City of Rockingham

MINUTES

Planning Services
Standing Committee Meeting

Held on

Monday 14 March 2011

4:00pm

Council Boardroom
Council Administration Building
Civic Boulevard, Rockingham
City of Rockingham
Planning Services Standing Committee Meeting
4:00pm Monday 14 March 2011

CONTENTS

1. Declaration of Opening 4
2. Record of Attendance/ Apologies/ Approved Leave of Absence 4
3. Responses to Previous Public Questions Taken on Notice 4
4. Public Question Time 5
5. Confirmation of Minutes of the Previous Meeting 5
6. Matters Arising from the Previous Minutes 5
7. Announcement by the Presiding Person without Discussion 5
8. Declaration of Member’s and Officer’s Interest 5
9. Petitions/ Deputations/ Presentations/ Submissions 5
10. Matters for which the Meeting may be Closed 5
Planning Services Information Bulletin - March 2010 5
12. Agenda Items - Planning Services Standing Committee 6

Health Services 8
HS-002/11 Non-Compliance with Health (Asbestos) Regulations 1992 8
HS-003/11 Non-Compliance with Health (Asbestos) Regulations 1992 12

Strategic Planning and Environment 17
SPE-002/11 Minutes of Heritage Reference Group 17

Strategic Planning and Environment 19
SPE-003/11 Ceding of Central Public Open Space Reserve 'Lennox Reserve' - Anstey Park Estate, Secret Harbour 19
SPE-004/11 Minutes of Community Environment Advisory Committee 23
SPE-005/11 Proposed Updated ICLEI Water Campaign™Corporate and Community Local Action Plan 2008 25
SPE-006/11 Proposed Updated Corporate Local Action Plan (A Strategy to Reduce Corporate Greenhouse Gas Emissions) 34

Statutory Planning 47
SP-008/11 Proposed Amendment to Planning Policy 3.3.20, Residential Design Codes Alternative Acceptable Development Provisions - Adoption 47
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP-009/11</td>
<td>Proposed Amendments to Planning Policy No.3.3.5, Child Care Premises</td>
<td>57</td>
</tr>
<tr>
<td>SP-010/11</td>
<td>Proposed Road Closure</td>
<td>75</td>
</tr>
<tr>
<td>SP-012/11</td>
<td>Lifting of Urban Deferment - Wellard East Urban Cell - Town of Kwinana</td>
<td>78</td>
</tr>
<tr>
<td>SP-013/11</td>
<td>Proposed Omnibus Amendment to Town Planning Scheme.2 – Modifications to Development Areas</td>
<td>83</td>
</tr>
<tr>
<td>SP-014/11</td>
<td>Proposed Respite Centre</td>
<td>98</td>
</tr>
<tr>
<td>SP-015/11</td>
<td>Development Assessment Panels</td>
<td>104</td>
</tr>
<tr>
<td><strong>Director Planning and Development</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPD-001/11</td>
<td>Proposed Revocation of Planning Policy No.8.1 – Rockingham City Centre Development Policy Plan</td>
<td>109</td>
</tr>
<tr>
<td>DPD-002/11</td>
<td>Tender T10/11-44 - Office Refurbishment Works - City of Rockingham Administration Centre</td>
<td>109</td>
</tr>
<tr>
<td>DPD-003/11</td>
<td>Tender T10/11-61 – Supply and Installation of Office Furniture for City of Rockingham Administration Centre Refurbishment</td>
<td>112</td>
</tr>
<tr>
<td><strong>Statutory Planning</strong></td>
<td>121</td>
<td></td>
</tr>
<tr>
<td>SP-011/11</td>
<td>Proposed Freeway Advertising Sign</td>
<td>121</td>
</tr>
<tr>
<td>13.</td>
<td><strong>Reports of Councillors</strong></td>
<td>128</td>
</tr>
<tr>
<td>14.</td>
<td><strong>Addendum Agenda</strong></td>
<td>128</td>
</tr>
<tr>
<td>15.</td>
<td><strong>Motions of which Previous Notice has been given</strong></td>
<td>128</td>
</tr>
<tr>
<td>16.</td>
<td><strong>Notices of Motion for Consideration at the Following Meeting</strong></td>
<td>128</td>
</tr>
<tr>
<td>17.</td>
<td><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
<td>128</td>
</tr>
<tr>
<td>18.</td>
<td><strong>Matters Behind Closed Doors</strong></td>
<td>128</td>
</tr>
<tr>
<td>19.</td>
<td><strong>Date and Time of Next Meeting</strong></td>
<td>128</td>
</tr>
<tr>
<td>20.</td>
<td><strong>Closure</strong></td>
<td>128</td>
</tr>
</tbody>
</table>
# Planning Services Standing Committee Minutes

**Monday 14 March 2011**

## MINUTES

### 1. Declaration of Opening

The Chairman declared the Planning Services Standing Committee Meeting open at 4.00pm and welcomed all present.

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

#### 2.1 Councillors
- Cr Richard Smith Chairperson
- Cr Brian Warner
- Cr Ann Prince
- Cr Les Dodd

#### 2.2 Executive
- Mr Robert Jeans Director, Planning & Development Services
- Mr Peter Ricci Manager, Strategic Planning & Environment
- Mr Richard Rodgers Manager, Building Services (until 4.13pm)
- Mr Mike Ross Manager, Statutory Planning
- Mr Rod Fielding Manager, Health Services (until 4.11pm)
- Ms Melinda Wellburn Secretary to Director, Planning & Development Services

**Members of the Public:** 3

**Press:** 1

#### 2.3 Apologies:
- Mr Andrew Hammond

#### 2.4 Approved Leave of Absence:
- Nil

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

Nil.
4. **Public Question Time**

Mrs Joy Berry, 34 Parsons Way, Innaloo asked the following question:-

"Would the Council find a way to approve my proposal to build cottages on Lot 853 Amarillo Drive, Karnup for the use as a Respite Centre?"

The Chairman advised Mrs Berry that the proposed Respite Centre was on the Agenda to be discussed later in the Meeting.

5. **Confirmation of Minutes of the Previous Planning Services Standing Committee Meeting**

**Moved Cr Prince, seconded Cr Warner:**

That Council **CONFIRM** the Minutes of the Planning Services Standing Committee Meeting held on 14 February 2011, as a true and accurate record.

**Committee Voting – 4/0**

6. **Matters Arising from the Previous Planning Services Standing Committee Meeting Minutes**

Nil.

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

The Chairman 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**

Nil.

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

9.1 **Deputation**

4:45pm  
Mr Ben Carter, Greg Rowe & Associates and Mr Charles Maasdorp, Paramount Outdoor Media attended the meeting to provide the Committee with a briefing relating to Item SP-011/11 - Proposed Freeway Advertising Sign - Lot 1 (No.56) Pug Road, Baldivis.

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

Nil.

11. **Bulletin Items**

**Planning Services Information Bulletin - March 2011**

**Health Services**

1. Health Services Team Overview
2. Human Resource update
3. Project Status Reports
3.1 Foodsafe  
3.2 Industrial Audits  
3.3 Community Health & Wellbeing Plan  
3.4 Health Promotion  
3.5 North Rockingham Industrial Noise  
3.6 Ocean Water Sampling  
3.7 Mosquito Control  

4. Information items  
4.1 Mosquito-Borne Disease Notifications - February 2011  
4.2 Food Recalls - February 2011  
4.3 Statistical Health Information - February 2011  
   4.3.1 Food Premises Inspections  
   4.3.2 Public Building Inspections  
   4.3.3 Outdoor Public Event Approvals - February 2011  
   4.3.4 After Hours Noise & Smoke Nuisance Complaint Service  
   4.3.5 Building Plan Assessments  
   4.3.6 Septic Tank Applications  
   4.3.7 Demolitions  
   4.3.8 Swimming Pool Sampling  
   4.3.9 Rabbit Processing  
   4.3.10 Hairdressing & Skin Penetration Premises  
   4.3.11 Family Day Care  
   4.3.12 Correspondence Building Services  

**Building Services**  
1. Building Services Team Overview  
2. Human Resource update  
3. Project Status Reports  
4. Information items  
   4.1 Private Swimming Pool and Spa Inspection Program  
   4.2 Monthly Building Licence Approvals - (All Building Types)  
   4.3 Certificates of Classification  
   4.4 Strata Title Certificate  
   4.5 Permanent Sign Licence  
   4.6 Monthly Caravan Park Site Approvals  
   4.7 Building Approval Certificates for Unauthorised Building Works  
   4.8 Street Verandah Licence  
   4.9 Infringement Notices  

**Strategic Planning and Environment**  
1. Strategic Planning and Environment Team Overview  
2. Human Resource update  
3. Project Status Reports  
   3.1 Policy Manual Review (LUP/1265)  
   3.2 Local Planning Strategy (LUP/1352)  
   3.3 Visual Landscape Study (LUP/1419)  
   3.4 Dixon Road Area Assistance Grant (LUP/516)  
   3.5 Developer Contribution Scheme (LUP/909)  
   3.6 Local Biodiversity Strategy Review (EVM/22)
3.7 Karnup District Water Management Strategy (EVM/136)
3.8 Climate Change Readiness Project (EVM/103-02)
3.9 Lake Richmond Water Quality Studies and Integrated Catchment Management Plan (EVM/135)
3.10 Water Campaign (EVM/56-02)

4. Information items
4.1 Mangles Bay Marina Based Tourist Precinct Public Environmental Review Environmental Scoping Document
4.2 'Great Gardens' Workshop
4.3 Proposed Structure Plan - Golden Bay (Department of Housing)

**Statutory Planning**
1. Statutory Planning Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 eDA (Planning Products via the Web)
4. Information items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals by the WAPC
   4.3 Notifications & Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Delegated Development Approvals
   4.7 Delegated Development Refusals
   4.8 Delegated Building Envelope Variations
   4.9 Subdivision/Amalgamation Supported
   4.10 Subdivision/Amalgamation Refused Director Planning and Development

**Director, Planning & Development**
1. Director Planning and Development Team Overview
2. Human Resource update
3. Project Status Reports
   3.1 Administration Building Refurbishment/Fitout
   3.2 Rockingham Primary Centre Major Public Infrastructure
   3.3 Rockingham Primary Centre Infrastructure - Business Case
   3.4 Smart Village 1 Masterplan
4. Information items

**Committee Recommendation:**
That Councillors acknowledge having read the Planning Services Information Bulletin - March 2011 and the contents be accepted.

Committee Voting - 4/0

12. **Agenda Items**
Planning Services
Health Services

Reference No & Subject: HS-002/11 Non-Compliance with Health (Asbestos) Regulations 1992

File No: PBH/979
Proponent/s: Mrs Erica Jenkin, Co-ordinator, Health Services
Author: Mr Rod Fielding, Manager, Health Services
Other Contributors: 
Date of Committee Meeting: 14th March 2011
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive Function
Site: No.10 Churchill Avenue, Shoalwater
Lot Area: 1012m²
Attachments: 
Maps/Diagrams: 

1. Purpose of Report

To seek Council's authorisation to initiate legal proceedings against Coda Contracting for non-compliance with the Health (Asbestos) Regulations 1992.

2. Background

The City's Health Services received a complaint on 21st January 2011 regarding the demolition at 10 Churchill Avenue, Shoalwater. The complainant was concerned about the removal of the asbestos cement from the building. The City issued a demolition licence for this site to Coda Contracting on 5th January, 2011.
3. Details

The City’s Environmental Health Officer immediately attended the demolition, and observed a contractor removing the asbestos cement cladding. There were a number of non-compliances with the Health (Asbestos) Regulations 1992 observed, including:

- The asbestos cement material was strewn around the site, instead of being placed onto plastic sheeting. Small and medium sized fragments were observed around the site;
- There was no signage or barriers around the site to warn the public of the asbestos removal;
- The contractor was not wearing appropriate personal protective clothing or equipment; and
- The asbestos cement material had not been sprayed with a PVA solution or wetted down during the asbestos removal.

The contractor confirmed that he was employed by Coda Contracting. He was advised of the non-compliance and directed to cease working until he could ensure the removal complied with the Health (Asbestos) Regulations 1992. The City’s Environmental Health Officer obtained a sample of the material for analysis. The analysis has confirmed that asbestos was present in the sample.

The Environmental Health Officer returned to the site later that day. The contractor had left the site, however, a fence had been erected around the site and most of the asbestos cement had been wrapped in black plastic. There was still asbestos cement material attached to the dwelling.

The Environmental Health Officer contacted Coda Contracting on 21st January to discuss the observed non-compliances. The site supervisor confirmed that he was aware that there was asbestos cement material on the site, but said that the contractor had removed it correctly. He was advised that this was not the case, and that the City had obtained photographic evidence and a sample of the material. An email was sent to Coda Contracting on the 21st January to confirm the conversation, and requested a response from the company. To-date, a response has not been received.
The City’s Environmental Health Officer has since returned to the site and observed a significant amount of asbestos cement material remaining on the vacant lot. The City’s Health Services is currently liaising with the property owner to remediate the site.

### 4. Implications to Consider

a. **Consultation with the Community**
   
   Nil

b. **Consultation with Government agencies**

   Nil

c. **Strategic**

   The matter falls within Function Area 3: Land Use and the Environment, under the scope of Health.

d. **Policy**

   The City’s Health Policy 2.1 states the following:
   
   “The ordering and authorisation of legal proceedings for breaches of the Health Act 1911 and all Regulations, By-laws and Orders made there under is subject to specific resolution of the Council.”

e. **Financial**

   Health Services legal expenses account contains sufficient funds to proceed.

f. **Legal and Statutory**

   The Health (Asbestos) Regulations 1992 states:

   7. **Use of asbestos cement product**

   (3) A person who stores, breaks, cuts, maintains, repairs, removes, moves, or disposes of, or uses any material containing asbestos without taking reasonable measures to prevent asbestos fibres entering the atmosphere commits an offence.

   (4) For the purposes of subregulation (3), reasonable measures includes:

   (a) using water or other practical means to keep airborne material containing asbestos to a minimum;

   (e) ensuring, so far as is reasonably practicable, that material containing asbestos is not broken or abraded.

### 5. Comments

It is evident from the site investigation that the City’s Health Services has established that the removal of the asbestos has not been carried out in accordance with the conditions of approval as stated on the Demolition Licence, or the Health (Asbestos) Regulations 1992.

This matter is considered a serious breach of the Health (Asbestos) Regulations 1992, and in removing the asbestos cement material in this manner, Coda Contracting has posed a risk to health not only for the contractor on site but to nearby residents.

Exposure to asbestos fibres can cause asbestosis, pleural plaque, lung cancer and mesothelioma. The risk of developing an asbestos related disease depends on the total number of fibres inhaled.

If material containing asbestos is damaged or disturbed, fibres may be released into the air. The inappropriate handling of material containing asbestos, as has occurred in this instance, can cause unnecessary breaking of the material and the subsequent release of fibres into the atmosphere.
Special precautions need to be taken prior to, during and after the removal of material containing asbestos. These requirements were stated on the Demolition Licence as conditions of approval, which was issued to Coda Contracting on 5th January 2011. Every person has a responsibility to ensure that when handling asbestos they take all “reasonable measures” to ensure the release of fibres does not occur. These “reasonable measures” are described within the Health (Asbestos) Regulations 1992.

The City has not received a response from Coda Contracting, and the site was left with asbestos cement fragments throughout the property.

6. Voting Requirements

Simple Majority.

7. Officer Recommendation

That Council, subject to legal advice, INITIATE legal proceedings against Coda Contracting for non-compliance with the Health (Asbestos) Regulations 1992.

8. Committee Recommendation

That Council, subject to legal advice, INITIATE legal proceedings against Coda Contracting for non-compliance with the Health (Asbestos) Regulations 1992.

Committee Voting – 4/0

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

Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
Planning Services

Health Services

Reference No & Subject: HS-003/11 Non-Compliance with Health (Asbestos) Regulations 1992

File No: PBH/979

Proponent/s: Mrs Erica Jenkin, Co-ordinator, Health Services

Author: Mr Rod Fielding, Manager, Health Services

Other Contributors: 

Date of Committee Meeting: 14th March 2011

Previously before Council:

Disclosure of Interest:

Nature of Council’s Role in this Matter: Executive Function

Site: No.44 Marillana Drive, Golden Bay

Lot Area: 907m²

Attachments:

Maps/Diagrams:

1. Purpose of Report

To seek Council’s authorisation to initiate legal proceedings against Mr Anthony De Man and Mr Ross Postuma for non-compliance with the Health (Asbestos) Regulations 1992.

2. Background

The City’s Health Services received a complaint in September 2010 concerning broken asbestos cement sheeting at 44 Marillana Drive, Golden Bay. The City’s Environmental Health Officer investigated the complaint and spoke with part owner Mr Postuma regarding the broken asbestos cement material observed onsite.

A follow-up letter was sent to the other part owner, Mr De Man, outlining the requirements for handling and disposing of asbestos cement products, under the Health (Asbestos) Regulations 1992.

The City’s Environmental Health Officer tried to liaise with Mr Postuma over the broken asbestos cement material on-site, however, Mr Postuma failed to return a number of phone calls.
3. Details

The City’s Health Services received another complaint about 44 Marillana Drive, Golden Bay on 5th January 2011. The complaint alleges illegal building work, mishandling of asbestos cement material, and dumping of asbestos cement material on the road reserve.

The City’s Environmental Health Officer and Coordinator Building Services attended the property on 5th January 2011. A large pile of asbestos cement material was observed on the side of the road adjacent to 44 Marillana Drive.

The house was in the process of being renovated. Asbestos cement sheeting was found to be broken off of the second storey. Piles of asbestos cement were found unwrapped at the property, as well as a considerable amount of smaller fragments strewn around the property.

The officers spoke with Mr Postuma, who was advised of the Health (Asbestos) Regulations 1992, and directed to immediately wrap the asbestos cement material and remove it from the property and the road verge. He was also asked to remove the smaller fragments.
The officers returned to the site on 6th January 2011. Mr Postuma was at the site and continuing with the renovations. Some asbestos cement material had been wrapped in plastic, some asbestos cement material was unwrapped on the back of a flat-top truck, and there was still a considerable amount of fragments strewn throughout the site.
The City’s Environmental Health Officer obtained a sample of the material for analysis. The analysis has confirmed that asbestos was present in the sample.

4. Implications to Consider

a. Consultation with the Community
Nil

b. Consultation with Government agencies
Nil

c. Strategic
The matter falls within Function Area 3: Land Use and the Environment, under the scope of Health.

d. Policy
The City’s Health Policy 2.1 states the following:
“The ordering and authorisation of legal proceedings for breaches of the Health Act 1911 and all Regulations, By-laws and Orders made there under is subject to specific resolution of the Council.”

e. Financial
Health Services legal expenses account contains sufficient funds to proceed.

f. Legal and Statutory
The Health (Asbestos) Regulations 1992 states:
7. Use of asbestos cement product
(3) A person who stores, breaks, cuts, maintains, repairs, removes, moves, or disposes of, or uses any material containing asbestos without taking reasonable measures to prevent asbestos fibres entering the atmosphere commits an offence
(4) For the purposes of subregulation (3), reasonable measures includes:
(a) using water or other practical means to keep airborne material containing asbestos to a minimum;
(e) ensuring, so far as is reasonably practicable, that material containing asbestos is not broken or abraded
5. **Comments**

It is evident from the site investigation that the City’s Health Services has established that the removal of the asbestos has not been carried out in accordance with the Health (Asbestos) Regulations 1992.

This matter is considered a serious breach of the Health (Asbestos) Regulations 1992, and in removing the asbestos cement material in this manner, Mr Postuma has posed a risk to health not only for himself but to nearby residents.

Exposure to asbestos fibres can cause asbestosis, pleural plaque, lung cancer and mesothelioma. The risk of developing an asbestos related disease depends on the total number of fibres inhaled.

If material containing asbestos is damaged or disturbed, fibres may be released into the air. The inappropriate handling of material containing asbestos, as has occurred in this instance, can cause unnecessary breaking of the material and the subsequent release of fibres into the atmosphere.

Special precautions need to be taken prior to, during and after the removal of material containing asbestos. These requirements had previously been outlined to Mr Postuma in September 2010, and followed up in writing to Mr De Man in September 2010. Every person has a responsibility to ensure that when handling asbestos, that they take all “reasonable measures” to ensure the release of fibres does not occur. These “reasonable measures” are described within the Health (Asbestos) Regulations 1992.

In September 2010 the City’s Health Services advised the owners of 44 Marillana Drive, Golden Bay of the requirements for handling and disposing of asbestos cement. The owners have disregarded previous direction from the City’s Health Services regarding handling asbestos cement, and have committed further offences under the Health (Asbestos) Regulations 1992 in January 2011.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council, subject to legal advice, **INITIATE** legal proceedings against Mr Anthony De Man and Mr Ross Postuma for non-compliance with the Health (Asbestos) Regulations 1992.

