Planning and Engineering Services Committee Minutes
Monday 17 July 2017

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<td>19.</td>
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<tr>
<td>20.</td>
<td>Closure</td>
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1. **Declaration of Opening**

   The Chairperson declared the Planning and Engineering Services Committee Meeting open at **3:58pm**, welcomed all present, and delivered the Acknowledgement of Country.

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

   2.1 **Councillors**

      | Councillor                  | Role                                           |
      |-----------------------------|------------------------------------------------|
      | Cr Chris Elliott            | Chairperson                                    |
      | Cr Matthew Whitfield        |                                                |
      | Cr Deb Hamblin (Deputy Mayor) |                                              |
      | Cr Barry Sammels (Mayor)    |                                                |
      | Cr Joy Stewart              | (Deputising for Cr Katherine Summers)           |
      | Cr Justin Smith             | (Observer)                                     |
      | Cr Lee Downham              | (Observer)                                     |

   2.2 **Executive**

      | Executive                        | Role                                           |
      |----------------------------------|------------------------------------------------|
      | Mr Bob Jeans                     | Director Planning and Development Services     |
      | Mr Peter Doherty                 | Director Legal Services and General Counsel    |
      | Mr Sam Assaad                    | Director Engineering and Parks Services        |
      | Mr Peter Ricci                   | Manager Major Planning Projects                |
      | Mr Brett Ashby                   | Manager Strategic Planning and Environment     |
      | Mr David Caporn                  | Manager Compliance and Emergency Liaison       |
      | Mr Mark Dudley                   | Manager Building Services                      |
      | Mr David Waller                  | A/Manager Statutory Planning                   |
      | Mr Rod Fielding                  | Manager Health Services                        |
      | Mr Om Gupta¹                     | Coordinator Maintenance and Operations         |
      | Mrs² Danielle Quinlivan          | Coordinator Projects Asset Services            |
      | Mr James Henson                  | Manager Land and Development Infrastructure    |
      | Mr Cyril Sharrock                | Coordinator Maintenance Parks Services         |
      | Ms Melinda Wellburn             | PA to Director Planning and Development Services |

   2.3 **Members of the Gallery:** 2

   2.4 **Apologies:**

      Cr Katherine Summers

   2.5 **Approved Leave of Absence:** Nil

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¹ Correction of typographical error
² Correction of typographical error
### 3. Responses to Previous Public Questions Taken on Notice

<table>
<thead>
<tr>
<th>3.1</th>
<th>Mr Peter Green, Cooloongup - Palm Beach Caravan Park and Mangles Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>At the June Committee meeting held on 19 June 2017, Mr Green asked the following questions that were taken on notice and the Acting Director Planning and Development Services provided a response in a letter dated 23 June 2017 as follows:</strong></td>
<td></td>
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</table>

**Preamble to question** Traffic Questions regarding DHA Local Structure Plan

I welcome the City's overall recommendations regarding the Traffic Impact Assessment, however, I feel some recommendations do not clearly address my submission.

Example, bottom of page 24 Planning Agenda, the submission states, "All trip attractors/generators within 800m of the structure plan area have not been provided (e.g. the Memorial Drive intersection (access to Garden Island) and the proposed Mangles Bay Marina)"

The applicants response page 25, "This exercise illustrated that no projects in the surrounding area will present a significant increase in background traffic on the Traffic Impact Assessment (TIA) study area to 2028."

City's comment, "The City supports the comments raised within the submission and recommends that the TIA be modified to address the Western Australian Planning Commission (WAPC) Transport Impact Assessment Guidelines. With respect to justification provided by the applicant, the City notes the following, the statement that 'no projects in the surrounding area will present a significant increase in background traffic on the TIA study area to 2028 needs to be justified'.

The City's recommendation states, "That the Traffic Impact Assessment be modified to address the WAPC's Traffic Impact Assessment Guidelines."

**Question**

1. Will the City consider including in their recommendation, "with respect to justification submitted".

**Response (provided at meeting)**

The Chairperson advised that the Officer Recommendation is that the Structure Plan be not approved until such time that a number of issues have been addressed. One of the reasons for the refusal is in regard to the Traffic Impact Assessment and a number of other items contained in the report.

**Preamble to question** Justification

I hasten to add that I have received authorisation from FOI section of WAPC to reveal the following.

In accordance with the MRS Amendment 1280/41 Cedar Woods were required to undertake a detailed traffic impact assessment which was to be finalised before the WAPC considers the Amendment.

CARDNO were engaged to prepare a detailed Traffic Impact Assessment which was completed in June 2016, the City received a copy of report in July 2016.

In the report it states that the Mangles Bay Marina Project was estimated to be completed by 2031, and that vehicles using Memorial Drive were estimated to be 15,000 vehicles per day. It also went on to say that during peak hours it would be expected that a build up of traffic could stretch over 100 metres at the Memorial Drive and Safety Bay Road intersection.

To read that GTA considers that there are no projects in the surrounding area that will present significant increase in background traffic, especially at the intersection of Memorial Drive and Safety Bay Road, beggars belief.

On page 42 under Traffic Impact Assessment, 3rd paragraph, it sates in part, "it is recommended that SIDRA modelling be prepared for the intersection of Lake Street and Safety Bay Road".

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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 AUGUST 2017

PRESIDING MEMBER
Question
2. Will the City consider adding "and Safety Bay Road and Memorial Drive intersection".

Response (provided at meeting)
The Chairperson reiterated that one of the reasons for the refusal is in regard to the Traffic Impact Assessment requiring to be amended.

(Preamble to question) For Information
In the City’s report there are several references to trees, in particular Tuarts, these trees currently are being assessed and expected to be identified as ‘critically endangered under the EPBC Act’, before the end of the year.

Question
3. Will the City ensure that before any removal of the Tuarts, their status in accordance with the EPBC Act be researched.

Response
The Chairperson advised that the recommendation is that the Environmental Assessment Report be modified with regard to the trees in question and that the Council may resolve not to approve the subdivision, however, the question will be taken on notice (provided at meeting).

The applicant referred the application to the Federal Department of Sustainability, Environment, Water, Population and Communities as required by the EPBC Act where it was determined the proposal was not a controlled action.

The City has recommended to the WAPC that the Environmental Assessment Report be modified to provide a Tree Survey undertaken by a suitably qualified environmental professional for trees that partly and fully fall within the site.

Additionally, the City is recommended that the Structure Plan Report be modified to require that a Tree Protection Management Plan be submitted to the City and the Western Australian Planning Commission at subdivision or development application stage, with satisfactory arrangements being made for the implementation of the approved plan. The plan is to ensure the protection and management of significant trees on the site identified for retention.

(Preamble to question) Waterways Management
In June 2015 the City wrote to Cedar Woods inviting Cedar Woods Properties to commence the process towards preparing the 'Deed of Agreement'.

Seven weeks later the City wrote again to Cedar Woods and because of the failure of any response from Cedar Woods the City stated, "The apparent lack of progress on these issues is concerning and undermines the City's confidence in the project. As a result I have instructed Planning Services to cease its preliminary consideration of the Town Planning Scheme Amendment and Local Structure Plan until there is resolution to the above matters."

The Planning Bulletin provides information that there has been no correspondence between Cedar Woods and the City since February 2017.

Question
4. Has the City held meetings with Cedar Woods regarding the Waterways Management role, if so, when was the last meeting.

Response (provided at meeting)
The Chairperson advised that waterways management is an item in the Planning Services Bulletin and that there has been no change since May 2017.

3.2 Mr James Mumme, Shoalwater - Pepper Trees

At the June Committee meeting held on 19 June 2017, Mr Green asked the following questions that were taken on notice and the Acting Director Engineering and Parks Services provided a response in a letter dated 27 June 2017 as follows:
Question
1. Why has there been no action to kill the mature female pepper trees along the drain and along Point Peron Road since I raised this one month ago as a matter of urgency?

Response
City Officers are working with the relevant landowners for control and ongoing management to occur. As previously detailed, local authorities do not have the authority to direct government departments to comply with a pest plant local law or undertake pest plant local law requirements on government land.

Question
2. Council wished to adopt an advocacy strategy instead of enforcing its powers under the Local Law. What more effective action will Council take to protect Lake Richmond and when?

Response (provided at meeting)
The Chairperson advised that the advocacy position is a position that the Council will take to relay a point on an item outside of its control. As this is a State Government issue, it will take the role of an advocacy position.

The Chairperson advised that Council agreed several years ago to have Lake Richmond listed on the Municipal Heritage Inventory. Mr Mike Ross, Manager Statutory Planning advised that Lake Richmond is being considered to be entered onto the State Register of Heritage Places on a permanent basis.

Mr James Henson, Acting Director Planning and Development Services advised that Lake Richmond is under management control of the City and action will be taken in this regard.

Question
3. Is there any reason why Council should not invoke the provision in the Local Law and kill or remove the trees itself and recoup the cost from Landcorp and the Water Corporation? If so what is it? Landcorp has just sent an email saying they will remove the them but not when.

Response
As mentioned in response to question one the City does not have the authority to do this with state managed lands. its procurement process to engage a contractor to carry out works. Where the trees appear on residential properties, an education process and encouragement to remove the trees is being carried out as part of the initial contact with residents. Follow-up contact will take place as required.

Question
4. What problem does the City see from following the Officer's recommendation to refuse to fund the peer review study into the state of Cockburn Sound?

Response (provided at meeting)
The Chairperson advised that this is an item contained in tonight's Committee agenda and it will be debated later on in the meeting and your answers may be provided through that debate.

Question
5. Will Councillors reconsider that recommendation and reverse it today?

Response (provided at meeting)
The Chairperson again advised that this is an item contained in tonight's Committee agenda and will be debated later on in the meeting.

4. Public Question Time

4:00pm The Chairperson invited members of the Public Gallery to ask questions.
4.1 Mr James Mumme, Shoalwater - Various

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

1. Can Council confirm that not one one pepper tree has been dealt with on the Landcorp or Water Corporation managed land on Cape Peron since I first raised this with Council in May?

The Chairperson advised the City is unable to confirm what control works have been undertaken since May except that both Landcorp and Water Corporation have continued to communicate with the City over the management of a number of pest weed species, including Brazilian Pepper.

2. I refer to an email from Erin Nolan of Landcorp (19 June) saying that they have received a list of contractors from the City and the work is planned for the “foreseeable future”. Does council have any information about the work?

The Chairperson advised that Landcorp has not advised the City of a specific date as to when works will be completed. You are referred to Erin Nolan from Landcorp who advised in her email dated 19 June the following “I’m uncertain exactly when the works will be completed and will be subject to the procurement process, contractor availability and the like. It is, however, planned for the foreseeable future.”

