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   EP-027/14 Notice of Motion – Green Waste Collection for Bush Fire Prone Areas

16. Notices of Motion for Consideration at the Following Meeting

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

18. Matters Behind Closed Doors

19. Date and Time of Next Meeting

20. Closure
# Planning and Engineering Services Committee Minutes
## Monday 14 July 2014 - Council Boardroom

1. **Declaration of Opening**

   The Chairperson declared the Planning and Engineering Services Committee Meeting open at 4.05pm, welcomed all present, and recited the Acknowledgement of Country.

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

   2.1 **Councillors**

   - Cr Richard Smith (Deputy Mayor)  
   - Cr Chris Elliott  
   - Cr Ron Pease JP  
   - Cr Allan Hill OAM JP  
   - Cr Matthew Whitfield  

   2.2 **Executive**

   - Mr Andrew Hammond  
   - Mr John Woodhouse  
   - Mr Chris Thompson  
   - Mr Peter Ricci  
   - Mr Brett Ashby  
   - Mr Richard Rodgers  
   - Mr David Waller  
   - Ms Julia Dick  
   - Mr Scott Lambie  
   - Mr Gary Rogers  
   - Mr Kelton Hincks  
   - Mr James Henson  
   - Mr Allan Moles  
   - Ms Gail Wells  

   2.3 **Members of the Gallery:** 8

   2.4 **Apologies:**

   - Cr Deb Hamblin

   2.5 **Approved Leave of Absence:** Nil
### 3. Responses to Previous Public Questions Taken on Notice

| Nil |

### 4. Public Question Time

<table>
<thead>
<tr>
<th>4.07pm</th>
<th>The Chairperson invited members of the Public Gallery to ask questions.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1</strong></td>
<td><strong>Mr Ross Underwood, Planning Solutions - PDS/51-14 – Proposed Amendment No. 148 to Town Planning Scheme No. 2 – Special Commercial and Additional Use - Pharmacy</strong></td>
</tr>
</tbody>
</table>

The Chairperson invited Mr Underwood to present his questions to the Planning and Engineering Services Committee. Mr Underwood made the following statements:

- He was representing the owner and proponent, Vince Nominees Pty. Ltd in respect to this matter.
- We support the officer recommendation, with the exception of Special Condition 4 which states:
  - 4. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.
- The Special condition is unnecessary and is contrary to the position established by the State Administrative Tribunal in *Galati & Anor and City of Rockingham [2007] WASAT 198*, where the Tribunal concluded at [44] …..the requirement that no goods other than those specified in the Additional Use column shall be sold is a standard or requirement prescribed under the Scheme which may be varied under cl 4.20.1.
- We respectfully request the Committee endorse the officer's recommendation and initiate the Scheme amendment to rezone the subject site to Special Commercial with an additional use for a pharmacy subject to the first three conditions proposed by the officers.

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

| 4.2 | **Mr Aaron Lohman, Rowe Group - PDS-052/14 - Proposed Amendment No.146 to Town Planning Scheme No.2 - Service Station, Fast Food Outlet and Convenience Store** |

The Chairperson invited Mr Lohman to present his questions to the Planning and Engineering Services Committee. Mr Lohman made the following statements:

- He was representing the owners of the property, Easy Storage Pty Ltd.
- In respect to the matters raised by the City's Officers the comments made in our letter of 12 June 2014 are reiterated.
- The ‘Additional Uses’ on the subject site require consideration in the context of the Light Industry zone. That is, the proposed land uses are compatible with the broader Light Industry zone and will not conflict or impede industrial development.
- The proposal will serve the surrounding industrial area and therefore is of merit (refer to the attached letter from LandCorp).
- The co-location of a ‘Fast Food Outlet’ with a ‘Service Station’ is consistent with Clause 4.4 of Planning Policy 3.3.9 Fast Food Outlets.
- The Shawmac Traffic Impact and Parking Assessment Report
(Shawmac Report), based on the Indicative Concept Plan submitted with the Scheme Amendment request, concludes that the proposal will not have an adverse impact on industrial traffic movements. This demonstrates that the proposal will not adversely impact on the Light Industry zone from a traffic perspective.

- To conclude it is considered that the proposed ‘Additional Uses’ are complementary to the Light Industry zone and are not of a nature that would conflict, or compromise current or future industrial development.
- The ‘Additional Uses’ will also assist in providing local services and amenity required within the industrial area.
- In relation to the ‘Fast Food Outlet’, the co-location of a ‘Fast Food Outlet’ with a ‘Service Station’ is consistent with clause 4.4 of the City’s Planning Policy 3.3.9 Fast Food Outlets.
- On the basis of the above, it is respectfully requested that the Scheme Amendment proceed for the proposed ‘Service Station’, ‘Convenience Store’ and ‘Fast Food Outlet’ uses.

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

4.15pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Hill, seconded Cr Pease:

That Committee CONFIRM the Minutes of the Planning and Engineering Services Committee Meeting held on 16 June 2014, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4.16pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. Declarations of Members and Officers Interests

4.16pm The Chairperson asked if there were any interests to declare.

There were none.

9. Petitions/Deputations/Presentations/Submissions

Nil

10. Matters for which the Meeting may be Closed

Nil
### 11. Bulletin Items

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

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Community Health and Wellbeing Plan
   3.4 Healthy Communities Initiative
   3.5 Health Promotion
   3.6 Mosquito Control Program
   3.7 Ocean Water and Storm Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 After Hours Noise and Smoke Nuisance Complaint Service
   4.7 Complaint - Information
   4.8 Noise Complaint - Detailed Information
   4.9 Building Plan Assessments
   4.10 Septic Tank Applications
   4.11 Demolitions
   4.12 Swimming Pool and Drinking Water Samples
   4.13 Rabbit Processing
   4.14 Hairdressing and Skin Penetration Premises
   4.15 Family Day Care Approvals
   4.16 Ranger Services
   4.17 Prosecutions
   4.18 Emergency Services
   4.19 Hydrant Maintenance
   4.20 Restricted Burning Period – Permits Issued
   4.21 Hazard Reduction Burns
   4.22 Volunteer Bush Fire Brigade / Emergency Services Training
   4.23 Volunteer Bush Fire Brigade – Maintenance of Vehicles
   4.24 Social Media
   4.25 Community Engagement
   4.26 Meetings
   4.27 Bush Fire Management Plans
   4.28 CRM
   4.29 Compliance

**Building Services**

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>4.2</td>
<td>Private Swimming Pool and Spa Inspection Program</td>
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<td>4.3</td>
<td>Continued Service System – Where a Certificate of Design Compliance &amp; Building Permit are Produced Individually</td>
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<td>4.4</td>
<td>Demolition Permit</td>
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<td>Permanent Sign Licence</td>
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<td>Community Sign Approval</td>
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<td>4.8</td>
<td>Street Verandah Approval</td>
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<td>Occupancy Permits</td>
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<td>Strata Titles</td>
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<td>Unauthorised Building Works</td>
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<td>4.12</td>
<td>Monthly Caravan Park Site Approvals</td>
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<td>R Code Variations</td>
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**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Water Campaign (EVM/56-02)
   3.3 Karnup District Structure Plan (LUP/1546)
4. Information Items
   4.1 Delegated Minor Change to Structure Plan
   4.2 Notice of Lifting of Urban Deferment – Lot 295 Baldivis Road, Baldivis
   4.3 Proposed Outline Development Plan – Madora Bay North – City of Mandurah
   4.4 East Rockingham Waste to Energy and Materials Recovery Facility
   4.5 Kwinana Waste to Energy Public Environmental Review

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 CouncilsOnline (Planning Products via the Web) formerly eDA
4. Information Items
   4.1 Land Use – Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused

**Planning and Development Directorate**

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre Centre Plan Implementation (LUP/137-08)
   3.2 Northern Waterfront Sector – Masterplan, Development Policy Plan and
Committee Recommendation

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

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – July 2014

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Authority for approval of Directional Signage
   4.2 Delegated Authority for Thoroughfare Closures
   4.3 Engineering Services Design Projects 2014/2015
   4.4 Delegated Authority for approval of Engineering Drawings - Subdivisions
   4.5 Delegated Authority for acceptance of As-Constructed Engineering Drawings - Subdivisions
   4.6 Delegated Authority to approve the release of Bonds for private subdivisional works
   4.7 Handover of Subdivisional Roads
   4.8 Delegated Authority for the payment of Crossover Subsidies
   4.9 Mundijong Road Extension (Kulija Road) Project

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Road Construction Program Main Roads Grant 2013/2014
   4.2 Road Construction Program Federal Black Spot 2013/2014
   4.3 Road Construction Program State Black Spot 2013/2014
   4.4 Road Construction Program Municipal Works 2013/2014
   4.5 Drainage Program Municipal Works 2013/2014
   4.6 Road Maintenance Program 2013/2014
   4.7 Passenger Vehicle Fleet Program 2013/2014
   4.8 Light Commercial Vehicles Program 2013/2014
   4.9 Heavy Plant Program 2013/2014
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<td><strong>4.10 Establishment of the Rapid Response Team</strong></td>
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<td><strong>Parks Development</strong></td>
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<td>Golden Bay Shared Use Oval</td>
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<td>Mornington Reserve Development</td>
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<td>3.3</td>
<td>Lake Richmond Boardwalk</td>
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<td>3.4</td>
<td>Warnbro Sound Avenue - Bakewell to Port Kennedy Drive Irrigation Project</td>
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<td>Warnbro Recreation Ground Irrigation Upgrade</td>
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<td>Climate Change Mitigation</td>
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<td>Lake Richmond Heritage Listing</td>
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<td>4.5</td>
<td>Delegated Subdivision Public Open Space Practical Completion</td>
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<td>Delegated Subdivision Public Open Space Handovers</td>
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<td><strong>Parks Operations</strong></td>
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<tr>
<td>3.1</td>
<td>Hourglass Reserve replacement of long jump running track</td>
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<td>3.2</td>
<td>Stan Twight Reserve replacement of netting to turf cricket practice nets</td>
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<td>3.3</td>
<td>Waterfront Village porous paving to tree surrounds</td>
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<td>3.4</td>
<td>Play Equipment Replacement</td>
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<td>Parks Maintenance Program 2013/2014</td>
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<td><strong>Asset Management</strong></td>
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<td>Asset Management Team Overview</td>
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<td>Project Status Reports</td>
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<td>3.1</td>
<td>ROMAN Traffic Count Update</td>
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<td>Drainage/stormwater assets data collection</td>
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<td>4.</td>
<td>Information Items</td>
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<td>Building Maintenance</td>
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<td>4.2</td>
<td>Graffiti Removal</td>
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</tbody>
</table>
Procurement and Capital Projects
1. Procurement and Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   4.1 Delegated Written Notification of Successful Tenders
   4.2 Delegated Approval of Tenders by CEO
   4.3 Delegated Release of Retention/Bank Guarantees
   4.4 Shoalwater North Underground Power Project
   4.5 2014 Public Area Lighting and Arterial Lighting
   4.6 Lark Hill Wind Turbine
   4.7 Bent Street Boat Launching Facility – Navigation Channel
   4.8 Mary Davies Library and Community Centre
   4.9 Secret Harbour Surf Life Saving Club - Renovation
   4.10 Val Street Jetty Design
   4.11 Point Peron Geotextile Sand Container Construction (C12/13-74)
   4.12 Settlers Hill Toilet Installation (Grice Reserve)
   4.13 Mike Barnett Sporting Complex Roof Replacement
   4.14 Administration Building Upgrade of BMS
   4.15 Currie Street Reserve Sports Floodlighting
   4.16 City Centre Infrastructure Works Car Park Design and Construction
   4.17 Anniversary Park Change Rooms
   4.18 Lark Hill Sub Metering
   4.19 Challenger Court Eaves
   4.20 Port Kennedy Community Centre Acoustic Ceiling
   4.21 Watts Road Toilet Roofing Rust Treatment
   4.22 Arcadia Drive Toilet Roofing Rust Treatment
   4.23 Waikiki Toilet Roofing Rust Treatment
   4.24 Administration Building Solar System
   4.25 Autumn Centre Solar System
   4.26 Churchill Park Toilet System Solar System
   4.27 Aqua Jetty Roof Replacement
   4.28 Aqua Jetty Condensation Issue
   4.29 Lake Richmond Boardwalk Replacement
   4.30 Lions Park Upgrade
   4.31 Recreational Boating Facilities Scheme Round 19 Grants
   4.32 Coastal Adaptation and Protection Grant

Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Kerbside collection
   4.2 Bulk verge collection
   4.3 Waste Diversion Percentage
Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility’s Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill Construction
4. Information Items
   4.1 Tip Passes
   4.2 Landfill Statistics
   4.3 Education and Promotion

Advisory Committee Minutes

Committee Recommendation

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

Committee Voting – 5/0

4.32pm - Richard Rodgers, Manager Building Services and Ms Julia Dick, A/Manager Health Services departed the Planning and Engineering Services committee meeting.
### 12. Agenda Items

#### Planning and Development Services

**Planning Services**  
**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-051/14 Proposed Amendment No.148 to Town Planning Scheme No.2 – Special Commercial and Additional Use - Pharmacy</th>
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<tr>
<td>File No:</td>
<td>LUP/1836</td>
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<tr>
<td>Risk Register No:</td>
<td>397</td>
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<tr>
<td>Applicant:</td>
<td>Planning Solutions Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Vince Nominees Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 July 2014</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>
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<tr>
<td>Site:</td>
<td>Lots 406, 407 and 411 Paperbark Mews, Warnbro</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 406 (550m²), Lot 407 (739m²), Lot 411 (674m²)</td>
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<td>LA Zoning:</td>
<td>Residential R20</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo of Site</td>
</tr>
<tr>
<td></td>
<td>3. Indicative Concept Plan</td>
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<td>4. Zoning Plan</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 AUGUST 2014

PRESIDING MEMBER

1. Location Plan

2. Aerial View

**Purpose of Report**

To consider an application to initiate an amendment to the City's Town Planning Scheme No.2 (TPS2) to rezone Lots 406, 407 and 411 Paperbark Mews, Warnbro from Residential R20 to Special Commercial with an additional use of a Shop, restricted to the retail sale of goods associated with the retail of pharmaceutical products.

**Background**

Omnibus Amendment No.62 to TPS2 modified the interpretation of a Medical Centre to permit the retail sale of pharmaceutical goods and medical products, however, it specifically excluded the retail sale of a number of products associated with a shop. It was outlined in the report to Council that the intent of new interpretation was to co-locate pharmacies within medical centres but to limit the potential impact on the retail viability of nearby commercial centres.
Details

The applicant seeks to rezone the subject lots from Residential R20 to Special Commercial with an additional use of a Shop, restricted to the retail sale of goods associated with the retail of pharmaceutical products on the subject site. The purpose of this request is to facilitate the development of the subject site, together with adjacent Lot 99 Currie Street, Warnbro, as a Medical Centre and Pharmacy. The Pharmacy will display for retail sale goods such as:

- Over-the-counter medicines and drugs;
- First aid products;
- Vitamins and health supplements;
- Weight loss supplements and personal advice;
- Skin and nail care products, including hats;
- Dental care products;
- Eye care products, including sunglasses;
- Hair care products;
- Beauty products, including cosmetics and fragrances;
- Personal hygiene and health products;
- Sexual health products;
- Baby and child health products, including nappies; and
- Health food products.

The applicant has provided the following justification for the proposal:

- It is logical to co-locate a pharmacy with a medical centre.
- The nearest pharmacy is over 1.5km away, and it is impractical and contrary of the intent of the Local Commercial Strategy and SPP4.2 for medical centres customers to travel off-site to purchase pharmaceutical and related products.
- Given the nearest pharmacy is over 1.5km away, the pharmacy use will not undermine the viability of other pharmacies in the district.
- The pharmacy will increase the level of activity and passive surveillance of the area, improving the safety of the immediate locality.
- The proposed floor space of the pharmacy is minor and will not have a significant impact on the overall provision of floor space within the Hokin Street Neighbourhood Centre (HSNC).
- The proposal provides for the retail sale of local convenience products, particularly those associated with customers of the medical centre, and it therefore is consistent with the role and function of a neighbourhood centre to accommodate local convenience needs.
- The pharmacy will also provide convenience products to patrons of the medical consulting rooms at Lot 271 (643) Safety Bay Road, Waikiki."

An Indicative Concept Plan, demonstrating one way in which the subject site may be developed, was submitted in support of the proposal. In preparing the Indicative Concept Plan, a number of different options were investigated, including:

1. Locating the building along the northern boundary.
2. Locating the building along the Currie Street frontage.
3. Locating the building along the eastern boundary, adjacent to Paperbark Mews.