8. **Committee Recommendation**

That Council, subject to legal advice, **INITIATE** legal proceedings against Mr Anthony De Man and Mr Ross Postuma for non-compliance with the Health (Asbestos) Regulations 1992.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.

4.11pm - Mr Rod Fielding, Manager, Health Services left the Planning Services Standing Committee meeting.

4.13pm - Mr Richard Rodgers, Manager Building Services left the Planning Services Standing Committee meeting.
Strategic Planning and Environment

Planning Services
Advisory & Occasional Committee Minutes
Planning Services

Reference No. & Subject: SPE-002/11  Minutes of Heritage Reference Group
File No: LUP/449-21
Author: Mr Ross Underwood, Senior Planning Officer
Other Contributors: Date of Committee Meeting: 14th March 2011
Terms of Reference: To provide a Forum to discuss the conservation and preservation of natural and culturally significant heritage sites within the Rockingham district.
Composition:
1 Councillor, 2 representatives from the Rockingham District Historical Society, Rockingham Regional Heritage Advisor
Executive Support - Planning Services
Disclosure of Interest:
Nature of Council's Role in this Matter: Executive Function
Attachments: Minutes dated 2nd February 2011
Maps/Diagrams:

1. Receipt of Minutes
That the Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 2nd February 2011.

2. Recommendations to Standing Committee
There are no recommendations arising from the Heritage Reference Group meeting.

8. Committee Recommendation
That the Council RECEIVE the Minutes of the Heritage Reference Group meeting held on the 2nd February 2011.

Committee Voting - 4/0
9. **The Committee’s Reason for Varying the Officer’s Recommendation**

Not applicable.

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

Not applicable.
### Purpose of Report

To cede the portion of Lennox Reserve, which was subject to the land acquisition process from the Marchese Investments Pty Ltd, to the Crown.

### Background

In 2006, Subdivision Approval was granted over landholdings owned by Marchese Investments Pty Ltd (or related entities) within the ‘Anstey Park’ Estate, Secret Harbour. Conditions were imposed requiring the ceding of land free of cost to the Crown for the purpose of Public Open Space (POS).
The subdivider appealed against some aspects of those conditions to the State Administrative Tribunal. The subdivider objected to being required to cede more than 10% of any subdivision for POS, even though the Structure Plan for 'Anstey Park' designated the locations of POS.

The Tribunal proceedings were eventually settled on the basis that the balance of POS, over and above 10%, would be acquired by the City through a negotiated acquisition.

That process has now been completed, and the City took transfer of the remaining POS land on 9th September 2010. The final amount of the acquisition cost was settled pursuant to Council's resolution of 26th October 2010.

3. **Details**

The result of the above process is that the City of Rockingham is presently the registered proprietor of an estate in fee simple in the POS land. It is normal, however, for POS land to be vested back in the Crown, and for the local government to hold a management order.

Officers have sought legal advice to establish the simplest way of establishing the POS land as Crown land. In this regard, legal advice suggests that the way forward is for the City to consent to the Minister for Lands issuing a Taking Order in relation to the subject land, thereby the City's fee simple interest is extinguished and the land becomes vested in the Crown.

In doing so, the Council would need to waive the compensation usually associated with a Taking Order by the Minister. As a matter of formality, the City is required to indemnify the Minister for Lands in relation to any compensation claims by the holders of unregistered interests in that land. This is believed to be a theoretical possibility only, as due diligence indicates no unregistered interests.

4. **Implications to Consider**

a. **Consultation with the Community**
   Nil

b. **Consultation with Government Agencies**
   Nil

c. **Strategic**
   The matter is associated with Functional Area 3 (Land Use and Environment) - Strategy 1: Action Plan 1.5 (Implement Cost Sharing Arrangement for the Baldivis and Anstey Park Subdivisions).

d. **Policy**
   Nil

e. **Financial**
   The process will not incur substantial additional costs, other than those associated with the receipt of legal advice.

f. **Legal and Statutory**
   The process associated with a Taking Order is governed by the Land Administration Act 1997.

5. **Comments**

The subject POS land has been acquired outside the 'normal' subdivision/ceding process. In this regard, a POS reserve is generally vested in the Crown through the subdivision process and the Local Authority controls the reserve through a Management Order.
In order to finalise the land acquisition process of the Lennox Reserve, legal advice has established the most efficient process for the vesting of the land, as described in the 'Details' section above. In this regard, it is recommended that Council requests that the Minister for Lands issue a Taking Order for the subject land and confirm the necessary steps following such.

6. Voting Requirements

Simple Majority.

7. Officer Recommendation

That Council:-

1. REQUEST that The Minister for Lands issue a Taking Order for the following land from the City of Rockingham:
   - Lot 8006 on Deposited Plan 65846 being the whole of the land in CT 2746/79
   - Lot 9512 on Deposited Plan 63851, being the whole of the land contained in CT 2727/92
   - Lot 8007 on Deposited Plan 65847, being the whole of the land in CT 2751/48
   - Lot 8009 on Deposited Plan 65849, being the whole of the land in CT 48/50

2. CONSENT formally to the Taking Order.

3. UNDERTAKE to the Minister not to claim any compensation for the taking.

4. INDEMNIFY the Minister against any claims for compensation arising from the Taking Order.

5. REQUEST the Minister to create a reserve in respect of the land for the purpose of Public Open Space or Recreation.

6. REQUEST that the Minister issue a Management Order in favour of the City of Rockingham.

8. Committee Recommendation

That Council:-

1. REQUEST that The Minister for Lands issue a Taking Order for the following land from the City of Rockingham:
   - Lot 8006 on Deposited Plan 65846 being the whole of the land in CT 2746/79
   - Lot 9512 on Deposited Plan 63851, being the whole of the land contained in CT 2727/92
   - Lot 8007 on Deposited Plan 65847, being the whole of the land in CT 2751/48
   - Lot 8009 on Deposited Plan 65849, being the whole of the land in CT 48/50

2. CONSENT formally to the Taking Order.

3. UNDERTAKE to the Minister not to claim any compensation for the taking.

4. INDEMNIFY the Minister against any claims for compensation arising from the Taking Order.

5. REQUEST the Minister to create a reserve in respect of the land for the purpose of Public Open Space or Recreation.

6. REQUEST that the Minister issue a Management Order in favour of the City of Rockingham.

Committee Voting - 4/0

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

Not applicable.
10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
## Planning Services

### Occasional & Advisory Committee Minutes

**Strategic Planning & Environment**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SPE-004/11 Minutes of Community Environment Advisory Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>EVM/88-05</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Fiona Pond, Environmental Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
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</tr>
<tr>
<td></td>
<td>Mr Peter Ricci, Manager, Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th March 2011</td>
</tr>
<tr>
<td>Terms of Reference:</td>
<td>To provide community input and advice on the conservation and sustainable use of Rockingham’s natural environment, including repair and rehabilitation where required.</td>
</tr>
<tr>
<td>Composition:</td>
<td>2 Councillors, 5 representatives from the Community</td>
</tr>
<tr>
<td></td>
<td>Executive Support - Planning Services</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive Function</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Minutes dated 3rd February 2011</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

### Receipt of Minutes

That Council **RECEIVE** the Minutes of the Community Environment Advisory Committee meeting held on the 3rd February 2011.

### Recommendations to Standing Committee

There are no recommendations arising from the Community Environment Advisory Committee.

### Committee Recommendation

That Council **RECEIVE** the Minutes of the Community Environment Advisory Committee meeting held on the 3rd February 2011.

Committee Voting - 4/0
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<tr>
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1. **Purpose of Report**

To seek the Council’s endorsement of the City of Rockingham’s updated ‘ICLEI Water Campaign™ Corporate and Community Local Action Plan 2008’.

2. **Background**

In June 2006, the Council endorsed the involvement of the City of Rockingham in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign Program. The Program aims to build the capacity of local government to reduce water consumption and improve local water quality by guiding water management at both the corporate and community levels.

The Water Campaign Program progresses through five Milestones that guide participating local governments through a process of local research, policy making, action planning, implementation and evaluation, as follows:-
Milestone 1: Undertake a water consumption inventory and water quality checklist.
Milestone 2: Establish a water consumption reduction goal and water quality improvement goal.
Milestone 3: Develop and adopt a local action plan.
Milestone 4: Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits.
Milestone 5: Monitor and report on water consumption reductions, water quality improvements and water management initiatives.

In January 2008, the City completed an inventory of corporate water consumption across the Council's operations and achieved Milestone 1. This inventory revealed that a total of 85,744kL of scheme water was consumed by the City's operations in 2004.

Milestone 2 of the Program required the establishment of a water consumption reduction goal and water quality improvement goal for the City. The Council endorsed the following water consumption reduction goal and water quality improvement goal (which is based on points given for certain water quality actions) in November 2008:

- To reduce corporate and community water consumption by 15% (with an aspiration for a 30% reduction) below 2004/05 levels by the year 2012 /13 and;
- To implement 50 points of corporate water quality actions from the Action Cards by 2012/13.

To achieve these goals and to be awarded Milestone 3 of the Program, the 'City of Rockingham's ICLEI Water Campaign™ Corporate and Community Local Action Plan 2008' was developed in accordance with ICLEI requirements. The Local Action Plan contains the following elements:

(i) Introduction to the context of water management in Australia.
(ii) A baseline profile of the City of Rockingham's water resources.
(iii) A statement of water management goals for the City of Rockingham.
(iv) An outline of existing actions and policies within the City.
(v) An implementation list of actions to achieve set water management goals.
(vi) A commitment to monitoring and review of the plan.

The Local Action Plan was endorsed by Council in November 2008, following which an 'Implementation Working Group', consisting of relevant Council staff responsible for implementing the actions, was formed in October 2009.

3. Details

The Local Action Plan 2008 is intended to be a dynamic document that can be altered to the City’s needs. In order to ensure that this document remains relevant, a commitment to a monitoring and review process is essential.

In 2010, an annual review of the Local Action Plan was undertaken to update the corporate and community water conservation and quality actions. This review was achieved through extensive consultation with officers responsible for implementation from the City's Planning Services, Engineering & Parks Services and Waste Services. The review identified a lack of progress with the implementation of the corporate water conservation and quality actions.

A meeting with those responsible for implementation was then held to identify the barriers to implementation. A key outcome of these meetings was to list the priority, status, obstacles, and likely progress of each action in the Plan. During April and May 2010, further meetings were convened with the relevant officers to determine if any of the corporate and community water quality and conservation actions had been implemented, and if not, whether the actions were still considered workable. The level of priority given to each of the actions was also reviewed. The meetings identified actions, from the Plan that had been completed, were no longer valid or required reprioritising. These actions are listed below.
<table>
<thead>
<tr>
<th>Corporate Water Campaign Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Completed Action</strong></td>
</tr>
<tr>
<td>Action 8.1 - Develop a WSUD policy for the City of Rockingham</td>
</tr>
<tr>
<td><strong>Original Action No Longer Valid</strong></td>
</tr>
<tr>
<td>Action 4.2 - Investigate the feasibility of using stormwater in City of Rockingham buildings</td>
</tr>
<tr>
<td><strong>Priority changed from Medium to Low</strong></td>
</tr>
<tr>
<td>Action 3.1 Investigate the feasibility of having ‘tender award points’ for design and construction projects that incorporate water sensitive elements</td>
</tr>
</tbody>
</table>

### 4. Implications to Consider

a. **Consultation with the Community**
   - Nil.

b. **Consultation with Government agencies**
   - Nil.

c. **Strategic**
   - This proposal falls within Functional Area 3, Strategy 8 – ‘Introduce a comprehensive range of initiatives to protect and enhance the natural environment’.

d. **Policy**
   - Nil.

e. **Financial**
   - The implementation of selected actions within the Local Action Plan will incur costs, however, for the actions to be funded by the Council, they must be acknowledged in the Team Plans of the various Departments responsible for implementation then considered for funding.

f. **Legal and Statutory**
   - Nil.

### 5. Comments

The Local Action Plan provides a framework for effective and practical measures to manage water resources of the Council and community in a sustainable manner.

The revised Local Action Plan varies from that adopted in 2008 through the removal of the two actions detailed above. It also seeks to vary priorities given to some of the actions based on the feedback taken from those responsible for the actions.

The review generally identified a lack of priority given to the actions contained in the Local Action Plan, which in some cases, were not acknowledged in the relevant Department’s Team Plan. This not only ensured it was a low priority but the actions were not given the necessary financial support.

The various Departments have now agreed to the relevant actions in the revised Local Action Plan, and those limited actions that are associated with a financial commitment from the Council, will be subject to the normal Business Plan processes in developing subsequent Team Plans.

In light of the above, it is recommended that the Council endorse the City of Rockingham’s updated ‘ICLEI Water Campaign™ Corporate and Community Local Action Plan 2011’ (as attached), and in so doing, acknowledge that it supersedes the 2008 Plan.
On agreeing to the most appropriate actions to achieve reduce water consumption and improve water quality, the current endorsed targets need to be reviewed to ensure they are still relevant. These targets are best determined in the coming period when progress towards implementing the various actions is better understood. It is important that the targets are realistic and consider the capacity of the City to implement the actions.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That the Council **ENDORSE** the updated ‘ICLEI Water Campaign™ Corporate and Community Local Action Plan 2011’ being a strategy to reduce corporate water consumption and improve local water quality, as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Aim</th>
<th>Responsible Departments/Officer</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Audit existing public scheme water features (such as showers, drinking fountains and toilets) and install or retrofit water efficient /water saving devices</td>
<td>To reduce the water consumption of the City’s public scheme water features</td>
<td>Asset Maintenance Manager Building Maintenance Co-ordinator</td>
<td>High</td>
</tr>
<tr>
<td>1.2 Install or retrofit water efficient /water saving appliances in all Council owned buildings</td>
<td>To reduce water consumption in Council buildings</td>
<td>Asset Maintenance Manager Building Maintenance Co-ordinator</td>
<td>High</td>
</tr>
<tr>
<td>2.1 Introduction of weather stations (dependant upon receiving government funding).</td>
<td>To allow more efficient use of irrigation</td>
<td>Park Services Manager</td>
<td>High</td>
</tr>
<tr>
<td>2.2 Guideline for landscaping for development applications that are three dwellings or above, to ensure that water sensitive elements are considered in their design.</td>
<td>To encourage landscape designs that require less water</td>
<td>Environmental Planning Officer Parks Services Manager</td>
<td>High</td>
</tr>
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</tr>
<tr>
<td>3.1 Investigate the feasibility of having 'tender award points' for design and construction projects that incorporate water sensitive elements</td>
<td>To encourage the use of water sensitive elements to reduce water consumption</td>
<td>Engineering Services Contracts and Projects Co-ordinator</td>
<td>Low</td>
</tr>
<tr>
<td>4.1 Investigate the feasibility of using stormwater in the City’s Public Open Space.</td>
<td>To establish ways to use stormwater to decrease scheme/ground water consumption.</td>
<td>Parks Services Manager</td>
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<td>5.1 Adopt environmental herbicide, pesticide and fertiliser application guidelines for staff and contractors.</td>
<td>To increase water quality through the correct use of herbicides, pesticides and fertilisers</td>
<td>Environmental Planning Officer</td>
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<tr>
<td>5.2 Develop and circulate educational brochures to the community to minimise herbicide, pesticide and fertiliser use in gardens.</td>
<td>To encourage and promote the correct use of herbicide, pesticides and fertilisers to increase water quality</td>
<td>Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>6.1 Construct a Water Management Strategy for the City of Rockingham using the principles from the DoW Stormwater management manual</td>
<td>To improve the quality of stormwater in the City</td>
<td>Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>7.1 Develop guidelines to formalise existing erosion and sediment control practices carried out on Council sites.</td>
<td>To reduce further erosion at Council sites</td>
<td>Park Services Manager</td>
<td>High</td>
</tr>
<tr>
<td>8.3 Provide Planners and Engineers appropriate training in WSUD practices.</td>
<td>To ensure that WSUD practices are implemented appropriately by City staff</td>
<td>Sustainability &amp; Environment Co-ordinator</td>
<td>High</td>
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<td>8.4 Investigate the possibility of alternative water sources for household garden use within new subdivisions.</td>
<td>To reduce the use of scheme water on household gardens</td>
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<td>9.1 Promote Water Wise gardening techniques to the City's residents.</td>
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<td>9.2 Educate the Community on the benefits of mulch, and encourage the community to access free mulch at the City's landfill.</td>
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<td>11.1 Organise sites across Rockingham for Clean Up Australia Day.</td>
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<td>Waste Services Co-ordinator</td>
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<td>13.1 Encourage and support schools to participate in the Water Corporations Water Wise Schools Program.</td>
<td>To educate children and the wider community about all aspects of water conservation and sustainability</td>
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<td>14.1 Conduct Community Education Campaign on the use of rainwater tanks. Including information on DoW rebate schemes.</td>
<td>To educate and inform the public on ways to use a rainwater tank to reduce water consumption.</td>
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8. Committee Recommendation

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</table>

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
## Reference No & Subject: SPE-006/11

**Proposed Updated Corporate Local Action Plan (A Strategy to Reduce Corporate Greenhouse Gas Emissions)**

- **File no:** EVM/103-02
- **Proponent/s:** City of Rockingham
- **Author:** Ms Fiona Pond, Environmental Planning Officer
- **Other contributors:** Mr Paddy Strano, Coordinator, Sustainability & Environment
  Mr Peter Ricci, Manager, Strategic Planning & Environment
- **Date of Committee meeting:** 14th March 2011
- **Previously before Council:** September 2000 (9CO/00-10.3.5), November 2000 (PS10/11/00), March 2001 (PD36/3/01), April 2001 (PD66/4/01), October 2001 (PD185/10/01), May 2003 (PD89/5/03), July 2003 (PD149/7/03), September 2003 (PD203/9/03), October 2003 (PD227/10/03), June 2009 (PD71/6/09).

**Disclosure of interest:**

**Nature of Council's role in this matter:** Executive Function

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### 1. Purpose of Report

To seek the Council's endorsement of the updated Corporate Local Action Plan (CLAP) which identifies actions designed to reduce greenhouse gas emissions from the City's activities.
2. **Background**

The Council joined the Cities for Climate Protection™ (CCP) Program in October 1998. In November 2000, the Council resolved to have community greenhouse reduction undertaken as a regional approach with other Southern Metropolitan Regional Councils, directed by the ‘Regional Community Greenhouse Strategic Plan’ which is now known as ‘ClimateWise’. In doing so, the Council concentrated on organisational activities through the adopted Corporate Local Action Plan.

The focus of the Program is to reduce greenhouse gas emissions and operates on the following five-milestone framework:-

1. Conduct an emission inventory of both council and community activities and prepare a forecast of emissions by the Year 2010;
2. Establish an emissions reduction goal;
3. Develop and adopt a local action plan (or Corporate Local Action Plan);
4. Implement the local action plan; and
5. Monitor and report on implementation of the local action plan.

In April 2000, the City resolved to adopt a 20% corporate greenhouse gas reduction target and therefore completed Milestone 2 of the Program, following which the Council, in September 2000, resolved to adopt the following:

- The Corporate Local Action Plan (2000), a Plan that identifies actions designed to reduce corporate greenhouse gas emissions.
- The goal of reducing annual community greenhouse gas emissions from 1996 levels by 15% by the year 2010.

Following the above, the City made significant progress towards the implementation of the Corporate Local Action Plan, and as such, was awarded both Milestones 4 and 5 of the CCP Program in 2003.

Implementation activities include the following:

- A series of energy audits on Council buildings to identify cost effective ways of reducing energy usage;
- The implementation of energy audit recommendations;
- The establishment of a Renewable Energy Projects Fund to fund alternative energy production measures for Council operations;
- The introduction of 100% recycled paper in the Administration Building;
- Successful and continued implementation of the ‘Switch Off Campaign’ in 2009/2010 - a motivational program to encourage Council administration staff to switch off standby power;
- The purchase of Earth Friendly Power for the Council Administration Building and all three libraries;
- The installation of efficient lighting devices in Council buildings;
- The establishment of internships for university students to focus on the preparation of feasibility studies for renewable energy projects for the City; and
- Ongoing energy audits in selected Council facilities.

In order to continue working on reducing greenhouse gas emissions and to maintain the benefits of the CCP Program, the Council, in July 2003 endorsed the City's involvement in the 'CCP Plus' component.
As a participant of 'CCP Plus', the City has undertaken the following initiatives:

- Annual monitoring of greenhouse gas reduction measures implemented by the City to quantify the savings that have been made.
- A re-inventory of corporate greenhouse gas emissions for the 2005/2006 financial year to determine the current rate of emissions by the City.

The 2005/06 inventory of corporate emissions was used to evaluate the effectiveness of the CLAP. The inventory revealed that the City is releasing 4,000 tonnes of emissions more than it should to achieve the 2010 emissions goal of approximately 8,000 tonnes eCO2. On this basis, it was considered that the CLAP required review to assess the effectiveness of current initiatives, and include new initiatives, to assist in meeting the emissions reduction target.

