City of Rockingham
Planning and Engineering Services Committee
 Meeting Minutes
Monday 18 February 2019

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Notice of Motion - Replacement Fence at the Cricket Oval - Arpenteur Drive, Baldivis
## City of Rockingham
### Planning and Engineering Services Committee
#### Meeting Minutes
##### Monday 18 February 2019 - Council Boardroom

1. **Declaration of Opening**
   
   The Chairperson declared the Planning and Engineering Services Committee Meeting open at 4:00pm, welcomed all present, and delivered the Acknowledgement of Country.

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

   2.1 **Councillors**
   
   - Cr Chris Elliott (Chairperson)
   - Cr Barry Sammels (Mayor)
   - Cr Deb Hamblin (Deputy Mayor)
   - Cr Katherine Summers
   - Cr Mark Jones
   - Cr Andrew Burns (Observer)
   - Cr Joy Stewart (Observer)

   2.2 **Executive**
   
   - Mr Michael Parker (Chief Executive Officer)
   - Mr Peter Doherty (Director Legal Services and General Counsel)
   - Mr Sam Assaad (Director Engineering and Parks Services)
   - Mr Peter Ricci (Manager Major Planning Projects)
   - Mr Brett Ashby (Manager Strategic Planning and Environment)
   - Mr Mike Ross (Manager Statutory Planning)
   - Mr Rod Fielding (Manager Health and Building Services)
   - Mr David Caporn (Manager Compliance and Emergency Liaison)
   - Mr Ian Daniels (Manager Infrastructure Project Delivery)
   - Mr Manoj Barua (Manager Engineering Services)
   - Mr Kelton Hincks (Manager Asset Services)
   - Mr James Henson (Manager Land and Development Infrastructure)
   - Mr Adam Johnston (Manager Parks Services)
   - Mr Peter Varris (Manager Governance and Councillor Support)
   - Mr Rafał Kolodynski (Manager Internal Audit)
   - Mr Peter Le (Senior Legal and Councillor Liaison Officer)
   - Mr Stephan Timbrell (Coordinator Projects and Contracts)
   - Mr Parthiv Parekh (Internal Audit Officer)
   - Mr Aiden Boyham (City Media Officer)
   - Ms Melinda Wellburn (EA to Director Planning and Development Services)
   - Mrs Andrea Holman (EA to Director Engineering and Parks Services)

   2.3 **Members of the Gallery:** 2
2.4 Apologies: Nil
2.5 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

4:02pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Mr Peter Green, Cooloongup - Cape Peron

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

(Preamble to questions) My questions relate to Cape Peron and the future land uses for Cape Peron, in accordance with a Strategic Planning Approach.

At the Annual Electors Meeting of 19th December, I asked a few questions relating to the anticipated Cape Peron Strategic Plan, briefly the response from the Mayor advised,

‘that at the meeting the City addressed the Council resolution and urged the Minister to pursue the matter, including a robust consultation process, in a timely manner. The Minister acknowledged the City’s and community’s desire to have a sound outcome for Cape Peron. There has been no formal response from the Minister at this time.’

I ask,

1. ‘Has the City received any response from the Minister, or her Departments either formally or otherwise, what was discussed?’

The Chairperson advised that the City received a response from the Minister last Friday which is currently being assessed. In essence, the Minister has advised that a draft project scoping paper for the Mangles Bay Planning Investigation Area has been prepared and will be considered by the WAPC in the near future.

The Minister advises that the scoping paper will provide details on a project working group, terms of reference for the working group and community engagement.

2. ‘Has any documents been prepared for the Mangles Bay Planning Investigation Area?’

The Chairperson advised that there is a scoping paper that is being presented to the WAPC.

3. ‘Has a Community engagement program been developed for the area?’

That Chairperson advised that the Minister advises that the scoping paper will provide details on a project working group, terms of reference for the working group and community engagement.

(Preamble to questions) I also note in the Corporate and General Management Services Bulletin for 19th February 2019 re item 4.8 Notice of Motion, Topic, Cape Peron.

Status/Action reads,

‘Correspondence to Ministers and State Government departments have been sent seeking action to implement the Council resolutions. Media releases and social media posts have been circulated to promote the Council’s position. Meetings have been held with State Government, including the Hon Minister for Planning, to discuss the Council’s position.’
I ask,

4. ‘Can you please advise to whom the Media releases were sent and their content?’

The Chairperson advised that the media releases summarised the content of the Council’s resolutions and were sent to local media, including the Sound Telegraph, Weekend Courier and 93.7 Coast FM.

5. What are the dates of the media releases?

Mr Peter Ricci, Manager Major Planning Projects advised that they were released in October 2018.

6. ‘Will the City consider utilising the Planning Bulletin under a Title of Cape Peron Strategic Plan, for easy reference to any developments in the future, like what was used with the Mangles Bay Marina project?’

The Chairperson advised yes, in the event that the State Government commits to the planning process, the City will provide regular updates.

4:10pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Summers:

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 14 January 2019, 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

4:11pm 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

4:11pm 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 - February 2019

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
3.2 Industrial and Commercial Waste Monitoring
3.3 Mosquito Control Program
3.4 Environmental Waters Sampling
3.5 Food Sampling

4. Information Items
4.1 Mosquito-Borne Disease Notifications
4.2 Food Recalls
4.3 Food Premises Inspections
4.4 Public Building Inspections
4.5 Outdoor Public Event Approvals
4.6 Permit Approvals
4.7 Complaint - Information
4.8 Noise Complaints – Detailed Information
4.9 Health Approvals
4.10 Septic Tank Applications
4.11 Demolitions
4.12 Swimming Pool and Drinking Water Samples
4.13 Rabbit Processing
4.14 Hairdressing and Skin Penetration Premises

Building Services
1. Building Services Team Overview
2. Human Resource update
3. Project Status Reports
4. Information Items
   4.1 Monthly Building Permit Approvals - (All Building Types)
   4.2 Other Permits
   4.3 Monthly Caravan Park Site Approvals

Compliance and Emergency Liaison
1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Refurbishment of the New Compliance Headquarters
4. Information Items
   4.1 Ranger Services Action Reports
   4.2 Private Swimming Pool and Spa Inspection Program
   4.3 Emergency Management and Fire Prevention
   4.4 CRM
   4.5 Burning Guidelines Review
   4.6 Firebreak Inspections
   4.7 Prohibited Burning Period
   4.8 Emergency Management - MoU
   4.9 SmartWatch Key Result Areas

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

**Land and Development Infrastructure**

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

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Heritage Strategy
   3.2 Pedestrian Access Way Strategy Review
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused
   4.13 Heritage Act of Western Australia 2018
   4.14 Amendment No.135 to Town Planning Scheme No.2 - 'Rural' to 'Special Residential' – Lots 101 and 102 Crystaluna Drive, Golden Bay

**Planning and Development Directorate**

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Proposed Amendment No’s 161 and 162 to Town Planning Scheme No.2
   3.3 Leeuwin Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
Committee Recommendation

Moved Cr Hamblin, seconded Cr Jones:
That Councillors acknowledge having read the Planning Services Information Bulletin - February 2019 and the content be accepted.

Committee Voting - 5/0

Planning and Engineering Services Committee Minutes
Monday 18 February 2019

3.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
3.5 Improvements to City Square and Civic Plaza (LUP/1933)
3.6 Design Review Panel (LUP/2094)
3.7 Safety Bay/Shoalwater Foreshore Revitalisation Master Plan
4. Information Items
   4.1 State Administrative Tribunal Application Update - Lot 158 Nairn Drive, Baldivis

Advisory Committee Minutes

Engineering and Parks Services Information Bulletin - February 2019

Engineering and Parks Services Directorate
1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Bushfire Risk

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

Infrastructure Project Delivery
1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Beach Foreshore Revitalisation Stage One
4. Information Items
   4.1 Aqua Jetty monolith sign, Warnbro
   4.2 Baldivis Road and Safety Bay Road, Baldivis
   4.3 Chelmsford Reserve replacement of park furniture, Port Kennedy
   4.4 Council Depot and Operation Centre security electric fence, Rockingham
   4.5 Depot nursery bush maintenance shed replacement, Rockingham
   4.6 Fantasy Park light emitting diode (LED) lighting renewal, Waikiki
   4.7 Governor Road light emitting diode (LED) lighting renewal, East Rockingham
   4.8 Kingaroy Reserve play equipment and surrounds, Baldivis
   4.9 Lagoon Reserve landscape upgrade, Secret Harbour
### 4.10 Lighting replacements
- Longbeach Rise Public Open Space, Port Kennedy
- Mersey Point carpark lighting replacement, Shoalwater
- Nairn Drive and Carville Way, Baldivis
- Oasis Drive, Secret Harbour – accessible parking bays and disability access
- Old Abattoir, Hillman
- Palermo Cove carpark lighting upgrade, Secret Harbour
- Patterson Road and Victoria Street, Rockingham
- Rockingham Tennis Club extension works, Rockingham
- Secret Harbour Community Centre – refurbish internal and external items
- Secret Harbour Foreshore fitness equipment
- Surf Drive Reserve play equipment and seating, Secret Harbour
- The Ridge Estate pond retaining wall, Baldivis
- Townsend Reserve Gazebo, Rockingham
- White Hart Lane retaining wall, Baldivis

### Parks Services
1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - Delegated Public Open Space Handovers
   - City wide application of wetting agent - Sporting oval and passive reserves
   - Lewington Nature Reserve - Reserve fence upgrade
   - Waikiki Foreshore – Julia Street beach access path realignment
   - After Hours Response Team
   - Mersey Point Car Park – Removal of Vandalised Casuarina trees

### Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - Rockingham Future Traffic Modelling
   - Integrated Transport Plan 8 Year Review
4. Information Items
   - Delegated Authority for Temporary Thoroughfare Closure
   - Delegated Authority for approval of Directional Signage
   - Delegated Authority for approval of Heavy Haulage
   - Authorised Traffic Management Plans for Works on City Controlled Roads
   - Civil Works Program 2018/2019
   - Civil Maintenance Program 2018/2019
   - Road Rehabilitation Program Main Roads Grant 2018/2019
   - Road Renewal Program Municipal Works 2018/2019
   - Drainage Renewal Program Municipal Works 2018/2019
   - Footpath Renewal Program Municipal Works 2018/2019
   - Litter and Street Sweeping Program 2018/2019
   - Graffiti Program 2018/2019
   - Delegated Authority for the payment of crossover subsidies
   - Third Party Works within the City
   - Asset Inspections
   - Verge Treatment Applications
Committee Recommendation

Moved Cr Hamblin, seconded Cr Jones:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – February 2019 and the content be accepted.

Committee Voting – 5/0
### Purpose of Report

To seek Council approval of the draft Single Use Plastics and Balloons Council Policy, along with the supporting Turn the Tide on Plastic Guideline, for the purpose of public advertising.

### Background

In response to growing concerns over the use of disposable plastics, an opportunity was identified for the City to demonstrate leadership on this important issue and consequently, at its Ordinary meeting on 20 August 2018, Council resolved to:

‘**SUPPORT the preparation of a Policy on Single Use Plastics and Balloons.**’
As a result, the City has prepared a draft Single Use Plastics and Balloons Policy ('the Policy') which aims to provide controls that minimise the adverse impacts of single use plastic and balloons on the environment.

**Details**

The Policy requires that single use plastic items be substituted with compostable or reusable alternatives, where possible. It only applies to City operations; traders operating with a permit issued by the City and events held in thoroughfares, public places and on City controlled land.

Compliance with the Policy would be required as a condition of approval for all new trading permits, however, an initial transition period of 12 months will be applied to allow traders time to adjust.

Changes to City operations in response to the Policy would be implemented as soon as practicable. It is acknowledged that some changes will be ongoing as staff identify opportunities for improvement and this will be supported with internal training delivered to all supervisors to ensure awareness of Policy requirements and consistency across the organisation.

The Policy will be supported by a new 'Turn the Tide on Plastic' Guideline ('the Guideline') which provides detailed information to assist in making the switch away from single use plastics, while also educating businesses or individuals wishing to reduce their plastic impact. The Guideline, which outlines the details articulated in the Policy, will also be distributed as part of the community consultation to better inform the intent.

If the Policy is endorsed, an information sheet will be provided to all traders and event organisers to introduce the new Policy and Guideline.

**Implications to Consider**

a. **Consultation with the Community**

   If approved, the proposed Policy and supporting Guideline will be advertised for a period of 28 days. All existing event organisers and vendors who hold a permit to trade in the City will be notified of the consultation period.

b. **Consultation with Government Agencies**

   Department of Health (DoH) was consulted in preparation of the Policy regarding the use of customer’s own containers for takeaway food and drinks. DoH advised that Food Standards Australia New Zealand (FSANZ) does not restrict customers bringing their own containers when purchasing food or drinks. It is the prerogative of individual food business whether to accept reusable cups or containers and to ensure appropriate food service practices are maintained.

c. **Strategic Community Plan**

   This item addresses the Community's Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2019-2029:

   **Aspiration 1:** Actively Pursue Tourism and Economic Development
   **Strategic Objective:** Coastal Destination - Promote the City as the premier metropolitan coastal tourism destination.

   **Aspiration 3:** Plan for Future Generations
   **Strategic Objective:** Preservation and management of bushland and coastal reserves - encourage the sustainable management and use of the City’s bushland and coastal reserves.

   **Aspiration 4:** Deliver Quality Leadership and Business Expertise
   **Strategic Objective:** Leadership in sustainability - provide community education on the management of waste and provide opportunities for community involvement in sustainability programs.

d. **Policy**

   Nil
e. Financial
The advertising cost for community consultation is estimated to be $500. The costs associated with implementing the proposed Policy (including product conversion and staff time) in City facilities and operations will be met through existing operational budgets.

f. Legal and Statutory
Nil

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

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

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

Environment: High Risk
Widespread use, distribution and misuse of single use plastics at City events, and community facilities can have a significant impact on marine and coastal wildlife; particularly as community events are predominantly held on the foreshore. Evidence suggests that single use plastics are already polluting the City’s nearshore environment and a lack of action may result in a level of harm requiring long term remediation.

This has the potential to affect the commercial and tourism viability associated with the City’s natural features and attributes.

Comments
Other local governments have recently introduced similar measures to minimise plastic use in Western Australia. Policies from the Towns of Bayswater and Bassendean apply restrictions to plastics at Council supported events and operations, while the Town of Cottesloe applies restrictions to all traders and events, subject to several exemptions (i.e. plastic can be used if stored sustainably, is properly disposed of or removed from the Town).

When considering the significant environmental, social and economic values associated with the City’s coastline, together with acknowledging the impact of single use plastics on marine wildlife, it is critical that the City also demonstrate leadership on this issue and facilitate community education.

The City is committed to working toward environmental sustainability, with a range of best practice actions already undertaken across the organisation. Implementation of this Policy is an important part of this ongoing commitment and will ensure the City continues to be a place where the ‘coast comes to life’.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVES the draft Single Use Plastic and Balloons Policy, along with the supporting ‘Turn the Tide on Plastic’ Guideline, for the purpose of public advertising.

Committee Recommendation
Moved Cr Sammels, seconded Cr Hamblin:
That Council APPROVES the draft Single Use Plastic and Balloons Policy, along with the supporting ‘Turn the Tide on Plastic’ Guideline, for the purpose of public advertising, as follows:

Single Use Plastics and Balloons Policy

- To provide controls that minimise potential adverse impacts of single use plastic and balloons on the community and the environment.
- To provide education and community leadership on the issue of single use plastic.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 MARCH 2019

PRESIDING MEMBER
Council Policy Scope

This Policy applies to:

- All City operations;
- Traders operating with a permit issued by the City; and
- Events held in thoroughfares, public places and on local government property.

This Policy does not apply to:

- Events that do not require approval from the City;
- Traders and businesses that do not require a permit from the City under the Local Law; and
- Activities operating under a lease agreement from the City.

Council Policy Statement

Council acknowledges that widespread use, distribution and misuse of single use plastics and balloons at City events and facilities can have a significant impact on marine and coastal wildlife; particularly as events are predominantly held outdoors.

Restrictions

(a) Helium balloons are not to be released, used, sold or distributed. Council does not support any organised release of balloons in the City.

(b) Single use plastic or polystyrene serving materials are not to be used, sold or distributed, where suitable fit for purpose alternatives are available.

(c) Single use cups (including coffee cups) must be compostable, where suitable fit for purpose alternatives are available.

(d) Single use plastic bags are not to be used, sold or distributed, including for promotional purposes.

(e) Single use plastic bottled water is not to be provided at City functions where potable drinking water facilities are available.

(f) All avoidable plastic packaging, including cling wrap, plastic bags or similar must not be used in the purchase, sale, distribution and transport of food or goods, unless required under other conditions or legislation.

(g) Plastic event materials are to be reused where possible, including event signage and promotional banners.

Suitable alternatives

Suitable alternatives to single use plastic serving materials, packaging and other items must be:

(a) Compostable;

(b) Available; and

(c) Fit for purpose.

For more information on suitable alternatives, please refer to the ‘Turn the Tide on Plastic’ Guideline.

Exemptions

This Policy exempts single use plastic items necessary to meet health and safety requirements, or where there are no suitable alternatives. Unless necessary to satisfy other conditions of the traders permit, exemptions will require prior approval from the City at the discretion of the Chief Executive Officer.

Definitions

Single use means materials that are manufactured for disposable usage and an intended short lifespan.

Plastic means synthetic materials manufactured from fossil fuels such as oil and petrochemicals. Can be either soft, flexible or rigid.
Polystyrene means synthetic resin which is a polymer of styrene, used primarily as lightweight rigid foams and films.

Serving material means any items that are distributed for the intended use as food or beverage serving and/or consumption aids, including but not limited to: plates, cutlery, take away food containers, hot/cold beverage cups and lids (including paper coffee cups with plastic lining or lids), drinking straws.

Single use plastic bag means any plastic bag with handles made wholly or partially of plastic provided to a customer for the purpose of carrying goods.

Compostable means materials capable of breaking down completely or decomposing to produce a soil product without toxic residue.

Balloon means an inflatable device made from rubber, latex or plastic most commonly used for decoration, promotional materials, children’s entertainment or ceremonial purposes.

Event means any planned activity that occurs in a certain place, during a certain time, which involves a gathering of people and has some level of impact on the immediate surroundings.

Local Law means the City of Rockingham Public Places and Local Government Property Local Law 2018.

Trader has the meaning given to it in the Local Law.

Permit has the meaning given to it in the Local Law.

Thoroughfares has the meaning given to it in the Local Law.

Public places has the meaning given to it in the Local Law.

Local government property has the meaning given to it in the Local Law.

Legislation

Other Relevant Policies/ Key Documents
‘Turn the Tide on Plastic’ Guideline
Outdoor Events Policy 2018
Outdoor Event Guidelines 2018

Responsible Division
Strategic Planning and Environment

Review Date
April 2020

Committee Voting – 5/0

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

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

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<th>PD-007/19</th>
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<tr>
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<td>Mr S Walsh</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr S Walsh</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Neels Pretorius, Planning Officer</td>
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<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>Mr Chris Parlane, Senior Planning Officer</td>
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<td>18 February 2019</td>
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<td>Disclosure of Interest:</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td>Site:</td>
<td>Lot 506 Goodman Place, Golden Bay</td>
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<td>Lot Area:</td>
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<td>Attachments:</td>
<td>1. Location Plan</td>
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<td>2. Aerial Photo</td>
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<td>5. Consultation Plan.</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 MARCH 2019

PRESIDING MEMBER
Purpose of Report

To consider an application to modify the existing Building Envelope on Lot 506 Goodman Place, Golden Bay.

Background

The site is located west of Mandurah Road, north of Dampier Drive, at the eastern end of the Goodman Place cul-de-sac.

The existing Building Envelope was approved in 2008 when the dwelling on Lot 506 Goodman Place was constructed.

Details

The applicant proposes to modify the existing Building Envelope for the purpose of accommodating a proposed shed.

No significant change to the size of the building envelope is proposed.

The proposed new part of the Building Envelope will be set back from the property boundaries as follows:

- 10m from the northern boundary;
- 4m from the western boundary.

The existing and proposed Building Envelope are indicated in Figure 4 below.
4. Building Envelope Plan

**Implications to Consider**

a. Consultation with the Community

In accordance with Clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was referred to adjoining property owners and occupiers, as per the consultation plan below.

At the closing of advertising, no submissions were received.
b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

**Aspiration 3:**  Plan for Future Generations.

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

d. Policy

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

The objective of the policy is “to promote the orderly and proper development of land by identifying in what circumstances a Building Envelope be varied, and the process by which such an application would be considered”.

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Schedule No.5 of TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an adverse environmental impact.</td>
<td>The proposed modification will not result in the removal of any additional trees. The existing tree to the north of the proposed Building Envelope will remain. The canopy of this tree will slightly overhang the proposed Building Envelope. There is no Asset Protection Zone (APZ) applicable to the site because the dwelling was constructed before the introduction of Bushfire Regulations.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an unacceptable level of bushfire risk.</td>
<td>The proposed modification will not result in an unacceptable increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
<tr>
<td>No unacceptable amenity impacts to neighbours.</td>
<td>No objections have been received to the proposed Building Envelope modification.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation is a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The size of the existing Building Envelope will not change.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The Building Envelope is regular in shape and is a contiguous area.

Yes – the amended building envelope results in a more regular shape and is contiguous in area.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

The proposal will not increase the risk of bushfire, as the modification moves the Building Envelope further away from the classified vegetation located to the east of the site. The existing dwelling was not constructed to a specific BAL requirement as it precedes the introduction of State Planning Policy 3.7. It is proposed to build a shed within the area of the amended Building Envelope, which is exempted from the requirement to be constructed to a specific BAL requirement.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council. Schedule 5 also contains provisions which restrict the removal of vegetation, including Clause 14, which states:

“*No indigenous trees or substantial vegetation shall be removed, including from within a building envelope, without the prior approval of the Local Government, except where:*

(a) The trees are dead, diseased or dangerous;

(b) The establishment of a fire break as required under regulation or local law;

(c) Fire protection within a building protection zone as defined in the Western Australian Planning Commission publication “Planning for Bushfire Protection”;

(d) Access to an approved development site is required;

(e) Subdivisional works require the removal of vegetation”.

g. Risk

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

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

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

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

Nil

The proposed Building Envelope modification is consistent with the intent TPS2 and PP3.3.17. The modification will facilitate the construction of a future outbuilding on the site.

The proposed Building Envelope modification does not necessitate the removal of any trees on the property. As indicated on Figure 5, the northern and western boundaries of the property are well landscaped, providing effective screening for the proposed outbuilding.

Finally, it is considered that the Building Envelope modification will not result in any adverse environmental impact or an increased bushfire risk to the locality.

It is recommended that the proposed Building Envelope modification be approved.
Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the application to vary the Building Envelope at No 9 (Lot 506) Goodman Place, Golden Bay as shown on the plan below.

Committee Recommendation

Moved Cr Jones, seconded Cr Hamblin:

That Council **APPROVES** the application to vary the Building Envelope at No 9 (Lot 506) Goodman Place, Golden Bay as shown on the plan below.
The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (MSWJDAP) on an application for a proposed Waste to Energy Facility at Lot 1 (No.26) Office Road, East Rockingham.

### Background

The subject site has an area of 10ha and is located on the northernmost boundary of the City of Rockingham. The subject site and surrounding land south of Office Road is vacant. The development is contained within LandCorp's 'Rockingham Industry Zone' which is part of the 'Western Trade Coast'.

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<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-008/19 Joint Development Assessment Panel Application - Waste to Energy Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2018.00000310.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>New Energy Corporation Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Western Australian Land Authority (LandCorp)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Banovic, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, Senior Projects Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 February 2019</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 1 (No.26) Office Road, East Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>10ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Special Industry</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Industrial</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Kwinana Industrial Area</td>
</tr>
<tr>
<td></td>
<td>4. Key process stages</td>
</tr>
<tr>
<td></td>
<td>5. Site Plan</td>
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<td></td>
<td>6. Elevations</td>
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<td></td>
<td>7. Landscape Plan</td>
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<td></td>
<td>8. Odour Buffer</td>
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<tr>
<td></td>
<td>9. RAV 4 Network</td>
</tr>
</tbody>
</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 18 MARCH 2019

PRESIDING MEMBER
History

The Kwinana Industrial Area (KIA) (refer to Figure 3 below) is the primary location of heavy industry in Western Australia. KIA consists of a highly diverse range of industries from smaller service industries, such as fabrication and construction facilities, through to very large heavy process industries, such as alumina, nickel and oil refineries. The subject lot is located within the Rockingham Industrial Zone (RIZ), which is a sub-precinct of the KIA.