The third option was preferred as it allows for the rear of the Medical Centre building to provide a buffer to the Paperbark Mews cul-de-sac and the adjoining houses at 15 and 23 Paperbark Mews and 28 Currie Street, due to the building screening carpark and people noises generated by vehicles and people in the carpark and the building entries.
3. Indicative Concept Plan

Implications to Consider

a. Consultation with the Community

If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Town Planning Regulations 1967* for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating the area.

b. Consultation with Government Agencies

Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council. Referrals can then be undertaken in accordance with the *Town Planning Regulations 1967*.

c. Strategic

Community Plan

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

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

d. Policy

Planning Policy 3.1.2 - Local Commercial Strategy (PP3.1.2)

The City’s Local Planning Policy 3.1.2 - Local Commercial Strategy (PP3.1.2) establishes the hierarchy of commercial centres within the City and includes provisions for the allocation of recommended retail floor space amongst the centres. The recommended retail floor space is calculated based on the needs of the estimated resident population of the City.
The subject site is within the Hokin Street Neighbourhood Centre (HSNC). Under the provisions of PP3.1.2, the HSNC is designated a recommended maximum retail floor space of 1,891m² NLA. As this figure is based on the current retail floor space area of the centre, the PP3.1.2 recommends no retail expansion of the centre.

Under the Planning Land Use Category 5 (PLUC5) classifications, Medical Centre is not classified as a retail use.

In relation to the proposed Special Commercial zoning, PP3.1.2 states:

“Proposals for Special Commercial uses, as defined in the City of Rockingham Town Planning Scheme Review No. 2 are not normally retail. The scale and location of such proposals should be considered more in the context of urban amenity and need than on commercial principles.”

The Indicative Concept Plans depict a 158m² Pharmacy within the premises, which is classified as a PLUC5 retail use.

An objective of the PP3.1.2 is to:

“encourage the provision of ancillary convenience uses co-located at suburban shopping centres, retailing and other that are operated independently and separately of the core retailing within the shopping centres and frequently operate extended trading hours. Such uses include fast food outlets, restaurants, video rental, chemist shops within medical centres, convenience shops attached to service stations and the like.”

e. Financial
   Not Applicable

f. Legal and Statutory

Town Planning Regulations (1967)

In accordance with Regulation 13 of the Town Planning Regulations 1967, the Council is required to resolve to either adopt the Scheme Amendment or not proceed with a Scheme Amendment and notify the Western Australian Planning Commission (WAPC) in writing of its decision.

Town Planning Scheme No. 2

The objective of the Special Commercial zone is to provide for the development of Offices, Medical Centres, Veterinary Clinics, Veterinary Hospitals and the like in convenient locations. The Special Commercial Zone seeks to cater for the demand for office floor space as generated by the needs of residents within the municipality, consistent with PP3.1.2 and supported by any other Plan or Policy that the Council from time to time may adopt as a guide for the future development within the Zone.

The Special Commercial zone deals with issues such as form of development, car parking, setbacks and landscaping.

Land Use Classification

A ‘Medical Centre’ is interpreted as:

“means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling), and including the ancillary sale to patients of pharmaceutical products and medicines but excluding the sale of toiletries, foodstuffs, liquor and beverages, clothing and apparel, magazines, newspapers, books, paper products, china, glassware, domestic hardware or items of personal adornment.

A ‘Shop’ is interpreted as:

“Premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.”

A ‘Shop’ is an ‘X’ use that cannot be permitted, within the Special Commercial Zone.
A ‘Pharmacy’ is not listed as a land use interpretation in TPS2. Pharmacies are considered under the ‘Shop’ land use interpretation.

**Carparking**

In accordance with Table No.2 of TPS2 a rate of 5 carparking bays per consultant is required for a Medical Centre.

Should the proposal be developed in accordance with the Indicative Concept Plan, 85 carparking bays would be required for the development. The Indicative Concept Plan shows 89 carparking bays for the subject site; therefore compliance with the carparking standards of TPS2 is achievable.

### Risk

**Risk Implications of Implementing Officer Recommendation**

Low:

- There is a risk if the Council does not proceed with a Scheme Amendment, or part thereof, that the Minister may still order the Council to prepare and submit the amendment for approval, pursuant to the Planning and Development Act 2005. This is unlikely to occur as the Council’s resolution is usually final.

**Risk Implications of Not Implementing Officer Recommendation**

Low:

- There is a risk if the Council decides not to proceed with the Officer Recommendation and decides to initiate a Scheme Amendment, the EPA must decide if the Amendment will be formally assessed.
- If the Scheme Amendment is later adopted by the Council following advertising, there is also the risk of the WAPC and the Minister for Planning making a decision to either not proceed with the Scheme Amendment, or require its modification.

### Comments

**Site Context**

The subject land is currently cleared and vacant. It adjoins vacant land zoned Special Commercial (Lot 99 Currie Street) to the northwest, land developed with a motor repair station to the north, and residential properties to the south and east. The subject site is generally level.
4. Zoning Plan

Interaction between Special Commercial and Residential Zones

The subject land is currently zoned Residential, is located at the termination of a cul-de-sac (Paperbark Mews) and lies adjacent to existing residential properties. It is essential to determine if the proposed zoning will be compatible with the adjoining land uses. The Special Commercial Zone is considered to be a transitional zone between residential and traditional commercial land uses. Only a few commercial land uses may be approved within the Special Commercial Zone compared to the other Commercial zones. Additionally, the types of commercial land uses that may be approved, are typically those that may be considered to be compatible with residential land use. Throughout the City most of the Special Commercial zoned properties abut Residential land. Therefore the proposed rezoning to a Special Commercial Zone is considered to be compatible with the adjacent residential and commercial land uses.

Medical Centre

A Medical Centre is a permitted land use within the Special Commercial zone. Under the PLUC5 classifications, however, a Medical Centre is not classified as a retail use. Therefore, it is considered that there is capacity within the HSNC to allow the proposed Amendment to proceed without undermining the sustainability of other centres. It is considered that the development of a Medical Centre on the subject land is compatible with the surrounding land uses.

Additional Use - Pharmacy

The Indicative Concept Plan depicts a 158m² Pharmacy within the proposed Medical Centre. As there is no land use interpretation for a ‘Pharmacy’ in TPS2, the applicant has requested an additional use as a ‘Shop’, restricted to goods associated with the retail sale of pharmaceutical products, be applied to the land.

As noted in the background section, Omnibus Amendment No.62 to TPS2 modified the interpretation of a Medical Centre with the intent to co-locate pharmacies within medical centres but to limit the potential impact on the retail viability of nearby commercial centres. The applicant, however, argues that the restrictions placed on the retail element of a Medical Centre, by it’s TPS2 interpretation, render the proposal commercially unviable.
The Pharmacy Act 1964 defines a pharmacy, in relation to premises, as meaning:

"A shop or other premises, or the part of a shop or other premises, in which the business of a pharmaceutical chemist is, or is intended to be, carried on."

The practice of a pharmaceutical chemist means:

"(a) The professional dispensing of medicines and drugs; and

(b) Where appropriate, the sale of goods and the provision of services in association with the professional dispensing of medicines and drugs."

This definition purports that a Pharmacy is solely concerned with medical and pharmaceutical retail. This however is not how Pharmacies have evolved as land uses. The definition in the Pharmacy Act is considered to be more similar to a Medical Dispensary rather than the conventional Pharmacy that exists presently. Pharmacies today generally include a retail component for the sale of convenience goods as well as medicinal.

The benefits of co-locating a pharmacy with a Medical centre are apparent. They are intrinsically compatible land uses and their co-location is logical. They may contribute to each other's commercial viability while reducing travel distances for consumers.

A ‘Shop’ (Pharmacy) is classified as a PLUC5 retail use. In this regard, the proposal is inconsistent with PP 3.1.2, given that the maximum NLA for the HSNC (1,891m²) has already been reached. PP 3.1.2 does, however, encourage the provision of ancillary convenience uses, such as a Chemist within Medical Centres. It is considered that this co-location has merit. On the Indicative Concept Plan an indicative 158m² floor area has been identified for the Pharmacy tenancy. This represents an 8.3% increase in the total retail floor space of the HSNC. It is proposed to limit the NLA of the ‘Pharmacy’ to 160m² this results in an 8.4% increase in the NLA of the HSNC. This increase is considered to be minor in nature. Given the subject site adjoins the HSNC, the proposal will offer an alternative retail option not present in the HSNC that may attract a broader clientele to the centre.

Conditions on Additional Use

In order to ensure that the ‘Pharmacy’ is appropriately developed certain conditions are recommended to be applied the Additional Use. A condition requiring the ‘Pharmacy’ to be developed in conjunction with a Medical Centre will ensure the co-location of the compatible land uses. As the retail NLA of the HSNC has already been reached, a condition has been attached limiting the floor area to 160m². The limitation on NLA will assist in managing the impact on both residential and commercial properties in the vicinity.

Conclusion

The City supports the proposed Scheme Amendment for the rezoning to Special Commercial and the additional use of ‘Pharmacy’. This is based on TPS2 and Policy considerations and the likelihood that proper and orderly planning outcomes would eventuate.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council ADOPT (initiate) Amendment No.148 to Town Planning Scheme No.2, to rezone Lots 406, 407 and 411 Paperbark Mews, Warnbro from Residential R20 to Special Commercial and permit the additional use of ‘Pharmacy’ in Schedule No.2 for Lots 407, 408 and 411 Paperbark Mews, Warnbro.

1 Correction of typographical error
<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
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<td>31.</td>
<td>Lot 406, 407 and 411 Paperbark Mews, Warnbro</td>
<td>The use of part of a building for the “Additional Purpose”</td>
<td>1. In these Special Conditions: “Additional Purpose”: means use of the Premises for the preparation and dispensing of drugs and other medicinal products and where this occurs the sale of these drugs and medicinal products as well as health goods, personal hygiene products, eye care products and products of personal adornment.</td>
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<td></td>
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<td></td>
<td>“Land” means Lots 407, 408 and 411 Paperbark Mews, Warnbro</td>
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<tr>
<td></td>
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<td>2. No part of any building shall be used for the Additional Purpose unless the land is being used for the purpose of a Medical Centre.</td>
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<tr>
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<td></td>
<td>3. The floor area of any buildings used for the Additional Purpose must not exceed 160m² retail NLA.</td>
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<td></td>
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<td></td>
<td>4. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.</td>
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**Committee Recommendation**

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## Planning Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-052/14 Proposed Amendment No.146 to Town Planning Scheme No.2 - Service Station, Fast Food Outlet and Convenience Store</th>
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<td>LUP/1821</td>
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<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Rowe Group Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Easy Storage Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Craig Zanotti, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning, Mr Mike Ross, Manager Statutory Planning</td>
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<td>Date of Committee Meeting:</td>
<td>14 July 2014</td>
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<tr>
<td>Previously before Council:</td>
<td>24 June 2014 (PDS-048/14)</td>
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<td>Lot Area:</td>
<td>Lot 40 (No.129) Dixon Road, East Rockingham, 6,001m²</td>
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<td>Light Industry, Other Regional Roads</td>
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<td>3. Deposited Plan Excerpt</td>
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<td>4. Site Photograph</td>
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<td>5. Indicative Concept Plan</td>
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Purpose of Report

To consider an application to initiate an amendment to the City's Town Planning Scheme No.2 (TPS2) to permit a Service Station, Convenience Store and Fast Food Outlet on Lot 40 (No.129) Dixon Road, East Rockingham.

Background

Lot 40 (No.129) Dixon Road, East Rockingham was one of 40 lots created in 2009 as part of Landcorp’s East Rockingham Industrial Precinct development. The subject site is vacant, fully serviced, contains parking spaces for 14 vehicles, has access to three road frontages. A Right-of-Carriageway easement covers the southern portion of the property to the benefit of the Light Industry Lots fronting Dixon Road – refer to Figure 3 (C1 on Deposited Plan Excerpt).

Several of the light industrial sites located within the estate have already been developed for light industry purposes.
In March 2014, a pool display showroom for outdoor sales and display was approved and is located on the north-west corner of the site. This is proposed to be operated separately to the other land uses subject to this Scheme Amendment request.

In June 2014, Council resolved to defer consideration of this Scheme Amendment as the applicant modified the proposal, which the City did not have the opportunity to consider prior to the meeting. The applicant subsequently lodged additional information to the City and it is now presented for consideration.

<table>
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<tr>
<th>SUBJECT</th>
<th>PURPOSE</th>
<th>STATUTORY REFERENCE</th>
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<th>LAND BURDENED</th>
<th>BENEFIT TO</th>
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<td>(c)</td>
<td>EASEMENT (DRAINAGE)</td>
<td>SEC 160 OF P &amp; D ACT (955)</td>
<td>THIS PLAN</td>
<td>LOT 38 44 &amp; 9000</td>
<td>CITY OF ROCKINGHAM</td>
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3. Deposited Plan Excerpt

4. Site Photograph
Details

The applicant seeks a Scheme Amendment to add ‘Service Station’, ‘Fast Food Outlet’ and ‘Convenience Store’ as Additional Uses on the subject site. The applicant has provided the following justification for the proposal:

- **Service Stations and Fast Food Outlets are primarily located on major transport routes.** The proposed Service Station and Fast Food Outlet is located on Dixon Road which serves a regional (major) function attributed to its Other Regional Road classification under the MRS. Furthermore, the Gateway to Rockingham Project will increase vehicle movement along Dixon Road and provide greater exposure to passing trade. The location of the subject site on Dixon Road provides ideal exposure for a ‘Service Station’ and ‘Fast Food Outlet’.

- The closest existing Service Stations are located approximately three (3) and five (5) kilometres from the subject site. The provision of a ‘Service Station’ on the subject site would be complementary to uses within the ‘Light Industrial’ zone; and

- Fast Food Outlets are associated with Service Stations to provide a convenience outlet for passing trade.

- The restriction of Fast Food Outlet to a maximum of 200m² NLA ensures ‘Fast Food Outlets’ will be ancillary uses. Thus, the proposal will not lead to a proliferation of Fast Food Outlets on the subject site;

- The proposed Scheme Amendment provides for services otherwise not available within the ‘Light Industry’ zone and will assist in meeting a local employee demand especially that resulting from the adjoining Light Industry zone.

- The subject site does not adjoining residential zoned land or sensitive land uses that may be impacted upon by the operation of a ‘Service Station’ or ‘Fast Food Outlet’.

- There is no known servicing or infrastructure constraints in the area that would impede the proposed amendment. The amendment site maintains frontage to three (3) gazetted roads and is located in proximity to existing sewer, water, electricity and gas infrastructure;

- There are no known environmental constraints or impediments in the area that would impede the proposed amendment.

The additional use of ‘Service Station’ is to accommodate the retail sale of fuel and small convenience goods often seen throughout many similar establishments. The landowner (Easy Storage Pty Ltd) is currently finalising commercial negotiations which includes the sufficient zoning of the subject site to allow for the proposal.

In relation to the ‘Fast Food Outlet’ use, this is proposed to accommodate Muzz Buzz and another fast food operator. Easy Storage Pty Ltd is finalising negotiations to secure fast food operators for the subject site and has indicated Subway as a potential vendor.

To illustrate the potential configuration of the subject site, an Indicative Concept Plan has been submitted (see Figure 5). This plan indicatively illustrates the configuration of the subject site. The final configuration of uses on the subject site would be determined at the Planning Approval stage, if the Scheme Amendment is approved.

In the applicant’s revised submission to the City on the 18 June 2014, the proposal has been modified to reduce the planned area of ‘Fast Food Outlet’ to a maximum of floor space of 150m², a reduction from 200m² originally requested. The applicant has provided further justification on the basis which states:

- **“Our Client is prepared to support a floor space limitation of 150m² for the ‘Fast Food outlet’ in lieu of 200m²”.** The increase limitation on floor space is proposed to assist in ensuring that a ‘Fast Food Outlet’ will not be the predominant use on the subject site. It is noted that a ‘drive through service’ is not proposed.

- The reduction in the size of the ‘Fast Food Outlet’ as detailed above, and integration with the ‘Service Station’ is consistent with Clause 4.4 of Planning Policy 3.3.9 Fast Food Outlets.

- The reduced size of the ‘Fast Food Outlet’ will provide an additional area for industrial land uses noting the City’s recent approval of the Pool Display Showroom on the subject site.
- The subject site is not located in proximity to sensitive land uses that could potentially be impacted upon by the operation of a ‘Fast Food Outlet’.

- The need to provide choice for food offerings to serve the surrounding industrial precinct. In the existing industrial area there is limited diversity in food offerings.

- The potential increase in passing trade on Dixon Road East as a result of the Gateway to Rockingham Project creates an ideal location for a ‘Fast Food Outlet’ that can access passing trade as well as the existing industrial workforce.

- The proposed ‘Fast Food Outlet’ would not be prejudicial to the amenity of the locality. Similar examples of a ‘Fast Food Outlet’ located in conjunction with a Petrol Station are provided in Attachment ‘1’.

The City acknowledges that a Traffic Management Report was submitted, which demonstrates that the likely traffic generated from the proposed land uses could be accommodated, based upon the Indicative Concept Plan.
5. Indicative Concept Plan

**Implications to Consider**

a. **Consultation with the Community**

   If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Town Planning Regulations 1967* for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating the area.
b. Consultation with Government Agencies
Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council. Referrals can then be undertaken in accordance with the Town Planning Regulations 1967.