The reviewed CLAP was then endorsed by the Council in June 2009 which involved confirming the unsatisfied and ongoing actions and adding new actions. The Environmental Planning Team then assigned tentative responsibilities and completion dates to each of the actions.

An 'Implementation Working Group' was convened with relevant officers, representing Planning Services, Asset Maintenance, Engineering & Parks Services, Information Technology, and Waste Services, with the objective to discuss the status of the CLAP (2009), the tasks assigned to each department and barriers to their implementation.

3. Details

The 'Implementation Working Group' has since established which CLAP actions have been implemented and whether the other actions are still considered workable. The level of priority given to each of the CLAP actions was also reviewed. The Environmental Planning staff then consulted one on one with the members of the Implementation Working Group to determine and update the current status of the actions in the CLAP (2009). The meetings identified actions, from the Plan that had been completed and those that were no longer valid. These actions are listed below.

<table>
<thead>
<tr>
<th>Corporate Local Action Plan - Removed Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Completed Action</strong></td>
</tr>
<tr>
<td>Action 6.1 – Review use of Revolving Energy Fund</td>
</tr>
<tr>
<td><strong>Original Action No Longer Valid</strong></td>
</tr>
<tr>
<td>Action 4.2 – Develop a system of pump maintenance to ensure energy efficiency</td>
</tr>
</tbody>
</table>

4. Implications to Consider

a. Consultation with the Community
   Nil.

b. Consultation with Government agencies
   Nil.

c. Strategic
   The proposal falls within Function Area 3 - Land Use and Environment in the Council’s Strategic Plan under Action Plan 8.3 - Implement community and corporate greenhouse gas reduction strategies in co-operation with the Southern Metropolitan Regional Council.

d. Policy
   Nil.
e. **Financial**

The implementation of selected actions within the Local Action Plan will incur costs, however, for the actions to be funded by the Council, they must be acknowledged in the Team Plans of the various Departments responsible for implementation then considered for funding.

f. **Legal and Statutory**

Nil.

5. **Comments**

The City of Rockingham had abated 1,904 tonnes of eCO₂ emissions between 1996 - 2009. If the City continues with a business as usual approach (BAU), corporate emissions were estimated to reach approximately 16,000 tonnes of eCO₂ per annum by 2010, as calculated by the Cities for Climate Protection programme. This is 8,000 tonnes more than the original target set in Milestone 2 of the Program, as depicted in the graph below.

Recent data collected by 'Planet Footprint' shows that the City produced 11,469 tonnes of eCO₂ in financial year 2009/2010, which would suggest that the actual 2010 emissions are below the BAU forecast provided by the Cities for Climate Protection programme. While this is below the BAU forecast, it still demonstrates that the City's emissions have been increasing since 1996.

It is important to note that the 20% reduction target set in Milestone 2 of the CCP Program was an aspirational goal and did not take into account the growing population of the City and the associated additional services that need to be provided by the Council.

Until new attainable greenhouse gas reduction targets are set, it is recommended that the Council continues to introduce energy saving technologies and practices into its operations in order to reduce current emissions. The development of new targets is important to monitor the progress with reducing greenhouse emissions. These targets are best determined in the coming period when progress towards implementing the various actions is better understood. It is important that the targets are realistic and consider the capacity of the City to implement the actions.

The review generally identified a lack of priority given to the actions contained in the Plan, which in some cases, were not acknowledged in the relevant Department's Team Plan. This not only ensured it was a low priority but the actions were not given the necessary financial support.
The various Departments have now agreed to the relevant actions in the revised Plan, and those actions that are associated with a financial commitment from the Council, will be subject to the normal Business Plan processes in developing subsequent Team Plans. Those projects involving vehicles, lighting, information technology, retrofitting and the construction of new buildings are relevant.

In the light of the above, it is recommended that the Council endorse the revised Corporate Local Action Plan (2011), as attached, to guide the implementation of strategies to reduce corporate greenhouse gas emissions, and in so doing, acknowledge that it supersedes the 2009 Plan.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That the Council *ENDORSE* the updated ‘Corporate Local Action Plan 2011’ being a strategy to reduce corporate greenhouse gas emissions, as follows:-

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</table>
| 1.1 Develop and implement an energy efficiency purchasing policy for appliances and equipment | To ensure that energy efficiency is considered in the purchasing of appliances and equipment | Asset Maintenance Manager  
Environmental Planning Officer | Medium |
| 1.3 Develop a policy to include energy efficiency guidelines in tenders for new Council buildings. | To reduce emissions from new Council buildings to ensure that energy efficiency is considered in the building design stage. | Engineering Services  
Projects and Contracts Co-ordinator | High |
| 6.3 Develop a sustainable purchasing policy | To reduce greenhouse emissions through sustainable purchasing decisions. | Sustainability and Environment Co-ordinator | Medium |
| 1.2 Enable energy saving devices on all suitable equipment | To reduce the energy consumption of equipment used in Council buildings. | Asset Maintenance Co-ordinator  
Information Technology Manager | High |
<table>
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<td>To identify financially viable projects or operational procedures which, when implemented, will reduce energy consumption and running costs of the building.</td>
<td>Asset Maintenance Co-ordinator, Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>1.5 Identify additional lights that are suitable for installation of timers and sensors and install these where appropriate.</td>
<td>To reduce the energy consumption of lighting in less frequently utilised areas.</td>
<td>Asset Maintenance Co-ordinator, Environmental Planning Officer</td>
<td>Medium</td>
</tr>
<tr>
<td>2.1a Develop an energy efficiency policy for Council decorative lighting</td>
<td>To reduce the energy consumption from Council decorative lighting</td>
<td>Parks Services Manager, Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>2.1b Develop an energy efficiency policy for Council street lighting</td>
<td>To reduce the energy consumption from Council street lighting</td>
<td>Engineering Services Manager, Engineering Services Projects and Contracts Engineer, Asset Maintenance Manager, Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>2.2 Analyse final recommendations from WALGA (Streetlight Working Group) &amp; Office of Energy regarding a local government street lighting policy and determine feasibility of incorporating into City of Rockingham Policy</td>
<td>To encourage and promote the use of efficient and effective street lighting</td>
<td>Engineering Services Manager</td>
<td>High</td>
</tr>
<tr>
<td>3.4 Investigate options for reducing diesel consumption in Specialised Heavy Equipment</td>
<td>To reduce the greenhouse gas emissions from the highest contributor in the Council fleet</td>
<td>Engineering Services Manager</td>
<td>Medium</td>
</tr>
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</tr>
<tr>
<td>4.1 Develop a water efficiency policy for Council reserves</td>
<td>To reduce the energy consumption of water pumps on Council Reserves through reduced pump operational hours as a result of water efficiency measures.</td>
<td>Parks Services Manager</td>
<td>Medium</td>
</tr>
<tr>
<td>4.2 Develop a system of pump maintenance to ensure energy efficiency</td>
<td>To ensure water pumps operate efficiently.</td>
<td>Parks Services Manager</td>
<td>Medium</td>
</tr>
<tr>
<td>4.3 Install rain sensors on all pumps</td>
<td>To ensure pumps are not operating unnecessarily after rainfall.</td>
<td>Parks Services Manager</td>
<td>Medium</td>
</tr>
<tr>
<td>4.4 Investigate energy efficiency of water pumps, including an investigation into alternative energies</td>
<td>To reduce greenhouse emissions by conversion to more efficient pumps or alternative energy</td>
<td>Parks Services Manager, Asset Maintenance Manager</td>
<td>Low</td>
</tr>
<tr>
<td>6.4 Continue tree planting program to offset emissions</td>
<td>To continue to offset greenhouse emissions through tree planting</td>
<td>Park Services Conservation Officer</td>
<td>Medium</td>
</tr>
<tr>
<td>1.7 Introduce a staff education campaign that will encourage energy saving behaviours (Switch Off campaign)</td>
<td>Reduce energy use by changing behavioural patterns.</td>
<td>Environmental Planning Officer, Information Technology Manager, Asset Maintenance Manager, Economic Development Manager</td>
<td>High</td>
</tr>
<tr>
<td>3.1 Work with Engineering Technical Officer - Transport to implement car pooling and alternative transport options for staff.</td>
<td>To ensure that the vehicle fleet is only expanded as necessary.</td>
<td>Engineering Services Technical Officer</td>
<td>Medium</td>
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<td>Action (number as per CLAP)</td>
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<tr>
<td>3.2 Review the vehicle fleet policy to determine the possibility of including alternative fuels and other energy efficient factors into the purchasing of CoR vehicles</td>
<td>Investigate procurement options (in conjunction with the Engineering department) for the vehicle fleet based on the criterion of safety, finance and energy efficiency.</td>
<td>Engineering Services Manager, Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>5.1 Investigate and Implement a community education program on reducing, reusing and recycling waste</td>
<td>To reduce greenhouse gas emissions through the reduction of materials into the waste stream</td>
<td>Waste Services Co-ordinator, Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>5.2 Develop a comprehensive plan to reduce use of, reuse and recycle paper</td>
<td>To reduce greenhouse emissions through reduced paper entering the waste stream</td>
<td>Environmental Planning Officer, Information Technology Manager</td>
<td>Medium</td>
</tr>
<tr>
<td>6.1 Review use of Revolving Energy Fund</td>
<td>To reinvest savings made from energy saving actions into further emission reduction actions.</td>
<td>Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>6.2 Investigate the purchasing of green power from the Revolving Energy Fund and investigate the benefits of purchasing Natural Power over Earth Friendly power.</td>
<td>To reduce emissions from energy consumption through purchasing of power from renewable sources.</td>
<td>Environmental Planning Officer</td>
<td>Medium</td>
</tr>
<tr>
<td>6.5 Monitor the newly employed data management system from 'Planet Footprint' which aims to provide easy access to energy, fleet and waste data to allow for tracking changes in consumption patterns</td>
<td>To implement data management systems that allow energy consumption to be easily identified</td>
<td>Environmental Planning Officer</td>
<td>High</td>
</tr>
</tbody>
</table>
### Action (number as per CLAP)

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<tbody>
<tr>
<td>6.6 Develop and conduct a formal education and awareness campaign for all staff, including a series of workshops for existing staff.</td>
<td>To improve the implementation of energy initiatives through improved staff awareness</td>
<td>Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>6.7 Achieving Green House Gas reductions using planning mechanisms</td>
<td>Promote consideration of identified environmental priorities (including specifically Air Quality) in Council's planning decisions</td>
<td>Strategic Planning Co-ordinator, Environmental Planning Officer</td>
<td>High</td>
</tr>
<tr>
<td>3.3 Continue to ensure fleet maintains maximum efficiency through maintenance</td>
<td>To ensure that the vehicle fleet is operating efficiently through regular servicing</td>
<td>Engineering Services Manager</td>
<td>High</td>
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<tr>
<td>1.6 Investigate energy use at the Rockingham Aquatic Centre and determine measures to reduce consumption</td>
<td>Reduce energy consumption and running costs of the building that has the highest emissions in this sector</td>
<td>Pool Management Team, Environmental Planning Officer</td>
<td>High</td>
</tr>
</tbody>
</table>

### 8. Committee Recommendation

That the Council **ENDORSE** the updated ‘Corporate Local Action Plan 2011’ being a strategy to reduce corporate greenhouse gas emissions, as follows:-

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<td>Asset Maintenance Manager, Environmental Planning Officer</td>
<td>Medium</td>
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<tr>
<td>1.3 Develop a policy to include energy efficiency guidelines in tenders for new Council buildings</td>
<td>To reduce emissions from new Council buildings to ensure that energy efficiency is considered in the building design stage.</td>
<td>Engineering Services Projects and Contracts Co-ordinator</td>
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<td>6.3 Develop a sustainable purchasing policy</td>
<td>To reduce greenhouse emissions through sustainable purchasing decisions.</td>
<td>Sustainability and Environment Co-ordinator</td>
<td>Medium</td>
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<td>1.2 Enable energy saving devices on all suitable equipment</td>
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Committee Voting - 4/0

9. **The Committee's Reason for Varying the Officer's Recommendation**

The Action 6.1 (Review Use of Revolving Energy fund) was deleted as it had been identified within the Officer's Report as a completed action.

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

Nil.
Statutory Planning

Planning Services
Statutory Planning

**Reference No & Subject:** SP-008/11 Proposed Amendment to Planning Policy 3.3.20, Residential Design Codes Alternative Acceptable Development Provisions - Adoption

**File No:** LUP/272

**Proponent/s:** City of Rockingham

**Author:** Mr John-Paul MacDonagh, Planning Assistant

**Other Contributors:**
- Mr Dave Waller, Co-ordinator, Statutory Planning
- Mr Mike Ross, Manager, Statutory Planning

**Date of Committee Meeting:** 14th March 2011

**Previously before Council:** October 2010 (SP-003/10), March 2009 (PD30/3/09)

**Disclosure of Interest:**

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

**Site:**

**Lot Area:**

**Attachments:**

**Maps/Diagrams:**

1. **Purpose of Report**

   To consider adoption to an amended Policy No. 3.3.20 - *Residential Design Codes Alternative Acceptable Development Provisions*, following advertising.

2. **Background**

In October 2010, Council considered a proposal to amend the Policy to modify the Acceptable Development Provisions and to make minor text changes (discussed in the Details section of this Report). Council subsequently resolved to advertise the proposal in accordance with Section 8.9 of Town Planning Scheme No.2.

### 3. Details

The Acceptable Development provisions that are proposed to be inserted into the Council's Policy are as follows:

**Design element 6.3.2 - Buildings up to a Boundary**

<table>
<thead>
<tr>
<th>Existing Acceptable Development provision: (R-Codes)</th>
<th>Alternative Acceptable Development provision: (Council Policy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas Coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.</td>
<td>In areas Coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback, to two side or rear boundaries.</td>
</tr>
</tbody>
</table>

**New design element – Interaction with public spaces**

<table>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings designed to provide for interaction with public spaces including streets, parks and pedestrian thoroughfares.</td>
<td>Where a dwelling is adjacent to a public street, the major entry (front door) must be orientated towards the street.</td>
</tr>
</tbody>
</table>

Minor text changes are also proposed to incorporate the new performance criteria.

### 4. Implications to consider

**a. Consultation with the Community**

The proposal was advertised in the following manner:-

(i) A Notice was published in the Sound Telegraph Newspaper for two consecutive weeks from the 3rd November;

(ii) A Notice, an Explanatory Report and copies of the proposed Planning Policy were posted on the Council's Website for the entire advertising period;

(iii) Builders operating within the City of Rockingham were notified of the draft Planning Policy and invited to comment;

(iv) The following Ratepayer Associations were also notified of the draft Planning Policy and invited to comment:-
   - Baldivis Community Association;
   - Singleton Residents Association;
   - Golden Bay Progress Association;
   - Waikiki Residents Association;
   - Warnbro Progress Association;
   - Settlers Hills Residents Association.
At the conclusion of the advertising period on the 24th November 2010, no submissions had been received.

b. **Consultation with Government agencies**
Consultation with Government agencies is not required.

c. **Strategic**
Functional Area 3 - 'Land Use & the Environment' in the Council's Strategic Plan under the Scope of 'Development'.

d. **Policy**
Planning Procedure 1.3, *Community Consultation* guided the public consultation associated with the draft Policy.

e. **Financial**
Not applicable.

f. **Legal and Statutory**
Section 8.9 of Town Planning Scheme No.2 applies to amendments to a Planning Policy.

5. **Comments**

a. **Design element 6.3.2 - Buildings up to a Boundary**
The proposed changes to Council's Policy extend the same flexibility to build two boundary walls in the low density code of R20 and R25 to the higher density code of R30 and higher.
The new provision (as set out in the Details section above) is intended to apply the same allowance to lots Coded R30 or above, to ensure a consistent approach to boundary walls.

b. **New design element - Interaction with public spaces**
The proposed Policy changes would require a dwelling which is adjacent to a public street, to have its front door entry orientated towards the street.

'Single Houses' are often setback from the street and have main entries (front doors) accessible directly from the street. The street setback area forms a transitional zone between public and private space, which facilitates interaction between neighbours and visitors. The opportunity for casual surveillance and safe interaction enhances a sense of place.

In contrast to 'Single Houses', there has been a trend towards 'Grouped Dwellings' where the main entry is provided from a communal street which is a private carriageway providing joint access to two or more dwellings in a residential development. Residents are much less likely to maintain the street setback and verge adjoining the dwelling, which results in increased maintenance costs, an unsightly streetscape and loss of a potential source of passive surveillance.

Providing main entries directly from the street increases the use of the street setback area by both the residents and visitors to the dwelling, and increases the perceived "sense of ownership" of the street setback area and verge by the residents.

c. **Conclusion**
Given that the proposed changes are to improve the implementation of the Residential Design Codes and no objections were received, it is recommended that Council adopt the amended Policy.
6. Voting requirements

Simple Majority

7. Officer Recommendation

That Council ADOPT the amended Planning Policy 3.3.20, Residential Design Codes Alternative Acceptable Development Provision, pursuant to clause 8.9.5(b) of Town Planning Scheme No.2 as follows:-

PLANNING POLICY 3.3.20

RESIDENTIAL DESIGN CODES, ALTERNATIVE ACCEPTABLE DEVELOPMENT PROVISIONS

1. Introduction

The City of Rockingham Town Planning Scheme No.2 requires that unless otherwise provided for in the Scheme, all residential development is to be dealt with by the Residential Design Codes ("Codes") and is to conform with the Codes.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the 'Council' shall have regard to in the assessment and determination of applications for Building Licence and Planning Approval seeking to apply the 'Performance Criteria' of the Codes.

2. Background

The Codes incorporate a performance-oriented approach and include “acceptable development” provisions, which are 'deemed to comply' standards. For instances where a proposal does not comply with the 'acceptable development' provisions, a proposal may be approved if the relevant 'performance criteria' are satisfied. The performance criteria provide different ways of achieving an acceptable design outcome if this is consistent with the objectives of the Codes.

This policy seeks to clarify circumstances where the Council considers certain design elements satisfy the performance criteria of the Codes. Specifically, in accordance with Part 5 of the Codes, this policy is designed to prescribe alternative acceptable development provisions to meet performance criteria set out in the Codes.

3. Policy Application

This Policy:

(a) varies certain acceptable development criteria applying to all residential development to which the Codes apply; and

(b) augments the Codes by providing additional performance criteria and acceptable development provisions; and

(b) does not exempt compliance with other requirements of the Codes, the City of Rockingham Town Planning Scheme No. 2, other Council Policies and the Building Code of Australia.

Any variations to the acceptable development requirements of the Codes will be dealt with in the assessment of applications for Building Licence and applications for Planning Approval.

This Planning Policy complies with the scope of Local Planning Policies that may vary or replace the acceptable development criteria set out in Part 5 of the Codes, This Planning Policy augments the Codes by providing alternative acceptable development criteria.
4. Policy Objective

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions relating to the design and siting of residential development.

(b) To secure the privacy and amenity of the locality through appropriate development requirements.

(c) To vary the acceptable development criteria of the Codes and augment the Codes by providing additional performance criteria and acceptable development provisions in the circumstances described in the policy statement.

5. Policy Statement

5.1 Where a proposal meets as relevant the following alternative Acceptable Development provisions or the following additional performance criteria and acceptable development provisions the Council will consider the Performance Criteria relating to that aspect of the development under the Codes as being satisfied, without the need for consultation with adjoining/adjacent owners.

5.2 Where a proposal for a single dwelling or two grouped dwellings including any outbuildings meets the alternative Acceptable Development provisions of this policy, and/or the Acceptable Development provisions of the R-Codes, the proposal will not require planning approval (clause 6.1.2(c) of TPS2).

5.3 Where a proposal as relevant does not meet all of the following alternative acceptable development provisions the Council will consider the proposal at its discretion in accordance with the relevant Performance Criteria under the Codes, having due regard to clause 2.5.1 of the Codes.