Improvement Plan 14 (IP14), initiated under the provisions of the Metropolitan Region Scheme (MRS) in 1988, was created to facilitate the planning, development and use of land for industrial purposes within the KIA. The Kwinana Regional Strategy (1988) identified that the majority of underutilised land in the region (approximately 1,150ha) was located in the East Rockingham locality. The East Rockingham Industrial Park IP14 Structure Plan was subsequently adopted by the Western Australian Planning Commission (WAPC) to coordinate the utilisation of industrial land in East Rockingham.

The site falls within Precinct Two - Environmentally Acceptable Heavy Industry of the East Rockingham Industrial Park IP14.
Development Approvals

On 12 February 2015, the MSWJDAP approved a development proposal for a Waste to Energy and Recycling Facility on the subject site. The development approval allowed for the construction and operation of a materials recovery facility and a gasification plant.

On 15 February 2017, an extension to the term of development approval was granted by City of Rockingham for the Waste to Energy and Recycling Facility. As per Regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011, the landowner applied to the responsible authority (Local Government in this instance) rather than the MSWJDAP, to determine the application.

The application proposed no changes to the approved plans that formed part of the original approval. The development approval for the application lapsed on 15 February 2019.

Environmental Approval

Prior to the issue of the JDAP approval for the construction of the Waste to Energy and Recycling Facility (DAP/14/00530), the Minister for Environment issued a statement that the Waste to Energy and Recycling proposal may be implemented (Ministerial Approval) pursuant to the provisions of the Environmental Protection Act 1986, subject to various conditions. This approval is valid for a period of five (5) years, expiring on 20 January 2020.

The Environmental Protection Authority (EPA) has more recently considered a revised proposal, modified from ‘gastrification technology’ to ‘moving grate technology’ and have concluded that the proposal is environmentally acceptable, and may be implemented subject to conditions. The environmental approval of the revised proposal by the Minister for Environment is anticipated to be granted prior to April 2019. In this regard, the subject application (DAP/18/01524) for consideration represents the next step of approval processes for the Waste to Energy Facility, and reflects the revised proposal approved by the EPA.

Details

A new development application to construct and operate a Waste to Energy Facility was lodged with the City on 7 November 2018.

The Facility comprises of an administration building, waste bunker, combustion system, boiler, bottom ash handling and treatment area and other associated infrastructure. The development occupies an approximate total area of 14,391m².

The maximum building height is 60.3 metres, which relates to the ‘Stack', and is setback 176.5 metres from Office Road. The development provides for separate access points from Office Road to accommodate private vehicles and commercial vehicles. An automated gating system will be in operation for authorised vehicles using number plate recognition technology.

The Facility will generate on average 190 vehicle movements per day which include 65 B-Double trucks to deliver waste, 1 B-Double truck to deliver chemicals, 1 B-Double truck to transport materials and remove grate combustion unit residue for disposal and 28 light vehicle trips per day, assuming all staff drive individually.

The maximum capacity of the Facility is 101.8 Megawatt Thermal (MWt) which will result in the generation of 31.4 MW of electricity. Of this, 3.2 MW is parasitic electricity required to operate the plant and the remaining 28.2 MW will be exported to the grid when the power station is operating at maximum capacity. The energy produced is estimated to be sufficient to sustain over 36,000 homes per year.

The facility, including the combustion process, will operate seven days per week, 24 hours per day. It will be staffed with 20 employees at any one time based on a rotating 12 hour shift pattern.

The operation of the Facility comprises the following:

- Receiving of waste;
- Mixing of waste in the bunker and feeding into the feed hopper;
- 24/7 operation of combustion, power generation, air pollution control systems;
- Operation of associated support systems for combustion (water treatment, chemical preparation etc.);
4. Key process stages

The following waste will not be accepted for processing:

- Asbestos, explosive materials and radioactive wastes;
- Scheduled wastes such as Polychlorinated Biphenyls and Organochlorine Wastes;
- Highly corrosive or toxic liquids or gases such as strong acids, chlorine or fluorine; and
- Wastes which mechanically cannot be handled by the facility and other wastes which are identified by staff as potentially hazardous.

The applicant provides the following documents in support of the development application:

- Development overview;
- Report and recommendations of the Environmental Protection Authority (EPA);
- Traffic Impact Study;
- Bushfire Management Plan, Bushfire Emergency Plan and Risk Management Plan;
- Environmental Acoustic Assessment Report; and
- Project Implementation Schedule.
5. Site Plan
6. Elevations
7. Landscape Plan
Implications to Consider

a. Consultation with the Community

The proposed land use is not permitted unless the Local Government has exercised its discretion following advertising.

The development application was advertised for public comment over a period of 35 days, commencing on 16 November 2018 and concluding on 21 December 2018. The nature of the 24hour development warranted comments from nearby owners and occupiers prior to Council providing its recommendation to the MSWJDAP.

Advertising was carried out in the following manner:

- Landowners and occupiers within the boundaries of the City (500 metres of the site) were notified in writing of the proposed development;
- A sign advertising the proposed development was erected on site;
- A notice appeared in the public notices section of the Weekend Courier on the 16 November 2018, 23 November 2018 and the 30 November 2018; and
- Copies of technical documents and plans of the proposal were made available for public inspection at the City's Administration Offices and placed on the City's website.

At the close of the public consultation period a total of five (5) submissions were received, which included one (1) objection and four (4) letters of support.

The objection received has been summarised in the table below as well as the applicant's and Officer's response to the issues.

### Issue 1 - Location

**Submission:**
There is already a waste to energy burner approved for the main Kwinana Industry Zone (the appropriate site for this type of industry) and for the Council to push for this type of proposal is just short-sighted.

**Applicant's Response:**
The location for the project was identified by the Department of State Development and LandCorp and is located within the Kwinana Industrial Area. The site is appropriately zoned for this land use and adheres to the City of Rockingham Town Planning Scheme.

**City's Comment:**
The Council must provide recommendation to the MSWJDAP on planning grounds taking into consideration impacts on the amenity of surrounding locality and does not take commercial competition into consideration. The application has been considered in accordance with City's TPS2 and applicable planning policies. Further, the application will ultimately be determined by MSWJDAP.

### Issue 2 - Energy Alternatives

**Submission:**
State Government and the City of Rockingham should be investing in 'proper' recycling such as solar/battery storage and lithium.

**Applicant's Response:**
The primary purpose of this facility is to divert residual waste away from landfill. Energy generation is a benefit of this process. The electricity generated is base load energy and approximately 50% of the energy produced is deemed renewable energy. This definition of renewable energy is provided by the Australian Federal Government - Clean Energy Regulator. This type of generation fits well with more intermittent renewable sources such as wind and solar.
Issue 2 - Energy Alternatives (cont…)

City's Comment:
The City's role is to assess the impacts and land use acceptability of the proposed development, and to provide recommendations to the MSWJDAP on this basis.

Issue 3 - Health Impacts

Submission:
Concerns regarding long term health implications from toxic gases and heavy metals.

Applicant's Response:
The project has been thoroughly assessed by the EPA and recommended for approval. The key environmental factor in that assessment was air emissions.

City's Comment:
All health impacts form part of the environmental approvals process, which is one of the highest level of assessment allowable under the Environmental Protection Act 1986 at a Public Environmental Review (PER).

Additionally, Aurora Environmental, on behalf of the applicant has prepared advice to support the development application, demonstrating compliance with the City's Planning Policy 7.1 - East Rockingham Industrial Park and addresses air quality, risks and hazards, noise, water quality and the social environment. The advice demonstrates that facility will be appropriately managed as part of the waste to energy development.

b. Consultation with Government Agencies

The following government departments and service agencies were consulted:

- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Water and Environmental Regulations (DWER);
- Department of Fire and Emergency Services (DFES);
- Main Roads Western Australia (MRWA);
- Water Corporation;
- City of Kwinana (CoK); and
- APA Group.

The comments received are as follows:

1. Department of Biodiversity Conservation and Attractions (DBCA)

Submission:
The Department of Biodiversity Conservation and Attractions has no comments on the application.

City's Comment:
Noted.

2. APA Group - summarised

Submission:
APA Group (APA) is Australia's largest natural gas infrastructure business and has direct management and operational control over its assets and investments. APA’s gas transmission pipelines span across Australia, delivering approximately half of the nation’s gas usage. APA owns and operates over 15,000km's of high pressure gas transmission pipelines across Australia. APA is the Pipeline Licensee for the Parmelia Gas Pipeline, which runs along the eastern boundary of the subject site.
2. APA Group - summarised (cont…)

The proposal is for the use and construction of a Resource Recovery Facility. This involves the construction of two crossovers to Office Road, a number of buildings and associated structures and a 10 metre wide landscape strip along Office Road. Given the extent of works proposed APA seeks for a pipeline risk management/protection plan to be prepared in accordance with Planning Bulletin 87 and requires the following conditions/advisory notes to be included with any approval issued for this proposal.

**Conditions:**

1. Prior to the commencement of development works, the landowner/applicant shall prepare and implement as part of the development works a pipeline risk management plan/protection plan in accordance with Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region. The risk mitigation measures/controls outlined within the pipeline risk management/protection plan are to be implemented by the landowner/applicant as part of the development works to the satisfaction of the Western Australian Planning Commission and to the specifications of APA Group.

2. Prior to the development commencing, landscape plans depicting any planned landscaping, including the planting of vegetation, species, details, surface.

**Advice Note:**

1. The proponent is to contact APA’s Infrastructure, Planning and Protection team to arrange for the preparation of the pipeline risk management/protection plan and discuss any other practical elements of works in and around the pipeline. APA can be contacted on 180 103 452 or via email at APAProtection@apa.com.au.

**City’s Comment:**

Noted, should the development be approved a condition requiring a Pipeline Risk Management Plan is recommended along with the associated Advice Notes.

The City also recommends a Landscaping Plan condition be imposed to the satisfaction of the City of Rockingham and APA Group. The recommended condition is considered to address Condition 2 raised by APA Group.

3. Department of Water and Environmental Regulations (DWER) - summarised

**Submission:**

The Department of Water and Environmental Regulation (DWER) has reviewed the application and wishes to advise it has no objections to the proposal.

**City’s Comment:**

DWER in its submission provides for various Advice Notes relating to Stormwater Management, Sewerage, Native Vegetation, Prescribed Premises, Best Practice Management and Groundwater. A copy of the advice notes forms part of Attachment 4 - Schedule of Submissions.

The applicant has been provided with a summarised copy of the DWER submission.

4. Department of Fire and Emergency Services (DFES) - summarised

**Submission:**

The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES.

The required modifications are listed below.
### 4. Department of Fire and Emergency Services (DFES) - summarised (cont...)

<table>
<thead>
<tr>
<th>Policy Measure 6.5 a) Preparation of a BAL contour map</th>
</tr>
</thead>
<tbody>
<tr>
<td>The BAL Contour Map provides indicative BAL ratings due to the location of the development being undetermined. It is unclear why reference is made to indicative BAL ratings given the proposal contains siting and design details of the proposed development within the development application.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is unclear what inputs have been changed in the ‘Method 2’ calculation. Please clarify if the ‘Method 2 BAL Calculation’ within Appendix 4 of the BMP has been incorrectly included.</td>
</tr>
</tbody>
</table>

- The Method 2 calculation has not been validated by DFES.

**Applicant's Response:**
Noted.

**City's Comment:**
Noted. Should the development be approved a condition requiring an updated BMP to the satisfaction of the City of Rockingham is recommended.

### 5. Water Corporation (WC) - summarised

**Submission:**
WC offer the following comments in regard to this proposal:

- Reticulated water is currently available to the subject Lot to serve the proposed development.
- Reticulated sewerage is not available to serve the subject Lot, on site disposal will be required.
- This development is partially within the WC's Odour Buffer for the East Rockingham Water Treatment Plant, however this development is considered to be a compatible land use.

![8. Odour Buffer](image-url)
5. **Water Corporation (WC) - summarised (cont…)**

**Applicant's Response:**
Noted. Septic tanks are included in the design.

**City's Comment:**
An application to install a system for the treatment of waste water must be approved by the City’s Health Services prior to installation, to ensure the system complies with State legislation. Should the development be approved a condition requiring the development to be connected to an aerobic treatment unit is recommended.

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

**Submission:**
MRWA has reviewed the application and wishes to advise it has no objections to the proposal, subject to the following advice notes.

1. Main Roads advises that the route of departure outlined in the proposed route map included within the Transport Impact Assessment prepared by Transcore dated 26 April 2018 includes vehicle movements on Office Road and Dixon Road which are contrary to the currently permitted Restricted Access Vehicle (RAV) allowances on those roads.

2. Any RAV 4 classified vehicle departing from the proposed facility will be required to egress eastbound on Office Road, northbound onto Mandurah Road and utilise Thomas Road to access the Kwinana Freeway southbound as to remain compliant with existing RAV road classifications and conditions.

3. It should be noted that any proposed modifications to the existing RAV access permissions are subject to third party Main Roads approval pursuant to the Road Traffic (Vehicles) Act 2012. Therefore any condition issued as part of an approval which requires RAV permissions to be modified would be ambulatory in nature and lack finality.

4. The applicant should note that any RAV operator which utilises the western portion of Office Road which is not currently classified for RAV use, or Dixon Road contrary to the current conditional RAV classifications, will be subject to noncompliance penalties.

**Applicant's Response:**
The route of departure has been changed and detailed in the updated TIA.

**City's Comment:**
The RAV 4 roads within the locality are illustrated in Figure 9 below. As detailed in the updated TIA, truck outbound movement shall be via Mandurah Road north of Office Road, right onto Rockingham Road and then Thomas Road. The route of departure addresses Advice Notes 1 and 2 raised by MRWA.
9. RAV 4 Network

MRWA Advice Note 3, in respect to the modification of the RAV Network is supported. In respect to Advice Note 4, this is a matter to be regulated by MRWA and cannot be sustained as a valid planning consideration. Consequently, Advice Note 4 is not supported by the City.

7. City of Kwinana (CoK) - summarised

Submission regarding Location:

Whilst the City is cognisant to the fact that the East Rockingham Waste to Energy Proposal has previously received an approval to operate a Waste to Energy Plant under the provisions of the Environmental Protection Act (EPA Report No. 1513 and Ministerial Statement 994), and has also received development approval under the City of Rockingham Local Planning Scheme (DAP/14/00530), the City of Kwinana hold concerns regarding the location of the facility and the potential air quality impacts it may generate for residents within the Calista, Leda and Medina localities.

As discussed in the EPA’s report of June 2017, on the Mandogalup urban development buffer, the predominant winds in the region are typical of coastal environments in the Perth Metropolitan Region and are characterised by strong offshore breezes during the early morning to midday periods followed by strong onshore breezes in the afternoon to evening periods. The strong south-west to south-south-west breezes are of particular concern to the City especially during shut down periods for the plant (both scheduled and un-scheduled). The City are of the opinion that during these periods of shut down or facility down time, the proposal has the potential to negatively impact on the air quality of the residents of Calista, Medina and Leda through the release of fugitive gas and odour emissions. Additionally, the PER documents note that there are two residential premises located on Wellard Road approximately 1 kilometre to the east of the facility, however does not adequately address, nor give weight to, the potential impacts of the facility on these residences.
7. City of Kwinana (CoK) - summarised (cont…)

In this regard, it is the opinion of the City that the proposal location should be reconsidered and an alternative site be sought closer to the core of the Kwinana Industrial Area (KIA) where the prevailing wind direction will direct any fugitive emissions over the existing industrial areas and not residential zoned land.

| Applicant's Comments: |
| These matters were raised by the Town of Kwinana as submissions on the Environmental Review Document and responses were provided by NEC to the EPA and accepted by the EPA. |

| City's Comment: |
| Given the applicant has demonstrated through the EPA process that impacts associated with the proposed development can be managed to an acceptable standard, the location of the proposed development is considered acceptable. The proposal has altered from an environmental technology point of view, however, it is considered the land use requirements from the City's TPS2 perspective has not changed. The proposed development is considered consistent with the intent of the area. |

| Submission regarding Air Quality Emissions: |
| Whilst the Air Quality Impact Assessment provided as part of the PER appears to predict that the emissions from the facility will comply with the relevant standards, the City has concerns with aspects of the modelling, these concerns were raised as part of the PER process with the EPA also. |

In this respect, the assessment assumes that the modelled emission rates will not be exceeded at any time, including during combustor start-ups and shutdowns. However, the assessment does not appear to have modelled any potential fugitive emissions during emergency shutdown scenarios. Under certain circumstances, the PER document stated remaining waste still smouldering on the grate may release some pollutants (CO, VOC) which are not treatable in the air pollution control system. These pollutants may be released untreated into the atmosphere and then subject to the prevailing winds from the south west, blowing towards residential areas. The EPA have concluded in its report (EPA Report No. 1624) that air quality emissions from the plant could be managed. In this regard, the City consider that the following condition be included in the Responsible Authority Report recommendation to the Metro South West Joint Development Assessment Panel (JDAP):

> 'The proponent shall make near to real time data on emissions publicly available by displaying emissions on the proponents website or at the site entrance.'

A similar condition was adopted by the JDAP on the Phoenix Waste to Energy proposal located within the core of the Kwinana Industrial Area. The above recommended condition is considered appropriate given the uncertainty regarding the potential fugitive emissions during emergency shutdown scenarios. In this regard, by providing real time data to the broader community the proponent can be held to account for any exceedances of the EPA approved emissions levels.

| Applicant's Comments: |
| These matters were raised by the Town of Kwinana as submissions on the Environmental Review Document and responses were provided by NEC to the EPA and accepted by the EPA. |

NEC is committed to open and honest communication but there is a need to quality check data before release. We believe that the appropriate approach is as per the EPA condition in the EPA report as below:

> "Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement."
### 7. City of Kwinana (CoK) - summarised (cont…)

NEC sees no need for the condition recommended by the Town of Kwinana to be included.

#### City's Comment:

It is noted that the Air Quality Impact Assessment predict compliance with the relevant standards, and the EPA position that air quality emissions can be managed. The concerns raised from the City of Kwinana in respect to emergency shutdowns and smouldering material are considered relevant, and its recommended condition is supported.

#### Submission regarding Odour Management:

Predicted odour levels during facility down time are of concern to the City, this concern was also referred to the EPA as part of the PER submission period. Whilst there are no residences within the predicted 2.5 odour unit contour (as per Figure 13 of the PER document) during system down times, odours beyond the boundary of the facility may cause a significant impact on the City of Kwinana.

The odour report provided as part of the Environmental review predicts that during periods of unplanned and planned shut downs, an odour contour of 2.5 odour units will be present up to 750 metres from the facility. In this regard, the City is aware of a number of cases where 2 odour units have caused significant impacts on sensitive receptors for up to 2 kilometres (from the odour source) - Biowise McLaughlin Road, Postans, and Wool Scourers East Rockingham are examples. These impacts have occurred on many occasions that ultimately resulted in the closure of the Biowise operations. In addition, there are two dwellings located on Wellard Road approximately 1 kilometre to the east of the facility. Whilst these premises are not located within a residential zone, they are sensitive premises which should not be impacted by odour emissions from the facility.

As such, the City are of the opinion that an odour contour which exceeds 2.5 odour units beyond the boundary of the facility is unacceptable, and all measures should be undertaken to reduce this odour emission as far as possible so as not to cause any odour impacts on the surrounding areas. The EPA approval for the plant has recommended that the operator undertake additional odour modelling upon commissioning of the facility (with a view to implementing opportunities to further reduce odour emissions) and employ a public odour complaints and resolution register.

In regards to the above, the City recommend the following condition be considered for inclusion:

> 'Prior to occupation of the development, the proponent shall implement, and thereafter maintain for the life of the development, a public odour complaints register and resolution procedure to address any odour concerns raised by the public to the satisfaction of the City of Rockingham in consultation with the City of Kwinana. The applicant shall provide a copy of the register of complaints and resolution outcomes on a quarterly basis to the City of Rockingham and City of Kwinana.'

#### Applicant's Comments:

These matters were raised by the Town of Kwinana as submissions on the PER Document and responses were provided by NEC to the EPA and accepted by the EPA. New Energy will have a complaints procedure that is consistent with industry practice in the Kwinana Industrial strip and compliant with DWER licence requirements. The procedure will include:

- Any complaint will be investigated promptly (within 2 working days) and a response provided to the complainant;
- Complaints will be recorded in the register and the register kept on site and made available to DWER staff on request; and
- Complaints will be addressed in the annual compliance report.

NEC sees no need for the condition recommended by the Town of Kwinana to be included.
7. City of Kwinana (CoK) - summarised (cont...)

City's Comment:
The closest residential property to this facility within the City of Rockingham is over 2.6km from the development site. Odours are not expected to impact on the City's residents, however, it is noted that the City of Kwinana submission identifies two properties within its jurisdiction within 1km of the proposed facility. The City of Kwinana recommended condition is therefore supported.

Submission regarding Noise Management:
Noise emissions from the facility will have the potential to impact on residences located within the suburbs of Calista and Leda. In particular, residences in the vicinity of Westbrook Road, Wellard Road, Edmund Place, Coleman Road and Harrison Way in Calista, as well as residents in Sloan Drive and Mercer Court in Leda are modelled as receiving sound level impacts in the range of 25 – 30 decibels. The aforementioned residential streets are located on elevated land which is less sheltered from noise originating in the Western Trade Coast (WTC) due to topographical undulations along the axis of Wellard Road. Noise modelling systems have design criteria that can attribute up to a 5 decibel “error margin” in predictions which is considered acceptable. However, in the case of the Calista and Leda residential streets listed above, an error of 5 dB (A) in combination with a 5 dB (A) tonal component (identified as part of the flu gas emissions but then discounted in the noise modelling), may result in exceedances of the Noise Regulations assigned night time levels.

With regard to Noise emissions from the facility, cumulative noise levels generated from the WTC have reached levels where they are affecting the surrounding residential areas within Medina and Calista. In this regard, the position of the City of Kwinana and Kwinana Industries Council is that noise levels generated from the WTC should continue to be improved upon through redevelopment and upgrade to existing industry, and new industry will be encouraged to reduce noise levels as far as possible. In this regard, the City recommend the following condition and advice:

Condition: ‘Within 60 days of commissioning of the plant operations, the proponent shall provide to the City of Rockingham, certification from a suitably qualified acoustic consultant that the noise emissions resulting from the operations on the site comply with the Environmental Protection Act and Regulations. The certification shall demonstrate that the plant, at all times for the life of the development, will comply with the Environmental Protection Noise) Regulations 1997 from time of commencement of operations through to maximum throughput capacity.’

Advice: ‘The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.’

Applicant's Comments:
These matters were raised by the Town of Kwinana as submissions on the Environmental Review Document and responses were provided by NEC to the EPA and accepted by the EPA.

NEC has already committed to a noise assessment during commissioning to demonstrate compliance with predicted noise levels as part of the Part IV Environmental Approval. A copy of this commitment is attached to Attachment 3 - Additional Information.

NEC sees no need for the condition recommended by the Town of Kwinana to be included.

City's Comment:
The City of Kwinana’s recommendations in respect to noise management are noted. The City has a standard noise nuisance condition which it generally applies to larger developments. Should the development be approved a condition requiring a Final Acoustics Assessment is recommended.

The City's standard condition is appropriate in this instance and is considered to sufficiently address noise related concerns raised by the City of Kwinana.

The recommended Advice Note is supported.
### Submission regarding Traffic Modelling and Road Network:

Traffic modelling for the proposal indicates that the plant will accept waste up to six days a week between 6:00 a.m. and 4:00 p.m. The traffic report estimates that the development will generate approximately 206 vehicular movements per day (50% inbound/ 50% outbound).

