise with the Public Transport Authority, in relation to the frequency and promotion of the existing bus service to the Rockingham General Hospital.

**Notice of Motion from Cr Hamblin**

That Council **DIRECT** the Chief Executive Officer to liaise with the Public Transport Authority, requesting for an increase in the frequency of the existing bus service to the Rockingham General Hospital.

**Committee Recommendation**

That Council **DIRECT** the Chief Executive Officer to liaise with the Public Transport Authority, in relation to **undertaking a Needs Assessment to determine** the frequency and promotion of an **improved** bus service to the Rockingham General Hospital.

Committee Voting – 5/0

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

To determine the frequency and promotion of an improved bus service to the Rockingham General Hospital.

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

Not Applicable
16. **Notices of Motion for Consideration at the Following Meeting**
   - Nil

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**
   - Nil

18. **Matters Behind Closed Doors**
   - Nil

19. **Date and Time of Next Meeting**
   - The next Planning and Engineering Services Committee Meeting will be held on **Monday 19 May 2014** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**
   - There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **5.17pm**.