5.4 Design Element 6.2.1 Secondary Street Setbacks

<table>
<thead>
<tr>
<th>Existing Acceptable Development provision:</th>
<th>Alternative Acceptable Development provision:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas coded R15 – R35, buildings set back 1.5m from the secondary street boundary.</td>
<td>For Grouped Dwellings and Single Houses in areas coded R15 and higher, flat roofed and pitched roofed patios and carports with wall lengths not exceeding 9.0m and wall heights not exceeding 2.7m may be setback a minimum of 0.5m from the secondary street boundary. Eaves not to project into the 0.5m setback.</td>
</tr>
<tr>
<td>In areas coded R40 – R60, buildings setback 1.00m from the secondary street boundary.</td>
<td></td>
</tr>
</tbody>
</table>

5.5 Design Element 6.3.2 - Buildings up to a Boundary

<table>
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<td>In areas coded R20 and R25, walls built up to a boundary behind the front setback line. The front setback line in areas coded R20 and R25 is 6.0m from the primary street.</td>
<td>In areas coded R20 and R25, garage walls and walls forming part of the main dwelling with a nil side boundary setback can be set back a minimum of 4.5m from the primary street.</td>
</tr>
</tbody>
</table>

5.6 Design Element 6.3.2 - Buildings up to a Boundary

<p>| Existing Acceptable Development provision: | Alternative Acceptable Development provisions: |</p>
<table>
<thead>
<tr>
<th>In areas coded R20 and R25, walls not higher than 3.0m with an average height of 2.70m up to 9.0m in length up to one side boundary.</th>
<th>In areas coded R20 and R25, walls not higher than 3.0m with an average height of 2.7m up to 9.0m in length up to two side or rear boundaries.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In areas Coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.</strong></td>
<td><strong>In areas Coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the boundary behind the front setback, to two side or rear boundaries.</strong></td>
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</table>

5.7 **Design Element 6.10.1 - Outbuildings**

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<thead>
<tr>
<th><strong>Existing Acceptable Development provisions:</strong></th>
<th><strong>Alternative Acceptable Development provisions:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Collectively do not exceed 60m² or 10 percent in aggregate of the site area, whichever is lesser.</td>
<td>In areas coded R20 and R25 Collectively do not exceed 75m².</td>
</tr>
<tr>
<td>Do not exceed a wall height of 2.4m Do not exceed a ridge height of 4.20m.</td>
<td>Walls not higher than 3.0m with an average height of 2.7m up to 9.0m in length up to two side or rear boundaries. Do not exceed a ridge height of 4.20m.</td>
</tr>
<tr>
<td>Comply with the siting and design requirements for the dwelling, but do not need to meet the rear setback requirements of table 1.</td>
<td>Code requirements are not varied by this Policy.</td>
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</tbody>
</table>

5.8 **New design element – Interaction with public spaces**

<table>
<thead>
<tr>
<th><strong>New Performance Criteria:</strong></th>
<th><strong>New Acceptable Development provision:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings designed to provide for interaction with public spaces including streets, parks and pedestrian thoroughfares.</td>
<td>Where a dwelling is adjacent to a public street, the major entry (front door) must be orientated towards the street.</td>
</tr>
</tbody>
</table>

6. **Application Procedure**

Where an application for Planning Approval or application for Building Licence complies with this policy, a Codes approval application form is not required.

7. **Authority**

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8. **Interpretations**

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

- **Council** means the Council of the City of Rockingham.
- **Residential Design Codes** means the Residential Design Codes in the Western Australian Planning Commission Statement of Planning Policy No. 3.1, as amended from time to time.

For the purposes of this Planning Policy, the following term shall have the same meaning as in the Residential Design Codes:-
Acceptable development means development that complies with the corresponding development provision for acceptable development in the Codes unless Council has a contrary local planning policy.

Buildings up to a Boundary means either on the boundary or between the boundary and the setback provided by table 1, tables 2a and 2b, figures 2a - 2e, and figure 3 of the Residential Design Codes.

Outbuilding means an enclosed non-habitable structure that is detached from any dwelling.

Performance Criteria means criteria to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability.

Consultation Consultation with neighbours is not required where an application complies with this Policy.

Delegation Applications that comply in all respects with this Policy will be dealt with under delegated authority, pursuant to Clause 8.10 of Town Planning Scheme No.2 and/or the Notice of Delegation to the City’s Building Services.

Adoption This Planning Policy was adopted by the Council at its ordinary Meeting held on the 24th February 2009.

Committee Recommendation That Council ADOPT the amended Planning Policy 3.3.20, Residential Design Codes Alternative Acceptable Development Provision, pursuant to clause 8.9.5(b) of Town Planning Scheme No.2 as follows:-

PLANNING POLICY 3.3.20
RESIDENTIAL DESIGN CODES, ALTERNATIVE ACCEPTABLE DEVELOPMENT PROVISIONS

Red and underlined font means text proposed to be added
Red and strikethrough font means text proposed to be deleted

Introduction
The City of Rockingham Town Planning Scheme No.2 requires that unless otherwise provided for in the Scheme, all residential development is to be dealt with by the Residential Design Codes (“Codes”) and is to conform with the Codes.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the ‘Council’ shall have regard to in the assessment and determination of applications for Building Licence and Planning Approval seeking to apply the ‘Performance Criteria’ of the Codes.

Background
The Codes incorporate a performance-oriented approach and include “acceptable development” provisions, which are ‘deemed to comply’ standards. For instances where a proposal does not comply with the ‘acceptable development’ provisions, a proposal may be approved if the relevant ‘performance criteria’ are satisfied. The performance criteria provide different ways of achieving an acceptable design outcome if this is consistent with the objectives of the Codes.

This policy seeks to clarify circumstances where the Council considers certain design elements satisfy the performance criteria of the Codes. Specifically, in accordance with Part 5 of the Codes, this policy is designed to prescribe alternative acceptable development provisions to meet performance criteria set out in the Codes.
3. **Policy Application**

This Policy:

(a) varies certain acceptable development criteria applying to all residential development to which the Codes apply; and

(b) augments the Codes by providing additional performance criteria and acceptable development provisions; and

(bc) does not exempt compliance with other requirements of the Codes, the City of Rockingham Town Planning Scheme No. 2, other Council Policies and the Building Code of Australia.

Any variations to the acceptable development requirements of the Codes will be dealt with in the assessment of applications for Building Licence and applications for Planning Approval.

This Planning Policy complies with the scope of Local Planning Policies that may vary or replace the acceptable development criteria set out in Part 5 of the Codes. This Planning Policy augments the Codes by providing alternative acceptable development criteria.

Note 1: Design Element 6.10.1 - Outbuildings, requires approval from the Western Australian Planning Commission for a regional exemption under clause 5.3.2 of the Codes.

4. **Policy Objective**

The objectives of this Planning Policy are as follows:

(a) To promote the orderly and proper development of land by making suitable provisions relating to the design and siting of residential development.

(b) To secure the privacy and amenity of the locality through appropriate development requirements.

(c) To vary the acceptable development criteria of the Codes and augment the Codes by providing additional performance criteria and acceptable development provisions in the circumstances described in the policy statement.

5. **Policy Statement**

5.1 Where a proposal meets as relevant the following alternative Acceptable Development provisions or the following additional performance criteria and acceptable development provisions the Council will consider the Performance Criteria relating to that aspect of the development under the Codes as being satisfied, without the need for consultation with adjoining/adjacent owners.

5.2 Where a proposal for a single dwelling or two grouped dwellings including any outbuildings meets the alternative Acceptable Development provisions of this policy, and/or the Acceptable Development provisions of the R-Codes, the proposal will not require planning approval (clause 6.1.2(c) of TPS2).

5.3 Where a proposal as relevant does not meet all of the following alternative acceptable development provisions the Council will consider the proposal at its discretion in accordance with the relevant Performance Criteria under the Codes, having due regard to clause 2.5.1 of the Codes.

5.4 **Design Element 6.2.1 Secondary Street Setbacks**

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<td>In areas coded R15 – R35, buildings set back 1.5m from the secondary street boundary.</td>
<td>For Grouped Dwellings and Single Houses in areas coded R15 and higher, flat roofed and pitched roofed patios and carports with wall</td>
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In areas coded R40 – R60, buildings setback 1.00m from the secondary street boundary. Lengths not exceeding 9.0m and wall heights not exceeding 2.7m may be setback a minimum of 0.5m from the secondary street boundary. Eaves not to project into the 0.5m setback.

5.5 Design Element 6.3.2 - Buildings up to a Boundary

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6. Application Procedure
Where an application for Planning Approval or application for Building Licence complies with this policy, a Codes approval application form is not required.

7. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8. Interpretations

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

Council means the Council of the City of Rockingham.

Residential Design Codes means the Residential Design Codes in the Western Australian Planning Commission Statement of Planning Policy No. 3.1, as amended from time to time.

For the purposes of this Planning Policy, the following term shall have the same meaning as in the Residential Design Codes:-

Acceptable development means development that complies with the corresponding development provision for acceptable development in the Codes unless Council has a contrary local planning policy.

Buildings up to a Boundary means either on the boundary or between the boundary and the setback provided by table 1, tables 2a and 2b, figures 2a - 2e, and figure 3 of the Residential Design Codes.

Outbuilding means an enclosed non-habitable structure that is detached from any dwelling.

Performance Criteria means criteria to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability.

9. Consultation

Consultation with neighbours is not required where an application complies with this Policy.

10. Delegation

Applications that comply in all respects with this Policy will be dealt with under delegated authority, pursuant to Clause 8.10 of Town Planning Scheme No.2 and/or the Notice of Delegation to the City's Building Services.

11. Adoption

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 24th March 2009.

Committee Voting – 4/0

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

Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
1. **Purpose of Report**

To consider amending the Council’s Planning Policy No.3.3.5, *Child Care Premises* (“the Policy”) to reflect the *Food Act 2008* and clarify exemption requirements.

2. **Background**

In July 2010, Council resolved to modify the Policy for consistency with Planning Bulletin No.72 - Child Care premises. The modified *Child Care Policy* clarified that ‘Family Day Care Centres’ are child care services provided at a place where the person providing the service lives and are exempt from Planning Approval under clause 6.1.2(j) of Town Planning Scheme No.2.
3. **Details**

The Policy and its appendices are proposed to be amended for consistency with the new *Food Act 2008*. The modification to the Policy is also intended to clarify that the exemption from the requirement for Planning Approval does not absolve the applicant from compliance with other legislation, particularly the registration of a Food Premises with the City’s Health Services. Appendix 2 has been inserted which includes an *Application for a Registration of Food Premises*.

4. **Implications to Consider**

a. **Consultation with the Community**

Under TPS2, if Council resolves to amend a Planning Policy, the Council:

(a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:-

(i) where the draft Policy may be inspected;

(ii) the subject and nature of the draft Policy; and

(iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.

(b) may publish notice of the proposed Policy in such other manner and carry out such other consultation as the Council considers appropriate.

b. **Consultation with Government agencies**

Consultation with Government agencies is not required.

c. **Strategic**

Functional Area 3 - 'Land Use & the Environment' in the Council's Strategic Plan under the Scope of 'Development'.

d. **Policy**

Planning Procedure 1.3, *Community Consultation* guides the public consultation associated with the draft Policy.

e. **Financial**

N/A

f. **Legal and Statutory**

Under the provisions of section 8.9 of Town Planning Scheme No.2, the Council may prepare, modify or revoke a Planning Policy.

5. **Comments**

The proposed changes are necessary to reflect the *Food Act 2008* and to clarify Family Child Care Centres requires registration as a Food Premises, even though Planning Approval is not required.

It is recommended that Council proceed to advertise the proposed amendments to Policy No.3.3.5, *Child Care Premises*.

6. **Voting Requirements**

Simple Majority
7. Officer Recommendation

That Council ENDORSE the publishing of a notice that it has prepared an amendment to Planning Policy No.3.3.5, Child Care Premises for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2, as follows:-

PLANNING POLICY 3.3.5
CHILD CARE PREMISES

Red and underlined font means text proposed to be added
Red and strikethrough font means text proposed to be deleted

1. Introduction

A Child Care Premises is used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre.

Note 1: This Planning Policy does not apply to 'Family Day Care Centres', which are child care services provided at a place where the person providing the service lives and none of the children to whom the service is provided live, in accordance with the Child Care Services Act 2007. Family Day Care Centres are exempt from Planning Approval under clause 6.1.2(j) of Town Planning Scheme No.2. The planning approval of the Council is not required for a 'Family Day Care Centre'. Refer to clause 6.1.2(j) of Town Planning Scheme No.2.

Note 2: An Application for a Certificate of Registration of a Food Premises is required to be submitted to the City’s Health Services for the Family Day Care Centre to be considered lawful. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code. Refer to Appendix 2 for the necessary application form.

There is a growing demand for Child Care Premises in all parts of the City and the 'Council' expects that demand to continue, given the current and expected urban development within the City.

The purpose of this Planning Policy 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 the establishment of Child Care Premises.

In this regard, no person shall commence or carry out any development of a Child Care Premises without first having applied for and obtained the planning approval of the Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2.

2. Policy Application

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Child Care Premises use in Town Planning Scheme No.2 can be summarised as follows:-

(a) The use is not permitted in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones unless the Council has exercised its discretion by granting planning approval;

(b) The use is not permitted in the Residential and Development zones unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 6.3.3 of the Scheme;
Note: In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, land uses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2.

(c) The use is not permitted in the Special Commercial, Port Kennedy Business Enterprise, General Industry, Special Industry, Special Rural and Special Residential zones.

This Planning Policy should be read in conjunction with Planning Procedure 1.3 - Community Consultation, the Child Care Services Act 2007 and WAPC Planning Bulletin 72/2009 - Child Care Centres.

3. Policy Objectives

The objectives of this Planning Policy are as follows:-

(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Child Care Premises;

(b) To secure the amenity of the locality by ensuring that Child Care Premises are consistent with the scale and character of the immediate area; and

(c) To ensure that appropriate and flexible child care facilities are provided to accommodate the needs of the children and their carers.

(d) To consider the health and safety of children attending the Child Care Premises within the confines of the planning system.

4. Policy Statement

4.1 Location of Child Care Premises

It is important that Child Care Premises are appropriately located to meet the needs of children and their families. It is also important in limiting the impact a Child Care Premises may have on surrounding activities and vice versa. This may be achieved by locating Child Care Premises on sites that are:-

(a) Distributed strategically to provide the maximum benefit to the community it serves;

(b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;

(c) Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties);

(d) Serviced by public transport (where available);

(e) Considered suitable from a traffic engineering/safety point of view; and

(f) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Child Care Premises generally would not be suitable where:

(g) Soil contamination exceeds the levels regarded by the Department of Environment and Conservation and the Department of Health as suitable for standard residential land uses with accessible soils as published in guideline ‘Assessment Levels for Soil, Sediment and Water’ (Department of Environment, November 2003);
(h) Groundwater is to be abstracted for the irrigation of gardens and play area within the Child Care Premises and groundwater contamination exceeds 10 x Australian drinking water criteria in accordance with the 'Contaminated Sites Reporting Guideline for Chemicals in Groundwater' (Department of Health 2006);

(i) The service provided by the Centre will have a demonstrable adverse impact on the existing or planned level of Child Care Premises enjoyed by the local community;

(j) Access is from a major road or in close proximity to a major intersection where there may be safety concerns;

(k) Access is from a local access street which may impact on the amenity of the area due to traffic and parking;

(l) The current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on site;

(m) Noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or

(n) The site is in a heavy industry area or in the buffer area of a heavy industry area.

4.2 Site Characteristics

Sites selected for Child Care Premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping, as determined by the City.

As a general rule, sites in a residential area should be of regular shape and greater than 1000m² in size. A maximum site coverage of 50% will apply to any proposal to prevent the over-development of any lot.

The topography of the site should be considered, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.

Sites selected for Child Care Premises should also be assessed to determine their potential for soil and groundwater contamination. Section 6 of the Department of Environment and Conservation's 'Contaminated Sites and the Land Use Planning Process' (April 2006) guideline sets out a useful methodology to assist local governments in carrying out such assessments.

4.3 Carparking

An application for planning approval shall make provision for parking bays in accordance with the standards and requirements of Clause 4.15 and Table Nos. 2 and 3 of Town Planning Scheme No. 2.

In Table No. 3 (recommended carparking standards/allowances within the City Centre Zone and Baldivis Town Centre Zone), one carparking bay per staff member plus an adequate number of drop off bays (at the discretion of the Council) is required.

In Table No. 2 (dealing with all other zones, except the Waterfront Village Zone), one carparking bay for each employee and one carparking bay for every eight children is required.

In the Waterfront Village Zone, the Council shall determine the number of carparking bays to be provided having regard to:-

(a) The nature of the proposed development;

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

(c) The anticipated demand for parking; and
(d) The orderly and proper planning of the locality. Parking areas should be located in front of the building. If this is not possible, parking areas should be clearly visible and easily accessible from the entry to the site.

In addition, landscaping may be required on-site to screen car parking areas from the street and the Child Care Premises from adjoining residences in order to maintain the amenity of the locality.

4.4 Traffic Impacts

A traffic impact statement/assessment will be required where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises has the potential to impact on the functionality and amenity of an area and may create or exacerbate unsafe conditions for children and families using the premises, or for pedestrians or road users.

This statement/assessment should address:-
(a) The site characteristics and surrounding area;
(b) The proposal and its expected trip generation;
(c) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
(d) Existing traffic conditions and any future changes expected to the traffic conditions;
(e) Current road safety conditions, including a crash history in the locality; and
(f) The expected impact of the proposed development on the existing and future traffic conditions.

4.5 Noise Impacts

A noise impact assessment may be required for the development of a Child Care Premises. The objectives should be to limit the noise impact of the Child Care Premises on adjacent properties, and also limit any noise impact from external sources on the Child Care Premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise-mitigation measures, such as acoustic treatments to buildings.

Although each application will need to be assessed on its individual merits, the following basic principles apply:-

(a) Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement villages and nursing homes, the noise-generating activities of the Child Care Premises, such as the outdoor play areas, parking areas and any plant equipment, are to be located away from the noise sensitive use;
(b) Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and
(c) The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

4.6 Design Considerations

The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture.

Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimise any impact on adjoining properties.
Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose.

Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape.

Landscaping will be required along the frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights and potentially toxic plants.

4.7 Hours of Operation

For Child Care Premises in Residential areas, hours of operation will be restricted to 7.00am to 7.00pm, unless otherwise agreed to by the Council.

4.8 Advertising Signs

Any proposed advertising sign must accord with the provisions of clause 5.3 of Town Planning Scheme No 2. Furthermore, a Sign Licence application is required to be submitted to the Building Department, pursuant to the Council's Signs, Hoardings and Bill Posting Local-Law.

4.9 Need for Child Care Premises

Where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises may have an adverse impact on the level of service to the community by similar existing or approved facilities, the proponent will be required to provide further information in regard to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility.

4.10 Building Approval

Where a Child Care Premises requires the construction of a new building or modifications to an existing building, a Building Licence will be required from the Council (in addition to a Planning Approval).

4.11 Health Approval

Where a Child Care Premises requires the construction of a new building or modifications to an existing building, a Form 2 4 - Maximum Accommodation Certificate will be required from the Council (in addition to a Planning Approval). Refer to Appendix 1 for the necessary application form.

In addition, an Application for a Certificate of Registration of a Food Premises must also be submitted. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code. Refer to Appendix 2 for the necessary application form.
4.12 Consultation

All applications for planning approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation. Where the location of a Child Care Premises was pre-determined in a structure plan, or similar wide-ranging site assessment completed prior to any residential development in the vicinity, comprehensive consultation may not be necessary.

Unless otherwise determined by the Manager, Statutory Planning, applications for planning approval for the establishment of Child Care Premises in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of the Scheme and Planning Procedure No.1.3 - Community Consultation.

4.13 Other Considerations

4.13.1 Consultations with State Government Agencies

Applicants for approval to establish a Child Care Premises are encouraged to discuss their proposal with the Department of Communities and the Child Care Licensing and Standards Unit which assesses and processes licence applications, provides information to help service providers understand and comply with the regulations, monitors child care services to ensure compliance with the regulations and responds to concerns and complaints of non-compliance with the regulations.

The Department's Children's Services Officers provide support and advice to licensees and prospective licensees about setting up a service and applying for a licence.

The licence to operate a Child Care Premises, issued under the regulations (Child Care Services Act 2007) limits the number of children the Centre can accommodate.

4.13.2 Commonwealth Department for Families, Housing, Community Services and Indigenous Affairs

This Department provides support for child care services, including:-
- Helping families with the cost of child care (Child Care Benefit);
- Policy advice, research and service management related to providing children's services;
- Helping services provide quality care under the Child Care Support Program;
- Quality assurance, training and support services to improve the quality of children's care;
- Funding, training and support products and services to promote equity of access; and
- Funded child care places and operational support for child care services (Community Support payments) and (Family Day Care Start Up Payment).

Notwithstanding any comments received through consultations referred to in this Part, applications for planning approval will to be determined on their individual merits by the Council, whether or not assistance is granted.

4.13.3 Site Contamination

The commencement of the Contaminated Sites Act 2003 on 1st December 2006 has created new statutory obligations for land users and has highlighted the importance of preventing the development of child care services on land that is unsuitable for this land use because of soil and groundwater contamination at or near the site.
Proposals for the development of a Child Care Premises must:-
- Exercise duty of care to ensure that the site is suitable for use as a child care service;
- Seek and consider any information held by the Department of Environment and Conservation about the contamination status of the site; and
- Seek and consider any other information about the contamination status of the site, irrespective of whether or not it has been reported to Department of Environment and Conservation under the *Contaminated Sites Act 2003*

5. Application Procedure

Applications for planning approval for the establishment of Child Care Premises shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:-

(a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved. Such a submission to also outline the number of children proposed, age group breakdown, days and hours of operation and staff requirements;
(b) A location plan depicting surrounding lots and road layout;
(c) A detailed site plan to a scale sufficient to identify clearly the boundaries and all proposed structures, external play areas, landscaping, refuse storage area, car parking, pedestrian and vehicle access ways, crossover/s and kerb locations, verge width and associated road infrastructure (e.g. light poles, traffic islands) for the full road reserve width for all roads abutting the application site;
(d) Floor plans and elevations to all sides of the proposed building to a minimum scale of 1:100;
(e) A traffic impact statement/assessment and noise impact assessment, if required;
(f) A Signage Strategy to generally describe and illustrate the number, location, dimensions and content of all signs, and sign structures to be erected;
(g) Any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;
(h) If the site has been used for a potentially contaminating activity, the information listed in section 6 of the Department of Environment and Conservation’s ‘*Contaminated Sites and Land Use Planning Process*’ (available on the DEC website at www.dec.wa.gov.au);
(i) Such plans and other information that the Council may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2; and
(j) The payment of an Administration Fee as detailed in the Council’s Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services.

6. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7. Interpretations

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

8. Delegation
All applications for planning approval for the establishment of Child Care Premises in the Residential and Development zones will be referred to the Council for determination.

Subject to no substantiated objections being received following community consultation, other applications for planning approval which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 – Delegated Authority.

In the event that substantiated objections are received following community consultation, the application for planning approval will be referred to the Council for determination.

9. Adoption
This Planning Policy was originally adopted by the Council at its ordinary Meeting held on the 27th May 2008.

10. Amendment
This Planning Policy was amended by the Council at its ordinary Meeting held on the ________________ (Planning Services Committee ________________).

11. Revocation
This Planning Policy supersedes the Council's Statement of Planning Policy No.2.6 – Child Care Centres.

Appendices

1. Form 2 - Application for Certificate of Approval
2. Application for a Certificate of Registration of a Food Premises

Note: The appendices do not form part of this Planning Policy and have been included for information purposes only.

8. Committee Recommendation
That Council ENDORSE the publishing of a notice that it has prepared an amendment to Planning Policy No.3.3.5, Child Care Premises for public inspection, pursuant to clause 8.9.4 of Town Planning Scheme No.2, as follows:-

PLANNING POLICY 3.3.5
CHILD CARE PREMISES
1. Introduction

A Child Care Premises is used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre.

Note 1: This Planning Policy does not apply to 'Family Day Care Centres', which are child care services provided at a place where the person providing the service lives and none of the children to whom the service is provided live, in accordance with the Child Care Services Act 2007. Family Day Care Centres are exempt from Planning Approval under clause 6.1.2(i) of Town Planning Scheme No.2. The planning approval of the Council is not required for a 'Family Day Care Centre'. Refer to clause 6.1.2(i) of Town Planning Scheme No.2.

Note 2: An Application for a Certificate of Registration of a Food Premises is required to be submitted to the City's Health Services for the Family Day Care Centre to be considered lawful. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code. Refer to Appendix 2 for the necessary application form.

There is a growing demand for Child Care Premises in all parts of the City and the 'Council' expects that demand to continue, given the current and expected urban development within the City.

The purpose of this Planning Policy 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 the establishment of Child Care Premises.

In this regard, no person shall commence or carry out any development of a Child Care Premises without first having applied for and obtained the planning approval of the Council, pursuant to the provisions of Part 6 of Town Planning Scheme No.2.

2. Policy Application

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Child Care Premises use in Town Planning Scheme No.2 can be summarised as follows:-

(a) The use is not permitted in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones unless the Council has exercised its discretion by granting planning approval;

(b) The use is not permitted in the Residential and Development zones unless the Council has exercised its discretion by granting planning approval, following a process of community consultation in accordance with clause 6.3.3 of the Scheme;

Note: In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, land uses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation. Refer to clause 4.2.9 of Town Planning Scheme No.2.

(c) The use is not permitted in the Special Commercial, Port Kennedy Business Enterprise, General Industry, Special Industry, Special Rural and Special Residential zones.
This Planning Policy should be read in conjunction with Planning Procedure 1.3 - Community Consultation, the Child Care Services Act 2007 and WAPC Planning Bulletin 72/2009 - Child Care Centres.

3. **Policy Objectives**

The objectives of this Planning Policy are as follows:-

(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Child Care Premises;

(b) To secure the amenity of the locality by ensuring that Child Care Premises are consistent with the scale and character of the immediate area; and

(c) To ensure that appropriate and flexible child care facilities are provided to accommodate the needs of the children and their carers.

(d) To consider the health and safety of children attending the Child Care Premises within the confines of the planning system.

4. **Policy Statement**

4.1 **Location of Child Care Premises**

It is important that Child Care Premises are appropriately located to meet the needs of children and their families. It is also important in limiting the impact a Child Care Premises may have on surrounding activities and vice versa. This may be achieved by locating Child Care Premises on sites that are:-

(a) Distributed strategically to provide the maximum benefit to the community it serves;

(b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;

(c) Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties);

(d) Serviced by public transport (where available);

(e) Considered suitable from a traffic engineering/safety point of view; and

(f) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Child Care Premises generally would not be suitable where:

(g) Soil contamination exceeds the levels regarded by the Department of Environment and Conservation and the Department of Health as suitable for standard residential land uses with accessible soils as published in guideline ‘Assessment Levels for Soil, Sediment and Water’ (Department of Environment, November 2003);

(h) Groundwater is to be abstracted for the irrigation of gardens and play area within the Child Care Premises and groundwater contamination exceeds 10 x Australian drinking water criteria in accordance with the ‘Contaminated Sites Reporting Guideline for Chemicals in Groundwater’ (Department of Health 2006);

(i) The service provided by the Centre will have a demonstrable adverse impact on the existing or planned level of Child Care Premises enjoyed by the local community;

(j) Access is from a major road or in close proximity to a major intersection where there may be safety concerns;
(k) Access is from a local access street which may impact on the amenity of the area due to traffic and parking;

(l) The current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on site;

(m) Noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or

(n) The site is in a heavy industry area or in the buffer area of a heavy industry area.

4.2 Site Characteristics

Sites selected for Child Care Premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping, as determined by the City.

As a general rule, sites in a residential area should be of regular shape and greater than 1000m² in size. A maximum site coverage of 50% will apply to any proposal to prevent the over-development of any lot.

The topography of the site should be considered, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.

Sites selected for Child Care Premises should also be assessed to determine their potential for soil and groundwater contamination. Section 6 of the Department of Environment and Conservation’s ‘Contaminated Sites and the Land Use Planning Process’ (April 2006) guideline sets out a useful methodology to assist local governments in carrying out such assessments.

4.3 Carparking

An application for planning approval shall make provision for parking bays in accordance with the standards and requirements of Clause 4.15 and Table Nos.2 and 3 of Town Planning Scheme No.2.

In Table No.3 (recommended carparking standards/allowances within the City Centre Zone and Baldivis Town Centre Zone), one carparking bay per staff member plus an adequate number of drop off bays (at the discretion of the Council) is required.

In Table No.2 (dealing with all other zones, except the Waterfront Village Zone), one carparking bay for each employee and one carparking bay for every eight children is required.

In the Waterfront Village Zone, the Council shall determine the number of carparking bays to be provided having regard to:-

(a) The nature of the proposed development;

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

(c) The anticipated demand for parking; and

(d) The orderly and proper planning of the locality.

Parking areas should be located in front of the building. If this is not possible, parking areas should be clearly visible and easily accessible from the entry to the site.

In addition, landscaping may be required on-site to screen car parking areas from the street and the Child Care Premises from adjoining residences in order to maintain the amenity of the locality.
4.4 Traffic Impacts
A traffic impact statement/assessment will be required where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises has the potential to impact on the functionality and amenity of an area and may create or exacerbate unsafe conditions for children and families using the premises, or for pedestrians or road users.

This statement/assessment should address:-
(a) The site characteristics and surrounding area;
(b) The proposal and its expected trip generation;
(c) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
(d) Existing traffic conditions and any future changes expected to the traffic conditions;
(e) Current road safety conditions, including a crash history in the locality; and
(f) The expected impact of the proposed development on the existing and future traffic conditions.

4.5 Noise Impacts
A noise impact assessment may be required for the development of a Child Care Premises. The objectives should be to limit the noise impact of the Child Care Premises on adjacent properties, and also limit any noise impact from external sources on the Child Care Premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise-mitigation measures, such as acoustic treatments to buildings.

Although each application will need to be assessed on its individual merits, the following basic principles apply:-

(b) Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement villages and nursing homes, the noise-generating activities of the Child Care Premises, such as the outdoor play areas, parking areas and any plant equipment, are to be located away from the noise sensitive use;
(b) Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and
(c) The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.

4.6 Design Considerations
The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture.

Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimise any impact on adjoining properties.

Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose.

Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape.
Landscaping will be required along the frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights and potentially toxic plants.

4.7 **Hours of Operation**

For Child Care Premises in Residential areas, hours of operation will be restricted to 7.00am to 7.00pm, unless otherwise agreed to by the Council.

4.8 **Advertising Signs**

Any proposed advertising sign must accord with the provisions of clause 5.3 of Town Planning Scheme No 2. Furthermore, a Sign Licence application is required to be submitted to the Building Department, pursuant to the Council’s Signs, Hoardings and Bill Posting Local-Law.

4.9 **Need for Child Care Premises**

Where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises may have an adverse impact on the level of service to the community by similar existing or approved facilities, the proponent will be required to provide further information in regard to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility.

4.10 **Building Approval**

Where a Child Care Premises requires the construction of a new building or modifications to an existing building, a Building Licence will be required from the Council (in addition to a Planning Approval).

4.11 **Health Approval**

Where a Child Care Premises requires the construction of a new building or modifications to an existing building, a Form 2 4 - Maximum Accommodation Certificate will be required from the Council (in addition to a Planning Approval). Refer to Appendix 1 for the necessary application form.

In addition, an Application for a Certificate of Registration of a Food Premises must also be submitted. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code. Refer to Appendix 2 for the necessary application form.

4.12 **Consultation**

All applications for planning approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation. Where the location of a Child Care Premises was pre-determined in a structure plan, or similar wide-ranging site assessment completed prior to any residential development in the vicinity, comprehensive consultation may not be necessary.

Unless otherwise determined by the Manager, Statutory Planning, applications for planning approval for the establishment of Child Care Premises in the City Centre, Waterfront Village, Baldivis Town Centre, Commercial, Service Commercial, Light Industry, Rural and Community Purposes zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of the Scheme and Planning Procedure No.1.3 - Community Consultation.
4.13 Other Considerations

4.13.1 Consultations with State Government Agencies

Applicants for approval to establish a Child Care Premises are encouraged to discuss their proposal with the Department of Communities and the Child Care Licensing and Standards Unit which assesses and processes licence applications, provides information to help service providers understand and comply with the regulations, monitors child care services to ensure compliance with the regulations and responds to concerns and complaints of non-compliance with the regulations.

The Department's Children's Services Officers provide support and advice to licensees and prospective licensees about setting up a service and applying for a licence.

The licence to operate a Child Care Premises, issued under the regulations (Child Care Services Act 2007) limits the number of children the Centre can accommodate.

4.13.2 Commonwealth Department for Families, Housing, Community Services and Indigenous Affairs

This Department provides support for child care services, including:

- Helping families with the cost of child care (Child Care Benefit);
- Policy advice, research and service management related to providing children's services;
- Helping services provide quality care under the Child Care Support Program;
- Quality assurance, training and support services to improve the quality of children's care;
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Notwithstanding any comments received through consultations referred to in this Part, applications for planning approval will to be determined on their individual merits by the Council, whether or not assistance is granted.

4.13.3 Site Contamination

The commencement of the Contaminated Sites Act 2003 on 1st December 2006 has created new statutory obligations for land users and has highlighted the importance of preventing the development of child care services on land that is unsuitable for this land use because of soil and groundwater contamination at or near the site.

Proposals for the development of a Child Care Premises must:

- Exercise duty of care to ensure that the site is suitable for use as a child care service;
- Seek and consider any information held by the Department of Environment and Conservation about the contamination status of the site; and
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5. Application Procedure

Applications for planning approval for the establishment of Child Care Premises shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:
(a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved. Such a submission to also outline the number of children proposed, age group breakdown, days and hours of operation and staff requirements;

(b) A location plan depicting surrounding lots and road layout;

(c) A detailed site plan to a scale sufficient to identify clearly the boundaries and all proposed structures, external play areas, landscaping, refuse storage area, car parking, pedestrian and vehicle access ways, crossover/s and kerb locations, verge width and associated road infrastructure (e.g. light poles, traffic islands) for the full road reserve width for all roads abutting the application site;

(d) Floor plans and elevations to all sides of the proposed building to a minimum scale of 1:100;

(e) A traffic impact statement/assessment and noise impact assessment, if required;

(f) A Signage Strategy to generally describe and illustrate the number, location, dimensions and content of all signs, and sign structures to be erected;

(g) Any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;

(h) If the site has been used for a potentially contaminating activity, the information listed in section 6 of the Department of Environment and Conservation’s ‘Contaminated Sites and Land Use Planning Process’ (available on the DEC website at www.dec.wa.gov.au);

(i) Such plans and other information that the Council may reasonably require to enable the application to be determined. Refer to clause 6.2.2 of Town Planning Scheme No.2; and

(j) The payment of an Administration Fee as detailed in the Council's Planning Information Bulletin No.2.2 - Scale of Fees for Planning Services.

6. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

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Council means the Council of the City of Rockingham.

8. Delegation

All applications for planning approval for the establishment of Child Care Premises in the Residential and Development zones will be referred to the Council for determination.

Subject to no substantiated objections being received following community consultation, other applications for planning approval which comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 8.10 of Town Planning Scheme No.2 and Planning Procedure 1.1 - Delegated Authority.
In the event that substantiated objections are received following community consultation, the application for planning approval will be referred to the Council for determination.

9. Adoption
This Planning Policy was originally adopted by the Council at its ordinary Meeting held on the 27th May 2008.

10. Amendment
This Planning Policy was amended by the Council at its ordinary Meeting held on the _____________ (Planning Services Committee ________________).

11. Revocation
This Planning Policy supersedes the Council’s Statement of Planning Policy No.2.6 - Child Care Centres.

Appendices

1. Form 2 - Application for Certificate of Approval
2. Application for a Certificate of Registration of a Food Premises

Note: The appendices do not form part of this Planning Policy and have been included for information purposes only.

Committee Voting – 4/0

9. The Committee’s Reason for Varying the Officer’s Recommendation
Not applicable.

10. Implications of the Changes to the Officer’s Recommendation
Not applicable.
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<tr>
<td>Proponent/s:</td>
<td>Mr Norm Brooks</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr John-Paul MacDonagh, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th March 2011</td>
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<td>October 2010 (SP-002/10)</td>
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<td>Disclosure of Interest:</td>
<td>Quasi Judicial Role</td>
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<td>Nature of Council’s Role in this Matter:</td>
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Location Plan – Intersection of Murdoch Drive and Singleton Beach Road, Singleton
1. **Purpose of Report**

To consider an application to close the western portion of road reserve located at the corner of Murdoch Drive and Singleton Beach Road, Singleton.

2. **Background**

In August 2010, an application was received on behalf of the landowner of Lot 157 (No.18) Singleton Beach Road, Singleton seeking the closure of a 210m² portion of the road reserve at the corner of Murdoch Drive and Singleton Beach Road, Singleton.

In October 2010, Council resolved to advertise the proposed closure of the road reserve. This included consultation with various government agencies.

3. **Details**

The proposed road closure will enable the road reserve area to be purchased by the applicant.

4. **Implications to Consider**

   a. **Consultation with the Community**

   A Public Notice was placed in a local newspaper advertising the proposed closure. The only public submissions received were from Government Agencies.

   b. **Consultation with Government agencies**

   The proposed road closure was advertised for 35 days in accordance with the Land Administration Act 1997. Advertising closed on the 4th February 2011, with submissions received from Main Roads, Western Power, and the Water Corporation. No objections were raised, although the Water Corporation advised that a water main located within the verge will be affected and will require a new alignment.

   c. **Strategic**

   The proposal falls within Functional Area 3 - Land Use & the Environment in Council's Strategic Plan under the scope of Land Use Planning.

   d. **Policy**

   Nil

   e. **Financial**

   Nil

   f. **Legal and Statutory**

   The responsibility for determining applications for the closure of road reserves rests with the Minister for Lands, on advice from the Department of Regional Development and Lands.

5. **Comments**

The applicant was advised of the water main within the verge which would require relocation at full cost to the proponent as a condition of approval.

It is recommended that the Council, pursuant to Section 58 of the Land Administration Act 1997, request the Minister for Lands to proceed with the closure.
6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council *REQUEST* the approval of the Minister for Lands, to proceed with the road closure of the western portion of road reserve at the corner of Murdoch Drive and Singleton Beach Road Singleton, pursuant to Section 58 of the Land Administration Act 1997 subject to the relocation of the Water Corporation water main, at the full cost of the proponent.

8. **Committee Recommendation**

That Council *REQUEST* the approval of the Minister for Lands, to proceed with the road closure of the western portion of road reserve at the corner of Murdoch Drive and Singleton Beach Road Singleton, pursuant to Section 58 of the Land Administration Act 1997 subject to the relocation of the Water Corporation water main, at the full cost of the proponent.

Committee Voting - 4/0

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

Not applicable.

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

Not applicable.
## 1. **Purpose of Report**

To provide comments to the WAPC on a proposal to lift the Urban Deferment under the Metropolitan Region Scheme (MRS) over part of the Wellard East Urban Cell, within the Town of Kwinana.

## 2. **Background**

In January 2008, the WAPC rezoned the Wellard East Cell, being the land bound by Millar Road, Kwinana Freeway, Mortimer Road and Woolcott Road, from Rural to Urban Deferred under the MRS.

In December 2009 the northern two-thirds of the cell had the Urban Deferment "lifted", meaning the land was transferred from the Urban Deferred zone to the Urban zone under the MRS.
The southern third of the cell was excluded because of a 2km buffer to the WA Water Ski Park on St Albans Road (as confirmed by Council in July 2005) and a 1km buffer to the Wellard Sheep Holding Facility on Telephone Lane. A 500m buffer to a ‘Priority Resource Area’ for clay mining in Baldivis also affected the southern third of the Cell.

3. Details

The subject site is located wholly in the Town of Kwinana, adjacent to the northern boundary of the City of Rockingham. The proposal seeks to lift the Urban Deferred zoning over the south-western majority of the Urban Deferred zone in the East Wellard Cell, to facilitate urban development over the land. The proposal only seeks to lift the Urban Deferred zoning over the south-western part of the Cell, as the south-eastern portion of the Cell is affected by a buffer to a nearby sheep holding facility. The location of the proposal is shown on the following plan:
The City of Rockingham has been in various discussions with officers from the Town of Kwinana and Cardno regarding the proposed lifting of the Urban Deferment land. Noise has been the subject of further investigation by the City's Environmental Health Services and the Town of Kwinana, specifically regarding the potential noise impacts from the WA Water Ski Park (Jet Boats), in Baldivis. The City of Rockingham investigations show that noise levels at the subject site could comply with the Environmental Protection (Noise) Regulations 1997.

Correspondence has also been provided from Austral Bricks advising that the land within 500m of Millar Road (i.e. the required buffer distance) was unlikely to be mined for clay due to the low quality of the resource. Correspondence from the Department of Mines and Petroleum confirms that the northern portion of the ‘Priority Resource Area’ (within 500m of Millar Road) has been excised from the Department's maps.

The proposal does not seek to lift the Urban Deferment from land within 1,000m of the sheep holding facility on Telephone Lane in Baldivis.

Issues relating to servicing were addressed as part of proposal to lift the Urban Deferment over the northern portion of the Cell.

**4. Implications to Consider**

a. **Consultation with the Community**
   
   It is not a requirement of the legislation to advertise the WAPC's intent to lift urban deferment or to seek public comment. Consultation was undertaken for the proposal by the WAPC when the land was originally proposed to be rezoned from Rural to Urban Deferred.

b. **Consultation with Government Agencies**
   
   The WAPC has sought the comment of the City of Rockingham, as an affected government agency, on the proposal.

c. **Strategic**
   
   N/A

d. **Policy**
   
   The WAPC's Guidelines for the Lifting of Urban Deferment state that before agreeing to transfer the land from the ‘Urban Deferred’ zone to the ‘Urban’ zone, the WAPC will require evidence that:
   
   - the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services planning is sufficiently advanced to depict an acceptable overall design to guide future development;
   - the proposed urban development represents a logical progression of development;
   - regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and
   - any constraints to urban development can be satisfactorily addressed.

e. **Financial**
   
   N/A

f. **Legal and Statutory**
   
   Clause 27 of the MRS provides that, by resolution of the Commission notified in the Government Gazette, land may be transferred from the Urban Deferred Zone to the Urban Zone.
5. Comments

The City's consideration of this matter is limited to the proposal's potential impacts to existing and future land uses within the City's boundaries, given the proposal will be determined by the WAPC and is wholly located within the Town of Kwinana. In this regard, the main issues include buffers to the water ski park, future clay mining activities and impacts to future urban areas in Baldivis.