The traffic modelling has stated that all of the heavy vehicle traffic associated with the development will be originating from and destined to the south via Mandurah Road and Kulija Road to access Kwinana Freeway and of the light vehicle movements 50% originate from and are destined to the north and 50% originate from and are destined to the south. The proposed truck route accessing the development is to head north along Mandurah Road and turn onto Office Road to the development, trucks exiting the development will head west along Office Road and turn south onto Patterson Road, Ennis Avenue, Dixon Road then onto Kulija Road to the Kwinana Freeway.

The City has considered the traffic modelling for the proposal and consider that the surrounding road network has the capacity to accommodate the increase in traffic proposed by the development. In this regard however, the City notes that as a result of increased traffic, the standard of Office Road should be upgraded to cater for the increased heavy vehicle traffic. Office Road is currently a single carriageway with no kerbing, drainage or lighting. In this regard, the standard of Office Road should be increased to facilitate the proposed 24-hour operation of the proposed waste to energy facility. In addition, the Office Road / Patterson Road and Office Road / Mandurah Road intersections are not suitably designed to accommodate B-Double vehicles.

In regard to the above, the City recommends the following road upgrade conditions:

‘The proponent shall upgrade the full length of Office Road to the satisfaction of the City of Rockingham in consultation with the City of Kwinana, and shall include the following requirements:

(i) Kerbing, drainage, lighting and landscaping;

(ii) Pavement widening in the vicinity of the proposed site crossovers to allow trucks to enter and exit the development lane correct and facilitate passing vehicle movements;

(iii) Upgrading of the Office Road / Mandurah Road intersection to facilitate and accommodate the lane correct turning movements of B-Double trucks proposed to enter the development.’

‘The proponent shall upgrade the intersection of Office Road and Patterson Road in accordance with the recommendations of the ‘Transport Impact Statement – Proposed Materials Recovery and Waste Conversion Facility – Document #1308009-TIA-003 - Dated 26 April 2018 - Prepared by Shawmac Consulting Civil and Traffic Engineers’ to the satisfaction of the City of Rockingham on advice of Main Roads Western Australia. All works and associated costs shall be at the proponent’s expense with construction to be completed prior to occupation of the site.

Applicant’s Comments:

The proponent agrees that no trucks will be exiting onto Patterson Road. An alternative exit has been considered and accepted with trucks exiting Office Road to Mandurah Road.

The revised Traffic Impact Assessment concludes that there is no need to upgrade Office Road or the Intersection at Patterson Road and Office Road.

City’s Comment:

The City has reviewed the traffic modelling for the proposal and considers that the existing surrounding road network has the capacity to accommodate the increase in traffic generated by the proposed development.
7. **City of Kwinana (CoK) - summarised (cont...)**

<table>
<thead>
<tr>
<th>With regard to road upgrades, the City requires that a short Channelised Right (CHR(S)) turn treatment is provided at the light vehicle crossover to allow through traffic on Office Road to bypass any vehicles turning right into this crossover. It has also been agreed that a Basic Left (BAL) turn treatment be provided at the heavy vehicle crossover in order to allow trucks to come off the through lane before entering the crossover.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Findings of the 'swept path analysis' for the proposed B-Double movements through Mandurah Road/Office Road intersection indicate that minor pavement widening is required in the south-west corner of the intersection to accommodate a B-Double turning left from Mandurah Road into Office Road.</td>
</tr>
<tr>
<td>No further development contributions for road upgrades are considered to be appropriate, as there is no identified nexus between the requirement for full road upgrade and the proposal. The City of Kwinana’s recommendations in respect to the road upgrades are noted, however, cannot be sustained and are therefore not supported.</td>
</tr>
</tbody>
</table>

**Submission regarding Waste Management:**

<table>
<thead>
<tr>
<th>Whilst the development application addresses the plant waste acceptance criteria to ensure all wastes processed through the facility comply with the requirements of the EPA approvals, the application does not address how any wind-blown or fugitive waste on-site will be managed. The City has considered the development application supporting documentation and hold concerns that there may be the potential for rubbish to become wind-blown or prematurely released from waste vehicles entering and exiting the development. In this regard, the City recommend the following condition to address the management of waste on site.</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘A Waste Management Plan that addresses the management and maintenance of fugitive waste generated on site or from trucks entering or exiting the development shall be submitted to and approved by the City of Rockingham prior to occupancy of the development. Upon commencement of operations the Waste Management Plan shall be thereafter implemented and maintained for the life of the development to the satisfaction of the City of Rockingham.’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All trucks bringing rubbish will be covered and will be offloading in an enclosed hall. As such there is very low risk for windblown litter from the facility.</td>
</tr>
<tr>
<td>NEC is happy to provide a Waste Management Plan as a condition to this approval.</td>
</tr>
</tbody>
</table>

**City's Comment:**

| The City of Kwinana’s recommendations in respect to the management of windblown rubbish are noted, and the recommended condition is supported. |

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<p>| c. <strong>Strategic</strong> |</p>
<table>
<thead>
<tr>
<th>Community Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:</td>
</tr>
<tr>
<td>Aspiration 3: Plan for Future Generations</td>
</tr>
<tr>
<td>Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.</td>
</tr>
</tbody>
</table>

| d. **Policy** |
| State Government Policies |
| State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) |
| SPP3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. |
The entire site has been designated bushfire prone under the *Fire and Emergency Services Act 1998 (as amended)* and therefore the requirements of SPP3.7 are applicable.

The objectives of SPP3.7 are to:

- "Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change."

As the land is designated as a bushfire prone area and is classified as a 'high risk' land use, the applicant submitted a Bushfire Management Plan (BMP), Risk Management Plan (RMP) and Bushfire Emergency Plan (BEP) in support of the application, as per the requirements of SPP3.7. The proposal was referred to Department of Fire and Emergency Services (DFES), which supported the proposal subject to minor alterations to the BMP (refer to the Consultation with Government Agencies section of this report).

The BMP has been assessed and is considered acceptable. Requirements of the BMP are recommended as conditions of development approval.

**Guidelines for Planning in Bushfire Prone Areas (GfPBPA)**

The Department of Planning, Lands and Heritage’s GfPBPA provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. The following is an assessment against the relevant requirements of the GfPBPA.

**Element 1 - Location**

The development complies with the relevant Acceptable Solution for this Element, as the applicant has demonstrated through a Bushfire Attack Level (BAL) assessment and implementation of an Asset Protection Zone (APZ) that the maximum BAL level that buildings will be required to be constructed to will be BAL-29 of *Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas* (AS3959). A condition of development approval is recommended in this regard.

**Element 2 - Siting and Development**

The development complies with the relevant Acceptable Solution for this Element, as buildings on the lot can establish around it an APZ (of the required dimension), which is established fully within the lot boundaries. Conditions of development approval are recommended to ensure the APZ is provided prior to the occupation of the development, and buildings are constructed to the requirements of AS3959.

**Element 3 - Vehicular Access**

The development complies with the relevant Acceptable Solution for this Element, as Office Road provides alternative egress options from the site, to the east onto Rockingham Road and west onto Mandurah Road.

**Element 4 - Water**

The development complies with the relevant Acceptable Solution for this Element, as reticulated water supply is currently available to the site. A condition of approval is recommended in this respect to ensure the connection to reticulated water is maintained at all times.

The closest hydrant is located 18 metres north of the subject site on the opposite side of Office Road. Additionally, fire hydrants will be installed within the development, at a minimum spacing of 100 metres, along with a 1.42 megalitre Fire Water Storage Tank.
State Planning Policy 4.1 - State Industrial Buffer (SPP4.1)

The purpose of SPP4.1 is to provide a consistent State wide approach for the protection and long term security of industrial zones, transport terminals and other utilities and special uses. It also aims to provide for the safety and amenity of surrounding land uses, whilst having regard to the rights of landowner who may be affected by residential emissions and risk.

The objectives of SPP4.1 are as follows:

- To provide a consistent Statewide approach for the definition and securing of buffer areas around industry, infrastructure and some special uses;
- To protect industry, infrastructure and special uses from the encroachment of incompatible land uses;
- To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses; and
- To recognise the interest of existing landowners with buffer areas who may be affected by residual emissions and risk, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses.

The proposed development is within a defined environmentally acceptable heavy industry area and does not encroach into any specifically defined buffer areas, with the exception of the Parmelia Gas Pipeline (PGP) buffer area which traverses the front of the site and Water Corporation's Odour Buffer for the southern end of the lot. The owner/operator of the PGP as well as Water Corporation have raised no concerns with the encroachments. The proposed development is not considered to compromise any infrastructure, surrounding industry or special uses.

The proposed land use is considered compatible with existing industrial land uses in the area as the subject site is within an area that has been designated for heavy industrial land uses.

The safety and amenity of surrounding land uses is not considered to be compromised. Through the PER process, the assessment of emissions and air quality impacts were found to comply with the National Environment Protection Measure Standards, World Health Organisation Standards and criteria from relevant guidelines for standard operation and emergency shut-down scenarios.

By virtue of the PER, the proposed development is not considered incompatible to existing industry in respect to environmental and social impacts.

The proposed development is considered compliant with SPP4.1.

Planning Bulletin 87 - High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region (PB87)

The purpose of PB87 is to ensure planning mechanisms are implemented to confirm people and property are at an acceptable level of risk where town planning schemes, amendments, structure plans, developments and subdivisions are proposed within the vicinity of pipeline corridor/easements and that the future potential of the pipeline corridor/easements are not constrained.

As previously mentioned, the PGP is situated within an easement on the northern edge of the subject site. The proposed development is located within the 60m recommended setback distance (Table 1) for industrial and commercial uses from the pipeline.

To mitigate risks associated with the reduced setback proposed, it is recommended that a condition be included requiring the applicant to prepare and implement a Pipeline Risk Management Plan in consultation with the pipeline operator.

Local Policies

Planning Policy 3.3.8 - East Rockingham Development Guidelines (PP3.3.8)

The purpose of PP3.3.8 is to guide the orderly development of serviced industrial land within the East Rockingham Industrial Park (IP14 Area).
The objectives of PP3.3.8 are:

(a) To achieve an attractive and unified development which acknowledges the goal of conserving and enhancing the natural environment by emphasising the retention of natural vegetation and the introduction of complementary quality landscaping and well-designed buildings;

(b) To achieve a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate or market image; and

(c) To avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region.

Natural vegetation on the site will be lost as a result of the proposed development, which was anticipated when the land was zoned for industrial purposes. Nevertheless, prior to this occurring the Landscape Plan will require updating to ensure compliance with APZ requirements as it currently provides insufficient information. There are large blank areas on the plan surrounding garden beds and it is unclear if this is to be maintained grass, sand or hardstand. To conserve as much vegetation on site as possible, a condition requiring grasstrees identified for removal to be relocated and the protection of vegetation not identified for removal is recommended should the application be approved.

The building design along with the proposed landscaping improvements will meet the standard of built form already apparent in the East Rockingham Industrial Park (ERIP). The proposed development is well planned and is not considered to adversely impact the existing investment of owners within the ERIP.

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

PP3.3.14 facilitates the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Bicycle Parking Requirement

The requirement for short-term parking is not considered to serve any benefit, and for that reason only the requirement for long-term parking is considered.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td></td>
</tr>
<tr>
<td>Office (551m²)</td>
<td>1:200m²</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

No provision of bicycle spaces has been made. A condition of development approval requiring the provision of three (3) long-term bicycle parking spaces is recommended.

End-of-Trip Facilities

In terms of PP3.3.14, the provision of 3 long term parking spaces requires the provision of one showers. The shower is required to be provided in a change room in accordance with PP3.3.14. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities as shown on Attachment 1 - Admin Floor Plan of this RAR.

Planning Policy 7.1 - East Rockingham Industrial Park - Environmental Planning Policy (PP7.1)

The primary objective of PP7.1 is to establish guiding principles and policies for the environmental acceptability of industrial development on industrial zoned land within the City of Rockingham, predominantly within the IP14 area.

Supporting the primary objective are a number of principles drawn from established policies and principles at the state, national and international levels.
PP7.1 utilises the following categories for assessment against minimum requirements for development proposals:

- Air Quality;
- Risks and Hazards;
- Noise;
- Water Quality; and
- Social Environment.

PP7.1 does not support the development of heavy industries unless it can be demonstrated that there is compliance with the *Environmental Protection Act 1986* (EP Act). Through the PER process, the applicant has been able to demonstrate that acceptable environmental standards can be met. The proposed development has been recommended for conditional approval by the EPA and the City is satisfied that continual monitoring of the facility, as required by the EPA, will require ongoing compliance with relevant standards and regulations.

Aurora Environmental prepared advice to support the development application demonstrating compliance with PP 7.1. The advice summarises key elements of the PER that demonstrates air quality, risks and hazards, noise, water quality and the social environment will be appropriately managed as part of the waste to energy development.

The EPA’s Report states that it is satisfied that emissions from the proposed facility will be manageable and environmentally acceptable. In addition, discharges and emissions will be regulated through DWER’s works approval and licencing process. The advice prepared by Aurora demonstrates compliance with PP 7.1’s key policy positions.

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Clause 67 of Schedule 2 of the Regulations outlines the matters to which the Local Government is to have due regard when considering an application for development approval. Where relevant, these matters have been discussed throughout this Report.

City of Rockingham Town Planning Scheme No.2

Clause 3.2 - Zoning Table

The subject site is zoned ‘Special Industry’ under TPS2. The proposed Industry - General (Licensed) use is classified as an ‘A’ listed use in the Special Industry zone, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting development approval after advertising.

Clause 4.10.1 - Objectives

The objectives of the Industrial zoned land are:

“(a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;

(b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standard of amenity are provided through the application of appropriate land use, design and landscaping controls; and

(c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards.”

The City has a Local Planning Policy (PP7.1) relating to the environmental and social acceptability of proposed developments which the proposed development has been considered against within the Policy section of this report.
The design of the proposed development results in efficient use of the industrial land and required landscaping will serve to screen views of the development whilst softening its impact on the public realm. The applicant has committed to implementing the findings of a risk assessment with regards to the proposed design, with the site being fenced off at all times (including during construction) and security lighting being provided. Entry to the site will also be restricted to authorised vehicles using number plate recognition technology.

The proposed development is a land use not previously developed in the area. The subject site is located centrally within the KIA, which is identified for heavy industrial land uses. The EPA has assessed the environmental impacts of the development through the PER process. By virtue of the EPA recommending approval to the Minister for Environment, it can be considered that the environmental impacts of the development are acceptable.

The proposed development is considered to be consistent with the objectives of the Industrial zones.

Clause 4.10.2 - Form of Development

The Local Government shall have regard to the following when considering an application for development approval on Industrial zoned land:

(a) promotion of a high standard of building development, landscaping and working environment;
(b) protection of the amenity of adjacent residential and open space areas;
(c) management of drainage systems and land uses to promote groundwater and conservation; and
(d) to ensure safe movement of vehicular and pedestrian traffic in the area."

The proposed development is compliant with PP3.3.8 in regards to the building design, landscaping and the working environment.

The proposed development is an industrial land use. The context of the surrounding locality is for a mix of general and heavy industrial land uses, with surrounding vacant land also zoned for similar industrial purposes. The proposed development is therefore considered compatible with the existing surrounding context of the locality.

The applicant, through Shawmac Consulting Civic & Traffic Engineers, conducted a Traffic Impact Assessment (TIA) to assess the impact the proposed development will have on the local road network in the context of the existing capacity of the proposed haulage route. The TIA also included an assessment of the proposed carparking and access configuration to service the proposed development.

The TIA found that impacts on the operational performance associated with the proposed development are minimal and that the proposed development will only have a minor impact on the existing queuing and delay at local intersections, subject to minor road upgrades that include:

- A short Channalised Right turn treatment at the light vehicle crossover to allow through traffic on Office Road to bypass any vehicles turning right into this this crossover;
- A basic left turn treatment to provide at the heavy vehicle crossover in order to allow trucks to come off the through lane before entering the crossover; and
- Minor pavement widening in the south-west corner of the intersection to accommodate a B-Double turning left from Mandurah Road into Office Road.

The TIA concluded that there were no issues identified with regard to traffic operations of the proposed development. The City has assessed the TIA and has identified minor discrepancies in respect to swept path and general comments, however, the land use is unlikely to create traffic issues on the surrounding road network. The TIA will require minor amendments to address issues raised by the City. An advice note to such extent forms part of the recommended development approval.

Provision has been made for a carparking bay for the exclusive use of people with disability, however, a continuous accessible path of travel has not been provided from the carparking bay to the administration/education facility. It is recommended that a condition of Development Approval be included to provide a continuous accessible path of travel in accordance with AS1428.1 - General Requirements for Access - New Building Work.
4.10.3 - Parking

TPS2 requires the provision for the on-site parking of vehicles for all development on industrial zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The proposed development is a land use that is not specified in Table No.2 and therefore no minimum car parking requirement is specified. In accordance with Clause 4.15.1.4, where land is proposed to be developed for a purpose which is not specified in Table No.2, the Local Government is to determine the number of car parking bays required in regards to the following:

“(i) The nature of the proposed development;
(ii) The number of employees likely to be employed on the site;
(iii) The anticipated demand for parking; and
(iv) The orderly and proper planning of the locality”

The development proposes 33 car parking bays including two accessible bays. The applicant has stated that up to 48 full time staff will operate from the facility on a shift basis (maximum of 20 staff at any one time), with access to the facility being restricted to authorised vehicles only. Given there are adequate bays to accommodate up to 13 visitor cars, the parking requirements of TPS2 are sufficiently addressed.

4.10.4 - General Development Provisions

Clause 4.10.4 provides for development provisions on all Industrial zoned land within the City. The provisions are outlines below and considered in relation to the proposed development.

<table>
<thead>
<tr>
<th>General Development Provisions</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facade</td>
<td>The facade of the administration building visible from Office Road will be finished in precast concrete panel with textured paint finish to a height of 4.2 metres.</td>
<td>Yes</td>
</tr>
<tr>
<td>Fencing</td>
<td>The front fence will have a 2.1m high black powder-coated galvanised 'garrison' fence with matching hinged sliding gates. Side and rear boundaries will have a 1.8m high black PVC galvanised wire chain mesh fenced topped with 3 rows of barbed wire to 2.4m high. The proposed fencing materials are considered acceptable.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Setback area

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Local Government.</td>
<td>The front setback area (25m) is proposed to be used for landscaping and vehicular access only.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### 4.10.10 - Special Industry zone

Clause 4.10.10 provides for setback and landscaping requirements for developments within the Special Industry zone. The provisions are outlined below and considered in relation to the proposed development.

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setback</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A minimum front setback of twenty five (25) metres shall apply for major structures and a minimum front setback of fifteen (15) metres shall apply to offices, gatehouses and amenity buildings. Where a lot has frontage to two or more streets, the prescribed front setbacks of twenty five (25) metres and fifteen (15) metres shall apply to the primary street and the setback to the secondary street shall be determined by the Local Government, but shall not be less than the prescribed minimum landscaping setback requirement.</td>
<td>A minimum front setback of 20m has been provided to the administration building, with the main building achieving a 95.5m front setback.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>For the most part a 10m landscaping strip has been provided to Office Road. There are some blank areas on the Landscape Plan surrounding garden beds and it is unclear if this is to be landscaped. The City also considers that landscaping is required along the eastern elevation of the administration building and storage tanks in order to provide some visual screening of views from Office Road.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Landscaping (cont…)

| A condition requiring landscaping for a minimum depth of 10 metres from the property boundary and additional landscaping along the eastern elevation of development is recommended should the application be approved. |

**g. Risk**

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

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

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

Nil

**Comments**

**Conclusion**

The proposed development is an industrial land use. The context of RIZ is for a mix of heavy industrial and general industry land uses, with surrounding vacant land also zoned for industrial purposes. The proposed development is therefore considered compatible with the existing context of the locality and would not adversely impact on the amenity of the locality and the broader community.

Although the proposal has changed from an environmental technology point of view, it is considered the land use requirements from the City's TPS2 perspective has not changed. The proposed development is considered compatible with existing and future industrial land uses. The proposed development is considered consistent with the quality built form and landscaping of existing developments within the ERIP.

The proposed development is compliant with TPS2, Policy requirements and represents effective use of currently vacant industrial land within the RIZ.

Granting Development Approval consents to the proposed land use and location of buildings. Should an approval be granted, the applicant is still subject to further approvals (Building Permits and Department of Water and Environmental Regulation licences) that must be obtained prior to development commencing.

It is recommended that the application be conditionally approved.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council ADOPTS the Responsible Authority Report for the application for the proposed Waste to Energy Facility at Lot 1 (No.26) Office Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (MSWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Sammels:

That Council ADOPTS the Responsible Authority Report for the application for the proposed Waste to Energy Facility at Lot 1 (No.26) Office Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (MSWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
That the Metro South-West Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/18/01524 and accompanying plans:

- Site Plan, Drawing No. ERH / 000 / PPL / 001, dated 10 January 2019;
- Elevations, Drawing No. ERH / 000 / PPL / 002, dated 10 January 2019;
- Admin Office, Drawing No. ERH / 000 / PPL / 003, dated 10 January 2019;
- Landscaping Plan, Drawing No. ERH / 000 / PPL / 004, dated 10 January 2019;
- Site Levels, Drawing No. ERH / 000 / PPL / 004, dated 10 January 2019

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

**Conditions**

1. This decision constitutes development approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Prior to the commencement of development, detailed civil engineering construction plans for the upgrade of Office Road in front of the site, including a channelised right turn treatment, an auxiliary left turn treatment within the road reserve and pavement widening at the intersection of Mandurah Road/Office Road must be submitted by a suitably qualified person to the City of Rockingham for approval. These works must be constructed, in accordance with the approved plans, prior to the occupation of the development.
3. Prior to the commencement of development, an Environmental Construction Management Plan must be prepared and approved to ensure appropriate management of construction related impacts. The approved plan must be implemented for the duration of construction works, to the satisfaction of the City of Rockingham.
4. Prior to the commencement of development, a Fauna Relocation Plan for the native fauna species within the site is to be prepared, approved and implemented to the satisfaction of the City of Rockingham, to ensure the protection and management of the site’s environmental assets.
5. Prior to the commencement of development, the landowner/applicant shall prepare and implement as part of the development works a pipeline risk management plan/protection plan in accordance with Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region. The risk mitigation measures/controls outlined within the pipeline risk management/protection plan are to be implemented by the landowner/applicant as part of the development works to the satisfaction of the City of Rockingham and to the specifications of APA Group.
6. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
7. Prior to commencement of development, a Dust Management Plan for the development must be prepared and approved by the City of Rockingham and all measures identified in the plan shall be implemented to the satisfaction of the City of Rockingham for the duration of the development.
8. Prior to commencement of development, a Stormwater Management Plan must be submitted detailing how stormwater will be appropriately contained on site or otherwise managed in accordance with the requirements contained in any licence or approval issued by the Department of Water and Environmental Regulation, to the satisfaction of the City of Rockingham
9. Prior to occupation, the development must be connected to a reticulated water supply in accordance with the specifications of the Water Corporation in accordance with the recommendations of the Bushfire Management Plan prepared by Bushfire Prone Planning, dated 4 May 2018.
10. Prior to occupation, the development must be connected to an aerobic treatment unit (ATU) onsite effluent disposal system with nutrient retention capabilities. The ATU system must be implemented for the duration of the development.

11. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to commencement of development:
   (i) The location, number and type of existing and proposes trees and shrubs, indicating calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained in 5m² clusters with the 20m separation;
   (iv) Those areas to be reticulated or irrigated;
   (v) Verge areas;
   (vi) Bollard treatments in the verge area directly adjacent to the subject site to prevent informal carparking;
   (vii) Landscaping for a minimum depth of 10 metres from the property boundary; and
   (viii) Landscaping along the eastern elevation of development to better screen the administration building and storage tanks.

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

12. Grass tree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved Landscaping Plan) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites. Arrangements must be made to the satisfaction of the City for all grass tree plants requiring removal to be relocated, prior to commencement of development.

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

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

15. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City of Rockingham, prior to commencement of development and implemented as such for the duration of the development.