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

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

d. Policy
Planning Policy 3.1.2 - Local Commercial Strategy (PP3.1.2)
The City’s PP 3.1.2 identifies the site within Precinct 1 ‘Mixed Business/Industrial’ and recommends no retail expansion in the Industrial Zones.

The objectives of Planning Policy 3.1.2 state that:
- Prevent, so far as possible, the intrusions of inappropriate commercial uses into industrial areas, but recognise the importance of mixed business areas in this context…
- Encourage the provision of ancillary convenience uses co-located at suburban shopping centres, retailing and other, that are operated independently and separately of the core retailing within the shopping centres and frequently operate extended trading hours. Such uses include fast food outlets, restaurants, video rental, chemist shops within medical centres, convenience shops attached to service stations and the like…”

In summary, the Council’s Policy position does not recommend that Council support the approval of Fast Food Outlets within the Light Industry Zone.

Planning Policy 3.3.8 - East Rockingham Development Guidelines (PP3.3.8)
PP 3.3.8 identifies the property within Precinct 5 ‘Light Industry’ and identifies the intent and use of the area as follows:

“This precinct also contributes to the transitional buffer zone uses and refers to the existing light industrial area on Dixon Road and extensions of that area along Dixon Road to the east. Uses typically located in this area range from light manufacturing to mechanical workshops, timber storage and unit developments.”

It is considered that proposed land uses should remain consistent with the intent of PP3.3.8 and existing land uses within the area. Being a strategically important precinct for light industry uses within the Rockingham Industrial Zone Area, it is considered necessary to protect the industrial intent of this area by avoiding intrusion of incompatible land uses within the Light Industry Zone.

Planning Policy 3.3.9 - Fast Food Outlets (PP3.3.9)
PP3.3.9 stipulates the design and location requirements for Fast Food Outlets within the City. The objectives of PP 3.3.9 are as follows:

“(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Fast Food Outlets.

(b) To secure the amenity, health and convenience of the locality through appropriate development requirements.”

PP 3.3.9 identifies the preferred location of Fast Food Premises within the City to be located within approved Neighbourhood and District Centres and the City Centre Zone. PP3.3.9 states:
"The Council will not support the development of stand alone fast food outlets within the Challenger Business Park (Service Commercial Precinct located on Patterson Road, Rockingham) and the Service Commercial zoned land on Dixon Road, as it is considered that support in these locations would undermine the regional planning objectives of the City."

The City acknowledges that the proposal includes integrating a Fast Food Outlet into the design of a Service Station, under which Clause 4.4 of PP3.3.9 provides the opportunity.

This states:

"Applications for Fast Food Outlets that are integrated into the design of buildings such as Service Stations will be considered on their merits after considering issues of location, vehicular access, layout and amenity."

In consideration of the Indicative Concept Plan, the City acknowledges that the proposed layout integrates the Fast Food Outlet into the Service Station, in accordance with the intent of PP3.3.9.

e. Financial

Not Applicable

f. Legal and Statutory

Town Planning Scheme No.2

Zoning

The subject site is zoned ‘Light Industry’ under TPS2. Under this zoning, the land uses of ‘Service Station’, ‘Convenience Store’ and ‘Fast Food Outlet’ are not permitted. The TPS2 objectives which apply to industrial zoned land are based on providing for a range of industrial land uses to ensure that industrial areas are developed in a manner which has due regard to potential industries and their needs.

Land Use Classification

The City does not support the applicant’s argument that the proposal should be interpreted as a ‘Convenience Store’, because it is more appropriately defined as a ‘Service Station’ which includes incidental retail sales of goods. The focus of a ‘Convenience Store’ is the retail of convenience goods which may not necessarily include the sale of food.

A ‘Service Station’ is interpreted as:

“means premises used for:—

(a) The retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature;

(b) The carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles; and

(c) But does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking.”

A ‘Convenience Store’ is interpreted as:

“means premises:—

(a) Use for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;

(b) Operated during hours which include, but may extend beyond, normal trading hours;

(c) Which provide associated parking; and

(d) The floor area or which does not exceed 300m² net lettable area.”

A ‘Fast Food Outlet’ is interpreted as:

“means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar.”
The sale of convenience goods is considered the predominant land use under the interpretation of ‘Convenience Store’ where the retail sale of fuel is incidental. In consideration of a ‘Service Station’, the City considers the predominant land use to be the retail sale of fuel, with an incidental retail component of small convenience goods. Based on the Indicative Concept Plan and proposal outlined, the City considers the predominant land use to be the sale of fuel. This is based on the proposed area dedicated to fuel bowsers and the likely traffic demand for that particular component.

Other ‘Service Station’ developments in the district were approved as ‘Service Station’ land uses not as ‘Convenience Stores’.

Town Planning Regulations 1967

In accordance with Regulation 13 of the *Town Planning Regulations 1967*, the Council is required to resolve to either adopt the Scheme Amendment or not proceed with a Scheme Amendment and notify the Western Australian Planning Commission (WAPC) in writing of its decision.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is a risk if the Council decides to proceed with the Officer Recommendation to initiate a Scheme Amendment, as the EPA must decide if the Amendment will be formally assessed.

Risk Implications of Not Implementing Officer Recommendation

Low:

- There is a risk if the Council does not proceed with a Scheme Amendment, or part thereof, that the Minister may still order the Council to prepare and submit the amendment for approval, pursuant to the Planning and Development Act 2005. This is unlikely to occur as the Council’s resolution is usually final.

- If the Scheme Amendment is later adopted by the Council following advertising, there is also the risk of the WAPC and the Minister for Planning making a decision to either not proceed with the Scheme Amendment, or require its modification.

Comments

**Service Station and Convenience Store**

Whilst a ‘Service Station’ is not a permitted land use under TPS2 in the Light Industrial Zone, it is considered that a ‘Service Station’ is a compatible land use in this particular area. Examples seen elsewhere, including the Better Choice ‘Service Station’ on Rockingham Road, Naval Base and the Caltex ‘Service Station’ on Dixon Road, suggests that the location of a ‘Service Station’ within these Industrial Zones is compatible.

Bearing this in mind, it is unlikely that the location of a ‘Service Station’ within an Industrial zone would be adversely affected by surrounding Light Industry and vice versa. In consideration of the TPS2 objectives and PP3.3.8, a ‘Service Station’ on-site is unlikely to have any land use conflicts and should be considered for inclusion as an appropriate use on-site.

In addition to any requirements imposed by virtue of a Planning Approval, approvals from other authorities will be required in respect of:

- Effluent disposal and water supply to the satisfaction of the Department of Water;
- Groundwater pollution, contamination, risk from fuel storage and effluent disposal to be dealt with to the satisfaction of the EPA;
- Waste disposal and landscaping requirements to the satisfaction of the City’s Health Department;
- Building design; and
- Parking and access provision to the satisfaction of the City’s Engineering Department.
The City considers that the land use of ‘Service Station’ should be included in the Scheme Amendment, bearing in mind the proposed land uses and interpretations under TPS2. As the interpretation of ‘Service Station’ permits the incidental sale of small convenience goods, as per that outlined by the applicant, the City believes that it is not considered necessary for the inclusion of ‘Convenience Store’. In consideration of the applicant’s report, the proposal to sell convenience goods can be accommodated within the ‘Service Station’ land use. It is considered inappropriate and unnecessary to approve a ‘Convenience Store’ as an additional use.

Fast Food Outlet

If the ‘Fast Food Outlet’ is approved, it potentially sets a precedent for similar proposals to co-locate within the industrial area. The City’s Local Commercial Strategy identifies this as an issue and aims to prevent ad-hoc commercial intrusion into these industrial areas.

If the ‘Fast Food Outlet’ component of this proposal is supported by Council, a precedence factor could be argued in any future proposals within the ‘Light Industry’ zone which includes the entire extent of Dixon Road. A decision to this effect would be at-odds with the provisions of Council’s Planning Policies which would result in compromised Scheme objectives. PP3.1.2 and PP3.3.9 identify appropriate locations such as Neighbourhood and District Centres for such activities over encroachment into industrial areas.

There is the opportunity under Clause 4.4 of PP3.3.9 for a Fast Food Outlet to be considered on-site if it is integrated into a Service Station. This can be considered where the proposal is to be ancillary in use and is seamlessly integrated within the predominant land use. Whilst it is acknowledged that the Indicative Concept Plan integrates the Fast Food Outlet with the Service Station and will not be stand-alone by virtue of a common wall, the City is not satisfied that Policy provisions and the intent are achieved in the proposal. The proposed maximum floor area cap of 150m² for the Fast Food Outlet is considered sizeable and not ancillary in nature. This view is formed on the basis that stand-alone Fast Food Outlets within the City vary in area between 120m² – 350m².

The City’s PP3.1.2 does not support the intrusion of inappropriate commercial uses into industrial areas. The specific objectives for PP3.1.2 relating to the matter are quoted as to:

“Prevent, so far as possible, the intrusions of inappropriate commercial uses into industrial areas, but to recognise the importance of mixed business area in this context.”

The applicant seeks to have the additional use of a ‘Fast Food Outlet’ added in TPS2 to facilitate a Muzz Buzz franchise and another outlet which has not been specified. In a previous State Administrative Tribunal (SAT) case involving a proposed Muzz Buzz outlet, the City’s legal advice identified a Muzz Buzz can be considered a ‘Lunch Bar’ under TPS2. Under this land use category, a ‘Lunch Bar’ under the Zoning Table is a discretionary use within the ‘Light Industry’ zone. In this instance, the applicant does not require the additional use of ‘Fast Food Outlet’ to facilitate this land use on-site.

It is considered that the applicant’s revised proposal and justification to reduce the maximum floor area of the ‘Fast Food Outlet’ to 150m² is not based on sound planning principles. The applicant states that “The potential increase in passing trade on Dixon Road East as a result of the Gateway to Rockingham Project creates an ideal location for a ‘Fast Food Outlet’ that can access passing trade...”. This statement alone represents reasoning based solely on commercial interests and not proper and orderly planning principles. Justification for any proposal should be considered within the context that a proposal will not adversely affect the surrounding landholdings or the intent of TPS2 and relevant Policy. As the zoning is ‘Light Industry’, which forms a strategic area for the City in terms of employment and the opportunity for a range of land uses not permitted elsewhere, the Council should be mindful of permitting commercial outlets that are at odds with the predominant land use.

Considering the City has limited area for industrial land uses and commercial zones that have been allocated for ‘Fast Food Outlets’, the City does not support the proposed ‘Fast Food Outlet’ being located on-site.

Conclusion

In consideration of the request for the Scheme Amendment for the additional use of ‘Service Station’, the City supports this component of the proposed Scheme Amendment. This is based on policy considerations and the likelihood that proper and orderly planning outcomes would eventuate.
It is also noted that the surrounding area is not serviced by a ‘Service Station’ which would benefit if the proposal were supported.

The City does not consider that a ‘Fast Food Outlet’ and ‘Convenience Store’ be included as additional uses, as Planning Policies do not support the location of these land uses within a Light Industry Zone and concerns that the objectives of TPS2 may be compromised, including the likelihood to disrupt this ‘Light Industry’ zone.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **NOT PROCEED** with an Amendment to Town Planning Scheme No. 2 to permit a ‘Convenience Store’ and ‘Fast Food Outlet’ on the basis that the ‘Fast Food Outlet’ generally fails to comply with City Policy 3.1.2 – *Local Commercial Strategy* and City Policy 3.3.9 – *Fast Food Outlets* and the interpretation of ‘Service Station’ includes the retailing of goods of an incidental convenience retail nature that addresses the proposal outlined. The City also considers a ‘Fast Food Outlet’ to be incompatible with Industrial Land Uses and may create land use conflicts if permitted.

2. **ADOPT** (initiate) Amendment No.146 to Town Planning Scheme No.2, to permit the additional use of ‘Service Station’ in Schedule No.2 for Lot 40 (No.129) Dixon Road, East Rockingham, subject to the Proponent's confirmation to proceed with the modified proposal.

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>30.</td>
<td>Lot 40 (No. 129) Dixon Road, East Rockingham</td>
<td>Service Station</td>
<td></td>
</tr>
</tbody>
</table>

**Committee Recommendation**

That Council **ADOPT** (initiate) Amendment No.146 to Town Planning Scheme No.2, to permit the additional use of ‘Service Station’ and ‘Fast Food Outlet’ in Schedule No.2 for Lot 40 (No.129) Dixon Road, East Rockingham.

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
</tr>
</thead>
</table>
| 30. | Lot 40 (No. 129) Dixon Road, East Rockingham | Service Station and Fast Food Outlet | 1. In these Special Conditions: “Land” means Lot 40 (No.129) Dixon Road, East Rockingham. 2. Not more than one building on the Land is to be used for the purpose of a Fast Food Outlet. 3. No part of any building is to be used for the purpose of a Fast Food Outlet except a building approved, developed and used for the purpose of a Service Station. 4. The Net Lettable Area of a building used for the purpose of a Fast Food Outlet must not exceed 150m2. 5. No part of the land designed or developed for the purpose of a Service Station or Fast Food Outlet is to be used for the sale or service of food or
<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>drink to any person while the person is in a vehicle.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. No sign is to be displayed which advertises a Fast Food Outlet unless the sign also advertises a Service Station.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7. For the removal of doubt, the Additional Purpose and the Special Conditions which apply to it are not a standard or requirement capable of variation pursuant of clause 4.20.1.</td>
</tr>
</tbody>
</table>

Committee Voting – 5/0

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

The Committee outlined the following reasons for varying the Officer’s recommendation:

1. The City’s adoption of the Economic Development Strategy supports opportunities for business to locate on Dixon Road given the link now being provided via Kulija Road, and would therefore provide an appropriate interface and gateway to the City.
2. The Fast Food Outlet is to be located on the southern boundary of the industrial area and therefore intrusion and effect on other industrial businesses would be limited.
3. As the Fast Food Outlet is to be located towards the eastern end of Dixon Road it is not considered to set a precedent for future proposals given this differing locational context.
4. The Fast Food Outlet, if seamlessly integrated into the Service Station, limited in scale to 150sqm and ancillary in use, would be acceptable in accordance with the Council’s Fast Food Policy and on planning grounds.
5. The Fast Food Outlet will service the needs of the local workforce and generate jobs in the area.

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

Not Applicable
**Planning and Development Services**  
**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-053/14 Proposed Residential Building (Crisis Accommodation Centre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2014.00000196.001</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>436</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Harley Dykstra Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Housing Authority</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Donna Shaw, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 578 (No.9) Jecks Street, Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>1,012m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Primary Centre City Living Zone</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Schedule of Submissions</td>
</tr>
</tbody>
</table>
| Maps/Diagrams:         | 1. Location Plan  
                        2. Aerial Photo  
                        3. Site Plan  
                        4. Floor Plan  
                        5. Elevations  
                        6. Perspective Image |
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 18 AUGUST 2014

PRESIDING MEMBER
**Purpose of Report**

To provide a recommendation to the Western Australian Planning Commission (WAPC) on an application for a Residential Building (Crisis Accommodation Centre) on Lot 578 (No.9) Jecks Street, Rockingham.

**Background**

Under its Statement of Planning Policy 4.2 (Activity Centres for Perth and Peel), the WAPC requires the City to prepare and maintain an endorsed Activity Centre Structure Plan (Centre Plan) to guide the development of public and private property within the Rockingham Strategic Metropolitan Centre.

The Council has endorsed Stage 1 and 2 of the Centre Plan Review, which included the overall centre plan, which was divided into 11 sectors, including the 'Northern Waterfront' sector, which the subject site is within.

In November 2009, the WAPC considered the Stage 2 Final Reports on the Review of the Rockingham Strategic Metropolitan Centre and resolved to endorse the documents as an appropriate Centre Plan to guide future planning and development.

In September 2013, Council resolved to adopt Amendment No.129 to Town Planning Scheme No.2 (TPS2) rezone the subject land within the 'Northern Waterfront Sector' of the Centre Plan for the Rockingham Strategic Metropolitan Centre (including the subject site) to the Primary Centre City Living Zone, for Final Approval, subject to some minor amendments.

In June 2014, the Hon. Minister for Planning granted Final Approval to Scheme Amendment No.129.

**Details**

The applicant seeks Planning Approval for a Residential Building (Crisis Accommodation Centre).

Details of the proposal are as follows:

- The facility will be developed by the Department of Housing and managed by Anglicare WA Youth Support, for the purposes of providing emergency residential accommodation for young people experiencing domestic or family violence and other social and health issues;
- The facility will provide accommodation for 6 young people at any one time, with admissions to the facility occurring on a 24 hour basis;
- Young people will stay at the facility for up to three months at a time;
- The facility will be operated by a manager and support staff during week days, and residential youth workers on week nights and weekends;
- The development includes 1 x 7 bedroom residential building at the front of the site, including staff areas, a meeting room and kitchen and dining areas, and 2 x 1 bedroom residential units at the rear of the site; and
- Access to the site will be via a single driveway from Jecks Street.
3. Site Plan
4. Floor Plan
5. Elevations
Implications to Consider

a. Consultation with the Community

The proposed development was advertised by the City to nearby and adjacent landowners for comment, for a period of 15 days. At the close of the advertising period, the City received 14 submissions of objection to the proposed development and 1 submission of support.