The City's Health Services, in conjunction with the Town of Kwinana’s Health Services, undertook noise readings on the Jet Sprint Club at Bonney’s Water Ski Park on Saturday 29 January 2011.

A number of noise readings were obtained from a variety of locations. The majority of the readings conducted on this day complied with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997. There were some exceedences noted during the noise readings. These appear to be attributed to individual boats. The City’s Health Services will continue to liaise with the Jet Sprint Club in this regard. Having regard to most noise readings being compliant and the City’s liaison with the Jet Sprint Club, the lifting of the Urban Deferment, on balance, is supported.

It is noted that compliance with State Planning Policy 5.4, Road and Rail Transport Noise and Freight Considerations in Land Use Planning may require acoustic attenuation to the existing freight railway, which sits between the subject site and WA Water Ski Park. It should be confirmed that this SPP will be taken into account during structure planning and subdivision for the subject site.

Notwithstanding that noise issues to WA Water Ski can be managed, it is recommended that a notification is included on all new Titles in the subject area, to advise future owners about the potential noise impacts.

The alteration to the Priority Resource Area relating to future clay mining activities is noted, and should not impact on the lifting of Urban Deferment.

It should be noted that the land immediately south of the subject site has been identified in the WAPC's Outer Metropolitan Perth and Peel Sub-Regional Strategy as a 'Priority Industrial Site - Subject to Investigation'; this designation was informed by the WAPC's draft Industrial Land Strategy. In February 2010, the Council, in considering the draft Industrial Land Strategy, noted that the development of urban areas in close proximity to this Priority Industrial Site should be "addressed through future detailed planning to ensure the amenity of residential areas is not adversely affected."

The City is satisfied that the Wellard East Urban Cell will be a self contained community with access to community facilities and services within the Town of Kwinana.

To meet the WAPC’s deadline by which comments are required, City Officers provided an interim response to the WAPC advising that the City supports the lifting of the urban deferment over the subject land. It is recommended that the officer's interim response be confirmed. It is further recommended that the WAPC be requested to require Notifications to be included on all Titles in the subject area at the time of subdivision, and that the requirements of SPP5.4 be taken into account at structure planning and subdivision stages.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council:

1. **CONFIRM** the City's interim response to the Western Australian Planning Commission that the lifting of the Urban Deferment over the southwest portion of the Wellard East Urban Cell is supported.
2. **REQUEST** Notifications to be included on all Titles to advise owners about the potential noise impacts from Jet Sprint Events at the WA Water Ski Park and consider the implications of State Planning Policy 5.4, *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* as part of future structure planning and subdivision of the subject land.

### 8. Committee Recommendation

That Council:

1. **CONFIRM** the City’s interim response to the Western Australian Planning Commission that the lifting of the Urban Deferment over the southwest portion of the Wellard East Urban Cell is supported.

2. **REQUEST** Notifications to be included on all Titles to advise owners about the potential noise impacts from Jet Sprint Events at the WA Water Ski Park and consider the implications of State Planning Policy 5.4, *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* as part of future structure planning and subdivision of the subject land.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
Planning Services
Strategic Planning & Environment

Reference No. & Subject: SP-013/11

Proposed Omnibus Amendment to Town Planning Scheme.2 - Modifications to Development Areas

File no: LUP/1519
Proponent/s: City of Rockingham
Author: Mr Regan Travers, Planning Officer
Contributing Authors: Mr Tristan Fernandes, Planning Officer
Mr Dave Waller, Co-ordinator, Statutory Planning
Mr Mike Ross, Manager, Statutory Planning

Date of Committee Meeting: 14th March 2011
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s role in this matter: Legislative

Site: Various
Lot area: Various
Attachments: Plan No.1 - Development Areas (under Clause 4.2 and Schedule No.9)
Maps/diagrams: Location Plan

1. Purpose of Report

To consider an Omnibus Scheme Amendment to delete the Residential Design Code (‘R-Code’) designations from ‘Development Areas’ and rationalise ‘Development Areas’ to ensure they apply to all land zoned ‘Development’.

2. Background

In September 2010, the Council initiated an amendment to Town Planning Scheme No.2 (TPS2) to amend the Scheme Maps by deleting the density code notations from Lots 2 and 3 Warnbro Sound Avenue, Golden Bay. Residential density applied in this ‘blanket’ approach is inconsistent with adopted Structure Plans or Comprehensive Development Plans (‘CDPs’).
3. **Details**

The Scheme Amendment proposes to modify the Scheme Text and the Scheme Maps in the following manner:

**Scheme Maps**

(i) Modify the Scheme Maps to remove the R-Code designations to all land zoned 'Development'.

(ii) Modify existing Development Area boundaries and insert new Development Areas No.30 - 39, where a Development Area is not designated.

**Scheme Text**

(i) Insert Scheme provisions into Schedule No.9 for new Development Areas 30 - 39 linking them to a relevant Structure Plan adopted by the City and WAPC.

(ii) Modify the existing ‘Area’ column of DA25 to refer to ‘The Rivergums’.

4. **Implications to Consider**

a. **Consultation with Government agencies**

Consultation with Government agencies and other stakeholders will be undertaken during the public advertising process.

b. **Strategic**

Functional Area 3 - Land Use & the Environment in Council’s Strategic Plan under the Scope of Land Use Planning and Structure Planning.

c. **Policy**

N/A

d. **Financial**

Costs will be incurred to advertise the Amendment for Public Comment.

e. **Legal and Statutory**

Scheme Amendments are required to be dealt with in accordance with the Town Planning Regulations 1967 (as amended), which includes a requirement to advertise proposals for public comment over a period of 42 days, prior to Council considering final adoption.

5. **Comments**

Development Areas apply to land requiring comprehensive planning prior to subdivision and development under TPS2, which are zoned ‘Urban Deferred’ or ‘Urban’ under the Metropolitan Region Scheme. Development Areas are listed under Schedule 9 of TPS2 and give effect to Structure Plans or CDPs adopted by the Council under Clause 4.2 of TPS2. If a Development Area is not indentified under TPS2, a Structure Plan may not have legal effect under TPS2 and therefore land-use and residential density controls become ineffective.

Clause 4.2.4 of TPS2 states as follows:

“4.2.4 Planning Requirements

(a) The Council requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving the development of land with the Development Area.

(b) Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedule No.9.”
The Council or the Commission may, as a condition of adopting or approving a Proposed Structure Plan in future if the Council or the Commission considers that it will be necessary to provide additional details to the proposals contained in the Proposed Structure Plan.

(d) Schedule No.9 describes the Development Areas in more detail and sets out the purpose and particular requirements that may apply to the Development Area."

The City has previously taken legal advice which stated that in the case of land within a Development Zone but not within a Development Area, the Council does not "require(s) a Structure Plan…..before…..approving the development of land". In the case of land within the Development Zone but not identified as a Development Area by the Scheme, clause 4.2.4 does not apply and the Council does not require a Structure Plan before approving development.

It is also apparent that some Structure Plans have already been adopted by Council for land within a Development Zone in absence of a Development Area. This emphasises the need for the Council to amend TPS to resolve the anomalies over the missing Development Areas.

After reviewing the R-Code designations for Development Areas on the Scheme Maps, it was apparent that several Development Areas were not included in TPS2. Furthermore, the Split R-Codings (e.g. R20/R40) on the Scheme Maps were inconsistent with adopted Structure Plans which limit the City's ability to administer Structure Plans and approve development. Residential density is more appropriately applied through adopted Structure Plans, rather than blanket R-Codings shown on the Scheme Maps.

The proposed Scheme Amendment therefore involves changes to both the Scheme Maps and Scheme Text as provided for in the Report's recommendation. It is recommended that Council proceed to adopt the Scheme Amendment.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council in pursuance of Section 75 of the Planning and Development Act, ADOPT (initiate) an Amendment to Town Planning Scheme No.2, as follows:-

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
CITY OF ROCKINGHAM
TOWN PLANNING SCHEME No. 2 - AMENDMENT No.111

Amending the Scheme as follows:-

(i) Deleting all R-Code notations from land zoned ‘Development’ on the Scheme Maps;
(ii) Create new Development Areas No. DA30, DA31, DA32, DA33, DA34, DA35, DA36, DA37, DA38 and DA39 to be shown on the attached Scheme Amendment Maps to be shown on Plan No.1;
(iii) Modify the boundaries of existing Development Area’s DA13, DA22 and DA25;
(iv) Insert reference to ‘Development Areas’ into the legend of the Scheme Maps;
(v) Modify Schedule No.9 of Town Planning Scheme No.2 ‘Area’ column of DA25 to refer to ‘The Rivergums’; and
(vi) Amending Schedule No.9 of Town Planning Scheme No.2 to include new Development Areas DA30, DA31, DA32, DA33, DA34, DA35, DA36, DA37, DA38 and DA39 as set out below: -
<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
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</tr>
<tr>
<td>DA35</td>
<td>Lots 18, 19, 20, 21 Sixty Eight Road and Lots 22, 739 and 740 Baldivis Road</td>
<td>An approved Structure Plan together with all approved amendments and Detailed Area Plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
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<tr>
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Amend the Scheme Maps, as follows:-
8. **Committee Recommendation**

That Council in pursuance of Section 75 of the Planning and Development Act, **ADOPT** (initiate) an Amendment to Town Planning Scheme No.2, as follows:-

**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

**CITY OF ROCKINGHAM**

**TOWN PLANNING SCHEME No. 2 - AMENDMENT No.111**

Amending the Scheme as follows:-

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Amend the Scheme Maps, as follows:-
CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 18 APRIL 2011

PRESIDENTING MEMBER
<table>
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<tr>
<th></th>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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<tbody>
<tr>
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### Planning Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-014/11 Proposed Respite Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/6229</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr &amp; Mrs Berry</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th March 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
</tbody>
</table>

**Site:** Lot 853 Amarillo Drive, Karnup

**Lot Area:** 2.1274ha

**Attachments:**

**Maps/Diagrams:**

- [Subject Site](#)

Indicates submission received
1. Purpose of Report

To consider an application seeking Planning Approval for a proposed Respite Centre at Lot 853 Amarillo Drive, Karnup.

2. Details

Proposal
The proponent is seeking approval for a Respite Centre within a new dwelling proposed on the lot. The proposal comprises the following:

- The owners of the property will be providing respite care for a maximum of three people with disabilities in the house at any one time, however, this amount may be less depending on the level of care needed.
- The proposed dwelling includes carer’s facilities and additional bedrooms and bathrooms, making it larger than a standard residential dwelling.
- Operation hours will vary depending on the needs of the disabled person and their family, but could potentially operate 7 days a week, 24 hours a day.
- The two owners of the property will be the main carers for the facility, but an additional carer may be employed based on demand, or if the owners are on holidays.
- Three separate cottages are also included in the development application. The main dwelling is the only building that the applicants wish to construct at this stage, although if granted, the Planning Approval will cover the entirety of the proposal. The cottages shown on the plan will not be developed initially, but could possibly be developed in the future if there is a high demand for care.
- If the cottages are developed they will be used for people with disabilities that are either living alone and want to use the premises as holiday accommodation, couples where only one person is disabled, or someone who is disabled but wants to bring their own carer.
- All carparking will contained on site.

Submissions
At the close of the advertising period on the 17th February 2011, two submissions had been received. One late submission was received after the close of advertising. Two submissions objected to the proposal and one submission sought clarification on the location of the proposal, but raised no objection. The issues raised have been summarised as follows:

- Rural Character and Amenity
- Setbacks
- Removal of vegetation
- Traffic Impacts
- Inconsistencies with Town Planning Scheme No.2
- Security/Fire Risk

1. Rural Character and Amenity
The impact on rural character and amenity was raised by objectioners. The objectors believed that the proposal is inconsistent with the rural setting of the locality due to it being predominantly single residential and where low key rural activities are undertaken.

2. Setbacks
One submissioner objected the proposed setbacks for the development.
3. Removal of Vegetation
An objection was raised that the proposal will result in the loss of significant vegetation on-site as the primary concern.

4. Traffic Impacts
Traffic noise and the visual impact associated with the potential construction of four driveways and vehicles coming to and from the premises were provided as an objection.

5. Inconsistencies with Town Planning Scheme No.2 (‘TPS2’)
An objection was raised with regards to the potential development of the cottages as it was considered that this would be inconsistent with Town Planning Scheme No.2, which only permits one dwelling per lot in the ‘Special Rural’ zone.

6. Security/Fire Risk
The security of the development was raised by a submitter who was concerned that if the patients were mentally disabled, they may pose a safety concern to the community. Safety concerns involved disabled patients being left unattended, entering adjacent properties and lighting fires.

3. Implications to Consider

a. Consultation with the Community
The proposal was referred for comment to nearby/adjacent landowners for a period of 14 days in accordance with TPS2 requirements.

b. Consultation with Government Agencies
Not required.

c. Strategic
The proposal falls within Functional Area 3 - Land Use & the Environment in Council’s Strategic Plan under the scope of Land Use Planning.

d. Policy
The proposed development was assessed against Planning Policy 5.2, Rural Land Strategy.

e. Financial
Nil

f. Legal and Statutory
Nil

4. Comments

Site Context
The subject site is the rear battleaxe lot of a three lot subdivision approved in 2005, with access obtained from Amarillo Drive. The property is also juxtapositioned to the Kwinana Freeway. The site is currently vacant.

Town Planning Scheme No.2
The subject land is zoned 'Special Rural' under TPS2 and is zoned ‘Rural' under the Metropolitan Region Scheme (MRS).

The objective for the 'Special Rural' zone under Clause 4.12.1(a) of the TPS2 is:-
"To identify areas within which co-ordinated subdivision can occur for the purposes of providing a rural lifestyle that is not associated with large scale, intensive rural activities, whilst also allowing for the effective management of the land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment."

The proposed Respite Centre has been classified as a ‘Residential Building’. TPS2 defines a ‘Residential Building’ to have the same meaning as in the Residential Design Codes. The Residential Design Codes define a ‘Residential Building’ as follows:-

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

A Residential Building is a use that is not permitted unless the Council has exercised its discretion in granting Planning Approval.

Rural Land Strategy
The subject site is located within Precinct 5 of Council's Planning Policy 5.2 - Rural Land Strategy ('RLS'). The primary objective for Planning Unit No.5 is to ensure that Special Rural development is compatible with the land capability of the Pinjarra Plain (north) and the Bussendean Dune System (south) and that development/subdivision accords with landscape protection criteria for Baldivis Road and the proposed Kwinana Freeway by providing a rural context to those major regional routes and to urban development to the west.

The Rural Land Strategy implications are discussed in the City's response to public submissions.

Objections
In response to the concerns raised by the objectors, the following comments are provided:-

1. **Rural Character and Amenity**
   The impact of the proposed development on the rural character and amenity of properties in Amarillo Drive, and those located within the vicinity of the subject site is a key consideration of the City's assessment of the application. The proposed residence is located in a central position on the lot, which would require the clearing of several mature trees. The clearing of vegetation could be avoided as there are areas devoid of vegetation on the lot that are within the required setback areas. It is considered the residence should be repositioned to protect significant vegetation. The proposed cottages would increase the extent of development and activity occurring on the land which could detract from the rural character and amenity of the area.

2. **Setbacks**
   The setbacks for development within the Special Rural zone that apply to Precinct 5 are 30m to the primary street setback, 10m to all other boundaries and a 50m landscape buffer to the Kwinana Freeway. The proposal complies with these setback requirements. This objection has therefore been satisfactory addressed.

3. **Removal of vegetation**
   A Building Envelope has not been designated for the lot and thus there is no specified development area and where vegetation must be retained. The 50m landscape buffer required in the Rural Land Strategy has been retained. The required setbacks provide a default building envelope for development, however, there is scope to improve the location of the main residence to reduce the extent of vegetation being cleared. This matter can be resolved as a condition of Planning Approval.
4. **Traffic Impacts**

The location of the driveways has not been shown on the submitted plan, however, the proponent has advised that their intention is to only develop one circular driveway for the house and the front two cottages. Cottage three will be via path access only. Without the proposed the cottages only one driveway to the main residence would be required, which would eliminate the need for additional driveways.

In terms of increased traffic movement to the property, the applicant has advised that they have a wheelchair van which they will use to collect and bring people to the property. As persons with disabilities would be attending the premises for at least 24hrs a day, the traffic will not be constantly in and out of the property.

5. **Inconsistencies with Town Planning Scheme No. 2**

Although it is acknowledged that the proposed cottages are a future proposal that may or may not be developed, the cottages are self contained and are therefore considered as residential buildings. As TPS2 only permits one dwelling per lot in the Special Rural zone, the development of three cottages is considered to be inconsistent with TPS2 and should therefore not be supported.

6. **Security/Fire Risk**

The proponent has advised that their clientele may have a mental disability, but will be cared for by themselves and professional carers when they are not at the premises. As people with disabilities will by necessity require carers, this concern has been satisfactorily addressed. A Bush Fire Management Plan can also be applied as a condition of approval.

**Conclusion**

Having regard to the objections received against the merits of the proposal, the application can be supported. It is recommended, however, that Council not approve the three proposed cottages. Planning Approval should be limited to the proposed use of the main dwelling as a respite centre, as long as clients are supervised. The residence should also be relocated to protect significant vegetation on-site.

The scale of the whole proposal, which includes a large house and three separate cottages are considered to be inconsistent with the objections of the ‘Special Rural’ zone. This was also the source of most of the concerns raised by objectors. It is therefore considered appropriate for conditional Planning Approval to be granted on this basis.

### 5. Voting Requirements

Simple Majority

### 6. Officer Recommendation

That Council **APPROVE** the proposed Respite Centre (Residential Building) at Lot 853 Amarillo Drive, Karnup subject to the following:-

1. Standard Conditions D1, D17, D32, D34, D81, D82.
2. Non standard conditions:-
   (i) The three cottages shown on the plans do not form part of this Planning Approval.
   (ii) Development must be setback at least 50m from the Kwinana Freeway boundary, in accordance with the requirements of the City's Rural Land Strategy, and 10m from all other boundaries.
   (iii) A nutrient retentive onsite waste water treatment system being installed in accordance with the specifications approved by the City’s Environmental Health Services.
   (iv) A maximum of three clients are permitted to receive Respite Care at any one time.
(v) The proponent preparing a Bush Fire Management Plan in accordance with the specification of Fire and Emergency Services Authority (‘FESA’) and the City of Rockingham Fire Prevention Officer, for the ongoing protection of the development.

(vi) The location of the main residence is to be repositioned to preserve existing mature trees, to the satisfaction of the City.

8. Committee Recommendation

That Council **APPROVE** the proposed Respite Centre (Residential Building) at Lot 853 Amarillo Drive, Karnup subject to the following:-

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   (vi) The location of the main residence is to be repositioned to preserve existing mature trees, to the satisfaction of the City.

Committee Voting – 4/0

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

Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
# Planning Services
## Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-015/11</th>
<th>Development Assessment Panels</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/1385</td>
<td></td>
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<tr>
<td>Proponent/s:</td>
<td>Department of Planning</td>
<td></td>
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<tr>
<td>Author:</td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
<td></td>
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<td>Other Contributors:</td>
<td>14th March 2011</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>May 2010 (PD53/5/10), October 2009 (PD122/10/09), April 2009 (PD49/4/09)</td>
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<td>May 2010 (PD53/5/10), October 2009 (PD122/10/09), April 2009 (PD49/4/09)</td>
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<td>Disclosure of Interest:</td>
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<tr>
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<td>Dept of Planning Letter dated 16th February 2011</td>
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</table>

## 1. Purpose of Report

To consider the Department of Planning update on the implementation of Development Assessment Panels (DAPs).

## 2. Background

The WAPC released a Discussion Paper Implementing DAPs in Western Australia for public comment on 10th September 2009.

In October 2009, the Council considered the Discussion Paper and resolved to submit a comprehensive submission in objection to the introduction of DAPs.

In May 2010, the Council submitted its strong opposition to the introduction of DAPs to the Department of Planning and the Western Australian Local Government Association, on the basis that the amended model proposed in the Policy Statement ‘Implementing Development Assessment Panels in Western Australia’ will not improve upon the Council determining Development Applications pursuant to Town Planning Scheme No.2.