3. If so what and if not, what else will Council do to ensure that its advocacy approach does not fail and so that Council does not appear to be giving up on serious efforts to control this most invasive weed threatening Lake Richmond?

The Chairperson advised, as previously advised, the City is unable to direct government departments to comply with the City’s Local Law on government land.

The City will continue to take the role of advocate for the community in this matter and in addition, will utilise education and relationship building with Landcorp, Water Corporation and Department of Biodiversity, Conservation and Attractions (formally DPaW) as these will be the best way to achieve control of Brazilian Pepper long-term.

The City will also continue to work with other land managers with the end goal of removing Brazilian Pepper from the region. Many of the mature trees have been there for a number of years.

4. If in the absence of any results from the two government agencies, Friends of Point Peron is able to organise a volunteer licensed pest controller able to kill the trees on Landcorp and Watercorp managed property, will Council provide the chemicals?

The Chairperson advised that the City would be happy to review any requests for assistance by land managers or approved volunteer groups on a case by case basis. The Friends of Point Peron should seek permission from the relevant land manager to undertake the suggested works.

5. What is the most recent information regarding recent erosion and accretion around Mersey Point?

The Chairperson advised that Beach Profile and Hydrographic Surveys are undertaken twice a year. The latest survey was completed in late May 2017 with the information received in late June 2017.

6. Has this been taken into account in the process to approve a tender for construction of the jetty? If not why not?

The Chairperson advised that this information has been assessed and has reaffirmed that the relocation of the jetty is the correct decision. The current location is in a dynamic location that is prone to constant accretion and/or erosion issues, whereas the new location is very stable with minimal sand movement.
7. I note a newspaper report in ST 12 July that Council has approved the LSP. Is this correct and if not will Council make some public statement to correct this mis-information by DHA?

The Chairperson advised that the City has only provided recommendations, as the Western Australian Planning Commission is solely responsible for the determination of proposed Structure Plans.

4:07pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Whitfield:

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 19 June 2017, as a true and accurate record.

Committee Voting - 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:08pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. Declarations of Members and Officers Interests

4:08pm The Chairperson asked if there were any interests to declare.
There were none.

9. Petitions/Deputations/Presentations/Submissions

Nil

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – July 2017

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
   3.5 Food Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 AUGUST 2017

Planning and Engineering Services Committee Minutes

Monday 17 July 2017

PRESIDING MEMBER

4.5 Outdoor Public Event Approvals
4.6 Permit Approvals
4.7 After Hours Noise and Smoke Nuisance Complaint Service
4.8 Complaint - Information
4.9 Noise Complaints - Detailed Information
4.10 Animal Exemptions
4.11 Building Plan Assessments
4.12 Septic Tank Applications
4.13 Demolitions
4.14 Swimming Pool and Drinking Water Samples
4.15 Rabbit Processing
4.16 Hairdressing and Skin Penetration Premises
4.17 New Family Day Care Approvals
4.18 Caravan Park and Camping Ground Inspections

Building Services
1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
4.1 Monthly Building Permit Approvals - (All Building Types)
4.2 Private Swimming Pool and Spa Inspection Program
4.3 Demolition Permit
4.4 Permanent Sign Licence
4.5 Community Sign Approval
4.6 Street Verandah Approval
4.7 Occupancy Permits
4.8 Strata Titles
4.9 Unauthorised Building Works (Section 51 of the Building Act)
4.10 Monthly Caravan Park Site Approvals
4.11 R Code Variations
4.12 Grenfell Tower Fire Disaster (London)

Compliance and Emergency Liaison
1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
4.1 Compliance and Emergency Liaison Update
4.2 Ranger Action Reports
4.3 Emergency Management and Fire Prevention
4.4 Customer Requests Emergency Service Team
4.5 Bush Fire Hazard Reduction
4.6 Rockingham/Kwinana State Emergency Service
4.7 Hazard Reduction Burn
4.8 Training - Volunteer and Officers
4.9 SmartWatch Key Result Area: Visibility
4.10 SmartWatch Key Result Area: Engagement with Community
4.11 SmartWatch Key Result Area: Increasing perception of Safety
4.12 SmartWatch Notable Statistics

Strategic Planning and Environment
1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
## 3. Information Items

3.1 Local Planning Strategy (LUP/1352)
3.2 Waterwise Council Program (EVM/56-02)
3.3 Greening Plan (PKR/52-02)
3.4 Frog Population Monitoring Program (EVM/174)

## 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
4.3 Community Plan Strategy - Natural Area Conservation
4.4 Peron Naturaliste Partnership - General Board Meeting Minutes
4.5 Port Kennedy Development Bill 2017

### Land and Development Infrastructure

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

### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused
   4.13 Proposed Telecommunications Infrastructure (Fixed Wireless Facility) - Lot 470 (No 355) Mundijong Road, Baldivis

### 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 Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 and LUP/1847)
3.4 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
3.5 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
3.6 Redevelopment of City Square and Civic Plaza (LUP/1933)
3.7 ‘Mangles Bay Marina’

Advisory Committee Minutes

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:
That Councillors acknowledge having read the Planning Services Information Bulletin – July 2017 and the content be accepted.

Committee Voting – 5/0

Engineering and Parks Services Information Bulletin – July 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 - Detailed Design
4. Information Items
4.1 Request for Information - Advertising on Infrastructure

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
3.1 Stormwater Drainage Plan
3.2 Coastal Management Consultants (Sand Drift/Erosion Problems)
3.3 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
4. Information Items
4.1 Delegated Authority for Temporary Thoroughfare Closure
4.2 Delegated Authority for approval of Directional Signage
4.3 Authorised Traffic Management Plans for Works on City Controlled Roads
4.4 Civil Works Program 2016/2017
4.5 Civil Works Program 2017/2018
4.6 Civil Maintenance Program 2016/2017
4.7 Road Renewal Program Municipal Works 2016/2017
4.8 Road Resurfacing Program Municipal Works 2016/2017
4.9 Litter and Street Sweeping Program 2016/2017
4.10 Graffiti Program 2016/2017
4.11 Safety Bay Road - Principal Shared Path - Stage 2B Mandurah Road to Eighty Road
4.12 Delegated Authority for the payment of Crossover Subsidies
4.13 Third Party works within the City
4.14 Asset Inspections
4.15 Verge Treatment Applications
4.16 Verge Obstructions
4.17 Coastal Infrastructure
4.18 Fleet Program 2016/2017

**Parks Services**

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Dog Exercise Area
   3.2 Weld Street shower and drink fountain - Rockingham
   3.3 Practice Cricket Net Modification - Rhonda Scarrott Reserve, Golden Bay
   3.4 Practice Cricket Net Renewal - Careeba Reserve and Koorana Reserve
   3.5 Bore and Irrigation Cabinet - Malibu Reserve
   3.6 City Parks - Central Irrigation Management System
   3.7 Play Equipment Replacements
   3.8 Synthetic Turf Renewal - Lark Hill Practice Cricket Nets
   3.9 Limestone Access Track Upgrade - Lark Hill Reserve
   3.10 Replace Conservation Reserve Fencing
   3.11 New Conservation Reserve Fencing - Foreshore Drive, Singleton
   3.12 New Conservation Reserve Fencing - Lake Richmond
   3.13 Tamworth Hill Swamp, Conservation Works
   3.14 Dixon Road Reserve, Conservation Works
   3.15 Outdoor Gym Equipment - Harmony Park, Singleton
   3.16 Outdoor Gym Equipment - Lions Park and Safety Bay Foreshore
   3.17 Wilkes Loop Landscaping - Baldivis
   3.18 Alexandra Street Vehicle Access Track - Rockingham

4. Information Items
   4.1 Delegated Public Open Space Handovers
   4.2 Parks Maintenance Program 2016/2017

**Asset Services**

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Path condition audit 2016-2017
   3.2 Public Toilet Maintenance and Provision Strategy
4. Information Items
   4.1 Strategic Asset Management
   4.2 2016/2017 Public area lighting and arterial lighting
   4.3 Public Area Lighting Projects
   4.4 Cannes Reserve, Warnbro Infrastructure Upgrade
   4.5 Asbestos Removal and Reinstatement
   4.6 Aqua Jetty – Gym roof HVAC enclosure (design)
   4.7 Baldivis South Sports Pavilion Eighty Road Baldivis
   4.8 Laurie Stanford Reserve development
   4.9 Rhonda Scarrott Reserve development
   4.10 Administration building exterior render repairs - Clock Tower Render Replacement and Lotteries House
   4.11 Aqua Jetty solar PV system 328kw
   4.12 Aqua Jetty - Tiling of external 50m pool
   4.13 Secret Harbour - Inclusive play space
   4.14 2016/2017 Reserve flood lighting
   4.15 Baldivis South Community Centre
   4.16 Building and Facility Maintenance
   4.17 Reserve Maintenance
4.18 Electrical Maintenance
4.19 Asset Maintenance statistics
4.20 Lighting inspections
4.21 Solar power generation
4.22 Building Operations

Advisory Committee Minutes

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – July 2017 and the content be accepted.

Committee Voting – 5/0
12. Agenda Items

Planning and Development Services

Planning and Development Services
Strategic Planning and Environment Services

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<th>PDS-033/17 Proposed Structure Plan - Lots 302 and 309 Kerosene Lane, Baldivis</th>
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<td>File No:</td>
<td>LUP/1930</td>
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<tr>
<td>Applicant:</td>
<td>Masterplan Consultants WA Pty Ltd</td>
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<tr>
<td>Owner:</td>
<td>Infield Holdings Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tristan Fernandes, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 July 2017</td>
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<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lots 302 and 309 Kerosene Lane, Baldivis</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
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<td>2. Advertised Structure Plan Map</td>
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<td>3. Development Concept Plan</td>
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<td>4. Location of Advertising</td>
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<td>5. Proposed Widening Requirement for East-West Road</td>
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Purpose of Report

To consider a proposed Structure Plan over Lots 302 and 309 Kerosene Lane, Baldivis following the completion of public advertising.
Details

Description of the Proposal (As Advertised)

The structure plan area is located on the southern side of Kerosene Lane, with Lot 309 fronting Kerosene Lane and Lot 302 adjoining the southern boundary of Lot 309, approximately 135m south of Kerosene Lane. Immediately north of Lot 302 are Lots 5 - 8 Kerosene Lane which were the subject of a structure plan application considered by the Council at its ordinary Meeting held in April 2016. Immediately east of Lot 302 is the developing ‘Paradiso’ residential estate.

