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### 1. Declaration of Opening

In the absence of the Chairperson the Chief Executive Officer assumed the Chair and called for nominations for the position of Acting Chairperson.

**Moved Cr Hamblin, seconded Cr Whitfield:**
That Cr Sammels be appointed Acting Chairperson for the meeting.

Carried – 5/0

The A/Chairperson declared the Planning and Engineering Services Committee Meeting open at **4:01pm**, welcomed all present, and recited the Acknowledgement of Country.

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

#### 2.1 Councillors

- Cr Barry Sammels (Mayor)  
- Cr Matthew Whitfield  
- Cr Deb Hamblin (Deputy Mayor)  
- Cr Katherine Summers  
- Cr Justin Smith  
- Cr Leigh Liley  

A/Chairperson: (Deputising for Cr Chris Elliott)

(Observer arrived at 4:43pm)

#### 2.2 Executive

- Mr Andrew Hammond  
- Mr Bob Jeans  
- Mr Peter Doherty  
- Mr Sam Assaad  
- Mr Peter Ricci  
- Mr Brett Ashby  
- Mr Mark Dudley  
- Mr Mike Ross  
- Ms Erica Scott  
- Mr David Caporn  
- Mr Ian Daniels  
- Mr Tony Bailey  
- Mr James Henson  
- Mr Adam Johnston  
- Ms Melinda Wellburn  

Chief Executive Officer  
Director Planning and Development Services  
Director Legal Services and General Counsel  
Director Engineering and Parks Services  
Manager Major Planning Projects  
Manager Strategic Planning and Environment  
Manager Building Services  
Manager Statutory Planning  
Coordinator Health Services  
Manager Compliance and Emergency Liaison  
Manager Engineering Services  
Coordinator Asset Maintenance  
Manager Land and Development Infrastructure  
Manager Parks Services  
PA to Director Planning and Development Services

#### 2.3 Members of the Gallery:

6

#### 2.4 Apologies:

Cr Chris Elliott

#### 2.5 Approved Leave of Absence:

Nil
3. Responses to Previous Public Questions Taken on Notice

3.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Various

At the Planning and Engineering Services Committee meeting held on 14 August 2017, Mr Mumme asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 22 August 2017 as follows:

Lake Richmond Management Plan Review: Strategen: Conflict of Interest

**Question**
1. By what process has Strategen been appointed to undertake this review?

**Response**
A written quotations process.

**Question**
2. Were other quotations sought? If so, how many were received?

**Response**
Four quotes were sought, and two quotes were received.

**Question**
3. Did the City check before appointing Strategen that the company are consultants to Cedar Woods and have been engaged to prepare all construction and approval implementation documentation for land-based activities including TEC monitoring and management plan (see excerpt from their website about MBM below)? If not, why not?

**Response**
Yes, this was disclosed by Strategen.

**Question**
4. Will the City cancel the contract? If not, why not?

**Response**
No. The current review of the Lake Richmond Management Plan is a scheduled 5 Year update to address operational issues and the review of existing monitoring programs. The ongoing data collection and analysis is reviewed by City Officers independent of any other ancillary actions relating to a third party proposal.

Waterways Management for MBM (preamble to question)

Now that Council knows the expenditure estimates for Waterways Management and the City has at least some idea of the potential income for 25 years,

**Question**
5. Does the City think it is financially sound for it to manage the waterways?

**Response** (provided at meeting)
The Chairperson referred to page 45 of the August 2017 Bulletin and advised that once City Officers have finalised the assessment of the Waterways Management issues, a report will be presented to Council. At that point, the Council will consider all relevant matters related to waterways management.

Port Rockingham Marina

**Question**
6. Does the City have any idea when construction might begin?

**Response** (provided at meeting)
The Chairperson advised ‘No’.

**Question**
7. If the Port Rockingham Marina is constructed, what consequences does the City expect for Rockingham Foreshore businesses?
Response (provided at meeting)
The Chairperson advised that he could not answer the question, as any response would only be his opinion.

Question
8. Given that the community prefer natural amenities and low-impact activities, will the City reconsider its support for two marinas and put more resources into our natural assets?

Response (provided at meeting)
The Chairperson advised that Council has given conditional support to the two marinas and whether or not they proceed is a matter of timing of the planning process and the business planning they are involved with.

Air Quality Impacts on Seniors: Follow up of Questions on July 25th (preamble to questions)
Council’s reply says that Council does not know of the Harvard study, does not know that Australia’s permissible levels for some toxics are much higher than the US’s and that Council says it is not its role to ascertain which Councils are planning to send their domestic solid waste to be incinerated in our back yard.

Question
9. Have Council Officers now read the Harvard study?
Response
No.

Question
10. Has Council checked the relative permissible limits between the two countries?
Response
No.

Question
11. If the answers to these questions are ‘yes’, will Council take measures to advocate for cleaner air? If the answers to the two questions above are ‘no,’ why does Council not at least raise concerns with the appropriate bodies?
Response
It is not the City’s role to determine air quality standards.

4. Public Question Time

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

4.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Various
The A/Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. Mr Mumme asked the following questions:

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

The A/Chairperson advised that the question will be taken on notice.

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

The A/Chairperson advised that the question will be taken on notice.
3. **How much of the budgeted money was actually spent?**

   The A/Chairperson advised that the question will be taken on notice.

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

   The A/Chairperson advised that the question will be taken on notice.

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

   The A/Chairperson advised that the question will be taken on notice.

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

   The A/Chairperson advised that the question will be taken on notice.

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

   The A/Chairperson advised that the question will be taken on notice.

**Mersey Point Coastal Erosion:**

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

   The A/Chairperson advised that the question/s will be taken on notice.

9. **How far north has it moved so far?**

   The A/Chairperson advised that the question will be taken on notice.

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

    The A/Chairperson advised that the question will be taken on notice.

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

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

**(Preamble to questions)**

I note there are numerous comments regarding the project, briefly:

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

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

I ask:

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

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

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

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

The A/Chairperson advised that the question will be taken on notice.

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

The A/Chairperson advised that the question will be taken on notice.

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

The A/Chairperson advised that the question will be taken on notice.

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

The A/Chairperson advised that the question will be taken on notice.

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

### Confirmation of Minutes of the Previous Meeting

Moved Cr Whitfield, seconded Cr Hamblin:

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 14 August 2017, as a true and accurate record.

Committee Voting – 5/0

### Matters Arising from the Previous Minutes

Nil

### Announcement by the Presiding Person without Discussion

4:10pm The A/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 A/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**

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3. Project Status Reports
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   - 4.4 Singleton Volunteer Bush Fire Brigade - Activity
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   - 4.6 Local Government Grant Scheme Capital Grant 2017/18
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   - 4.11 SmartWatch Key Result Area: Engagement with Community
   - 4.12 SmartWatch Key Result Area: Increasing perception of Safety
   - 4.13 Notable Statistics

### Strategic Planning and Environment
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2. Human Resource Update
3. Project Status Reports
   - 3.1 Local Planning Strategy (LUP/1352)
   - 3.2 Waterwise Council Program (EVM/56-02)
   - 3.3 Wetland Management Plan
   - 3.4 Lake Richmond Management Plan Review
   - 3.5 Coastal Hazard Risk Management and Adaption Plan
4. Information Items
   - 4.1 Notification of Approval of Structure Plans by the Western Australian Planning Commission
   - 4.2 Delegated Advertising of Proposed Structure Plans

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   - 4.6 Subdivision Clearance Requests
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   - 4.8 Development Application Referrals
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   4.2 Subdivision/Development Approval and Refusals by the WAPC
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   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
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   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Proposed Amendment No’s 161 and 162 to Town Planning Scheme No.2
   3.3 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Improvements to City Square and Civic Plaza (LUP/1933)
   3.6 ‘Mangles Bay Marina’
4. Information Items
   4.1 Release of Version 1.2 of Guidelines for Planning in Bushfire Prone Areas

Advisory Committee Minutes

Committee Recommendation

Moved Cr Smith, seconded Cr Whitfield:

That Councillors acknowledge having read the Planning Services Information Bulletin – September 2017 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – September 2017

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

4. Information Items
   4.1 Windmill Park Baldivis Public Open Space – Typha Infestation
   4.2 Rivergums Lake and Surrounds Flooding

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

**Parks Services**
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2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Delegated Public Open Space Handovers
   4.2 2017 / 2018 Parks Services Projects Summary
   4.3 2017/2018 Parks Services Project Information
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**Asset Services**
1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Facilities and Reserve Accessibility Audits
   3.2 Footpath Condition Audit
   3.3 Secure Access Strategy and Operations Implementation
4. Information Items
   4.1 Asset Maintenance Team
Committee Recommendation

Moved Cr Smith, seconded Cr Whitfield:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – September 2017 and the content be accepted.

Committee Voting – 5/0
### 12. Agenda Items

#### Planning and Development Services

**Compliance & Emergency Liaison**

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<td>Applicant:</td>
<td>Mr David Caporn, Manager Compliance and Emergency Liaison</td>
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<tr>
<td>Owner:</td>
<td>Mr Amos Dolman, Senior Ranger</td>
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<td>Author:</td>
<td>18 September 2017</td>
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<td>4. Aerial Photo 3 - Proposed Parking Control (5 September 2017)</td>
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</tbody>
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**Purpose of Report**

To seek Council approval of the recommended parking controls for Read Street, Rockingham.
Background

The culs-de-sac areas of Read Street, Rockingham are regularly misused for the advertising of businesses. Marked vehicles are parked in high visibility locations for extended periods on a daily basis. In some cases, multiple vehicles are parked in this way making it problematic for motorists to use the culs-de-sac for its intended purpose. This practice has led to numerous complaints being received from local residents who are irritated and concerned by the behaviour.

At various times, those advertising in this area have been informed of the complaints but have been undeterred from continuing with this practice. As there are inadequate parking controls in these locations, enforcement action has been limited.

It is timely to introduce additional parking controls to reduce the likelihood of persons using the area for purposes that are not intended and Ranger Services has conducted site visits and liaised with local residents in the area to gauge the best way to address the issue.

Details

It is proposed to introduce restrictions prohibiting the **stopping** of vehicles on significant portions of the culs-de-sac areas of Read Street, primarily those on the side closest to the adjacent thoroughfare. The restriction will be communicated by a continuous yellow line in the desired areas.

**No Stopping** means that you cannot **stop** for any reason – to drop off or pick up passengers, to wait for people to arrive, or to load or unload merchandise. Any violation of this restriction would be punishable by the local law, with fines currently set at $65.

The only time that it is permissible to stop in a no stopping area is if it is a true emergency or if a person is directed to do so by a police officer.
The addition of this control will greatly mitigate the potential for unintended road use, increase safety and reduce the irritation that is caused to residents at these locations.

**Implications to Consider**

a. **Consultation with the Community**
   A canvas of local residents was undertaken by Ranger Services. The feedback received was generally supportive of the introduction of additional parking controls to curb the described behaviour, with some occupants extremely happy that action was now being pursued through the Council.

b. **Consultation with Government Agencies**
   Not Applicable

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

   **Aspiration B:** Strong Community

   **Strategic Objective:** Safety and Support – A community that feels safe and secure in home, work and leisure environments and has access to a range of effective support services and partnerships when encountering challenging or difficult times.

d. **Policy**
   Nil

e. **Financial**
   Approximately 455 metres of continuous yellow line marking will be needed at the locations depicted, and the costing component inclusive of materials and labour is estimated at $1,326.25. This can be funded from existing Budget Accounts.

f. **Legal and Statutory**
   *The City of Rockingham Parking and Parking Facilities Local Law 2004* includes the following local laws:

   "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."

   "5.1(3) Stopping within continuous yellow lines
   No stopping on a carriageway with yellow edge lines. A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line."

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 introduction of the parking controls described will greatly mitigate the potential for unintended road use, increase safety and reduce the irritation that is caused to residents in the culs-de-sac areas of Read Street Rockingham.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council **APPROVES** ‘No Stopping’ parking control restrictions on the eastern side of the Read Street culs-de-sac access road between Centaurus Street and Robinson Road and also between Robinson Road and Swinstone Street extending in a ‘U’ shaped pattern adjacent to Swinstone Street, as shown in the following Aerial Photos 1, 2 and 3 dated 5 September 2017.

Aerial Photo 1 - Proposed Parking Control (5 September 2017)
Aerial Photo 2 - Proposed Parking Control (5 September 2017)
Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin

That Council APPROVES ‘No Stopping’ parking control restrictions on the eastern side of the Read Street culs-de-sac access road between Centaurus Street and Robinson Road and also between Robinson Road and Swinstone Street extending in a ‘U’ shaped pattern adjacent to Swinstone Street, as shown in the following Aerial Photos 1, 2 and 3 dated 5 September 2017.
Aerial Photo 1 - Proposed Parking Control (5 September 2017)
Aerial Photo 2 - Proposed Parking Control (5 September 2017)

Proposed 'Continuous Yellow Line'  
(No Stopping on Road)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON TUESDAY 24 OCTOBER 2017

Aerial Photo 3 - Proposed Parking Control (5 September 2017)

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 seek Council approval of the recommended parking controls for the City of Rockingham Autumn Centre (the Autumn Centre) car park, the adjacent verge and on McNicholl Street, Rockingham.
Background

The Autumn Centre, which is located at Lot 1589 (No.32) McNicholl Street Rockingham, currently has approximately 1,480 members. The car park has a total of 81 bays including bus bays.

In recent years development and infrastructure in the surrounding area has increased by way of commercial and residential buildings. This has negatively impacted the Autumn Centre due to an increase in the unauthorised use of the car park, which is particularly problematic during periods when the Autumn Centre is in high use.

Details

Ranger Services has conducted site inspections and liaised with staff of the centre to identify the best approach to resolving the issues. This has highlighted the need to introduce 'Authorised Vehicles Only' parking along with 'No Parking' on the adjacent verge and on the Autumn Centre side of McNicholl Street.

The proposal to restrict parking on the adjacent verge and McNicholl Street is to address the likely displacement that will occur once use of the car park is legally restricted and enforced. This is important, as the site is located on a bend and parking at these locations would significantly reduce visibility to users of the car park and the road.

If this proposal is approved, authorisation to use the car park will be managed by Autumn Centre staff whilst enforcement duties will be performed by Ranger Services.

Violation of any of the proposed restrictions would be punishable by the local law, with fines currently set at $65.

Implications to Consider

a. Consultation with the Community

The Autumn Centre is the property of the City of Rockingham and the request for additional restrictions was instigated by staff and members of that centre. Ranger Services has consulted with these representatives who are supportive of the proposed solutions/changes.

b. Consultation with Government Agencies

Not Applicable
c. **Strategic**

**Community Plan**

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

**Aspiration B:** *Strong Community*

**Strategic Objective:** *Safety and Support – A community that feels safe and secure in home, work and leisure environments and has access to a range of effective support services and partnerships when encountering challenging or difficult times.*

d. **Policy**

Nil

e. **Financial**

The total cost of signage, posts and labour is $1,900. This can be funded from existing Budget Accounts.

f. **Legal and Statutory**

The *City of Rockingham Parking and Parking Facilities Local Law 2004* provides the following local laws:

“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.”

“4.1(5) A person shall not, without the prior permission of the local government, the CEO, or an Authorized Person, park a vehicle in an area designated by a sign stating ‘Authorized Vehicles Only’.”

“5.1(2) No parking

A driver shall not stop on a length of carriageway or in an area to which a ‘no parking’ sign applies, unless the driver:

(a) is dropping off, or picking up, passengers or goods;
(b) does not leave the vehicle unattended; and
(c) completes the dropping off, or picking up, of passengers or goods within 2 minutes of stopping and drives on

‘Unattended’, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.”

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 order to provide safe and manageable parking options for staff and members of the Autumn Centre, it is timely to introduce restrictions within the car park, along the adjacent verge and on McNicholl Street.

Voting Requirements

Simple Majority
**Officer Recommendation**

That Council APPROVES the following parking controls as identified in the Aerial Photo dated 5 September 2017 below:

1. Restriction to allow ‘Authorised Vehicles Only’ within the Autumn Centre car park;
2. Restriction of ‘No Parking’ on the verge adjacent to the Autumn Centre; and
3. Restriction of ‘No Parking’ on the Autumn Centre side of McNicholl Street.

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**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Council APPROVES the following parking controls as identified in the Aerial Photo dated 5 September 2017 below:

1. Restriction to allow ‘Authorised Vehicles Only’ within the Autumn Centre car park;
2. Restriction of ‘No Parking’ on the verge adjacent to the Autumn Centre; and
3. Restriction of ‘No Parking’ on the Autumn Centre side of McNicholl 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
## Purpose of Report

To seek Council approval of additional parking controls in Nadine Promenade, Linaker Street and Elderberry Drive, Baldivis to assist with the management of safe parking around the Baldivis Gardens Primary School.
1. Location Plan

### Background

The Baldivis Gardens Primary, located at Lot 181 (No.2) Nadine Promenade, Baldivis, is an independent public school that has been operating since February 2017. The school caters for students ranging from kindergarten to year six. Currently the school has approximately 242 students enrolled, a number that is likely to increase due to residential housing development in the surrounding area.

In order to provide safe and manageable parking options and to discourage unsafe parking practices, it is timely to introduce additional parking restrictions in streets adjacent to the school.

### Details

The primary aim is to introduce parking controls that will enhance the safety of children attending the school. Ranger Services has conducted a site assessment of the school and the adjacent streets.

As a result, it is proposed to introduce 15 minute parking restrictions to the bays surrounding the school between the hours of 8:00am - 9:00am and 2:30pm - 4:00pm (on school operating days). A ‘bus zone’ is recommended in Nadine Promenade.

It is also proposed to introduce ‘No Stopping’ restrictions at identified locations in Nadine Promenade, Linaker Street and Elderberry Drive. These locations are deemed to be unsafe for parking even for a brief moment. **No Stopping** means that you cannot **stop** for any reason – to drop off or pick up passengers, to wait for people to arrive, or to load or unload merchandise.

The combination of these measures should improve safety for all pedestrians and help ease congestion for motorists frequenting the school during peak periods.

Violations of any of the proposed restrictions would be punishable by the local law, with fines currently set at $65.
Implications to Consider

a. Consultation with the Community
Representatives of the school, including the Principal, have been working closely with City Officers to instigate this proposal. The building contractor, Eduwest, has recommended the proposed controls in accordance with other school developments it is engaged in.

The 43 residential properties surrounding the school were canvassed on the proposed parking restrictions with follow-up by Ranger Services where questions or issues were raised. All questions and issues were satisfactorily resolved through this process.

b. Consultation with Government Agencies
Not Applicable

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

Aspiration B: Strong Community
Strategic Objective: Safety and Support – A community that feels safe and secure in home, work and leisure environments and has access to a range of effective support services and partnerships when encountering challenging or difficult times.

d. Policy
Nil

e. Financial
Eduwest has agreed to provide parking control signs for the identified locations, the total cost to the City for this proposal is $600. This can be funded from existing Budget Accounts.

f. Legal and Statutory
The City of Rockingham Parking and Parking Facilities Local Law 2004 includes the following local laws:

"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 parking stalls and parking stations"

"5.1 (1) No stopping
A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

(2) No parking
A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver
(a) is dropping off, picking up, passengers or goods;"
(b) does not leave the vehicle unattended; and
(c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on

'Unattended', in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(3) No stopping on a carriageway with yellow edge lines

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line."

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 introduction of the proposed parking controls will greatly contribute to free flowing traffic and enhance the safety of children and other pedestrians in the area surrounding the Baldivis Gardens Primary school.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the following parking controls as identified in the Aerial Photo dated 5 September 2017 below:

1. The introduction of 15 minute parking restrictions in Nadine Promenade, Linaker Street and Elderberry Drive, Baldivis between the hours of 8:00am - 9:00am and 2:30pm - 4:00pm (on school operating days); and
2. The introduction of ‘No Stopping’ areas in Nadine Promenade, Linaker Street and Elderberry Drive, Baldivis.
3. The introduction of a ‘Bus Zone’ restriction in Nadine Promenade, Baldivis.
Aerial Photograph - Proposed Parking Control (5 September 2017)
Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:
That Council **APPROVES** the following parking controls as identified in the Aerial Photo dated 5 September 2017 below:

1. The introduction of 15 minute parking restrictions in Nadine Promenade, Linaker Street and Elderberry Drive, Baldivis between the hours of 8:00am - 9:00am and 2:30pm - 4:00pm (on school operating days); and

2. The introduction of ‘No Stopping’ areas in Nadine Promenade, Linaker Street and Elderberry Drive, Baldivis.

3. The introduction of a ‘Bus Zone’ restriction in Nadine Promenade, Baldivis.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON TUESDAY 24 OCTOBER 2017

Aerial Photograph - Proposed Parking Control (5 September 2017)

Committee Voting – 5/0
<table>
<thead>
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<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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<tbody>
<tr>
<td>Not Applicable</td>
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### Purpose of Report

To consider amending the City’s Local Commercial Strategy (LCS), with a view to proceeding to advertise the proposed amendments for public comment.

### Background

The LCS was adopted by Council in February 2004, and was reviewed in 2012 as it applied to Baldivis. The LCS has the status of a Planning Policy adopted under the Town Planning Scheme.

The LCS promotes the development of a hierarchy of activity centres throughout the City which are viable, sustainable centres and which provide maximum benefit to the community.
The amendments in 2012 brought the LCS into alignment with the direction of State Planning Policy 4.2 - Activity Centres for Perth and Peel as it relates to Baldivis.

The amendments included:
- assessing the role and function of the centre in a hierarchy of centres, rather than the size of the centre in terms of retail floorspace;
- a requirement for a Retail Sustainability Assessment to be provided in support of any proposal that results in the alteration to the role and function of that centre in the hierarchy of centres.

In 2013 the Parkland Heights Local Structure Plan was endorsed by the Western Australian Planning Commission. The structure plan provides the overarching planning framework for the residential estate known as Parkland Heights (formerly Lot 1507 Eighty Road, Baldivis), which is being developed by Rockingham Park Pty Ltd.

When preparing the Structure Plan, the developer had indicated a desire to include 700m² of Commercial zoned land within a “Village Centre” precinct abutting Nairn Drive. This was excluded from consideration of the Structure Plan as no commercial floor space was allocated to the site in the Local Commercial Strategy at that point in time. As the Council was reviewing the LCS at that stage, such a proposal was considered to be premature.

The approved Structure Plan map shows a proposed Village Centre on unzoned land at the centre of the Structure Plan area, co-located with a future Primary School. The Structure Plan states “The Village Centre shall form the subject of a separate planning exercise and is excluded from this approval”.

1. Current Local Structure Plan Map
The LCS currently identifies the Parkland Heights as a “Local Centre” in the hierarchy of activity centres for Baldivis.

**Details**

The City has received a request to amend *Planning Policy 3.1.2 Local Commercial Strategy* (LCS) to facilitate the development of a Neighbourhood Centre in the Parkland Heights Estate, comprising up to 10,000m² of retail floor area.

In conjunction with this request, the proponent as submitted proposals for:

- An amendment to the Parkland Heights Structure Plan, to zone the centre “Commercial” and introduce land use planning controls.
- A Local Development Plan, which contains the built form planning controls for the centre, based on Main Street urban design principles.

In the event the Council resolves to proceed with this amendment to the LCS, it is intended that the proposed Structure Plan modification be advertised concurrently with the LCS modification.

![Proposed Structure Plan Amendment Map](image)

2. Proposed Structure Plan Amendment Map

The proposed amendment to the LCS is based on a review initiated by the landowner of the activity centres within and beyond Baldivis. In support of the requested amendment, a Retail Sustainability Assessment (RSA) report was submitted, which states:

“As a newly established and fast growing area, Baldivis currently relies heavily on the Baldivis Town Centre for retail trade, however, as the area expands to the south the development of other Local and Neighbourhood Centres (as planned under the LCS) will become important to the lifestyle of residents, easing of congestion and creation of local employment opportunities. A review of the surrounding Local and Neighbourhood centres has found that, critically, under capacity is expected to exist in South Baldivis based largely on the lack of land availability at The Ridge (Neighbourhood centre)”.

The Ridge is currently identified in the LCS as a Neighbourhood Centre, however, the manner in which The Ridge has been developed (medical centre/dental surgery/pharmacy) means this centre is unlikely to reach Neighbourhood Centre status, being more akin to a Local Centre.