In November 2010 the Approvals and Related Reforms (No.4) (Planning) Bill 2009 was gazetted.
3. **Details**

The Department of Planning has provided an update to the City on the implementation of DAPs, which clarifies some issues surrounding the introduction of new DAP fees and in particular WALGA’s concerns that DAPs may result in cost-shifts to local government. In summary, the following comments were raised by the Department:

- The new Planning and Development (Development Assessment Panels) Regulations 2011 are currently being finalised by the Parliamentary Counsellors’ Office.
- In March 2011, the DAP regulations and preliminary legislative instruments will become operational.
- In May 2011, the Minister will establish fifteen DAPs in Western Australia.
- Local Governments will then be invited by the Minister to nominate two DAP members and two alternate DAP members.
- In June 2011, training of local government DAP members will commence.
- The Department is working on a range of resources, such as procedural manuals to assist with the implementation of DAPs, which includes a Local Government Working Group.
- The Department is also preparing planning bulletins, questions and answer papers and guidance notes, which will be placed on the new DAP website in April 2011.
- A new Secretariat is being employed by the Department to assist in the day-to-day administration of DAPs. The Secretariat will carry out most administrative tasks, including the coordination of DAP meetings, preparation of meeting documents, preparation of decision letters, drafting of annual reports and assistance in training members.
- On the 1st July 2011 DAP’s will come into effect.

4. **Implications to Consider**

a. **Consultation with the Community**

   The Department of Planning has consulted with the community and development industry on the DAP proposals.

b. **Consultation with Government Agencies**

   The Department of Planning has consulted with all local governments.

c. **Strategic**

   This matter falls within Functional Area 3 – in the Council’s Strategic Plan under the scope of Land Use Planning.

d. **Policy**

   Nil

e. **Financial**

   The financial implications to the Council of DAPs are discussed in the comment section of this report. WALGA has asserted there will be cost-shifting to local government, with the establishment of DAPs. While there will be some opportunities for cost recovery, there are still some costs unaccounted for by the Department.

f. **Legal and Statutory**

   There are various legal and statutory implications associated with the introduction of the new Development Assessment Regulations, such as new timeframes, fees, applications, tracking, DAP application types, DAP Panels, Ministerial Powers, DAP Manuals on roles and responsibilities and DAP reports.
5. Comments

DAP Application Types

There are three type of DAP applications as follows:

1. Mandatory DAP Development Application greater than $15 million for the City of Perth and Development Applications greater than $7 million for all other local governments and where the proposal is not listed as an exempt use, such as a single house, 10 grouped dwellings and less than ten multiple dwellings.

2. Optional Development Application between $10 and $15 million for the City of Perth and $3 million and $7 million for local government and where the proposal is not listed as an exempt use, such as a single dwelling, where the applicant has elected to have the relevant DAP determine the application.

3. The Regulations will allow local government and the WAPC to delegate to the DAP their power to determine optional DAP applications. Development Applications under $3 million will continue to be determined by local government and the WAPC.

Council’s Role in Assisting DAPs

The Department has advised the City will continue to play “an important and key role” in all Development Applications. In particular, the City will:-

- receive applications (both ‘Form 1’ under the relevant local planning scheme and the new DAP application) and fees (both the existing fee under the Planning and Development Regulations 2009 (‘PDR’) and the new DAP fee);
- refer the DAP application and DAP fee to the Secretariat;
- prepare a planner’s report, which will include an assessment of the proposal in accordance with Town Planning Scheme No.2 and provide a recommendation;
- refer the planner’s report, together with any public submissions received to the Secretariat; and
- assist in hosting DAP meetings by arranging a minute taker, catering for light refreshments, and security (where necessary), to be reimbursed by the Secretariat to the City, upon receipt of an invoice.

DAPs Fee Model

The Department has proposed to introduce new DAP fees on a cost recovery model, without imposing additional financial cost onto local governments or the Department. The fees have been determined based on guidelines from the Department of Treasury and Finance. The new DAP Regulations include the following fees:

Schedule 1 - fees for applications, ranging from $3,376 (for development applications estimated between $3 million and $7 million) to $6,320 (for proposed developments estimated over $20 million); and

Schedule 2 - fees for DAP members, usually $500 (+9% super) for presiding members and $400 (+9% super) for other members.

The new DAP fees are in addition to the ‘Form 1’ fees applied under the Planning and Development Regulations 2009 which are paid to local government. In most cases, a DAP applicant will be required to pay two fees, being a DAP fee and the ‘Form 1’ fee. The DAP regulations include a provision for DAP fees to be reviewed annually.

The Department of Planning letter attached to this report explains how the DAP fees were calculated, being names three inputs of total DAP meeting costs, total travel and accommodation costs and total other direct costs.
WALGA’s concerns of a cost-shift to local governments

The Department has responded to WALGA’s concerns that DAPs may result in a cost-shift to local government. The Department has asserted that the DAP framework is intended to operate on a 100 percent cost recovery model and there are no anticipated cost shifts to local government. Clarifications were provided by the Department, as follows:-

- Recording during the meeting and preparing formal minutes includes the reimbursement of a minute taker at $28 p/h for 3 hours, which is in accordance with WALGA’S request.
- Director of Planning Attendance and Planning Manager/Report Author. The Department does not support the reimbursement for a Director of Planning and Manager/Report Author to assess and attend a DAP application. The Department advised the DAP Regulations make it optional as to whether a local government planner attends a DAP meeting to address his or her report. Local Government will also continue to collect the ‘Form 1’ fee, in addition to the new DAP fee. The Director and Manager/Report Author, will continue to be covered by the ‘Form 1’ fee. The additional fee in the DAP regulations is designed to recover the costs associated with operating DAPs.
- Room and Security - The Department partially supported WALGA’s request for reimbursement of local government for room and security at $150, being for 3 hours. DAP fee includes an expanded maximum amount of $200 for room and security, being $50 for 4 hours, where the DAP Presiding Member considers the matter contentious.
- Catering – WALGA requested the DAP fees include reimbursement of local government for catering costs of $300 per meeting. The Department partially supported this amount of $100 per local government in attendance. Where a joint DAP application requires local government DAP members from two local governments to attend, the amount will be adjusted to $200. Light refreshments are not expected to include a meal, given meetings will be held in the afternoon.
- Stationary and sundry – The Department advised that all the stationary is supplied by the Secretariat and therefore WALGA's request for stationary and sundry expenses of $100 is not supported.
- Agenda preparation and panel co-ordination – The Department advised the Secretariat will carry out the agenda preparation and panel coordination and incur the costs in doing so. WALGA’s request for reimbursement of local government for agenda preparation and panel coordination of $28 is not supported by the Department.
- Transaction Fee - The Department has advised the DAP fee model includes $50 paid to local governments per DAP application. This addresses WALGA’s request for a fee to collect and forward fees by local government to the Secretariat.

The Department believes it has achieved a balance between ensuring there are no cost-shift to local governments, while protecting applicants from unreasonable expenses for the administration of the DAP framework.

Officer Comments

The Department claims that the DAP framework will operate on a 100 percent cost recovery model and that there are no anticipated cost shift to local government is not correct.

- The Department has not properly taken into consideration that the Director of Planning and Planning Manager/Report Author will in most instances be in attendance on DAP applications to represent the City of Rockingham. Other local governments are expected to follow a similar representation, especially since the decision making role of local government has been replaced on DAP applications by a Joint DAP. Optional attendance is unlikely to influence how local government is likely to respond.
- Report Authors will be responsible for preparing DAP reports which is an entirely new function imposed on local governments by the new DAP Regulations. The Department contends that the ‘Form 1’ fee already applies to the necessary work carried out by local government employees in assessing or presenting a development application, but this fails to recognise that preparing a DAP report is not a function that is currently required. A DAP report could take several hours to prepare depending on its complexity, plan preparation, report checking by Manager and Director of Planning. These are ‘hidden’ costs that will involve cost shifting to local government.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

That Council ADVISE the Western Australian Local Government Association that it is not satisfied that the Department of Planning has taken into consideration the full costs involved in the Director, Planning and Development and/or Manager Statutory Planning attending future Joint DAP meetings and where such costs were never included in the ‘Form 1’ fee when the Form 1 fees were formulated; that the DAP fees fail to recognise the additional role of local government officers in preparing a DAP report, plan preparation, and report checking, when given current Council delegation arrangements; such report preparation would be generally unnecessary.

8. Committee Recommendation

That Council ADVISE the Western Australian Local Government Association that it is not satisfied that the Department of Planning has taken into consideration the full costs involved in the Director, Planning and Development and/or Manager Statutory Planning attending future Joint DAP meetings and where such costs were never included in the ‘Form 1’ fee when the Form 1 fees were formulated; that the DAP fees fail to recognise the additional role of local government officers in preparing a DAP report, plan preparation, and report checking, when given current Council delegation arrangements; such report preparation would be generally unnecessary.

Committee Voting - 4/0

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

Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
1. **Purpose of Report**

To recommend the revocation of Planning Policy No.8.1 - Rockingham City Centre Development Policy Plan, in light of the Planning Policy No.3.2.1 - Development Policy Plan - City Centre Sector coming into effect, following the Final Approval of Amendment No.91 to Town Planning Scheme No.2.

2. **Background**

At its ordinary Meeting held on the 24th August 2010, the Council resolved to adopt Planning Policy 3.2.1 - Development Policy Plan - City Centre Sector, subject to Amendment No.91 to Town Planning Scheme No.2 being granted Final Approval by the Hon Minister for Planning.

Planning Policy 3.2.1 - Development Policy Plan - City Centre Sector replaces Planning Policy No.8.1.
3. **Details**

At its ordinary Meeting of August 2010, Planning Policy No.3.2.1 was adopted subject to the adoption of a Scheme Amendment, however, at that stage there was no time frame of the adoption of the amendment nor the policy, as such Planning Policy No.8.1 was not revoked at this time.

As the Amendment has now received Final Approval, the former Policy needs to be revoked.

4. **Implications to Consider**

a. **Consultation with the Community**
   
   Nil

b. **Consultation with Government Agencies**
   
   Nil

c. **Strategic**

   The matter is associated with Functional Area 3 (Land Use and the Environment) - Strategy 7: Action Plan 7.1 (Continue to implement the City Centre Development Plan).

d. **Policy**

   Nil

e. **Financial**

   Nil

f. **Legal and Statutory**

   Nil

5. **Comments**

As the new Planning Policy No.3.2.1 has now come into effect following Final Approval of Amendment No.91, it is recommended that Council revoke Planning Policy No.8.1 - Rockingham City Centre Development Policy Plan.

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **REVOKE** Planning Policy No.8.1 - Rockingham City Centre Development Policy Plan in accordance with clause 8.9.10 of Town Planning Scheme No.2.

8. **Committee Recommendation**

That Council **REVOKE** Planning Policy No.8.1 - Rockingham City Centre Development Policy Plan in accordance with clause 8.9.10 of Town Planning Scheme No.2.

   Committee Voting – 4/0

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

Not applicable.
10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
1. **Purpose of Report**

To provide Council with details of the tenders received for T10/11-44 - Office Refurbishment Works - City of Rockingham Administration Centre document, the results of the tender assessment process and make a recommendation regarding the award of the contract.

2. **Background**

Since 2007, the Council has pursued a strategy of fitting-out and utilising existing floorspace within City owned buildings for its administration functions, in preference to the construction of Stage 2 of the main Administration Building. The strategy was necessitated due to the estimated construction of Stage 2, in the vicinity of $25M - $30M, compared to several $M's to refit the existing buildings.

In accordance with that strategy, in 2009 the Council's Planning and Engineering & Parks Services Departments relocated from the main Administration Building to the First and Second Floors of the Bridge Wing Building. These Officers joined Engineering staff who had relocated to the Ground Floor of the West Wing Arts Building approximately 7 years beforehand and Strategic Planning & Environment staff, who had relocated in mid-2007 (18 months previously).
The move to the Bridge Wing allowed for:-
- the consolidation of each Planning and Engineering Division's Team operations, which had been separated due to floorspace restrictions.
- relocation of the various Community Development Teams to the 1st Floor Admin Building (these Teams had operated in separate locations).

With the relocation of those Departments, it was then necessary to consider the broader office accommodation requirements for the City's administration functions for the next 10 years.

In October 2009, the Council appointed a team of consultants to undertake an Office Accommodation and Needs Assessment Feasibility Study to guide the allocation of existing Council office floorspace over the next ten (10) years.

The Office Accommodation Strategy is based upon accommodating the City's administration functions within Council’s existing building framework, prior to the Council considering its Stage 2 extension of the Administration Building. The areas included within the Study include:-
- the 3 floors of the main Administration Building
- the 3 floors of the Bridge Wing Building
- the 3 floors of the 'Square Entry Wing Building'
- Hurrell Way Building (now excluded from scope of works; fitout deemed acceptable and not in need of upgrade; minor works to wiring to be undertaken separately).

The aim of the study was to produce a recommended Accommodation Schedule for the City’s 'inside staff' workforce, based on an assessment of the predicted growth of the City's administration staff for the period 2009-2018.

The general scope of the Study was to review the existing office accommodation floorspace to determine the optimal operating arrangement of existing staff operations for the period 2009-2018. Specifically, the consultant team has:-
- documented staff workspace requirements and office needs for 2009-2018
- documented and assessed suitability of existing office floorspace
- made recommendations on optimal operating locations for work teams
- prepared a fitout strategy and final fitout design
- prepared contract documentation

Following a consultation process which involved all members of a Project User Group (comprising staff representatives from across the organisation), all work teams and Departments, Managers and EMT, a general arrangement of teams across the four buildings was agreed.

The agreed arrangement was:-

**Main Admin Building**

Ground floor - Corporate Services Division, including Records, a new Fire Rated Room and relocated Records compactus; main Customer Service Counter; Building Department compactus.

1st floor - Building and Health Teams

2nd floor - General Management Services and IT

**Bridge Wing Building**

Ground floor - Staff Cafe and Meeting Rooms

1st floor - Engineering Division (existing)

2nd floor - Planning Teams (Statutory and Strategic) (existing)

**Square Entry Building**

Ground floor - City Safe
Customer Service Arrangements

Following an approach from the Director of Corporate Services and the Manager of Customer & Corporate Support about the form and function of the City's future customer service arrangements, the consultant architect was requested to prepare options for improving the customer service interface.

Following consideration of these concepts, a new arrangement was recommended by the Project User Group (again in consultation with staff and work teams), and then agreed by EMT.

This agreed concept has been included within the Tender scope. The public main counter will still be located on the ground floor of the Admin Building, although it will be replaced with a more modern arrangement, including glass panelled interview rooms for client contact and dedicated Customer Service workstations, thereby creating one consolidated customer contact point. Meeting rooms for scheduled meetings would be provided in the ground floor of the Bridge Wing. Building and Health will retain a counter on 1st floor Admin.

Implementation of this arrangement will allow the gradual phasing out of all other public counters.

Funds have been included within the existing Fitout Account to allow for the implementation of this new Customer Service arrangement.

Tender Process

Tenders were advertised in the West Australian on Wednesday, 26th January 2011 and Saturday, 29th January 2011. Tenders closed at 2.00pm, Wednesday, 23rd February 2011 and were publicly opened immediately after the closing time.

3. Details

Tenders were received as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Lump Sum Tender Price (Excl. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Scope Interiors</td>
<td>$2,036,527</td>
</tr>
<tr>
<td>2 Northerly Group</td>
<td>$2,164,258</td>
</tr>
<tr>
<td>3 ISIS Group Australia</td>
<td>$2,270,750</td>
</tr>
<tr>
<td>4 Classic Contractors</td>
<td>$2,326,865</td>
</tr>
<tr>
<td>5 Topline Interiors</td>
<td>$2,343,486</td>
</tr>
<tr>
<td>6 Interior Building Solutions</td>
<td>(Incomplete; Non-conforming; Not assessed)</td>
</tr>
<tr>
<td>7 Lansdown Construction</td>
<td>$2,472,516</td>
</tr>
<tr>
<td>9 Georgiou</td>
<td>$2,583,677</td>
</tr>
<tr>
<td>9 Oaklane Projects</td>
<td>$2,807,314</td>
</tr>
<tr>
<td>10 CPD Group</td>
<td>(Late Tender; Not assessed)</td>
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</table>
A Tender Assessment Panel comprising City Officers (Director, Planning & Development Services, Senior Planning Administration Officer, Manager, Capital Projects and Projects & Contract Co-ordinator), Incoll Project Managers and Woods Bagot Architects undertook the tender assessment.

Assessment of Tenders, in accordance with the advertised Tender Assessment Criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max Points</th>
<th>Northerly Group</th>
<th>ISIS Group Australia</th>
<th>Classic Contractors</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Scope</td>
<td>Interiors</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>9%</td>
<td>13%</td>
<td>14%</td>
</tr>
<tr>
<td>Performance and experience</td>
<td>40%</td>
<td>18%</td>
<td>31%</td>
<td>32%</td>
</tr>
<tr>
<td>of Tenderer</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beneficial effects of</td>
<td>5%</td>
<td>2%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Tender</td>
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<td></td>
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</tr>
<tr>
<td>Tendered Price/s</td>
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<td>40%</td>
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<td>36%</td>
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<td>69%</td>
<td>85%</td>
<td>83%</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Topline Interiors</td>
<td>Lansdown Construction</td>
<td>Georgiou</td>
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<td></td>
<td>$2,343,486</td>
<td>$2,472,516</td>
<td>$2,583,677</td>
</tr>
<tr>
<td>Level of Service</td>
<td>15%</td>
<td>4%</td>
<td>10%</td>
<td>12%</td>
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<td>Performance and experience</td>
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<td>of Tenderer</td>
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<tr>
<td>Beneficial effects of</td>
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<td>2%</td>
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<td>4%</td>
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</tr>
<tr>
<td>Tendered Price/s</td>
<td>40%</td>
<td>35%</td>
<td>33%</td>
<td>32%</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>56%</td>
<td>70%</td>
<td>78%</td>
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4. Implications to Consider

a. Consultation with the Community
   Not applicable

b. Consultation with Government Agencies
   Not applicable
c. **Strategic**

Functional Area 4: Organisational Performance, Asset Management, Strategy 11 - Best Practice administrative systems and procedures to achieve effective resource management.


d. **Policy**

Purchasing Policy applies.

e. **Financial**

$4,537,560 allocated in 2010/11 Budget - Account No.410029.0001 (Administration Building - Refurbishment/Fitout); $483,923 allocated in 2010/11 Budget - Account No.410030.0001 (Furniture, Fittings and Equipment - Office Fitout).

f. **Legal and Statutory**


5. **Comments**

All tender submissions assessed were conforming, addressing the requirements of the tender and demonstrating a level of capacity required for these works.

The Northerly Group submission demonstrated a high level of experience and expertise to undertake the required scope of works, as well as a competitive pricing schedule.

The Assessment Matrix identifies Northerly Group as the preferred tenderer (85% weighted score; $2,164,258) and therefore represents best value to the City, being $106,492 less than the next closest tender from ISIS Group Australia (83% weighted score; $2,270,750).

6. **Voting Requirements**

Simple Majority

7. **Officer Recommendation**

That Council **ACCEPT** the Tender submitted by Northerly Group, PO Box 180, Subiaco WA 6904 for T10/11-44 - Office Refurbishment Works - City of Rockingham Administration Centre for the Lump Sum Tender Price of $2,164,258 excluding GST, in accordance with the tender documentation.

8. **Committee Recommendation**

That Council **ACCEPT** the Tender submitted by Northerly Group, PO Box 180, Subiaco WA 6904 for T10/11-44 - Office Refurbishment Works - City of Rockingham Administration Centre for the Lump Sum Tender Price of $2,164,258 excluding GST, in accordance with the tender documentation.

Committee Voting – 4/0

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

Not applicable.

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

Not applicable.
**Planning Services**
**Director, Planning & Development**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>DPD-003/11 Tender T10/11-61 - Supply and Installation of Office Furniture for City of Rockingham Administration Centre Refurbishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>T10/11-61; LUP/1394</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director, Planning and Development</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bruce Foster, Projects and Contract Co-ordinator</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th March 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>February 2008 (PD12/2/28); October 2009 (PD128/10/09)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive Function</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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</tbody>
</table>

1. **Purpose of Report**

To provide Council with details of the tenders received for T10/11-61 - Supply and Installation of Office Furniture for City of Rockingham Administration Centre Refurbishment document, the results of the tender assessment process and make a recommendation regarding the award of the contract.

2. **Background**

The full Background to Office Refit Project is contained in Agenda Item DPD-002/11.

In order to maximise the potential savings to the City through the refurbishment process, the Office Refit Project was split into two tenders, being:
- a tender covering the construction works (such as floors, walls, ceilings, carpets, air-conditioning, lighting, power/data, hydraulics, joinery/fixed furniture). Tender No T10/11-44; see Agenda Item DPD-002/11.
- a tender covering loose furniture, work station systems and storage furniture. Tender No 10/11-61 (this report).

Tenders were advertised in the West Australian on Wednesday, 26th January 2011 and Saturday, 29th January 2011. Tenders closed at 2.00pm, Wednesday, 23rd February 2011 and were publicly opened immediately after the closing time.

The objective of this contract is to purchase furniture to enable the refurbishment of the City’s Administration Centre.

Tenderers were invited to submit pricing for three components, being:-
- loose furniture (tables, task chairs, visitors chairs etc)
- work station systems, including partitions.
- storage furniture

Pricing could be separate or lump sum.