The land to the west of the structure plan area is zoned Rural in Town Planning Scheme No.2 (TPS2) and the land to the south is zoned Development, the majority of which is developed as a Lifestyle Village.

The land on the northern side of Kerosene Lane consists of remnant vegetation, the majority of which is reserved for Parks and Recreation in the Metropolitan Region Scheme (Bush Forever Site 356) (refer to Figure 1).

1. Location Plan

The proposed Structure Plan includes the following elements (refer to Figures 2 and 3):

- Residential densities ranging from R25 - R40 to facilitate development of approximately 131 lots.
- Two Public Open Space reserves (total area approximately 8,960m²).
2. Advertised Structure Plan Map

3. Development Concept Plan
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan was advertised from 28 April to 26 May 2017 (being 28 days which is the maximum period under the Regulations) in the following manner:-

- Adjacent/nearby landowners (properties shown with a yellow border on Figure 4), servicing agencies and the Baldivis Residents Association to be notified of the proposal in writing and invited to comment;
- A sign advertising the proposal was erected on the property in a prominent location facing Kerosene Lane;
- A Notice was placed in the Weekend Courier newspaper on 28 April 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).

4. Location of Advertising

Public Submissions: Following the close of the advertising period, the City had received four (4) 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 are summarised and addressed as follows:

### BHP Billiton

**Submission:**
Nickel West owns and operates a facility at Lot 2209 Millar Road, Baldivis WA 6171, which has been registered with the Department of Environment Regulation (DER) as Contaminated – remediation required (Site). The groundwater beneath this Site has been impacted by ammonium sulphate associated with historical activities at the Site.

Nickel West has been conducting remediation activities at the Site since 1994. These activities have been developed in consultation with the Environmental Protection Authority and include the recovery and treatment of groundwater.

The status and extent of the impacted groundwater continues to be assessed as part of a broader environmental studies program underway. To undertake this work effectively, the installation of new bores and sampling of existing bores at locations in vicinity of the Site, and including the structure plan site, may be required from time to time (subject to landowner consent).

The purpose of this submission is to make the City of Rockingham and the proponent aware of the current studies program and its relevance to the structure plan site to ensure that consideration is given to the quality of groundwater at this location and its potential impacts on any surrounding development or subsequent land-use.

**Applicant's Response:**
Noted.

**City's Comment:**
It is recommended that the Part One Implementation Section Report be modified to require that a Contaminated Site Investigation be required as a condition of subdivision approval at which time the potential impacts of the historical contamination from Lot 2209 Millar Road will be assessed.

**Recommendation:**
*That Part One Implementation Section of the Structure Plan Report be modified to require the preparation of a Contaminated Site Investigation as a condition of subdivision approval, at which time the potential impacts of the historical contamination from Lot 2209 Millar Road can be assessed.*

### Private Landowner 1

**Submission:**
We chose to live in Baldivis because of the natural surrounds, tall remnant Tuarts and the birdlife.

As active members of Birdlife WA we have identified 56 species of native birds that either nest or take refuge in the large trees of Lots 302 & 309.

We have seen the developer's submission and structure plan and noted that one of the flora landscape studies was dated 1979. In that time there has been 40 years growth of certain large trees.

Forty small housing lots of R25-R40 are planned along our adjoining fence with no provision of saving any of the trees.

The destruction of the flora and fauna habitats plus the increase in stress and noise to residents on both side of the fence will be complete.

The suburbs of Settlers Hill, Kwinana and Wellard have retained tall trees and make them attractive to live. Whereas, the Paradiso Estate is an eyesore.
Private Landowner 1 (Cont…)

Applicant’s Response:
The environmental assessments undertaken as part of the Structure Plan documentation have been completed in accordance with all statutory and policy standards and requirements by qualified professional environmental experts and the proposed Structure Plan reflects the outcomes of this assessment. A wide range of factors influence the final design and layout of development with the final outcome a balance between these factors. The Structure Plan provides for the retention of mature trees where possible as per this process and is considered a balanced outcome considering the range of factors to be addressed.

City’s Comment:
The following comments are provided in response to key points raised in submission:

Flora Landscape Study referenced dates back to 1979
This reference is a standard scientific source typically referred to in flora and vegetation assessments. Beard (1979) undertook broad vegetation mapping in Western Australia. This provides high level information about the vegetation likely to occur within the site, however, a more detailed flora and vegetation survey was undertaken by environmental consultants on behalf of the applicant in 2015. In addition, the consultants undertook a likelihood assessment and targeted search for conservation significant flora that have the potential to occur within the site.

Tree Retention
The City has requested a survey be undertaken of all trees in areas of future public open space (POS) and road reserves, together with a tree retention plan. The City has identified potential significant trees that should be prioritised for retention in POS as they contain important habitat values for Black Cockatoos and other native birdlife.

Refer to the Comments section of this report for further commentary regarding the retention of remnant vegetation.

Impacts on Fauna
The City will request a Fauna Relocation Management Plan as a condition of subdivision approval to ensure that fauna are not adversely impacted during subdivision works. This will ensure trees are inspected for hollows and any breeding activities and will include trapping and relocation of fauna to a suitable conservation reserve.

Noise
Noise from subdivision works will be regulated by the City through an approved Noise Management Plan. The Noise Management Plan will demonstrate that the construction works will meet the assigned noise level in the Environmental Protection (Noise) Regulations 1997 and will be restricted to acceptable hours to ensure there are no adverse impacts to surrounding residents.

Private Landowner 2

Submission:
The proposed development structure plan drawing supplied has no empathy with concern for existing flora (trees) and no hope for wildlife in the area.

Zoning
Under the Metropolitan Region Scheme the subject land is zoned Rural and under the Rockingham Town Planning Scheme No.2 it is classed as “Development”. When the Rockingham Town Planning Scheme No 2 was drawn up it was a mere line on a drawing with no practical consideration of the topography, flora and fauna in the subject area.
| Private Landowner 2 (Cont…)

**Fauna**

It appears that the study period undertaken consisted of one day in order to access the fauna in the area. This is not enough on site study to determine an accurate report. Over the last three years there have been many sighting of Bandicoots (Quenda) in this area together with dozens of different birds including, Red Tailed Black Cockatoos, Carnaby’s Cockatoo utilising the trees, albeit in respect of resting, contrary to the statement on page 24 of the proposal.

Despite the comment “With the imminent and development of the abutting land north of the subject site, between the nature reserve and the subject land, this visitation is expected to cease” (page 24) we find this comment out of order being that the land north is currently before WAPC with no public determination to hand at the present time. We find that there is quite an active presence of fauna in and around the proposed development.

A suggestion was made in our submission in respect of the proposed structure plan of Lots 5 - 8 Kerosene Lane last year we asked “When Kerosene Lane is upgraded as part of the development can a culvert be placed at intervals under the road?” This suggestion was dismissed out of hand by that proponent yet even in this current proposal mention is made of fauna using the land accessing from the reserve north of Kerosene Lane. Fauna regularly traverses from the reserve across the proposed development into the Tuart Lakes Lifestyle village and the Christian Youth Camp and beyond.

We therefore find the following comment on page 24 unacceptable. “The potential of the subject site as part of any ecological linkage is discounted with residential development progressively underway to the south and east, planning for residential development currently under consideration to the north and a major regional road in Mandurah Road severing any potential link to the rest.”

The field survey which was carried out on one day (8th July 2015) “identified nine fauna species including three species of amphibian, 23 species of bird and a gastropod” (Table 9). Page 37, however over a period of 365 days more species could be seen, so we find that one day is insufficient for a true observation. For example we have had Heron breeding in the area especially last year.

**Trees**

As can be seen from the aerial photo, figure 3 of the Environmental Report, most of Lot 309 has been cleared however many stands of trees remain on Lot 302 in particular in the area from T38 to T50.

If trees have been included in the “Vegetation” category as being “degraded or completely degraded” then this description is totally wrong. There are a great deal of very healthy trees in the subject land and should be retained as much as possible.

We totally agree with the following statement:

“Feeding and roosting activity of the endangered and vulnerable listed cockatoos was not evident onsite and it is unlikely that this site is of value to the birds for these purposes given the marginal nature of the habitat. Many of the remnant Tuart trees however are likely to provide potential breeding hollows (Figure 6) and should be retained where this does not pose a safety or fire management risk”.

With regard to the following paragraph we fully support a Fauna Management Plan be put into practice however relocation is a critical matter to us as the Quenda (Bandicoot) is often seen in the adjacent Lifestyle Village and (possibly) in the Christian Youth Camp and beyond.

“The population of Isoodon obesulus fusciventer (Quenda) moving between the survey area and the nature reserve to the north needs to be actively considered and managed during site works to ensure that individuals are not injured or displaced without being given adequate opportunity to relocate. The implementation of a Fauna Management and Relocation Plan prior to commencement of site clearing works is recommended.”

The following paragraph is also of concern.
Private Landowner 2 (Cont...)

“Three small pockets of vegetation apparently free of the disease Phytophthora cinnamomi have been identified in Figure 10. These are areas associated with mature Tuarts that have been identified for retention as cockatoo breeding habitat and also contain mature Banksias that provide potential feeding opportunities for these cockatoos. Care should be taken to protect these areas from activities that may spread the disease. For soil moving activities proximate to remnant vegetation onsite, basic hygiene precautions are recommended. These may include clean down of vehicles and equipment prior to operating in these areas and, operating under dry soil conditions.

Soils samples throughout the site were not taken and whilst “Three pockets of vegetation apparently free of disease......” we feel that measures should be undertaken to ensure that movement of soil within the site should ensure that contamination is not spread within the site. Dry soil movement conditions will create dust that will impact on our location and health.

Within the reports, mention is made to the “Bush Forever Site (356)” to the North and the absence of fauna due to “predators including feral cats” With current off road vehicle tracks in the site and at least, one trail bike owner in the local “Paradiso” estate there is a potential for more off road vehicles, predominately trail bikes to use the area. More urban housing also brings the potential for more cats albeit domestic and despite the “Cat Act” irresponsible owners let cats roam.

Whilst both the above issues are not necessarily the responsibility of the developer I feel that the planning process totally ignores these issues and has a tenancy to pass the problem to others.

Conclusion

We are not against the development “per se”, however it should be created in an environment equitable to all concerned.

Applicant’s Response:

While the comments are noted the environmental assessments undertaken as part of the Structure Plan documentation have been completed in accordance with all statutory and policy standards and requirements by qualified professional environmental experts and the proposed Structure Plan reflects the outcomes of this assessment. As noted a wide range of factors influence the final design and layout of development with the final outcome a balance between these factors. The Structure Plan provides for the retention of mature tress where possible as per this process and is considered a balanced outcome considering the range of factors to be addressed.