<table>
<thead>
<tr>
<th>Inconsistent with Planning Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) That the proposed development is inconsistent with Planning Policy 3.2.6 - Northern Waterfront Sector.</td>
</tr>
</tbody>
</table>

Proponent’s Response:

It is noted that development within the Alexander Precinct is preferred under Draft Planning Policy No.3.2.6 to have a density coding of R60-R100. However, until the scheme amendment has been gazetted the land is incapable of being approved for development at the R60-R100 density code.

The proposal is consistent with the current Town Planning Scheme R30 density code for the subject land.

It is not feasible to impose design requirements consistent with R60-R100 density coding while the current density of R30 does not provide for these design outcomes, for example it is not reasonable to require two storey development whilst the land is coded R30.

The proposal though considered Community Use is residential in nature and function and is thus consistent with a preferred use for the subject land (residential) under Draft Planning Policy No.3.2.6.

The proposal reflects the desired character objectives of revitalisation and streetscape activation for the Alexandra Precinct under Draft Planning Policy No.3.2.6.

The proposal is a discretionary use under the “Primary Centre – City Living Zone”. Given its consistency with the objectives of the Draft Planning Policy, the development is believed to be an appropriate land use within this zone.
<table>
<thead>
<tr>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(ii) <strong>The proposed development would result in noise disturbance.</strong></td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>Residents will be governed by house rules, clear expectations and consequences for breaching the expectations of the service. All staff are well trained in dealing with critical incidents.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>Given the facility is proposed to operate on a 24 hour basis with staff admitting clients, the noise associated with the proposed development could be above what would normally be associated with a residential building.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iii) <strong>The proposal would decrease the safety of the area and would result in antisocial behaviour.</strong></td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>The facility will be managed by Anglicare WA youth support staff (Y-Shac) 24 hours per day, comprising of a manager and support staff during week days, and residential youth workers on week nights and weekends, with on-call support from senior staff. All staff are well trained in dealing with critical incidents, and residents will be governed by house rules, clear expectations and consequences for breaching the expectations of the service.</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>Given the age and personal circumstances of the clients residing at the facility, there is anecdotal evidence to suggest antisocial behaviour could occur as a result of the proposed development. The City considers that these issues could be resolved by effective management of the facility by the operators.</td>
</tr>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(iv) <strong>The proposed development would compromise the residential amenity of the area due to it operating like a commercial business (e.g backpackers accommodation).</strong></td>
</tr>
<tr>
<td><strong>Proponent's Response:</strong></td>
</tr>
<tr>
<td>The Scheme defines a Community Use as a “premises designed or adapted primarily for the provision of educational, social or recreational facilities and services by organisations involved in activities for community benefit.” The facility is designed for the provision of social services by Anglicare, an organisation involved in activities for community benefit, and thus falls within the definition of Community Use. This is clearly not a commercial venture since it is run by a not-for-profit community organisation that provides assistance to youth needing accommodation. A hotel/backpackers accommodation is a completely different land use under the Scheme.</td>
</tr>
</tbody>
</table>
City's Comment:
The City agrees that given the 24 hour nature and administrative function of the facility, the residential amenity of the street could be compromised by the proposal.

Submission:
(v) The location of the proposed development is unsuitable given its commercial style operation and proximity to a nearby child care centre.

Amenity

Proponent’s Response:
The proposed Community Use is considered appropriate in this location given its consistency with the objectives of the Residential Zone in that it maintains the predominantly residential character and amenity of the area. It is also provides a support service compatible with other nearby community facilities.

City's Comment:
Given the proposed development will be used for crisis accommodation operated by Anglicare WA, it is not considered to be a commercial venture given Anglicare WA is not for profit organisation. Despite this, the Council is required under Clause 6.6(i) of TPS2 to have due regard to the compatibility of a use or development within its setting. Whilst it is noted that the recent rezoning of the land permits the development of high density residential, the current context of the surrounding locality is a low density, quiet residential setting. The proposed development operating 24 hours per day is not considered compatible with the existing context of the locality.

The proposed development is not considered to impact the operation of nearby Child Care Centres.

Submission:
(vi) Detrimental impact on the amenity of the locality due to the lack of ongoing management of the facility.

Proponent’s Response:
A manager and additional support staff are based at the facility during much of the working week. On weekends and evenings residential youth workers work alone, with on-call support from senior staff. Thus, the facility will be managed 24 hours per day. Management will occur though the Manager and General Manager Youth Services, with comprehensive corporate support from Anglicare WA staff, including Occupation Health and Safety, executive management and Human Resources.

City's Comment:
The City acknowledges the applicant's response includes management support, however, the City agrees that should the management of the facility not be maintained, the amenity of the area could be compromised. The City has not been provided with evidence to satisfy its concerns that one youth worker would be able to satisfactorily manage the facility alone on nights and weekends.

Submission:
(vii) Exceeding of site coverage and lack of open space of the proposed development.

Proponent’s Response:
The proposed development complies with the R-Codes minimum open space requirement of 45% for R30 coded areas. Furthermore, the intent for the area under Planning Policy 3.2.6 and Scheme Amendment 129 is for relatively more intensive development.
**City's Comment:**
There are no open space and plot ratio requirements outlined in PP3.2.6 that apply to the proposal.

### Traffic

**Submission:**
(viii) The proposed development would result in increased traffic and carparking on surrounding streets due to a lack of on-site carparking.

**Proponent’s Response:**
Vehicles are able to exit the site in forward gear via a reversing area adjacent to the carport and parallel with Jecks Street. Given the subject land is level and vehicular traffic will be low, tandem parking is also considered safe and legible should it be required.

Given the proposal is for a Community Use and the nature of the development is to provide crisis accommodation for teenagers, the deemed to comply requirements of the R-Codes are not considered relevant.

Due to staff working on shift-based rosters, at any one time it is not necessary to have more than two car parking bays for staff. Thus, the two car bays provided, coupled with adequate provision for addition parking in tandem, are considered to be sufficient for the facility.

**City’s Comment:**
A traffic impact assessment was not provided in support of the application. Given the low number of clients proposed to reside at the premises, and clients being unable to obtain a drivers licence given their age group, traffic to and from the premises is likely to be low and within the traffic capacity of Jecks Street to accommodate.

In relation to carparking, the City considers that given the number of staff and the potential for parents of clients to attend the premises, especially on weekends, the provision of two designated carparking bays on site and the tandem formation carparking of vehicles in the driveway appears to be insufficient to service the proposed development.

### Property Values

**Submission:**
(ix) The proposed development would result in a loss of their property values and no compensation would be made available in this respect.

**Proponent’s Response:**
This is not a valid planning argument. In any event land values are affected by a range of factors from local market fluctuations to global economic influences and hence there is no evidence to support this claim. The Department of Housing already owns the land and therefore this cannot be a relevant planning consideration.

**City’s Comment:**
Property values are not considered to be a relevant planning consideration.

**Submission:**
(x) The proposed development did not achieve the full development potential of the subject site and would limit the development potential of nearby and adjacent sites.

**Proponent’s Response:**
There will be no impact on the future development potential of adjoining lots.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 AUGUST 2014

PRESIDING MEMBER

City's Comment:
TPS2 requires a minimum density of one dwelling per 180m² of land area for land zoned Primary Centre City Living Zone. The proposed development only achieves a density of one dwelling per 337m², which is three dwellings less than the required minimum. PP3.2.6 recommends a residential density of between 60 to 100 dwellings per hectare on the subject site. The number of units proposed equates to 29.6 dwellings per hectare, which is significantly less than the residential density that could be achieved on the site.

Property Values

Submission:
(xi) The existing tenants would vacate properties in the vicinity of the proposed development and there would be difficulty in obtaining new tenants.

Proponent's Response:
This is not a valid planning consideration.

City's Comment:
The ability to lease a property is not a relevant planning consideration.

b. Consultation with Government Agencies
Not Applicable

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

Aspiration 2: A safe community where residents feel secure, relaxed and comfortable within their home, work and social environments.

Aspiration 16: A Council who engages with all elements of the community in order to make decisions that respect Rockingham’s unique sense of place whilst positively contributing to its future prosperity.

d. Policy
State Planning Policy 3.1 - Residential Design Codes
Where residential development is proposed the R-AC0 density code of the Residential Design Codes applied to development.

In order to encourage residential development within the Primary Centre City Living Zone, consistent with the urban design objectives for individual Precincts set out in the Policy or other adopted Policies, the Council may exercise its discretion in respect to the Residential Design Codes provisions.

Planning Policy No.3.2.6 - Northern Waterfront Sector (PP3.2.6)
The purpose of PP3.2.6 is to provide a detailed planning vision and policy framework for the Northern Waterfront Sector.

The desired future character of the Northern Waterfront Sector is outlined in the Centre Plan as follows:

"This Sector will be redeveloped progressively over time resulting in upgraded residential capacity with an urban form more consistent with proximity to transit, the coast and central uses."

Preferred uses within the Northern Waterfront Sector include:
- Medium and high density residential;
- Serviced apartments;
- Local retail (corner shops); and
- Existing Parkland.

The number of units proposed equates to 29.6 dwellings per hectare, which is not classified medium to high density residential. The proposed development is therefore not a preferred use within the Northern Waterfront Sector.

The subject site is located within the ‘Alexandra’ Precinct of PP3.2.6. The following table outlines the relevant required elements for the Alexandra Precinct and considers how the proposed development addresses each.

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Precinct is to be developed as a quality, medium to high density residential area, framed by generally contiguous, street front buildings which address the street in a manner consistent with a contemporary inner-city townscape discipline.</td>
<td>The development does not provide a medium to high density development. It does not provide for street front buildings that frame and address the street given its large setback.</td>
<td>No</td>
</tr>
<tr>
<td><strong>Buildings are to be located, configured and activated to frame and address street frontages, laneways and other public spaces in a way that is generally consistent with the Precinct Concept Plan and relevant ‘Frontage Types’ as listed in Section 5.</strong></td>
<td>The development is single storey and has limited activation of the street.</td>
<td>No</td>
</tr>
<tr>
<td>The site is required to have a Type 4 Frontage, which requires moderate activation with a two to three storey façade positioned behind a 2-3.5m setback.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consistent with Figure 5.2 ‘Density’, in Section 5.3, residential development is to accommodate a balanced mix of dwelling sizes at preferred densities ranging from 60 to 100 dwellings per hectare, with a minimum density of 60 dwellings per hectare.</td>
<td>The proposed development equates to a density of 29.6 dwellings/ha, which is substantially less than the minimum density of 60 dwellings per hectare.</td>
<td>No</td>
</tr>
<tr>
<td>Consistent with Figure 5.3 ‘Building Height’, in Section 5.4, buildings are to present a minimum 2 storey (6.0m) or equivalent parapet height to the street or relevant public space subject to the maintenance of a 12.5 metre height limit along street frontages, with any additional height to a maximum of 19.0m to be setback a minimum of 3.5 metres. The scale and massing of buildings are to be designed to minimise any overshadowing of adjoining properties and public spaces.</td>
<td>The proposed development is single storey.</td>
<td>No</td>
</tr>
<tr>
<td>Required</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
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</tr>
<tr>
<td>Carparking is not permitted between the road reserve boundary and building frontages.</td>
<td>Two carparking bays are provided in the garage and the applicant has proposed tandem carparking in the driveway. The carparking is provided between the road reserve and the building frontage</td>
<td>No</td>
</tr>
<tr>
<td>The frontage of any building is to incorporate and maintain the required area of transparent facade with suitably glazed windows and doors, consistent with the applicable 'Frontage Types' set down in Section 5.5.  Type 4 frontage requires ground level inner-city residential units to address the street with a façade that is transparent over at least 30% of its area.</td>
<td>The proposed development provides for approximately 3% transparency.</td>
<td>No</td>
</tr>
</tbody>
</table>

The proposed development does not comply with the preferred uses or required elements of PP3.2.6. At the time of lodging the Planning application, which is the subject of this report, PP.3.2.6 was a seriously entertained Planning Policy. It is now an adopted Planning Policy which was automatically triggered when the land was re-zoned to the Primary Centre City Living Zone.

e. Financial

Nil

f. Legal and Statutory

Metropolitan Region Scheme

As the subject development constitutes Public Works undertaken by a Public Authority on land zoned under the Metropolitan Region Scheme (MRS), Clause 29(1) of the MRS requires the City to forward the application to the WAPC for its determination. The Council is not the determining body for this application, and can only provide a recommendation to the WAPC.

Planning and Development Act 2005 (PD Act)

Section 6(1)a of the PD Act gives the Housing Authority the right to undertake, construct or provide any public work. The rights in this section are to be exercised having regard to Section 6(2)a and b of the PD Act as follows:

“(a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and

(b) the orderly and proper planning, and the preservation of the amenity, of that locality at that time.”

The proposed development does not comply with Section 6(2)a of the PD Act for the reasons outlined in the TPS2 section of this report below.

Supporting the proposed development would be inconsistent with orderly and proper planning as the proposed development is inconsistent with the endorsed Centre Plan for the Rockingham Strategic Metropolitan Centre.

Whilst it is acknowledged that high density residential development can occur as a result of the recent rezoning, the subject site is located in a predominantly low density residential area.
Given the proposed development will have admissions to the facility occurring on a 24 hour basis and staff continuously leaving and entering the property, the residential amenity of the locality could be compromised by the proposed development. For these reasons, the proposed development is also not considered to comply with Section 6(2)a and b of the PD Act.

Section 6(3) of the PD Act states:

"The responsible authority is to be consulted at the time when a proposal for any public work, or for the taking of land for a public work, is being formulated to ensure that the undertaking, construction, or provision of, or the taking of land for, the public work will comply with subsection (2)."

The City was not consulted by the applicant on the proposed works or design of the proposed development when it was formulated. No discussion on the design of the proposed development occurred between the City and the applicant prior to the application being received. As such, the City considers that the applicant has failed to comply with Section 6(3) of the PD Act.

Town Planning Scheme No.2 (TPS2)

Clause 4.3D of TPS2, which was inserted as part of Amendment No.129, requires a minimum density of one dwelling per 180m² of land area for land zoned Primary Centre City Living Zone. The proposed development only achieves a density of one dwelling per 337m², which is three dwellings less than the required minimum. The proposed development does not comply with TPS2.

g. Risk

Risk Implications of Implementing Officer Recommendation

Medium:

- There is a risk of the WAPC granting Planning Approval to the proposed development regardless of the objections raised in the submissions and the City's recommendation.

Risk Implications of Not Implementing Officer Recommendation

Medium:

- Supporting the proposed development would be contrary to City Policy, TPS2 and if approved, it is likely that the amenity of neighbours would be adversely affected.

Comments

The proposed development of a Residential Building for the purpose of providing crisis accommodation does not comply with TPS2 or PP3.2.6, which is now in operation. The City acknowledges that at the time of lodging the application, the operative zoning of the land was Residential R30, and the proposed development is generally compliant with the design requirements of the Residential Design Codes in respect to the R30 zoning. Despite this, Amendment No.129 was considered a seriously entertained proposal at the time the application was lodged, given advertising of the Amendment had been completed and the Amendment was before the Hon Minister for Planning for Final Approval.

The proposed development operating 24 hours per day is not considered compatible with the existing context of the locality, which is a quiet, low density residential setting. The City acknowledges that the Northern Waterfront Sector has been rezoned for high density residential development and the current context of the area will change as redevelopment occurs, however, the proposed development also fails to comply with the future development aspirations of the City for the locality as it is not a medium to high density development. In this regard, the City does not consider the proposed development takes into consideration the orderly and proper planning for the locality.

The applicant failed to liaise with the City when formulating the development application and the City considers the proposed development is not consistent with the objectives or intent of TPS2.

On balance of issues raised by submissioners, the development is considered unsuitable for the site. It is recommended that Council recommend refusal of the application to the WAPC.
Voting Requirements

Simple Majority

Officer Recommendation

That Council **REFUSE** to support the proposed Residential Building (Crisis Accommodation Centre) at Lot 578 (No.9) Jecks Street, Rockingham, for the following reasons:

1. The proposed development fails to comply with the minimum density requirement of one dwelling per 180m² of land area required by Town Planning Scheme No.2 in the Primary Centre City Living Zone.
2. The proposed development does not comply with Planning Policy 3.2.6 - Northern Waterfront Sector in respect to the following:
   (i) Residential Density;
   (ii) Building Height;
   (iii) Frontage Types;
   (iv) Car Parking;
   (v) Desired Future Character;
   (vi) Preferred Uses; and
   (vii) Required Elements (Alexandra Precinct).
3. The applicant has failed to comply with the requirements of Section 6 of the *Planning and Development Act 2005*.