The RSA analyses the potential impacts of a Neighbourhood Centre at Parkland Heights on other centres, and concludes:

- A 10,000m² Parkland Heights Neighbourhood Centre (PHNC) development would not negatively impact on the viability of existing or future potential surrounding centres as planned under the LCS.
- The PHNC offers the opportunity to increase the local ability to capture retail spend. Total expenditure in the primary catchment (ie Baldivis) increases by approximately 6%, which equates to an estimated $29 million in 2021 alone.
- Overall catchment floorspace productivity levels remain at a relatively high average of $6,700/m² (in 2021), indicating a healthy mix of total floorspace to expenditure. This is despite the inclusion of all potential expansions within the primary catchment.
- This points to a large undersupply should expansions not be allowed to go ahead, to the detriment of the local catchment. The healthy trading levels in the catchment are expected to increase with potential population growth, and by 2026, the catchment is expected to provide enough expenditure to increase productivity levels by 19%, with a further 12% increase by 2031.
- With an estimated $45 million construction cost, the PHNC would create approximately 57 full time jobs over the course of its construction.
- The PHNC would contribute an additional 294 permanent employment opportunities, 89 of which would be diverted from other centres and 161 which would be new jobs for the primary catchment.
- The PHNC will be directly accessible via Nairn Drive, facilitating shopping trips for passing traffic. There is currently a planned bus route through the Local Structure Plan, which would facilitate the increased use of public transport.
- The PHNC will provide a mix of both supermarkets and specialty stores which can meet the daily and weekly shopping needs for its catchment. This reduces the number of trips residents of the neighbourhood will need to make in order to satisfy their usual shopping needs.
- In addition, it will be located across from a primary school, enabling local families to create multi-purpose visits to the area, further reducing the need to travel.

To investigate the effect of the proposed PHNC on other centres in the catchment, the RSA analysed hypothetical development scenarios of all centres by 2021. The results show that, even with conservative assumptions applied, the relative impact of the proposed PHNC on the surrounding centres is less than 10%, with the most affected centres being The Ridge and Avalon (see Table 3 below). The RSA notes the sustainability of a centre is typically considered significantly impacted when profitability is reduced by more than 10%.
3. Estimated Impact of PHNC on Baldivis Centres

The RSA states that despite the impacts the modelling shows the centres to be trading at healthy and profitable levels, implying that there will be no impact to consumer amenity. The modelling confirms that by 2026, it is estimated that the total retail turnover in the catchment will be higher than if Parkland Heights were only to be developed as a Local Centre (1500m²), with productivity further increasing up to 2031.

4. Scenario 2 Growth in Floorspace Productivity Compared to Scenario 1

The modelling indicates that a 10,000m² Neighbourhood Centre is required at Parkland Heights to meet the future increase in retail demand generated by the forecasted rapid population growth in Parkland Heights and South Baldivis. Without developing Parkland Heights to the scale of a Neighbourhood Centre, the RSA concludes it is likely there will be a large gap in the local capacity to provide retail services for South Baldivis and the greater primary catchment.

The RSA report was peer reviewed at the request of the City by consultants MacroPlan Dimasi, whereupon it was concluded the analysis and conclusions were reasonable given the bounds of the modelling and the information provided.
Implications to Consider

a. Consultation with the Community

Under clause 4(1) of the Deemed Provisions of Town Planning Scheme No.2, if the Council resolves to amend a Planning Policy, it is to publish a notice of the proposed Policy in a newspaper circulating in the Scheme area, giving details of:

(i) the subject and nature of the proposed Policy, or amendment;
(ii) the objectives of the proposed policy, or amendment; and
(iii) where the proposed policy amendments may be inspected; and
(iv) to whom, in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.

Given the scope of the proposal, it is proposed that the amendment to the LCS is advertised for 28 days. The owners of all affected and competing commercial centres will be given notice of the proposal.

b. Consultation with Government Agencies

The Department of Planning, Lands and Heritage will be consulted on this proposal.

c. Strategic Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2) outlines the broad planning requirements for the planning and development of new activity centres, the key objectives of which include:

- **Activity Centre Hierarchy**: Distributing activity centres to meet community needs and applying an activity centre hierarchy.
- **Activity**: Plan activity centres to support a wide range of retail and commercial activities that promote competition and increase employment, and increase housing density and diversity to promote housing variety and to support the centre facilities.
- **Movement**: Maximise access to activity centres by walking, cycling and public transport while reducing car dependency.
- **Urban Form**: Plan activity centre development around a network of legible streets and quality public spaces.

SPP4.2 describes Neighbourhood Centres as providing for daily or weekly household shopping needs and community facilities, typically including supermarket(s), convenience shops, personal services and local professional offices. Residential density targets are promoted in the range of 15-25 dwellings per gross hectare.

SPP4.2 focuses strongly on the function and urban form of a centre, with reduced emphasis on maximum shop/retail floorspace of a centre. Expansion of centres is dealt with by requiring proponents to prepare a Retail Sustainability Assessment prior to a Neighbourhood Centre exceeding 6000m² or expanding by 3,000m².

In assessing the proposal against SPP4.2, the following is noted:

- As a fast growing area Baldivis currently relies heavily on the Baldivis Town Centre for retail trade. The RSA indicates that under capacity is expected to exist in South Baldivis as development expands south, due largely to the lack of available land at The Ridge.
The provision of a Neighbourhood Centre at Parkland Heights responds to a perceived need and will facilitate a more equitable distribution of service for the South Baldivis community.

- A Neighbourhood Centre at Parkland Heights will improve the range of retail and commercial services catering for local convenience and the weekly shopping needs of the surrounding community.
- Neighbourhood Centre at Parkland Heights provides an opportunity to incorporate higher density residential development within the centre, which can improve housing diversity, and which supports centre facilities.
- A Neighbourhood Centre at Parkland Heights will create local employment opportunities and reduce the need for the local population to travel to other centres to fulfil their retail needs. The centre is highly accessible for the surrounding catchment by foot, bicycle, public transport as well as by car.
- The Parkland Heights Neighbourhood Centre will be designed around Main Street principles, with development control being addressed separately via an amendment to the Parkland Heights Structure Plan, which includes a requirement for a Local Development Plan for the centre.

It is considered, for the above reasons, that the proposal is consistent with the provisions of SPP4.2.

**Planning Policy 3.1.2 - Local Commercial Strategy**

Planning Policy 3.1.2 - *Local Commercial Strategy* provides guidance for the distribution and hierarchy of employment centres within the District.

The objectives of the Local Commercial Strategy as it relates to Baldivis include:

- Capitalise on opportunities to revitalise activity centres in established urban areas, as a catalyst for urban renewal in the surrounding catchment;
- Provide sufficient development opportunities to enable a diverse supply of commercial and residential floorspace to meet community needs;
- Cater for a full range of needs from shopping, commercial and community services from local convenience to higher-order comparison retail/goods and services;
- Mitigate the potential for an over-concentration of shopping floorspace in large activity centres at the expense of a more equitable level of service to communities; and
- Promote the walkable neighbourhood's principle of access to employment, retail and community facilities by distributing activity centres to improve access by foot or bicycle, rather than having to depend on access by car in urban areas.

The LCS states that expansion outside of the designation for Activity Centres should be considered in cases which:

- There is an assessment of the expected impact/trading effect on existing centres;
- There is a demonstration of the extent to which the proposal is expected to lead to an overall improvement in the provision of facilities;
- An assessment is undertaken of the estimated employment outcome, including any loss of employment within other centres;
- Significant net employment during the construction period;
- The centre contributes to public transport usage;
- There is an increase in the choice and competition provided to the community – particularly for retail uses;
- There is a contribution to other community-related goals such as the social interaction and safety; and
- There has been a consideration where appropriate of the other factors such as traffic and parking impacts, amenity etc.
Based on the RSA conclusions, the proposal is considered to satisfy the above criteria as:

- The viability of other centres within the catchment will not be significantly impacted in the short term, with the most affected centres likely to be The Ridge and Avalon, which in 2021 are modelled to be impacted at 9.0% and 9.11% respectively. The modelling calculates that by 2026 the total retail turnover in the catchment will be higher than if Parkland Heights were only to be developed as a Local Centre (1500m²) with productivity further increasing up to 2031.
- The proposal will reduce leakage in retail spending from within the local area as residents can commute shorter distances to access their retail needs.
- The proposal will facilitate delivery of a diverse supply of commercial and residential floorspace and increase the consumer choice and competition available to the community.
- A Neighbourhood Centre at Parkland Heights would contribute an additional 294 permanent employment opportunities, and create 57 jobs during construction.
- Located on Nairn Drive and near a public transport bus route, the centre is highly accessible, facilitating shopping trips for passing traffic and increased public transport usage.
- Land use planning control and issues such as parking, traffic will be addressed in the Structure Plan Amendment and Local Development Plan processes to ensure the development of a high quality, safe and connected Neighbourhood Centre.

An implication of amending Parkland Heights to a Neighbourhood Centre is the change in status that would occur to The Ridge centre.

The Ridge centre is currently only partially developed, and includes a medical centre and a dental surgery which are non-retail uses, in addition to a pharmacy. The available land area at The Ridge centre is insufficient to allow this centre to grow beyond what can be reasonably regarded as a large Local Centre, comprising of approximately 2,200m² retail floor area in total. Amending The Ridge to a Local Centre in the LCS will have the effect of maintaining a balanced distribution of Neighbourhood and Local Centres within the hierarchy.

e. Financial
Nil

f. Legal and Statutory

As the Local Commercial Strategy has been adopted by Council as a Planning Policy (PP3.1.2 Local), in order to amend the LCS the Council needs to resolve whether to endorse the proposed amendments for the purpose of advertising the proposal for public comment.

Under the provisions of Clause 3 (4) of the Planning and Development (Local Planning Policies) Regulations 2015, the Council may amend or repeal a Planning Policy.

If the Council resolves to amend PP3.1.2, the City is required to publicly advertise the proposed changes for a period of not less than 21 days.

PP3.1.2 does not form part of Town Planning Scheme No.2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

g. Risk

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

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

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

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

Nil
Comments

As the LCS has been adopted as a Planning Policy, in order to amend the Policy the Council needs to resolve whether to endorse the proposed amendments for the purpose of advertising.

It is considered that there is valid justification for considering the proposal. The proposed amendment to the LCS has planning merit and is in accordance with SPP4.2 and the objectives of the LCS.

It is recommended that the proposed amendment to the LCS be advertised for a period of 28 days in accordance with the requirements of Town Planning Scheme No.2, and the proposed amendments be referred to affected landowners and the Department of Planning, Lands and Heritage for comment.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the publishing of a notice that it has prepared the following amendments to Planning Policy 3.1.2 - Local Commercial Strategy for public inspection for a period of 28 days, pursuant to Division 2, Clause 4 of the Deemed Provisions (Local Planning Policies) of Town Planning Scheme No.2:

1. Replace the Precinct 4 Baldivis row of Table 1.2 - ‘Centres in Rockingham Related to the Metropolitan Centres Policy Hierarchy’ with the following:

<table>
<thead>
<tr>
<th>City of Rockingham</th>
<th>Strategic Regional Centres</th>
<th>Regional Centres</th>
<th>District Centres</th>
<th>N'hood and Local Centres</th>
<th>Traditional “Main Street” Centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 4 Baldivis</td>
<td>None</td>
<td>None</td>
<td>Baldivis Town Centre</td>
<td>6 N’hood 5 Local Centres</td>
<td>All centres as per SPP4.2</td>
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</tbody>
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2. Replace the Baldivis Centres row of Table 2.8 - ‘Neighbourhood and Local Centre Descriptions in the Baldivis Precinct’ with the following:

<table>
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<th>Level in hierarchy</th>
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<td>Baldivis Centres</td>
<td>NC’s play an important ‘community’ based role in servicing the every-day needs of residents who live within close proximity to the centre. Existing and Proposed Centres in Baldivis include: - Tuart Ridge - Stargate (Precinct E) - Baldivis North - The Spud Shed - Settlers Hill - Parkland Heights</td>
<td>LC’s provide convenience shops or a small strip of shops serving a walkable catchment. Further LC development within Baldivis will not impact on the achievement of an appropriate hierarchy, and is encouraged as an overall net community benefit will result if additional LC’s are established. It is noted that the development feasibility of LC’s is very difficult to achieve, and any development without a major anchor (such as a supermarket) should be viewed favourably.</td>
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</table>
3. Modify Figure 2.4.2 – ‘Activity Centre Hierarchy for Baldivis’ by:
   (i) changing the designation of the Parkland Heights “Local” centre to “Neighbourhood” centre.
   (ii) Changing the designation of The Ridge “Neighbourhood” centre to “Local” centre.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:
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   (iv) Changing the designation of The Ridge “Neighbourhood” centre to “Local” centre.

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Development Services
Strategic Planning and Environment Services

Reference No & Subject: PDS-047/17 Proposed Structure Plan – Lot 53 Kerosene Lane, Baldivis

File No: LUP/2020
Applicant: Veris on behalf of Terranovis Pty Ltd
Owner: Mr W Radonich
Author: Mr Tristan Fernandes, Coordinator Strategic Planning
Other Contributors: Mr Brett Ashby, Manager Strategic Planning and Environment

Date of Committee Meeting: 18 September 2017
Previously before Council: 18 September 2017

Disclosure of Interest: Executive
Nature of Council’s Role in this Matter:

Site: Lot 53 Kerosene Lane, Baldivis
Lot Area: 8.83ha
LA Zoning: Development zone
MRS Zoning: Urban

Attachments:
1. Advertised Structure Plan Map
2. Schedule of Submissions

Maps/Diagrams:
1. Location Plan
2. Aerial Photograph
3. Advertised Structure Plan Map
4. Advertised Subdivision Concept Plan
5. Location of Advertising
6. Intersection Spacing on Nairn Drive
7. Separation to Landfill Facility
8. Extract from draft South Metropolitan and Peel Sub-Regional Planning Framework.
9. Landscape Concept Plan Amendments

Purpose of Report
To consider a proposed Structure Plan over Lot 53 Kerosene Lane, Baldivis following the completion of public advertising.

Background
The Structure Plan area was cleared in the early 1980’s and used as a market garden for approximately 30 years. The market garden operation ceased within the last 10 years and the land now remains vacant. There is one remaining outbuilding on the site which was used for the market garden operations.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 24 OCTOBER 2017

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 24 OCTOBER 2017

1. Location Plan

2. Aerial Photograph
Description of the Proposal (As Advertised)

The proposed Structure Plan includes the following elements (see Figures 3 and 4):

- A base Residential density coding of R30 to facilitate development of approximately 133 lots;
- A portion of Nairn Drive between Kerosene Lane and Fairchild Drive;
- Road connections to Chilvers Street, Dunning Street and widening of Fairchild Drive; and
- A Public Open Space Reserve (POS) (approximately 1.06ha).

3. Advertised Structure Plan Map
4. Advertised Subdivision Concept Plan
a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan was advertised for a period of 28 days, commencing on 5 July 2017 and concluding on 2 August 2017. Public advertising was carried out in the following manner:

- Nearby land owners (properties located within the red border on Figure 5), servicing agencies and the Baldivis Residents Association were notified of the proposal in writing and invited to comment;
- The Applicant erected one (1) sign on site on Kerosene Lane advertising the proposed Structure Plan;
- A notice was placed in the Sound Telegraph newspaper on 5 July 2017; and
- Copies of the proposed Structure Plan and relevant documents were made available for inspection at the City’s Administrative Offices and placed on the City’s website.

Advertising was undertaken in accordance with the requirements of Schedule 2, Part 4, clause 18 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).
**Public Submissions:** Following the close of the advertising period, the City had received seven (7) submissions from nearby landowners.

A full copy of the submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The content of the issues raised in these submissions is summarised and addressed as follows:

### Amenity

**Submission:**
There is a lack of interactive play equipment/playground equipment to service existing and new children in the locality.

**Applicant’s Response:**
The proposed POS in the Structure Plan is a single large consolidated park comprising landowner’s 10% POS. This is considered sufficient POS for the development in accordance with WAPC Liveable Neighbourhoods and WAPC State Planning Policy 2.3 ‘Public Open Space’. The proposed development of the POS is subject to further investigation with the City at the subdivision approval stage.

**City’s Comment:**
For the neighbourhood park proposed within the Structure Plan area, the City's Planning Policy 3.4.1 – *Public Open Space* outlines playground equipment be provided. In this regard, the City will be work with the applicant to provide suitable equipment as part of the subdivision process.

### Traffic

**Submission:**
The proposed ‘Left-in / left-out’ access from Lot 53 to Nairn Drive is located approximately 88 metres to the north of a proposed ‘full movement’ access connection with Nairn Drive and land on eastern side of Nairn Drive.

The City’s recommendation to the WAPC on Spires Kerosene Lane Structure Plan did not make reference to this intersection, which was taken to mean support for the current access configuration.

If this spacing is determined to be inadequate, it is requested that the Applicant’s intersection (Lot 53) be relocated to achieve satisfactory intersection separation distance.

**Applicant’s Response:**
It is suggested that the Dunning Street/Nairn Drive intersection be modified from its current ‘left-in/left-out’ movement to become a ‘left-out’ movement only. This would remove the need for the left-turn lane in Nairn Drive and also reduce the length of the median island in Nairn Drive. Thus this would allow for both developer intersection locations to be retained (i.e. eastern landowner’s intersection retained as ‘full movement’). It is noted that under the WAPC draft Liveable Neighbourhoods the intersection spacing is 70m, in lieu of the current LN 130m spacing, so if the current 88m separation is adequate, then the above modification will not be necessary.

**City’s Comment:**
The City notes that there are a number of guiding documents which specify the recommended intersection spacing on regional roads:

- **Liveable Neighbourhoods** recommends a 130m intersection separation for right/left stagger (to provide for left turn deceleration lanes and to avoid corner cutting on local streets) for Nairn Drive (a designated 70km/hr ‘integrator arterial’ road).

- The **Austroads Guide to Road Design Part 3 – Geometric Design** recommends a minimum stopping sight distance of 120m for a 70km/hr road. Note the 120m distance accounts for vehicles travelling 80km/hr road.

As such, the spacing is currently insufficient between the two proposed intersections.
In review of the intended function and context of the proposed intersections onto Nairn Drive to both the western and eastern sides, the proposed full movement intersection within ‘The Spires Kerosene Lane’ Structure Plan, provides for local traffic movements to Nairn Drive (see Figure 6).

Dunning Street provides an important east/west connection to the Spud Shed Neighbourhood Centre and western residential area, parallel to Kerosene Lane. The proposed left-in, left-out arrangement also performs a function to distribute traffic between Fairchild Drive and Dunning Street into the Structure Plan area.

With respect to the applicant’s option to provide a ‘left out’ movement only, the City has determined that removing the “left-in” movement at Dunning Street would shift the traffic flow onto Fairchild Drive. The Structure Plan Traffic Report outlines that Fairchild Drive is projected to carry 3,750 vehicles per day under the current configuration, which is greater than the recommended 3,000 vehicles per day for a neighbourhood connector ‘B’ profile road. While Fairchild Drive can function with the increased traffic movements, the removal of the ‘left-in’ on Dunning Street would further increase traffic on Fairchild Drive. As such this option is not recommended.

In consideration of the full context of the Structure Plans both east and west of Nairn Drive (which was not available to the City when it considered the Spires Kerosene Lane Structure Plan), the left-in, left-out on Dunning Street is considered to perform an important function to local traffic movements and should be maintained.

The City has also investigated whether a full movement intersection could be accommodated given the important function of Dunning Street and in response to a submission received on this matter. It was determined that due to the spacing requirements specified within *Liveable Neighbourhoods* and *Austroads*, this cannot be achieved.

While the minimum intersection spacing requirements can be accommodated, it would undesirably impact the overall design of the Structure Plan area. The relocation of the undetermined full movement intersection into the Spires is a preferred outcome which is recommended to be investigated with the Department of Planning, Lands and Heritage.

If a suitable change cannot be achieved in the consideration of the ‘Spires Kerosene Lane’ Structure Plan, it is recommended that the non-preferred option to realign Dunning Street north to meet the intersection spacing requirements be implemented.
Traffic (Cont…)

Recommendation:
(i) That a left-in, left-out access point be maintained from Dunning Street onto Nairn Drive.
(ii) That the City request the Department of Planning, Lands and Heritage to consider relocation of the full movement intersection onto Nairn Drive within the draft Spires Kerosene Lane Structure Plan to provide adequate separation as specified by Liveable Neighbourhoods to the extension of Dunning Street.
(iii) If there is no opportunity to provide a relocated intersection within the proposed adjoining Structure Plan, the Lot 53 Structure Plan is recommended to be modified to achieve a 130m separation between the intersections of Dunning Street and the future full movement intersection from Nairn Drive into the Spires Kerosene Lane Structure Plan area.

Submission:
Consideration should be given to traffic calming measures on Nairn Drive.

Applicant's Response:
Nairn Drive is proposed to be developed to accommodate fast moving and high volume traffic. Nairn Drive will not be designed as a pedestrian friendly neighbourhood connector road, so traffic calming is less of a priority in the ultimate design.

City's Comment:
Given the ultimate function of Nairn Drive as a regional transport route, it is unlikely that traffic calming measures (such as speed bumps) would be installed on this road.
**Traffic (Cont…)**

**Submission:**
Concern was raised with respect to the amount of traffic, speed and level of service for local roads (particularly traffic near Kingcote Road/Linaker Street) in association with the local primary school.

**Applicant’s Response:**
These local roads are outside of the control of the Applicant and are not part of the Structure Plan area.

**City’s Comment:**
The current road hierarchy adjacent to the primary school has been designed to accommodate for the expected traffic generated in the surrounding area. It should be noted that the road was designed to cater for general traffic flow and some congestion is to be expected during school peak hours. Consideration has been given to minimise congestion and safety issues during the school peak hours.

The City will monitor the performance of the road and should any issues be identified, then remedial measures will be investigated.

**Submission:**
Additional traffic calming measures (speed bumps) should be considered surrounding the primary school site (outside the Structure Plan area).

**Applicant’s Response:**
These local roads are outside of the control of the Applicant and are not part of the Structure Plan area.

**City’s Comment:**
The City will monitor the performance of the road and should any issues be identified, then remedial measures will be investigated.

**Submission:**
It is requested that car parking is considered adjoining public open space.

**Applicant’s Response:**
Noted and typically on-street parking is provided abutting POS. This is a planning matter to be considered at subdivision approval stage.

**City’s Comment:**
The City’s Planning Policy 3.4.1 – *Public Open Space* outlines the minimum standard for the development of POS. In this regard, the policy states a minimum of five car parking bays should be provided for a neighbourhood park.

The City notes that the Subdivision Concept Plan does not make provision for car parking. The City will seek to implement the provision of on-street parking abutting POS as part of its consideration of detailed engineering drawings at subdivision stage.

**Submission:**
It is requested that Kerosene Lane be upgraded to urban standard and that the speed limit be reduced.

**Applicant’s Response:**
This is a planning matter to be considered at subdivision approval stage, in addition to consideration of appropriate sign-posted speed limit. It is noted that for greenfield urban development to the west, a condition of subdivision is the upgrading of Kerosene Lane abutting the development area.
Traffic (Cont…)

City’s Comment:
The Structure Plan provides a commitment for the upgrade and widening of Kerosene Lane to an urban standard with kerbing, lighting and boulevard treatment for where it abuts the Structure Plan area. The balance of Kerosene Lane will be upgraded when new urban development occurs.

Submission:
A roundabout is requested (outside the Structure Plan area) at the Intersection of Kerosene Lane and Baldivis Road.

Applicant’s Response:
This is not within the proposed Structure Plan area and is land outside of the Applicant’s control.

City’s Comment:
A roundabout will be provided at the intersection of Baldivis Road and Kerosene Lane when urban development occurs adjacent to the intersection. At this stage, the City cannot anticipate when urban development will necessitate the roundabout’s construction.

Submission:
The intersection of Dunning Street and Nairn Drive should be made a full movement intersection.

Applicant’s Response:
The Structure Plan Traffic Report recommends only a 'left-in/left-out' for appropriate traffic safety and movement. This may be further downgraded to a 'left-out' only given the proximity of a planned full movement intersection with Nairn Drive approximately 88m to the south for the structure planning on east side of Nairn Drive. For the proposal, there will be a full movement intersection at Fairchild Drive and a roundabout at Kerosene Lane/Nairn Drive.