City's Comment:

The following comments are provided in response to key points raised in submission:

Zoning

The subject land is zoned 'Urban' in the Metropolitan Region Scheme (MRS) and as is required by State planning legislation, the City's Town Planning Scheme is required to be consistent with the MRS. As such, the land is zoned 'Development' in Town Planning Scheme No.2 to facilitate its ultimate development for urban purposes.

Adequacy of Fauna Assessment

The fauna assessment undertaken is consistent with the EPA’s requirements in Guidance Statement No. 56: Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia. The City will request a Fauna Relocation Management Plan as a condition of subdivision approval to ensure that fauna is not adversely impacted during subdivision works. Native fauna species, including conservation significant species such as the Quenda and Black-striped snake that may occur on-site will be trapped and relocated to a suitable conservation reserve prior to subdivision works.
Private Landowner 2 (Cont…)

Black Cockatoo Habitat
The City requested from the applicant that a suitable amount of detail be provided through a targeted Black Cockatoo Habitat Assessment in accordance with the ‘Environmental Protection and Biodiversity Conservation Act 1999’ referral guidelines for three threatened black cockatoos (2012). As part of the Fauna Relocation Management Plan at subdivision stage, all Black Cockatoo tree hollows will be inspected prior to clearing to ensure the species are not adversely impacted.

Refer to the Comments section of this report for further commentary regarding Black Cockatoo habitat.

Fauna Culverts
There is no requirement for developers to install culverts under the road for fauna access, under current planning legislation or policies. The installation of fauna culverts is at the discretion of the developer and would ultimately be dependent on engineering design.

Accuracy of Vegetation Condition Rating
The vegetation condition for the site was determined using the Keighery (1994) vegetation condition rating scale in accordance with the requirements in EPA’s Technical Guidance—Flora and Vegetation Surveys for Environmental Impact Assessment (2016). Vegetation condition relates to the vegetation structure, the level of disturbance at each structural layer and the ability of the vegetation unit to regenerate rather than the health of trees.

Tree Retention
The City has requested a survey be undertaken of all trees in areas of future POS and road reserves, together with a tree retention plan. The City has identified potential significant trees that should be prioritised for retention in POS as they contain important habitat values for the Black Cockatoos and other native birdlife.

Dieback
The City has requested that basic hygiene precautions are undertaken during construction, which will be detailed in the Tree Protection Management Plan at subdivision approval stage.

Dust
The City will ensure dust is managed to a level that will not cause nuisance to surrounding landowners through a Dust Management Plan, approved at subdivision approval stage.

Private Landowner 3

Submission:
- What is the style type and height of the proposed fencing along the common boundary with the adjoining rural lot to the west, and will the developer cover the installation costs. The landowner’s preference is for the fence to be of masonry construction and to the greatest permissible height.
- Requests that the developer be required to maintain and keep dust and noise to a minimum during construction; and to maintain normal working hours during construction and to not work at all on weekends.
- Access to the adjoining rural lot will not be granted without prior consent.
- At what points along Kerosene Land and Mandurah Road is access proposed for construction traffic and personnel.
- In the interests of protecting the amenity of the rural lots, request that the existing ground levels be maintained along the common boundary between the rural lot and the structure plan area; and to limit any possible future erosion.
Private Landowner 3 (Cont…)

- Overburden may be allowed at the commencement of the development to allow for any services and for construction of the boundary fence. But request that the developer put in writing prior to commencement of works, so the amounts, areas and timeframes are agreed to by all parties. Have recently planted new trees along the boundary and do not want these damaged.

- Would like a copy of the work agenda prior to commencement of works; including construction dates, commencement dates and completion dates for all stages of construction.

- Would like to know the types of buildings proposed ie single or multi-storey and construction materials. Single or multiple occupancy, elderly, public housing etc

- Would like to know the location of proposed infrastructure services and if it is possible for the rural property to be connected to these services ie reticulated water, deep sewerage and NBN.

- There have been some traffic accidents and near misses along this section of Kerosene Lane; and vehicles crashing through onto the verge and paddocks of the rural lot. Existing sight lines make it difficult to enter and exit the rural property. As such, request that the current design of Kerosene Lane be altered, that the road reserve be widened and traffic speeds be reduced to provide for a safer traffic environment.

Applicant's Response:

As the Structure Plan principally proposes a public road abutting the referred to boundary rather than lots, there is no imperative to provide a permanent fence or wall along this boundary as part of the development. It may be that this is considered at a future more detailed development phase when the nature and detail would then be contemplated if it is determined such a structure is warranted. There is however no basis for the Structure Plan to specifically designate either the provision of such an item or the nature of its design or materials to be used in its construction.

It was however agreed with the adjoining owners when the subject land was purchased, that prior to any construction works commencing an interim shade cloth covered fence would be erected along the western boundary of Lot 301 for the duration of construction activity and this will be implemented as part of the construction programme at that time.

Points 2 - 6 are all items that would be addressed as part of a construction management plan and/or detailed engineering design at an appropriate future point and not matters to be designated within the Structure Plan. They have been noted for future reference and the contractor when appointed will be requested to liaise with the adjoining owners as required at that time. In any case many of the items are already addressed within an agreement between the adjoining owner and the proponents at the time of purchase of the subject land.

The detail of final built form is unknown at this stage, however, the Structure Plan is intended to primarily facilitate creation of single residential lots so it may be anticipated that the predominant form of residential development will be single residential housing.

Finally development of the subject land will bring reticulated services close to the adjoining rural land to the west and may enable connection of that land into a reticulated network to be more efficient. At that time if adjoining owners wish to pursue such an option they will need to directly liaise with relevant servicing agencies to investigate further.

City's Comment:

Fencing

The common boundary between the rural lot and the structure plan area is predominantly road reserve with one lot fronting Kerosene Lane. The fencing of the common boundary with the future residential lot is a matter that will be dealt with at the subdivision stage.
Private Landowner 3 (Cont…)

Site Works
Several of the matters raised are dealt with as part of the Engineering Approval issued by the City following subdivision approval or in circumstances where subdivision approval has yet to issued, the City's Planning Policy 3.3.15 - Bulk Earthworks sets out the statutory requirements under which the City considers Development Applications for Bulk Earthworks to ensure that off-site sand and dust movement, and the nuisance it causes, is minimised and to ensure appropriate measures are taken by those undertaking Bulk Earthworks to protect the health and amenity of adjacent residents.

Levels
The Structure Plan documentation includes an indicative earthworks plan showing indicative finished levels over the Structure Plan area. This plan shows that the levels along western boundary generally match the existing levels of the adjacent rural property.

Built-Form
The structure plan proposes a split R-Coding of R25/40 with the R25 code being the base code, with the higher R40 coding provided in areas with high amenity; which in this instance is adjacent the proposed POS areas. As such, the predominant form of development will be single residential housing.

Servicing
Once the urban utility services have been installed, the owner of the rural property is free to contact the relevant agencies to ascertain whether any of the new services can be made available to the rural lot.

Kerosene Lane
As has already been the case at the Paradiso Estate, Kerosene Lane will be upgraded as a consequence of the urbanisation of Lots 5 - 8 and Lots 302 and 309 which will result in an improved and safer traffic environment.

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:

- APA Group
- ATCO Gas Australia
- Department of Aboriginal Affairs
- Department of Education
- Department of Environment Regulation
- Department of Fire and Emergency Services
- Department of Health
- Department of Parks and Wildlife
- Department of Transport
- Department of Water
- Main Roads WA
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power
Following the close of the advertising period, the City had received eleven (11) 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:

**APA Group**

**Submission:**

An APA subsidiary, APT Parmelia Pty Ltd, is the Pipeline Licensee for the Parmelia Gas Pipeline located along the eastern boundary of Lot 302. Given that the proposed development and its associated infrastructure will be directly abutting the Parmelia Gas Pipeline easement, the requirements of the WAPC Planning Bulletin 87: *High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region* apply. Accordingly, APA requests the following requirements be included within the Structure Plan:

- Prior to the commencement of the subdivisional works, the landowner/applicant shall prepare and implement as part of the subdivisional works a Pipeline Risk Management/Protection Plan in accordance with WAPC Planning Bulletin 87. The risk mitigation measures/controls outlined within the Pipeline Risk Management/Protection Plan are to be implemented by the landowner/applicant as part of the subdivisional works to the satisfaction of the City of Rockingham and to the specifications of APA Group.

**Applicant's Response:**

Noted. This will be the contractor's responsibility at that time.

**City's Comment:**

WAPC Planning Bulletin No.87 provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia High Pressure Gas Pipeline.

For proposals within the specified setback distance, applicants are required to demonstrate that the risk from the pipeline is within acceptable risk levels, with agreement to be reached with the pipeline owner on the need for a Risk Assessment.

It is standard practice for the Parmelia High Pressure Gas Pipeline that a Pipeline Risk Management/Protection Plan be prepared by the landowner/applicant prior to the commencement of subdivisional works.

**Recommendation:**

That Part One Implementation Section of the Structure Plan Report be modified to require that prior to the commencement of subdivisional works, the landowner/applicant shall prepare and implement as part of the subdivisional works a Pipeline Risk Management/Protection Plan. The risk mitigation measures/controls outlined within the Pipeline Risk Management/Protection Plan are to be implemented by the landowner/applicant as part of the subdivisional works to the satisfaction of the Western Australian Planning Commission, City of Rockingham and to the specifications of the APA Group.

**Water Corporation**

**Submission:**

The Water Corporation has prepared conceptual water and wastewater planning, which provides a guide for the future servicing of the North Baldivis area. This planning is summarized in the proponent's servicing report.
### Water Corporation (Cont…)

The developers of this land will need to undertake extensions of reticulation-sized water mains and gravity sewers from established networks to the south and east. The subject land is currently distant from the development front and the development of the land relies on the development of adjoining land to the south and east for the efficient extension of water and sewerage.

The developer's consulting engineers can adapt the Corporation's planning and may be able to stage servicing of the development area in consultation with the Corporation. The City is requested to advise the proponents to consult with the Corporation’s Land Servicing Team as early as possible, prior to the subdivision stage, regarding any proposed variations or departures from the Corporation’s planning for the area.

**Applicant’s Response:**

Noted.

**City's Comment:**

The comments from the Water Corporation regarding the servicing of the land are noted.

### Department of Water

**Submission:**

The Department of Water (DoW) reviewed the Local Water Management Strategy (LWMS) in December 2016 and deemed that it was unsatisfactory for the following reasons:

**Section 3.5.5: Groundwater Quality**

No on-site groundwater quality monitoring has been conducted despite the presence of nearby market gardens and a seasonally saline wetland. To determine whether the groundwater is suitable for irrigation, on-site quality sampling is required to inform the LWMS.