16. Three (3) long-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to commencement of development.

The bicycle parking spaces must be constructed prior to occupation of the development.

17. One (1) secure hot-water shower and change room must be designed in accordance with Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip facilities, prior to commencement of development.

The shower, change room and locker must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

18. The access way must be constructed in accordance with the following requirements:
   (i) minimum trafficable surface of 4 metres;
   (ii) minimum horizontal clearance of 6 metres;
   (iii) minimum vertical clearance of 4.5 metres;
   (iv) maximum grade over <50 metres of 1 in 10;
   (v) minimum weight capacity of 15 tonnes;
   (vi) maximum crossfall of 1 in 33;
(vii) curves minimum inner radius of 8.5 metres;
(viii) turn around area for 3.4 fire appliance; and
(ix) all weather surface (i.e. sealed).

The accessway must be maintained in accordance with these requirements and in a good and safe condition at all times for the duration of the development.

19. The Carpark must:

(i) Provide a minimum of 33 parking spaces;
(ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to commencement of development;
(iii) include minimum one (1) car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
(v) Have lighting installed, prior to the occupation of the development; and
(vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

20. Prior to occupation of the development, the Bushfire Management Plan prepared by Bushfire Prone Planning, dated 4 May 2018 shall be updated to address comments made by Department of Fire and Emergency Services to the satisfaction of the City of Rockingham.

21. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in the Bushfire Management Plan prepared by Bushfire Prone Planning, dated 4 May 2018, must be installed on the site in accordance with the Guidelines for Planning in Bushfire Prone Areas.

The APZ must be maintained in accordance with these requirements and in a good and safe condition at all times.

22. There shall be no extraction or use of ground water from the property at any time, unless otherwise approved by the Department of Water and Environmental Regulations following chemical testing and an assessment of the risk to site users is undertaken to confirm it is suitability for its intended use.

23. The proponent shall make near to real time data on emissions publicly available by displaying emissions on the proponents website or at the site entrance.

24. Prior to occupation of the development, the proponent shall implement, and thereafter maintain for the life of the development, a public odour complaints register and resolution procedure to address any odour concerns raised by the public to the satisfaction of the City of Rockingham in consultation with the City of Kwinana. The applicant shall provide a copy of the register of complaints and resolution outcomes on a quarterly basis to the City of Rockingham and City of Kwinana.

25. A Waste Management Plan that addresses the management and maintenance of fugitive waste generated on site or from trucks entering / exiting the development shall be submitted to and approved by the City of Rockingham prior to occupancy of the development. Upon commencement of operations the Waste Management Plan shall be thereafter implemented and maintained for the life of the development to the satisfaction of the City of Rockingham.
26. Prior to occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustics Assessment must include the following information:

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

(ii) Tonality, modulation and impulsiveness of noise sources; and

(iii) Confirmation of the implementation of noise attenuation measures.

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

**Advice Notes**

1. All works in the road reserve, including construction of a crossover, planting of street trees and other streetscape works and works to the road carriageway must be to the satisfaction of the City of Rockingham; the applicant should liaise with the City of Rockingham's Land Infrastructure and Development Services in this regard.

2. The proponent shall fulfil their obligations for obtaining from DWER a Works Approval prior to the commencement of works and a Licence prior to operation of the facility.

3. The development shall be compliant with the DWER Licence conditions and Ministerial Statement conditions at all times.

4. Any potential asbestos containing material on-site is to be disposed of at a site licensed to accept asbestos waste by the DWER under Part V of the *Environmental Protection Act 1986*.

5. The Site Drainage and Groundwater Management Plan prepared as part of the works approval and licence applications with DWER must be submitted to the City for review and comment.

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

7. The proponent is to contact APA's Infrastructure, Planning and Protection team to arrange for the preparation of the pipeline risk management/protection plan and discuss any other practical elements of works in and around the pipeline. APA can be contacted on 180 103 452 or via email at APAProtection@apa.com.au.

8. If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before You Dig on 1100, or APA directly on APAProtection@apa.com.au.

9. With respect to noise emissions resulting from the operations, the proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.

10. It should be noted that any proposed modifications to the existing RAV access permissions are subject to third party Main Roads approval pursuant to the Road Traffic (Vehicles) Act 2012.

11. With respect to the identified amendments to the Traffic Impact Assessment, the applicant is to liaise with the Land Development and Infrastructure Services in this regard.

12. With respect to the Landscape Plan, the applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.

Where an development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Committee Voting – 4/1

(Cr Summers voted against)
The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Reference No & Subject: PD-009/19  Short-Stay Accommodation

File No: LUP/2128

Proponent/s: Mr Mike Ross, Manager Statutory Planning

Author: Mr Chris Parlane, Senior Planning Officer

Other Contributors: Mr Chris Parlane, Senior Planning Officer

Date of Committee Meeting: 18 February 2019

Previously before Council: 22 January 2019 (GM-001/19)

Disclosure of Interest: Legislative

Nature of Council’s Role in this Matter: Legislative

Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments: City of Rockingham Submission to the Economics and Industry Standing Committee on the Inquiry into Short-Stay Accommodation in Western Australia

Maps/Diagrams:

Purpose of Report

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

“That Council take immediate action against all unregistered and illegal Short-Stay Accommodation providers within the City of Rockingham by:

1. Employing an additional Compliance Officer to deal specifically with unregistered, Short Stay Accommodation Providers.

2. Place at least a half page advertisement in all local newspapers outlining the Council’s policy, procedures and penalties relating to unregistered Short Stay Accommodation providers.

3. Institute a registration system for all registered Short Stay Accommodation Providers together with supporting documentation.

4. Commence an advertising campaign including Social Media supporting registered Short Stay Accommodation Providers.”

Background

The Local Government Act 1995 requires Council to consider any decisions arising from the Annual Meeting of Electors and in making a decision in response, to also provide the reason for its decision.
The minutes of the Annual Meeting of Electors held 19 December 2018 were presented to the January 2019 Council meeting where it was resolved to direct the Chief Executive Officer to prepare reports for Council consideration at its February 2019 meeting on the implications of each of the motions passed.

One such motion was seeking the City to address issues around unregistered Short-Stay Accommodation in Rockingham.

### Details

Short-stay accommodation through e-commerce operators such as Airbnb and Stayz has changed the short-term holiday letting industry. Airbnb has become a state, national and international phenomena. How accommodation is booked is not relevant, but the use of residential dwellings for short-term accommodation is relevant. This report summarises the key issues raised by the tourism industry, a Parliamentary Inquiry, the City’s Town Planning Scheme No.2 (TPS2) requirements and the land use planning requirements.

(i) **Parliamentary Committee**

In October 2018, the Hon. Minister for Planning, Lands and Heritage Ms Rita Saffioti, supported an inquiry into the level of regulation of short-stay accommodation to create greater certainty for the tourism industry, accommodation providers and guests.

As reported on the Parliamentary website, the Terms of Reference of the Economics and Industry Standing Committee are as follows:

“The Economics and Industry Standing Committee will inquire into and report on matters relating to the regulation of short-stay accommodation in Western Australia, with particular reference to:

1. The forms and regulatory status of short-stay accommodation providers in regional and metropolitan Western Australia, including existing powers available to local government authorities.
2. The changing market and social dynamics in the short-stay accommodation sector.
3. Issues in the short-stay accommodation sector, particularly associated with emerging business models utilising online booking platforms.
4. Approaches within Australian and international jurisdictions to ensure the appropriate regulation of short-stay accommodation.”

The Economics and Industry Standing Committee is investigating and reporting on the adequacy of the regulation of short-term holiday letting in Western Australia, covering issues including customer safety, insurance, land use planning, building standards, stay length, neighbourhood amenity, registration, licensing and taxation.

The Hon Minister for Planning, Lands and Heritage, Ms Rita Saffioti stated:

“This inquiry is an opportunity to have a Committee of the Parliament test ideas with the industry and to report back to the Parliament and then government. The Government has been progressing work on this matter, including developing a range of options for the future.”

The Minister’s Media Statement also stated that the current framework does not adequately address regulation of short-term providers - including those letting private rooms or homes.

The Committee will report to the House of the Legislative Assembly by 27 June 2019.

On 23 January 2019, the City lodged a submission to the Economics and Industry Standing Committee into the Inquiry into Short -Stay Accommodation in Western Australia. A copy of the City’s submission is attached to this report.

(ii) **Tourism Industry**

At the 'Inquiry into Short-Stay Accommodation Forum' on 25 October 2018, hosted by Tourism Rockingham, the tourism industry raised concerns about the growth in Airbnb’s cutting into the local tourism sector. Tourism operators such as hotels, serviced apartments, bed and breakfasts and caravan parks are subject to various regulations depending on the local government, local planning schemes, local laws and planning policies.
The key concern from accommodation providers is that there is not a ‘level playing field’, claiming there are “hundreds” of Airbnb accommodation providers that do not have the necessary planning or building approvals within the City. Some registered short-stay accommodation providers reported a loss of bookings to unregistered short-stay accommodation providers.

The Key Speakers at the forum were:
- Ms Debbie Noonan - Spokesperson and Secretary, Registered Accommodation providers of the Margaret River Region; and
- Mr David De Garis, Media & Communications Executive Australian Hotels Association (AHA).

Questions at the Forum focused on how many Airbnb sites could be operating within the City of Rockingham, and in response Ms Noonan suggested that over 230 were recorded.

The City has prepared a Short-Stay Accommodation Discussion Paper which should be read together with this report.

(iii) Department of Planning, Lands and Heritage Draft Options Paper

The Department of Planning, Lands and Heritage (DPLH) Options Paper, August 2018 outlines options for regulating “Sharing economy short-term accommodation in WA” (Options Paper). The Options Paper is available on the Parliament website via the following link:

The Options Paper discusses the following challenges for policy, including:
(a) Inequality in regulation;
(b) Inequality in building standard requirements;
(c) Environmental and amenity impacts; and
(d) Enforcement burden.

DPLH recognised that local governments often lack the resources to enforce and/or proactively regulate. In addressing planning issues through the local planning scheme and/or a local law governing short-term accommodation, these requirements for registration require resourcing and incur compliance costs. Local governments generally follow a complaint-response process, whereby no enforcement or regulation occurs unless a complaint is made at which time the local government will act. The City of Rockingham is no different to other local governments in this respect.

The DPLH Options Paper referred to a variety of options available from policy through to regulation that can be engaged to manage short-term accommodation. Two specific examples included the approach taken by the NSW Government and the City of Fremantle.

NSW Approach

Following a NSW Parliamentary Inquiry into the regulation of short-term holiday letting in NSW, the NSW Government released an Options Paper which discussed approaches that ranged from minimal intervention to substantial Government regulation.

The NSW Government is working on a new planning framework that will simplify and clarify the regulations based on providing:
- A single definition for the use;
- Clear pathways for approval such as - when the host is present on-site overnight, short-term holiday lets will be allowed as ‘exempt development’ all year;
- When the host is not present onsite overnight, short-term holiday lets will be allowed a ‘exempt development’ with a limit of 180 days for hosts in Greater Sydney and 365 day in all other areas of NSW;
- Councils outside of Greater Sydney will be allowed to reduce the 365 day threshold to no lower than 180 days per year; and
- Certain planning rules will apply to properties on bushfire prone land.
The NSW Government approach is being driven by the need for long-term residential rentals to be made available in Greater Sydney, as outside the Greater Sydney area there are no restrictions on length of stay. The DPLH has advised the Standing Committee that the NSW approach could be implemented in WA, both within the planning system and through other legislation, however, this would require significant policing by local government.

City of Fremantle Approach

The City of Fremantle has a Local Law governing short stay accommodation (Short Stay Accommodation Local Law 2008). This Local Law requires any dwelling which accommodates a maximum of six occupants for a minimum of two nights, but no more than three consecutive months, to be registered with the City. The applicant is required to pay a fee, agree to the conditions of registration and be issued a registration certificate.

The conditions of registration are that:

- Each short stay accommodation booking must be for at least 2 consecutive nights;
- No more than 6 occupants and have at least 1 car bay;
- Manager for the short stay dwelling must be contactable at any time and responding within 12 hours; and
- The manager to inform of any change in operations.

Registration does not affect any Strata By-Laws. Compliance and investigation of complaints of short stay accommodation are dealt with by the City’s Environmental Health and Compliance Teams. Providing the registered property complies with the Local Law conditions of registration, the owner is able to legally advertise the short stay accommodation on online platforms such as Airbnb or Stayz. Short-term accommodation hosting more than 6 occupants requires planning approval.

State and Local Government Options

The DPLH Options Paper considered a range of planning and non-planning mechanisms at differing scales to suit requirements, which are outlined as follows.

1. **Option One - No change to current arrangements**

   The current DPLH Planning Bulletins 99 Holiday Homes, 49 Caravan Parks and 83 Tourism are silent on the sharing economy. The approach does not give guidance on short-term accommodation where a room within a home or granny flat are being rented through sharing economy platforms. Some local governments have significant short-term accommodation demand such as the City of Fremantle, Augusta Margaret River and Busselton, where a range of planning and legal mechanisms apply such as scheme provisions, planning policies and local laws.

2. **Option Two - Provide Guidance delineating between hosted and un-hosted accommodation leaving full regulatory discretion to local government**

   On 13 February 2018, the Statutory Planning Committee of the Western Australian Planning Commission (WAPC) considered a draft Planning Position Statement on Tourism (‘draft PS on Tourism’) for public consultation, which was a confidential agenda item.

   The City has not seen a copy of the draft PS on Tourism, however, the DPLH Options Paper available for public viewing on the State Parliament website refers to it. Within the DPLH Options Paper for Short-term accommodation in WA, there is a reference to the current draft PS on Tourism which proposes the land use definition of Hosted Accommodation:

   Hosted Accommodation: ‘a portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment’.

   The DPLH Options Paper quotes the draft PS on Tourism in the following context:

   - An improved definition of short-term accommodation as a result of the sharing economy and takes a similar approach to that proposed in NSW. The draft PS on Tourism does not consider it necessary to regulate hosted accommodation, when the operator resides in the dwelling or on-site and its tourism value is incidental to the primary residential land use. The approach suggested that it would not preclude regulation should local government choose to do so. This is based on the concept that local government is best informed about tourism activity and its impact on local communities.
- If local government consider it necessary to amend their schemes, under the draft PS on Tourism, they could apply the above “Hosted Accommodation” definition for consistency in a local planning scheme.

- Other forms of un-hosted accommodation are considered in accordance with the existing definitions in the Planning and Development (Local Planning Schemes) Regulations 2015. The draft PS on Tourism suggests that forms of short-term accommodation such as holiday homes be regulated at the local government’s discretion, as currently undertaken. It provides guidance on scenarios in which local government may wish to regulate such as allowing forms of short-term accommodation, as a permitted use in areas of high demand/tourism value or as a prohibited use in predominately residential areas.

3. **Option Three – Clear policy framework to regulate un-hosted short-term accommodation with implementation detail by local government**

Further amendments to the draft PS on Tourism were suggested in the DPLH Options Paper considered the regulation of un-hosted short-term accommodation to be necessary. The approach on how it is regulated could be left to the discretion of local governments with clear guidance and framework provided by the WAPC. Options for guidance could be provided and may include the following:

(a) **Recommended amendments to Local Planning Schemes**

Make all or types of short-term accommodation (e.g. holiday home, serviced apartments) a discretionary use that can be approved by local government in the local planning scheme and require planning approval to operate. Guidance would be needed on the number of individuals to be accommodated and planning approval could restrict the number of days accommodation is available. For un-hosted short term accommodation the days of operation could be limited to range between 90-180 days/year in Greater Perth and coastal areas and up to 365 days/year in all other regional areas of WA in consultation with local government. Hosted accommodation would not be limited in days of operation, although the City of Fremantle approach was highlighted with a minimum stay of 2 consecutive nights.

Make all or specific types of short term accommodation a prohibited (X) land use, that is not permitted within certain areas of the local planning scheme.

(b) **Recommended introduction of local law under Local Government Act 1995**

Local governments could introduce a Local Law requiring individuals operating a short-term accommodation business to register for a licence with the local government annually. This would enable the planning, building and health officers within local government to apply any requirements considered appropriate such as emergency evacuation plans, fire alarms, car parking etc. The licence is also tied to the operator of the business and not the property. The drafting of a model Local Law under the Local Government Act 1995 could also be undertaken.

(c) **Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations)**

Insert a definition of hosted accommodation into the LPS Regulations to assist local governments to separate levels of regulation for different forms of short-term accommodation. This would consider definitions that align with State Planning Policy 3.1, Residential Design Codes (R-Code) dwelling types, and include a new definition for ‘Holiday Apartment’. An amendment was also considered necessary to be made to be existing definition of ‘Holiday Accommodation’ term so that one dwelling in a group of dwellings on one lot is captured. Changes to the following terms could be considered:

- Hosted Accommodation;
- Holiday House;
- Holiday Accommodation; and
- Holiday Apartment.
4. **Option four – clear policy framework to regulate un-hosted short-term accommodation with introduced ‘deemed provisions’**

Amendments to the draft PS on Tourism are suggested by the DPLH to state that the WAPC consider regulation of un-hosted short-term accommodation to be necessary. It was also suggested by the DPLH that the WAPC provide clear guidance and framework for local governments through deemed provisions of the LPS Regulations. Options alternatively include the ability for local government to introduce a Local Law under the Local Government Act 1995 or introduction of a standard/model By-law for use by planning decision makers, which is then set out in a policy.

5. **Option Five – fully regulate**

Full regulation of short-term accommodation could be via a number of mechanisms or combination thereof, including but not limited to:

(a) Deemed Provisions under the Local Planning Scheme Regulations 2015, by inserting definitions and standardise that all or specific types of short-term accommodation are a discretionary land use that local government can approve in a local planning scheme and require planning approval to operate. The deemed provisions could restrict the days of operation to 180 days/year across the state or in particular locations within WA;

(b) Model Local Law under LG Act 1995, by introducing a Local Law requiring individuals running short-term accommodation businesses to register for a licence with local government annually. This could apply to all forms of short-term accommodation, different types based on scale of number of individuals accommodated; and

(c) Strata Titles Act 1985, by drafting of a standard/model by-law for use by planning decision makers, which is then set out by a policy for a strong and consistent regulation state wide.

**Industry Based Approaches**

A range of industry based approaches include:

(a) **Industry accreditation**

Registered with a sharing economy platform such as Airbnb, hosts would need to be accredited, to comply with minimum standards such as fire and safety and insurance. Existing industry accreditation programs are in place or individual operators could create their own to suit. Failure to meet accreditation requirements could result in operators not being able to advertise in the sharing platform;

(b) **Code of conduct for operators**

Adopt a standardised Code of Conduct for operators of short-term accommodation businesses which holds the operator accountable to minimum standards of operation such as cleanliness, fire safety, insurance etc. It would be a voluntary adoption process and in other locations it could be mandatory. In some jurisdictions, the operator of the advertising platform such as Stayz will not register the short-term accommodation business if they are not a signatory to the code of conduct. In WA, a mandatory code of conduct could be introduced with the Dept. of Mines, Industry Regulation and Safety, using a similar approach to NSW; and
(c) **Time limited use self-regulation**

Some jurisdictions require operators of short-term accommodation such as Airbnb to self-regulate the number of days per year the accommodation can be available for short-term rent. Short-term holiday letting could be exempt development 365 days per year when hosted. When un-hosted, a limit for hosts to rent out properties of between 90-180 days/year in Greater Perth could apply, with some specific tourism areas having greater controls applied if necessary.

(iv) **City of Rockingham Approach**

Short-term accommodation is regulated by the City’s Town Planning Scheme No.2 (TPS2) and via Planning Policy. TPS2 includes two types of Short-Stay Accommodation based on hosted accommodation (Bed and Breakfast) and unhosted accommodation (Short-Stay Accommodation i.e. Airbnb, Stayz), as follows:

1. Under TPS2, ‘Short Stay Accommodation’ (unhosted) is a discretionary land use (D) and where prior advertising of the proposal can be undertaken before a decision to approve an application is made, within a Residential zone, various City Centre zones, District Centre zone, Commercial zone and Rural Zone.

TPS2 land use interpretations define Short-Stay Accommodation as follows:

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

2. Under TPS2, ‘Bed and Breakfast’ (hosted) is not permitted unless the land use is incidental to the predominant land use, within the Residential Zone, Special Residential Zones (except Warnbro Dunes), Special Rural Zones and Rural Zone.

TPS2 land use interpretations define Bed and Breakfast as follows:

“Bed and Breakfast: means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.”

The City’s Planning Policy No.3.3.2 - Bed and Breakfast Accommodation (PP3.3.2) sets out the planning objectives and policy provisions for the assessment and determination of applications for development approval for the establishment of Bed and Breakfast accommodation. Within the City, development approval is required to operate Bed and Breakfast accommodation within a dwelling.

Applications for Bed and Breakfast Accommodation are favoured in locations that present advantages to visitors to the City, such as proximity to the beach, lakes, parks, high frequency bus routes, retail and restaurant facilities. It is possible, however, for applications to be considered in other rural locations.

The City’s PP3.3.2 (hosted) includes the following requirements:

- Limits the occupancy to a maximum of 4 adults or one family and no more than two guest bedrooms for any proposal within a dwelling;
- Requires 2 additional parking bays;
- Advertising signage not exceeding 0.2sqm;
- Comply with the Health Act 1911, Food Act 2008;
- Smoke alarm system and lighting to assist evacuation etc;
- House Rules to be prepared for occupants; and
- Adjacent owners to be consulted before determination of an application.

Whether or not an application for Bed and Breakfast Accommodation (hosted) or Short Stay Accommodation (unhosted) would be acceptable and be capable of approval under TPS2 depends on a range of factors, including (but not limited to):

- Site context (size of property, adjoining land uses);
- Built form (existing and proposed);
- Traffic and parking implications;
Since the company Airbnb was founded in late 2008, the City has issued 25 Short-Stay Development Approvals (unhosted - e.g. Airbnb) and 22 Bed and Breakfast establishments (hosted), pursuant to TPS2. By comparison, there are 250 short-stay accommodation places listed in Rockingham on the Airbnb website and 38 properties listed on the Stayz website. This suggests there are at least 241 Short-Stay Accommodation (unhosted) providers operating without Development Approval within Rockingham.

(v) Enforcement

The City's development enforcement is generally based on a complaint-response process, whereby enforcement or regulation occurs only when a complaint is made at which time the City will act. The City's Development Compliance Officers investigate on average 400 complaints annually and, at any one time 60 complaints are actioned. When the City has received formal complaints regarding alleged unauthorised short-stay accommodation providers and other types of businesses within the district, they are investigated and the appropriate action taken.

Approximately half of complaints received by the City relate to untidy properties, with the balance of complaints related to land use compliance matters, such as unauthorised home occupations, commercial vehicle parking, and illegal clearing of vegetation. The City receives very few complaints related to short-stay accommodation. Only five (5) complaints were received by the City regarding short stay accommodation during the past year, of the 400 total complaints received. In 2016 and 2017, there was one (1) complaint received each year. Adjacent owner complaints related to whether or not Development Approval was granted by the City, arrival and departure times of guests, noise, number of guests and parking. Of these complaints, the City granted retrospective Development Approvals for most Short-Stay Accommodation providers to continue operating.

Under the Food Act 2008, the City of Rockingham is required to register all premises that prepare or provide food for sale. All accommodation providers that provide food for sale are registered with the City's Health Services, and inspected accordingly. Premises listed under Airbnb and similar websites that do not prepare food for sale or provide food for sale, are therefore exempt from the registration requirements of the Food Act 2008.

As referred to in the DPLH Options Paper, there are different construction standards, for fire safety and access requirements, between different classes of buildings. For buildings designed for short-term accommodation construction requirements are more onerous than residential buildings. For a building that has residential apartments these are considered a Class 2 building. If an apartment was used for short-stay accommodation it may be considered as a Class 3 and be required to comply with the relevant construction standard. Without a change in class, there is no trigger for the application of the Building Code of Australia (BCA). A single dwelling or unit being converted to a holiday home has no requirement to be assessed against the BCA.