City’s Comment:
Due to the intersection spacing requirements with adjoining Structure Plan areas located east of the subject land, a full movement intersection cannot be provided at Dunning Street. The City is seeking to maintain a left-in, left-out access point onto Nairn Drive, as shown on the Structure Plan to enable northbound vehicle movements. Vehicles travelling south from within the Structure Plan area will need to use Fairchild Drive.

b. Consultation with Government Agencies

As mentioned above, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment, pursuant to Schedule 2, Part 4, clause 18(1)(b) of the Regulations. In this regard, the City invited comments from the following agencies:

- ATCO Gas Australia
- Department of Aboriginal Affairs (Now amalgamated into the Department of Planning Lands and Heritage)
- Department of Education
- Department of Environment Regulation (Now amalgamated into the Department of Water and Environment Regulation)
- Department of Fire and Emergency Services
- Department of Health
- Department of Parks and Wildlife (Now referred to as Department of Biodiversity, Conservation and Attractions)
Following the close of the advertising period, the City had received nine (9) submissions from State Agencies. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions (Attachment No.1 to this Report). The submissions that raised issues for consideration are summarised and addressed as follows:

1. Department of Health

**Submission:**

1. Water and Wastewater Disposal

   All developments for the densities proposed are required to connect to scheme water and reticulated sewerage; as required by the Government Sewerage Policy - Perth Metropolitan Region.

2. Public Health Impacts

   It is noted that the Millar Road operational Class 2/3 putrescible wastes and contaminated solid wastes landfill facility is located less than 300m north of the proposed residential properties. According to the EPA Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses, No 3, June 2005, the minimum buffer distance from a Class 2/3 landfill to a subdivision is 500m.

   This current plan lacks a sufficient buffer distance (500m) which may impact the health of residents being exposed to gases, noise, dusts and odours from the Millar Road Class 2/3 landfill site.

   The City of Rockingham should also use this opportunity to minimise potential negative impacts of the increased density development such as; noise, odour, light and other lifestyle activities.

   To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing / insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.

**Applicant’s Response:**

The landfill facility DoH refers to is beyond 500m radius north from Lot 53 northern boundary. An approximate 650m buffer distance to the landfill is therefore already provided (see Figure 7), also noting the prevailing southerly wind direction would most likely reduce the EPA generic 500m buffer requirement. It is noted that the location of the landfill facility in Millar Road West did not raise any adverse health impacts on the structure planning and subdivision approvals for Lots 5 – 8 Kerosene Lane or Paradiso Estate, which is generally the same distance from the landfill facility as the subject site.
1. **Department of Health (Cont…)**

   ![Image of Millar Road Landfill Facility]

   **7. Separation to Landfill Facility**

   **City's Comment:**

   1. **Water and Wastewater Disposal**
      
      Any future development will be required to be connected to reticulated water and sewerage as required by the *Government Sewerage Policy – Perth Metropolitan Region*.

   2. **Public Health Impacts**
      
      The City has assessed the separation distance to the Millar Road Landfill Facility and it is located outside the minimum 500m separation distance to future residential land uses.

      Dwelling applications will be considered against the requirements of the Building Code of Australia, the Residential Design Codes and any other legislative requirements applicable on the subject land.

2. **Department of Transport (DoT)**

   **Submission:**

   1. **PTA Comments**
      
      - The Public Transport Authority (PTA) confirmed that there are future plans, as a part of PTA's Service Development Plan, to extend the Route 568 bus service via Nairn Drive to Kerosene Lane as part of its long-term alignment.

      - It should be noted that PTA does not have long-terms plans to operate a bus service on the local streets west of Nairn Drive (Linaker St/Desiree Dr) as indicated in the Transport Assessment Report (Appendix 6). Nairn Drive is the preferred alignment to allow for greater passenger catchment and to also serve future development to the east of Nairn Drive.
2. Department of Transport (DoT) (Cont…)

- An interim bus terminus located at the northern end of Nairn Drive near Kerosene Lane would help facilitate the extension of the Route 568 into North Baldivis. Noting that this would ultimately be a temporary terminus as long-term plans will have the service extended via Kerosene Lane and Mandurah Road to Rockingham Station (although this will likely be a number of years away).

- Detailed minimum road specifications to facilitate the bus route and terminus can be found on the PTA's website.

- It should be noted that the timing of the introduction of the Route 568 service extension is subject to continued development of the area, availability of resources and securing a suitable terminus location.

2. Walking and Cycling

- The applicant needs to consider the interface between the shared path and the street network. For example, the crossing at Dunning Street is via two slip lanes that maybe unsafe for cyclists and pedestrians due to the difficulty of crossing between faster moving traffic.

- East-west connectivity through the site is poor for cyclists. The Structure Plan should include a route along Dunning Street.

- Future connection of a shared path north of Kerosene Lane needs to be included in the Structure Plan.

- The Structure Plan should provide paths on both sides of all streets, particularly around and connecting to the park.

3. Nairn Drive

DoT notes that Department of Planning, Lands and Heritage (DPLH) has been working closely with the City of Rockingham to define the ultimate land requirement and road design for Nairn Drive and Kerosene Lane. This work might have an impact on the subject Local Structure Plan.

4. Recommendations

In view of the above, The DoT recommends that:

- The City of Rockingham liaises with DPLH to ensure that all transport issues are resolved prior to the finalisation of the above Structure Plan.

- The applicant is to prepare a cycling plan to improve connectivity within the Structure Plan area in consultation with City of Rockingham and DoT.

- The applicant liaises with PTA during the subdivision planning, staging and construction process to allow for the provision of the Route 568 extension and terminus, and to minimise amenity concerns.

Applicant's Response:

Noted. Comments raised do not have any material impact on the proposed Structure Plan and suggested planning considerations can be further investigated at later stages of planning.

City Comment:

1. PTA Comments

   The submission is noted.

2. Walking and Cycling

   - It is recommended that the design of the path crossing and refuge island be redesigned within detailed engineering drawings provided at subdivision stage to ensure safe movement (including provision of a crossing for existing paths) for both pedestrians and cyclists using the path. This applies to both Fairchild Drive and Dunning Street.
2. Department of Transport (DoT) (Cont…)

- *Liveable Neighbourhoods* specifies that footpaths must be provided to one side on access streets. The City cannot mandate footpaths on both sides of low order access streets.

- With respect to the east west cyclist connectivity through the Structure Plan area, Dunning Street has already been constructed in part and it is the City’s intention is to adopt similar cross sectional details. The City notes that shared path is intended to be extended along Dunning Street which the cyclists can use in addition to the road carriageway.

3. Nairn Drive

The City's comments in relation to its assessment of the regional road planning matters are contained within the comments section of this Report.

3. Department of Water (DoW)

**Submission:**

The Department has reviewed the *Local Water Management Strategy - Lot 53 Kerosene Lane, Baldivis* dated 1 November 2016 and amendments are required. It is recommended that the Structure Plan should not be finalised in the absence of a Local Water Management Strategy (LWMS) approved by the City of Rockingham and the Department of Water (DoW), in accordance with Better Urban Water Management. The Department is yet to receive an amended LWMS and the Structure Plan does not contain a revised strategy.

The letter dated 1 November 2016 to the applicant required the following changes to the Local Water Management Strategy:

**Section 4.4 Groundwater Aspects**

Reference is made to Drawing U-03 in Appendix B. However this drawing is absent from the strategy.

**Section 6.2 Pre and Post-Development Hydrology**

The DoW notes the comment in the third paragraph referring to the relatively steep slopes on the site and that the logistics of installing small retention basins across the site is difficult. There is the ability to utilise vegetated road-side swales, tree pits and raingardens to manage road runoff for frequent events close to source, rather than larger bio-retention areas located within public open space (POS) areas. The slope of the site is not considered an impediment to designing and installing water sensitive urban design features at this site.

In addition, reference is made within the 4th paragraph for flush kerbing along the majority of the POS boundary and that this design will be resolved at the approval process. Are you referring to the future Urban Water Management Plan (UWMP) required as a condition of subdivision approval? Any proposed concept designs should be included within this LWMS with more detailed drainage plans presented in the UWMP.

Also, the fifth paragraph describes a three tier arrangement. Will the lower tier contain the bio-retention area? If so, this should be sized for the small events (first 15mm) for water quality treatment as per DoW's Decision process for stormwater management in WA: Draft for consultation (DoW, 2016) rather than the minor event (5 year event). The information presented in this section is not presented well in the plans or diagrams within the appendices as it is difficult to identify the tiered limestone wall concept.

**Section 6.3.3 Streets**

The 4th paragraph describes the "*1 in 1 year bio-retention area will be defined using a retaining wall*", however section 6.2 does not describe this. Is there another tier in addition to the "*up to the 5 year ARI*", "*greater than the 5 year ARI*" and "*greater than the 10 year ARI*" that is not described in section 6.2?
### 3. Department of Water (DoW) (Cont…)

**Section 9 Monitoring**

The previous section mentions testing of water quality for irrigation purposes. Will this testing be on-going to monitor whether the water quality is suitable for public health using standard irrigation practices?

**Appendix B**

The orientation of the post-development catchment plan is incorrect.

**Appendix C - Drainage Calculations**

Please ensure the modelling reflects the Decision process for stormwater management in WA: Draft for consultation (DoW, 2016).

**Appendix D - Details of Drainage Basins**

Please include basin details, cross-sections and landscape concept plans illustrating the proposed tiered approach as outlined within section 6.

**Applicant’s Response:**

The matters raised are not considered substantial in terms of the overall material impact on stormwater management and ability to manage stormwater for the proposal in accordance with *Better Urban Water Management* principles. It is considered that the Structure Plan can be progressed, with detailed design of stormwater infrastructure undertaken at the subdivision approval stage. Notwithstanding the Applicant is currently considering the DoW comments/modifications, but these should not be matters to delay determination of the Structure Plan.

**City’s Comment:**

The City’s comments in relation to its assessment of the Local Water Management Strategy are contained within the comments section of this Report.

### 4. Main Roads WA

**Submission:**

The transport assessment only undertook modelling of the interim Nairn Drive/Kerosene Lane intersection. The City should consider requestion additional traffic analysis that incorporates the wider network. This would ensure the increased traffic generated from the proposal can be accommodated by the surrounding intersections without the need for any upgrades.

The proposal will generate approximately 100 vehicles per hour in the AM and PM peak. Therefore, this requires would be consistent with the WAPC Transport guidelines.

**Applicant’s Response:**

Prior to advertising, the City requested the Applicant to provide a more detailed Transport Assessment to justify the proposal. This information was provided which satisfactorily demonstrates (at structure planning level) that the existing and planned road network can adequately accommodate the proposal. Regarding any potential upgrades to intersections, it would be reasonable for this consideration to be further investigated at the more detailed subdivision approval stage.

**City’s Comment:**

The City’s comments in relation to its assessment of the Traffic Report are contained within the comments section of this Report.
## 5. Water Corporation

### Submission:

1. **Water**
   Reticulated water is available to the subject Structure Plan with extensions to the current reticulation mains adjacent to the proposed development. All water main extensions, for the Structure Plan, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.
   
   The comment in Whelans Engineering Servicing Report Appendix 3 Page No.610. Water Supply, regarding the need to boost the supply to any further development is in regards to the high land to the East of the extension of Nairn Road.

2. **Wastewater**
   Reticulated sewerage is available to the Structure Plan with extensions to the current reticulation mains adjacent to the proposed development. All sewer main extensions, for the Structure Plan, should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

3. **General Comments**
   The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land being ceded free of cost for works.

### Applicant’s Response:
Noted. Comments raised do not have any material impact on the proposed Structure Plan and suggested planning considerations can be further investigated at later stages of planning.

### City’s Comment:
The submission is noted.

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

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

| d. Policy
| State Planning Policies
| **Directions 2031**

*Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon ('Directions 2031') was released by the WAPC in August 2010 as the plan to provide a vision for the future growth of the Metropolitan and Peel region. It provides a broad framework to guide detailed planning and the delivery of the various elements that provide for growth.

*Directions 2031* seeks to increase the proportion of infill development to the ratio of new 'greenfield' development sites. A target of 47% infill development is sought under the Policy.*
As of 2009, only 30% infill development was being achieved. This Policy seeks a 50% improvement from the existing trend.

To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare of land in new development areas.

The Structure Plan Report states that the proposed Structure Plan meets the density target set out in Directions 2031.

**Draft South Metropolitan and Peel Sub-Regional Planning Framework (2015)**

The *draft South Metropolitan and Peel Sub-Regional Planning Framework*, released for public comment by the WAPC in 2015, identifies the subject land as 'Urban' (refer to Figure 8).

The most significant aspects of the plan that are relevant to the subject land is the designation of Kerosene Lane (east of Nairn Drive), to regional road status, and the exclusion of land north of Kerosene Lane from future urban or industrial development.

With respect to the upgrading of Kerosene Lane (east of Nairn Drive) to regional road status, the road profile and land requirements for these roads have yet to be finalised. This also includes the intersection treatment at Nairn drive and Kerosene Lane, impacting the north east corner of the Structure Plan area.

As road traffic projections were not released as part of the draft Sub-Regional Planning Framework, the City is not in a position to determine what configuration of road is required at this time.

Given the Sub-Regional Planning Framework has yet to be finalised and the road widening requirements not yet determined, the WAPC will need to determine what road widening is required, and where that road widening shall occur, prior to the determining the proposed Structure Plan.

The proposal to exclude the land to the north of Kerosene Lane from future urban or industrial development has implications for bushfire planning which will need to be addressed in the Bushfire Management Plan.

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8. Extract from draft South Metropolitan and Peel Sub-Regional Planning Framework.
**Liveable Neighbourhoods**

*Liveable Neighbourhoods* (LN) has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy, and operates as a sustainable development control policy to guide structure planning and subdivision. The document outlines all the requirements a new structure plan and the supporting documentation needed to assess such. These requirements are intended to facilitate the State Government's objective to create communities that reduce dependency on private vehicles and are more energy and land efficient.

LN contains eight 'elements' under which structure plans and subdivisions are assessed, as follows:

- **Element 1 - Community Design**
- **Element 2 - Movement Network**
- **Element 3 - Lot Layout**
- **Element 4 - Public Parkland**
- **Element 5 - Urban Water Management**
- **Element 6 - Utilities**
- **Element 7 - Activity Centres and Employment**
- **Element 8 - Schools**

Each Element has two components - 'Objectives' and 'Requirements'. Objectives describe the principal aims of each Element, and Requirements present a range of qualitative and quantitative responses to meeting the Objectives. Requirements include matters that 'should' be considered, where there is a range of design solutions, and matters that 'must' be satisfied.

The City has assessed the proposal in accordance with the Objectives' and 'Requirements' of LN. The assessment outcomes are summarised as follows:

### Element 1 - Community Design

The Structure Plan integrates appropriately with its surroundings and all lots are within a walkable catchment to public open space from within the Structure Plan area.

LN encourages a mix of housing types, lot sizes and densities, with smaller residential lots and higher density housing in areas close to centres, near high frequency public transport stops and in areas with high amenity such as next to public open space. This criterion gives context to the allocation of density.

The Structure Plan is not located within the 400m walkable catchment of the Spud Shed Neighbourhood Centre or a high frequency bus route, which would justify a uniform R30 density code.

It is also noted that the Subdivision Concept Plan (see Figure 4) and Table 1 of Part Two of the Structure Plan Report shows every lot exceeding the average 300m² lot area specified by the Residential Design Codes which is not consistent with the R30 code. The densities shown more closely reflect the R20 and R25 density codes.

In this regard, the blanket residential density coding of R30 proposed over the entire Structure Plan area is not consistent with the intent of LN to provide a mix of housing types, lot sizes and densities. The R30 density is also not appropriate to the site's context, given it is located outside of the walkable catchment to Kerosene Lane Neighbourhood Centre, and intended subdivision layout shown in the subdivision concept plan. In light of the site's context and intended lot mix, it is recommended that the Structure Plan provide a base R25 R-Code and provide for a medium density R30 code adjacent to public open space.

**Recommendation:**

The provision of a blanket density of R30 is not supported, and the Structure Plan is recommended to be modified to provide a base code of R25 and provision for a R30 density code adjacent to public open space.
Recommendation:
Element 2 - Movement Network
The proposed Structure Plan fronts Kerosene Lane which is being upgraded to a Neighbourhood Connector A category. This upgrading requires a 2.2m road widening to be provided along the frontage of Lot 53 which is shown on the Structure Plan Map and acknowledged in the structure plan documentation.

Fairchild Drive will also require 3m of road widening road to complete the 18m road reservation requirement.

Element 3 - Lot Layout
The Structure Plan and indicative Subdivision Concept Plan provide for lots with rear boundaries backing onto the future Nairn Drive road reserve. The total length of these combined lot boundaries is 125m for the northern portion and 326m long for the southern section.

The lot design will result in a uniform boundary wall for the full frontage of these lots which will result in no casual surveillance to future Nairn Drive. Other sections of Nairn Drive provide for cap roads fronting Nairn Drive to provide a suitable interface. In the context of this Structure Plan, the Structure Plan immediately east of Nairn Drive has proposed an appropriate interface.

Liveable Neighbourhoods states that “lots along arterial roads should front those roads and be provided with service roads, rear lanes or other forms of vehicle access...”. It also states that “Lots backing onto arterial roads and/or the use of solid walls should be avoided”.

In this regard, it is recommended that the local road network be redesigned to provide a slip road interface with Nairn Drive wherever possible in accordance with Liveable Neighbourhoods.

Recommendation:
That the Structure Plan local road network be redesigned to provide a slip road interface to Nairn Drive in accordance with Element 3 R31 of Liveable Neighbourhoods.

Element 4 - Public Parkland
The Structure Plan area is served by a centrally located 9,260m² Neighbourhood POS, meeting the 10% requirement and has been appropriately designed to provide distribution of open space within a walkable catchment of approximately 300m all residential dwellings.

The City's assessment of the Public Open Space schedule, which is provided as part of the Structure Plan Report, did determine that the Schedule has not been prepared in accordance with LN and will need to be corrected.

Element 5 - Urban Water Management
A Local Water Management Strategy prepared to accompany the Structure Plan has been assessed by the City. Refer to the Comments section of this Report.

Element 6 - Utilities
The Structure Plan Report provides appropriate documentation of the utilities requirements to be implemented at subdivision stage.

Element 7 - Activity Centres and Employment
There are no Activity Centres proposed in the Structure Plan area, however, the structure plan area is located approximately 500m from the proposed ‘Spud Shed’ Neighbourhood Centre on Kerosene Lane to the west.

Element 8 - Schools
There are no Schools proposed in the Structure Plan area, however, the structure plan area is located approximately 200m from a proposed Primary School on Fairchild Drive to the west.
**State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (December 2015) and Guidelines for Planning in Bushfire Prone Areas (August 2017)**

On 7 December 2015, the following documents were gazetted:

- Fire and Emergency Services (Bushfire Prone Areas) Order 2015;
- Planning and Development (Local Planning Schemes) Amendment Regulations 2015;
- State Planning Policy No.3.7 - Planning in Bushfire Prone Areas; and
- Building Amendment Regulations (No.3) 2015.

The Department of Fire and Emergency Services (DFES) and the Western Australian Planning Commission (WAPC) concurrently released the:

- Map of Bushfire Prone Areas; and
- Guidelines for Planning in Bushfire Prone Areas.

State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (SPP3.7) applies immediately to all planning applications in designated bushfire prone areas identified on the Map of Bushfire Prone Areas (State Map). It sets out policy measures applicable to the consideration of development in bushfire prone areas. SPP3.7 provides a general presumption against the introduction or intensification of land use in areas subject to extreme bushfire hazard (including BAL-40 and BAL-FZ) unless it is minor development or unavoidable development. The level of information required at each stage of the planning process is clearly articulated, including additional requirements for vulnerable and high risk land uses.

The Guidelines for Planning in Bushfire Prone Areas (Guidelines) apply immediately and supersede the Planning for Bushfire Protection Guidelines (2010). The Guidelines provide further detail on the requirements of SPP3.7.

The State Map is based on the Department of Fire and Emergency Services/Office of Bushfire Risk Management’s Mapping Standard for Bushfire Prone Areas. It essentially includes any bushfire prone vegetation with a 100m buffer around the vegetation. It is a binary system, i.e. it is either bushfire prone or not. The mapping does not indicate any level of hazard; it is simply a tool to trigger further assessment.

The State Map is reviewed on an annual basis.

For all planning applications (Structure Plans, Scheme Amendments, Subdivision Applications, Development Applications), SPP3.7 and the Guidelines will apply immediately to all applications in designated bushfire prone areas identified on the State Map.

The City’s assessment of the Bushfire Management Plan identified minor modifications required to be made to the document, the details of which will be forwarded to the WAPC for its consideration.

**State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning**

This Policy seeks to minimise the adverse impact of transport noise, without place unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost to transport infrastructure. The Policy applies for the consideration and management of the impacts of transport noise and freight operations when development is proposed in the following manner:

- New noise-sensitive development in the vicinity of existing or future major transport corridors or freight handling facilities;
- New major road or rail infrastructure projects, including major redevelopments, in the vicinity of existing or future noise-sensitive land uses; and
- The location of freight handling facilities.

The City assessed the Acoustic Consultant’s Report provided to demonstrate compliance with the outcomes of the Policy and supported the recommendations and acoustic treatments required to be implemented by the Applicant. In light of the City’s recommendation to provide a slip road interface to Nairn Drive, it is recommended that the Acoustic Report be modified to model the revised impacts to residential properties impacted by Nairn Drive.
Recommendation:
That the Acoustic Report be updated to model the revised impacts to residential properties resulting from the City’s recommendation to provide a slip road interface to Nairn Drive.

EPA Guidance Statement No.3 - Separation Distances Between Agricultural and Sensitive Land Uses

The EPA's Guidance Statement No.3 – Separation Distances Between Industrial and Sensitive Land Uses contains a list of generic buffer distances for industries and other activities, which states a buffer distance for sand extraction is 300m - 500m. The provision of recommended buffer distances is intended to provide an alternative option to site specific analysis. Sensitive land uses include residential developments, schools, shopping centres and playgrounds.

The Guidance Statement states that the listed buffer distances are “not intended to be absolute separation distances, rather they are a default distance for the purposes of:
- identifying the need for specific separation distance or buffer definition studies; and
- providing general guidance on separation distances in the absence of site specific technical studies.”

The Guidance Statement further states that “the separation distances outlined are not intended to replace the need for applicants and relevant authorities to take all reasonable and practicable measures to minimise emissions and off-site impacts”, and that the separation distances do not take into account a range of factors (including cumulative impacts; non-typical emissions; the protection of natural resources and significant elements of the natural environment; and potential health impacts from emissions) that also need to be considered in the decision making process. Depending on the nature of the use, it may be appropriate to apply a buffer that is less than, or greater than, the generic buffer outlined in the Guidance Statement.

A sand and limestone quarry is situated adjacent to the Structure Plan area on the northern side of Kerosene Lane. The site operates under both development approval and an extractive industry licence issued by the City of Rockingham, and a licence pursuant to Part V of the Environmental Protection Act 1986 (as administered by the DER). A 300m buffer applies in this instance.

Notifications on titles are required for new residential lots created within 300 metres of the active quarry operations and the 300m buffer should be shown on the Structure Plan Map.

Recommendation:
That the Structure Plan Map be amended to show the 300m extractive industry buffer.

Planning Policy 3.4.1 - Public Open Space

Planning Policy 3.4.1 - Public Open Space (PP 3.4.1) provides guidance regarding the location and design of public open space within the City. The objectives of the Policy are:
- To ensure that all residential development is complemented by well-located areas of public open space that provide for the recreational and social needs of the community.
- To ensure that Public Open Space is designed, developed and maintained to an acceptable standard to enhance local amenity.

The location and distribution of POS on the proposed Structure Plan satisfies the objectives of the Planning Policy.

The City has assessed the Landscape Concept Plan and has identified the following matters which are modifications prior to the Structure Plan’s approval:

(i) The proposed POS integrates stormwater management and useable parkland, however, the position of the drainage component compromises the level of connectivity and accessibility into the space for surrounding residents.
As such the City requires the drainage basin be relocated to abut Nairn Drive and serve as a vegetated buffer/screen while accommodating drainage. This layout change will provide the useable space closer to the residents and away from Nairn Drive, which will ultimately accommodate significant vehicle traffic (see Figure 9).

(ii) Show on-street car parking in accordance with the City’s Planning Policy 3.4.1 – Public Open Space.

(iii) The landscape master plan does not indicate any street tree planting, include along the edge of the slip road fronting Kerosene Lane and it is recommended to be provided.

9. Landscape Concept Plan Amendments

Recommendation:
That the Landscape Concept Plan be modified to:
(i) Relocate the drainage basin next to Nairn Drive;
(ii) Show on street car parking bays; and
(iii) Provide a street tree master plan.