Committee Recommendation

That Council **REFUSE** to support the proposed Residential Building (Crisis Accommodation Centre) at Lot 578 (No.9) Jecks Street, Rockingham, for the following reasons:

1. The proposed development fails to comply with the minimum density requirement of one dwelling per 180m² of land area required by Town Planning Scheme No.2 in the Primary Centre City Living Zone.
2. The proposed development does not comply with Planning Policy 3.2.6 - Northern Waterfront Sector in respect to the following:
   (i) Residential Density;
   (ii) Building Height;
   (iii) Frontage Types;
   (iv) Car Parking;
   (v) Desired Future Character;
   (vi) Preferred Uses; and
   (vii) Required Elements (Alexandra Precinct).
3. The applicant has failed to comply with the requirements of Section 6 of the *Planning and Development Act 2005*.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
Planning Services
Statutory Planning Services

Reference No & Subject: PDS-054/14 Development Assessment Panel - Councillor Nomination for Alternate Member

File No: LUP/1385-05
Risk Register No: 428 and 429
Applicant:
Owner:
Author: Mr Mike Ross, Manager Statutory Planning
Other Contributors:
Date of Committee Meeting:
Previously before Council: February 2013 (SP-006/13), December 2011 (SP-064/11), October 2011 (ES-033/11) and April 2011 (SP-019/11)
Disclosure of Interest:
Nature of Council's Role in this Matter: Executive

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

Purpose of Report
To consider nominating a Councillor as the Council’s alternate member on the South-West Joint Development Assessment Panel (SWJDAP), to the Minister for Planning.

Background

In 2010/11, the State Government introduced legislation for Development Assessment Panels (DAPs) in Western Australia. DAPs came into effect on 1 July 2011.

A DAP is an independent decision-making body that determines certain types of development instead of Council and/or the WAPC. DAPs are comprised of independent technical experts and elected local government representatives.

DAP Development Applications received by the City are determined by the SWJDAP, which includes the following local governments:
- Rockingham
- Cockburn
Local Government members rotate on and off meetings of the SWJDAP so that the DAP application within each Local Government is represented by the relevant Local Government member.

The current local members on the SWJDAP are Cr Smith and Cr Stewart. Cr Liley and Cr Elliott are the alternate members, but recently Cr Elliott resigned from his position.

**Details**

As Cr Elliott has resigned from the SWJDAP, Council is required to nominate one additional alternative member for appointment by the Minister for Planning. The two alternate member positions undertake a proxy role on the SWJDAP, in the event that Cr Richard Smith and Cr Joy Stewart are unavailable.

**Implications to Consider**

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

b. **Consultation with Government Agencies**
   
   Nil

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

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

d. **Policy**
   
   Nil

e. **Financial**
   
   Nil

f. **Legal and Statutory**
   
   Under Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 (Regulations), the Council is required to nominate four elected members of the Council, comprising two local members and two alternate members to sit on the SWJDAP, as required.

   Councillors are appointed by the Minister for Planning for a two year term.

   It is a mandatory requirement of the Regulations that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training. Any DAP member who successfully completes training is entitled to the payment of $400 from the Department of Planning.

   A DAP member who attends a DAP meeting is entitled to be paid the fee set-out in Schedule 2 item 1 and 2 of the Regulations, as follows:
Schedule 2 – Fees for DAP Members

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<tr>
<td>1</td>
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<td>7</td>
<td>Fee for training</td>
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An applicant who is aggrieved by a determination of a DAP to refuse an application; or any conditions imposed by a DAP in the determination of the application; or a deemed refused DAP application, may apply to the State Administrative Tribunal for a review of the decision. Therefore the DAP is the respondent on SAT proceedings regarding their determinations.

g. Risk

Risk Implications of Implementing Officer Recommendation
Low:
- The Minister for Planning must accept the Council’s nomination and agree to appoint the alternative member.

Risk Implications of Not Implementing Officer Recommendation
Low:
- If the Council fails to provide a nomination within 40 days of the Minister for Planning requesting the Council to nominate an alternate member, the Director General of the Department of Planning is empowered to appoint a person who is an eligible voter of the district to which the DAP is established (r24).

Comments
To ensure City representation on the SWJDAP, an additional proxy to Cr Leigh Liley must be appointed, should Cr Richard Smith and Cr Joy Stewart be unavailable to attend a meeting.

The recommendation leaves the Councillor nominee blank, to enable Council to make its recommendation to the Minister for Planning.

Voting Requirements
Simple Majority

Officer Recommendation
That Council NOMINATE Cr ____________ as the City of Rockingham alternate member on the South-West Joint Development Assessment Panel, to the Minister for Planning.

Committee Recommendation
That Council NOMINATE Cr Pease as the City of Rockingham alternate member on the South-West Joint Development Assessment Panel, to the Minister for Planning.

Committee Voting – 5/0
## The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

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

Not Applicable
# Planning and Development Services
## Directorate, Planning Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-055/14</th>
<th>Joint Development Assessment Panel Application – Amendment to Planning Approval – Additions and Alterations to Baldivis District Shopping Centre</th>
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<td><strong>File No:</strong></td>
<td>DD020.2013.00000290.004</td>
<td></td>
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<tr>
<td><strong>Risk Register No:</strong></td>
<td>363 and 365</td>
<td></td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Stockland Development Pty Ltd</td>
<td></td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>The Trust Company Ltd and Stockland WA (Estates) Pty Ltd</td>
<td></td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Ms Erika Barton, Projects Officer</td>
<td></td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
<td></td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>14 July 2014</td>
<td></td>
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<td><strong>Previously before Council:</strong></td>
<td>June 2013 (SP-030/13), November 2013 (PDS-006/13), January 2014 (PDS-002/14)</td>
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<td><strong>Disclosure of Interest:</strong></td>
<td>Executive</td>
<td></td>
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<td><strong>Site:</strong></td>
<td>Lots 1 and 9084 Safety Bay Road, Baldivis</td>
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<tr>
<td><strong>Lot Area:</strong></td>
<td>Lot 1 = 8.0264ha; Lot 9084 = 1.3726ha</td>
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<td><strong>LA Zoning:</strong></td>
<td>District Town Centre</td>
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<td><strong>MRS Zoning:</strong></td>
<td>Urban</td>
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</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Responsible Authority Report</td>
<td></td>
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</table>
| **Maps/Diagrams:**          | 1. Location Plan  
2. Aerial Photo  
3. Change to Access Road Width  
4. Change to Booster and Hardstand Location  
5. Deletion of Car Park Bays  
6. Change to Carpark Layout  
7. Building 5 Alterations  
8. Change to Auto Service Centre Parking Layout  
9. Change to Plant Room and Bulky Goods 1  
10. Relocated Footpath  
11. Extension to Bulky Goods 2  
12. Change to Bulky Goods Parking  
13. Bulky Goods Photovoltaic Panels  
14. Car Park Shade Structures and Photovoltaic Panels  
15. Proposed Small Car Bays  
16. Approved IDGP  
17. Comparison of Site Plans |
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application to amend the Planning Approval granted by the SWJDAP on 8 March 2013, for additions and alterations to Baldivis District Shopping Centre, which includes a request for approval of amended plans.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 AUGUST 2014

PRESIDING MEMBER
Background

The following outlines the history of Planning Approvals on the site:

- July 2006 - Stage 1 Shopping Centre, conditional Planning Approval issued.
- March 2009 - McDonalds Restaurant, conditional Planning Approval issued.
- July 2010 - Car Park Extension, conditional Planning Approval issued.
- October 2011 - Red Rooster, conditional Planning Approval issued.
- November 2011 - Extension to Shopping Centre, conditional Planning Approval granted by the City. The Proponent chose not to commence this Planning Approval and instead lodged an application for a larger development.
- March 2013 – Planning Approval for Extension to Shopping Centre, issued by the SWJDAP.
- July 2013 – Amendment to Planning Approval for Extension to Shopping Centre, issued by the SWJDAP.
- August 2013 – Appeal lodged with the State Administrative Tribunal (SAT) contesting various approval conditions.
- December 2013 – Reconsideration of Decision to Planning Approval issued by the SWJDAP.
- February 2014 – Amendment to Planning Approval for Additions and Alterations to the Baldivis District Shopping Centre, conditional Planning Approval issued by the Metro SWJDAP.

Details

The applicant seeks approval to amend the Planning Approval for the Additions and Alterations to the Baldivis District Shopping Centre granted by the SWJDAP on 8 March 2013 and as amendment on 29 July 2013, 5 December 2013, and 18 February 2014. The following outlines the proposed amendments:
1. Ground Floor

(a) Narrowing of Loading Dock Access Road

The access road into the rear loading area is proposed to be amended to show the extent of the proposed road pavement. The applicant advises that the previous approval erroneously showed a road width that included the ‘verge’ area that would provide the setback for any future building in order to accommodate footpaths and services. It can be seen that the road width matches the existing width of Nancy Alley on the opposite side of Settlers Avenue.
4. Change to Booster and Hardstand Location

It is proposed to relocate the fire boosters and associated hardstand parking areas for emergency service vehicles (fire trucks) to a mid-point between the sprinkler tank/pump room and Settlers Avenue. Stockland have been advised by their hydraulic consultants that the distance between the Fire Pump Room and Storage Tanks, and the Fire Boosters is potentially too great, and thereby creating significant risk of failing the pressure test required prior to the shopping centre being granted a certificate of occupancy. The applicant states that should this occur, the outcome would be untenable as it would prevent the centre from opening for up to a few months while the problem is rectified.
(c) Reduction of the Parking Bays in the Loading Dock

<table>
<thead>
<tr>
<th>Existing Car Park Bays</th>
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<tbody>
<tr>
<td>![Existing Car Park Bays Diagram]</td>
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<table>
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<tr>
<th>Proposed Car Park Bays</th>
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</thead>
<tbody>
<tr>
<td>![Proposed Car Park Bays Diagram]</td>
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</tbody>
</table>

5. Deletion of Car Park Bays

It is proposed to reduce the staff car bays located at the north of the site (between the shopping centre and future Mennock Approach) from 31 bays to 15. This is a result of the relocation of the fire boosters and associated hardstand parking areas for Emergency Service Vehicles.
(d) Relocation of the pad site fronting Safety Bay Road and associated access and parking layout changes

<table>
<thead>
<tr>
<th>Existing layout</th>
<th>Proposed layout</th>
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</thead>
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<tr>
<td><img src="image1" alt="Existing layout" /></td>
<td><img src="image2" alt="Proposed layout" /></td>
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</table>

6. Change to carpark layout

A Service Station was approved in April 2014 for the vacant pad site fronting Safety Bay Road. To overcome traffic safety issues, the pad site was relocated further west, as shown above. This has resulted in changes to the access points from Safety Bay Road and the parking layout. Three (3) parking spaces have also been deleted from the shopping centre carpark as a result. The plans submitted with the application for amendment do not reflect the existing approval for the service station.
7. Building 5 Alterations

Building 5 is to be reconfigured as follows:
The colonnade along settlers Avenue is extended for the entire frontage;
The northern most shop is reconfigured;
A service area/bin store is included on the eastern end;
Two new 70m² alfresco areas at the rear of the building;
Reconfiguration of the car park and deletion of 11 parking spaces

2. First Floor

(a) Modification to the car parking area associated with the Auto Service tenancy

8. Change to Auto Service Centre Parking Layout

The intent of this modification is to provide a more consolidated and logical arrangement, as well as removal of the access through to the rooftop car park. The access has been removed primarily to prevent the risk of large trucks driving onto the roof, which has only been designed to accommodate light vehicles.

This results in a deletion of one parking space in this area.
9. Change to Plant Room and Bulky Goods 1

The reconfiguration of the auto service centre car parking layout outlined in 2(a) above combined with a reduction in size of the plant room for the supermarket, has result in:

- a relocated plant room and Bulky Goods 1 Building; and
- increased size (~50m²) to Bulky Goods 1 Building.
10. Relocated Footpath

The reconfigurations achieved through 2(a) and 2(b) allow for the pedestrian connection from the rooftop car park to be realigned to provide for direct connection to the linear open space.
11. Extension of Bulky Goods 2

The reconfigurations achieved through 2(a) and 2(b) allows Bulky Goods 2 to be extended to the north providing an additional 190m².

12. Change to Bulky Goods Parking

The modification of the pedestrian pathway in 2(c) results in a reconfiguration of the Bulky Good carpark. The applicant has also deleted a landscaping section and replaced it with a car parking space at the northern end of the car park.
13. Bulky Goods Photovoltaic Cells

The PV panels will cover both bulky goods buildings, the pedestrian walkway between, and the plant room.
(g) Introduction of shade structures and Photovoltaic (PV) panels to the carparking on the roof deck.
It is proposed to install shade structures over the car parks within the rooftop car park. The northern most portion of the car park will also include PV panels.
(h) Introduction of 262 small car parking spaces.

Ground Floor
15. Proposed Small Car Bays

The applicant proposes to convert 249 parking spaces to 262 small parking spaces (increase of 11 spaces). The small parking spaces have dimensions of 2.3m wide x 5m long.

The applicant has advised that Stockland has set a commitment to achieve a 4 star Green Star ‘Design’ and ‘As Built’ rating. The applicant claims that the provision of these small car bays is one means of achieving the required points to satisfy the Green Building Council’s ‘Green Star’ criteria relating to fuel efficient transport.

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:
   
   **Aspiration 11:** Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.
Policy

Baldivis Activity Centre Structure Plan (BACSP)

The BACSP enables retail NLA of 19,816m² for Stage 2 of the Shopping Centre.

The March 2013 Planning Approval provided retail Net Lettable Area (NLA) of 19,863m² for Stage 2. This was a minor exceedance of 47m².

The July 2013 amendment to the application proposed a total of 21,117m² retail NLA, which is an overall exceedance of 1,301m².

The January 2013 amendment to the application further increased the NLA by 390m², which is an overall exceedance of 1,691m².

This application intends to increase the NLA by 310m² NLA, which is an overall exceedance of 2,001m².

The current additional NLA is related to extensions in both Bulky Goods stores and provision of alfresco areas for Building 5.

The BACSP states that any significant exceedance to the floor space provisions require testing by a Retail Sustainability Assessment, however, the City’s Local Commercial Strategy quantifies this, as being an increase by 5,000m² of shop/retail floor space. Thus no further assessment is considered necessary for this increase. There are no objections to the increase in retail NLA from a planning point of view.

Planning Policy 3.2.4 – Baldivis Town Centre (PP3.2.4)

PP3.2.4 provides guidance on development of land within the Baldivis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The Policy comprises both an Integrated Development Guide Plan (IDGP) and policy provisions to guide development in accordance with the Policy principles and requirements.

Integrated Development Guide Plan (IDGP)

PP3.2.4 contains an adopted IDGP for the Baldivis Town Centre. The purpose of the IDGP is to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. The adopted IDGP is shown in Figure 16 below.
The amendment proposes to relocate the fire booster and associated emergency vehicle hardstand area further to the east of the site. They would no longer be located within the footprint of the future building location as identified on the IDGP, thus the proposed amendment is consistent with the IDGP.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Car parking is required to be provided for the development in accordance with Table No.3 of TPS2. An assessment of parking requirements and provision is included in the attached RAR. The current Planning Approval provides for 1,381 parking bays. The amended development requires the provision of 1,788 parking spaces whilst 1,366 spaces have been provided.

The incremental and increasing erosion of parking provision for the development is of concern to the City. A 20% variation to the TPS2 parking provisions has been previously supported by the City. The proposed modification is seeking variations in the order of 23-24%. This equates to an additional 64-77 parking spaces more than the 20% variation. These deficiencies are considered to be extending beyond what is acceptable.

It is recommended that additional parking be provided within the development site adjacent to the pipeline corridor, replicating that provided adjacent to the Bulky Goods Stores. Parking provision and road connection in this location is consistent with the approved IDGP for the Baldivis Town Centre. This could provide for around 60 additional parking spaces.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

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

Risk Implications of Not Implementing Officer Recommendation

Medium:

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

Comments

A full assessment of the application is provided in the Responsible Authority Report (RAR) in Attachment 1. The following, however, provides a summary of the City's position on each of the proposed modified aspects of the development.

1(a) - Narrowing of Loading Dock Access Road

The City does not object to the narrowing of the access road per se. It does, however, have concerns as to whether a 19m articulated vehicle can negotiate the turn into the access road from Settlers Avenue. The applicant has been requested to provide swept paths to demonstrate this can be achieved at a realistic design speed. These plans are yet to be received by the City.

In this regard, it is recommended a condition be included on any approval requiring plans be submitted to the City demonstrating the access road has a width sufficient to facilitate the turning movements of a 19m articulated vehicle. The development plans shall be amended to reflect any widening necessary of this access road to enable the 19m articulated vehicles to negotiate the intersection safely.

1(b) - Relocation of the Fire Boosters and Associated Emergency Vehicle Hardstand

In preliminary discussions with the applicant on this matter, the City raised concern regarding the proposed located of the boosters and the constraint on future development along Mennock
Approach in accordance with the IDGP. The applicant demonstrated to the City that future development could be achieved.