**Section 5.2: Stormwater Management System**

This section should confirm that amended soil with a phosphorous retention index (PRI) equal to or greater than 10 is to be used in the bio-retention basin or confirm that in-situ soils have a PRI equal to or greater than 10.

Accordingly, the proposed structure plan should not be finalised prior to the endorsement of a satisfactory LWMS by the DoW and the City of Rockingham in accordance with the Better Urban Water Management (WAPC, 2008).

**Applicant’s Response:**

The LWMS has been modified to respond to queries/concerns raised by the DoW and we will forward the updated LWMS to both the City and directly to the DoW shortly. The modified LWMS addresses all items raised by DoW.

**City's Comment:**

By correspondence dated 28 June 2017, DoW advised the applicant that the revised LWMS is required to be amended to address the following:

**Section 5.21: Minor System (Frequent Events)**

The revised LWMS is proposing to direct a portion of the 1 Exceedance per Year (1 EY) runoff into underground storage cells in the public open space. This design offers limited water quality treatment. 1 EY runoff should be treated at source as high in the catchment as possible through tree pits, rain gardens or swales. End of pipe 1 EY runoff should undergo quality treatment through bio-filtration. The section should explain why the underground approach has been chosen and detail any support for this design from the City of Rockingham.
Department of Water (Cont...)

Figures 9 and 10: Conceptual Stormwater System, Stormwater Event Plan
Diagrams indicate that the ‘1 Year ARI Event’ will be directed to surface bio-retention area. All figures should be updated to reflect any revised stormwater runoff strategy. Include a cross-section of the proposed infiltration basin and include conceptual top water levels (TWL) for all rainfall events, location and depth of amended soils, depth to groundwater and slope gradients. The cross-section should indicate how the underground storage cells are integrated into the POS/stormwater runoff treatment system and detail preliminary dimensions, pipe connections and use of amended soils.

Refer to the Comments section of this report for the City's assessment of the LWMS.

Recommendation:
That the Local Water Management Strategy be modified to address the above matters to the satisfaction of the Department of Water.

Public Transport Authority

Submission:
While the Public Transport Authority (PTA) does not oppose the proposed plan, it is of the view that the planned densities are insufficient to support attractive levels of public transport and therefore it will be difficult to justify the provision of services in the area as it develops. The PTA/Transperth strongly supports a higher minimum density of residential and commercial development to enable the success of active and public transport modes.

Transperth does have future long term plans for a bus route along Kerosene Lane within 200-300 metres of the proposed structure plan which will provide a public transport connection between Warnbro and Rockingham Station. However it should be noted that it is likely to be a number of years before the service is introduced as it is ultimately dependent on the continued development of the surrounding area and completion of the road network. The bus route will require a suitable passenger catchment along its length to be justified.

Implementation of this bus route will also be subject to resource availability and prioritisation of other public transport network improvements.

Applicant's Response:
The densities proposed in the Structure Plan reflect and meet WAPC policy requirements. The traffic generation associated with the assessment is consistent with suburban generation rates with approximately 10% public transport/other modal split (including car pooling, walking, cycling, etc.). This is reflective of the fact that frequent proximate public transport services are some years away and this is acknowledged with reference noted in the updated TIA to a future line haul bus service on Kerosene Lane. As a result, the focus has been on ensuring the internal movement network within the LSP allows for efficient and effective walking and cycling as well as access to and from Kerosene Lane and the higher order road network for vehicles with connections designed to ensure safe and efficient ingress and egress from and to the LSP area.

City's Comment:
Liveable Neighbourhoods (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 public transport stops and in areas with high amenity such as next to parks. These criteria give context to the allocation of density.

The proposed R25 and R40 densities are considered appropriate as they respond to the location and context of the site and meet LN and Directions 2031 requirements.
Department of Fire and Emergency Services

Submission:
The Department of Fire and Emergency Services (DFES) provide the following comments with regard to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines).

Assessment

1. Policy Measure 6.3 a) (i) Preparation of a BHL assessment

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<tr>
<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
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<tbody>
<tr>
<td>Extreme BHL Ratings</td>
<td>It is unclear why the Class A Forest, Class B Woodland and Class D Scrub within the subject site is not rated 'extreme' BHL.</td>
<td>Provide substantiated evidence and verification to support BHL ratings as per the Guidelines.</td>
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2. Policy Measure 6.3 a) (ii) Preparation of BAL contour map

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<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
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<tr>
<td>BAL Contours</td>
<td>Vegetation Plate 5, 6, 7, 9 &amp; 10 – not demonstrated</td>
<td>Provide substantiated evidence and verification to support classification as per As 3959.</td>
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<td></td>
<td>Plots on the periphery of the site subject to future subdivision have been excluded from classification. However there is no enforcement mechanism to ensure that the area in question is going to be maintained to low threat as per AS3959 in perpetuity.</td>
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<th>Issue</th>
<th>Assessment</th>
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<tr>
<td>POS Areas</td>
<td>The BMP assumes the area of POS will be maintained to low threat vegetation. However no evidence is provided to justify this assumption.</td>
<td>Demonstrate how and who will maintain the POS area to a low threat vegetation state (e.g. approved landscape management plan). Alternatively, revise the BAL ratings for this bushfire hazard.</td>
</tr>
<tr>
<td>Staging</td>
<td>Staging should be addressed and separate BAL Contour Maps completed for each stage (at subsequent planning stage). The BMP needs to address how the balance lots between stages will be managed and provide the enforcement mechanisms to ensure that the area in question is going to be maintained to low threat as per AS3959 in perpetuity.</td>
<td>Modification required. Please amend.</td>
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### 3. Policy measure 6.3 c) Non-compliance with the Bushfire Protection Criteria

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<tr>
<th>Element</th>
<th>Assessment</th>
<th>Action</th>
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| Location         | A1.1 – not demonstrated  
The submitted BMP has not adequately addressed the bushfire risk associated with vegetation outside the structure plan area (particularly to the north and south-eastern boundaries).  
The structure plan design should optimise hazard separation through the provision of public roads/laneways or managed public open spaces between the bushfire hazard(s) and proposed development. The provision of peripheral access improves vehicle access for emergency services by providing direct access to areas of extreme bushfire hazard during a bushfire event which alternatively would be restricted by private property. | Not demonstrated. Please demonstrate compliance, or provide justification for non-compliance; |
| Vehicular Access | A 3.1 Two access routes  
Development of stage 1 of the subject land is dependent on the construction of Paradoiso Estate to the east and stage 1 of the development to the north. It is unclear whether there is a public road that will service stage 2 of the development to the east. | Modification required. It is recommended that this is included in the BMP within the implementation section to ensure the developer, local government and the WAPC are aware of the requirement for two public road access points to service each of the stages. |
| Implementation section | The proposed POS will need to be maintained in a low threat state. | Modification required. Initially this management will be the responsibility of the developer and later the responsibility of the local government. |

**Recommendation – not supported modifications required**

DFES has assessed the structure plan and accompanying Bushfire Management Plan (BMP), and has identified a number of critical issues that need to be addressed prior to support of the proposal.

It is recommended that the proposal be deferred pending receipt of the additional information identified in the table(s) above.

**City’s Comment:**

1. **Policy Measure 6.3 a) (i) Preparation of a BHL assessment**
   
   Extreme BHL Ratings
   
   City Response: DFES comments are supported. The BMP needs to give reference to Table 3 (Appendix 2) of the Guidelines.

2. **Policy Measure 6.3 a) ii. Preparation of a BAL contour map**
   
   BAL Contours
Department of Fire and Emergency Services (Cont...)

City Response: DFES comments are supported, however, vegetation plots 5, 6, 7, 9 and 10 have been omitted from the BAL contour mapping under the assumption they will be cleared of all vegetation and maintained to 2.2.3.2 (f) standard.

It is the City's position that no lots will be supported at subdivision stage while they are subject to BAL-40 or BAL-FZ.

It should be noted, however, that the surrounding bushfire threat does not need full consideration until subdivision stage and that the proposed structure plan only serves as a strategic guiding document.

POS Areas

City Response: Section 6.2, 'Element 2 Siting and Design A2.1', of the BMP states that:

“Landscaping areas are subject to AS3959 2.2.3.2 (f) and APZ standards as outlined on page 27. A concept POS landscaping plan is presently being developed to retain significant trees (>500mm diameter) an example of the POS landscaping is shown below in Photograph 13 and meets the above requirements and this does not increase internal bushfire hazard”.

It is acknowledged, however, that Section 7, 'Bushfire Management Responsibilities' of the BMP does not address POS landscaping and their design or management in perpetuity.

Recommendation: Modify Section 7.2, 'Developers Responsibilities' to include the following:

"Public Open Space must be designed, developed and maintained in accordance with AS3959 2.2.3.2 (f) and APZ standards as outlined on page 27."

Staging

City Response: Although DFES comments are supported, Section 6.1 of the BMP states that staged development will:

“incorporate a “Low fuel zone” minimum of a 20m APZ area or a setback associated with BAL 29 or less in the balance of titles adjacent to any lots/proposed dwellings. This is to be maintained as per AS3959-2009 Clause 2.2.3.2 (f), implemented by the developer and maintained at all times adjacent to the staged construction”

and that the developer will:

“provide CoR prior to each subdivision stage and/or release of lots with a details plan showing the BAL Contours Plan for lots requiring increased construction standards for dwellings”.

The above provides certainty that no lots subject to BAL-40 or BAL-FZ will be created at subdivision stage.

3. Policy measure 6.3 c) Non-compliance with the Bushfire Protection Criteria

Location

City Response: Although DFES comments are supported, the City's position on the Structure Plan has been based upon the caveat that the subdivision of this area would not be supported until such time as the surrounding land has been subdivided and developed. While the BMP does not demonstrate that the proposed Structure Plan will comply with A1.1 at this present time, it demonstrates that it will comply in the future, provided that the surrounding land is developed as intended.
### Department of Fire and Emergency Services (Cont…)

**Vehicle Access**

**City Response:** Although DFES comments are supported, the City's position on the Structure Plan has been based upon the caveat that the subdivision of this area would not be supported until such time as the surrounding road network is constructed and operational.

**Implementation Section**

**City Response:** DFES comments are supported. Refer to comments above under the POS heading.

**Recommendation:**

*The Bushfire Management Plan being modified to address the matters raised by the Department of Fire and Emergency Services.*

#### 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.

**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.

The proposed R25 and R40 densities are considered appropriate as they respond to the location and context of the site and meet LN and Directions 2031 requirements.