**Implications to Consider**

a. **Consultation with the Community**
   The motion arose from the Annual Meeting of Electors held 19 December 2018.

b. **Consultation with Government Agencies**
   On 7 February 2019, the City contacted the Western Australian Local Government Association (WALGA) and provided a copy of its submission to the Economics and Industry Standing Committee. As representatives from WALGA have been invited to a hearing of the Committee on 13 February 2019, the City has sought WALGA's support to affirm to the Committee the need for a 'level playing field' for equality and consistency. The City also emphasised the need for a holistic approach in State wide regulations/legislation for all operators, rather than an ad-hoc local government by local government approach.
c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

**Aspiration 3:** Plan for Future Generations

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

d. Policy
The City’s Planning Policy No.3.3.2 - Bed and Breakfast Accommodation (PP3.3.2) sets out the planning objectives and policy provisions for the assessment and determination of applications for development approval for the establishment of Bed and Breakfast accommodation, as follows:

- Limits the occupancy to a maximum of 4 adults or one family and no more than two guest bedrooms for any proposal within a dwelling;
- Requires up to 2 additional parking bays;
- Advertising signage not exceeding 0.2sqm;
- Adjacent owners to be consulted before determination of an application; and
- House Rules to be prepared for occupants (cl.4.8)

PP3.3.2 also refers to the following Health and Building requirements:

- Comply with the *Health Act 1911*, *Food Act 2008*; (cl.4.5) and
- Smoke alarm system and lighting to assist evacuation (cl.4.6);

e. Financial
If Council decides to undertake immediate action against all unregistered Short-Stay Accommodation providers within the City of Rockingham, there will be financial implications as follows:

1. The cost of employing an additional 1 x full-time equivalent (FTE) Development Compliance Officer and 1 x FTE Planning Officer to investigate and undertake planning assessments of approximately 230 Short-Stay Accommodation applications is estimated to be $154,000 over a period of 12 months and recruitment for new positions can take 2-3 months. These costs are not included in the 2018/19 Budget or the City’s Business Plan.

2. Unregistered Short-Stay Accommodation providers will be required to lodge applications for Development Approval, together with the necessary food permits as required unless an exemption applies. The application cost for lodging an application for Development Approval is $295, and when the use has already been carried out there is a penalty fee which is twice that fee. The total fee is therefore $885 to apply for Development Approval for both Short-Stay Accommodation and Bed and Breakfast Establishments that are unregistered. The City’s Health Permit is $85, for Bed and Breakfast Establishments.

f. Legal and Statutory
The *Local Government Act 1995* requires Council to consider any decisions arising from the Annual Meeting of Electors and in making a decision in response, to also provide the reason for its decision.

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

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

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

Nil
Comments

The City is aware of concerns from local operators of Short-Stay Accommodation at the 'Inquiry into Short-Stay Accommodation Forum' (Forum) held on 25 October 2018, hosted by Tourism Rockingham.

Registered Short-Stay Accommodation operators in attendance objected to the lack of a 'level playing field', claiming there are over 200 Airbnb accommodation providers within the City that do not have the necessary planning or building approvals. The Forum response by registered Short-Stay Accommodation providers suggested that they are reporting a loss of bookings to unregistered short-stay accommodation providers. The City agrees that unregistered short-stay accommodation providers are disruptive new players in the sector and are impacting on registered operators.

The matter raised at the Annual Electors Meeting should be considered in the context of the State Parliament Economics and Industry Standing Committee (Committee) inquiry into Short-Stay Accommodation in Western Australia. The Committee has resolved to investigate and report on the adequacy of the regulation of Short-Stay holiday letting in Western Australia, covering issues including customer safety, insurance, land use planning, building standards, stay length, neighbourhood amenity, registration, licensing and taxation.

The DPLH Draft Options Paper (as described previously) outlines the key issues and approaches taken by other states and local government and considers options for how the State Government may seek to respond.

The City agrees with DPLH, in that local governments often lack the resources to enforce and proactively regulate. The City generally follows a complaint-response process, whereby no enforcement or regulation occurs unless a complaint is made at which time the City will act.

If the direction being recommended by the DPLH is supported based on the NSW approach, there could be a recommendation to Government to not regulate some types of accommodation (e.g. hosted accommodation – Bed and Breakfast). Given that the options available to Parliament range from minimal to substantial Government regulation, it would be premature for the City to undertake an advertising and registration campaign as advocated. The City could be undertaking an unnecessary action if Parliament changes the regulation framework applying to Short-Stay Accommodation.

The City also agrees that there should be a 'level playing field' for equality and consistency. A holistic approach is needed in State wide regulations/legislation for all operators, rather than an ad-hoc local government by local government approach. The City is awaiting direction from the Committee on its recommended approach on the adequacy of the regulation of Short-Stay holiday letting in Western Australia, where resolution of the Short-Stay holiday letting is needed as a priority.

The Economics and Industry Standing Committee will report to the House of the Legislative Assembly by 27 June 2019.

It is therefore recommended that Council not support the motion passed at the Annual Meeting of Electors.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS the continuation of its current operational approach to unregistered short-stay accommodation on a complaints basis, as it would be premature for the City to undertake an advertising and compliance campaign targeted at short-stay accommodation providers when the rules and regulations that govern the industry could change following the outcomes of the Parliamentary Inquiry into the regulation of Short-Stay Accommodation.
Committee Recommendation

Moved Cr Sammels, seconded Cr Jones:
That Council SUPPORTS the continuation of its current operational approach to unregistered short-stay accommodation on a complaints basis, as it would be premature for the City to undertake an advertising and compliance campaign targeted at short-stay accommodation providers when the rules and regulations that govern the industry could change following the outcomes of the Parliamentary Inquiry into the regulation of Short-Stay Accommodation.

Committee Voting – 5/0

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

Implications of the Changes to the Officer’s Recommendation
Not Applicable
### Purpose of Report

To detail the investigation and seek approval for actions associated with the following Council resolution from December 2018:

“That Council **DIRECTS** the Chief Executive Officer to investigate further options at the Rockingham Foreshore to increase parking capacity in the short term, to compensate for the on-street car parking reduced as a consequence of the townscape improvements currently being undertaken.”
Public Parking – Waterfront Village

The City’s approach to parking at the Waterfront Village has been informed by a number of initiatives over the years including the Rockingham Beach Carparking Strategy 2004, the Rockingham Beach Foreshore Master Plan 2015 (‘the Master Plan’) and the Rockingham Strategic Metropolitan Centre Parking Strategy 2017 (‘the Parking Strategy’).

Of particular relevance to this matter is the Master Plan which proposed the removal of some public parking within foreshore and road reserves in favour of pedestrian orientated spaces.

The current Rockingham Beach Foreshore Revitalisation works at Railway Terrace is the first stage of implementing the Master Plan which involves the removal of approximately 60 bays in order to accommodate the pedestrian focussed ‘Beach Plaza’ and new Railway Terrace street environment, with increased alfresco dining capacity.

In adopting the Master Plan in June 2015, the Council noted that its parking recommendations are predicated on the basis that there should be no net loss of public parking provision within the precinct throughout the implementation of the Master Plan.

In recognition of the above position, the original scope of the Rockingham Beach Foreshore Revitalisation works involved an expansion of the Wanliss Street foreshore carpark to off-set the loss of parking in Railway Terrace. Prior to the City proceeding to Tender for the construction of the works, the Development Application for the ‘Port Rockingham Marina’ was lodged which proposed a carpark and other improvements upon the land which the City intended to build the carpark. As a result, it was decided to not proceed with that element of the ‘Rockingham Beach Foreshore Revitalisation’ works.

On-street Parking Investigations

The ability to accommodate additional parking in proximity to Railway Terrace is limited to on-street bays, or within road reserve managed by the City.

The investigation carried out by the City considered opportunities within the streets that are within a walkable catchment to Railway Terrace, using the proposed ‘Beach Plaza’ as the destination point.

Planning policy, such as Liveable Neighbourhoods (WAPC 2009), consistently applies a maximum 400m/five (5) minute walkable catchment as the threshold where people are prepared to walk for ‘daily activities’. Under Liveable Neighbourhoods, this distance increases to 800m/ten (10) minutes to a train station or town centre.

The parking usage surveys conducted during the preparation of the Parking Strategy, and more recent surveys conducted by the City has confirmed that on all occasions there is available public parking.

The City’s surveys were carried out at various time intervals (generally between 12:00pm – 7:00pm) over weekdays and weekends in December 2018, January and early February 2019. The surveys have concluded that, on average, approximately 60% of the public parking bays are vacant with the lowest vacancy rate being 31.79%. Predictably, the availability of parking increases as the distance from the foreshore increases.

Of note is that the carpark at the Gary Holland Community Centre, which provides 265 parking bays without time restriction is between 250m – 300m from Railway Terrace (or the proposed ‘Beach Plaza’), however, during the survey period on average 40% of the bays are vacant. The Rockingham Museum carpark (80 bays) is similar at approximately 45%.

In the light of the above, the investigation has considered on-street parking potential within 400m of the proposed Beach Plaza, but has focussed on opportunities within 250m or less than a three (3) minute walk.

The 250m and 400m walkable catchment is depicted in Figure 1 below.
1. Walkable Catchments

Given the limited opportunities for additional on-street parking within the ‘Central Core’ of the Waterfront Village, or the streets generally east of Railway Terrace, the assessment has considered the streets to the west which are almost entirely residential in nature.

Along with the walkable catchment criteria mentioned above, the on-street parking assessment has considered the following factors:

(i) the width of the road reserve and its capacity to accommodate street parking;
(ii) the general location of servicing infrastructure;
(iii) the presence of existing crossovers servicing abutting dwellings; and
(iv) the distance from existing intersections.

There are circumstances where civil works will be required to create on-street bays in favour of existing verge areas. In some cases, where informal on-street parking already occurs, through line-marking and other prompts, the provision of bays can be increased.

The assessment has also considered the format of the bays, whether they be parallel or angled bays (45 degrees).

The following opportunities have been identified, as part of a concept planning exercise, which is shown in Figure 2 and discussed below. Detailed design will be required to confirm the final number of bays that can be delivered.
2. Additional Parking Opportunities

May Street (between Harrison Street and Parkin Street)
Located approximately 200m from the proposed ‘Beach Plaza’, May Street has the potential to deliver (ten) parallel bays within the eastern verge in the manner shown in Figure 3.

There are two dwellings abutting the proposed bays of which one has access from May Street.

3. May Street

Harrison Street (between Val Street and Florence Street)
Informal on-street parking currently occurs within Harrison Street, east of Val Street. An inspection of historical aerial images has confirmed that the average occupancy in Harrison Street is ten vehicles with the capacity restricted by uncontrolled parking behaviours.

Through line-marking, as depicted in Figure 4, the total capacity of Harrison Street is 23 bays, representing a 13 bay increase on the historical average.
4. Harrison Street

Esplanade (Val Street to Samuel Street)
The existing verge on the ocean side of Esplanade provides an opportunity to create a quantity of bays. There are two distinct sections, Val Street - Florence Street and Florence Street - Samuel Street.

The Val Street - Florence Street section is within 300m of the proposed ‘Beach Plaza’ but between about 60m - 180m from the restaurants adjacent to The Cruising Yacht Club at ‘The Boardwalk’ development. It is almost entirely turfed with no trees and limited street furniture.

Both parallel and angled (45 degree) bays can be accommodated as shown in Figures 5 and 6. Parallel bays will deliver 21 bays and angled bays 33 (including two accessible parking bays).

The angled bays would likely abut the pedestrian path and require the removal of street furniture.

5. Esplanade (Val Street - Florence Street) - Parallel Parking
6. Esplanade (Val Street - Florence Street) - Angled Parking

The Florence Street - Samuel Street section is predominantly outside the 400m catchment, but about 270m – 400m from the restaurants adjacent to The Cruising Yacht Club at ‘The Boardwalk’ development. It is almost entirely turfed, with four mature Norfolk Island Pines and some street furniture.

As with the other section, both parallel and angled (45 degree) bays can be accommodated as shown in Figures 7 and 8. Parallel bays will deliver 25 bays and angle bays 40 (including two accessible parking bays).

The angled bays would result in the need to relocate much of the pedestrian path into the fore dune (should approval be received), impact the existing Norfolk Island Pines and require the removal of street furniture.

7. Esplanade (Florence Street to Samuel Street) - Parallel Parking

8. Esplanade (Florence Street - Samuel Street) - Angled Parking

Florence Street (Esplanade to Harrison Street)

On-street parking currently occurs on both sides of Florence Street which is essentially informal given the lack of line-marking. It is located about 350m from the ‘Beach Plaza’.
An inspection of historical aerial images has confirmed that the average occupancy in Florence Street is eight vehicles with the capacity restricted by uncontrolled parking behaviours. Through line-marking, as depicted in Figure 9, the total capacity of Florence Street is 16 bays, representing a 8 bay increase on the historical average.

Other on-street parking opportunities have been identified which are located on the edge, or beyond, the walkable catchment, such as May Street (south of Parkin Street), Ray Street and Patterson Road. Given current behaviours and the likelihood that parking in these locations would not be used, they have not been assessed.

### Implications to Consider

<table>
<thead>
<tr>
<th>a. Consultation with the Community</th>
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<tbody>
<tr>
<td>In the event that Council approves the proposed on-street parking opportunities for the purpose of community consultation, the City will invite comment from the affected landowners/residents prior to the matter being referred back to Council.</td>
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<th>b. Consultation with Government Agencies</th>
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<td>Nil</td>
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<th>c. Strategic</th>
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<tr>
<td><strong>Community Plan</strong></td>
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<tr>
<td>This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2019-2029:</td>
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<tr>
<td><strong>Aspiration 1:</strong> Actively Pursue Tourism and Economic Development</td>
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<td><strong>Strategic Objective:</strong> Coastal Destination - Promote the City as the premier metropolitan coastal tourism destination.</td>
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<th>d. Policy</th>
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<th>e. Financial</th>
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<td>The preliminary cost estimates for the proposed options presented above are as follows:</td>
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<tr>
<td>(i) Esplanade angled parking - $325,000</td>
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<td>(ii) Esplanade parallel parking - $120,000</td>
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<td>(iii) May Street parallel parking - $41,000</td>
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<td>(iv) Florence Street - $1,400</td>
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<td>(v) Harrison Street - $3,000</td>
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<td>There is currently no funding within the current Budget or the City's Business Plan for these works.</td>
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</table>
f. Legal and Statutory

Nil

g. Risk

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

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

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

Nil

Comments

The on-street parking opportunities listed above could potentially derive between 77 - 104 bays which comprises new bays and line-marking to ensure that existing resources are optimised. In some cases, the line marking will occur in front of redevelopment sites which may need to be rationalised in the event that the site is developed. Under some scenarios, accessible parking bays can be included.

All opportunities are within residential streets and the input from the abutting residents will be an important consideration.

In terms of process, the next stage involves the preferred options being the subject of community consultation prior to the matter being referred back to Council for approval to proceed to detailed design. In doing so, Council will be aware of the funding implications and will need to consider allocating resources accordingly.

Based on the assessment detailed above, it is recommended that the options for May Street, Harrison Street and Florence Street progress to community consultation.

The placement of bays in the verge on Esplanade represents a substantial change to the current amenity which is a well-maintained, turfed verge between the road and a parallel pedestrian path then the dune/beach environment. The character of this section of Esplanade is different to that west of the Palm Beach Jetty which has a large quantity of angled bays on the ‘beach-side’ separated by the boat ramps, trailer parking and other infrastructure opposite Rotary Park.

It is noted that the Rockingham Beach Foreshore Master Plan (2015) does not recommend that the character of this foreshore/verge be amended, as a result, any decision to introduce parking represents a variation to the Master Plan.

Any proposal to locate bays within the verge of Esplanade will reduce the existing amenity of the area and is likely to be scrutinised by adjacent residents and potentially other interested stakeholders.

Although the angled bay format delivers the largest quantity of bays, it is more obtrusive and results in the majority of the turf being removed which will detract from the current amenity. In order to balance the preservation of amenity with the provision of parking, it is recommended that parallel bays be progressed. Additionally, it is noted that Australian Standard recommends parallel bays over angled parking due to comparatively better safety benefits.

The proximity of the Val Street - Florence Street section means that it is a more attractive proposition than the Florence Street - Samuel Street section. In saying that, the easternmost bays in the Florence Street - Samuel Street section is 400m from ‘The Boardwalk’ and it is likely that people would be more likely to walk this distance given the nature of the pedestrian environment. It is recommended that the full Esplanade option be progressed to community consultation.

As an alternative, there are compromise options one of which involves the construction of a quantity of angled bays (say 20) within the Esplanade verge close to Val Street and the ‘The Boardwalk’. This would provide for proximate parking to the commercial uses and retain the majority of the verge in its current state albeit at a greatly reduced capacity.

Voting Requirements

Simple Majority
### Officer Recommendation

That Council **APPROVES**, for the purposes of community consultation, the preliminary on-street parking opportunities for Harrison Street (Val Street - Florence Street), May Street, Florence Street and Esplanade (Val Street - Samuel Street).

### Committee Recommendation

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

That Council **APPROVES**, for the purposes of community consultation, the preliminary on-street parking opportunities for Harrison Street (Val Street - Florence Street), May Street, Florence Street and Esplanade (Val Street - Samuel Street).

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: PD-011/19 Proposed Change to Parking Controls - Timed Parking Restrictions - Waterfront Village

File No: LUP/1980-03
Proponent/s: Mr Peter Ricci, Manager Major Planning Projects
Author: Mr Bob Jeans, Director Planning and Development Services
Other Contributors: Mr David Caporn, Manager Compliance and Emergency Liaison
Date of Committee Meeting: 18 February 2019
Previously before Council: 22 January 2019 (GM-001/19)
Disclosure of Interest: Executive

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

1. Existing Time Restrictions
2. Waterfront Village ‘Central Core’
3. Proposed Time Restrictions

Purpose of Report

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

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

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

The purpose of this report is to consider point (i) above in the context of reviewing time restrictions for the various public parking locations within the Waterfront Village precinct.

Point (ii) is being addressed through Item EP-003/19 on this agenda and point (iii) was considered by Council at its Ordinary meeting held on the 22 January 2019.
Background

The Local Government Act 1995 requires Council to consider any decisions arising from the Annual Meeting of Electors and in making a decision in response, to also provide the reason for its decision.

The minutes of the Annual Meeting of Electors held 19 December 2018 were presented to the January 2019 Council meeting where it was resolved to director the Chief Executive Officer to prepare reports for Council consideration at its February 2019 meeting on the implications of each of the motions passed.

One such motion was seeking the City to address issues around timed parking restrictions in the Waterfront Village area.

The City’s strategic approach to parking at the Waterfront Village was initially contained within the Rockingham Beach Car Parking Strategy (2004) which recommended that short term parking be provided on Kent Street, Railway Terrace, Rockingham Beach Road and on Flinders Lane and Wanliss Street, north of Kent Street. It also recommended that a variety of short term parking restrictions be provided to meet the needs of the various visitors and that a maximum stay of two hours be imposed.

The Rockingham Beach Car Parking Strategy (2004) also acknowledged that some beach users and picnickers may want to drop heavy goods and people close to their destination and that a quantity of short term, five minute ‘drop-off’ bays be provided. In terms of additional parking provision for long term visitors, it recommended that capacity be increased by building decks above the proposed off-street public carparks south of Kent Street (ie. Gary Holland Community Centre and Rockingham Museum) when demand warrants.

The Waterfront Village has evolved in accordance with the above philosophy including the construction of the Gary Holland Community Centre carpark in 2006 and the Museum carpark in 2011 (both at-grade). The carparks have been designed to accommodate decks when demand warrants and funds are allocated.

In December 2017, Council adopted the Community Plan Strategy - Rockingham Strategic Metropolitan Centre Public Parking ('the Parking Strategy') which built on the findings of the 2004 Strategy.

Details

The Parking Strategy contains a number of Actions aimed at strategically addressing public parking management and provision. It contains various ‘Outcomes’ and ‘Actions’ that are designed to meet the following objectives:

(i) Manage the existing supply of public parking relative to current demand.
(ii) Ensure that the provision of additional parking is sufficient to meet future demand.
(iii) Ensure all public parking provision is consistent with the broader strategic objectives for the City Centre and Waterfront Village.

The following ‘Action’ appears under the heading of ‘Public Parking Management’:

- Review existing time parking restrictions so as to support the City’s strategic objectives for the Sectors’ (i.e. City Centre and Waterfront Village Sectors).

The Parking Strategy states that the methodology applied to time restrictions should 'build on the City’s strategic approach to parking at the Waterfront Village where long term visitors should park in the off-street parking stations south of Kent Street allowing access close to the foreshore for short-term visitors.'

In doing so, the Parking Strategy recommends that ‘the City review and simplify the diversity of on-street parking restrictions to better manage parking demands in accordance with the following principles:

(i) The provision of on-street parking should support the primary activities and land uses in the street. In commercial areas, parking associated with business should take priority, including short-term parking for clients and customers. Spaces should be allocated on the basis of the most sought after spaces being available to the greatest number of people.
(ii) In the Central Core of each Sector, the following actions are recommended:
- On-street parking in the main streets is primarily provided for business activity and should be short-term and provision for loading, taxis and drop-off and pick-up.
- There should be no long-term (more than 3 hours) on-street parking.
- On-street parking for longer term stays should be provided outside the Central Core.

(iii) Reduced number of time zones and operational hours:
- 30 minute 8am-6pm Mon-Sun - near commercial facilities providing a high level of convenience including newsagents and post offices, as well as pick-up and drop-off.
- 2 hour parking 8am-6pm Mon-Sun - for general main street environment enabling multiple shop visits.
- 3 hour parking 8am-6pm Mon-Sun - longer stay tourist and visitor parking, also for areas of development with personal and professional services.

The City’s Parking Strategy is consistent with the position of the State Government in documents such as the Department of Transport's Parking Guidelines for Activity Centres (‘the Guideline’) which has as a Principle:
“- parking within centres should be located so that long stay/commuter public parking is located to the edge of a centre, and short stay parking is given priority in central locations close to destinations which attract large numbers of visitors/users.”

The Guideline also states that, in terms of managing parking, the following key principle applies:
“- on-street parking should be managed to benefit short stay users and to promote economic or social wellbeing goals for the centre.”

The above position is reiterated in State Planning Policy 4.2 - Activity Centres for Perth and Peel which states “that planning of activity centres should prioritise access by different users and modes, eg. central locations for short-stay parking with commuter and long term parking near the edge of centres.”

Existing Time Restrictions
The existing public parking time restrictions at the Waterfront Village are depicted in Figure 1 below. In essence, it involves the following:
- No time limit for the on-street bays abutting Bell and Churchill Parks (‘park-side’);
- No time limit (other than one 15 minute bay) within the off-street foreshore carparks at the end of Flinders Lane and Wanliss Street.
- 30 minute bays on Railway Terrace*, Rockingham Beach Road, between Railway Terrace and Flinders Lane (shop-side), Harrison Street and Flinders Lane, between Rockingham Beach Road and Kent Street.
- 30 minute bays on Kent Street, between Railway Terrace and Flinders Lane.
- No time limit for the other on-street bays and the off-street carparks at the Gary Holland Community Centre and Rockingham Museum.

It should be noted that this assessment does not include accessible parking bays. It also does not include motorcycle parking bays which are currently placed on Rockingham Beach Road (11 bays – no time limit) and Railway Terrace (4 bays – 2 hours and 2 bays – 30 minutes*).

It should also be noted that there are two five minute ‘drop-off’ bays on Rockingham Beach Road, either side of the intersection of Railway Terrace, and a 15 minute bay in the Flinders Lane foreshore carpark.

*Note: the twenty three (23) new carparking bays and six motorcycle bays in Railway Terrace, along with one 5 minute bay created as part of the Rockingham Beach Revitalisation Project have been allocated time restrictions in keeping with the guidance provided by the Parking Strategy as an interim measure pending this broader assessment of time restrictions throughout the Waterfront Village precinct.
1. Existing Time Restrictions

It should also be noted that the time restrictions are from 8am - 6pm and outside of these hours there is no limit.