Thus the City does not object to the relocation of the Fire Boosters and hardstand areas, given it will not hinder the attainment of future buildings along Mennock Approach.

1(c) - Reduction of Parking Bays in the Loading Dock

Retention of the parking bays within the loading dock were previously not supported by the City given the hindrance of future attainment of IDGP outcomes and conflict between heavy and light vehicles. The applicant appealed to SAT regarding *inter alia* the City and the Panel's conditional deletion of these parking spaces.

Given that the modification intends to delete half of these spaces, the City does not object given it is consistent with its original position.

1(d) - Relocation of the Pad Site fronting Safety Bay Road, and associated access and parking layout changes

The City has no objection to the amendment of the site plan to reflect the Planning Approval (20.2013.00000422) for the Service Station. The site plan, however, is required to be updated to reflect that approved under the separate application, as it does not accurately reflect the geometry of the egress to Safety Bay Road or the parking layout to the east.

Proposed Amendment Site Plan
In this regard, it is recommended a condition be imposed requiring the site plan be amended to reflect the Service Station Planning Approval (20.2013.00000422) issued on 16 April 2014.

The deletion of parking spaces is addressed in the Parking Requirement Section of this report.

1(e) - Reconfiguration of Building 5 and in the inclusion of Alfresco Areas

In respect of Building 5:
- it was part of the original overall approval issued in March 2013.
- the applicant sought a separate approval which was issued in March 2014.
- the applicant now seeks to include Building 5 into the overall approval.
- Should Building 5 be included in the overall approval, this would supersede the individual approval issued in March 2014.

The modified Building 5 results in a reduction in car parking spaces (11) and increased NLA. Parking requirements and provision is discussed in the RAR.

The City’s primary concern with this building is to ensure activation of, and access to the building from street frontages, particularly given the inclusion of alfresco areas at the rear of the building, which could have the effect of the buildings turning their back on the street. This would be contrary to PP3.2.4.

The City does not support changes in grade between the verge/footpath area and the building entrances, as this prohibits the direct access to the building and provides a visual barrier between the street and the building. The City has had numerous discussions with Stockland in relation to this matter and has considered a number of options to address this matter.

Stockland has been reluctant to alter internal floor levels to mimic the external verge levels to address the City’s concern, due to wanting flexibility in future tenanting of the spaces. It is, however, the City’s primary concern to achieve a building that achieves appropriate activation, interaction and address with the street in this landmark location.
In this regard, a condition is recommended to be imposed on any approval requiring that amended plans be submitted and approved by the City, demonstrating direct access to all tenancies from the adjacent street, which requires no ramping or stairs external to the building fronting the street.

The approval for this development contains a condition requiring street verandahs being provided across the full frontage of Settlers Avenue at a minimum width of 2.5m. Unless the above direct access is achieved, the proposed colonading along Settlers Avenue cannot be considered as acceptable to meeting this condition. The requirement for the verandahs is outlined in PP3.2.4.

Providing the above level differences are overcome, the City has no objection to the modifications to Building 5.

2(a) - Amendment to Car Parking associated with the Auto Service Tenancy
The City has no issue with the proposed modifications. The deletion of the parking space is addressed in the Parking Section of this report above.

2(b) - Reduction in size of the Plant Room and increase in size of Bulky Goods 1
The City has no issue with the proposed modifications. The increased requirement for parking through the increase in NLA is addressed in the Parking Section of this report above.

2(c) - Realignment of pedestrian connection from linear open space
The City has no issue with the proposed realignment. It provides for an improved pedestrian connection.

2(d) - Extension of Bulky Goods 2
The City has no issue with the proposed modifications. The increased requirement for parking through the increase in NLA is addressed in the Parking Section of this report above.

2(e) - Change to Bulky Goods Parking
The City has no issue with the proposed modifications. The loss of the planter bay can be offset by landscaping in the adjacent reserve.

2(f) - Introduction of Photovoltaic (PV) Panels on the Bulky Goods Buildings’ roof
The City has no issue with the proposed modifications. The elevation plans demonstrate the panels will not be visible above the existing parapet walls.

2(g) - Introduction of shade structures over the parking on the roof deck and PV Panels
The City has no objection to the proposed shade structures. It will provide for improved amenity for users of the car park. The design of the structures will need to ensure compliance with AS2890.1 is achieved in terms of clearance to structures. This would be covered by existing Condition No.8.

2(h) - Introduction of Small Parking Spaces
As outlined in the Small Parking Spaces Section of the RAR, the City has not been provided with a planning merit justification that demonstrates the circumstances in which the provision of the small spaces is appropriate.

The provision of small parking spaces, particularly 20% of the total parking provision, is likely to result in a car park that cannot function appropriately. In this regard the conversion of the parking spaces to small spaces is not supported by the City.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the Modification to Development Assessment Panel (DAP) Planning Approval for Additions and Alterations to Baldivis District Shopping Centre, on Lots 1 and 9084 Safety Bay Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
That the metro South-West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.000000290 as detailed on the DAP Form 2 dated 6 June 2014 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. Refuse the request for:
   (a) conversion of the parking spaces to small parking spaces
   as detailed on the DAP Form 2 date 6 June 2014 and accompanying Ground Floor Plan (Drawing No.DA0102-E), Level 1 Carpark Plan (Drawing No.DA0103-E), dated 14 May 2014

3. Approve the DAP Application reference 20.2012.00000290 as detailed on the DAP Form 2 date 6 June 2014 and accompanying Site Plan (Drawing No.DA0101-E), Ground Floor Plan (Drawing No.DA0102-E), Level 1 Carpark Plan (Drawing No.DA0103-E), Building 5 Floor Plans (Drawing No.DA0104-E), Elevations Sheet 2 (Drawing No.DA0202-E), Elevations – Signage and Shade Structure (Drawing No.DA0204-C), Sections Sheet 1 (Drawing No.DA0301-E), Building 5 – Elevations and Perspectives (Drawing No.DA5103-B), Building 5 – Elevations Tower (Drawing No.DA5104-B), dated 14 May 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved Additions and Alterations to Baldivis District Shopping Centre at Lots 1 and 9084 Safety Bay Road Baldivis, subject to the following additional conditions:
   (a) The development must be provided with a minimum additional 60 car parking spaces in a car park located on Lot 9084 in the location shown in red on Drawing No.DA0103-D. Plans must be submitted to the City for approval prior to applying for a Building Permit. The car parking shall be designed, constructed and maintained in accordance with Condition No.8.
   (b) Building 5 must be designed to provide for direct pedestrian access from the street to each of its tenancies which are not to be encumbered by ramps or steps outside of the building.
   (c) Drawing No. DA0104-E (Building 5 Plans) must be amended to reflect the Service Station Approval (20.2013.00000422) issued on 16 April 2014.
   (d) Amended plans must be submitted to the City of Rockingham for approval, demonstrating that the access road to the loading dock has a width sufficient to facilitate the turning movements of a 19m articulated vehicle. The Drawing DA0102-E (Ground Floor Plan) shall be amended to reflect any widening necessary of this access road to enable the 19m articulated vehicles to negotiate the intersection safely. The works required by the amended plans shall be constructed prior to occupation of the development.

Committee Recommendation

That Council **ADOPT** the Responsible Authority Report for the Modification to Development Assessment Panel (DAP) Planning Approval for Additions and Alterations to Baldivis District Shopping Centre, on Lots 1 and 9084 Safety Bay Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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   (a) conversion of the parking spaces to small parking spaces
   as detailed on the DAP Form 2 date 6 June 2014 and accompanying Ground Floor Plan (Drawing No.DA0102-E), Level 1 Carpark Plan (Drawing No.DA0103-E), dated 14 May 2014
3. Approve the DAP Application reference 20.2012.00000290 as detailed on the DAP Form 2 date 6 June 2014 and accompanying Site Plan (Drawing No.DA0101-E), Ground Floor Plan (Drawing No.DA0102-E), Level 1 Carpark Plan (Drawing No.DA0103-E), Building 5 Floor Plans (Drawing No.DA0104-E), Elevations Sheet 2 (Drawing No.DA0202-E), Elevations – Signage and Shade Structure (Drawing No.DA0204-C), Sections Sheet 1 (Drawing No.DA0301-E), Building 5 – Elevations and Perspectives (Drawing No.DA5103-B), Building 5 – Elevations Tower (Drawing No.DA5104-B), dated 14 May 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved Additions and Alterations to Baldivis District Shopping Centre at Lots 1 and 9084 Safety Bay Road Baldivis, subject to the following additional conditions:

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Committee Voting – 5/0

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

Implications of the Changes to the Officer's Recommendation
Not Applicable
Planning and Development Services
Directorate, Planning Services

Reference No & Subject: PDS-056/14 Proposed Format Changes - Revised Scheme Amendment No.140 to Town Planning Scheme No.2 – Primary Centre Campus Zone

File No: LUP/1768
Risk Register No: 188
Applicant: 
Owner: 
Author: Mr Bob Jeans, Director Planning and Development Services
Other Contributors: Mrs Sharon Peacock, Special Projects Research Officer
Date of Committee Meeting: 14 July 2014
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Legislative

Lot Area: 
LA Zoning: Community Purposes – University
MRS Zoning: Central City Area
Attachments: Amendment No.140 Scheme Amendment Report

Purpose of Report
To consider initiating a reformatted Scheme Amendment No.140 to Town Planning Scheme No.2 (TPS2) to introduce new provisions to create the ‘Primary Centre Campus Zone’; the revisions are required to align with the new Scheme provisions format contained in the recently approved Scheme Amendment No.129 (Primary Centre City Living Zone for the Northern Waterfront Sector).

Background
In February 2014, the Council resolved to adopt (initiate) Amendment No.140 to TPS2.
The preparation and layout of Amendment No.140 was (at that time) consistent with Amendment No.129 which proposed the ‘Primary Centre City Living Zone’ for the Northern Waterfront Sector.
Scheme Amendment No.129 had been recommended for Final Approval by the Council and referred to the Minister for Planning for Final Approval (and Gazettal).

Prior to this action, however, the Western Australian Planning Commission (WAPC) required the Scheme Amendment Text to be reformatted, to reflect a different layout (numbering changes, different setout style – the actual text of the Amendment did not alter, only the formatting style). The City was directed to make the changes before the WAPC would submit the Amendment No.129 to the Minister for his decision to grant Final Approval of the Scheme Amendment.

As a result of the required changes to Amendment No.129, subsequent proposed Scheme Amendments (such as the Primary Centre Campus Zone and the Primary Centre Enterprise Zone) will also need to be changed to reflect the new formatting style. The intent of this Scheme Amendment has not been altered in any way, only reformatted to ensure consistency with the required layout of Amendment No.129.

Details

Prior to proceeding to advertise the proposal, the Council must adopt the reformatted Amendment No.140 – ‘Primary Centre Campus Zone’.

A Summary of Proposed Scheme Changes is as follows:

The Scheme Amendment proposes to introduce a new zone for the Campus Sector, to be referred to as the Primary Centre Campus Zone. In addition, it will update the provisions for the Primary Centre Area to include reference to the Primary Centre Campus Zone’.

Clause 3.1.1
Is amended by including reference to ‘Primary Centre Campus’ zone.

Table No.1
Table No.1 will be amended to add a new column for the ‘Primary Centre Campus’ zone. The Use Class classifications are proposed to support the educational nature of the zone.

Clause 4.3.1
Clause 4.3.1 sets out the Zones within the ‘Primary Centre’. It will be amended to include reference to the ‘Primary Centre Campus’ zone.

Clause 4.3.3
Clause 4.3.3 is amended by adding a new sub paragraph (h) to include reference to the ‘Primary Centre Campus’ zone.

Clause 4.3.4
Clause 4.3.4 is amended by adding a new sub paragraph (h) to include reference to the ‘Primary Centre Campus’ zone.

Clause 4.3
Clause 4.3 seeks to introduce new Clause 4.3E to introduce the ‘Primary Centre Campus’ zone which also includes the ‘Objectives of the Zone’.

Clause 4.15.1
Clauses 4.15.1, 4.15.1.3, 4.15.1.4(a) and 4.15.1.4 (b) are amended by introducing the ‘Primary Centre Campus’ zone into the car parking requirements.

Table No.3
Table No.3 heading is amended by adding the words ‘Primary Centre Campus’.

Schedule No.1
Schedule No.1 is amended by inserting a new definition of ‘Campus Development Policy Plan’.

Schedule No.6
Schedule No.6 is amended by adding ‘Primary Centre Campus’ immediately after the words ‘Primary Centre City Living’.
Contents Pages

Section 4 of the contents page will be modified to include reference to ‘4.3E – Primary Centre Campus Zone’ and renumbered the existing page numbers accordingly.

Scheme Map

The Scheme Map will be updated to show the ‘Primary Centre Campus’ Zone. It will also redefine the area of the ‘Primary Centre’.

1. Current Zoning

2. Proposed New Zoning – ‘Primary Centre Campus Zone’

The Scheme Amendment Report, providing further details on Amendment No.140, is attached to this Report.
Implications to Consider

a. Consultation with the Community

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.

b. Consultation with Government Agencies

Scheme Amendments are required to be referred to the Environmental Protection Authority to determine if an environmental assessment is required, prior to advertising.

c. Strategic Community Plan

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

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

d. Policy

A draft Development Policy Plan has been prepared for the Campus Sector to detail the planning objectives and requirements to guide the development in this area. The draft Development Policy Plan will be advertised in conjunction with the Scheme Amendment.

e. Financial

Nil

f. Legal and Statutory

The procedures for dealing with proposals to amend a local planning scheme, as per the Planning and Development Act 2005, are set out in the Town Planning Regulations 1967. Regulation 13(1) provides that the City shall:

(a) if it resolves to proceed with a Scheme Amendment, adopt the proposed Amendment in accordance with the Act; or

(b) if it resolves not to proceed with the Scheme Amendment, notify the Western Australian Planning Commission, in writing, of that resolution.

g. Risk

Risk Implications of Implementing Officer Recommendation

High:

- Statutory planning processes not implemented.
- Council or State rejection of Policy framework; community opposition; Western Australian Planning Commission non-support.

Risk Implications of Not Implementing Officer Recommendation

High:

- Strategic Metropolitan Centre planning framework not implemented leading to uncoordinated development and strategic planning objectives not realised.

Comments

It is recommended that the Council adopt the reformatted Amendment No.140 to Town Planning Scheme No.2.

Voting Requirements

Simple Majority
Officer Recommendation

That Council ADOPT (initiate) Amendment No.140 to Town Planning Scheme No.2 in pursuance of Section 75 of the Planning and Development Act 2005, as follows:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
CITY OF ROCKINGHAM
TOWN PLANNING SCHEME NO.2
AMENDMENT No.140

RESOLVED that the Council, in pursuance of section 75 of the Planning and Development Act 2005, initiate an amendment to the City of Rockingham Town Planning Scheme No.2 as follows:-

1. Clause 3.1.1 is amended by inserting the following words immediately after the words “Primary Centre City Living”:
   “Primary Centre Campus”.

2. Table No. 1 – Zoning Table is amended by:-
   (a) inserting the following column for the “Primary Centre Campus” as a new zone and inserting Use Class Classifications in that column for this Zone.

<table>
<thead>
<tr>
<th>USE CLASS</th>
<th>ZONING</th>
<th>Primary Centre Campus</th>
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<td>Camping Area</td>
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<td>Tavern</td>
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<td>Veterinary Clinic</td>
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<td>Warehouse</td>
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<td><strong>INDUSTRIAL USES</strong></td>
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<tr>
<td>Industry : Service</td>
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<tr>
<td>Planning and Engineering Services Committee Minutes</td>
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<td>Monday 14 July 2014</td>
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**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES**

**MEETING HELD ON MONDAY 18 AUGUST 2014**

**PRESIDING MEMBER**

<table>
<thead>
<tr>
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<th>Status</th>
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<tbody>
<tr>
<td>Landscape Supply Yard</td>
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<td>Motor Vehicle Repair Station</td>
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<td>Motor Vehicle Wrecking Premises</td>
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<td>Sawmill</td>
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**RURAL USES**

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<td>Agriculture - Intensive</td>
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<td>Cattery</td>
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<td>Livestock Holding Facility</td>
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<td>Piggery</td>
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**UTILITIES/COMMUNITY**

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</tr>
<tr>
<td>Telecommunications Infrastructure</td>
<td>D</td>
</tr>
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</table>

3. Clause 4.3.1 (a) is amended by:
   
   (a) deleting the word “and” after the semi-colon in sub paragraph (iii);
(b) deleting the full stop at the end of sub-paragraph (iv) and inserting a semi-colon and the word “; and”;
(c) inserting the following new sub-clause after sub-clause (iv):
“(v) the Primary Centre Campus Zone.”