**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 309 which is shown on the Structure Plan Map and acknowledged in the structure plan documentation.

The east-west road running along the northern boundary of the Structure Plan area has been supported by the City as a 17.9m wide reservation, of which 16.4m is incorporated within the adjoining Structure Plan (Lots 5 - 8 Kerosene Lane), with the 1.5m balance required to be given up by the subject Structure Plan (the location of the required road widening is illustrated on the figure below).
The 1.5m road widening is not mentioned in the structure plan documentation and as such, the Structure Plan Map, Report and Transport Assessment Report should be modified to acknowledge the requirement to provide the 1.5m road widening.

**Recommendation:**
**That the Structure Plan Map, Report and Transport Assessment Report be modified to acknowledge the requirement to provide for a 1.5m road widening along the east-west road located on the northern boundary of the Structure Plan area.**

**Element 3 - Lot Layout**
An indicative lot layout demonstrates that the Structure Plan layout can effectively accommodate the siting and construction of dwellings on generally rectangular shaped lots.

**Element 4 - Public Parkland**
The Structure Plan area is served by 8,960m² POS comprising a centrally located parcel of 7,296m² and 1,664m² along the eastern boundary which incorporates the buffer of the Parmelia High Pressure Gas Pipeline.

The central POS adjoins the POS approved on the structure plan to north to provide a neighbourhood park of approximately 9,650m². Whilst the open space over the pipeline buffer will complement existing and proposed POS which form a linear open space link through the area.

The Structure Plan area has been appropriately designed to provide distribution of open space within a walkable catchment of approximately 300m all residential dwellings.

**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 350m from the proposed ‘Spud Shed’ Neighbourhood Centre on Kerosene Lane to the east.

**Element 8 - Schools**
There are no Schools proposed in the Structure Plan area, however, the structure plan area is located approximately 600m from a proposed Primary School on Fairchild Drive to the south-east.

**Planning Bulletin 87: High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region**
WAPC Planning Bulletin No.87 provides guidance for development and ensures orderly and proper planning within the vicinity of regional gas pipelines, including the Parmelia High Pressure Gas Pipeline.

Furthermore, EPA Ministerial Statement No.580 – 19 December 2001 (issued when the rezoning of the land from Rural to Development zone was being assessed) states that the minimum setback for land uses and development from the centre line of the Parmelia High Pressure Gas Pipeline shall be 32m to the boundary of each residential lot. The proposed structure plan satisfies this requirement.

For proposals within the specified setback distance, applicants are required to demonstrate that the risk from the pipeline is within acceptable risk levels, with agreement to be reached with the pipeline owner on the need for a Risk Assessment.

Prior to the commencement of subdivisional works, the landowner/applicant is required to prepare and implement as part of the subdivisional works a Pipeline Risk Management/Protection Plan. The risk mitigation measures/controls outlined within the Pipeline Risk Management/Protection Plan are to be implemented by the landowner/applicant as part of the subdivisional works to the satisfaction of the Western Australian Planning Commission, City of Rockingham and to the specifications of the APA Group.
State Planning Policy No.3.7 - Planning in Bushfire Prone Areas (December 2015) and Guidelines for Planning in Bushfire Prone Areas (December 2015)

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.

Refer to the Comments section of this report for specific comments regarding the Bushfire Management Plan.

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.

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.
e. 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.

<table>
<thead>
<tr>
<th>Environmental Assessment Report</th>
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<tr>
<td><strong>Assessment:</strong></td>
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<tr>
<td>Following a request for additional information from the applicant, a revised Environmental Assessment Report (EAR) was submitted which included a revised Black Cockatoo Habitat Tree survey and a Tree Retention Plan.</td>
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</table>
Environmental Assessment Report (Cont…)

The following commentary assesses the adequacy of the revised EAR for informing the City’s assessment of the environmental impacts associated with the proposed structure plan. The assessment included several site visits by City Environmental Planning staff that involved traversing the site to assess the current environmental conditions, with a focus on the vegetation in the proposed POS areas and to assess the results of the revised Black Cockatoo Habitat Tree survey.

**Flora and Vegetation**

*Vegetation*

The flora and vegetation survey identified six vegetation units within the site. The site is dominated by isolated *Eucalyptus gomphocephala* (Tuart) trees, open Tuart forest and regenerating Tuart forest. It also contains scattered *Eucalyptus marginata* (Jarrah) trees and small fragments of open shrubland of *Jacksonia* and thicket of *Acacia pulchella*.

The condition of the vegetation on site was described in the EAR as ranging from ‘Degraded’ to ‘Completely Degraded’ as per Vegetation Condition Scale, Keighery BJ 1994. The understorey of the site is dominated by weed species.

**Priority and Threatened Ecological Communities**

The EAR does not assess whether any Priority Ecological Communities (PEC’s) are likely to occur within the site, despite occurring within the buffer of a Priority 3 Ecological Community. The EAR includes an assessment of Threatened Ecological Communities (TEC’s), however it states that the data is from the Protected Matters Search Tool, which is a Federal database. It is unknown whether the source of information on TEC’s includes information obtained from a Department of Parks and Wildlife paid database search.

The EAR should be revised to include the Department of Parks and Wildlife (DPaW) TEC and PEC database results and provide comment on the likelihood of any PEC’s occurring within the structure plan area.

**Conservation Significant Flora**

A Level 1 flora and vegetation survey was undertaken on behalf of the applicant in July 2015. A search of State and Federal database searches using a 10 km buffer of the site was undertaken. The searches identified four Threatened species and 11 Priority plant species as potentially occurring within 10km of the site. A likelihood assessment found that the site has marginal habitat present for two Priority species:

- *Thelymitra variegata* - Queen of Sheba (Listed by the DPaW as Priority 3)
- *Boronia juncea* subsp. *Juncea* (Listed by the DPaW as Priority 1)

The site is considered to have no suitable habitat for the remaining conservation significant flora species identified in the database searches.

The survey was undertaken within the flowering period of the majority of the conservation significant flora, including *Thelymitra variegata*. The survey was undertaken outside of the flowering period of *Boronia juncea* subsp. *Juncea* which is during April. No Priority or Threatened species were found within the flora survey. The EAR concluded that it is highly unlikely that any of the conservation significant flora species occur within the site.

A search of the DPaW’s Threatened and Priority flora dataset provided to the City in March 2017 did not identify any known conservation significant flora within the site or within the vicinity of the site.

The State NatureMap and Federal Protected Matters Search Tool Database Search results should be included as an Appendix to the EAR.

**Conservation Significant Fauna**

A fauna assessment was undertaken on behalf of the applicant in July 2015. A search of the State and Federal database searches identified 34 Threatened, Specially Protected, Priority or Migratory fauna species as potentially occurring within 10 km of the site.

The fauna survey found indirect evidence of *Isoodon obesulus fusciwenter* (Quenda) utilising the site. This evidence included fresh diggings, faecal material and tracks throughout the site. The EAR notes that it is likely the Quenda are moving into the site to feed and sheltering in nature reserve (Bush Forever) to the north.
Environmental Assessment Report (Cont…)

The fauna survey identified that the site has suitable habitat for the three threatened black cockatoo species:
- Calyptorhynchus latirostris (Carnaby’s Cockatoo)
- Calyptorhynchus baudinii (Baudin’s Cockatoo)
- Calyptorhynchus banksia naso (Forest Red-tailed Black Cockatoo)

The fauna survey also found an additional four conservation significant species that may utilise the site, but there was no evidence during the site visit:
- Merops ornatus (Rainbow Bee-eater)
- Plegadis falcinellus (Glossy Ibis)
- Macropus Irma (Western Brush Wallaby)
- Neelaps calonotos (Black-striped Snake)

The City agrees with the recommendation in Section 8 of the EAR stating that a relocation program should be undertaken prior to clearing. Pre-clearing inspections of the hollows should be undertaken during the Black Cockatoos breeding seasons. Vegetation clearing should commence soon after traps have been removed to provide limited opportunity for vertebrate fauna to colonise the trapped area. The details of the relocation program should be provided in a Fauna Relocation Management Plan to be approved by the City at subdivision approval stage.

**Black Cockatoo Habitat**

The original fauna survey in the EAR identified 20 potential Black Cockatoo breeding trees (trees with >50 cm Diameter at Breast Height (DBH)) within the site. The site visit undertaken by City Environmental Planning staff noted several Tuarts with a DBH >50cm considered potential breeding trees that were not identified in the EAR, in particular within the proposed eastern POS.

The revised Black Cockatoo Habitat Tree survey identified an additional 42 significant trees (trees with >50cm DBH), showing a total of 62 habitat trees on site.

A site visit was undertaken by City Environmental Planning staff in February 2017 to assess the revised Black Cockatoo habitat tree survey. The significant trees in the eastern POS were not identified in the revised Black Cockatoo habitat tree survey (see figure below which shows the location of the significant trees in the eastern POS and their DBH).

The significant trees that have been missed in the EAR should be identified and mapped as part of the tree survey being requested by the City.

![Significant trees in the proposed eastern POS not identified in the Black Cockatoo Habitat Survey.](image)
Environmental Assessment Report (Cont…)

The revised EAR did not reconsider the potential trigger for referral of the proposed Structure Plan under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), based on the revised tree survey which picked up significantly more potential breeding trees with currently suitable hollows for breeding.

The EAR should specify the extent and quality of potential foraging and breeding habitat to be cleared and whether this would avoid triggering a referral under the EPBC Act based on the EPBC Act Referral guidelines for three threatened black cockatoo species: Carnaby's cockatoo, Baudin's cockatoo and Forest red-tailed black cockatoo.

The Quenda is a Priority State listed species and is not Federally listed/protected under the EPBC Act, therefore the Quenda should not form part of the consideration for referral.

**Tree Identification and Retention within POS and Road Reserves**

As part of its request for additional information, the City requested that all trees within future road reserves and public open space (no minimum diameter requirement) be identified on a map and on a table, showing species and GPS coordinates.