North Baldivis District Structure Plan
At its ordinary Meeting held on 18 August 2000, the Council resolved to endorse the Baldivis North District Structure Plan for the purpose of guiding Comprehensive Development Plans (subsequently referred to as Structure Plans under Town Planning Scheme No.2) and planning generally for the North Baldivis area, subject to certain modifications being undertaken.

The proposed Structure Plan is consistent with the District Structure Plan.

d. Financial
Nil
f. **Legal and Statutory**

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

In accordance Clause 19(1) of the Regulations, the local government:

(a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and

(b) may consider submissions made to the local government after that time; and

(c) may request further information from a person who prepared the structure plan; and

(d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.

Determination of a structure plan ultimately rests with the WAPC. In accordance with Clause 20 of the Regulations, the local government must perform the following actions:

(1) The local government must prepare a report on the proposed structure plan and provide it to the WAPC no later than 60 days after the day that is the latest of:

(a) the last day for making submissions specified in a notice given or published under clause 18(2); or

(b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or

(c) a day agreed by the Commission.

(2) The report on the proposed structure plan must include the following:

(a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);

(b) any comments by the local government in respect of those submissions;

(c) a schedule of any proposed modifications to address issues raised in the submissions;

(d) the local government's assessment of the proposal based on appropriate planning principles;

(e) a recommendation by the local government on whether the proposed structure plan should be approved by the WAPC, including a recommendation on any proposed modifications.

**g. Risk**

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

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

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

**Comments**

The proposed Structure Plan has been assessed by City Officers and the following additional comments are provided.

**Local Water Management Strategy**

**Assessment:**

The City's assessment of the Local Water Management Strategy (LWMS) has identified the following matters are required to be addressed prior to the Structure Plan being approved:

- Section 5.3.3 Irrigation: A 5C Licence to take Groundwater Application is required to be submitted and progressed with the Department of Water, prior to the City’s acceptance of the LWMS. The LWMS should clearly demonstrate that groundwater is available to support the future development of the Structure Plan area.
Local Water Management Strategy (Cont…)

- **Section 6.2 Pre & Post Development Hydrology:** The LWMS stormwater management strategy and drainage calculations must be amended consistent with Australian Rainfall & Runoff (AR&R) (2016) using 2016 Bureau of Meteorology (BoM) IFD (Intensity Frequency Duration) design rainfall estimates.

- **Section 6.2 Pre & Post Development Hydrology:** The LWMS must be modified with the requirement for Nairn Drive to manage all stormwater within the road reserve.

- **Section 6.2 Pre & Post Development Hydrology:** The conceptual basin design must be modified to maximise the amount of useable POS. The conceptual basin design is described as being a swale with a three tier arrangement. The cross section on Drawing L05 does not, however, reflect the design intent which shows a single drainage basin arrangement with 1:6 side slopes and a retaining wall area within the base.

- **Section 6.3.2 Lots:** The LWMS must be modified to clarify the conceptual drainage strategy which specifies that the assumption and requirement for all Lots is to provide soakwells to accommodate the critical 5 year ARI (20% AEP). The calculations in Appendix C, however, states that all water is retained in soakwells to 1 in 1 Year ARI without surcharge.

- **Section 6.3.4 Detention Basins:** In the absence of a Geotechnical Investigation over the Structure Plan area, confirmation is required for the infiltration rate has been assumed to determine conceptual drainage areas and basin sizing.

- **Section 6.6 Finished Lot Levels (Relative to the 1 in 100 year flood levels):** Amend the LWMS to ensure the requirement for all finished lot levels to be a minimum 500mm above the top water level of the drainage basin. Drawing L04 shows that 3 lots do not meet this requirement with a finished lot level of 17.63m AHD.

- **Section 8.0 The Next Stage – Subdivisions and UWMPs:** The LWMS must be amended to commit to include permeability testing to determine the onsite infiltration rates to be utilised in the detailed drainage design at Urban Water Management Plan stage.

- **Section 10.2 Maintenance Schedules:** Remove reference to drainage culverts and standard table drains as this infrastructure is not likely as a part of the stormwater management strategy.

**Recommendation:**

That the Local Water Management Strategy be modified to address the matters raised in the City's assessment.

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**Regional Roads**

**Assessment:**

As noted in the Policy section, the draft *South Metropolitan and Peel Sub-Regional Planning Framework* identifies the future upgrading of Baldivis Road and Kerosene Lane (east of Nairn Drive) to regional road status. At this stage, the road profile and land requirements for these roads have yet to be finalised.

As road traffic projections were not released as part of the draft Sub-Regional Framework, the City is not in a position to determine what configuration of road is required at this time.

Given the Sub-Regional Planning Framework has yet to be finalised and the road widening requirements not yet determined, the WAPC will need to determine what road widening is required, and where that road widening shall occur, prior to the determining the proposed Structure Plan.

**Recommendation:**

That prior to determining the proposed Structure Plan, the Western Australian Planning Commission consider and determine the desired road profile and widening requirements for Kerosene Lane, in light of the recommended designation as a regional road in the draft *South Metropolitan and Peel Sub-Regional Planning Framework*. 
Traffic Report

Assessment:
The City's assessment of the Transport Impact Assessment is that it has not been prepared to suitably address the requirements of the WAPC's Transport Impact Assessment Guidelines (2016). In this regard, it is recommended that the following key matters be addressed prior to the Structure Plan being approved:

Traffic Report (Cont…)
- That all plans be updated to reflect Liveable Neighbourhoods road reserve requirements;
- That a traffic analysis be prepared for external nearby road network. Namely the intersections Jennings Way/Kerosene Lane and Elderberry Drive/Linaker Street.
- Justification being provided within the Report for the adopted trip generation rate and methodology for trip distribution and assignment.
- Details being provided in relation to the treatment of the proposed 4-way intersection.

In addition to the matters outlined above the City has also identified a number of minor corrections and amendments to the Traffic Report which will be outlined within the Schedule of Modifications provided to the WAPC for consideration.

Recommendation:
That the Traffic Report be modified to address the matters raised in the City’s assessment.

In addition to the matters raised above, the City will also require minor corrections and updates to the documentation contained within the Structure Plan and Technical Appendices, which will be provided to the Department of Planning, Lands and Heritage for its consideration.

Conclusion
Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Council advise the WAPC that the Structure Plan be approved subject to the following matters being addressed:

(i) The provision of a blanket density of R30 is not supported, and the Structure Plan should be modified to provide a base code of R25 and only permit the provision of R30 density coding adjacent to public open space.
(ii) That prior to determining the proposed Structure Plan, the Western Australian Planning Commission consider and determine the desired road profile and widening requirements for Kerosene Lane, in light of the recommended designation as regional roads in the draft South Metropolitan and Peel Sub-Regional Planning Framework.
(iii) That the City request the Department of Planning, Lands and Heritage to consider relocation of the full movement intersection onto Nairn Drive within the draft Spires Kerosene Lane Structure Plan to provide adequate separation as specified by Liveable Neighbourhoods to the extension of Dunning Street.

If there is no opportunity to provide a relocated intersection within the proposed adjoining Structure Plan, the Lot 53 Structure Plan is recommended to be modified to provide a 130m separation between the intersections of Dunning Street and the future full movement intersection from Nairn Drive into the Spires Kerosene Lane Structure Plan area.

(iv) That the Structure Plan Map be modified as follows:
   - That the local road network be redesigned to provide a slip road interface to Nairn Drive in accordance with Element 3 R31 of Liveable Neighbourhoods.
   - Show the 300m generic extractive Industry buffer area to the operation located at Lot 800 Kerosene Lane.

(v) That the Acoustic Report; Bushfire Management Plan and Traffic Impact Report be updated to address the comments contained within this Report.
(vi) That the Local Water Management Strategy be modified to address the matters raised by the Department of Water and Environment Regulation and the City.
(vii) That the Landscape Master Plan be updated to:
- Relocate the drainage basin next to Nairn Drive;
- Show on street car parking bays; and
- Provide a street tree master plan.

It is further recommended that the Council request that the WAPC consider the advice and recommendations outlined in this Report in its determination of the proposed Structure Plan.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council APPROVES the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lot 53 Kerosene Lane, Baldivis:

1. That the proposed Structure Plan be approved subject to the following matters being addressed:

   (i) The provision of a blanket density of R30 is not supported, and the Structure Plan should be modified to provide a base code of R25 and only permit the provision of R30 density coding adjacent to public open space.

   (ii) That prior to determining the proposed Structure Plan, the Western Australian Planning Commission consider and determine the desired road profile and widening requirements for Kerosene Lane, in light of the recommended designation as regional roads in the draft *South Metropolitan and Peel Sub-Regional Planning Framework*.

   (iii) That the City request the Department of Planning, Lands and Heritage to consider relocation of the full movement intersection onto Nairn Drive within the draft Spires Kerosene Lane Structure Plan to provide adequate separation as specified by *Liveable Neighbourhoods* to the extension of Dunning Street.

   If there is no opportunity to provide a relocated intersection within the proposed adjoining Structure Plan, the Lot 53 Structure Plan is recommended to be modified to provide a 130m separation between the intersections of Dunning Street and the future full movement intersection from Nairn Drive into the Spires Kerosene Lane Structure Plan area.

   (iv) That the Structure Plan Map be modified as follows:

      (a) That the local road network be redesigned to provide a slip road interface to Nairn Drive in accordance with Element 3 R31 of *Liveable Neighbourhoods*.

      (b) Show the 300m generic extractive Industry buffer area to the operation located at Lot 800 Kerosene Lane.

   (v) That the Acoustic Report; Bushfire Management Plan and Traffic Impact Report be updated to address the comments contained within this Report.

   (vi) That the Local Water Management Strategy be modified to address the matters raised by the Department of Water and Environment Regulation and the City.

   (vii) That the Landscape Master Plan be updated to:

      - Relocate the drainage basin next to Nairn Drive;
      - Show on street car parking bays; and
      - Provide a street tree master plan.

2. That the advice and recommendations as outlined in the City's Report be considered by the Western Australian Planning Commission in its determination.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:

That Council APPROVES the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lot 53 Kerosene Lane, Baldivis:

1. That the proposed Structure Plan be approved subject to the following matters being addressed:
   
   (i) The provision of a blanket density of R30 is not supported, and the Structure Plan should be modified to provide a base code of R25 and only permit the provision of R30 density coding adjacent to public open space.

   (ii) That prior to determining the proposed Structure Plan, the Western Australian Planning Commission consider and determine the desired road profile and widening requirements for Kerosene Lane, in light of the recommended designation as regional roads in the draft South Metropolitan and Peel Sub-Regional Planning Framework.

   (iii) That the City request the Department of Planning, Lands and Heritage to consider relocation of the full movement intersection onto Nairn Drive within the draft Spires Kerosene Lane Structure Plan to provide adequate separation as specified by Liveable Neighbourhoods to the extension of Dunning Street.

   If there is no opportunity to provide a relocated intersection within the proposed adjoining Structure Plan, the Lot 53 Structure Plan is recommended to be modified to provide a 130m separation between the intersections of Dunning Street and the future full movement intersection from Nairn Drive into the Spires Kerosene Lane Structure Plan area.

   (iv) That the Structure Plan Map be modified as follows:

   (a) That the local road network be redesigned to provide a slip road interface to Nairn Drive in accordance with Element 3 R31 of Liveable Neighbourhoods.

   (b) Show the 300m generic extractive Industry buffer area to the operation located at Lot 800 Kerosene Lane.

   (v) That the Acoustic Report; Bushfire Management Plan and Traffic Impact Report be updated to address the comments contained within this Report.

   (vi) That the Local Water Management Strategy be modified to address the matters raised by the Department of Water and Environment Regulation and the City.

   (vii) That the Landscape Master Plan be updated to:

   - Relocate the drainage basin next to Nairn Drive;
   - Show on street car parking bays; and
   - Provide a street tree master plan.

2. That the advice and recommendations as outlined in the City’s Report be considered by the Western Australian Planning Commission in its determination.

Committee Voting – 4/1
(Cr Summers voted against)

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Planning and Development Services
Strategic Planning and Environment

Reference No & Subject: PDS-048/17 Final Approval - Community Plan Strategy - Natural Area Conservation

File No: EVM/176
Applicant:
Owner:
Author: Mr Rory Garven, Environmental Planning Officer
Mr Brett Ashby, Manager Strategic Planning and Environment
Ms Natalie Elliott, Coordinator Sustainability and Environment
Other Contributors: 
Date of Committee Meeting: 18 September 2017
Previously before Council: June 2017 (PDS – 027/17)
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter:
Site:
Lot Area:
LA Zoning:
MRS Zoning:
Attachments: Amended Community Plan Strategy - Natural Area Conservation
Maps/Diagrams:

Purpose of Report
To seek Council approval of the Community Plan Strategy – Natural Area Conservation (the Strategy) following the completion of public advertising.

Background
Strategic direction is required to ensure the City of Rockingham’s natural areas are managed in an effective and sustainable manner. Environmental management actions are currently guided by three Specific Purpose Strategies (SPS) adopted by Council in February 2012 to meet Aspiration 10 of the City’s Community Plan 2011, which detailed the need for “Coastal and bushland reserves that are well utilised and managed in a way that will preserve them for future generations to enjoy”.

These SPS were:
1. Bushland Management Strategy
2. Urban Wetlands Monitoring Plan
3. Feral Cat/Fish Control Plan
More recently, a review of the natural area management approach was undertaken with respect to the City’s Strategic Community Plan (2015–2025) and the opportunity was identified to consolidate the three SPS into one Community Plan Strategy – Natural Area Conservation (this Strategy).

The draft Strategy was approved for advertising purposes by the Council in June 2017.

Details

The purpose of the Strategy is to protect and enhance the City’s natural capital through effective measurement and management of threatening processes.

The specific objectives of this Strategy are:

1. To review and rationalise the existing strategic framework relating to City managed natural areas
2. To provide for the development of targeted environmental management plans for the City’s bushland, wetland and foreshore environments
3. To ensure management decisions are informed by accurate and comprehensive monitoring
4. To advocate for effective management of natural areas within the municipality which are the responsibility of other agencies

The Strategy focuses on two key elements; Environmental Management Plans and Environmental Monitoring Programs. Recommended actions apply to all City managed conservation areas and will be undertaken progressively over the next ten years.

Implications to Consider

a. Consultation with the Community

Advertising Methodology

The draft Strategy was advertised for a period of 28 days, commencing on 28 June 2017 and concluding on 26 July 2017. Advertising was carried out in the following manner:

- Letters and a copy of the Strategy were sent to the Naregebup Environment Centre and the Baldivis Children’s Forest;
- The Strategy was distributed to interested residents through Rockport, the City’s online portal;
- The Strategy was made available on the ‘Share Your Thoughts’ section on the City’s website;
- A notice was placed in the Weekend Courier for one week over the course of the advertising period, appearing in the newspaper on 7 July; and
- Copies of the draft Strategy were made available for inspection at the City’s Administrative Offices.

Following the close of the advertising period, the City received a submission from the Palm Beach Community Association Inc. The content of the submission is summarised and addressed as follows:

Palm Beach Community Association Inc.

Submission:

Significant damage to vegetation occurs on the beach dunes throughout CoR. Damage is most usually attributed to winter storms. However, monitoring during school holidays would reveal how much of this damage is caused by people (we have observed children) climbing and sliding on the dunes. This removes much of the vegetation which then leaves the dunes vulnerable to high tides, heavy rains and strong winds which are a feature of winter storms. More prominent signage is needed to alert beach goers of the importance of staying off the dunes. This needs to be accompanied by monitoring by rangers during school holidays to further reinforce/educate the preservation of the dunes message. The damage done by people using the dunes as a pathway or play area is enormous.
Once the vegetation is dislodged the sand gets washed either up onto the promenade walkway or down back into the sea. When it is washed onto the walkway the Council has to regularly clear the path of sand, when it gets washed into the sea it makes the beach so shallow that it is no longer suitable for swimming. I have experienced the beach getting shallower and shallower over the ten years I have lived here. Another consequence I have seen over that time is sand becoming much darker because of the sand which is brought in from elsewhere by Council workers to try to rebuild the dunes. I know that the Council currently seeks to prevent erosion by planting seedlings early in the winter in the hope that they will be established before summer is really upon us. However, without the school holiday monitoring most of these seedlings do not make it past the September/October school holidays.

City's Comment:
The Strategy provides an overarching strategic framework for natural area conservation, rather than identifying exact operational details. Specific management actions relating to the preservation of coastal dunes and vegetation are addressed in the Foreshore Management Plan, which is one of the four key Environmental Management Plans that sit within the proposed Strategy framework.

Further to this, the City is also preparing a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for its 37 km of coastline. This strategic planning document will provide information on potential coastal hazards, such as erosion and inundation, the consequences of these hazards, and the necessary actions.

Submission:
Trees are an important part of the foreshore areas throughout Rockingham. A regular programme of tree pruning/trimming at the beginning of winter would maintain the trees health, remove dangerous branches, improve structure and appearance and allow more sunlight through so that the grass underneath would get a better chance of continuing to grow in winter. By the time increased shade is needed for summer, healthy leaf growth will enhance shading capabilities. This strategy would also reduce the amount of bare patches on grassed areas and reduce the amount of effort needed to restore the cover for the busy summer months. Also tidy trees (as opposed to straggly trees) would immediately enhance the appearance of the foreshore and make it look cared for.

City's Comment:
The Foreshore Management Plan also considers potential landscape improvements which take into account the need to prune trees where required for safety or amenity purposes

Submission:
Residents could be recruited as volunteers to become part of the monitoring programme. People of Rockingham take great pride in their environment and many would welcome the opportunity to become part of a reporting group. We would be happy to support this venture.

City's Comment:
Noted.

b. Consultation with Government Agencies

The Department of Parks and Wildlife (now Department of Biodiversity, Conservation and Attractions) was notified of the Strategy in writing, provided with a copy and invited to comment. The Department indicated that it is supportive of the Strategy. The content of its submission is summarised and addressed as follows:

Department of Parks and Wildlife (now Department of Biodiversity, Conservation and Attractions)

Submission:
The third paragraph on page 5 should be updated to the following: ‘managed primarily by the Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions.’
### Department of Parks and Wildlife (now Department of Biodiversity, Conservation and Attractions) (Cont…)

<table>
<thead>
<tr>
<th>City's Comment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted. The Strategy shall be amended accordingly.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission:**
The Golf Course at lake Cooloongup should be shown as dark green as it is managed by the City of Rockingham (Crown Reserve 38812).

<table>
<thead>
<tr>
<th>City's Comment</th>
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</thead>
<tbody>
<tr>
<td>Noted. The Strategy shall be amended accordingly.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission:**
Crown Reserve 44004 at Port Kennedy is a class ‘A’ reserve managed by the Department of Biodiversity, Conservation and Attractions so it should be shaded brown.

<table>
<thead>
<tr>
<th>City's Comment</th>
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</thead>
<tbody>
<tr>
<td>Noted. The Strategy shall be amended accordingly.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission:**
Part Lot 105 within the City of Mandurah should be removed from the map as it is not managed by the department at this point in time. (Part Lot 105 is adjacent to the southern boundary of Paganoni Swamp).

<table>
<thead>
<tr>
<th>City's Comment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted. The Strategy shall be amended accordingly.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission**
The legend should be updated to the Department of Biodiversity, Conservation and Attractions.

<table>
<thead>
<tr>
<th>City's Comment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted. The Strategy shall be amended accordingly.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission**
Prohibit the use of unauthorised vehicles in the reserves and install signage warning of penalties, where appropriate.

<table>
<thead>
<tr>
<th>City's Comment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted. The Strategy shall be amended accordingly.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission**
Prohibit the dumping of rubbish in the reserves and install signage warning of penalties, where appropriate.

<table>
<thead>
<tr>
<th>City's Comment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted. The Strategy shall be amended accordingly.</td>
<td></td>
</tr>
</tbody>
</table>

**Submission**
Table 1 lists four key ecosystem based management plans that are to be developed. The Department recommends due consideration be given to management of kangaroos within the Bushland Management Plan as urban expansion within the City will result in the displacement of a large number of kangaroos. Management of fauna (kangaroos) is the responsibility of the landowner/manager and the relocation of kangaroo numbers post development is difficult. The plan should include an accurate count of the number of kangaroos in the reserve and consider options to reduce kangaroo numbers if necessary. The Department’s Nature Protection Branch is able to provide advice to the City where required.
### Department of Parks and Wildlife (now Department of Biodiversity, Conservation and Attractions) (Cont…)

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted. The City will liaise with the Department and look to undertake an assessment of kangaroo populations to inform the development of the Bushland Management Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>An <em>Environmental Management Strategy</em> is referred to for the first time in this document. It is not clear how this document relates to the <em>draft Community Plan Strategy – Natural Area Conservation</em>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>This is an error. Reference to <em>Environmental Management Strategy</em> will be changed to <em>Community Plan Strategy – Natural Area Conservation</em>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>More detail is recommended for actions to address the risk of poorly managed natural areas resulting in a loss of significant environmental, social and economic values.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The risk will be managed through the implementation of the Strategy. Further information pertaining to how the Strategy will be implemented is provided in Sections 4, 5 and 7.</td>
</tr>
</tbody>
</table>

#### c. Strategic Community Plan

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

**Aspiration D:** A Sustainable Environment  

**Strategic Objective:** Climate Change – Planning systems, infrastructure standards and community awareness programs that acknowledge, mitigate and adapt to the impacts of climate change; and  

Coastal and Bushland Reserve – Coastal and bushland reserves that are well used and sustainably managed preserving them for future generations to enjoy.

#### d. Policy

Nil

#### e. Financial

The costs associated with implementing the strategic actions outlined in the Strategy will be met through:

1. Operating projects identified in the Parks Services and Strategic Planning and Environment Team Plans
2. Parks Services operating budgets for monitoring programs.

#### 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*

**Risk Description:**

- Risk of poorly managed natural areas resulting in loss of significant environmental, social and economic values.
Action:
- Implementation of Natural Area Conservation Community Plan Strategy to protect and enhance the City's natural capital through effective management of threatening processes.

Risk Assessment:
- Medium Risk

Comments

The City's natural areas support a variety of significant environmental attributes. The key elements of this Strategy will together ensure that these areas are effectively managed.

The City received two submissions during the advertising period, one from the Palm Beach Community Association Inc. and one from the Department of Parks and Wildlife. The Strategy has been updated to reflect the content of the submission from the Department of Parks and Wildlife, which is minor in nature and has not materially affected the content of the Strategy.

It is therefore recommended that the Strategy be adopted, with modifications to the advertised version shown in red.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Community Plan Strategy - Natural Area Conservation, as amended.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Whitfield:
That Council ADOPTS the Community Plan Strategy - Natural Area Conservation, as amended.

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 seek Council approval of the revised Municipal Heritage Inventory (MHI) and Heritage List to seek public comment.

### Background

A MHI is a list of places that are considered to have cultural heritage significance. The City of Rockingham recognises places it considers to have local cultural heritage significance by including such places on its MHI. MHI's provide recognition of a place's importance; however, the places on the MHI are not afforded statutory protection. Statutory protection is provided to heritage places under the City's Heritage List, which is required to be prepared under the City's Town Planning Scheme No.2 (TPS2). The MHI is a tool which is used to inform which places should be included on the Heritage List. The Heritage List was adopted in March 2008 and is currently contained as an appendix to the City's Planning Policy 3.3.21 - Heritage Conservation and Development.
The City’s current MHI includes a history of the City of Rockingham, individual place records which describe the place, outline its significance and provide recommendations for the management of the places’ cultural heritage.

The Council formally adopted its MHI and Heritage List at its ordinary Meeting held on 25 March 2008. The MHI adopted at the March 2008 meeting replaced the original MHI that was adopted by Council on 24 October 1995 and subsequently updated on 22 December 1998. The current MHI was last updated on 25 September 2012, and has been updated three times since it was formally adopted.

In September 2016, the City’s Heritage Reference Group (HRG) supported the draft MHI Consultant’s Brief, following which the City wrote to three prospective consulting agencies that specialise in, or have extensive experience in, heritage planning and MHI reviews.

In October 2016, the City reviewed the responses and appointed Hocking Heritage Studio (HHS) to undertake the review, which was accepted.

Following the appointment of HHS, the City published a notice in the local newspapers advising that it has commenced a review of its MHI and public nominations of places will be considered within a period of 28 days. The nominations were sought by 19 November 2016, however, no public nominations were received.