4. Clause 4.3.3 is amended by:
(a) deleting the word “and” after the semi-colon in sub-paragraph (g);
(b) adding the following new sub-paragraph after sub-paragraph (g) as follows:
“(h) in the case of the Primary Centre Campus Zone – the provisions of the Development Policy Plan (Campus Sector) and any other Policy adopted under clause 8.9 which applies to the Primary Centre Campus Zone; and”;
(c) renumbering the existing sub paragraph (h) to (i).

5. Clause 4.3.4 is amended by:
(a) deleting the word “and” after the semi-colon in sub-paragraph (g);
(b) adding the following a new sub-paragraph after sub-paragraph (g) as follows:
“(h) in the case of the Primary Centre Campus Zone – the provisions of the Development Policy Plan (Campus Sector) and any other Policy adopted under clause 8.9 which applies to the Primary Centre Campus Zone; and”;
(c) renumbering the existing sub paragraph (h) to (i).

6. A new clause 4.3E is inserted immediately after clause 4.3D as follows:

“4.3E Primary Centre Campus Zone

4.3E.1 Objectives of the Zone

The objectives of the Primary Centre Campus Zone are to:
(a) contribute to and encourage the development of high quality educational facilities and allied land use activities, generally in accordance with the requirements of the Development Policy Plan for the Campus Sector;
(b) promote educational and education related commerce and research support activities within the Campus Sector to service the growing demands of the Strategic Metropolitan Centre catchment;
(c) encourage the orderly development of the education campuses to optimise shared resources, present a generally integrated townscape character and deliver appropriate built form outcomes;
(d) provide for a high amenity, street based bus transit route through the Campus Sector in accordance with the alignment shown in the Development Policy Plan;
(e) create a permeable, well connected network of public streets and spaces that provides legible and high amenity linkages;
(f) provide for high quality public spaces which encourages a range of formal and informal social activities; and
(g) encourage complimentary landscaping treatments within the Campus Sector, with particular emphasis along Ennis Avenue, Dixon Road and Simpson Avenue to convey a clear sense of arrival at the edge of the Strategic Metropolitan Centre.”

7. Sub clause 4.15.1.1 is to be replaced with the following text:

“Where land is proposed to be developed in the Primary Centre City Centre Zone, the Primary Centre Urban Village Zone, the Primary Centre City Living Zone, Primary Centre Campus Zone or the District Town Centre Zone for a purpose specified in Table No.3, the minimum number of car parking bays required, and the maximum number of car parking bays allowable, for the proposed development is to be determined in accordance with Table No.3.”
8. Sub clause 4.15.1.3 is to be replaced with the following text:

“Where land is proposed to be developed in any zones other than the Primary Centre City Centre Zone, the Primary Centre Waterfront Village Zone, the Primary Centre Urban Village Zone, the Primary Centre Northern Waterfront Zone, the Primary Centre Campus Zone or the District Town Centre Zone for a purpose specified in Table No.2, the minimum number of car parking bays required for the development is to be determined in accordance with Table No.2.”

9. Sub clause 4.15.1.4 (a) is to be replaced with the following text:

“In any zone other than the Primary Centre City Centre Zone, the Primary Centre Waterfront Village Zone, the Primary Centre Urban Village Zone, the Primary Centre City Living Zone, the Primary Centre Campus Zone or the District Town Centre Zone for a purpose which is not specified in Table No.2;”

10. Sub clause 4.15.1.4 (b) is to be replaced with the following text:

“In the Primary Centre City Centre Zone, the Primary Centre Urban Village Zone, the Primary Centre City Living Zone, the Primary Centre Campus Zone or the District Town Centre Zone for a purpose which is not specified in Table No.3; or”

11. Table No.3 heading is amended to read as follows:

“MINIMUM REQUIREMENTS AND MAXIMUM ALLOWANCES – PRIMARY CENTRE CITY CENTRE ZONE, PRIMARY CENTRE URBAN VILLAGE ZONE, PRIMARY CENTRE CITY LIVING ZONE, PRIMARY CENTRE CAMPUS ZONE AND DISTRICT TOWN CENTRE ZONE”

12. Part 9 – Schedules, ‘Schedule No.1 – Interpretations’ is amended by inserting a new definition after the definition of Development Policy Plan (City Centre Sector) and before the definition of Development Policy Plan (Northern Waterfront Sector), as follows:

“Development Policy Plan (Campus Sector): means the Policy entitled ‘Development Policy Plan (Campus Sector)’ as amended from time to time”;

13. Paragraph 1, Row 6, Column 2 of Schedule No.6 – Exempted Advertisements is amended to read:

“All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building subject to compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws, except in respect of development within the Primary Centre City Centre, Primary Centre Urban Village, Primary Centre Waterfront Village, Primary Centre City Living, Primary Centre Campus and District Town Centre zones.”

14. Modify Part 4 of the Contents page to include “4.3E – Primary Centre Campus Zone”.

15. Modify the page numbers of the Contents section in response to modification No.14.

16. The Scheme Map is amended by:

(a) rezoning land generally bounded by Dixon Road, Ennis Avenue, Simpson Avenue and Dowling Street from ‘Community Purposes – University’ to “Primary Centre Campus” Zone, as shown on the Scheme Amendment Map;

(b) amending the broken black line around the ‘Primary Centre’ in accordance with the Scheme Amendment Map;

(c) modifying the Legend to the Scheme Amendment Map accordingly.
1. Current Zoning

2. Proposed New Zoning – ‘Primary Centre Campus Zone’

Committee Recommendation

That Council ADOPT (initiate) Amendment No.140 to Town Planning Scheme No.2 in pursuance of Section 75 of the Planning and Development Act 2005, as follows:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
CITY OF ROCKINGHAM
TOWN PLANNING SCHEME NO.2
AMENDMENT No.140

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 AUGUST 2014

PRESIDING MEMBER
RESOLVED that the Council, in pursuance of section 75 of the Planning and Development Act 2005, initiate an amendment to the City of Rockingham Town Planning Scheme No.2 as follows:-

1. Clause 3.1.1 is amended by inserting the following words immediately after the words “Primary Centre City Living”:
   - “Primary Centre Campus”.

2. Table No. 1 – Zoning Table is amended by:-
   - (a) inserting the following column for the “Primary Centre Campus” as a new zone and inserting Use Class Classifications in that column for this Zone.

<table>
<thead>
<tr>
<th>USE CLASS</th>
<th>ZONING</th>
<th>Primary Centre Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ancillary Accommodation</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Camping Area</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Caravan Park</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Caretaker's Dwelling</td>
<td>IP</td>
<td></td>
</tr>
<tr>
<td>Display Home Centre</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lodging House</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Residential:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Single House</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(b) Grouped Dwelling</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(c) Multiple Dwelling</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Residential Building</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Short Stay Accommodation</td>
<td>X</td>
<td></td>
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<tr>
<td>COMMERCIAL USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Parlour</td>
<td>X</td>
<td></td>
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<tr>
<td>Betting Agency</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Car Wash</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Child Care Premises</td>
<td>IP</td>
<td></td>
</tr>
<tr>
<td>Cinema/Theatre</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Club Premises</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Consulting Rooms</td>
<td>IP</td>
<td></td>
</tr>
<tr>
<td>Dry Cleaning Premises</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Fast Food Outlet</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>IP</td>
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<tr>
<td>--------------------------------------</td>
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</tr>
<tr>
<td>Health Studio</td>
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<td>IP</td>
</tr>
<tr>
<td>Home Business</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Home Occupation</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Homestore</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Industry : Cottage</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Laundromat</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Lunch Bar</td>
<td></td>
<td>IP</td>
</tr>
<tr>
<td>Market</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Medical Centre</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Night Club</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td>IP</td>
</tr>
<tr>
<td>Plant Nursery</td>
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<tr>
<td>Private Recreation</td>
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<td>X</td>
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<tr>
<td>Public Amusement</td>
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<td>X</td>
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<tr>
<td>Reception Centre</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Restaurant</td>
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<td>X</td>
</tr>
<tr>
<td>Restricted Premises</td>
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<td>Restricted Retail Premises</td>
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<td>X</td>
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<tr>
<td>Service Station</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Shop</td>
<td></td>
<td>IP</td>
</tr>
<tr>
<td>Showroom</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Small Bar</td>
<td></td>
<td>IP</td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
<td>IP</td>
</tr>
<tr>
<td>Veterinary Clinic</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
<td>X</td>
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<tr>
<td><strong>INDUSTRIAL USES</strong></td>
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<td></td>
</tr>
<tr>
<td>Contractor's Yard</td>
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<td>X</td>
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<tr>
<td>Fuel Depot</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Industry : General</td>
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<td>X</td>
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<tr>
<td>Industry : General (Licensed)</td>
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<td>X</td>
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<tr>
<td>Industry : Hazardous</td>
<td></td>
<td>X</td>
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<tr>
<td>Industry : Light</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Industry : Noxious</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Industry : Service</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Landscape Supply Yard</td>
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<tr>
<td>Motor Vehicle and Marine Sales Premises</td>
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<td>Motor Vehicle Repair Station</td>
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<td>Motor Vehicle Wrecking Premises</td>
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<td>X</td>
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<td>Open Air Display</td>
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<tr>
<td>Salvage Yard</td>
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<tr>
<td>Sawmill</td>
<td></td>
<td>X</td>
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<tr>
<td>Trade Display</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
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<td></td>
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<tr>
<td>Transport Depot</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Veterinary Hospital</td>
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</tr>
</tbody>
</table>

**RURAL USES**

<table>
<thead>
<tr>
<th>Abattoir</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture - Extensive</td>
<td>X</td>
</tr>
<tr>
<td>Agriculture - Intensive</td>
<td>X</td>
</tr>
<tr>
<td>Cattery</td>
<td>X</td>
</tr>
<tr>
<td>Dog Kennels</td>
<td>X</td>
</tr>
<tr>
<td>Industry : Extractive</td>
<td>X</td>
</tr>
<tr>
<td>Industry : Rural</td>
<td>X</td>
</tr>
<tr>
<td>Livestock Holding Facility</td>
<td>X</td>
</tr>
<tr>
<td>Piggery</td>
<td>X</td>
</tr>
<tr>
<td>Poultry Farm</td>
<td>X</td>
</tr>
<tr>
<td>Produce Store</td>
<td>X</td>
</tr>
<tr>
<td>Rural Pursuit</td>
<td>X</td>
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<tr>
<td>Stockyards</td>
<td>X</td>
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<tr>
<td>Wildlife Park</td>
<td>X</td>
</tr>
</tbody>
</table>

**UTILITIES/COMMUNITY**

<table>
<thead>
<tr>
<th>Carpark</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communications Antennae - Commercial</td>
<td>D</td>
</tr>
<tr>
<td>Communications Antennae - Domestic</td>
<td>P</td>
</tr>
<tr>
<td>Community Use</td>
<td>IP</td>
</tr>
<tr>
<td>Corrective Institution</td>
<td>X</td>
</tr>
<tr>
<td>Educational Establishment</td>
<td>P</td>
</tr>
<tr>
<td>Exhibition Centre</td>
<td>IP</td>
</tr>
<tr>
<td>Hospital</td>
<td>X</td>
</tr>
<tr>
<td>Hospital : Special Purposes</td>
<td>X</td>
</tr>
<tr>
<td>Public Utility</td>
<td>D</td>
</tr>
<tr>
<td>Public Worship : Place of</td>
<td>IP</td>
</tr>
<tr>
<td>Telecommunications Infrastructure</td>
<td>D</td>
</tr>
</tbody>
</table>

3. Clause 4.3.1 (a) is amended by:
   (a) deleting the word “and” after the semi-colon in sub paragraph (iii);
   (b) deleting the full stop at the end of sub-paragraph (iv) and inserting a semi-colon and the word “; and”;
   (c) inserting the following new sub-clause after sub-clause (iv):
        “(v) the Primary Centre Campus Zone.”

4. Clause 4.3.3 is amended by:
   (a) deleting the word “and” after the semi-colon in sub-paragraph (g);
   (b) adding the following new sub-paragraph after sub-paragraph (g) as follows:
“(h) in the case of the Primary Centre Campus Zone – the provisions of the Development Policy Plan (Campus Sector) and any other Policy adopted under clause 8.9 which applies to the Primary Centre Campus Zone; and”;

(c) renumbering the existing sub paragraph (h) to (i).

5. Clause 4.3.4 is amended by:
   (a) deleting the word “and” after the semi-colon in sub-paragraph (g);
   (b) adding the following a new sub-paragraph after sub-paragraph (g) as follows:
       “(h) in the case of the Primary Centre Campus Zone – the provisions of the Development Policy Plan (Campus Sector) and any other Policy adopted under clause 8.9 which applies to the Primary Centre Campus Zone; and”;
   (c) renumbering the existing sub paragraph (h) to (i).

6. A new clause 4.3E is inserted immediately after clause 4.3D as follows:

   “4.3E Primary Centre Campus Zone
   4.3E.1 Objectives of the Zone
   The objectives of the Primary Centre Campus Zone are to:
   (a) contribute to and encourage the development of high quality educational facilities and allied land use activities, generally in accordance with the requirements of the Development Policy Plan for the Campus Sector;
   (b) promote educational and education related commerce and research support activities within the Campus Sector to service the growing demands of the Strategic Metropolitan Centre catchment;
   (c) encourage the orderly development of the education campuses to optimise shared resources, present a generally integrated townscape character and deliver appropriate built form outcomes;
   (d) provide for a high amenity, street based bus transit route through the Campus Sector in accordance with the alignment shown in the Development Policy Plan;
   (e) create a permeable, well connected network of public streets and spaces that provides legible and high amenity linkages;
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   (g) encourage complimentary landscaping treatments within the Campus Sector, with particular emphasis along Ennis Avenue, Dixon Road and Simpson Avenue to convey a clear sense of arrival at the edge of the Strategic Metropolitan Centre.”

7. Sub clause 4.15.1.1 is to be replaced with the following text:

   “Where land is proposed to be developed in the Primary Centre City Centre Zone, the Primary Centre Urban Village Zone, the Primary Centre City Living Zone, Primary Centre Campus Zone or the District Town Centre Zone for a purpose specified in Table No.3, the minimum number of car parking bays required, and the maximum number of car parking bays allowable, for the proposed development is to be determined in accordance with Table No.3.”

8. Sub clause 4.15.1.3 is to be replaced with the following text:

   “Where land is proposed to be developed in any zones other than the Primary Centre City Centre Zone, the Primary Centre Waterfront Village Zone, the Primary Centre Urban Village Zone, the Primary Centre Northern Waterfront Zone, the Primary Centre Campus Zone or the District Town Centre Zone for a purpose specified in Table No.2, the minimum number of car parking bays required for the development is to be determined in accordance with Table No.2.”
9. Sub clause 4.15.1.4 (a) is to be replaced with the following text:

“In any zone other than the Primary Centre City Centre Zone, the Primary Centre Waterfront Village Zone, the Primary Centre Urban Village Zone, the Primary Centre City Living Zone, the Primary Centre Campus Zone or the District Town Centre Zone for a purpose which is not specified in Table No.2;”

10. Sub clause 4.15.1.4 (b) is to be replaced with the following text:

“In the Primary Centre City Centre Zone, the Primary Centre Urban Village Zone, the Primary Centre City Living Zone, the Primary Centre Campus Zone or the District Town Centre Zone for a purpose which is not specified in Table No.3; or”

11. Table No.3 heading is amended to read as follows:

“MINIMUM REQUIREMENTS AND MAXIMUM ALLOWANCES – PRIMARY CENTRE CITY CENTRE ZONE, PRIMARY CENTRE URBAN VILLAGE ZONE, PRIMARY CENTRE CITY LIVING ZONE, PRIMARY CENTRE CAMPUS ZONE AND DISTRICT TOWN CENTRE ZONE”

12. Part 9 – Schedules, ‘Schedule No.1 – Interpretations’ is amended by inserting a new definition after the definition of Development Policy Plan (City Centre Sector) and before the definition of Development Policy Plan (Northern Waterfront Sector), as follows:

“Development Policy Plan (Campus Sector): means the Policy entitled ‘Development Policy Plan (Campus Sector)’ as amended from time to time;”

13. Paragraph 1, Row 6, Column 2 of Schedule No.6 – Exempted Advertisements is amended to read:

“All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building subject to compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws, except in respect of development within the Primary Centre City Centre, Primary Centre Urban Village, Primary Centre Waterfront Village, Primary Centre City Living, Primary Centre Campus and District Town Centre zones.”