In this regard, a Tree Retention Plan was prepared which showed primarily significant trees (<0.5 m DBH) from the revised Black Cockatoo Habitat Tree survey. The following issues have been identified with the Tree Retention Plan provided:

- The date of the aerial used has not been indicated. This is important for determining how recent the canopy cover is that has been marked. The latest aerial available to the City shows a much more extensive canopy cover than what is presented in the Plan.
- The Plan shows canopy to be retained vs cleared, however does not actually mark out all of the canopy cover, which is clearly seen from the aerial photography.
- Showing the canopy extent to be retained does not provide the City with accurate, detailed information for future reference to ensure specific trees are retained.
- The Plan shows significant trees to be retained vs cleared but does not show the tree ID’s that are referred to in the revised EAR. It is therefore not possible to determine which significant trees are proposed to be retained vs cleared.
- The Plan does not identify the significant trees identified by the City in the eastern POS.
- The Plan only identifies some individual trees with a DBH <0.5 m. Trees less than 0.5 m DBH still provide important habitat for native birds and good aesthetics for the future development.
- It is unclear if the trees proposed to be retained meet the latest stringent bushfire requirements in the *Guidelines for Planning in Bushfire Prone Areas Version 1.1* (WAPC 2017).
- There are a number of trees proposed to be retained where the drainage has been proposed in the central POS area.

It is recommended that the Environmental Consultant undertake a tree survey to account for all trees within future road reserves and POS (no minimum diameter requirement). The GPS coordinates and tree species names should be shown on a table and map, with unique tree ID’s.

A tree retention plan should be provided showing how tree retention can be maximised while complying with the bushfire requirements in the *Guidelines for Planning in Bushfire Prone Areas Version 1.1* (WAPC 2017). The tree retention plan should include all trees (no minimum diameter) and show individual tree ID’s rather than just canopy cover.

The POS Concept Plan does not show individual trees to be retained within the site and the LWMS does not identify how the drainage design will ensure tree retention in the POS. As such, a revised POS Concept Plan and Local Water Management Strategy (LWMS) Conceptual Stormwater System Plan should be provided to demonstrate how trees will be retained and incorporated into the design.

The significant trees shown in the figure below should be prioritised for retention within the POS. Three large Tuarts with a DBH >0.5 m in the proposed eastern POS not shown in the EAR should be prioritised for retention and tree ID: T50 shown in the EAR which has a DBH of 1.64 m and the presence of hollows must be retained as it is a very old tree with important habitat values for the Black Cockatoos (refer to photos below). The City anticipates many more trees (<0.5 m DBH) can be retained that have not yet been surveyed and mapped.
Environmental Assessment Report (Cont…)

The EAR does not discuss how trees to be retained will be protected during construction. As such it should be revised to discuss how trees to be retained will be protected during construction through application of *Australian Standard: Protection of trees on development sites* (AS 4970-2009). A Tree Protection Management Plan should be included as a condition of subdivision approval.

Trees the City recommends to be prioritised for retention.

**Plate 1**: Potential Black Cockatoo breeding tree along the eastern boundary of the site.

**Plate 2**: Potential Black Cockatoo breeding tree along the eastern boundary of the site.
Environmental Assessment Report (Cont…)

Disease
The EAR identified that the site has the potential to contain dieback, therefore basic hygiene precautions are recommended during construction. This should be detailed in the Tree Protection Management Plan at subdivision approval stage.

Hydrology
The EAR lacks discussion of surface water features such as on-site or surrounding wetlands, watercourses or areas subject to inundation. Table 2 on groundwater levels does not note correct measurement (ie. m AHD) and the depth to groundwater and the base of aquifer is incorrect (the water table level should be subtracted from the surface level). In addition, the depth to aquifer should be negative m AHD. It is recommended that discussion on surface water features be provided in the EAR and Table 2 of the EAR should be revised to show accurate depth to groundwater measurements and in the correct unit of measurement (m AHD).

Potential Contamination
The EAR states that there is no evidence of contamination, however lacks discussion on surrounding contaminated sites from historical land uses. A search of the Department of Environment Regulation’s (DER) Contaminated Sites Database has not been undertaken. A market garden operated directly to the east and south of the site which is a potentially contaminating land use. In addition, the lot directly to the south of the site is classified as ‘remediated for restricted use’ under the DER’s contaminated sites database.

The report should discuss the contamination status of the site through assessment of historical land uses and a Form 2 request (request for a summary of records in respect of land) being lodged with the DER.

Structure Plan Report
The Executive Summary of the Structure Plan Report (SPR) states that the site is “generally parkland cleared with individual stands of trees and where some vegetation is generally regrowth and in very poor condition”.

Whilst the western portion of the site is parkland cleared, the eastern portion of the site has a high canopy cover and the site contains over 62 significant trees (>50 cm DBH) that are potential breeding and foraging trees for the Black Cockatoos.

As such, the Executive Summary should be amended to provide a more accurate description of the site’s environmental values.
Environmental Assessment Report (Cont…)

Recommendation:
(i) That the Environmental Assessment Report be modified as follows:
   (a) To include the Department of Parks and Wildlife Threatened Ecological Communities and Priority Ecological Communities database results and provide comment on the likelihood of any Priority Ecological Communities occurring within the structure plan area.
   (b) To include the State NatureMap and Federal Protected Matters Search Tool Database Search results as an Appendix.
   (c) To amend the Black Cockatoo habitat tree survey to include the additional significant trees identified by the City.
   (d) To specify the extent and quality of potential foraging and breeding habitat to be cleared and whether this would avoid triggering a referral under the Environment Protection and Biodiversity Conservation Act 1999.
   (e) To discuss how trees to be retained will be protected during construction through application of Australian Standard: Protection of trees on development sites (AS 4970-2009).
   (f) To include discussion on surface water features and Table 2 to be revised to show accurate depth to groundwater measurements and in the correct unit of measurement (m AHD).
   (g) To discuss the contamination status of the site through assessment of historical land uses within and surrounding the site and a search of the Department of Environment Regulation’s Contaminated Sites Database.
(ii) That a Tree Survey be undertaken to account for all trees within future road reserves and Public Open Space (no minimum diameter requirement). The GPS coordinates and tree species names should be shown on a table and map, with unique tree ID’s.
(iii) That a Tree Retention Plan be provided which includes all trees surveyed (with unique ID’s) and identifies those trees to be retained.
(iv) That a revised Public Open Space Concept Plan and revised Local Water Management Strategy Conceptual Stormwater System Plan be provided to demonstrate how trees will be retained and incorporated into the design of each plan.
(v) That the Part One Implementation Section Report be modified to require that a Tree Protection Management Plan be submitted to the City and the Western Australian Planning Commission at subdivision application stage, with satisfactory arrangements being made for the implementation of the approved plan. The plan is to ensure the protection and management of trees on the site identified for retention.
(vi) That the Part One Implementation Section of the Structure Plan Report be modified to require the submission of a Fauna Relocation Management Plan as a condition of subdivision approval.
(vii) That the Structure Plan Report be modified to provide a more accurate description of the site’s environmental values.
(viii) That the Structure Plan Report and Appendices be modified to incorporate relevant information from the updated Black Cockatoo Habitat Tree survey and Tree Retention Plan.

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:
Local Water Management Strategy (Cont…)

- The rainfall figures in the drainage modelling design do not correspond to the site and as such vary in magnitude by a difference of up to 25%. This has implications for the volumes and areas required to manage stormwater within the site. The LWMS must be updated using the site specific IFD (Intensity Frequency Duration) tables provided by the Bureau of Meteorology (BoM).

- The Geotechnical Investigation provided in Appendix C of the LWMS recommends a design infiltration rate of 5m/day. The conceptual drainage modelling in the LWMS has adopted the measured onsite rate of 20m/day. The LWMS drainage modelling must be revised in accordance with the Geotechnical Investigation recommendation.

- The LWMS must be updated to show the location of the groundwater bore location and include the lithological bore log as an Appendix.

- The groundwater sampling conversion of measured Electrical Conductivity (EC) to Total Dissolved Solids (TDS) is unclear. The LWMS must be updated to show the correct conversion to confirm that groundwater is suitable as a fit-for-purpose irrigation water source.

- The LWMS states that a 5C Licence Application has been submitted to the Department of Water, and that detail of the licence will be provided in the Urban Water Management Plan (UWMP) at subdivision stage. The Applicant has advised that relevant correspondence from the Department of Water has been included in the amended LWMS to confirm that the required allocation has been reserved for the development. This cannot be located in Appendix D as stated.

- The LWMS must refer to the requirement to provide an amalgamated stormwater management configuration with the neighbouring developer of Lots 5 to 8 Kerosene Lane. The detailed design of the ultimate configuration can be documented at the UWMP stage, but the LWMS implementation strategy should outline this commitment to provide a centralised stormwater management system.

- The LWMS does not identify whether the eastern linear POS is located within or outside of the Parmelia Gas Pipeline Easement. The neighbouring development of Lots 5 to 8 Kerosene Lane to the north has a similar linear POS abutting the easement with a drainage basin. It is therefore recommended that opportunities for stormwater management within this POS be investigated further.

- As required by Better Urban Water Management (WAPC, 2008), a landscape concept is required to demonstrate how stormwater management will interact with the POS design, including existing vegetation/trees to be retained.

- Figure 9 remains unchanged from the previous version of the LWMS and as such the information shown is incorrect. This must be updated.

- There is conflicting information shown in Table 7 in relation to the conceptual invert levels of the underground storage and infiltration basin. Table 7 does not provide any information in relation to the 1 Exceedance per Year (previously referred to as 1:1 ARI) to enable assessment of POS credits.

- A cross-section of the updated stormwater management configuration (underground storage and drainage basin) must be provided to demonstrate the function of the conceptual design.