At its January 2017 meeting, the HRG discussed the merits of having an “A” and “A+” Management Category being replaced with a single “A” category for places considered to be worthy of state significance. The current Management Categories are summarised as follows:

- “A+” - State Significance – already recognised on State Register of Heritage Places.
- “A” - Exceptional Significance – recommended for entry on State Register of Heritage Places.

The amalgamation of categories “A” and “A+” and retention of Category E “Historic sites” was supported by the HRG.

During this meeting, it was also brought to the City’s attention that there are various places of heritage significance listed on the State Heritage Office “inherit” database of heritage places that are not currently reflected in the City’s MHI, such as the Amur Shipwreck. It was determined that these places be investigated and included on the MHI, where appropriate.

At its May 2017 meeting, the HRG discussed further changes to the Management Categories. The reference to “feasible and prudent” for the ‘Exceptional’ Management Category was of concern, together with the “highly desirable” and “if possible” wording.

The following table summarises the changes to the Management Categories recommended by the HRG, as highlighted in red bold text:

<table>
<thead>
<tr>
<th>Management Category</th>
<th>Level of Significance</th>
<th>Description</th>
<th>Required Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Exceptional significance</td>
<td>Essential to the heritage of the locality. Rare or outstanding example. Recommended for inclusion on the State Register of Heritage Places.</td>
<td>The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).</td>
</tr>
<tr>
<td>B</td>
<td>Considerable significance</td>
<td>Very important to the heritage of the locality. High degree of integrity/authenticity.</td>
<td>Conservation of the place is required. Any alterations or extensions should reinforce the significance of the place.</td>
</tr>
<tr>
<td>C</td>
<td>Some / Moderate Significance</td>
<td>Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.</td>
<td>Conservation of the place is required. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained.</td>
</tr>
</tbody>
</table>
The City considered that the MHI Management Categories should comply with the State Heritage Office Criteria for the Assessment of Local Heritage Places and Areas, with the exception of the retention of Historic Sites (“E”). This has been further discussed in the Details section of this report.

In May 2017, the HRG also discussed the changes to the MHI proposed by HHS. The City considered the recommendations of both the HRG and the HHS in its preparation of the draft MHI, the outcomes of which form the basis of this report.

**Details**

A total of 17 new places have been included in the MHI and eight places are proposed to have different Management Categories. It should be noted that given the MHI informs the Heritage List, any new places in the MHI and changes to the Management Categories of MHI places will need to be concurrently updated in the Heritage List. New places with a Management Category of ‘A’ or ‘B’ will also be considered for inclusion on the Heritage List.

Other notable changes to the MHI are as follows:

- The Thematic Framework has been renamed the Thematic History and has been reviewed;
- The place numbers of each place has been changed to group heritage places in accordance with suburbs;
- All places currently on the MHI have been inspected for changes and high resolution photographs have been taken;
- Additional historical photos of places have been included; and
- The GPS coordinates of places have been included.

The review has proposed 17 new places and 8 changes to the Management Categories of current places, all of which are also to be reflected in an updated Heritage List, except for places with an "E" Management Category (Historic Sites) as follows:

<table>
<thead>
<tr>
<th>Proposed Place No.</th>
<th>Place</th>
<th>Proposed Category</th>
<th>Change</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Baldivis Reserve – No.342 Baldivis Road, Baldivis</td>
<td>C</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td>Proposed Place No.</td>
<td>Place</td>
<td>Proposed Category</td>
<td>Change</td>
<td>Comment</td>
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<td>-------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------</td>
<td>--------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>9</td>
<td>East Rockingham Heritage Precinct</td>
<td>A</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td></td>
<td>The East Rockingham Heritage Precinct comprises:</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Bell Cottage (ruin) (1868)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chesterfield Inn (fmr) (1855)</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>Day Cottage (1882-85)</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>East Rockingham Cemetery (1842)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Hymus House and Outbuildings (1895-1905)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Rockingham Road Board Site (1905)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limestone Quarry (c.1850)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Dato Shipwreck – Garden Island</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td></td>
<td>Dato was built in 1872 in Finland.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>In 1893 it was loaded with jarrah paving blocks when a gale struck</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>before it departed with the vessel resting offshore and was</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>condemned as a wreck.</td>
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<tr>
<td></td>
<td>It was salvaged and jarrah blocks off loaded but following a period</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>of reuse sank in Careening Bay, Garden Island, where it now lies.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Star Shipwreck – Port Kennedy</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td></td>
<td>Star was a 70-ton, two masted schooner built in 1876 by a Fremantle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boat builder. It was used as a whaling vessel and was wrecked on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a reef off Port Kennedy.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The site was excavated by the Museum in 1983 recovering some</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>artefacts.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Paganoni Swamp</td>
<td>D</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td></td>
<td>Paganoni Swamp is a conservation category wetland and is the largest</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>in the Stakehill Wetlands chain.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Place No.</td>
<td>Place</td>
<td>Proposed Category</td>
<td>Change</td>
<td>Comment</td>
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</tr>
<tr>
<td>24</td>
<td>The place is relatively undisturbed natural bushland and has social value through community members organising and protecting the natural flora and fauna since 2004.</td>
<td>B</td>
<td>Management Category</td>
<td>Category changed from C to B to reflect the social value of the site.</td>
</tr>
<tr>
<td>25</td>
<td>Alfred Hines Seaside Home</td>
<td>B</td>
<td>Management Category</td>
<td>Category changed from C to B to reflect the social value of the site.</td>
</tr>
<tr>
<td>26</td>
<td>AIW Centre – Point Peron Road While the shacks are being demolished to facilitate a subsequent development, the place is to be recognised for its simple holiday accommodation.</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td>29</td>
<td>Point Peron Recreational Camp - Point Peron Road, Peron</td>
<td>C</td>
<td>Management Category</td>
<td>Category changed from D to C to reflect social value.</td>
</tr>
<tr>
<td>30</td>
<td>Chalmers Shipwreck – Port Kennedy Chalmers was built in Sunderland, UK in 1851. On a voyage from Mauritius to Fremantle with a load of sugar in 1874 the vessel struck a reef of Port Kennedy</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td>31</td>
<td>Hero of the Nile Shipwreck – Port Kennedy The vessel was built in West Cowes, London in 1852 and was wrecked in 1876. The ship was used in the guano trade.</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td>32</td>
<td>Port Kennedy Scientific Park - Port Kennedy Drive, Port Kennedy</td>
<td>C</td>
<td>Management Category</td>
<td>Category changed from D to C to reflect its rarity and environmental value to the community.</td>
</tr>
<tr>
<td>37</td>
<td>Rockingham Police Station and Courthouse (fmr)</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed by the HRG due to its social and historical significance.</td>
</tr>
<tr>
<td>Proposed Place No.</td>
<td>Place Description</td>
<td>Proposed Category</td>
<td>Change</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------</td>
<td>-------------------</td>
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<td>---------</td>
</tr>
<tr>
<td>45</td>
<td>Rockingham Fire Station (fmr) – No.4 Heffron Street, Rockingham</td>
<td>C</td>
<td>Additional Place</td>
<td>Additional place proposed by the HRG due to its social, historical and aesthetic significance.</td>
</tr>
<tr>
<td></td>
<td>The building was constructed in 1972 as the fire station for Rockingham and the districts. The place has historic value for its association with the growth of the region and social value for its provision of services to the community.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Millars Cottages (fmr) - 165 Parkin Street, Rockingham</td>
<td>D</td>
<td>Management Category</td>
<td>Category changed from E to D given one cottage remains and therefore is a heritage place not a site.</td>
</tr>
<tr>
<td>60</td>
<td>Sutton Residence (fmr) - No.30 Rae Road, Rockingham</td>
<td>B</td>
<td>Additional Place</td>
<td>Additional place proposed by the HRG due to its aesthetic and historical significance.</td>
</tr>
<tr>
<td></td>
<td>A post war house which demonstrates historic value for its association with the development of Safety Bay. The place is also associated with the Sutton family. Limestone blocks (vuggy limestone) for the house were hand carved.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Amur Shipwreck – Garden Island</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office &quot;inHerit&quot; database of heritage places.</td>
</tr>
<tr>
<td></td>
<td>The vessel was built in Sunderland, UK in 1862, with its part iron framed construction considered ‘experimental’. It was laid up in Careening Bay for repairs when it drifted ashore when at anchor and ran aground at Rockingham.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Elanora (site) - 67 Rockingham Beach Road, Rockingham</td>
<td>E</td>
<td>Change in Management Category as place has been demolished</td>
<td>Category changed from B to E as the building has been demolished.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Place No.</td>
<td>Place</td>
<td>Proposed Category</td>
<td>Change</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------</td>
<td>------------------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td>70</td>
<td>Reverend Purdy’s Residence (fmr), No.67 Rockingham Beach Road, Rockingham The weatherboard and limestone house (c1935) has a high aesthetic value, and has historic value as it represents an early stage of Rockingham development. The place is also associated with Reverend Thomas Purdy, Rector of the Parish of Rockingham/Spearwood in 1927 and member of the Rockingham Road Board.</td>
<td>B</td>
<td>Additional Place</td>
<td>Nomination received from a member of the public in 2013.</td>
</tr>
<tr>
<td>76</td>
<td>Sorrento Guest House (fmr) – No.211 Safety Bay Road, Safety Bay The place exemplifies the development of a holiday destination in Western Australia’s south-west, especially in Safety Bay and Rockingham. (1930s)</td>
<td>B</td>
<td>Additional Place</td>
<td>Additional place proposed by the HRG due to its aesthetic, social, and historical significance and its rarity.</td>
</tr>
<tr>
<td>81</td>
<td>Residence - 274 Safety Bay Road, Safety Bay</td>
<td>D</td>
<td>Management Category</td>
<td>Category changed from C to D to reflect the poor condition of the place.</td>
</tr>
<tr>
<td>82</td>
<td>Waikiki Hotel (site) The former Waikiki Hotel site was built in 1960 by A V Jennings Construction Company in record time, with the most bricks laid in one day. Motels became more commonplace after WWII in Australia but the Waikiki Hotel/Motel is believed to have been the first in Western Australia.</td>
<td>E</td>
<td>Additional Place</td>
<td>Additional place proposed as this place is recognised on the State Heritage Office 'inHerit' database of heritage places.</td>
</tr>
<tr>
<td>83</td>
<td>St George’s Church - 1-3 Thomas Street, Safety Bay</td>
<td>C</td>
<td>Additional Place</td>
<td>Additional place proposed by the HRG due to its social, aesthetic and historical significance.</td>
</tr>
</tbody>
</table>
### Proposed Place No. | Place | Proposed Category | Change | Comment |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>84</td>
<td>Residence - 21 Waimea Road, Safety Bay</td>
<td>C</td>
<td>Management Category</td>
<td>Category changed from D to C to reflect rarity and good condition.</td>
</tr>
<tr>
<td>88</td>
<td>Mersey Point - 153 Arcadia Drive, Shoalwater</td>
<td>C</td>
<td>Additional Place</td>
<td>Additional place proposed by HHS (previously amalgamated with former Place No.62 (Penguin Island and Mersey Point), now listed as individual places)</td>
</tr>
<tr>
<td>94</td>
<td>Residence - 623 Safety Bay Road, Waikiki</td>
<td>D</td>
<td>Management Category</td>
<td>Category changed from C to D to reflect poor condition of the place.</td>
</tr>
</tbody>
</table>

In respect to the Management Categories, ‘Cultural heritage significance’ is the aesthetic, historic, scientific or social significance a place may have for present and future generations. These values have been defined by the State Heritage Office and are used as assessment criteria in the preparation of a MHI to evaluate the importance of a place.

In accordance with the State Heritage Office "Criteria for the Assessment of Local Heritage Places and Areas", the A+ Management Category in the MHI has been deleted. The E Management Category has been retained despite the State Heritage Office Criteria, as the City and the HRG considered it a worthy category to recognise a significant historic site. The following table includes the City’s recommended Management Categories to be used in the MHI:

<table>
<thead>
<tr>
<th>Management Category</th>
<th>Level of Significance</th>
<th>Description</th>
<th>Required Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Exceptional significance</td>
<td>Essential to the heritage of the locality. Rare or outstanding example.</td>
<td>The place should be retained and conserved.</td>
</tr>
<tr>
<td>B</td>
<td>Considerable significance</td>
<td>Very important to the heritage of the locality. High degree of integrity/authenticity.</td>
<td>Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.</td>
</tr>
<tr>
<td>C</td>
<td>Some/Moderate Significance</td>
<td>Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.</td>
<td>Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.</td>
</tr>
</tbody>
</table>
**Implications to Consider**

### a. Consultation with the Community

In accordance with The *Heritage of Western Australia Act 1990 (the Act)*, a local government shall ensure that the inventory is compiled with proper public consultation. The MHI will be released for public comment for a period of 30 days. The community will be engaged through the following means:

1. A notice will be placed in a newspaper circulating the district;
2. A notice will be published in a daily newspaper circulating throughout the State;
3. Publication of a notice in the *Government Gazette*;
4. Public information will be placed on the City’s website giving formal notice of the draft MHI;
5. Copies of the draft MHI will be made available for inspection at the City’s Administration Offices.

Undertaking advertising in the abovementioned manner will fulfill the public advertisement requirements of the Act.

The Heritage List also needs to be updated to ensure consistency with the final MHI. In accordance with Clause 3 of the deemed provisions of Town Planning Scheme No.2 (TSP2), the Local Government must not enter a place in, or remove a place from, the Heritage List or modify the entry of a place in the Heritage List unless the Local Government:

- notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and
- invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and
- carries out any other consultation the local government considers appropriate; and
- following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list."

The City proposes to advertise the revised MHI and Heritage List concurrently, given changes to the MHI need to be reflected in the Heritage List.

Following consultation, if any new heritage places are added or the list is modified, Clause 4 of the deemed provisions of TPS2 require the Local Government to give notice to the owner and occupier of the heritage place and notify the Heritage Council of Western Australia.

### b. Consultation with Government Agencies

A copy of the draft MHI will be referred to the State Heritage Council and National Trust of Australia (WA) for comment.
c. **Strategic**

**Community Plan**

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

**Aspiration C:** Quality Leadership

**Strategic Objective:** Community Engagement and Advocacy - An engaged and informed community that participates in local decision making and can rely upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.

**Aspiration D:** Sustainable Environment

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

d. **Policy**

**State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5)**

SPP3.5 sets out the principles of sound and responsible planning for the conservation and protection of Western Australia’s historic heritage. The objectives of PP3.5 are as follows:

- To conserve places and areas of historic heritage significance.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

SPP3.5 requires Local Government to identify places of local significant through the compilation and review of Local Government inventories, in accordance with assessment criteria and other relevant guidelines published by the State Heritage Office.

The review of the adopted MHI ensures compliance with SPP3.5.

**Planning Policy 3.3.21 - Heritage Conservation and Development (PP3.3.21)**

The objectives of PP3.3.21 are as follows:

(i) To conserve and protect places of cultural heritage significance within the City of Rockingham;

(ii) To ensure that development does not adversely affect the significance of heritage places;

(iii) To ensure that heritage significance is given due weight in decision making for applications for development approval; and

(iv) To provide greater certainty to landowners and the community about the planning processes for heritage identification and protection in the City of Rockingham.

The MHI assists in the conservation and protection of places with cultural heritage significance. The management categories of places on the Heritage List, which is an appendix to PP3.3.21, will be required to be updated to ensure consistency with the final MHI.

e. **Financial**

Nil

f. **Legal and Statutory**

**Heritage Act of Western Australia 1990 (the Act)**

The Act requires all Local Government authorities in Western Australia to compile, periodically review, and update, a local MHI.
City of Rockingham Town Planning Scheme No.2 (TPS2)

Clause 8(1) of the deemed provisions of TPS2 require the Local Government to establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

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 recommendations within the revised MHI reflect the current state of the places listed and their significant to the heritage of the locality. The Heritage List is also proposed to be updated to reflect the changes to management categories of existing places on the Heritage List, and include new places with a management category of 'A' or 'B'.

The comments received during the public consultation process will assist Council in shaping the final MHI and Heritage List. It is recommended that the revised MHI and Heritage List be released for public comment.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the advertising of the revised Municipal Heritage Inventory and revised Heritage List for the purpose of public comment.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Smith:

That Council APPROVES the advertising of the revised Municipal Heritage Inventory and revised Heritage List for the purpose of public comment.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-050/17 Proposed Scheme Amendment No.167 - Rezoning from 'Rural' to 'Special Residential'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/2068</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>NL Hidding Pty Ltd trading for Peter D Webb and Associates</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Mr D and Mrs D Plug and Mr G and Mrs M Bosveld</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr Dave Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>18 September 2017</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council's Role in this Matter:</strong></td>
<td>Legislative</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>Lot 156 (No.1241) Mandurah Road, Baldivis</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>2.6ha</td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td>Rural</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Rural Concept Plan prepared for Amendment No. 107 (Lot 800 Pike Road)</td>
</tr>
<tr>
<td></td>
<td>4. Existing TPS2 Zoning</td>
</tr>
<tr>
<td></td>
<td>5. Proposed TPS2 Zoning</td>
</tr>
<tr>
<td></td>
<td>6. Photo of Existing Dwelling</td>
</tr>
<tr>
<td></td>
<td>7. Site Photo</td>
</tr>
<tr>
<td></td>
<td>8. Existing accessway from Mandurah Road</td>
</tr>
<tr>
<td></td>
<td>9. Tree Retention Plan</td>
</tr>
<tr>
<td></td>
<td>10. BAL Contour Plan</td>
</tr>
<tr>
<td></td>
<td>11. Draft South Metropolitan Plan</td>
</tr>
<tr>
<td></td>
<td>12. Amended Rural Concept Plan</td>
</tr>
<tr>
<td></td>
<td>13. Subdivision Guide Plan</td>
</tr>
</tbody>
</table>
Purpose of Report

To consider initiating an amendment to Town Planning Scheme No.2 (TPS2) to rezone Lot 156 (No.1241) Mandurah Road, Baldivis from ‘Rural’ to ‘Special Residential’.

1. Location Plan

2. Aerial Photo
Background

The subject site is bounded by lots that front Pike Road, Mandurah Road and Eighty Road and is accessed by a 6m access leg from Mandurah Road. Pike Road is located to the north, Mandurah Road is located to the west and Eighty Road is located to the east.

In 2011, Final Approval was granted for Scheme Amendment No.107 to rezone Lot 800 (No.29) and Lot 801 (No.48) Pike Road, Baldivis from ‘Rural’ to ‘Special Residential’, which is located directly north of the subject site. A Subdivision Guide Plan (SGP) was included for three lots as well as a Rural Concept Plan (RCP) for 17 lots to the east and to the south. The owners of the subject land, Lot 156 Mandurah Road, also own Lot 800 and Lot 801 Pike Road. Refer to Figure 3 below.

![Diagram of the subject site and its surroundings](image)

3. Rural Concept Plan prepared for Amendment No. 107 (Lot 800 Pike Road)

The subject site has an existing single dwelling and associated outbuildings. The site is generally parkland cleared with a number of large Tuarts scattered throughout. Windbreaks have been planted along the boundaries of the site to the east and west consisting of Athel Pine, which is considered to be a Weed of National Significance and is therefore required to be removed. There is a Resource Enhancement Wetland located approximately 40m to the south west of the site.

Details

The applicant seeks Council approval to rezone the land from ‘Rural’ to 'Special Residential'. The applicant has provided a SGP which seeks to create four lots of at least 5,000m² and a road reserve to access the lots from Pike Road, which will extend through Lots 800 and 801 Pike Road. Any future subdivision application will be required to include through Lots 800 and 801 Pike Road, to ensure that the subject land is provided with road frontage.
The applicant's justification for the Scheme Amendment is as follows:

1. The proposal is assessed as being in accordance with the relevant State Planning and Development Control Policies of the Western Australian Planning Commission (WAPC).
2. The subject site is contained within Planning Unit No.4 of the City's Planning Policy No.3.1.1 - Rural Land Strategy (PP3.1.1), which supports 'Special Residential' zoning over the subject site.
3. The Council's Rural Wedge Study 2004, identified Area 1 generally north of Pike Road as being suitable for urban development. Area 1 is directly adjacent to the subject land and is currently undergoing subdivision.
4. The subject land is immediately adjacent to the south and east of 'Special Residential' zoned land, undertaken in recent times.
5. The rezoning will allow a new road link to be created to assist in providing access and services to other (already rezoned) lots which can then be developed.
6. The proposed Scheme Amendment represents a sound planning outcome to this locality of Baldivis.

The following documents were provided in support of the Scheme Amendment:

(i) Subdivision Guide Plan;
(ii) Rural Concept Plan;
(iii) Bushfire Attack Level Assessment;
(iv) Bushfire Management Plan;
(v) Tree Retention Plan; and
5. Proposed TPS2 Zoning

6. Photo of Existing Dwelling
7. Site Photo

8. Existing Accessway from Mandurah Road

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 24 OCTOBER 2017

PRESIDING MEMBER
9. Tree Retention Plan

**Implications to Consider**

a. **Consultation with the Community**

   If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations (2015)* for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating the area.

b. **Consultation with Government Agencies**

   Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council, in accordance with the *Planning and Development (Local Planning Schemes) Regulations (2015)*.

c. **Strategic**

   **Community Plan**

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

   **Aspiration D:** Sustainable Environment

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

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

SPP3.7 notes in Table 1 that a Bushfire Hazard Level assessment and a Bushfire Management Plan (BMP) addressing the bushfire protection criteria is to be submitted in the consideration of amendments to local planning schemes. The Guidelines for Planning in Bushfire Prone Areas (The Guidelines) require the applicant to demonstrate, by way of a Bushfire Hazard Level Assessment, that the land proposed to be rezoned has, or can be made to have, a low to moderate bushfire hazard level (i.e. BAL-Low to BAL-29). A BMP has been prepared for the proposal demonstrating that a maximum BAL-29 is applicable to the proposed building envelopes. The BMP also demonstrates that the bushfire protection measures of the Guidelines are compliant and it is therefore considered acceptable from a bushfire safety point of view.

Minimal vegetation is required to be removed or modified to reduce the bushfire threat and the proposal is considered to be compliant with the objectives of SPP3.7, as it does not result in an increased bushfire threat.

10. BAL Contour Map

Development Control Policy 2.5 - Special Residential Zones (DC2.5)

The Western Australian Planning Commission’s (WAPC) DC2.5 sets out the requirements of Special Residential zones in terms of location, internal design, servicing and statutory provisions.

DC2.5 provides for the creation of lots of between 2,000m² and one hectare in suitable locations. With respect to the design of lots, DC2.5 requires the lot sizes selected for a particular Special Residential zone should reflect the topographical and environmental characteristics of the land concerned and a variety of lot sizes should be provided.
The revised SGP provides lots between 5,000m² to 7,550m². Whilst the minimum lot size is greater than the 2,000m² recommended by DC2.5, the creation of 5,000m² lots is consistent with the requirements of the Council’s Planning Policy 3.1.1 - Rural Land Strategy and will result in the protection of significant native vegetation on site balanced against bushfire requirements. The proposed lot sizes are therefore considered acceptable.

DC2.5 requires Special Residential development to be provided with the type and standard of services typical of normal Residential zones. The applicant will be required to connect future lots to a reticulated water supply as part of a later subdivision approval. The provision of on-site effluent disposal systems are also proposed, which is consistent with other Special Residential lots in the vicinity of the subject site.

Draft Perth and Peel@3.5 Million and Draft South Metropolitan Peel Sub-Regional Planning Framework

The draft South Metropolitan Peel Sub-Regional Planning Framework forms part of the draft Perth and Peel@3.5 Million suite of documents. In March 2014, the WAPC resolved to not support planning scheme amendments involving proposals for additional rural residential development until such time as the framework has been finalised. In July 2016, the WAPC stated that its position remains unchanged, however, proposals consistent with the draft frameworks documents may be lodged for consideration. It was noted that this should not be construed as having the support of the WAPC.

The draft framework identifies the site as ‘Rural Residential’ as shown in Figure 11 and the proposed Scheme Amendment is generally consistent with this draft plan.
The primary objective of Planning Unit No.4 is to encourage Special Rural/Special Residential development which recognises and enhances the landscape and natural resource attributes of the land and provides a rural context to proposed urban development to the east. Revegetation is proposed on the lot boundaries, which will ensure that the rural context of the area is maintained.

The recommended lot sizes for Planning Unit No.4A are 1ha (west of the ridgeline) and 5000m² (east of the ridgeline). The proposed lot sizes comply with the 5,000m² minimum lot size requirement.