3. Details

Lump Sum tenders were received as follows:-

<table>
<thead>
<tr>
<th>Company</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Innerspace Commercial Interiors</td>
<td>$662,498 or $649,248 (incl 2% discount)</td>
</tr>
<tr>
<td>Freiburg Australia</td>
<td>$721,450</td>
</tr>
<tr>
<td>Zenith Interiors (WA) Pty Ltd</td>
<td>$750,728</td>
</tr>
<tr>
<td>UCI - Alternate Proposal (linked to No.8 below)</td>
<td>$750,863</td>
</tr>
<tr>
<td>Burgtec Australasia Pty Ltd</td>
<td>$774,120</td>
</tr>
<tr>
<td>Corporate Express Australia Pty Ltd</td>
<td>$837,217</td>
</tr>
<tr>
<td>Design Farm (Australia) Pty Ltd</td>
<td>$959,058</td>
</tr>
<tr>
<td>Canterbury Group TA UCI</td>
<td>$982,919</td>
</tr>
</tbody>
</table>

Tenders for separable portions of the scope were received as follows:-

<table>
<thead>
<tr>
<th>Company</th>
<th>Workstation</th>
<th>Chairs/Tables</th>
<th>Chairs Only</th>
<th>Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italia Contract Furniture (Australia) Pty Ltd</td>
<td>-</td>
<td>$176,941</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Chairmakers (WA) Pty Ltd</td>
<td>-</td>
<td>-</td>
<td>$83,875</td>
<td>-</td>
</tr>
<tr>
<td>APC Storage Solutions</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$8,100</td>
</tr>
<tr>
<td>Wilkhahn</td>
<td>-</td>
<td>$220,551</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

A Tender Assessment Panel comprising City Officers, Incoll Project Managers and Woods Bagot Architects undertook the tender assessment.
In the opinion of the Tender Assessment Panel, the 8 tenders providing lump sum prices to supply all of the components represented best value to the City. Accordingly, the lump sum tenders were assessed.

Assessment of tenders, in accordance with the advertised Tender Assessment Criteria, produced the following weighted scores:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Innerspace Interiors</th>
<th>Zenith Interiors</th>
<th>UCI - Alternate Proposal</th>
<th>Freiburg Australia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quality</td>
<td>40%</td>
<td>38%</td>
<td>35%</td>
<td>25%</td>
</tr>
<tr>
<td>Referees</td>
<td>20%</td>
<td>15%</td>
<td>9%</td>
<td>9%</td>
</tr>
<tr>
<td>Beneficial effects of Tender</td>
<td>5%</td>
<td>4%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>35%</td>
<td>35%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>92%</td>
<td>77%</td>
<td>67%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Burgtec Australasia</th>
<th>Corporate Express</th>
<th>Canterbury Group TA UCI</th>
<th>Design Farm (Australia)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quality</td>
<td>40%</td>
<td>20%</td>
<td>20%</td>
<td>30%</td>
</tr>
<tr>
<td>Referees</td>
<td>20%</td>
<td>9%</td>
<td>10%</td>
<td>9%</td>
</tr>
<tr>
<td>Beneficial effects of Tender</td>
<td>5%</td>
<td>1%</td>
<td>1%</td>
<td>3%</td>
</tr>
<tr>
<td>Tendered Price/s</td>
<td>35%</td>
<td>29%</td>
<td>27%</td>
<td>23%</td>
</tr>
<tr>
<td>Total Weighted Scores</td>
<td>100%</td>
<td>59%</td>
<td>58%</td>
<td>65%</td>
</tr>
</tbody>
</table>

4. Implications to Consider

a. Consultation with the Community
Not applicable

b. Consultation with Government Agencies
Not applicable

c. Strategic
Functional Area 4: Organisational Performance, Asset Management, Strategy 11 - Best Practice administrative systems and procedures to achieve effective resource management.
CONFIRMED AT A PLANNING SERVICES MEETING HELD ON MONDAY, 18 APRIL 2011

Planning Services Standing Committee Minutes
Monday 14 March 2011 PAGE 120


d. **Policy**
Purchasing Policy applies.

e. **Financial**
$4,537,560 allocated in 2010/11 Budget - Account No.410029.0001 (Administration Building - Refurbishment/Fitout); $483,923 allocated in 2010/11 Budget - Account No.410030.0001 (Furniture, Fittings and Equipment - Office Fitout).

f. **Legal and Statutory**

5. **Comments**
All tender submissions assessed were conforming, addressing the requirements of the tender and demonstrating a level of capacity to supply the required goods.

During the assessment of the submissions, the Assessment Panel considered how the tender was to be awarded and while the tender could be accepted as a lump sum or in separable portions, the Assessment Panel considered (on balance) that it would be in the City's best interest to accept one contractor to supply the whole package. On this basis, only those companies that submitted pricing for the whole package were formally assessed. The submission from Innerspace offered a 2% discount, if the City was to purchase all components from that company.

The tender from Innerspace, with a weighted score of 92% and a lump sum price of $649,248 was considered by the Tender Assessment Panel to provide an extremely competitive price and best value to the City. The Assessment Matrix clearly identifies Innerspace as the preferred tenderer.

6. **Voting Requirements**
Simple Majority

7. **Officer Recommendation**
That Council **ACCEPT** the Tender submitted by Innerspace Commercial Interiors Pty Ltd, 509 Murray Street, Perth WA 6000, for T10/11-61 – Supply and Installation of Office Furniture for City of Rockingham Administration Centre Refurbishment for the Lump Sum Tender Price of $649,248 excluding GST, in accordance with the tender documentation.

8. **Committee Recommendation**
That Council **ACCEPT** the Tender submitted by Innerspace Commercial Interiors Pty Ltd, 509 Murray Street, Perth WA 6000, for T10/11-61 – Supply and Installation of Office Furniture for City of Rockingham Administration Centre Refurbishment for the Lump Sum Tender Price of $649,248 excluding GST, in accordance with the tender documentation.

Committee Voting – 4/0

9. **The Committee’s Reason for Varying the Officer’s Recommendation**
Not applicable.

10. **Implications of the Changes to the Officer’s Recommendation**
Not applicable.
**Planning Services**

**Statutory Planning**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>SP-011/11 Proposed Freeway Advertising Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28/5277</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Greg Rowe &amp; Associates on behalf of Paramount Outdoor</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Co-ordinator, Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager, Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14th March 2011</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

**Site:** Lot 1 (No.56) Pug Road, Baldivis

**Lot Area:** 6.6076ha

**Attachments:** Proposed Development Plans; Letter of undertaking to limit proposed signage within the City

**Maps/Diagrams:** Site Plan; Photo Montage

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**Proposed Location of Freeway Advertising Sign to face the Kwinana Freeway**

Kwinana Freeway

Proposed Location of Freeway Advertising Sign to face the Kwinana Freeway
1. **Purpose of Report**

To consider an application seeking Planning Approval to erect Advertising Signage adjacent to the Kwinana Freeway on Lot 1 (No.52) Pug Road, Baldivis.

2. **Comment**

Within the Shires of Murray and Waroona, large panel monopole pylon signs, similar to that proposed within the City, were erected along Forest Highway, displaying community and commercial messages to passing motorists. These signs display messages for the Office of Road Safety and commercial advertising, which has included advertisements for the RAC, Beer Companies, Motor Vehicle Manufacturers, Wineries and Community Events.

No examples of this form of advertising signage currently exist along the Kwinana Freeway within the Metropolitan area, however, this form of advertising signage is located on Tonkin Highway and has been approved, but not yet constructed along Roe Highway within the City of Swan.

3. **Details**

The applicant seeks Planning Approval for an illuminated pylon advertising sign for third party commercial and community advertising, directed to passing traffic travelling in both directions along the Kwinana Freeway.

The proposal consists of a 'V-Shaped' sign which is supported atop a monopole with a 10m ground clearance. The sign has a dimension of 19m in length and 4.57m in height, giving the signage a total area of 86.78m². The overall height of the structure is 14.57m above ground level. The sign is proposed to be statically illuminated, and does not incorporate moving parts or mechanisms. The development is proposed to be setback 2 metres to the Kwinana Freeway road reservation. Plans of the proposal are attached.

The proponent suggests the sign is as a 'Use Not Listed' under Town Planning Scheme No.2 (TPS No.2), as the proposed development proposal is not a land use designated within the Scheme.

The sign has been proposed on the basis that the Office of Road Safety will be the anchor tenants, with third party advertising signage displaying community/commercial messages outside its advertising campaigns. The advertising material will change as required, based on the campaigns and display of ancillary material. The proponent has acknowledged within the application that any change in advertising content will be discussed with the City, prior to it being displayed.

The proponent has given a written undertaking that this is the only sign proposed within the district. This is due to the following reasons:

- Conflicting land use zones abutting the Freeway, including Urban, Parks and Recreation, and Bush Forever Reserves;
- Limited suitable locations within close proximity to the Kwinana Freeway to limit driver distraction due to the location of the Peel Main Drain; and
- Highly vegetated ‘Special Rural’ zoned land.

The proponent has indicated that the signage can be coloured and branded to the City's style guide.

4. **Implications to Consider**

a. **Consultation with the Community**

In accordance with Clause 3.2.4(b) and Clause 6.3 of TPS No.2, the proposal was referred to eight nearby and adjoining landowners seeking comments within twenty eight (28) days. The advertising period was extended by fourteen days to enable landowners to comment on the application, given the timing during the festive season.
At the conclusion of the advertising period the City received two submissions from landowners, one submission raised no objections and the other submission objected to the sign for the following reasons:

- The large dimensions and advertising function of the sign will have an adverse impact to amenity;
- The sign is inconsistent with the intent of the 'Special Rural' zone; and
- Has an impact to property values.

b. **Consultation with Government Agencies**

Given the nature of the signage being orientated towards the Kwinana Freeway, which is a 'Primary Regional Road', the City consulted Main Roads Western Australia (MRWA) regarding the proposal. MRWA raised no objection to the proposal, subject to the following criteria being adhered to:

- "The sign and sign structure is to be placed on private property and shall not over hang or encroach upon the road reserve.
- Main Roads agreement is to be obtained prior to any modifications.
- If illuminated it must be of Low-level not exceeding 300cd/m2 not flash, pulsate or chase.
- The device shall not contain fluorescent, reflective or retro reflective colours or materials.
- The type of sign and location must comply with all relevant by-laws and planning schemes made by Council.
- No other unauthorized signing is to be displayed.

Main Roads WA requests that Council require a submission from the proponent if the content of the sign panel is changed.

The "Austroads" Guide to Traffic Management Part 10: Traffic Control and Communication Devices, Section 4.3.7 "Letter size and legibility" should be used when considering content of any proposed sign content."

The Town of Kwinana was also consulted and raised no objections.

c. **Strategic**

The proposal falls within Functional Area 3 - Land Use Control and the Environment in Council's Strategic Plan under the scope of Land Use Planning.

d. **Policy**

Planning Procedure No.1.3 - Community Consultation
Planning Policy No.3.3.1 - Control of Advertisements
Planning Policy No.5.2 - Rural Land Strategy

e. **Financial**

Nil.

f. **Legal and Statutory**

The application proposes variations to the development setback requirements in Schedule 4 Planning Unit No.6 of TPS No.2. In this regard, Clause 4.20.1 of TPS No.2 provides the Council discretion to modify development standards prescribed under the Scheme. The Council may either approve (with or without conditions) or refuse the application.

### 5. **Comments**

The proposed Freeway Advertising Sign was assessed according to relevant planning considerations, including:
- the purpose for which the subject land is zoned or approved for use under TPS2,
- the purpose for which the land in the locality is zoned, reserved or approved for use under TPS2;
- The provisions of TPS2 and Council Policy affecting the land;
- Comments received from Main Roads WA and landowners consulted by the Council;
- The orderly and proper planning of the locality; and
- The preservation of the amenity of the locality.

**Site Context**

The subject land and surrounding lots are used for lifestyle or rural purposes. Five of the nine adjacent properties zoned for 'Special Rural' purposes have existing dwellings, with the remaining four properties are either vacant or have ancillary development associated with rural purposes of the land. The majority of the land north of Mundijong Road and east of the Kwinana Freeway is used for grazing and other land uses include, clay extraction, Bonneys Ski Park, Golden Ponds and a Rural Livestock Holding Facility.

**Statutory Requirements**

Clause 5.3 of TPS No.2 sets out the requirements for the consideration of applications for the Control of Advertisements. Council, in considering the appropriateness of the signage, must have due regard of the objectives of the 'Special Rural' zone and Planning Policy 3.3.1 - Control of Advertisements (the Policy).

**Zoning**

The subject land is zoned 'Special Rural' under TPS No.2 and 'Rural' under the Metropolitan Region Scheme. Clause 5.3.3 of TPS No.2 requires the Council to examine each application to erect an advertisement, in light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

The objective of the 'Special Rural' zone is stated below:

4.12.1 **Objectives**

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

(b) To ensure that all development within the Special Rural zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.4 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the zone.

The proposed sign is considered to inconsistent with the objective of the 'Special Rural' zone because it is a departure from providing for a rural lifestyle, and it would change the rural landscape and amenity of the locality. Given the large height and scale of the proposed sign, it will be highly visible from the Kwinana Freeway and will impact upon the rural character and amenity enjoyed by existing and future residents. In this regard, the proposal is not consistent with the type of development anticipated in the 'Special Rural' zone and it is not consistent with the orderly and proper planning of the area.

**Land use**

The proposed Advertising Sign is not a land use category defined by TPS No.2. Clause 3.2.4 of TPS No.2 states that in this circumstance the Council may:

"(a) determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted;"
(b) determine that the proposed use may be consistent with the objectives and purposes of the particular zone and thereafter follow the advertising procedures of clause 6.3 in considering and application for planning approval; or

(c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted."

For the reasons expressed above, the proposal is not consistent with the objectives of the ‘Special Rural’ zone and is therefore not permitted.

Consideration of the proposal as a ‘Use Not Listed’ under clause 3.2.4 of TPS No.2 does not arise, because the proposal is not consistent with the objectives of the ‘Special Rural’ zone. As such, the proposed Advertising Sign is a use that is not permitted within the ‘Special Rural’ zone.

The objectives of the Rural Land Strategy also state as follows: -

"The primary objective for Planning Unit No.6 is to ensure that subdivision and development proposals are compatible with the land capability of the Pinjarra Plain and that in particular land management accords with the objective for the Peel-Harvey Catchment and the Government Sewage Policy, and provides a rural context for the Kwinana Freeway."

Clearly, the objective of the land is to maintain a rural context to the Kwinana Freeway. The proposed development, by its very nature, seeks to impose a very large and obtrusive structure into the rural landscape.

**Setbacks**

Planning Unit 6 of TPS No.2 sets out the statutory requirements for development on the subject land. In this regard, provision No.8 (a) requires all development to be located fifty (50) metres from the Kwinana Freeway. The proposal provides for a two (2) metre setback to the Kwinana Freeway. The setback proposed conflicts with the standards outlined within TPS No.2 and does not maintain the rural character of the land when viewed from the Freeway.

**Policy 3.3.1 - Control of Advertisements**

The proposal cannot be defined as a specific signage type as outlined by the Planning Policy. The closest designation attributed to the development is a Pylon Sign. In this regard, the signage was considered in accordance with the objectives of the Policy, as follows: -

**Appropriateness**

The proposal fails to comply with the first Policy Objective which is to ensure that advertisements are appropriate to their location. The Policy clearly states in clause 4.2 that non-permitted advertisements include any advertisement located on land not owned or leased by the advertiser will not be supported, unless outlined by the Policy. The intent of the proposal is to provide for third party commercial advertisements not associated with the land. As Council's Policy makes no provision for this form of signage, it is not acceptable to permit the proliferation of third party commercial signage in this manner.

**Proliferation**

If the Council granted Planning Approval to the proposal it is likely to be interpreted by the proponent and other signage companies as a ‘green light’ to other similar types of advertisements along the Kwinana Freeway contrary to Council Policy. The proposal is clearly outside of the Council’s planning framework which applies controls on advertising devices and is likely to create an undesirable precedent for further sign applications along ‘Primary’ and ‘Other Regional Roads’ within the district. In response to the City's concerns, the proponent has provided a written undertaking to provide one sign within the City, but this does not address the concerns raised above. It will not bind others.

**Traffic Impact**

The proposal was referred to Main Roads WA, where no objections were raised, subject to compliance with various conditions.
State Planning Policy

The land immediately south of the subject site has been identified in the WAPC's *Outer Metropolitan Perth and Peel Sub-Regional Strategy and Directions 2031 and Beyond* as a 'Priority Industrial Site - Subject to Investigation'. This designation was informed by the WAPC's draft *Industrial Land Strategy*. In February 2010, the Council, in considering the draft *Industrial Land Strategy*, noted that the development of urban areas in close proximity to this Priority Industrial Site should be "addressed through future detailed planning to ensure the amenity of residential areas is not adversely affected."

The WAPC has yet to release the Industrial Land Strategy which will inform the delivery of new industrial land sites within the metropolitan area. The WAPC is also yet to propose any changes to the Metropolitan Region Scheme to rezone the land to an 'Industry' zone. In this regard, it is considered planning is insufficiently progressed at a regional level to consider the proposal contrary to the provisions of TPS No.2.

Submissioner Comments

The objector considers that the proposed development would adversely impact upon their amenity and would be inconsistent with the intent of the 'Special Rural' zone.

The proposal is likely to adversely affect the amenity of the area due to its excessive height and scale is such that it would be visible at considerable distance. There are no reasons to suggest that the proposal will be sympathetic to the natural environment, rather due to the type of development being a sign, it seeks to distinguish itself apart from its natural surroundings so the advertising is prominent.

The proposed Advertising Sign would not have any relationship with the rural use of the land, nor would the signage be ancillary to an existing rural land use. The potential impact upon property values is not a relevant planning consideration.

CONCLUSION

The application was assessed against the objectives of the 'Special Rural' zone, Council Policy, Regional Policy and submissioner feedback received during the advertising period. The Advertising Signage is clearly inconsistent with the objectives of the 'Special Rural' zone and Planning Policy 3.3.1 - Control of Advertisements and is therefore recommended for refusal.

4.50pm - Mr Ben Carter, Greg Rowe & Associates and Mr Charles Maasdorp, Paramount Outdoor Media attended the Planning Services Standing Committee meeting.

DEPUTATION

The Chairman welcomed Mr Ben Carter and Mr Charles Maasdorp and invited Mr Carter to make a presentation to the Committee.

In support of the Development Application, Mr Carter advised the Committee that:-

- in his opinion, the proposed sign did not fall within the scope of the Council's Signage Policy, and was, therefore, capable of being approved.

- the subject land had been identified within a Priority Industrial Area in the Western Australian Planning Commission's Industrial Land Strategy, which was expected to be released in the next several weeks.

- the proponent had committed to only seeking one sign of this type within the district.

- MRWA had raised no objection to the sign.

- there would be opportunities for community branding of the sign and community advertisements, in addition to the commercial opportunities.

Mr Maasdorp advised the Committee that the Freeway Signage would allow an opportunity for advertising of local businesses, while providing community messages on road safety, during holiday periods such as Easter. He indicated that the Office of Road Safety would be an anchor tenant on one side of the sign and a commercial advertiser on the second signage face.
Questions were asked dealing with:
- the potential for other sign companies to apply for similar signs (eg precedent).
- the sign being illuminated (likely once power is available).
- height of surrounding vegetation.
- length of time to achieve an 'industrial estate' on the land.
- applicable TPS2 provisions.
- dealing with sign applications according to current zoning.

The Chairman thanked Mr Carter and Mr Maasdorp for their presentation.

5.08pm - Mr Ben Carter and Mr Charles Maasdorp left the Planning Services Standing Committee meeting.

6. Voting Requirements

Simple Majority

7. Officer Recommendation

The Council **REFUSE** Planning Approval for a proposed Freeway Advertising Sign on Lot 1 (No.56) Pug Road, Baldivis as the proposed development has been determined as a use that is not consistent with the objectives and purpose of the 'Special Rural' zone.

8. Committee Recommendation

The Council **REFUSE** Planning Approval for a proposed Freeway Advertising Sign on Lot 1 (No.56) Pug Road, Baldivis as the proposed development has been determined as a use that is not consistent with the objectives and purpose of the 'Special Rural' zone.

Committee Voting - 4/0

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

Not applicable.

10. Implications of the Changes to the Officer’s Recommendation

Not applicable.
13. **Reports of Councillors**  
Nil.

14. **Addendum Agenda**  
Nil.

15. **Motions of which Previous Notice has been given**  
Nil.

16. **Notices of Motion for Consideration at the Following Meeting**  
Nil.

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**  
Nil.

18. **Matters Behind Closed Doors**  
Nil.

19. **Date and Time of Next Meeting**  
The next Planning Services Standing Committee Meeting will be held on **Monday 18 April 2011** 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 Chairman thanked those persons present for attending the Planning Services Standing Committee meeting, and declared the meeting closed at 5.09pm.

21. **Attachments**  
Nil.