### Implications to Consider

a. **Consultation with the Community**
   The City will consult with all traders and other stakeholders on the proposed amendments to the parking controls, and consider the feedback that is received in recommending adoption.
   The consultation will be conducted through the ‘Share Yours Thoughts’ portal on the City’s website and be open for at least three weeks.

b. **Consultation with Government Agencies**
   Nil

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2019-2029:
   
   **Aspiration 1:** Actively Pursue Tourism and Economic Development
   
   **Strategic Objective:** Coastal Destination - Promote the City as the premier metropolitan coastal tourism destination.

d. **Policy**
   Nil

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


"1.10 The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

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

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

g. Risk

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

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

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

Nil

Comments

The Parking Strategy provides direction in terms of the time restrictions that should be imposed for public parking at the Waterfront Village.

To apply the recommendations within the Parking Strategy it is necessary to define the ‘Central Core’ of the precinct and reconcile the existing commercial activities/land uses. Apart from visiting the Waterfront Village to frequent the commercial uses, it is also necessary to consider the other purposes for which commuters visit the precinct.

The ‘Central Core’, or the area where the primary activity and attraction occurs, is considered to be the area depicted in Figure 2 below. The parking surveys conducted in 2017 as part of the Parking Strategy, and more recent parking surveys conducted by the City, confirm that the demand for parking in these areas is the strongest. It also contains the largest concentration of commercial uses and abuts Churchill Park which is the most patronised foreshore park within the precinct.
2. Waterfront Village ‘Central Core’

In terms of a land use profile, the following observations are provided:

- Railway Terrace - predominantly food and beverage with some retail/office. Most food and beverage outlets between Kent Street and Rockingham Beach Road are takeaway by nature other than the licensed premises at the corner of Railway Terrace and Kent Street. With respect to the commercial uses at the foreshore end of Railway Terrace (within ‘The Boardwalk’ development), it is predominantly food and beverage (dine-in) along with some retail and office tenancies.

- Rockingham Beach Road (Railway Terrace to Flinders Lane) - mix of food and beverage (predominantly dine-in) and retail.

- Kent Street (Railway Terrace to Flinders Lane) - dedicated as the ‘main street’ within the Waterfront Village which contains a mix of commercial uses including food and beverage, office and retail.

- Harrison Street - mix of retail, office and food outlets.

- Val Street – one office tenancy and Yacht Club (which has an adjacent private parking facility). In close proximity to the dine-in food and beverage outlets fronting the beach within ‘The Boardwalk’.

- Flinders Lane (Rockingham Beach Road to Kent Street) - mix of retail and takeaway food.

Note: In some circumstances there are residential uses above the commercial ground floor, however, these residential uses have not been considered in this assessment as they are serviced by private on-site parking facilities.

The other factor which needs to be considered in allocating time limits is that the primary purpose of some visitors is to use the foreshore parks and the beach. The length of stay for these activities will vary but likely to be in excess of one hour.

Against the above, and considering the principles contained with the Parking Strategy, the following time restrictions are recommended for the ‘Central Core’ of the Precinct and depicted in Figure 3:
<table>
<thead>
<tr>
<th>Street</th>
<th>Current</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway Terrace</td>
<td>30 minutes*</td>
<td>30 minutes</td>
<td>The predominance of takeaway food and beverage outlets and the attraction of parking in Railway Terrace, lends itself to a high turnover of vehicles. From recent observations, it is apparent that this approach is working as there is regularly parking available during the day.</td>
</tr>
<tr>
<td></td>
<td>+ motorcycle bays - 30 minute (two in total) and 2 hour (four in total) motorcycle bays</td>
<td>(15 in total) and 2 hours (8 in total) + motorcycle bays - 30 minute (two in total) and 2 hour (four in total) motorcycle bays</td>
<td>The proprietor of the premises on the corner of Railway Terrace and Kent Street (‘Vat 116’) has requested that two hour bays be allocated to cater for customer needs. This sentiment has also been expressed by other parties. Under the guidance in the Parking Strategy for the ‘Central Core’, there is a basis to provide time limits between 30 minutes and three hours for this location. In saying that, there are untimed bays less than 200m from ‘Vat 116’ within the Gary Holland Community Centre carpark and a private carpark behind the premises. Based on current land use, and to reflect the previous time restriction in Railway Terrace, it is recommended that a mix of 30 minute bays (15 in total) and two hour (8 in total) be provided in Railway Terrace.</td>
</tr>
<tr>
<td>Rockingham Beach Road – Railway Terrace to Flinders Lane (abutting Churchill Park)</td>
<td>No limit + one 5 minute bay</td>
<td>2 hours (between Railway Terrace and the pedestrian crosswalk) and 3 hours (between the pedestrian crosswalk and Flinders Lane) + 2 5 minutes bays</td>
<td>To allow a turnover of bays for those frequenting the park, beach and/or the adjacent food and beverage outlets, there is a basis to apply the upper end of the time limits recommended in the Parking Strategy for the ‘Central Core’. A mix of 2 hour bays and 3 hours bays are recommended. In this regard, the bays west of the pedestrian crosswalk are proposed to be 2 hours and the bays to the east (closer to Flinders Lane) 3 hours. This reflects the fact that the intensity of commercial use is lower at the Flinders Lane end and it provides the opportunity for a longer stay. For those wanting an extended stay, there will be untimed bays on Rockingham Beach Road, east of Flinders Lane abutting Bell Park, the Wanliss Street foreshore carpark and the other parking resources in proximity including those south of Kent Street.</td>
</tr>
<tr>
<td>Street</td>
<td>Current</td>
<td>Proposed</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------</td>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rockingham Beach Road- Railway Terrace to Flinders Lane (abutting shops)</td>
<td>30 minutes</td>
<td><strong>30 minutes</strong></td>
<td>To allow for goods, people etc to be dropped off in proximity to the foreshore, it is recommended that the provision of ‘drop-off’ bays be increased from one to two with the new 5 minute bay being located adjacent to the crosswalk on Rockingham Beach Road.</td>
</tr>
<tr>
<td>Kent Street - Railway Terrace - Flinders Lane</td>
<td>30 minutes</td>
<td><strong>30 minutes</strong></td>
<td>No change proposed - the turnover of bays adjacent to the shops and cafes should continue to be facilitated.</td>
</tr>
<tr>
<td>Harrison Street</td>
<td>30 minutes + one 5 minute bay</td>
<td><strong>30 minutes + one 5 minute bay</strong></td>
<td>No change proposed.</td>
</tr>
<tr>
<td>Val Street</td>
<td>No limit</td>
<td><strong>2 hours</strong></td>
<td>To allow a turnover of bays for those frequenting the adjacent food and beverage outlets and beach, there is a basis to apply the same approach as the bays on Rockingham Beach Road (west).</td>
</tr>
<tr>
<td>Flinders Lane</td>
<td>30 minutes</td>
<td><strong>30 minutes</strong></td>
<td>No change proposed.</td>
</tr>
<tr>
<td>Flinders Lane Foreshore Carpark</td>
<td>No limit + one 15 minute bay</td>
<td><strong>3 hours + one 5 minute bay</strong></td>
<td>This foreshore carpark is a desirable destination that should attract the upper end of the times limits recommended in the Parking Strategy. For consistency, it is recommended that the existing 15 minute bay be amended to 5 minutes. This carpark is popular for those accessing the Rockingham Dive Trail and a 3 hour limit should cater for their needs. If a longer stay is desired, the 5 minute bay can be used to deliver/collect equipment and the vehicle can be parked in the proximate untimed bays.</td>
</tr>
</tbody>
</table>

* As mentioned above, the existing 30 minute bays are an interim measure. Prior to the Rockingham Beach Foreshore Revitalisation works commencing there was a combination of 30 minute bays (on the western side) and two hour parking median parking. There was no parking on the eastern side.
3. Proposed Time Restrictions

There are no changes proposed to the time restrictions outside of the ‘Central Core’ which includes the bays on Rockingham Beach Road abutting Bell Park which currently have no time limit. In this regard, there is substantial public parking available in this vicinity to service the adjacent commercial uses, which are concentrated at the Wanliss Street end.

There is reference above to short-term bays to allow goods, people etc to be dropped-off close to the destination following which the vehicle is parked in the long-term bays. The proposed approach involves a total of four (4), 5 minute bays. Three are proposed along Rockingham Beach Road and one within the Flinders Lane foreshore carpark (currently a 15 minute bay).

It is therefore recommended that the proposed changes to the timed parking restrictions be circulated to the traders and other stakeholders for comment so that all feedback can be properly considered prior to it being referred to Council for adoption.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES, for the purpose of community consultation, proposed changes to the Parking Controls – Timed Parking Restriction for Railway Terrace, Rockingham Beach Road, Val Street and the Flinders Lane foreshore carpark, as depicted below.
Railway Terrace

Rockingham Beach Road (west)
Rockingham Beach Road (east)

Flinders Lane Foreshore Carpark
Committee Recommendation

Moved Cr Jones, seconded Cr Hamblin:
That Council APPROVES, for the purpose of community consultation, proposed changes to the Parking Controls – Timed Parking Restriction for Railway Terrace, Rockingham Beach Road, Val Street and the Flinders Lane foreshore carpark, as depicted below.
Rockingham Beach Road (east)

Flinders Lane Foreshore Carpark
The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
### Purpose of Report

For Council to consider the following resolution from the Annual Electors Meeting held on 19 December 2018:

> "That Council take the following action in relation to the developments in Railway Terrace:

1. Immediately change the parking restrictions from "half hour" to "two hours"
2. Install appropriate "Disabled Parking Bays" on both sides of Railway Terrace
3. Defer the recommencement of construction works as late as possible into 2019."

The purpose of this report is to address point two in the context of the disability parking within the Rockingham Beach Foreshore Revitalisation project area. Point one will be addressed through PD-010/19 within this agenda and point three was addressed at the January 2019 Ordinary meeting of Council.

**Background**

The Local Government Act 1995 requires Council to consider any decisions arising from the Annual Meeting of Electors and in making a decision in response, to also provide the reason for its decision.

The minutes of the Annual Meeting of Electors held 19 December 2018 were presented to the January 2019 Council meeting where it was resolved to direct the CEO to prepare reports for Council consideration at its February 2019 meeting on the implications of each of the motions passed.

The Rockingham Beach Foreshore is an iconic destination which was awarded the Western Australia's Clean Beach Award in 2010. In the period since, customer expectations have increased and it was recognised that the Rockingham Foreshore was in need of additional recreational and cultural attractions as well as a more contemporary design. To address this, the City completed a master plan of the foreshore in 2015 with the ultimate vision of seeing 'the Rockingham Beach Foreshore elevated to its rightful place as an attraction of local, state and national significance'. The master plan provided clear links to the City's Economic Development Strategy 2014-2017 and included the following:

- Enhanced local and regional economic development;
- Leads to increased investment in the area;
- Provides increased visual amenity; and
- Results in improved performance of the foreshore as a destination for all age groups, both locals and tourists.

The Rockingham Beach Foreshore Master Plan (RBFMP) was adopted by Council in 2015 and the contract for the design was awarded in 2016. A major component of the master plan and design processes involved consultation with Councillors, local businesses, community, advocacy and residents groups to identify the key elements to be included in the revitalisation project.

The consultation identified numerous preferences which would enhance the foreshore experience. One of the key themes was to create an environment that is family friendly catering for a diverse range of people and recognising the need to prioritise universal access.

The designs were completed in 2017 and construction began in July 2018. The majority of the civil construction works on Railway Terrace are now complete with the new road layout, underground services, bus bay, bus shelter, pathways and parking bays installed.

1. Railway Terrace - Major Civil Works Complete

The remaining project work to be completed on Railway Terrace consists of above ground finishing works such as the installation of furniture; eating pod structures; light poles; trees and garden bed planting.
Details

As a result of community feedback, the main elements within the project area have been designed with universal access as a key consideration, including features such as the park furniture, footpaths, beach access, boardwalk and car parking. In relation to accessible parking bays car parking, the below aerial image from 2017 indicates where the bays were previously located within the “Horseshoe Carpark” on Railway Terrace.

2. Previous accessible parking bays within the Horseshoe Carpark

Due to the removal of the horseshoe carpark, four new bays have been installed on Rockingham Beach Road as shown in the images below.

3. New accessible parking bays on Rockingham Beach Road
4. Four new accessible parking bays on Rockingham Beach Road

The new accessible parking bays are designed to AS2890.6 2009 Part 6: Off-street parking for people with disabilities. The standard sets out minimum dimensions for accessible parking bays and also maximum gradients and cross falls. The accessible parking bays are located central to the project area providing the most practical access to the Beach Plaza, Boardwalk, and Railway Terrace. The five minute drop off bay has also been relocated adjacent to the new accessible parking bays.

**Implications to Consider**

a. **Consultation with the Community**

Extensive community consultation and stakeholder engagement was conducted between August and October 2016. Over 900 people contributed to the consultation. Of these, at least 120 engaged directly with the project team through site attendances, workshops, and canvassing of opinions at the Foreshore. Direct contact with active foreshore users enabled targeting of user groups such as young families, youth and disabled to ensure that a broad cross section of the community provided input into the design process.

There were a total of five comments regarding accessible parking bays parking.

- three of these were requesting accessible parking bays as close as possible to the beach,
- one was requesting additional accessible parking bays in general, and
- one was feeding into a pre-design activity.

A presentation on the accessibility considerations of the project was provided to the Disability Access and Inclusion Committee meeting on 11 October 2017. The Committee was satisfied with the proposed outcomes of the project.

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 and Strategic Objectives contained in the Strategic Community Plan 2019-2029:

**Aspiration 1:** Actively Pursue Tourism and Economic Development

**Strategic Objective:** Coastal destination - Promote the City as the premier metropolitan coastal tourism destination.
Strategic Objective: Investment attraction - Attract local and international investment to the City to contribute to the local economy.

Aspiration 2: Grow and Nurture Community Connectedness and Wellbeing

Strategic Objective: Accessibility - Ensure that the City’s infrastructure and services are accessible to seniors and to people with a disability.

Strategic Objective: Services and facilities - Provide cost effective services and facilities which meet community needs.

d. Policy
Nil

e. Financial
The financial implications of retrospectively installing accessible parking bays on Railway Terrace have not been fully costed due to the significant design work required. In order to progress this matter, a variation to the contract will need to be costed by the contractor and approved. An initial estimate provides that the cost would be in the vicinity of $60,000 excluding service relocation or traffic management costs.

f. Legal and Statutory
Section 5.33(2) of the Local Government Act 1995 (the Act) states that –
(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reason for the decision are to be recorded in the minutes of the council meeting.

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

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

Project Management - High
The installation of accessible parking bays on Railway Terrace will have impacts on the project completion date if service relocation is required.

Customer Service - Extreme
The reconstruction work required will have impacts on adjacent business operations and community amenity, with the loss of access during the works and the permanent loss of a number of standard parking bays.

Comments
There are no current standards for the number of accessible parking bays to be provided in public areas, with existing standards relating only to specific building types. For larger premises and open areas the standards typically specify one-two parking bays per 100 parking bays.

The 2015 Rockingham Beach Foreshore Master Plan parking analysis of the Foreshore area (including back to the Gary Holland Centre) identified a ratio of 2.5:100 (accessible parking bays: standard parking bays), which exceeds the standards for similar environments.

Prior to works commencing on the Foreshore Revitalisation project, there were no accessible parking bays within the main section of Railway Terrace. Feedback during the consultation process, was considered through the design process and incorporated into the detailed design.

In recognising the importance of providing suitably located accessible parking bays as part of the revitalisation project, the City considered both the number and location of these bays within the project area. The accessible parking bays for the Foreshore project were therefore assigned according to the following criteria:
1. Replace lost accessible parking bays from Railway Terrace
2. Provide additional accessible parking bays
3. Provide the parking bays as close to the main activity areas (Boardwalk, Beach Plaza, beach and Park) as possible.

Hence the provision four new accessible parking bays on Rockingham Beach Road in the immediate vicinity of the Beach Plaza, event spaces and with universal access to Railway Terrace across the at-grade intersection with Rockingham Beach Road. These are in addition to the two accessible parking bays that already exist on Val Street and those provided in private property in the surrounding area.

The philosophy generally undertaken in positioning accessible parking bays is to locate them in areas that have good access to amenities. Within the vicinity of the Rockingham Foreshore, there are 32 accessible parking bays providing access to a variety of facilities. The accessible parking bays provided in Rockingham Beach Road are part of the overall provision of bays in the area and should not be considered in isolation. The image in Figure 5 indicates where accessible parking bays are located close to the foreshore.
5. Aerial view of accessible parking bays within the Foreshore Precinct (blue symbols)
The installation of new accessible parking bays will result in the loss of two standard bays for each accessible parking bay if created individually, or three parking bays to create two adjacent 'accessible parking bays.' Implementing 'accessible parking bays' in Railway Terrace will therefore further reduce the number of standard parking bays available in this location.

'Accessible parking bays' are required to be located close to a flat surface (a 1:40 grade maximum) in accordance with Australian Standards, however, the car parking grades on Railway Terrace are generally steeper than this requirement. This limitation was a contributing factor which saw the co-location of the accessible parking bays in their current location on Rockingham Beach Road.

In order to install accessible parking bays in Railway Terrace, significant re-engineering, redesign and construction would be required. The reconstruction will require traffic management and may necessitate the closure of Railway Terrace for a period of time, directly impacting nearby businesses and the community.

In summary, implementing additional accessible parking bays in Railway Terrace will not improve the universal access outcomes already achieved as part of this project and may:

- Have significant impacts on the project budget and timeline;
- Further impact on business operations during construction, and
- Result in the loss of up to twice as many normal car parking bays in Railway Terrace.

For these reasons, the City recommends retaining the current parking layout with four accessible parking bays provided on Rockingham Beach Road.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **SUPPORTS** the universal access outcomes already achieved as part of the Rockingham Beach Foreshore Revitalisation project due to the high number of accessible parking bays already within the Foreshore Precinct and the consequential loss of standard parking bays.

### Committee Recommendation

Moved Cr Jones, seconded Cr Sammels:

That Council **SUPPORTS** the universal access outcomes already achieved as part of the Rockingham Beach Foreshore Revitalisation project due to the high number of accessible parking bays already within the Foreshore Precinct and the consequential loss of standard parking bays.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Purpose of Report

Provide Council with details of the tenders received for Tender T18/19-18 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis East, document the results of the tender assessment and make recommendations regarding award of the tender.

### Background

Tender T18/19-18 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis East was advertised in the West Australian on Saturday, 15 December 2018 and the Sound Telegraph on Wednesday, 19 December 2018. The Tender closed at 2:00pm, Wednesday, 23 January 2019 and was publicly opened immediately after the closing time.
Details

The scope of services is for landscape maintenance to approximately 73 hectares of public reserves and streetscapes in Baldivis East, bounded by Nairn Drive, Bramall Terrace and the Kwinana Freeway, as described in the following maps.

1. Baldivis Reserves Map 1
2. Baldivis Reserves Map 2
3. Baldivis Reserves Map 3
4. Baldivis Streetscapes Map 1
5. Baldivis Streetscapes Map 2

6. Baldivis Streetscape Map 3
7. Baldivis Streetscapes Map 4

The services to be provided under this contract will include:

- manage, treat and maintain turfed areas;
- manage, treat and maintain garden beds;
- manage, treat and maintain streetscapes;
- maintain trees;
- maintain water features;
- maintain and operate irrigation systems; and
provide an infill plant replacement program.

The period of the contract shall be from the date of award until 30 June 2022.

A tender assessment panel comprised of Mr Adam Johnston, A/Director Engineering and Parks Services, Mr Stephan Timbrell, Coordinator Projects and Contracts - Parks Services and Mr Aaron Osinski, Contract Management Supervisor - Parks Services, evaluated all submissions in accordance with the tender assessment criteria.

The City received a total of ten tender submissions.

The tender submission received from Colin & Christopher Richardson, Skyline Landscape Services Group t/a Skyline Landscape Services (WA) made clarifying statements relating to the scope of works that were not considered acceptable. Therefore this submission was deemed non-conforming and was not assessed.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max. Points</th>
<th>Level of Service 30 Pts</th>
<th>Understanding of Tender Requirements 30 Pts</th>
<th>Tendered Price/s 30 Pts</th>
<th>Total Weighted Scores 90 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanpoint Pty Ltd t/a LD Total</td>
<td>21.18</td>
<td>24.38</td>
<td>20.50</td>
<td>66.00</td>
<td></td>
</tr>
<tr>
<td>Gemlodge Pty Ltd ATF the Allwest Projects Unit Trust t/a Coby Maintenance Services</td>
<td>21.84</td>
<td>23.50</td>
<td>19.20</td>
<td>64.50</td>
<td></td>
</tr>
<tr>
<td>ELM (WA) Pty Ltd t/a Estate Landscape Maintenance</td>
<td>16.82</td>
<td>14.83</td>
<td>30.0</td>
<td>61.70</td>
<td></td>
</tr>
<tr>
<td>Linkbuild Building &amp; Landscaping Pty Ltd</td>
<td>13.38</td>
<td>10.92</td>
<td>23.90</td>
<td>48.20</td>
<td></td>
</tr>
<tr>
<td>Lochness Unit Trust for LLS Aust Pty Ltd t/a Lochness Landscape Services</td>
<td>21.38</td>
<td>11.25</td>
<td>13.60</td>
<td>46.20</td>
<td></td>
</tr>
<tr>
<td>Environmental Industries Pty Ltd t/a Environmental Industries</td>
<td>15.02</td>
<td>13.13</td>
<td>15.60</td>
<td>43.80</td>
<td></td>
</tr>
<tr>
<td>Tim Davies Landscaping Pty Ltd</td>
<td>13.03</td>
<td>8.54</td>
<td>17.70</td>
<td>39.30</td>
<td></td>
</tr>
<tr>
<td>Horizon West Landscape &amp; Irrigation Pty Ltd</td>
<td>12.77</td>
<td>11.46</td>
<td>14.90</td>
<td>39.10</td>
<td></td>
</tr>
<tr>
<td>Deep Green Corporation Pty Ltd t/a Deep Green Landscaping</td>
<td>12.39</td>
<td>12.50</td>
<td>14.20</td>
<td>39.10</td>
<td></td>
</tr>
</tbody>
</table>

The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last complete CPI quarter as at the date the price variation is due.

**Implications to Consider**

a. Consultation with the Community
   - Not Applicable

b. Consultation with Government Agencies
   - Not Applicable

c. Strategic
   - Community Plan
     - This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Strategic Community Plan 2019-2029:

     **Aspiration 2:** Grow and Nurture Community Connectedness and Wellbeing
Strategic Objective: Services and facilities - Provide cost effective services and facilities which meet community needs.

Aspiration 4: Deliver Quality Leadership and Business Expertise

Strategic Objective: Management of current assets - Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.

d. Policy

In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. Financial

Expenditure will be in accordance with the Engineering and Parks Services operational maintenance budgets for the period of the contract.

Expenditure on previous contracts covering the same areas was $1,020,449 per annum. LD Total’s tendered lump sum price is $1,061,252.19 per annum. This represents good value for the City as the specification for this contract requires an improved level of service delivery.

f. Legal and Statutory


‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

g. Risk

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

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

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

Nil

Comments

The City has previously administered three period landscape maintenance contracts for public open space and streetscapes within the geographical areas of Baldivis South, Baldivis Central and Rivergums. These contracts have been consolidated into one new contract in order to achieve best value for the City and improve contract administration efficiencies.

Of the submissions received, with the exception of Linkbuild Building & Landscaping Pty Ltd, all tenderers provided adequate information regarding their company structure, key personnel, industry experience, mobilisation plan and quality systems. The highest scores were received by LD Total, Cobey Maintenance Services and Lochness Landscape Services.

The understanding of levels of service varied considerably between submissions. Tenders were requested to show their understanding of works required by submitting a draft programme of works, maintenance plan, resources and equipment to be used, planting program and any other supporting information that demonstrated they could successfully complete the contract. LD Total, Cobey Maintenance Services and Environmental Industries scored highest in their understanding of tender requirements.