**Rural Concept Plan (RCP)**

PP3.1.1 requires that a RCP be provided, prior to initiating a Scheme Amendment. The purpose of a RCP is to demonstrate the relationship between the proposal and the surrounding properties, as a means of ensuring orderly subdivision and development.

A RCP was adopted as part of Amendment No.107 to TPS2 for Lot 800 (No.29) and Lot 801 (No.45) Pike Road, Baldivis, which included the subject site (Figure 3). Amendment No.107 received Final Approval from the Minister for Planning in May 2012.

The applicant has submitted an amended RCP in support of this Scheme Amendment, consistent with the proposed SGP, as the approved RCP did not provide the proposed future road connection to Pike Road via Lot 800 and Lot 801 Pike Road. The RCP is considered acceptable as it complies with the Council’s PP3.1.1.

![Amended Rural Concept Plan](image)

**Subdivision Guide Plan (SGP)**

The applicant has provided a SGP with a yield of four lots. The proposed lot sizes range from 5,000m² to 7,550m² and includes Building Envelopes with a maximum size of 1,000m², to control the siting of development and to ensure significant vegetation is retained where possible.
The SGP provides access to the site via Lot 800 Pike Road, which connects to the existing road network to the north, with a Strategic Fire Access to the west. The owners of Lot 156 Mandurah Road also own Lot 800 Pike Road to north, and intend to include Lot 800 in any future subdivision of Lot 156 to enable road access to be provided.

The amended SGP is considered acceptable from a planning viewpoint as it demonstrates that the proposal will not compromise future planning outcomes for the adjoining land.

13. Subdivision Guide Plan
e. Financial
Nil

f. Legal and Statutory
Planning and Development (Local Planning Schemes) Regulations (2015) (the Regulations)
The proposed Scheme Amendment is a ‘Standard Amendment’ in accordance with Regulation 34(a) of the Regulations, which then requires the amendment to be referred to the Environmental Protection Authority (EPA) and advertised for public comment.
The Council is required to resolve to either Adopt (initiate) the Scheme Amendment or Not Proceed with a Scheme Amendment and notify the WAPC in writing of its decision under Regulation 35(1).

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
It is proposed to rezone the site to ‘Special Residential’ and include the land in Schedule No.5 ‘Portions of Planning Unit 4′ of TPS2. Special Provisions will apply to the land in addition to the relevant provisions of TPS2, which require the preparation of a SGP, identification and designation of Building Envelopes and retention of significant vegetation. The applicant has prepared these documents and has identified significant vegetation to be retained, as well as demonstrating compliance with SPP3.7.
As such, Amendment No.167 is supported.

Voting Requirements
Simple Majority

Officer Recommendation
That Council:
1. **ADOPTS** (initiate) Amendment No.167 to Town Planning Scheme No.2 as follows:
   (i) Rezone Lot 156 (No.1241) Mandurah Road, Baldivis from ‘Rural’ to ‘Special Residential’.
   (ii) Amend the Scheme Map to contain Lot 156 (No.1241) Mandurah Road, Baldivis within the Special Residential Zone and reference this on the Scheme Map as ‘Special Residential’.
   (iii) Amend ‘Schedule No.5 - Special Residential Zones’ to modify Portions of Planning Unit No.4 of the Rural Land Strategy as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 (ii)</td>
<td>Land referred to as Sherwood Estate being Lots 45-49 Eighty Road, Baldivis; Lots 15-19 Postans Court, Baldivis; Lots 20-30, Lots 36, 43 and 44 Brodie Court, Baldivis; Lots 31-35, 37, 40 and 58 Foxton Green, Baldivis; Lots 50-56, Lots 38 and 39 Chandler Ramble, Baldivis; Eastern moiety of Lot 332 Mandurah Road, Baldivis including part Tincombe Grove, Levey Way, Whittingham Lane, Dove Road and Maddren Way; Portion of Lot 50 Pike Road, Baldivis; Portion of Lot 8 Mandurah Road, Baldivis; Lot 783 Pike Road, Baldivis; <strong>Lot 156 Mandurah Road, Baldivis.</strong></td>
</tr>
</tbody>
</table>
2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Committee Recommendation

**Moved Cr Sammels, seconded Cr Smith:**

That Council:

1. **ADOPTS** (initiate) Amendment No.167 to Town Planning Scheme No.2 as follows:
   
   (i) Rezone Lot 156 (No.1241) Mandurah Road, Baldivis from ‘Rural’ to ‘Special Residential’.

   (ii) Amend the Scheme Map to contain Lot 156 (No.1241) Mandurah Road, Baldivis within the Special Residential Zone and reference this on the Scheme Map as ‘Special Residential’.

   (iii) Amend ‘Schedule No.5 - Special Residential Zones’ to modify Portions of Planning Unit No.4 of the Rural Land Strategy as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location</th>
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</thead>
<tbody>
<tr>
<td>4 (ii)</td>
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</tr>
</tbody>
</table>

2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

   Committee Voting – 3/2
   
   (Crs Whitfield and Summers voted against)

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

Not Applicable

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

Not Applicable
**Planning and Engineering Services Committee Minutes**  
Monday 18 September 2017  
PDS-051/17 PAGE 104

**Planning and Development Services**  
**Statutory Planning Services**

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<td>File No:</td>
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<td>Applicant:</td>
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<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
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| Other Contributors:    | Mr Dave Waller, Coordinator Statutory Planning  
|                        | Mr Mike Ross, Manager Statutory Planning                                                                     |
| Date of Committee Meeting: | 18 September 2017                                             |
| Previously before Council: | June 2017 (PDS-029/17)                                 |
| Disclosure of Interest: | Executive                                              |
| Nature of Council's Role in this Matter: |                                                                 |

| Site:                  |                                                                 |
| Lot Area:              |                                                                 |
| LA Zoning:             |                                                                 |
| MRS Zoning:            |                                                                 |
| Attachments:           | Schedule of Submissions                                      |
| Maps/Diagrams:        |                                                                 |

**Purpose of Report**

To consider the adoption of modifications to Planning Policy No.3.3.16 – Telecommunications Infrastructure (PP3.3.16) following public advertising.

**Background**

In May 2008, PP3.3.16 was adopted by Council, which superseded Planning Policy 2.15 - Mobile Phone Towers. The amendments to the Policy in 2008 were as follows:

- To ensure consistency with Town Planning Scheme No.2 (TPS2);  
- To include detailed reference to the Telecommunications Act 1997;  
- To ensure consistency with SPP5.2; and  
- To amend the delegation for all Development Applications for the establishment of Telecommunications Infrastructure (that cannot be classified as low-impact facilities), requiring all applications to be referred to Council for determination.
In September 2015, State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2) was gazetted. The changes to SPP5.2 were to balance the need for effective telecommunications services and effective roll-out of networks, while also ensuring that the visual character of local areas is protected. This included planning policy measures to provide clear guidance pertaining to the siting, location and design of Telecommunications Infrastructure.

In June 2017, Council resolved to adopt the revised PP3.16 for the purpose of public advertising.

**Details**

The amendments made to PP3.3.16 reflect updated changes to SPP5.2 and for clarity and simplification. The main changes are summarised as follows:

- The requirement for Telecommunications Infrastructure to have a 200m setback to Urban zoned land has been removed, as this is not permitted under SPP5.2;
- A visual impact section has been added to PP3.3.16, which includes measures to be applied in the assessment of Development Applications to ensure any visual impacts are minimised; and
- A section has been included regarding Electromagnetic Emissions (EME's), which states that it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects.

**Implications to Consider**

a. **Consultation with the Community**

The draft PP3.3.16 was advertised for a period of 21 days, commencing on the 7 July 2017 and expiring 28 July 2017. Public advertising was carried out in the following manner:

- Notice was placed in the Weekend Courier Newspaper on 7 July 2017;
- Public information was placed on the City's website giving formal notice of the proposed Policy changes; and
- Copies of the revised PP3.3.16 were made available for inspection at the City's Administration Offices.

Advertising was undertaken in accordance with the requirements of Clauses 4(1) and 4(2) of the deemed provisions of TPS2.

Upon the close of the submission period, one submission was received from a consultant representing Telstra.

The key points raised in the submission, along with the City’s comment and recommendation are provided below:

1. **Link between State Planning Policy and City’s Planning Policy should be better articulated in policy.**

**Submission:**

We would encourage that the context of the Local Policy review and the nexus between the Local Planning Policy Framework and the State Policy is better articulated in the ‘Background’ section.

**City’s Comment:**

In the ‘Background’ section of the PP3.3.16, it is clearly stated that the updates to the City’s Local Planning Policy reflect the changes to SPP5.2 and it is considered that no further commentary is required in this regard.

2. **No exemptions for Development Approval for Telecommunications Infrastructure provided in any zone**

**Submission:**

In no zones including the General Industry or Rural zone is the use permitted (P), and no exemptions are currently provided for that we submit is contrary to the intent of the State Policy.
2. **No exemptions for Development Approval for Telecommunications Infrastructure provided in any zone (Cont...)**

The certainty that such an approach brings benefits not just carriers, but planning staff, Councillors and the community. We would submit that as a minimum suitably scaled telecommunication infrastructure otherwise compliant with Scheme provisions for which the Carrier undertakes suitable notification should be exempt from approval in the General Industry, Special Industry, Light Industry or Rural zones as well as Public Purposes reservations for utility purposes (SEC and WSD).

To illustrate this assertion an ‘exempt’ monopole structure in the General Industry zone would be required to comply with setback provisions under the Building Code of Australia (BCA), those specified in Clause 4.10.9 of the Scheme, and potentially Development Guidelines such as those adopted by Landcorp for the East Rockingham Industrial Park.

It would not be unreasonable for exemptions to be further extended for compliant monopole structures for development within the suite of commercial zones primarily underpinning non-residential development such as Primary City Centre, District Town Centre, Commercial, Special Commercial, Service Commercial and the Port Kennedy Business Enterprise zone, as well as addition Public Purpose reservations such as Commonwealth Government and Prison.

**City's Comment:**

Telecommunications Infrastructure that is classed as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 1997 is exempt from requiring Development Approval. It is not proposed to exempt any “high impact” Telecommunications Infrastructure from requiring Development Approval that includes tower or pole construction. This is to ensure that potential amenity impacts of the development, on surrounding properties, can be considered.

3. **Policy does not address consideration of Telecommunications Infrastructure at Structure Plan stage**

**Submission:**

There is an opportunity for the Local Policy to not only provide certainty but to underpin the strategic deployment of the infrastructure in growth areas.

Whilst the State Policy states that structure plans should identify wireless and mobile phone communication system requirements, it has not been Telstra’s experience that land developers will readily make such provision. As a result retrospective servicing of established estates often causes unnecessary conflict and deployment delays. We believe that the Local Policy should reinforce the desire for land developers to provide reservations for telecommunications infrastructure to negate the need for subsequent ‘infill’ deployment.

**City's Comment:**

It is agreed that the location of Telecommunications Infrastructure could be defined at the District Structure Plan and Activity Centre Structure Plan stage. In the absence of a District Structure Plan, a Local Structure Plan may consider the provision of Telecommunications Infrastructure. The Policy has been amended to include a new Policy objective in this regard.

4. **Visual Impact Requirements of Planning Policy**

**Submission:**

The nature of the technology is that height is an integral part of the successful functioning of a facility. Telstra will always seek through appropriate location, siting and design to minimise visual impact and avoid community sensitive locations, heritage places and conservation areas. One opposing any facility could reasonably argue upon taking a literal position on the Local Policy that it does not have minimal impact on the streetscape and the visual amenity of the surrounding built and natural environment of the locality. This is the wording of Visual Impacts at 5.3(b) that is not proposed to change. In our view the Local Policy is somewhat prescriptive and the nature of the technology is such that it may be impossible to satisfy its literal interpretation.
### 4. Visual Impact Requirements of Planning Policy (Cont…)

A further example of un-necessary prescription being the mandating of screening ground level infrastructure as specified by 5.3 (b)(ix). Vegetative screening is more often than not impractical and would otherwise serve no benefit for those facilities deployed in industrial areas or commercial areas, particularly in service areas to the rear of existing development. We would suggest that either the wording of 5.3(b) state …“natural environment of the locality and wherever possible and where visual impact will be mitigated:” or, alternatively at (ix) “The base of the tower and associated installations shall be screened by vegetation where such screening will mitigate visual impact.”

Again, photo simulations (montages) are mandated under 6(b)(iii) should one take a literal approach. Photo montages in our view are a specialist visual landscape assessment tool that is relevant for development within environmentally sensitive areas or for development that may impact on a locally or regionally significant collective view experience. It is not common practice to require a detailed visual landscape assessment or associated tools to be provided for large scale industrial or agricultural development arguably far more visually impactful than telecommunications infrastructure. Unless potentially impacting on a recognised locally of regionally significant view experience we submit that montages should not be mandated.

**City's Comment:**

Clause 5.3(b) of PP3.3.17 that requires Telecommunications Infrastructure to be sited and designed to have a minimal impact on the streetscape, is consistent with the wording of policy measure 5.1.1 (ii) of SPP5.2.

It is also a requirement of SPP5.2 that photo simulations are provided when lodging a Development Application. As such, this requirement of PP3.3.16 should not be amended.

Screening at ground level will be addressed on a ‘case by case’ basis and the Policy has been amended accordingly.

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b. Consultation with Government Agencies

Advice was sought from the Western Australian Planning Commission (WAPC) to ensure consistency of PP3.3.16 with SPP5.2. Clause 6.1 (b) of SPP5.2 states that Telecommunications Infrastructure should not be designated as a ‘use not permitted’ (X) by the Scheme in any zone in the zoning table. This will be further investigated when a review of TPS2 is undertaken.

c. Strategic

Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. Policy

PP3.3.16 is not part of TPS2 and does not bind the Council in respect of any application for Development Approval, but it must have due regard to the provisions of the Policy and the objectives, which the Policy is designed to achieve, before making its determination.

e. Financial

Nil

f. Legal and Statutory

In accordance with Clauses 4(3) and 5 of the deemed provisions of TPS2, following the expiry of the advertising period, the Council is to review PP3.3.16 in the light of submissions made and resolve to adopt the Policy with or without modifications, or not to proceed with the Policy.
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

PP3.3.16 has been further amended in light of the comments made in the submission in regards to the consideration of Telecommunications Infrastructure at the Structure Plan stage and screening of equipment at ground level. Minor changes have also been made to simplify the Visual Impacts section of the Policy.

It is therefore recommended that the Council adopt Planning Policy 3.3.16 – Telecommunications Infrastructure.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the revised Planning Policy 3.3.16 - Telecommunications Infrastructure (modifications in bold and red).

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council ADOPTS the revised Planning Policy 3.3.16 - Telecommunications Infrastructure (modifications in bold and red), as follows:

PLANNING POLICY 3.3.16

TELECOMMUNICATIONS INFRASTRUCTURE

1. Introduction

The purpose of this policy is to provide guidance for the assessment and determination of Development Applications for Telecommunications Infrastructure within the City of Rockingham that cannot be classified as low-impact facilities.

2. Background

Whilst recognising the need to provide an efficient communications network for the community, there is a need to ensure that Telecommunications Infrastructure is developed in a manner that is compatible with the surrounding environment and will not adversely impact on the amenity of an area.

In October 2014, the Western Australian Planning Commission (WAPC) released a draft revised State Planning Policy 5.2 - Telecommunications Infrastructure (SPP 5.2) in response to a survey conducted in July 2014, which indicated that there was a lack of coverage in Western Australia. The amended SPP 5.2 was gazetted in September 2015 and this Local Planning Policy has been updated to reflect the current SPP.

Under State Planning Policy 5.2 Telecommunications Infrastructure (SPP5.2), Telecommunication Infrastructure includes both above and below ground facilities.

(a) Above Ground Infrastructure includes the following:

   (i) mobile telephone networks;
   (ii) National Broadband Networks (NBN) fixed wireless broadband towers; and
   (iii) amateur radio equipment;

(b) Below Ground Telecommunications Infrastructure refers to pit and pipe infrastructure used to house fixed line used to carry voice and data services.
Under the Telecommunications Act 1997, the following telecommunications facilities are exempt from the requirement to obtain Development Approval:

(a) A low-impact facility described in the Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No.1 1999, when installed by a Carrier;

(b) Inspection and maintenance;

(c) A temporary defence facility; and

(d) A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act.

1. Facilities which are listed in the Telecommunications (Low-Impact Facilities) Determination 1997 fall outside State and local government control but are required to comply with the Commonwealth Telecommunications Code of Practice 1997. A copy of the Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No.1 1999 can be accessed via the following website - www.comlaw.gov.au/

Under sub-clauses 6(4), (5) and (7) of the Telecommunications Act 1997, the following telecommunications facilities cannot be low-impact facilities:

(a) Designated overhead lines;

(b) A tower that is not attached to a building;

(c) A tower attached to a building and more than 5m high;

(d) An extension to a tower that has previously been extended; and

(e) An extension to a tower, if the extension is more than 5m high.

Accordingly, overhead cabling and new mobile telecommunications towers are not low-impact facilities. Furthermore, a facility in an ‘area of environmental significance’ cannot be a low-impact facility.

3. Policy Application

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

The Town Planning Scheme No.2 defines 'Telecommunications Infrastructure' as any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

The permissibility of the Telecommunications Infrastructure use in Town Planning Scheme No.2 can be summarised as follows:

(a) The use is not permitted in the Residential and Special Residential zones;

(b) In the Development Zone, where an area is denoted as 'Residential' under a Local Structure Plan, it is not preferred;

(c) The use is not permitted in the Special Rural Zone unless the Council has exercised its discretion by granting Development Approval, following a process of community consultation in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015; and

(d) In all other zones, the use is not permitted unless the Council has exercised its discretion by granting Development Approval.

This Planning Policy should be read in conjunction with the WAPC SPP 5.2 and the Commonwealth Telecommunications Act 1997.

4. Policy Objectives

The objectives of this Planning Policy are as follows:

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

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

(c) To facilitate the provision of Telecommunications Infrastructure in an efficient and environmentally responsible manner to meet community needs;
(d) To ensure that Telecommunications Infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and

(e) To consider the location and the need for Telecommunications Infrastructure at District Structure Plan, Local Structure Plan and Activity Structure Plan stage to mitigate any potential visual impacts to the community. In the absence of an approved District Structure Plan, the location of Telecommunications Infrastructure should be considered at Local Structure Plan stage.

5. Policy Statement

5.1 Location
The preferred location for Telecommunications Infrastructure that cannot be classified as low-impact facilities is in the industrial, commercial and rural zones.

5.2 Co-Location of Facilities
In order to provide for future co-location, new mobile telecommunications towers, including equipment sheds, are to be designed in such a manner as to permit at least 3 carriers to co-locate. Carriers shall co-locate onto existing towers, other existing structures or replace existing structures wherever possible as follows:

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

Where there is an existing facility in the locality and the Carrier chooses not to co-locate onto that facility, the applicant will be required to demonstrate by means of certification from an appropriately qualified person, that the proposal cannot be co-located onto that facility for technical/structural reasons.

5.3 Visual Impacts
Telecommunications Infrastructure is generally required to be located prominently, at high points, to be effective, where they are more likely to be visible to the public.

The Council may exercise discretion in addressing the visual impacts of Telecommunications Infrastructure, as telecommunication infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community. The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.

The following set of policy measures should be used in the assessment of a development application, to guide the location, siting and design of the infrastructure.

(a) The assessment of the visual impact of development applications for Telecommunications Infrastructure should be made on a case by case basis;
(b) Telecommunications Infrastructure is to be sited and designed to have minimal impact on the environmental, cultural heritage, social and visual landscape;
(c) Be located away from scenic routes and recreation sites;
(d) To avoid detracting from significant views of landmarks, streetscapes and vistas;
(e) The scale, materials, externals colours and finishes should be sympathetic to the surrounding landscape and use techniques to blend facilities into the environment including the use of natural, non-reflective colours and finishes;
(f) When locating on an existing structure, the Telecommunications Infrastructure must be coloured and fixed onto or within buildings to blend/harmonise with the colour and design of the building, and where possible, should be screened from public places by the building, and should not protrude from a building into or above a public road reserve, pedestrian accessway or other public space;
(g) Towers should be of a monopole construction, although the Council may support lattice or other types of tower designs where the applicant demonstrates the technical necessity for such a design and where the tower may provide additional co-locational opportunities;
(h) The screening of the base of the tower and associated installations by vegetation, will be applied on a ‘case by case’ basis.

5.4 Electromagnetic Emissions (EME)

The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. Measurement surveys undertaken by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. It concluded that it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research. Therefore, setback distances for telecommunications infrastructure are not required to be set out in this Policy to address health or safety standards.

5.5 General Requirements

All decommissioned Telecommunications Infrastructure shall be removed and the site reinstated to its original condition at the applicant's cost.

5.6 Consultation

All applications for Development Approval for the establishment of Telecommunications Infrastructure in the Special Rural zone will be the subject of a process of community consultation in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Planning Procedure No.1.3 - Community Consultation.

Unless otherwise determined by the Manager, Statutory Planning, all other applications for Development Approval for the establishment of Telecommunications Infrastructure will be the subject of a process of community consultation in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Planning Procedure No.1.3 - Community Consultation.

6. Application Procedure

Applications for Development Approval for the establishment of Telecommunications Infrastructure shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:

(a) A written submission describing the proposal, which should include the following information and confirmation that the requirements of this Planning Policy can be achieved:

(i) the need for the facility;
(ii) details of co-location investigations;
(iii) whether the applicant has notified the other licensed carriers about the proposal and whether the other licensed carriers intend to co-locate on the proposed tower;
(iv) a statement about where the proposed facility is to be located. If the facility is proposed within an infrastructure easement or corridor, consultation with other users is to be demonstrated;
(v) detailed reasons for the design, location and configuration of the facility;
(vi) the intended service area of the facility;
(vii) whether excess space has been incorporated into the design and configuration of the structure of building for co-location and the suitability of that space for use by other licensed carriers;
(viii) details of any significant environmental constraints, including those associated with the species, condition and significance of vegetation to be removed (and, where relevant, commitments stating how these constraints will be managed to prevent an unacceptable impact upon the environment;
(ix) details of the timing of works involved in establishing the facility and any arrangements for temporary access and/or changes to existing access facilities during the course of construction;
(x) a statement about the extent to which the proposed facility complies with the City’s Town Planning Scheme No.2 and this Planning Policy and (if applicable) justification for any variation from the relevant scheme or policy provisions.

(b) Such plans and other information that the Council may reasonably require to enable the application to be determined (Refer to clause 62 of the Planning and Development (Local Planning Schemes) Regulations 2015). Including such of the following information as is relevant to a description and assessment of the proposal:

(i) location plans showing the location of the facility and any existing or known/planned facilities of the Carrier and other Carriers, within the City and surrounding local authorities;

(ii) site plans drawn to scale showing the existing and proposed improvements on the property, landscaping, watercourses and other natural features and levels at 1m contour levels;

(iii) plans and coloured graphic illustrations, including photo simulations, showing the type of facility and its relationship with adjacent development, including the proposal's elevations showing the extent, height and appearance, proposed materials and colour, any screening or fencing, and any external lighting; and

(iv) documentation showing sight lines demonstrating the level of visibility of the facility as viewed from adjacent properties or streets.

(c) In accordance with the Western Australian Planning Commission SPP 5.2, the application should also be supported by a written statement or report setting out:

(i) the maximum power output of the facility and radiofrequency electromagnetic energy levels in accordance with the Industry Code for the Deployment of Radiocommunications Infrastructure 2002. This statement is to demonstrate that the Carrier accepts full responsibility for compliance with the Radiocommunications Act;

(ii) a statement about the extent to which the proposed facility addresses the network capacity for future demand and/or current gaps in service;

(iii) where the proposed facility (e.g. trenching cables such as optic fibre) is to be located within an infrastructure easement, consultation with other users is to be demonstrated;

(iv) how the proposed facility addresses the policy measures for the visual impacts of Telecommunications Infrastructure set out in Section 5.1.1 of SPP 5.2; and

(v) compliance with the Mobile Phone Base Station Deployment Industry Code (C564:2011), excluding Sections 6 and 7 (which only apply to developments that do not require development approval).

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

7. Authority

This Planning Policy has been adopted by the Council under Clause 34 (4) of the Planning and Development (Local Planning Scheme) Regulations 2015. The Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8. Interpretations

For the purposes of this Planning Policy, the following terms shall have the following meaning:

Amenity: All those factors which combine to form the character of an area and include the present and likely future amenity.

Council: Council of the City of Rockingham.