14. Modify Part 4 of the Contents page to include “4.3E – Primary Centre Campus Zone”.

15. Modify the page numbers of the Contents section in response to modification No.14.

16. The Scheme Map is amended by:

(a) rezoning land generally bounded by Dixon Road, Ennis Avenue, Simpson Avenue and Dowling Street from ‘Community Purposes – University’ to “Primary Centre Campus” Zone, as shown on the Scheme Amendment Map;

(b) amending the broken black line around the ‘Primary Centre’ in accordance with the Scheme Amendment Map;

(c) modifying the Legend to the Scheme Amendment Map accordingly.
1. Current Zoning

2. Proposed New Zoning – ‘Primary Centre Campus Zone’

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Engineering and Parks Services

**Reference No & Subject:** EP-026/14 Tender T13/14-76 – Mike Barnett Sports Complex and Aqua Jetty Roof Replacements

<table>
<thead>
<tr>
<th>File No:</th>
<th>T13/14-76</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Register No:</td>
<td>162 and 406</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Andrew Davidson, Project Coordinator</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 July 2014</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>Executive</td>
</tr>
</tbody>
</table>

**Site:** Mike Barnett Sports Complex and Aqua Jetty

**Lot Area:** |

**LA Zoning:** Parks and Recreation

**MRS Zoning:** |

**Attachments:** |

**Maps/Diagrams:**
1. Aerial image of Mike Barnett Sports Complex
2. Aerial image of Aqua Jetty

---

1. Mike Barnett Sports Complex
2. Aqua Jetty

Purpose of Report

Provide Council with details of the tenders received for Tender T13/14-76 – Mike Barnett Sports Complex and Aqua Jetty Roof Replacement, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

The City of Rockingham’s asset management team identified the need for roof replacements to the Mike Barnett Sports Complex and Aqua Jetty. Tender T13/14-76 – Mike Barnett Sports Complex and Aqua Jetty Roof Replacement was advertised in the West Australian on Saturday, 1 March 2014. The Tender closed at 2.00pm, Wednesday, 2 April 2014 and was publicly opened immediately after the closing time.

Details

The type of work to be undertaken under the contract includes replacement of roof sheeting, insulation, roof structural members, acoustic panels and painting at Mike Barnett Sports Complex and the Aqua Jetty.

The tender was divided into two separable portions:
- Separable Portion 1 - Mike Barnett Sports Complex Roof Replacement
- Separable Portion 2 - Aqua Jetty Roof Replacement

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Separable Portion 1</th>
<th>Separable Portion 2</th>
<th>Separable Portion 1 &amp; 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safeway Building &amp; Renovations Pty Ltd</td>
<td>$339,200</td>
<td>$1,398,000</td>
<td>$1,737,200</td>
</tr>
<tr>
<td>RWE Robinson and Sons Pty Ltd T/as Robinson Buildtech</td>
<td>$649,719</td>
<td>$2,068,133</td>
<td>$2,717,852</td>
</tr>
</tbody>
</table>

A panel comprising the City’s Project Coordinator, Manager Procurement and Projects and Manager Asset Services undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:
Implications to Consider

a. Consultation with the Community
   Consultation was undertaken with Facility Managers, YMCA (Mike Barnett) and Belgravia (Aqua Jetty).

b. Consultation with Government Agencies
   Not Applicable

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

   **Aspiration 4:** A healthy community engaging in positive and rewarding lifestyles with access to a range of passive and active recreational and personal development opportunities

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

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

d. Policy

e. Financial
   Funding has been allocated in the 2014/2015 Budget to carry out the following roofing projects:
   - Mike Barnett Sport Complex $360,000 (W/O 21825)
   - Aqua Jetty $1,443,840 (W/O 23163)

f. Legal and Statutory

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

---

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Safeway Building &amp; Renovations</th>
<th>Robinson Build-Tech</th>
</tr>
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<tr>
<td>Performance and Experience of Tenderer</td>
<td>20</td>
<td>18</td>
<td>17</td>
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<td>Level of Service</td>
<td>25</td>
<td>22</td>
<td>20</td>
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<tr>
<td>Tenderers Resources and Delivery/Availability</td>
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<td>13</td>
<td>13</td>
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<tr>
<td>Tendered Price/s</td>
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<tr>
<td>Total Weighted Scores</td>
<td>100</td>
<td>93</td>
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</table>
g. Risk

Risk Implications of Implementing Officer Recommendation

Medium:
- Failure of tender/quote documentation to establish compliance and assessment criteria for selection of the tender submission that would be most advantageous.

Risk implications of not implementing Officer Recommendation

Medium:
- Potential damage to the City’s procurement reputation thereby adversely impacting on the possible competitive advantage gained through the open tender process.

Comments

Following consideration of the submissions in accordance with the tender criteria, both companies demonstrated the capability, resources and personnel to complete the works however, the information provided in the submission received from Safeway Building & Renovations Pty Ltd demonstrated an ability and experience which best satisfied the specification requirements and therefore is recommended as the preferred tenderer.

It is envisaged that the contract works would commence on the Aqua Jetty roof replacement and then move to the Mike Barnett Sports Complex. This decision was made following advice from the City’s Facility Management team who recommended undertaking the works on Mike Barnett roofing between November and February, when it was least likely to impact on the current user groups.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPT the tender submitted from Safeway Building & Renovations Pty Ltd, Unit 1/63 Gordon Road, Mandurah, WA 6210 for Tender T13/14-76 – Mike Barnett Sports Complex and Aqua Jetty Roof Replacement, in accordance with the tender documentation for the lump sum value of $1,737,200 ex GST.

Committee Recommendation

That Council ACCEPT the tender submitted from Safeway Building & Renovations Pty Ltd, Unit 1/63 Gordon Road, Mandurah, WA 6210 for Tender T13/14-76 – Mike Barnett Sports Complex and Aqua Jetty Roof Replacement, in accordance with the tender documentation for the lump sum value of $1,737,200 ex GST.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
13. Reports of Councillors
   Nil

14. Addendum Agenda
   Nil

15. Motions of which Previous Notice has been given

---

**Engineering and Parks Services**
**Parks Development**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-027/14 Notice of Motion – Green Waste Collection for Bush Fire Prone Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>28 and 203</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>Cr L Liley</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr James Henson, Manager Park Development</td>
</tr>
<tr>
<td>Authors:</td>
<td>Mr Allan Moles, Manager Integrated Waste Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 July 2014</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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</tr>
<tr>
<td>Site:</td>
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<tr>
<td>Lot Area:</td>
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<tr>
<td>LA Zoning:</td>
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<tr>
<td>MRS Zoning:</td>
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<tr>
<td>Attachments:</td>
<td></td>
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<tr>
<td></td>
<td>2. Capella Pass</td>
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<tr>
<td></td>
<td>3. Westray Court</td>
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<td></td>
<td>4. St Ives Cove</td>
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<td></td>
<td>5. Cote D’azur Gardens</td>
</tr>
<tr>
<td></td>
<td>6. Warnbro Dunes</td>
</tr>
</tbody>
</table>
1. Bush Forever Mapping

**Purpose of Report**

To provide officer comment and advice on Cr Leigh Liley’s Notice of Motion.

**Background**

Councillor L Liley submitted the following motion for consideration at the July meeting:

“That Council:

1. **INCREASE** the volume from 2m³ to 6m³ of green waste that the City will collect during its Green Waste Verge Collections for residents who pre-register and live in identified Bush Fire Prone areas;

2. **UNDERTAKE** a fuel reduction program to reduce the number of over grown wattles along its coastal foreshore.”

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 AUGUST 2014

PRESIDING MEMBER
Details

1. Green Waste Collection

Residential properties are provided with three green waste verge collections as part of the general household waste collection service fee and as such these collections are not funded by rates. The verge collections are only provided to those properties charged for the service and the service provided is uniform across all properties. In addition to the green waste verge collections these properties also receive four green waste tip passes for each household waste collection service fee providing a total of up to 6m³ through the green waste verge collections and 8m³ through the green waste tip passes.

2. Coastal Management

In terms of coastal protection strategies, vegetation cover is the primary means of stabilising littoral environments by creating a protective barrier from strong winds, damage from vehicles, people and animals. Typically, the sparse nature of coastal vegetation, negligible nutrient storage in the soil, the low moisture content of coastal sands and strong on-shore winds can make plant establishment very difficult.

The following images demonstrate the expansive coastal revegetation works carried out over the past 15 years and notably the benefits associated with the stabilisation of the Wambro Sound seafront.

2. Capella Pass

3. Westray Court

4. St Ives Cove
5. Cote D’azur Gardens

The separation distance between the existing vegetation and neighbouring properties along the Rockingham foreshore ranges from between 25 -100 metres. Individual species composition also varies within certain areas due to changes in microclimates. For example, in areas that are exposed to salt spray and wind there tends to be significant levels of salinity in the soils. These areas often contain a high proportion of perennial grasses and succulents as they can adapt to the mobile sand and salt crystal conditions.

As a general rule, low shrubland grading to heath will be located in the more exposed areas, while a wider range of larger shrubs such as the Acacia species are able to establish in protected swales and behind barrier dunes.

To ensure the long term viability of coastal areas that are subject to change through erosion and accretion processes, any activity in the City’s coastal zone must be undertaken with due regard to the flora type, its direct impact on wildlife and indirect impact through the clearing of vegetation. It is also important to note that some areas of the regional foreshore are protected under the Western Australian Planning Commission, Bush Forever provisions as well as acknowledging that under the Environmental Protection Act (1986), it is illegal to clear vegetation if it comprises of or is a significant part of the habitat for fauna indigenous to Western Australia.

In specific areas, such as the Warnbro Dunes, the City of Rockingham Town Planning Scheme No.2 contains a Special Residential Zone applicable to the area with certain conditions attached to the type and nature of the development.

The relevant special provisions are outline below:

- No natural vegetation within the Building Envelope shall be cleared unless all reasonable measures are immediately taken to prevent soil erosion.

- Clearing of any natural vegetation outside the Building Envelope is prohibited except:-
  
  (a) For the purpose of complying with the Bush Fires Act 1954;
  
  (b) To construct a vehicle access way which has received the prior written approval of the Council; and
  
  (c) If required, to provide a 3 metre wide planting strip of fire retardant vegetation.

6. Warnbro Dunes
The conditions identified in the planning provision with respect to the Bushfire Act 1954 relate to the Local Government's capacity to require the occupier of land to plough or clear firebreaks in accordance with the following:

‘To plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter’.

**Implications to Consider**

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

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

   **Aspiration 2:** A safe community where residents feel secure, relaxed and comfortable within their home, work and social environments.

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

   **Aspiration 10:** Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for future generations. Civic buildings, public places and transport infrastructure of contemporary design, constructed and maintained using best practice principles.

   **Aspiration 16:** A Council which engages with all elements of the community in order to make decisions that respect Rockingham’s unique sense of place whilst positively contributing to its future prosperity.

d. Policy
   - Draft State Planning Policy 3.7 - Planning for Bushfire Risk Management.
   - State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region - June 2010.
   - Planning for Bushfire Protection Guidelines - Edition 2
   - Western Australian Planning Commission, Bush Forever December 2002

e. Financial
   Additional costs may be incurred if the City changes the terms of the bulk verge collection contract for the collection of oversized green waste volumes. If applied to all properties, the additional cost could exceed $1,000,000 based on the existing contract.
   Operational project costs may also be incurred in relation to the foreshore vegetation assessment, together with costs to carry out the work as a result of the recommendations identified in the report.
   These costs would need to be met by Parks Operational budgets as the works are not currently identified in the relevant operations Work Orders.

f. Legal and Statutory
   - Town Planning Scheme No.2, Clause 4.13 and Plan No.7:
     
     "Provisions:
     9. No natural vegetation within the Building Envelope shall be cleared unless all reasonable measures are immediately taken to prevent soil erosion."
10. **Clearing of any natural vegetation outside the Building Envelope is prohibited except:-**
   (a) for the purpose of complying with the Bush Fires Act 1954;  
   (b) to construct a vehicle accessway which has received the prior written approval of the Council; and  
   (c) if required, to provide a 3 metre wide planting strip of fire retardant vegetation.

11. No person shall drive a vehicle on that part of the lot outside the Building Envelope in such a way as to cause or be likely to cause damage to vegetation or soil erosion.

12. Firebreaks shall be maintained to the satisfaction of the Fire and Emergency Services Authority and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the land.

13. No flammable material, including flammable vegetation, shall be permitted to remain within a distance of 3 metres from the external wall of any habitable building on the lot."

- Bush Fires Act 1954
- Environmental Protection Act 1986

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**
Nil

**Risk Implications of Not Implementing Officer Recommendation**
Medium
- Without the benefit of appropriate assessment and methodology it limits the formulation of a consistent and planned approach to strategic bush fire management.

**Comments**

1. **Green Waste Collection**

As the verge collections are a fee for service it is not easy to provide a different service to some properties as each property is currently charged the same fee. In addition, the verge collection contract is subject to an existing contract which is in its final year and the 2014/2015 verge collection information brochure has already been sent to all residents with details of the dates and conditions including the limit of 2m³ per collection.

With regard to areas zoned 'Special Residential' such as the Warnbro Dunes or Sherwood Estate, Baldivis, which have special conditions applied to the development, it should not be assumed that there is any additional or allowable clearing attached to the ongoing management of the property. Residents should have an understanding that fire control measures are conditional upon accepting the benefits of living in a unique rural or coastal setting.

Consideration also needs to be given to the equity and fairness attached to the delivery of the service as any increase in allowable volumes for certain areas within the City may invariably attract a cost associated with the higher level of service.

Currently, any changes to the existing contractual arrangements will be subject to a contact variation and based on the existing cost, this could be in excess of $1,000,000 if applied to all properties.

The City will be undertaking a review of waste services provided to the community in 2014/2015 including kerbside collections, bulk verge collections and tip passes. This review is intended to be completed and presented to Council with sufficient time to allow changes to be made prior to the next financial year and will form the basis for the tender specifications for any new contracts. It is anticipated that this review will be presented to Council before the end of 2014.
2. **Coastal Management**

The vegetation growth and the requirement to maintain flora to an acceptable level in accordance with current practices have increased over time. This has impacted on local properties in specific areas and on City controlled land where the emphasis has been on encouraging growth rather than limiting or regulating the extent of vegetation.

There are a number of strategies used to reduce the risk of fire other than clearing. Measures such as, the installation of adequate firebreaks, slashing or mulching a fuel-reduced zone or planting stands of fire inhibiting vegetation (low growing, fleshy species) can all be applied to balance the protection of property with the management of the flora.

Fire prevention can also be assisted by good on-ground maintenance and management practices. These include frequent rubbish removal, fencing around brushed areas, not brushing adjacent to access ways, and the installation of electric rather than gas barbeques.

Notwithstanding, the bushfire risk within the regional foreshore reserve is recognised; however, given the environmental constraints, bushfire management needs to be undertaken on a site by site basis.

Comprehensive clearing of vegetation is not appropriate as there are a number of factors that need to be taken into consideration. In recognising this however, the City has plans to undertake a site specific fire management assessment plan for certain areas to best balance the issues being faced.

It is therefore recommended that prior to undertaking a systematic vegetation reduction within the Rockingham foreshore, that all coastal sectors defined in the Rockingham Foreshore Strategy are assessed against the **Planning for Bushfire Protection Guidelines - Edition 2** and in accordance with the Australian standard 3959 - (2009), **Construction of buildings in bushfire-prone areas**.

This involves undertaking the following steps:

- Determining Fire Risk (the likelihood of a negative or detrimental consequence arising out of the interactions between hazards, community and the environment).
- Determining Bush Fire Hazard (measure of the intensity of fire and likely threat of fire to the site and surrounding areas).
- Determining Fuel Loads.

Once this information has been collected for each sector it will then be possible to develop applicable site specific actions.

This may involve modification of the existing vegetation to reduced fuel loads and/or modify the fuel structure together with a regime to conduct annual inspections to determine if sufficient hazard removal has occurred and to monitor any potential erosion taking place due to the remedial actions.

The review of all foreshore sectors identified in the strategy will be carried out by City Officers in consultation with the Coordinator Emergency Services. The aim is to complete the assessment by July 2015 with a report outlining recommendation prior to the summer period in August/September 2015.

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**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **CONSIDER** an increase in volume of green waste that the City will collect during its green waste verge collections in bush fire prone areas as part of a broader review of all current services.

2. **UNDERTAKE** an assessment of all coastal sectors along the length of the Rockingham Foreshore to determine appropriate fire management actions.

---

**Notice of Motion from Cr Liley**

That Council:

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 AUGUST 2014

PRESIDING MEMBER
1. **INCREASE** the volume from 2m$^3$ to 6m$^3$ of green waste that the City will collect during its Green Waste Verge Collections for residents who pre-register and live in identified Bush Fire Prone areas;

2. **UNDERTAKE** a fuel reduction program to reduce the number of over grown wattles along its coastal foreshore.

**Committee Recommendation**

That Council:

1. **CONSIDER** an increase in volume of green waste that the City will collect during its green waste verge collections in bush fire prone areas as part of a broader review of all current services.

2. **UNDERTAKE** an assessment of all coastal sectors along the length of the Rockingham Foreshore to determine appropriate fire management actions.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
<table>
<thead>
<tr>
<th>16.</th>
<th>Notices of Motion for Consideration at the Following Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>17.</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>18.</td>
<td>Matters Behind Closed Doors</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 18 August 2014</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
</tr>
<tr>
<td></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>5.08pm</strong>.</td>
</tr>
</tbody>
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