Estate Landscape Maintenance and Linkbuild Building and Landscaping provided the lowest price consideration, however, it was not considered to provide best value for the City due to their significantly lower scores on the qualitative criteria: Level of Service and Understanding of Tender Requirements.
LD Total and Cobey Maintenance Services scored highest on the overall qualitative criteria assessments and were comparable on pricing. Due to the close scoring of LD Total and Cobey Maintenance Services its nominated referees were contacted. The assessment panel considered that the reference checks confirm the outcomes of the scoring matrix.

The submission received from Sanpoint Pty Ltd trading as LD Total is considered to represent best value for the required works and are recommended as the preferred tender.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **ACCEPTS** the tender submitted from Sanpoint Pty Ltd t/a LD Total, 172 Burswood Road Burswood 6100, for Tender T18/19-18 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis East in accordance with the tender documentation for the contract period being from 1 March 2019 to 30 June 2022.

## Committee Recommendation

**Moved Cr Sammels, seconded Cr Jones:**

That Council **ACCEPTS** the tender submitted from Sanpoint Pty Ltd t/a LD Total, 172 Burswood Road Burswood 6100, for Tender T18/19-18 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis East in accordance with the tender documentation for the contract period being from 1 March 2019 to 30 June 2022.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Purpose of Report

To consider the following motion put forward at the Annual Meeting of Electors held on 19 December 2018, as follows:

“That Council (in proper stewardship) that a proper research into the chemicals sprayed on the City’s open space is conducted and that an alternative to keep weeds under control be sourced.”

### Background

The Local Government Act 1995 requires Council to consider any decisions arising from the Annual Meeting of Electors and in making a decision in response, to also provide the reason for its decision.

The minutes of the Annual Meeting of Electors held 19 December 2018 were presented to the January 2019 Council meeting where it was resolved to direct the CEO to prepare reports for Council consideration at its February 2019 meeting on the implications of each of the motions passed.

The City of Rockingham is responsible for maintaining public open space (POS) inclusive of developed parks, gardens, foreshore reserves, road reserves, bushland reserves and undeveloped lands.
The majority of the City’s POS requires at least some vegetation and weed management. The incursion of weeds threatens biodiversity and impacts the amenity and community use of these areas.

Weed control is undertaken so as to:

• Mitigate risks to the safe use of public open space including fire mitigation.
• Limit damages and maximise the useful life of City infrastructure assets.
• Ensure the survival of desirable plant species.
• Maintain the aesthetics of the City to the standard that the community expect.

The City utilises a range of treatment methods as part of a holistic and integrated approach to its weed management responsibilities. The selection of treatment method is based on specific objectives and site requirements.

The City historically has received little objection or concern from the community regarding chemical use for weed control, in the course of a year the City would receive less than twenty objections to the use of weed control chemicals. Recent enquiries the City has received are around the use of products containing glyphosate.

Details

The national regulator for agricultural and veterinary chemicals is the Australian Pesticides and Veterinary Medicines Authority (APVMA). The APVMA is responsible for the regulation and control of agricultural and veterinary chemicals, registering all chemicals prior to them being legally sold, supplied or used in Australia.

The increase in public interest with chemical use for weed control can be attributed to the assessment on glyphosate by the International Agency for Research on Cancer (IARC) which is affiliated with the World Health Organisation.

IARC in its assessment classified glyphosate as a Group 2a chemical that is “probably carcinogenic to humans” it has also stated that “there is not sufficient evidence that glyphosate causes cancer in humans”. IARC look to identify agents that have the ability to cause cancer through both substance and lifestyle exposure. IARC has also classified emissions from burning wood, high temperature frying, some shift work and consumption of red meat as “probably carcinogenic to humans” and these fall within the same category as glyphosate.

More recently media coverage in 2018 reported that a jury of the California Superior Court ruled that Monsanto the manufacturer of Roundup was liable for a terminally ill man’s cancer associated to his use of the weedkiller Roundup for which the main active ingredient is glyphosate.

The AVPMA has provided the following statement on the use of glyphosate on its website at https://apvma.gov.au/node/13891

“The Australian Pesticides and Veterinary Medicines Authority (APVMA) is aware of the August 2018 decision in the Californian Superior Court concerning glyphosate.

Glyphosate is registered for use in Australia and APVMA approved products containing glyphosate can continue to be used safely according to label directions. Australian law requires appropriate warnings on product labels, which include relevant poisons scheduling, first aid, and safety directions detailing personal protective equipment when handling and using products containing glyphosate. The APVMA reminds users of the importance of following all label instructions.

As the national regulator for agricultural chemicals, we continue to track and consider any new scientific information associated with safety and effectiveness of glyphosate, including the information available from other regulators.

In 2016, following the IARC assessment, the APVMA considered glyphosate and found no grounds to place it under formal reconsideration.”

In August 2018 WALGA circulated an info page to all Councils on glyphosate following the publicity surrounding the California Superior Court ruling. It reiterated the AVMA’s position. The info page is located on the WALGA website at: https://gallery.mailchimp.com/deaf6c84b27d6ba4ab394cdf0/files/1e4ac69a-0198-47e9-91d9-bf398e5f5be3/Glyphosate_Infopage.pdf
City employees and its contractors only use chemicals that have been approved by the APVMA and apply them in accordance with the approved manufactures guidelines.

The City aligns its chemical weed management program with the Western Australian Department of Health document – A Guide to the Management of Pesticides in Local Government Pest Control Programs in Western Australia.

Glyphosate is a commonly used chemical in a domestic/residential context. The City would not be able to regulate its continued use in the community as it is a legally available herbicide.

**Weed control methods used by the City**

A number of weed control methods are used in maintaining the City’s POS areas.

1. **Mechanical Control**
   - Mowing – is undertaken to maintain a turf surface at a consistent height suitable for the intended purpose. Regular mowing doesn’t remove weeds but it assists in preventing weed establishment. Mowing limits weed germination by removing seed heads before maturity. Regular mowing encourages turf grasses to grow horizontally rather than vertically so a tighter turf surface is created which smothers out many weed species.
   - Slashing – is typically undertaken on road verges, firebreaks and undeveloped areas by tractor towed mowing slashing units. Usually in these areas' weeds make up a large portion of the vegetation and it is accepted that they play a part in stabilising and covering the soil surface. Slashing controls the weed height and is an ongoing seasonal maintenance process. Slashing is limited by accessibility as the terrain needs to level and free of desired vegetation.
   - Whipper Snipping and Edging – allows individual weeds or select plant species to be pruned. This method can only remove vegetation down to the soil level. The below ground part of the plant usually remains alive and will often regrow. Whipper snipping is predominately used to contain maintained grass and weeds from areas where mowers are unable to readily access. It is not a good method of control adjacent to fibre cement fence lines as it can damage these with continued use. It is also not ideal for kerb lines and footpath edging as it is very labour intensive and there is risk of flying debris that can impact pedestrians and road users. Whipper snipping in road reserve areas also requires extensive traffic management as the operators need to be adjacent or on the road to undertake the control.

2. **Manual Control** – involves physically removing weeds. This process is predominately undertaken for the removal of larger weeds in landscaped garden beds and conservation areas whereby other methods may cause damage to the surrounding desired plants. It also includes manually tilling the soil surface with hand hoes or rakes to remove smaller weeds. This method is very labour intensive, time consuming and costly. Available resources limit the level of manual weed control the City undertakes.

3. **Turf Management** – involve the specific management of turf surfaces so they are presented fit for the intended purpose. Activities such as regular broad acre mowing, fertilising, adding soil wetting agents, vertimowing, aerating and a good irrigation regime all contribute to establishing a strong healthy turf surface. The stronger the turf then the less opportunity there is for weeds to establish. Weeds will populate in areas of poor turf coverage.

4. **Landscape Management** – gardens and maintained areas that are well maintained will suppress weed establishment. Maintaining a layer of mulch assists to prevent weeds from germinating. Ensuring good plant coverage by the use of groundcovers and shrubs to cover exposed soil means that desired plants will smother potential weeds. Providing adequate nutrient and irrigation will ensure healthy plants.

5. **Chemical Control** – involves the use of chemical based herbicides to eliminate, control or inhibit the growth of unwanted plant species. Chemicals play an important function in the City’s overall weed management strategy. One of the main benefits of chemicals is they are an efficient tool at controlling weeds as large areas can be covered in a short period of time. Chemicals can also be used to selectively remove weeds from around desired plant species. There are numerous types of chemicals, methods for application and toxicity ratings. An overview of chemicals and there use within the City is explained further in this report.
6. **Thermal Control** – utilises a form of heat to treat weeds. Thermal control can be distinguished into two main categories: hot dry and hot wet.

   Hot dry thermal control includes direct flame, hot air and radiant heat. A flame is applied to the weed through a lance connected to a portable LPG or propane bottle. This method often requires follow up treatments to kill the entire plant. Exposed flame weeders pose significant fire risk in dry conditions and on mulches, and cannot be used on rubber soft fall, rubber paving, near litter, debris or irrigation lines and fittings. Radiant flame applicators direct the flames heat onto a shrouded ceramic or metal surface which is held in close to proximity to the weed.

   Hot wet thermal control is the use of hot water, hot foam or saturated steam. Hot wet applicators overcome the fire risk of an exposed flame. Hot wet applicators are considered superior to hot dry applicators as the moisture enables more rapid transfer of lethal heat into the cell structure. Heated foam solutions expose the plant tissue to heat for a longer period increasing efficacy when compared to hot water. Saturated steam, created by increasing the boiling point of heated water under pressure is then applied through a depressurising nozzle in close proximity to vegetation delivering a mixture of saturated steam and hot water at 100 Celsius. The saturated steam thermal control method is the most readily available method in Western Australia.

   The City has trialled the use of thermal control although it is not actively using this treatment method due to the size and type of the City’s treatment areas along with the cost effectiveness compared to alternatives.

### About Chemical Weed Control

The following information provides an overview on chemicals and how the City manages its chemical usage.

**Chemical scheduling and toxicity levels**

The legislated standard for poisons is created by the Australian Department of Health – Therapeutic Goods Administration and sets out categories of poisons in a schedule numbered 1 – 10 with 1 being the lowest toxicity and 10 being the highest. Information on the Poisons Standard and schedules can be found at: [https://www.legislation.gov.au/Details/F2019L00032](https://www.legislation.gov.au/Details/F2019L00032)

The City aims to only use weed treatment chemicals of schedule 5 or below however schedule 6 poisons have been used for specialist treatment of hard to remove weed species.

The Poisons Standard defines schedule 5 poisons as **"Caution – Substances with a low potential for causing harm, the extent of which can be reduced through the use of appropriate packaging with simple warnings and safety directions on the label."**

The Poison Standard describes schedule 6 chemicals as **"Poison – Substances with a moderate potential for causing harm, the extent of which can be reduced through the use of distinctive packaging with strong warnings and safety directions on the label."** Chemicals with a rating above schedule 6 are not used by the City.

Products containing glyphosate are categorised as schedule 5 poisons.

Toxicity of chemicals is typically considered in two ways the short term effects and the long term effects. Short term looks at what occurs from immediate exposure if the chemical was ingested, had contact with the skin or is inhaled. A measure known as the Lethal Dose, 50% rating (LD50) is used to measure what is considered safe levels for each of the methods of exposure. LD50 is the amount of substance required to kill 50% of the test population. From this a schedule is applied to the chemical which informs the controls that need to be implemented for the particular product.

The long term effects are the cumulative impacts that the chemical may have over a period of time.

The APVMA state that **“Agents classified by IARC in the highest category (carcinogenic to humans) include all alcoholic beverages, consumption of processed meat, solar and ultraviolet radiation (ie sunlight), engine exhaust (diesel), post-menopausal oestrogen and oestrogen-progestogen therapy, outdoor air pollution, occupational exposure as a painter, and soot and wood dust.”**

For most persons the long term exposure to these types of agents is much greater than their exposure to weed control chemicals such as glyphosate.
Chemical application methods
The City uses a combination of methods to apply chemicals. Broad acre applications are predominately used for open grass areas while spot spraying is used for smaller works or where access is difficult. Injection and basal barking is used for pest plant species that usually have a trunk diameter greater than 100mm.

Spot spray application – chemical herbicide is mixed with water and applied using a hand held or backpack sprayer or applied from a hand operated spray lance connected to a tank containing the chemical solution.

Broad acre spray application – chemical herbicide is held in solution in a tank mounted on a vehicle or tractor and through manual or electrical control the chemical is pumped through a spray boom which has multiple spray nozzles covering a wide area usually ranging from 2 to 8 metres. The equipment is calibrated so that at a certain ground speed the correct rate of chemical is applied. Improved technology includes shrouded booms which assist in preventing drift to off target areas and atomising chemical applicators that apply the chemical as vapour without the need for diluting in water resulting in less chemical being used. The City is currently trialling a shrouded atomiser spot spray applicator that if successful will be provided to all teams who apply herbicides.

Injection – involves inputting the chemical into the plants vascular system. It is predominately used for control of large shrubs or pest trees. Holes are drilled or cuts are made through the bark of the plant to allow access to the living sap wood. The chemical is injected or placed into the holes or cuts where it travels through the plants vascular system resulting in the plants death. This method is particularly suited to tree species that have a tendency to send up root sprouts (suckers) as the injection method will kill whatever is growing from the parent plants root system.

Basal barking involves applying the chemical with a penetrating oil to the trunk of a large shrub or tree. The tree takes up the chemical through osmosis and transports the chemical through the plants system. It has the same benefits as injection in that it will kill any sucker growth attached to the parent plant. This technique is used to control pest plants such as Brazilian Pepper trees.

Categories of Chemicals
Chemicals used for weed control are commonly referred to as herbicides. Herbicides offer different methods as to how they control weeds and are classified in five main categories. Each control method has its own advantages.

- Selective - herbicide products are used to target particular weed species. They can be applied to areas where desirable plant species are intermixed with weeds without harming the desirable plant species. An example of this is where the City applies herbicide to turf areas to control weeds such as Jo-Jo (prickles), clovers (bur seeds) and cape weed (yellow flowering dandelions). These products are usually applied by broad acre method to open turf areas. Without the use of these selective products it would not be possible to control these weeds and there would be a significant impact to POS users that historically has not been accepted by the community.

- Non selective - herbicide products are designed to kill whatever vegetation they are applied to when used in accordance with the manufactures instructions and rates. Often a surfactant is added when applying non selective herbicide products to aid in penetration of the chemical to waxy leaf weeds. These products travel through the plant to kill the entire plant. Only one part of the plant needs to have contact with the poison in sufficient quantities to kill the entire plant. The main non-selective herbicide used by the City is glyphosate based products. The predominate use is for spot spraying of garden weeds, treating fence lines, around trees, mulched areas and for hardstands, footpaths and kerb lines. Glyphosate and some other non-selective products are also used in bushland reserves for weed species control.

- Contact - herbicides are similar to non-selective however they do not translocate through the plant they only kill the part of the plant that they make contact with. These herbicides are useful when spraying edge lines of turf where you want to maintain a neat kill line without the product killing to much of the adjacent turf. The City doesn’t use a lot of contact herbicide as the products can be quite costly.

- Systemic - herbicides are very similar to non-selective as they move through the plant circulatory system resulting in the death of the plant. These herbicides are usually applied through injection or basal barking techniques. The City uses these products for control of mature pest plant species such as Brazilian pepper trees.
• Pre-emergent – herbicides are applied to landscape, turf or soil area’s and are used to control weeds as they germinate. Pre-emergent products remain active for a number of months depending on the product and application rates. Historically they have only been effective where the ground is not disturbed as this then breaks the chemical barrier and will allow the weeds to grow. New chemical technologies are resulting in improved products in this category that may be beneficial to the City's weed management programs.

Residual and Non-residual Chemicals

Certain chemical products provide a residual element to the product following the initial application which allows continued control of weed development for a period after the chemical has been applied. In the broad acre chemical application of “Spearhead” used by the City to control spring turf weeds the product will kill the select weeds that it controls both from the initial contact spray and through residual chemical retained by the soil. Chemicals that have residual properties lessen the requirements for follow up treatments and therefore less chemical is used. The length of time the residual chemical remains active depends on environment factors such as temperature, rainfall, irrigation and soil disturbance. In the case of “Spearhead” the residual impact is around 4-6 weeks. Chemicals such as Glyphosate are considered non-residual as they are effectively neutralised on contact with the soil.

Public Notification of Chemical Usage

The City’s major chemical application programs are publically advertised through the local newspapers, City Chronicle and social media. These include the City’s spring and summer turf weed treatment programs, kerb, footpath and hardstand programs and any other large treatment programs that may potentially impact the public. For smaller localised works such as spot spraying of garden beds, signage is displayed at the entries to the work area so POS users are made aware that chemical weed control activities are taking place. All vehicles while undertaking chemical spraying activities must clearly display the details of the chemical being applied.

Residents that do not wish to have chemical treatment undertaken within the road reserve adjacent their properties can apply to be placed on the City’s “No Spray Register”. Residents that do register for exemption are required to maintain the kerb line and footpath adjacent their property in weed free condition to the same standard that the City would maintain. The City currently has less than 10 locations on its No Spray Register.

Where chemical treatment is undertaken in developed parks and reserves residents can have their details captured on the City’s “No Spray Register” however, there is still a requirement to treat these areas. Without treatment it would allow weeds to establish potentially impacting on all users of the POS. In these situations residents are advised when chemical weed control is to be taking place so they can make arrangements that suit their individual requirements. This may mean that they are not home while treatment occurs or they keep their house closed while the treatment occurs.

City of Rockingham Chemical Weed Control Programs

The City currently uses chemical control as detailed in the table below. Outside of these standard works specialised treatments may be used for persistent hard to control weeds.

<table>
<thead>
<tr>
<th>Herbicide program</th>
<th>Location</th>
<th>Chemical Used</th>
<th>Weeds controlled</th>
<th>Average Frequency</th>
<th>Approximate Area Treated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Kerbs, 2) Footpaths, 3) Hardstands areas</td>
<td>City wide</td>
<td>Glyphosate</td>
<td>All weeds</td>
<td>3-4 times per annum</td>
<td>1) 318 km 2) 87,827m² 3) 64,000m²</td>
</tr>
<tr>
<td>POS fence lines (that can't be whipper snipped)</td>
<td>City wide</td>
<td>Glyphosate</td>
<td>All weeds or grasses</td>
<td>3-4 times per annum</td>
<td>50 kilometres</td>
</tr>
<tr>
<td>Herbicide program</td>
<td>Location</td>
<td>Chemical Used</td>
<td>Weeds controlled</td>
<td>Average Frequency</td>
<td>Approximate Area Treated</td>
</tr>
<tr>
<td>-----------------------------------</td>
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<td>--------------------------------------------------------------</td>
<td>--------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Garden Bed Maintenance</td>
<td>City Wide</td>
<td>Glyphosate</td>
<td>Spot spray weeds in gardens and mulch areas</td>
<td>As required</td>
<td>30 hectares</td>
</tr>
<tr>
<td>Turf Program - spring weed program</td>
<td>City wide</td>
<td>Spearhead / Jolt / Javlin</td>
<td>Jo Jo, Clovers, Cape weed, Dandelion</td>
<td>Once Annually June to August</td>
<td>450 hectares</td>
</tr>
<tr>
<td>Turf Program - summer weed control program</td>
<td>Select Reserves</td>
<td>Casper</td>
<td>Fleabane, Crows foot, Summer grass weeds</td>
<td>Annually in December / January as required</td>
<td>120 hectares</td>
</tr>
<tr>
<td>Fire Mitigation</td>
<td>Fire breaks</td>
<td>Glyphosate</td>
<td>All weeds</td>
<td>2-3 times per annum</td>
<td>20 hectares</td>
</tr>
<tr>
<td>Fire Mitigation</td>
<td>Undeveloped land</td>
<td>Glyphosate or Fusilade</td>
<td>All weeds Select grass weeds</td>
<td>1-2 times per annum</td>
<td>150 hectares (potential)</td>
</tr>
<tr>
<td>Conservation Weed Management</td>
<td>Bushland and Foreshore Reserves</td>
<td>Triasulfuron</td>
<td>Carnation Weed</td>
<td>Annually targeted where required</td>
<td>10 hectares</td>
</tr>
<tr>
<td>Conservation Weed Management</td>
<td>Bushland and Foreshore Reserves</td>
<td>Metsulfuron</td>
<td>Soursob, Bridal Creeper</td>
<td>As required</td>
<td>10 hectares</td>
</tr>
<tr>
<td>Conservation Weed Management</td>
<td>Bushland and Foreshore Reserves</td>
<td>Fusilade</td>
<td>Veldt grass, couch grass</td>
<td>As required</td>
<td>30 hectares</td>
</tr>
<tr>
<td>Conservation Weed Management</td>
<td>Bushland and Foreshore Reserves</td>
<td>Glyphosate</td>
<td>All weeds around new plantings, maintain walk trails and path edges, infrastructure surrounds (shelters, signs etc.)</td>
<td>As required</td>
<td>100 hectares</td>
</tr>
<tr>
<td>Conservation Weed Management</td>
<td>Bushland Reserves</td>
<td>Garlon</td>
<td>Trees and large shrubs</td>
<td>As Required</td>
<td>Brazilian pepper trees</td>
</tr>
</tbody>
</table>
Kerbs, footpaths and hardstands

The City’s contracted weed management company undertakes within the City’s road reserves weed control to 318 kilometres of kerb lines, 87,827 m² of footpaths and 64,000 m² of paved hardstand areas. These areas are subject to unwanted plant growth and in order to maintain an acceptable standard these areas are chemically treated 3-4 times per annum dependent on seasonal conditions. A combination of spot spraying and broad acre application is used with the product applied being glyphosate.

Kerb line treatments focus on all of the City’s major arterial roads and higher profile minor roads. The chemical is applied in two methods. The first is by a spray nozzle mounted to the vehicle and directed at the kerb line and as the vehicle drives along the road the operator engages the pump on and off as required. The second is similar however the chemical is applied by the operator sitting in the passenger seat of the vehicle while another person drives and using a hand held spray gun the operator sprays the weeds as they drive along. Both these methods are cost effective and allows considerable coverage in a short time.

For footpath and hardstand applications a smaller all terrain style vehicle uses a shrouded boom and a spot spray lance, the operator drives the footpaths and hardstand areas treating the weeds. Weeds need to be controlled in paved areas so they don’t become trip hazards and cause access or sight line issues. Weeds can invade hard surfaces such as bitumen and paving damaging the surface and reducing the assets overall life.

Turf weed management

With approximately 500 hectares of actively managed turf it is necessary to maintain these turf areas predominately weed free and with one predominant species of grass.

Weeds typically grow quicker than grass, if weeds are not controlled additional mowing is required to reduce the weed height which is an inefficient use of resources. The City’s sport fields are maintained to a high standard – clubs, participants and the community do not accept uneven weedy surfaces.

Chemical control plays a part in keeping the weed seed bank down. It has become possible through good turf management and suppression of weeds that much of the seed bank within the City’s turf areas is depleted. A number of POS areas now only require spring and summer herbicide treatment biannually.

Public open space areas, garden beds, mulch areas, tree surrounds, fences

There are many hectares of gardens, mulched areas, and items of infrastructure. Chemical control is used in these areas in conjunction with manual, mechanical and landscape management methods to produce aesthetically pleasing and inviting places for the community to interact. Weeds compete with other plants for nutrients, moisture and space, certain weeds if not treated will outcompete the desired plant species.

Conservation weed management

The City has hundreds of hectares of bushland and foreshore reserves. Chemical control is an essential tool within these areas given the large areas required to be covered with limited labour resources. Access to these reserves is often very difficult and long spray hoses up to 100 metres from the base vehicle are used to access areas that require treatment. Control and reduction of weeds in conservation reserves is required so they don’t threaten biodiversity and contribute to fire hazards.

Fire Management

With the City’s Bushfire Management Plan recently being endorsed by the Office of Bushfire Risk Management there is requirement to submit and undertake bushfire mitigation treatments to identified high priority locations. Chemical control is an essential treatment method for many areas both for the initial control and for ongoing works. Early chemical treatment of grasses such as Veldt grass in bush reserves and undeveloped lands will minimise fuel loads reducing the ability of the fires to spread.