Telecommunications Carrier: The same meaning given to the term in the Telecommunications Act 1997.
For the purposes of this Planning Policy, the following term shall have the same meaning as in the Telecommunications (Low Impact Facilities) Determination 1997:

**Area of Environmental Significance means:**

1. An area is an area of environmental significance if it is identified property for section 3A of the World Heritage Properties Conservation Act 1983.
2. An area is an area of environmental significance if it is an identified property (within the meaning of section 3A of the World Heritage Properties Conservation Act 1983).
3. An area is an area of environmental significance if it is a place that Australia is required to protect by the terms of a listed international agreement.
4. An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory:
   (a) it is designated as a reserve for nature conservation purposes; and
   (b) the principal purposes of the designated reserve is for nature conservation.
5. An area is an area of environmental significance if it is an area that, under a law of the Commonwealth, or a State or a Territory, is protected from significant environmental disturbance;
6. An area is an area of environmental significance if it is entered in the Register of the National Estate or the Interim List for that Register.
7. An area is an area of environmental significance if, under a law of the Commonwealth, or a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.
8. An area is an area of environmental significance if, under a law of the Commonwealth, or a State or a Territory, it is:
   (a) entered in a register; or
   (b) otherwise identified;
   as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.
9. **Delegation**

   Applications for Development Approval or the establishment of Telecommunications Infrastructure that cannot be classified as low-impact facilities will be referred to the Council for determination.

10. **Adoption**

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

11. **Amendment**

    This Planning Policy was amended by the Council at its ordinary meeting held on the 26 September 2017.

    Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Reference No & Subject:

- **File No:** LUP/2079
- **Applicant:** 434 Safety Bay Road Pty Ltd
- **Owner:** Miss Donna Shaw, Senior Planning Officer
- **Author:** Mr Greg Delahunty, Senior Projects Officer
- **Date of Committee Meeting:** 18 September 2017

### Site:

- **Lot Area:** 1.3ha
- **LA Zoning:** Commercial
- **MRS Zoning:** Urban

### Attachments:

1. Location Plan
2. Aerial Photo (2008)
3. Aerial Photo (2017)
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON TUESDAY 24 OCTOBER 2017

1. Location Plan

2. Aerial Photo (2008)
Purpose of Report

To consider a new Planning Policy to establish urban design guidelines over Lot 100 (No.434) Safety Bay Road, Safety Bay (former Waikiki Hotel/Motel site).

Background

The Waikiki Hotel/Motel was opened in 1960 and is believed to have been the first motel in Western Australia. The site has significant historical and social value for many members of the Rockingham community.

During the 1960’s, the hotel/motel was very popular with locals and tourists alike, as it was one of two licensed venues within Rockingham, and it was permitted to trade on Sundays when other metropolitan hotels were required to close. This cemented its popularity and place in the history of Rockingham as a coastal tourist town during that time.

Over the years, and with the development of alternative licenced premises, the popularity of the Waikiki Hotel declined. In 2009 the complex was demolished to make way for a mixed use development on the site. The owner went into administration and plans to redevelop the site were cancelled. The remaining vacant and derelict shops adjacent to the existing service station were also demolished in August 2017.

Since 2008, the Council has granted three Development Approvals and the Metropolitan South West Joint Development Assessment Panel (SWJDAP) has granted two Development Approvals for ‘mixed use’ developments on the Waikiki Hotel/Motel site (the site), none of which have been acted on.
The latest SWJDAP approval was for an extension of approval period for a four storey mixed use development over the site, which expires in July 2018. The applicant has advised the City that it will not be proceeding with this development.

In 2013, 36 survey-strata lots and one common property lot for access were created at the rear of the site. The City understood the creation of the lots was to generate funds to drive the redevelopment of the balance of the site.

**Planning framework**

In March 2005, the City commissioned the Waikiki Hotel Site Building Height Study. Whilst not formally adopted, the study was used to guide research into appropriate development controls for the site.

In 2010, the City engaged the services of Mackay Urban design to prepare the ‘Waikiki Hotel - Urban Design Guidelines’, which established a framework of development objectives and controls to guide any redevelopment of the former site. These Guidelines have not been formally adopted by Council, but are used City Officers in framing advice on the site.

### Details

The purpose of the proposed Policy is to establish a framework of planning principles and development controls to deliver an appropriate redevelopment of the former Waikiki Hotel/Motel site, which will provide for licensed premises and a commercial/mixed use development.

The City considers that a Planning Policy is required to ensure that any future development on the site achieves a high standard of urban design, together with a built form that acknowledges the strategic importance of its beachside location.

The City has prepared the draft Policy based on the recommendations of the ‘Waikiki Hotel - Urban Design Guidelines’.

The Policy, which will apply to all applications for development on the site, has been structured to establish a set of Planning and Development Principles, and Required Elements against which any development proposals will be assessed against.

Key requirements of the Policy are summarised as follows:

**Policy Objectives:**

(a) Provide for commercial/mixed use development, including licensed premises.
(b) Provide for a diverse range of complimentary land uses.
(c) Achieve a contemporary, mixed use landmark development that attracts and encourages people to visit on a regular basis.
(d) Increase the residential population and contribute to a sense of community.
(e) Contribute positively to the streetscape.
(f) Respond to the coastal aspect with appropriate land uses and with site responsive architecture.

**Planning and Development Principles:**

The following Planning and Development Principles are included in the Policy:

- Land Use;
- Urban Design;
- Pedestrian Movement and Amenity;
- Vehicle Access and Movement;
- Vehicle Parking; and
- Materials, Finishes and Landscaping.

**Required Elements:**

Required elements have been included in the Policy to provide specific design requirements based on the abovementioned Objectives and Principles.
It is important to note that the proposed Policy is consistent with previous development approvals over the site in that it seeks to deliver development of a similar nature.

### Implications to Consider

**a. Consultation with the Community**

Clause 4(1) of the deemed provisions of TPS2 require the City to advertise the proposed Policy as follows:

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

(i) the subject and nature of the proposed policy; and

(ii) the objectives of the proposed policy; and

(iii) where the proposed policy may be inspected; and

(iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made."

Should Council approve the publishing of a notice that it has prepared the draft Policy, the City will undertake consultation in accordance with the requirements of the deemed provisions.

**b. Consultation with Government Agencies**

Consultation with relevant State Government agencies will occur during the formal consultation phase.

**c. Strategic Community Plan**

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

**Aspiration A:** Tourism Lifestyle

**Strategic Objective:** Investment Attraction - A strategic and focused approach to attracting major investment to the City's coastal nodes, City Centre and inland settlements that promotes quality retail, commercial and residential development, improved civic infrastructure and leisure tourism experiences for residents and visitors.

**Aspiration D:** Sustainable Environment

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

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Clause 3(1) of the deemed provisions of TPS2 enable the local government to prepare a local planning policy in respect of any matter related to the planning and development of the Scheme Area.

**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 considers that the size and location of the site provides a unique opportunity to deliver a recognisable landmark building, provide attractor land uses and meet the commercial needs of existing and future residents within the locality.

The Policy will provide the planning context and detailed planning requirements to guide future development over the site, to ensure that a high standard of development capitalises on its coastal location.

It is recommended that Council adopt the Officer Recommendation and proceed to advertise the draft Policy.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the publishing of a notice that it has prepared draft ‘Planning Policy No.3.3.2 - Waikiki Hotel Site Urban Design Guidelines’ for public comment.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Smith:

That Council APPROVES the publishing of a notice that it has prepared draft ‘Planning Policy No.3.3.2 - Waikiki Hotel Site Urban Design Guidelines’ for public comment, as follows:

"PLANNING POLICY NO.3.3.2 - WAIKIKI HOTEL SITE URBAN DESIGN GUIDELINES

1. Introduction

The redevelopment of the former Waikiki Hotel/Motel site (the site) is the principal opportunity to recreate the site's former reputation as a focal point for the coastal strip along the Safety Bay foreshore. It is important that the site delivers a significant commercial/mixed use component and licensed premises, to attract and maintain a sufficient number of residents to help support the commercial component, and a built form that is a recognisable landmark which capitalises on its unique coastal location.

2. Purpose of Policy

The purpose of this Policy is to establish a framework of planning principles and development controls to deliver an appropriate redevelopment of the site.

Whilst the Commercial zoning of the site permits a range of land uses, the City will only consider Development Applications that includes a licensed premises component, to ensure the future use of the site is consistent with its former status as a social hub in the community.

Residential development will only be considered in association with commercial development, which will serve to increase the resident population in the area to support the commercial land uses. In this regard, the Policy, establishes a site specific planning framework which includes land use, urban design, movement and other considerations which will apply to the redevelopment of the site.

3. Background

During the 1960’s, the hotel/motel was very popular with locals and tourists alike, as it was one of two licensed venues within Rockingham, and it was permitted to trade on Sundays when other metropolitan hotels were required to close. This cemented its popularity and place in the history of Rockingham as a coastal tourist town during that time.

Over the years, and with the development of alternative licenced premises, the popularity of the Waikiki Hotel declined. In 2009 the complex was demolished to make way for a mixed use development on the site. The owner went into administration and plans to redevelop the site were cancelled. The remaining vacant and derelict shops adjacent to the existing service station were also demolished in August 2017.
Since 2008, the Council has granted three Development Approvals and the Metropolitan South West Joint Development Assessment Panel (SWJDAP) has granted two Development Approvals for ‘mixed use’ developments on the Waikiki Hotel/Motel site (the site), none of which have been acted on.

1. Historic Photographs of the Waikiki Hotel

4. Policy Application

This Policy applies to all applications for development and subdivision on Lot 100 Safety Bay Road, Safety Bay.
2. The former Waikiki Hotel/Motel Site - Lot 100 Safety Bay Road, Waikiki

The Policy is structured such that it contains a set of Planning and Development Principles that apply to the site, and Required Elements that must be achieved.

All applications will be assessed against the relevant criteria in the Planning and Development Principles and the Required Elements, and will be subject to a design review.

5. Policy Objectives

The Objectives of this Policy are to encourage a development that will:

(a) Provide for commercial/mixed use development, including licensed premises.
(b) Provide for a diverse range of complimentary land uses.
(c) Achieve a contemporary, mixed use landmark development that attracts and encourages people to visit.
(d) Increase the residential population and contribute to a sense of community.
(e) Contribute positively to the streetscape.
(f) Respond to the coastal aspect with appropriate land uses and with site responsive architecture.

6. Desired Future Character

The future redevelopment of the site will achieve a lively, mixed use character with an emphasis on land uses which will generate interest and pedestrian activity within the public domain. Future development will build on, respect and respond to the coastal environment and the rich social history of the site. Future buildings will respond to the opportunity presented by the stimulating ocean outlook and provide a contemporary waterfront aesthetic of varied, yet unified, architectural style.

7. Preferred Land Uses

Preferred uses are:

- licensed premises
- entertainment/hospitality; eating and drinking places
- retail
- short-stay accommodation/serviced apartments
- medium to high density residential, only in conjunction with commercial development
Other permissible uses listed under Town Planning Scheme No.2 (TPS2) are not preferred.

8. Planning and Development Principles

The following Planning and Development Principles will apply:

8.1 Land Use

Principles:

- Encourage the inclusion of suitably scaled licensed premises to ensure that the site retains its previous role as an eating and drinking venue.
- Establish buildings that provide an attractive setting for business and social interaction within an environment that combines an appropriate mix of uses with a high quality public domain.
- Encourage vibrant and diverse land uses that attract visitors.
- Encourage attractive alfresco dining facilities to foster a lively streetscape.
- Increase the residential community to strengthen the sense of community and increase the number of people within the coastal node outside business hours.
- Ensure that residential uses are integrated with the retail, commercial and hospitality potential of the site.
- Provide a range of dwelling sizes to appeal to a diverse range of residents.
- Provide short-stay accommodation to promote tourism.
- Design buildings to a scale that minimises overshadowing of adjacent properties.

8.2 Urban Design

Principles:

- Locate and configure buildings to address the street and facilitate continuous ‘Main Street’ style streetscapes which provide interest and interaction between buildings and pedestrians at street level.
- Use landscaping, on-street parking, and al-fresco dining areas to establish a stronger relationship between the building and the street.
- Utilise building scale and design to create an identifiable scale and character for adjacent streets and publicly accessible spaces.
- Provide openings at all building levels to enable passive surveillance of adjacent publicly accessible areas.
- Provide shade and shelter through the use of a continuous awning and/or colonnade treatment. Street trees are also encouraged.

8.3 Pedestrian Movement & Amenity

Principles:

- Employ ‘Crime Prevention Through Environmental Design’ principles to create a safe, and well-lit pedestrian environment with good surveillance.
- Provide obvious and direct pedestrian routes to, and between, major attractors to make walking a legible and convenient alternative to car use.

8.4 Vehicle Movement & Access

Principles:

- Minimise and locate vehicle crossovers to avoid disruption of pedestrian amenity along the principal pedestrian routes.
- Provide for the safe use of alternative transport modes (such as bikes and scooters) to encourage their use in preference to car travel.

8.5 Vehicle Parking

Principles:

- Locate car parks (other than on-street parking) out of sight from the public domain (that is; behind, below or above buildings) to avoid a detrimental visual impact on the adjacent streetscapes.
- Provide attractive parking for bicycle, motorbike and scooter users, and suitable end-of-trip facilities, to encourage their use as an alternative to car travel.
- Separate resident parking from short stay, commercial and other visitor parking.
8.6 Materials, Finishes & Landscaping

Principles:

- Contribute to attractive and well-landscaped streets and other public or semi-public spaces, and enhance the quality and experience of the public realm.
- Employ coastal, drought and salt-tolerant, low-maintenance plants, and avoid plant species that are likely to spread into the surrounding natural environment.
- Integrate public art into the design of the built form.

9. Required Elements

(a) A licensed premises must be included in any development. The building must be framed along its Safety Bay Road and Malibu Road frontages by commercial uses with direct pedestrian access to the street. All development must address the street in a manner consistent with contemporary urban streetscape design disciplines.

(b) An activated frontage with eating and drinking and commercial uses at ground level and a three storey minimum contiguous façade positioned in accordance with the setback requirements must be provided. At the ground level, buildings must address the street with a primary business entrance and a shopfront façade that is transparent over at least 75% of the area of the facade. The following mandatory setbacks apply:

<table>
<thead>
<tr>
<th>Malibu Road</th>
<th>Required Setback</th>
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<tbody>
<tr>
<td>Height</td>
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<tr>
<td>1st – 3rd storey</td>
<td>Nil</td>
</tr>
<tr>
<td>4th - 5th storey</td>
<td>6m</td>
</tr>
<tr>
<td>6th – 7th storey</td>
<td>16m</td>
</tr>
<tr>
<td>8th storey and above</td>
<td>19m</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Safety Bay Road</th>
<th>Required Setback</th>
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</thead>
<tbody>
<tr>
<td>Height</td>
<td></td>
</tr>
<tr>
<td>1st – 4th storey</td>
<td>Nil</td>
</tr>
<tr>
<td>5th – 7th storey</td>
<td>3m</td>
</tr>
<tr>
<td>8th storey and above</td>
<td>6m</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Side (South Eastern) Boundary</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td></td>
</tr>
<tr>
<td>1st – 4th storey</td>
<td>6m</td>
</tr>
<tr>
<td>5th storey</td>
<td>9m</td>
</tr>
<tr>
<td>6th – 7th storey</td>
<td>18m</td>
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<td>8th storey and above</td>
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Side (North Eastern) Boundary

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<tr>
<td>2nd – 4th store</td>
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<tr>
<td>5th storey</td>
<td>9m</td>
</tr>
<tr>
<td>6th – 7th store</td>
<td>18m</td>
</tr>
<tr>
<td>8th storey and above</td>
<td>19m</td>
</tr>
</tbody>
</table>

(c) To allow for robust buildings, a minimum ground floor to first floor height of 3.2 metres with a minimum 3.0 metres ceiling height must be provided.

(d) Street elevations must be articulated to include defined streetfront entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged.

(e) Street awnings must be provided to the full width of the proposed building at a minimum 2.5m wide, with lighting being provided under the street awnings.

(f) The scale and design of buildings is to be designed to minimise any overshadowing of adjoining properties and public spaces to the satisfaction of the City.

(g) Between windows and glazed commercial frontages, walls must be predominantly masonry, rendered brick or stone. Tilt slab or pre-cast concrete construction is only to be approved for visible external walls where the design achieves an adequate level of articulation and detail consistent with the spirit and intent of the guidelines.

(h) Residential development must accommodate a balanced mix of dwelling sizes, and will only be considered in conjunction with commercial development, including licensed premises.

(i) Any residential development must incorporate noise attenuation measures to limit the noise impacts to residences from the licensed premises.

(j) The provision of open space in accordance with the minimum open space requirements of State Planning Policy 3.1 - Residential Design Codes.

(k) Off-street car parking must be located behind, under or over ground floor, streetfront buildings.

(l) In lieu of the normal landscaping requirements of the Scheme, developers may be required to contribute to the cost of streetscape and/or landscape works within the public domain in the general vicinity of their development site.

(m) Loading and servicing areas must be screened from view of the street to the satisfaction of the City.

(n) Should development of the Waikiki Hotel site precede any redevelopment of Lot 2 Safety Bay Road (the Service Station site), the proposal must provide for an appropriate interface along the common boundary to the satisfaction of the City.

(o) Any subdivision application is to be prepared in accordance with an approved Development Application.

10. Authority

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

11. Interpretations

For the purposes of this policy, the following terms shall have the following meanings:

Amenity: Means all those factors which combine to form the character of an area and includes the present and likely future amenity.
Articulation: means an element of building design which means the breaking up of a façade into individual elements to provide a modulated effect aimed at enhancing individual building identity, variety and interest. This can be achieved through the use of such elements as window projections, balconies, awnings, minor recesses and/or projections of walls or parts of walls to provide visual interest, and to enhance the 'fine grained' scale of development.

Built Form: means the configuration of the aggregate of all buildings, structures, etc., which make up a town or city.

Council: means the Council of the City of Rockingham.

Façade: means the exposed face(s) of a building towards roads or open space, or the frontal outward appearance of a building.

Height: means the measurement taken from the natural ground level immediately in front of the centre of the face of the building to a level at the top of the ridge, parapet, or flat roof, whichever is the highest, but does not include any lift plant, water tower or similar utility or service, not exceeding 3 meters in height, or any architectural feature or decoration (other than a freestanding sign) not used for any form of accommodation, which may be approved by the Council.

Main Street means mixed land use developments fronting a street in a manner whereby pedestrian access to the majority of individual businesses can be achieved directly from the street, and/or where customer car parks on private property do not separate the road reserve boundary from the front of a building.

Surveillance: means the presence of passers-by or the ability of people to be seen in public spaces from surrounding windows, decks, balconies or the like. 'Casual surveillance' means “eyes on the street” provided by local people going about their daily activities.

12. Adoption
This Policy was adopted by the Council at its ordinary Meeting held on the xxx."
## Planning and Development Services
### Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-053/17</th>
<th>Improvements to City Square and Civic Plaza - Final Concept Designs</th>
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<tr>
<td>File No:</td>
<td>LUP/1933-02</td>
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<tr>
<td>Applicant:</td>
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<td></td>
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<tr>
<td>Owner:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director, Planning and Development Services</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Sharon Peacock, Special Projects Research Officer</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>18 September 2017</td>
<td></td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Civic Precinct, Civic Boulevard, Rockingham</td>
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<td>Lot Area:</td>
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<tr>
<td>Attachments:</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. City Square and Civic Plaza site location plan</td>
<td></td>
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<tr>
<td></td>
<td>2. Images of City Square and Civic Plaza - September 2017</td>
<td></td>
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<tr>
<td></td>
<td>3. City Square final concept design</td>
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<td>4. City Square - Sketch Perspective</td>
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<td>5. Civic Plaza final concept design</td>
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<td>6. Civic Plaza – Sketch Concept</td>
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</tbody>
</table>

### Purpose of Report

To seek Council approval of the final concept design for improvements to the City Square and Civic Plaza to enable the project to proceed to detailed design and subsequent construction works associated with the landscape improvement works.
1. City Square and Civic Plaza Location Plan

**Background**

The Civic Centre is home to the City’s administration offices, several government and community organisations, a medical centre and a restaurant.

The City’s civic buildings and surrounding streetscape were first constructed in 1994 using construction techniques and materials that were complementary to the characteristic and architectural style. These works went on to establish the overall character of the Rockingham City Centre, however, over time, the civic spaces have become outdated and generally dilapidated in terms of appearance, durability and functionality and therefore now require increased levels of maintenance.

2. Images of City Square and Civic Plaza - September 2017
Details

In mid-2016, a program was initiated to explore opportunities to redevelop the City Square and Civic Plaza to improve the appearance, functionality, while also addressing the long term maintenance requirements.

A scope was prepared and a consultant was commissioned to develop three (3) conceptual designs; one of which would be selected to progress to a detailed concept design based on the alignment with the Guiding Principles and Objectives.

To ensure the success of the project and to provide guidance and direction, the consultant was required to incorporate the following key design guiding principles and specific key objectives into the concept designs:

**City Square Key Design Guiding Principles:**

Activation and Integration

- Enhance usability; provide opportunities for activities and a range of seating options to cater for diversity and encourage people to visit the space regularly.
- Consider how the buildings can form part of the space and improve the interactive edges of the square.

Innovative

- Create a sense of colour, surprise and encourage people to re-visit the space. Consider some delight/theatre at night by the use of lighting and/or sculpture.
- Appreciate landscape details, finishes and interaction of the space at human scale, which contributes to human comfort, safety and enjoyment of the space.

Materiality

- Refined selection of materials that both responds to the existing City centre site characteristics be of a high quality, durable and stand the test of time, both in terms of maintenance and design style.
- Provide a contrast to the existing Rockingham City Centre materiality palette and confidently introduce modern furniture to accompany today's activities and the way people use public space.

Diversity

- Provide variety, ensure the space is universally accessible, eg places to sit, lean, gather, play.
- Consider elements that change and/or soften the spaces eg the large plane trees create seasonal interest, other alternatives include planting, sculpture, lighting and seasonal variations.

**City Square Key Objectives**

- Circulation – allows for movement through the site in all directions, universally accessible, maintain access into all buildings, fire egress and consider maintenance requirements including access for small service vehicles (waste, lighting, horticultural teams).
- Furniture/Seats/Tables – provision of various options, could be removable, shade/sun locations, consider various uses eg eating lunch, reading, phone use etc, comfortable and welcoming.
- Lighting – to provide vibrancy, interest while ensuring safety and security is addressed.
- Water Fountains – Provide robust ideas for retaining a water element as part of the new design (this may or may not include retention of the existing public art ceramic disc water features).
- Retain the existing mature London Plane Trees with the new design allowing future growth and movement of the trees and root zone.

**City Plaza Key Design Guiding Principles:**

Activation and Integration

- Enhance the arrival experience and way-finding to the Chambers and City Administration building.
- Respect and reinforce the ‘civic’ element to the Plaza.
Innovative

- Create a sense of colour, surprise to the entrance into the City Administration building.
- Consider the use of lighting to enhance the appeal of the space.

Materiality

- Refine selection of materials that respond to the existing City Precinct, City Administration and Council Chambers building characteristics and are of a high quality, durable and will endure the test of time, both in terms of maintenance and design style.

Diversity

- Provide variety, elements that change and/or soften the space, create seasonal interest.

City Plaza Key Objectives:

- Lighting – to provide appeal, interest and attractiveness while ensuring safety and security is addressed.
- Introduce planting or alternatives to soften the entrance/plaza space, and add colour and appeal.
- Retain the glass wind break entrance to the City’s Administration and Council Chambers building.
- Water Fountain – pump infrastructure to be retained and upgraded and included as part of the opinion of probable costs.

Preferred Concept Designs

The preferred concept design options for the Square and Plaza have now been selected in consultation with the City’s project team.

Both concept designs clearly demonstrate a more contemporary design palette and materials which closely align with the project guiding principles.

City Square

The City Square concept design incorporates a variety of new seating options, paving, lighting and planting within raised garden beds which enhance the architectural features of the built form, while introducing formal planting to soften and define the areas.

Civic Plaza

The Civic Plaza design redefines the entrance to the City’s Administration Building and the landscape treatments enhance the existing building colonnade by way of including new flowering trees, groundcover planting, paved surfaces and an upgrade to the water fountain surround.
3. City Square Final Concept Design
4. Sketch Perspective - City Square
5. Civic Plaza Final Concept Design
6. Civic Plaza – Sketch Concept
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(s) contained in the Community Plan 2015-2025:
   
   **Aspiration B:** Strong Community
   
   **Strategic Objective:** Services and Facilities: Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional.


d. Policy
   Nil

e. Financial
   Detailed Design
   The cost of the detailed design phase is estimated to be $45,000 and these funds are currently listed in the 2017/18 Budget.
   
   Construction
   The estimated cost of the construction works for the City Square and Civic Plaza, based on the concept design selected, is approximately $700,000 inclusive of contingency and overheads. It is proposed that this cost will be met from the City Centre Development Reserve and will be identified in the November Business Plan review to be allocated in 2018/19 Budget.
   
   The City Centre Development Reserve was set up to meet future expenses associated with capital upgrades and/or acquisition within the City Centre Precinct and any other unexpected costs that may arise, including scheduled upgrades to public spaces.

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 final concept designs have considered the existing character of the built form and are sympathetic to the existing infrastructure whilst also addressing specific key Design Guiding Principles and Objectives.

The selected designs will distinguish yet complement the two spaces and will potentially provide for a more harmonious, engaging and attractive environment for small or large groups of people to gather and socialise within the Civic Precinct.
The introduction of a more distinctive and contemporary palette of materials, furniture and lighting will create a sense of variety, vibrancy and general activation of areas that, over the years, have become tired and outdated.

Subject to Council's approval of the final concept designs, the project will progress to the detailed design phase.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **APPROVES** the final concept designs for the City Square and Civic Plaza to enable the project to proceed to detailed design and subsequent construction works.

### Committee Recommendation

Moved Cr Smith, seconded Cr Hamblin:

That Council **APPROVES** the final concept designs for the City Square and Civic Plaza to enable the project to proceed to detailed design and subsequent construction works.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Reference No & Subject: PDS-054/17 Authorisation of Development Application - Wanliss Street Marina

File No:
Proponent/s:
Author:
Other Contributors:
Mr Greg Delahunty, Senior Projects Officer
Mr Peter Ricci, Manager Major Planning Projects
Mr Bob Jeans, Director Planning and Development Services
Mr Andrew Hammond, Chief Executive Officer

Date of Committee Meeting: 18 September 2017
Previously before Council: September 2011 (SP-051/11)

Disclosure of Interest:
Nature of Council’s Role in this Matter: Advocacy

Site:
Cnr Rockingham Beach Road and Wanliss Street, Rockingham

Lot Area:

LA Zoning:

MRS Zoning:

Attachments:

Maps/Diagrams: Location Plan

Purpose of Report
To establish a Council position to support the authorisation of a development application for the proposed Wanliss Street Marina subject to certain conditions.
Background

Origins for the Proposal

The concept of a jetty development extending from Wanliss Street originated almost 30 years ago. In 1989, the Council granted development approval for the Wanliss Street jetty, which comprised a pier extending from the public carpark at Wanliss Street and a range of tourist related uses but did not include a marina. The development approval was renewed in 1991 and subsequently lapsed.

Background for the Marina Proposal

In 1998, the Council revived the Wanliss Street jetty project by seeking expressions of interest from private developers to establish a facility.

In February 1999, the Council resolved to endorse the selection of the Rockingham Beach Unit Trust (Trust) as the developer for the Wanliss Street Jetty project. A Memorandum of Understanding (MOU) was executed by the Trust and the City, which committed the Trust to achieving approval and development timeframes, however, in the period since the MOU was executed, the Trust had not satisfied the terms of the MOU.

In 2003 the current proponent subsequently entered into a seabed lease for an area of 5000m² with the Department for Planning and Infrastructure (now Department of Transport), to secure land tenure for a proposed marina. This lease is for a term of 21 years with an option to extend for a further 21 years. The proposed marina has a much larger marine footprint (approximately 90,000m²) than the 5,000m² approved seabed lease.

In 2008 the proponent sought an extension of time for development milestones contained within the lease agreement. In addition, the proponent sought to extend the area of seabed lease from 5,000m² to an area commensurate with the propose development. The additional area has not yet been formally included in the current lease.

Environmental Approval

On 18 February 2010, the Minister for Environment issued a statement that the Port Rockingham Marina proposal may be implemented (Ministerial Approval) pursuant to the provisions of the Environmental Protection Act 1986, subject to various conditions. This was valid for a period of five years, expiring in February 2016.

In 2016, at the request of the proponent, the Minister for Environment extended the Environmental Approval until February 2020.

Development Approval

In September 2011, Council resolved to advise the Western Australian Planning Commission (WAPC) of its support for a marina that included:

- An open pile pier extending from the end of the Wanliss Street carpark into Mangles Bay and a breakwater extending north east, parallel to the shoreline;
- Approximately 500 boat pens;
- Commercial and temporary boat mooring facilities;
- 4,000m² of commercial floorspace;
- Refuelling, sullage and water supply facilities for both commercial and public boats; and
- 600 car parking bays, which includes an extension of the Wanliss Street carpark, on street car bays and car parking provided on the breakwater.

In February 2012, the WAPC granted development approval to the marina. The development approval lapsed in February 2015.

In January 2017, the proponent lodged an identical application to the one that was approved by the WAPC in 2012. Given that the cost of development was over $10 million, the application constituted a Development Assessment Panel (DAP) application, however, as correct landowner’s consent (the Department of Planning, Lands and Heritage) had not been supplied on the application forms, the application was invalidated by the DAP Secretariat.
Subsequently, the City provided the applicant with a detailed list of information that it requires to form part of a complete development application. Accordingly, the proponent is currently taking actions to ensure that the application is complete for re-lodgement.

**Details**

The Wanliss Street Marina (also referred to as the ‘Port Rockingham Marina’ and the ‘Port Wanliss Marina’) is proposed to be located entirely on public land, therefore the Department of Planning, Lands and Heritage’s (DPLH) will be required to authorise (sign) any development application forms on behalf of the Crown. Given that the City is one of the authorities responsible for the management of the subject land (the other being the Department of Transport), DPLH will consult with the City prior to signing any development application forms.

**Implications to Consider**

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

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

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

   **Aspiration A:** Tourism Lifestyle
   
   **Strategic Objective:** Investment Attraction – A Strategic and focussed approach to attracting major investment to the City’s coastal nodes, City Centre and inland settlements that promotes quality retail. Commercial and residential development, improved civic infrastructure and leisure tourism experiences for residents and visitors.

   Rockingham Beach Foreshore Precinct - A world-class foreshore precinct capitalising on its unique location and aspect, delivering a quality leisure tourism experience through contemporary design, best practice facilities and seamless linkage between beach, parkland and tourism-based commercial, retail and food and beverage outlets

   Coastal Facilities - A range of quality and contemporary leisure tourism facilities including a “major brand” hotel, marinas, boat ramps, jetties, boardwalks and foreshore parks that contribute to the City’s reputation as the premier metropolitan coastal tourism destination.

d. **Policy**
   - Nil

e. **Financial**
   - Nil

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 establishment of a marina at Wanliss Street is a long held desire of not only the Council but also the community. It aligns with a number of strategic objectives contained within the Strategic Community Plan and, when the 2011 development application was advertised for public comment, there was overwhelming public support for the proposal. Therefore, given that the marina is proposed to be located entirely on public land, it is critical that the proponent has the ability to deliver on its intent.

The Wanliss Street Marina proposal has the potential to become the predominant driver for tourism and leisure related economic development in the City. Given its location on the Rockingham Beach Foreshore, the proposal sits as part of Rockingham’s “jewel in the crown” and it is therefore critical that Council has assurances from the State Government that the proponent has the financial capacity and logistical capability to deliver the project within a reasonable time.

Council should also be satisfied that the principal land tenure instrument, the seabed lease, is current, has satisfied due process, is endorsed by the State Government and carries provisions that can effectively manage all of the attendant risks that come with the delivery of the project. Lease provisions should also provide for the sustainable and effective management of the facility post commissioning.

The major risks associated with a project of such magnitude and importance are essentially twofold:

• The developer experiencing financial, legal or logistical difficulties that cause the project to be abandoned during the construction phase; and

• The developer obtaining a development approval but then experiencing financial, legal or capacity difficulties that prevents the project form being commenced at all, therefore sterilising the land from alternative proposals.

Either scenario would see a unique “once in a lifetime” economic development opportunity lost, significantly damaging the City’s investment attraction reputation.

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

There is also the concern that the proponent does not have a seabed lease commensurate with the land area required for the proposed marina. Although the lease was granted almost 15 years ago, it has not yet been modified to provide for the development as intended.

Accordingly, it is recommended that the Department of Transport confirm that the seabed lease is sufficient for purpose and that it carries provisions that can effectively manage all of the associated risks that come with the delivery of the project.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS a development application for the proposed Wanliss Street Marina being authorised by the Department of Planning, Lands and Heritage upon the State Government confirming that:

1. The necessary due diligence has been undertaken to ensure that the proponent has the necessary financial capacity and logistical capability to plan, construct and commission the project within a reasonable time; and

2. The seabed lease is sufficient for purpose and current, endorsed by the State Government and satisfies due process and carries provisions that can effectively manage all of the attendant risks that come with planning, constructing and commissioning the project.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:
That Council SUPPORTS a development application for the proposed Wanliss Street Marina being authorised by the Department of Planning, Lands and Heritage upon the State Government confirming that:

1. The necessary due diligence has been undertaken to ensure that the proponent has the necessary financial capacity and logistical capability to plan, construct and commission the project within a reasonable time; and

2. The seabed lease is sufficient for purpose and current, endorsed by the State Government and satisfies due process and carries provisions that can effectively manage all of the attendant risks that come with planning, constructing and commissioning the project.

Committee Voting – 5/0

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

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Engineering and Parks Services

Engineering and Parks Services
Engineering Services

Reference No & Subject: EP-017/17  Proclamation of ramps for the Baldivis service centres on Kwinana Freeway
File No: GVR/22-06
Proponent/s: Main Roads Western Australia
Author: Mr Ian Daniels, Manager Engineering Services
Other Contributors: 
Date of Committee Meeting: 18 September 2017
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Advocacy

Site: 
Lot Area: 
LA Zoning: 
MRS Zoning: 
Attachments: Correspondence from Main Roads Western Australia
Maps/Diagrams: 

Purpose of Report
For Council to consider a request from Main Roads Western Australia (MRWA) who seek formal support to proclaim the entrance and exit ramps into the Baldivis service centres off the Kwinana Freeway (H015) as shown on drawings 201021-0205-02, 201721-0013-00 as a highway.

Background
The Baldivis service centres on Kwinana Freeway were opened to the public in early 2016.
The City received correspondence from MRWA on 23 August 2017 in respect to the proclamation of ramps H330, H331, H332 and H333 into the Baldivis Service Centres off the Kwinana Freeway (H015).

Details
In accordance with the Main Roads Act 1930, Part 4, Section 13 the Governor, following recommendation by the Commissioner of Main Roads, may by proclamation declare that any section or part of a road shall be a highway or a main road.
In this particular proclamation MRWA is requesting formal Council agreement for ramps H330, H331, H332 and H333 shown on drawings 201021-0205-02 and 201721-0013-00 to be proclaimed as a highway.

Once an area has been proclaimed pursuant to the Main Roads Act 1930 it falls under the jurisdiction of the Act and is therefore in the care, control and management of MRWA (Section 15).

**Implications to Consider**

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Main Roads Western Australia

**c. Strategic**

**Community Plan**

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

**Aspiration C:** Quality Leadership

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

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

**Main Roads Act 1930**

**Part 4 - Highways and main roads**

**Section 13 - Proclamation of highways and main roads**

(1) On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be—

(a) a highway; or

(b) a main road,

or shall cease so to be and may by the same or a subsequent proclamation declare that the footpaths of any such road shall, or shall not, be excluded from the road.

**Section 15 – Property in and control of highways and main roads**

(1) The absolute property in the land over which a highway or main road is declared shall vest in the Crown.

(2) The Commissioner shall have the care, control and management of the land over which a highway or main road is declared.

**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 proclamation of ramps shown on drawings 201021-0205-02 and 201721-0013-00 has been reviewed and this proposal has no impact on the City as MRWA will be responsible for all management of the ramps. Therefore it is recommended that Council support the proclamation of these ramps.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS the proclamation of ramps H330, H331, H332 and H333 as a highway as shown on Main Roads Western Australia drawings 201021-0205-02 and 201721-0013-00.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:

That Council SUPPORTS the proclamation of ramps H330, H331, H332 and H333 as a highway as shown on Main Roads Western Australia drawings 201021-0205-02 and 201721-0013-00.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Engineering and Parks Services
Engineering Services

Reference No & Subject: EP-018/17 Tender T16/17-03 – Standing offer for the supply of sweeping services

File No: T16/17/03-01

Proponent/s: Mr Stephen Forrester, LitterBusters Supervisor

Author: Mr Ian Daniels, Manager Engineering Services

Other Contributors: Mr Om Gupta, Coordinator Maintenance and Operations

Date of Committee Meeting: 18 September, 2017

Previously before Council: 18 September, 2017

Disclosure of Interest: None

Nature of Council’s Role in this Matter: Executive

Site: Lot Area:

LA Zoning:

MRS Zoning:

Attachments: Schedule of Rates – T16/17-03

Maps/Diagrams:

Purpose of Report

To provide Council with details of the tenders received for Tender T16/17-03 – Standing offer for the supply of sweeping services (T16/17-03), document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T16/17-03 was advertised in the West Australian on Saturday, 15 July 2017. The Tender closed at 2.00pm, Wednesday, 2 August 2017 and was publicly opened immediately after the closing time.

Details

The scope of T16/17-03 is to provide sweeping services for roads, car parks, paved hardstand and paths in the suburbs of Baldivis, Port Kennedy, Secret Harbour, Golden Bay, Singleton and Karnup. Sweeping in other areas is outside the scope of this tender.

The period of the contract shall be from the date of award until 30 September 2020.
The Director Engineering and Parks Services nominated the following evaluation panel:

- Manager Engineering Services
- Coordinator Maintenance and Operations
- LitterBusters Supervisor

The City received five submissions. 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 40 Pts</th>
<th>Total Weighted Scores 100 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleansweep (WA) Pty Ltd trading as Cleansweep</td>
<td>21.2</td>
<td>20.0</td>
<td>40.0</td>
<td></td>
<td>81.2</td>
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<tr>
<td>Enviropath Pty Ltd trading as Spots All Surface Cleaning</td>
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<td>15.0</td>
<td>34.0</td>
<td></td>
<td>64.0</td>
</tr>
<tr>
<td>Drainflow Services Pty Ltd</td>
<td>18.7</td>
<td>15.0</td>
<td>21.1</td>
<td></td>
<td>54.8</td>
</tr>
<tr>
<td>Austra Environmental Services Pty Ltd trading as Metro Street Sweeping</td>
<td>23.7</td>
<td>15.0</td>
<td>14.5</td>
<td></td>
<td>53.2</td>
</tr>
<tr>
<td>Environmental Wastewater Catchment Services Pty Ltd trading as Enviro Sweep</td>
<td>20.0</td>
<td>15.0</td>
<td>10.9</td>
<td></td>
<td>45.9</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 completed CPI quarter as at the date the price variation is due.

**Implications to Consider**

a. **Consultation with the Community**
   Nil

b. **Consultation with Government Agencies**
   Nil

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

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

d. **Policy**
   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**
   The City’s 2017/2018 budget for street sweeping is $1,144,723. The estimated works undertaken through this contract along with the City’s own street sweeping works falls within this budget.
f. Legal and Statutory

In accordance with the Local Government Act 1995 section 3.57 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1).

11. When tenders have to be publicly invited

(1) ‘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

Following consideration of the submissions in accordance with the tender assessment criteria all companies demonstrated that they had the capacity to undertake the works.

In order to ensure value for money due to the variability of the quoted prices, the panel completed a reference check for Cleansweep. The reference check focussed on capability and quality of service of the contractor in providing sweeping services and hence the value for money.

The submission received from Cleansweep is considered the best value to the City and therefore recommended as the preferred tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ACCEPTS the tender submitted from Cleansweep (WA) Pty Ltd trading as Cleansweep for Tender T16/17-03 – Standing offer for the supply of sweeping services in accordance with the tender documentation for the contract period being from 1 October 2017 to 30 September 2020.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Smith:

That Council ACCEPTS the tender submitted from Cleansweep (WA) Pty Ltd trading as Cleansweep for Tender T16/17-03 – Standing offer for the supply of sweeping services in accordance with the tender documentation for the contract period being from 1 October 2017 to 30 September 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
## Reference No & Subject:

**EP-019/17 Lot 1 Eighty Road, Baldivis – Dedication as Public Road**

**File No:** CPM/146

**Proponent/s:** Mr Ian Daniels, Manager Engineering Services

**Author:**

**Other Contributors:**

**Date of Committee Meeting:** 18 September 2017

**Previously before Council:**

**Disclosure of Interest:**

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

### Site:

**Lot Area:** 689m²

**LA Zoning:** Other Regional Roads

**MRS Zoning:** Other Regional Roads

### Attachments:

1. Aerial Photograph of Lot 1 Eighty Road Baldivis
2. MRS Zoning of Lot 1 Eighty Road Baldivis

### Purpose of Report

For Council to consider the dedication of Lot 1 (on Diagram 41628) Eighty Road, Baldivis as a public road.

### Background

During land development in Baldivis in 2013/2014 a small parcel of land was gifted to the City to become part of the future Nairn Drive. During the land development process, this land remained freehold and was not dedicated as a public road.

The City’s Executive Audit Committee identified this portion of land as being owned by the City however having zero valuation.

### Details

The land is located approximately 170 metres north of the Nairn Drive/Eighty Road intersection.

Figures 1 and 2 below show the land (marked red) as forming part of the road reservation and being zoned as other regional roads under the Metropolitan Region Scheme.
1. Aerial Photograph of Lot 1 Eighty Road Baldivis

2. MRS Zoning of Lot 1 Eighty Road Baldivis
Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Correspondence will be sent to public utility service providers and government agencies confirming their agreement to the proposed dedication.

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

   **Aspiration C:** Quality Leadership

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

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   In accordance with the Land Administration Act 1997 Part 5, Section 56.

   (1) **If in the district of a local government —**
      (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or
      (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
         (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
         (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or
      (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

      and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

   (2) **If a local government resolves to make a request under subsection (1), it must —**
      (a) in accordance with the regulations prepare and deliver the request to the Minister; and
      (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

   (3) **On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —**
      (a) subject to subsection (5), by order grant the request; or
      (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
      (c) refuse the request.
(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

(5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
   (a) unallocated Crown land or, in the case of a private road, alienated land; and
   (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.

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 order to progress the dedication of Lot 1 (on Diagram 41628) Eighty Road, Baldivis as a public road it is the officers recommendation for Council to resolve the approval of this dedication pursuant to the Land Administration Act 1997.

Further, it is essential for Council to indemnify the Minister for Lands against any claim for compensation pursuant to the Land Administration Act 1997.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:
1. APPROVES the dedication of Lot 1 (on Diagram 41628) Eighty Road, Baldivis as a public road pursuant to the Land Administration Act 1997, Part 5, Section 56 (1) (a).
2. INDEMNIFIES the Minister for Lands against any claim for compensation pursuant to Land Administration Act 1997, Part 5, Section 56 (4).

Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:

That Council:
1. APPROVES the dedication of Lot 1 (on Diagram 41628) Eighty Road, Baldivis as a public road pursuant to the Land Administration Act 1997, Part 5, Section 56 (1) (a).
2. INDEMNIFIES the Minister for Lands against any claim for compensation pursuant to Land Administration Act 1997, Part 5, Section 56 (4).

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

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 24 OCTOBER 2017

PRESIDING MEMBER
### Purpose of Report

Provide Council with details of the tenders received for Tender T16/17-63 – Supply of security patrol services (T16/17-63), document the results of the tender assessment and make a recommendation regarding award of the tender.

### Background

Tender T16/17-63 was advertised in the West Australian on Saturday, 3 June 2017. The tender closed at 2.00pm, Wednesday, 28 June 2017 and was publicly opened immediately after the closing time.

The assessment of the tender was delayed due to the complexity of the submissions and to provide the tenderers adequate time to respond to various clarifications sought by the tender evaluation panel.

### Details

The City has buildings and facilities with a replacement value in excess of $260 million. It is essential that these assets are protected to ensure that risk is managed appropriately and service delivery to the community is maintained.
The security services under this tender focus on security of 75 buildings and facilities through foot patrols responding to alarm activations, locking and unlocking assets and where required, using static guards or crowd controllers.

Under a separate contract, all City alarm systems are constantly monitored to act as a physical deterrent to unauthorised access and also to initiate timely response. Given the large number and geographical spread of City assets, it is essential that a reputable provider with an effective patrol management system is selected under this tender.

The period of the contract shall be from time of award for a period of 36 months.

The following tender evaluation panel was appointed in accordance with the City’s procurement framework:

- Manager Asset Services
- Asset Operations Supervisor
- Building Systems Officer.

The tender submission received from Executive Risk Solutions was non-conforming as the Form of Tender was not supplied in hard copy and therefore the submission was not assessed by the panel.

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>Level of Service Max. Points</th>
<th>Understanding Tender Requirements 30 Pts</th>
<th>Tendered Price/s 40 Pts</th>
<th>Total Weighted Scores 100 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wilson Security Pty Ltd trading as Wilson Security</td>
<td>28.67</td>
<td>28.33</td>
<td>23.10</td>
<td>80.10</td>
</tr>
<tr>
<td>Fortitude Security Services Pty Ltd</td>
<td>19.50</td>
<td>22.83</td>
<td>34.40</td>
<td>76.73</td>
</tr>
<tr>
<td>MCW Corporation Pty Ltd trading as Perth Security Services</td>
<td>18.08</td>
<td>15.67</td>
<td>37.10</td>
<td>70.85</td>
</tr>
<tr>
<td>Accord Security Pty Ltd trading as Accord Security</td>
<td>18.50</td>
<td>23.00</td>
<td>26.00</td>
<td>67.50</td>
</tr>
<tr>
<td>Major Security Services Pty Ltd</td>
<td>18.58</td>
<td>18.17</td>
<td>22.40</td>
<td>59.15</td>
</tr>
<tr>
<td>Resolute Security Services Pty Ltd</td>
<td>17.92</td>
<td>13.33</td>
<td>23.90</td>
<td>55.15</td>
</tr>
<tr>
<td>AST Protective Services Pty Ltd</td>
<td>23.58</td>
<td>15.50</td>
<td>15.10</td>
<td>54.18</td>
</tr>
<tr>
<td>Executive Risk Solutions Pty Ltd – not assessed</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The contract rates will be subject to a price variation every 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 completed CPI quarter as at the date the price variation is due.

**Implications to Consider**

a. Consultation with the Community

Nil

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1 Correction of typographical error
2 Correction of omission
3 Correction of omission

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 24 OCTOBER 2017

PRESIDING MEMBER
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 Objectives contained in the Community Plan 2015-2025:

**Aspiration C:** Quality Leadership

**Strategic Objective:** Financial Sustainability - A City that understands the importance of sustainable revenue streams, long term resource planning and allocation, and the need to prioritise spending on core services and strategic asset management programs.

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

d. Policy

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

Operational expenditure will be in accordance with the Engineering and Parks Services operations maintenance budgets. Currently annual expenditure on this service is approximately $650,000. The schedule of rates submitted by the highest ranking tenderer will provide cost savings for the City.

f. Legal and Statutory

In accordance with the Local Government Act 1995 section 3.57 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1):

11. **When tenders have to be publicly invited**

   (1) ‘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 tender submission received from Wilson Security Pty Ltd was comprehensive and included planned security activities, reactive attendance and reporting requirements. This will assist the City in effectively managing risk in building and facility security.

As a result of the assessment process, the submission received from Wilson Security Pty Ltd is considered the best value to the City and is therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority
Officer Recommendation

That Council ACCEPTS the tender submitted from Wilson Security Pty Ltd for Tender T16/17-63-supply of security patrol services in accordance with the tender documentation for the contract period being for 36 months from date of award.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:

That Council ACCEPTS the tender submitted from Wilson Security Pty Ltd for Tender T16/17-63-supply of security patrol services in accordance with the tender documentation for the contract period being for 36 months from date of award.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

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

**14. Addendum Agenda**
Nil

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

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

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

**18. Matters Behind Closed Doors**
Nil

**19. Date and Time of Next Meeting**
The next Planning and Engineering Services Committee Meeting will be held on **Tuesday 24 October 2017** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

**20. Closure**
There being no further business, the Chairperson thanked those persons present for attending the **4:55pm**.

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4 Correction of typographical error