Thermal Control verses Chemical Weed control treatment

There is limited information available regarding cost comparison analysis of thermal control weed treatment verses chemical control. It is generally accepted that thermal control is significantly more costly and time consuming than chemical control.
Most Perth metropolitan local governments have undertaken trials in thermal weed control however no one is currently using Thermal treatment or full non chemical control exclusively. The City of Fremantle actively use thermal weed control as part of an integrated weed management approach. The City of Fremantle Council report FPOL 1604-5 Weed Management Services, April 2016 outlines a 120% price variation between Thermal Treatment and chemical controls for works on its kerbs, footpaths and paved areas. This cost variation was attributed to:

- “More stringent traffic management requirements,” (Thermal weed control is more static in nature therefore requires a high level of traffic management to protect operators undertaking the works)
- “Labour rate increases for applying steam and manually removing persistent weeds.” (Thermal weed control is a significantly slower process than chemical control and therefore higher labour costs will be received for the equivalent volume of works.)
- “Return treatments to meet weed control service level criteria where growth is stimulated by unseasonal wet conditions, related to persistent perennial weed species or other specific conditions.”

In addition to the cost implications of Thermal weed control there are other downsides or restrictions in its use.

- Steam treatment requires the base vehicle with the steam producing unit to be very close to the site where the treatment is taking place. About 8 metres is the maximum distance the operator can be from the vehicle. Any further the steam cools in the delivery hose and it will not have sufficient temperature to kill effectively. This can make the use of steam treatment difficult to impossible in bushland and foreshore reserves.
- Thermal weed control cannot be used like a selective herbicide in that it acts more like a contact herbicide. Therefore it could not be used to treat weeds in turf areas as it would also kill the turf and leave unsightly dead patches through the turf. Also as it kills by contact, if part of the weed is not fully treated then it is likely the weed won’t fully die and will continue to grow.
- The use of thermal weed control for spot spraying in garden beds and environmental areas is potentially damaging to desired plant species as the heat from the steam can penetrate the soil and damage the plants roots causing their decline or death.
- Due to the specialist equipment required, all thermal weed control applications would need to be carried out by contractors, whereas currently chemical control is undertaken by both City employees and select contractors.
- Thermal treatment processes can encourage the germination of certain weed species, which then require follow up treatments.
- With chemical control for any plant treated it can be readily observed the plants decline soon after the initial application. With steam treatment the plant may immediately appear dead but then regrow and therefore require follow up treatment. Additional City labour resources will likely be required to inspect contractor’s works to ensure they are completed to the required standard with follow up inspections undertaken on any reworks.

The table below illustrates a general cost comparison of the City’s current annual chemical control costs for kerb lines, hardstand areas and footpaths compared to thermal steam control at a 120% cost increase to chemical control with glyphosate products. The actual number of thermal steam treatments required per annum is likely to be more than the chemical treatments required so 6 treatments have been allowed to 4 chemical treatments.

<table>
<thead>
<tr>
<th>Weed Control Areas</th>
<th>Area</th>
<th>Annual Chemical Control Cost (4 treatments)</th>
<th>Annual Thermal Control Cost (6 treatments)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerb lines</td>
<td>318km</td>
<td>$19,080.00</td>
<td>$62,964.00</td>
</tr>
<tr>
<td>Footpaths</td>
<td>87,827m²</td>
<td>$42,156.96</td>
<td>$139,117.97</td>
</tr>
</tbody>
</table>
Weed Control Areas

<table>
<thead>
<tr>
<th>Area</th>
<th>Annual Chemical Control Cost (4 treatments)</th>
<th>Annual Thermal Control Cost (6 treatments)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hardstand</td>
<td>$30,720.00</td>
<td>$101,376.00</td>
</tr>
<tr>
<td>Total</td>
<td>$91,956.96</td>
<td>$303,457.97</td>
</tr>
</tbody>
</table>

Thermal weed treatment trials undertaken by the City

In 2018 the City trialled the use of thermal weed control specifically steam treatment at Lake Richmond reserve due to the uncertainty surrounding the use of chemical herbicides and the impacts there usage may have on the thrombolites within the lake. Buffalo and couch grasses were taking over areas of the lake threatening to smother out native species and also the thrombolites themselves. The steam treatment was trialled and it was found that the kill on these established grasses was ineffective as the below ground stolons were not killed and the plant quickly regenerated.

The test undertook treatment at two sites of 10m² per site. Each 10m² plot took approximately one hour which calculated at a cost of $8.00 m². The equivalent cost to spot spray treat with glyphosate under the City’s contract rates would be $0.10 m².

Lake Richmond Test Site - Thermal Steam Treatment After 7 Days

<table>
<thead>
<tr>
<th>Implications to Consider</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Consultation with the Community</td>
</tr>
<tr>
<td>The motion was proposed at the Annual meeting of electors held 19 December 2018.</td>
</tr>
<tr>
<td>b. Consultation with Government Agencies</td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td>c. Strategic</td>
</tr>
<tr>
<td>Community Plan</td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Strategic Community Plan 2019-2029:</td>
</tr>
<tr>
<td><strong>Aspiration 2:</strong> Grow and Nurture Community Connectedness and Wellbeing</td>
</tr>
<tr>
<td><strong>Strategic Objective:</strong> Services and facilities - Provide cost effective services and facilities which meet community needs.</td>
</tr>
<tr>
<td><strong>Aspiration 3:</strong> Plan for Future Generations</td>
</tr>
<tr>
<td><strong>Strategic Objective:</strong> Liveable suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.</td>
</tr>
<tr>
<td><strong>Aspiration 4:</strong> Deliver Quality Leadership and Business Expertise</td>
</tr>
</tbody>
</table>
**Strategic Objective:** Management of current assets – Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory
Section 5.33(2) of the Local Government Act 1995 (the Act) states that –

(2) If at a meeting of the Council a local government makes a decision in response to a decision made at an electors meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

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

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

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

Nil

**Comments**

The City recognises that public interest about the safety of chemicals used by the City is justified, and it is prudent for the City to continue to appropriately manage chemical use and to be aware of any potential risks or hazards to operators, the wider community and the general environment.

The responsibility as to if a chemical meets the requirements of being appropriate for use and for what purpose is the responsibility of regulatory authorities. City officers are not qualified to provide comment on the health effects of approved chemicals.

It is the City’s responsibility to ensure that when chemicals are used they are done so responsibly and that the storage, application and disposal complies with government regulations and the manufacturers recommendations.

The City undertakes a range of management actions to mitigate risk to employees and the community, ensuring;

- that employees and contractors are trained and authorised in the relevant chemical being applied
- that external contractors and their employees hold the appropriate accreditation issued by the Western Australian Health Department.
- that the chemical is used in accordance with the regulators and manufactures instruction.
- officers review and update safe work method statements and safe operating procedures in line with legislative requirements and best practice.
- officers regularly monitor for any updates or notices that may be issued by the APMVA on chemicals used by the City.
- officers keep abreast of new chemical technology and look to apply the least toxic chemical for the type of treatment required.

The City is committed to the safe and responsible use of chemicals and maintaining an open and transparent weed management program. Chemical weed control is considered an essential tool for weed management within the City.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council SUPPORTS the City’s current integrated management approach for weed control across its managed public open space due to the ineffectiveness and high cost of a non-chemical approach.

Committee Recommendation

Moved Cr Sammels, seconded Cr Summers:

That Council SUPPORTS the City’s current integrated management approach for weed control across its managed public open space due to the ineffectiveness and high cost of a non-chemical approach.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
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<tr>
<td></td>
<td>Nil</td>
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<table>
<thead>
<tr>
<th></th>
<th>Addendum Agenda</th>
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<tbody>
<tr>
<td></td>
<td>Nil</td>
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</tbody>
</table>
15. Motions of which Previous Notice has been given

Planning and Development Services

Planning and Development Services
Directorate, Planning Services

Reference No & Subject: PD-012/19 Notice of Motion - Multi-Storey Parking - Waterfront Village

File No: LUP/1721
Proponent/s: Cr Matthew Whitfield
Author: Mr Peter Ricci, Manager Major Planning Projects
Other Contributors: Mr Bob Jeans, Director Planning and Development Services
Date of Committee Meeting: 18 February 2019
Previously before Council: 22 January 2019 (PD-004/19)
Disclosure of Interest:
Nature of Council’s Role in this Matter: Executive

Purpose of Report

To provide advice in respect to Cr Whitfield’s Notice of Motion, as follows:

“That Council:

1. **DIRECTS** the CEO to fully explore all options, costings and potential sites for multi storey car parks within the Rockingham foreshore precinct (all options also includes private enterprise options - car park operators)

2. **DIRECTS** the Chief Executive Officer to present those options to the Full Council before the end of the financial year.”

Background

Cr Whitfield's Notice of Motion was originally presented for consideration at Council's January 2019 meeting. In response to a request by Cr Whitfield, Council resolved to defer consideration of this item to the February 2019 meeting.
At its Ordinary meeting held in December 2018, in considering a Notice of Motion from Cr Stewart, Council resolved that the City investigate further options at the Rockingham Foreshore to increase parking capacity in the short-term, to compensate for the on-street car parking reduced as a consequence of the townscape improvements currently being undertaken (‘Rockingham Beach Foreshore Revitalisation’).

This investigation is currently being progressed with a view to having the matter presented to Council in March 2019.

**Details**

The reasons for Cr Whitfield’s Notice of Motion are provided below:

“Parking is an issue, or perceived to be an issue, and with the Rockingham foreshore redevelopment it is timely to fully consider all the parking options.

Currently there are no multi storey car parks in the business plan and no firm costings. With the Wanliss Street proposed marina project we also have factors out of our control in that we have no idea when the development will take place and therefore we could be waiting for an unspecified amount of time for the parking contributions as well as extended parking options.

This Notice of motion is asking that we take control over the parking situation so that a future Council could make a fully informed decision on multi storey parking options.”

**Implications to Consider**

a. **Consultation with the Community**
   Nil

b. **Consultation with Government Agencies**
   Nil

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

   **Aspiration 1:** Actively Pursue Tourism and Economic Development

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

d. **Policy**
   Nil

e. **Financial**
   The construction of decked parking will incur significant expense. The Rockingham Strategic Metropolitan Centre Public Parking Strategy (December 2017) estimated the cost to be between $33,000 - $44,000 per bay.

   The cost of exploring all options, costings and potential sites for multi-storey car parks within the Rockingham Foreshore Precinct is unknown at this stage, however, it could require a variety of specialist consultant advice. There is currently no funding provision in the 2018/2019 Budget for the study.

   Over recent years, through a requirement in the Town Planning Scheme, the City has been collecting cash payments in-lieu of commercial parking being provided on-site at the Waterfront Village through conditions of Development Approval. The ‘Public Car Park Reserve - Cash-in-Lieu Contributions’ currently contains approximately $2M which will contribute to the construction of decked parking when required.

f. **Legal and Statutory**
   Nil
g. Risk

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

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

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

Nil

Comments

In responding to Cr Stewart's Notice of Motion in December 2018, it was explained that the City's approach to parking at the Waterfront Village has been informed by a number of initiatives over the years including the superseded Rockingham Beach Carparking Strategy 2004, the Rockingham Beach Foreshore Master Plan 2015 ("the Master Plan") and the Rockingham Strategic Metropolitan Centre Parking Strategy 2017 ("the Parking Strategy").

The Parking Strategy provides Council with a structured approach to address public parking. It relies on public parking usage data as a basis to make decisions on how parking demand should be managed, and in doing so, removes the perceptions that exist.

The Parking Strategy, in the same way as the other parking initiatives before it, recommends that the majority of new parking be provided in a decked (multi-storey) parking format south of Kent Street upon land managed by the City. It identifies seven potential sites where additional public parking can be established, including decked parking over the public carparks in proximity to the Gary Holland Community Centre, Rockingham Museum and Rockingham Bowling Club.

The approach in the Parking Strategy also involves long-term parking occurring at these locations, which are a two - five minute walk from the foreshore, with the on-street parking close to the foreshore being shorter terms including drop-off bays (a proposed change to the parking time limits is contained with PD-011/19 within this Agenda).

Parking Surveys

Having regard to the implementation actions set out in the adopted Parking Strategy, there is no basis to investigate options to construct decked parking within the Waterfront Village at this stage. In this respect, the parking surveys conducted during the preparation of the Parking Strategy revealed that there is public parking availability within the Waterfront Village on almost all occasions, outside of large community events.

The Parking Surveys were carried out on a typical Sunday in February 2017 and established that the average occupancy of the on-street bays was less than 70% with the busiest streets being Val Street, Rockingham Beach Road and Railway Terrace. The off-street foreshore carparks at Flinders Lane and (the former) Railway Terrace were the busiest with an average occupancy of 68% and 92% respectively. All other off-street carparks had an average occupancy of less than 45%.

During the surveys, there was an average of 381 bays available within the Waterfront Village.

The majority of the available bays require visitors to park and walk (less than five minutes) to their destination which has been the philosophy around which the Waterfront Village has been planned over many years.

These survey results were consistent with an audit undertaken during the preparation of the Master Plan in 2015.

Conducted on a Thursday in January and a Sunday in February 2015, the parking surveys revealed that the maximum on-street occupancy was 93% and the average occupancy across all parking within the Waterfront Village was approximately 50%.

The Parking Strategy recommends that public parking usage be regularly surveyed to establish occupancy rates, and when it is demonstrated that the public parking supply cannot regularly meet demand (i.e. over 85% occupancy), measures be put in place to manage demand. One of these measures will be additional parking provision.
City Officers have been monitoring the parking availability since the foreshore construction works ceased for the summer period. This has revealed significant parking availability, particularly at the Gary Holland Community Centre and the Museum carparks during the busy December/January period, including New Year’s day. This is consistent with previous surveys.

In this regard, during the survey period (December 2018 – early February 2019), on average, 40% of the bays at the Gary Holland Community Centre were vacant. The Rockingham Museum carpark is similar at approximately 45%.

The proposed decked parking sites identified in the Parking Strategy are at locations currently not being fully utilised.

Following the completion of the ‘Rockingham Beach Foreshore Revitalisation’ works, the City will undertake regular surveys to establish parking occupancy trends such that any decision on how parking demand is satisfied is based on evidence.

When the surveys reveal that parking occupancy regularly exceeds 85%, the matter will be referred to Council for consideration and direction at which time the matters raised in Cr Whitfield’s Notice of Motion will be examined.

Conclusion

The City is currently progressing various matters to satisfy the Parking Strategy, including a review of the parking time limits and the identification of additional on-street bays, in satisfaction of Cr Stewart’s Notice of Motion (Items PD-010/19 and PD-011/19 contained within this Agenda).

Addressing these matters along with additional proposed surveying will further inform supply and demand for parking in this precinct.

In light of the above, there is no basis to investigate the issue raised in the Notice of Motion at this stage and it is not supported.

Voting Requirements

Simple Majority

Officer Recommendation

That Council NOT SUPPORT Cr Whitfield’s Notice of Motion.

Notice of Motion from Cr Whitfield

That Council:

1. **DIRECTS** the CEO to fully explore all options, costings and potential sites for multi storey car parks within the Rockingham foreshore precinct (all options also includes private enterprise options - car park operators)

2. **DIRECTS** the Chief Executive Officer to present those options to the Full Council before the end of the financial year.

Note: As a Committee member had not been authorised by Cr Whitfield to move his Notice of Motion, this Item will be referred to Council on Tuesday, 26 February 2019 without a Committee Recommendation.
Engineering and Parks Services

Reference No & Subject: EP-006/19 Notice of Motion - Replacement Fence at the Cricket Oval - Arpenteur Drive, Baldivis

File No: GOV/7-02
Proponent/s: Cr Whitfield
Author: Mr Adam Johnston, Manager Parks Services
Other Contributors: 
Date of Committee Meeting: 18 February 2019
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive

Site: Arpenteur Park, Baldivis - R46206
Lot Area: 
LA Zoning: 
MRS Zoning: 
Attachments: 

Purpose of Report
To provide officer comment and advice on Cr Whitfield’s Notice of Motion.

Background
Cr Whitfield submitted the following motion for consideration at the 22 January 2019 Council meeting:

“That Council DIRECTS the CEO to erect a replacement fence at the Cricket Oval on Arpenteur Drive in Baldivis before the end of the financial year.”
Details

The reasons given for the Notice of Motion by Cr Whitfield are listed below:

“1700 people responded to an online poll within 48 hour asking that the fence be replaced in its entirety at this reserve.

The current fence is falling to pieces and has lasted many years and is an iconic part of Baldivis in the first land estate, Settlers Hills.

The approximate cost to replace this fence in PVC (timber look) is around $65,000 which could last many years and the community have offered to assist through supply potential and also through manpower if needed.

We always need to be mindful of cost savings and to use rate payers money wisely and the community were advised of the proposed cost yet they felt that this is an iconic site in Baldivis that features through numerous promotions and people identity this sight at a state wide level. Also this fence acts as a safety barrier for children.

The City spent over $100,000 on beautifying a roundabout on Safety Bay Road as the city felt this was a main entry into Rockingham and there have already been 4 cars run over that roundabout and there may be an argument that states this proposed fence could also be damaged but that is no reason to not restore it to its original state. The windmill on safety bay road was not replaced and now this iconic cricket ground could be removed and not replaced and the community would like to see this remain.”

Implications to Consider

a. Consultation with the Community

In June 2015 Council adopted the Arpenteur Park Master Plan (CD-025/15). The development of the Plan was subject to extensive community consultation and the draft Plan was available for public comment before being adopted by Council. A key proposed feature of the of the Plan was the oval boundary fence be re-established with robust material while keeping the English cricket ground look and feel.

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 and Strategic Objectives contained in the Strategic Community Plan 2019-2029:

Aspiration 2: Grow and Nurture Community Connectedness and Wellbeing
Strategic Objective: Services and facilities - Provide cost effective services and facilities which meet community needs.

Aspiration 3: Plan for Future Generations
Strategic Objective: Liveable suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.

Aspiration 4: Deliver Quality Leadership and Business Expertise
Strategic Objective: Management of current assets - Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.

d. Policy

Nil
e. Financial
A replacement plastic PVC picket fence has been quoted at $41,000. The fence is expected to be subject to a continued level of vandalism. $2500.00 per annum would be allowed in Parks Services operational budget to cover maintenance and vandalism. The fence is likely to have a life of 25 years therefore inclusive of purchase price the whole of life cost is expected to be in the order of $103,500. Subsidiary costs to maintain the turf surrounding the fence would continue as whipper snipping under and around the fence is required. No funding is currently allocated for the purchase of the fence. As there is no immediate requirement for the fence to be replaced this financial year, funds should be sought and allocated through the City’s Business Planning budget process.

f. Legal and Statutory
Section 6.4(1) of the Act states that –

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by (absolute majority) resolution; or

(c) is authorised in advance by the mayor or president in an emergency.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework
Implications and comment will only be provided for the following assessed risks.
Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments
The City of Rockingham received the management order for Arpenteur Park in June 2000 and in early 2003 took control of the maintenance of the park. The oval area of the park had been developed with a theme associated with an English county cricket field. It has a timber spectator pavilion and white timber picket fence surrounding the cricket oval boundary.

Both the pavilion and the picket fence have been items of high maintenance, due to construction techniques, materials used and vandalism. The picket fence being constructed in jarrah and then painted white has been the subject of wood rot to the posts and consistent vandalism to the pickets and railings. The City at the time was expending approximately $3500 per annum on maintaining the fence.

In the 2011 / 2012 financial year a major upgrade of the fence took place whereby approximately $20,000 was invested in replacing the rotted posts, damaged railings and missing pickets along with a full repaint. An additional supply of approximately 100 jarrah pickets were also purchased for stock being that jarrah pickets were no longer available as an off the shelf item. Unfortunately the high level of vandalism continued and the stock of jarrah pickets was quickly depleted. Jarrah is no longer a sustainable timber to be using for this purpose and further replacements were substituted with pine pickets.

After a period the vandalism and further wood rot resulted in a number of sections of the fence being removed. The sections removed were used as spare parts to maintain the remaining sections. The intent was to maintain some of the original feel the fence provided and potentially lesson the level of vandalism.
With the evolution of fencing products, plastic PVC fencing became available and was able to replicate the white timber picket fencing. PVC has the benefit of not being subject to wood rot and does not require painting. Manufacturers claim a life of around 25 to 30 years. Officers contacted suppliers and were provided a verbal estimate of approximately $65,000 to replace the timber fence with plastic PVC fencing to its original location.

With the main function of the picket fence being for aesthetics, Officers considered it a sizable cost for a fence that didn’t provide any other significant benefit. The fence didn’t offer any protection from vehicles as the park itself is protected with timber treated pine bollards situated on the property line boundary.

Another consideration was the development of the Baldivis District Sports Complex (BDSC). Arpenteur Park currently is the main ground for cricket in Baldivis, however, when the BDSC is built, the majority of cricket currently played at Arpenteur Park will relocate to BDSC. This will include removing the turf wicket from Arpenteur Park to BDSC. A single synthetic turf cricket concrete wicket will be installed at Arpenteur Park. Cricket at BDSC is scheduled to be in operation for the summer of 2021/2022.

With less than one third of the original fence remaining and the proposed upgrades aligned to the adopted Arpenteur Park Master Plan not scheduled for a number of years, officers in 2018 considered removal of the remaining fence to be the best current option. Councillors were advised of the pending removal in the October 2018 Councillor Information Bulletin. Councillor Whitfield expressed reservations about its removal and it was agreed that the remaining fence would not be removed until further consideration had been given.

Following this Notice of Motion, officers have reviewed the scope for replacement of the fence. A new quote has been sought and a cost has been provided of $41,000 to replace the fence although at a slightly reduced overall length to the original fence. This was to allow better pedestrian movement between the clubrooms and the pavilion through to the oval.
3. Arpenteur Park - Quoted replacement fence location

Of the materials available for a replacement fence it was felt that PVC was the best material presently available. Timber was not considered appropriate based on the high maintenance requirements and aluminium was significantly more expensive with estimates at 3 to 4 times the cost of PVC fencing. The City of Cockburn in 2018 installed a PVC picket fence around Pioneer Park in Bibra Lake. This was inspected to check the suitability for installation at Arpenteur Park. There were some concerns about the ability to replace vandalised rails and pickets plus how resistant it would be to fire damage. Through discussion with the supplier these items were not seen as being a substantial issue.

4. Representative plastic PVC picket fence - Pioneer Park, Bibra Lake

Arpenteur Park was designed to provide the feel of an English county cricket field. The local community and park users have enjoyed the amenity of the timber picket fence for a number of years. Maintaining the existing timber fence had become unsustainable, however with the availability of new fencing materials such as PVC that are long lasting and relatively maintenance free it provides an attractive alternate fencing option. Given the quoted pricing is significantly less than the initial estimate provided it is considered that this now represents good value. Therefore based on the recommendations made in the 2015 Arpenteur Park Master Plan, the original park design, availability of new fencing materials and an acceptable replacement cost it is recommended that the existing timber picket fence at Arpenteur Park be replaced with a plastic PVC picket fence.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council **APPROVES** the installation of a plastic PVC picket fence to replace the existing timber picket fence surrounding the cricket field at Arpenteur Park, Baldivis with funding to be sought through the City’s Business Plan budget process.

Notice of Motion from Cr Whitfield

That Council **DIRECTS** the CEO to erect a replacement fence at the Cricket Oval on Arpenteur Drive in Baldivis before the end of the financial year.

**Note:** As a Committee member had not been authorised by Cr Whitfield to move his Notice of Motion, this Item will be referred to Council on Tuesday, 26 February 2019 without a Committee Recommendation.
<table>
<thead>
<tr>
<th></th>
<th>16. Notices of Motion for Consideration at the Following Meeting</th>
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<tbody>
<tr>
<td></td>
<td>Nil</td>
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<td></td>
<td>17. Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
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<td>Nil</td>
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<td>18. Matters Behind Closed Doors</td>
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<td>Nil</td>
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<td>19. Date and Time of Next Meeting</td>
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<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 18 March 2019</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td>20. Closure</td>
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<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>4:44pm</strong>.</td>
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