Recommendation:

That the Local Water Management Strategy be modified to address the matters raised in the City’s assessment.
<table>
<thead>
<tr>
<th><strong>Bushfire Management Plan</strong></th>
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<tr>
<td><strong>Critical Matters</strong></td>
</tr>
<tr>
<td>- A legal agreement is not supported for the clearing of vegetation on adjacent land for the reduction of BAL levels. It is acknowledged, however, that a structure plan is now a strategic document that guides subdivision design, rather than a planning instrument with the statutory effect of the Town Planning Scheme. It is also acknowledged that a further bushfire assessment will be required at subdivision stage prior to the release of lots. As such, it is recommended that the following statement be included instead of the reference to legal agreements.</td>
</tr>
<tr>
<td>&quot;No lots will be created while they are subject to Bal-40 or Bal-FZ&quot;</td>
</tr>
<tr>
<td>- The subdivision of Lot 302 and Lot 309 Kerosene Lane will not be supported until vegetation within the adjoining structure plan area (Lots 5 - 8 Kerosene Lane) has been removed and the road network has been constructed and is operational.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Bushfire Hazard Level Assessment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>As per the Guidelines for Planning in Bushfire Prone Areas 2015 (Guidelines), areas that are found to be of low bushfire hazard, but are within 100 metres of a moderate or extreme bushfire hazard level area are to adopt a moderate bushfire hazard within that 100 metres and should be assessed as such, to reflect the increased level of risk.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Bushfire Protection Criteria</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>In terms of Acceptable Solution A.1.1 of the Guidelines, reference to the legal agreement for the clearing of vegetation on adjacent land for the reduction of BAL levels should be removed. Instead the following statement should be included.</td>
</tr>
<tr>
<td>&quot;No lots will be created while they are subject to Bal-40 or Bal-FZ&quot;</td>
</tr>
<tr>
<td>In terms of Acceptable Solution A2.1 of the Guidelines, an Asset Protection Zone (APZ) achieving BAL-29 is required to be provided within the lot boundary of the Structure Plan area where it abuts classified vegetation. This is not achieved on the areas identified by blue arrows on the figure below.</td>
</tr>
<tr>
<td>The applicant intends to incorporate firebreaks on adjoining properties into the APZ. This is not acceptable in terms of the Guidelines.</td>
</tr>
<tr>
<td>In terms of Acceptable Solution A3.1 - Two Way Access of the Guidelines, it is highlighted that this proposal will never comply unless the road network for the adjoining structure plan area (Lots 5 - 8 Kerosene Lane) has been constructed and is operational. Subdivision will not be supported until this time.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Developer Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 7.2 labels developer responsibilities as ‘recommendations’. These should be requirements rather than recommendations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Significant Trees</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The BMP specifies that &quot;significant trees can remain where deemed appropriate&quot;, however, it does not discuss the retention of trees with a DBH of &lt;0.5 m which are important for fauna habitat. In this regard, the BMP should be revised to demonstrate how tree retention within the site can be maximised while meeting the requirements of the Guidelines for Planning in Bushfire Prone Areas Version 1.1 (WAPC 2017) and AS3959.</td>
</tr>
</tbody>
</table>
Applicant's Response:

Comments provided by the City in relation to Bush Fire Management are acknowledged and the BFMP has been revised in accordance with these comments where relevant and in accordance with policy requirements. We note that some comment has been made by the City in relation to reference in the Structure Plan documentation to legal agreements between the proponent and adjoining land owners. The City's position is acknowledged however it should be noted that the BFMP is not proposed as being dependent upon the legal agreements in order to meet policy requirements. The legal agreements have been entered into by the proponent as a means of risk management.

We acknowledge that the BFMP indicates that some potential future lots could be impacted by unacceptable BALs if land under separate ownership adjoining them is not cleared by the time approval/development of those lots is proposed. This is a risk that resides with the development proponent. The proponent in order to mitigate that risk has entered into legally binding agreements that provide for the clearing of that land if it has not already been cleared by that time.

Repeating, there is no risk attached to what is proposed for the City. If the proponent was to get to the stage of subdivision/development and the adjoining land was not cleared then those lots affected would be quarantined from either development or sale. It is noted that under bush fire policy requirements further detailed bush fire clearances will be required at subdivision and development stage in any case.

Comment:
The City's position has been clearly articulated to the applicant with respect to what aspects of the BMP are not acceptable. These matters can be summarised as follows:

- A legal agreement is not supported for the clearing of vegetation on adjacent land for the reduction of BAL levels.
Bushfire Management Plan (Cont…)

- That the following statement be included instead of the reference to legal agreements:
  “No lots will be created while they are subject to Bal-40 or Bal-FZ”
- Areas that are found to be of low bushfire hazard, but are within 100 metres of a moderate
  or extreme bushfire hazard level area are to adopt a moderate bushfire hazard within that
  100 metres and should be assessed as such, to reflect the increased level of risk.
- An Asset Protection Zone achieving BAL-29 is required to be provided within the lot
  boundary of the Structure Plan area where it abuts classified vegetation.
- The incorporation of firebreaks on adjoining properties into the Asset Protection Zone is not
  acceptable.
- The BMP be modified to demonstrate how tree retention within the site can be maximised
  while meeting the requirements of the Guidelines for Planning in Bushfire Prone Areas

Recommendation:

The Bush Fire Management Plan being modified to address the matters raised in the City’s
assessment.

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) That the Part One Implementation Section Report be modified as follows:
   (a) To require a Contaminated Site Investigation as a condition of subdivision approval
       at which time the potential impacts of the historical contamination from Lot 2209
       Millar Road can be assessed.
   (b) To require that prior to the commencement of subdivisional works, the
       landowner/applicant shall prepare and implement as part of the subdivisional works
       a Pipeline Risk Management/ Protection Plan. The risk mitigation measures/controls
       outlined within the Pipeline Risk Management/ Protection Plan are to be
       implemented by the landowner/applicant as part of the subdivisional works to the
       satisfaction of the Western Australian Planning Commission, City of Rockingham
       and to the specifications of the APA Group.
   (c) To require that a Tree Protection Management Plan be submitted to the City and the
       Western Australian Planning Commission at subdivision application stage, with
       satisfactory arrangements being made for the implementation of the approved plan.
       The plan is to ensure the protection and management of trees on the site identified
       for retention.
   (d) To require the submission of a Fauna Relocation Management Plan as a condition
       of subdivision approval.

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

(iii) That the Bushfire Management Plan be modified to address the matters raised by the
     Department of Fire and Emergency Services and the City.

(iv) That the Structure Plan Map, Report and Transport Assessment Report be modified to
     acknowledge the requirement to provide for a 1.5m road widening along the east-west road
     located on the northern boundary of the Structure Plan area.

(v) That the Environmental Assessment Report be modified as follows:
   - To include the Department of Parks and Wildlife Threatened Ecological Communities
     and Priority Ecological Communities database results and provide comment on the
     likelihood of any Priority Ecological Communities occurring within the structure plan
     area.
   - To include the State NatureMap and Federal Protected Matters Search Tool Database
     Search results as an Appendix.
To amend the Black Cockatoo Habitat Tree survey to include the additional significant trees identified by the City.

To specify the extent and quality of potential foraging and breeding habitat to be cleared and whether this would avoid triggering require referral under the Environment Protection and Biodiversity Conservation Act 1999.

To discuss how trees to be retained will be protected during construction through application of Australian Standard: Protection of trees on development sites (AS 4970-2009).

To include discussion on surface water features and Table 2 to be revised to show accurate depth to groundwater measurements and in the correct unit of measurement (m AHD).

To discuss the contamination status of the site through assessment of historical land uses within and surrounding the site and a search of the Department of Environment Regulation's Contaminated Sites Database.

(vi) That a Tree Survey be undertaken to account for all trees within future road reserves and Public Open Space (no minimum diameter requirement). The GPS coordinates and tree species names should be shown on a table and map, with unique tree ID's.

(vii) That a Tree Retention Plan be provided which includes all trees surveyed (with unique ID's) and identifies those trees to be retained.

(viii) That a revised Public Open Space Concept Plan and revised Local Water Management Strategy Conceptual Stormwater System Plan be provided to demonstrate how trees will be retained and incorporated into the design of each plan.

(ix) That the Structure Plan Report be modified to provide a more accurate description of the site's environmental values.

(x) That the Structure Plan Report and Appendices be modified to incorporate relevant information from the updated Black Cockatoo Habitat Tree survey and Tree Retention 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 CouncilENDORSESthe following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lots 302 and 309 Kerosene Lane, Baldivis:

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

   (i) That the Part One Implementation Section Report be modified as follows:

       (a) To require a Contaminated Site Investigation as a condition of subdivision approval at which time the potential impacts of the historical contamination from Lot 2209 Millar Road can be assessed.

       (b) To require that prior to the commencement of subdivisional works, the landowner/applicant shall prepare and implement as part of the subdivisional works a Pipeline Risk Management/Protection Plan. The risk mitigation measures/controls outlined within the Pipeline Risk Management/Protection Plan are to be implemented by the landowner/applicant as part of the subdivisional works to the satisfaction of the Western Australian Planning Commission, City of Rockingham and to the specifications of the APA Group.
(c) To require that a Tree Protection Management Plan be submitted to the City and the Western Australian Planning Commission at subdivision application stage, with satisfactory arrangements being made for the implementation of the approved plan. The plan is to ensure the protection and management of trees on the site identified for retention.

(d) To require the submission of a Fauna Relocation Management Plan as a condition of subdivision approval.

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

(iii) That the Bushfire Management Plan be modified to address the matters raised by the Department of Fire and Emergency Services and the City.

(iv) That the Structure Plan Map, Report and Transport Assessment Report be modified to acknowledge the requirement to provide for a 1.5m road widening along the east-west road located on the northern boundary of the Structure Plan area.

(v) That the Environmental Assessment Report be modified as follows:

(a) To include the Department of Parks and Wildlife Threatened Ecological Communities and Priority Ecological Communities database results and provide comment on the likelihood of any Priority Ecological Communities occurring within the structure plan area.

(b) To include the State NatureMap and Federal Protected Matters Search Tool Database Search results as an Appendix.

(c) To amend the Black Cockatoo habitat tree survey to include the additional significant trees identified by the City.

(d) To specify the extent and quality of potential foraging and breeding habitat to be cleared and whether this would likely require referral under the Environment Protection and Biodiversity Conservation Act 1999.

(e) To discuss how trees to be retained will be protected during construction through application of Australian Standard: Protection of trees on development sites (AS 4970-2009).

(f) To include discussion on surface water features and Table 2 to be revised to show accurate depth to groundwater measurements and in the correct unit of measurement (m AHD).

(g) To discuss the contamination status of the site through assessment of historical land uses within and surrounding the site and a search of the Department of Environment Regulation’s Contaminated Sites Database.

(vi) That a Tree Survey be undertaken to account for all trees within future road reserves and Public Open Space (no minimum diameter requirement). The GPS coordinates and tree species names should be shown on a table and map, with unique tree ID’s.

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(viii) That a revised Public Open Space Concept Plan and revised Local Water Management Strategy Conceptual Stormwater System Plan be provided to demonstrate how trees will be retained and incorporated into the design of each plan.

(ix) That the Structure Plan Report be modified to provide a more accurate description of the site’s environmental values.

(x) That the Structure Plan Report and Appendices be modified to incorporate relevant information from the updated Black Cockatoo Habitat Tree survey and Tree Retention 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 Hamblin, seconded Cr Whitfield:
That Council ENDORSES the following recommendations to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lots 302 and 309 Kerosene Lane, Baldivis:

1. That the proposed Structure Plan be approved subject to the following matters being addressed:
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       (b) To require that prior to the commencement of subdivisional works, the landowner/applicant shall prepare and implement as part of the subdivisional works a Pipeline Risk Management/Protection Plan. The risk mitigation measures/controls outlined within the Pipeline Risk Management/Protection Plan are to be implemented by the landowner/applicant as part of the subdivisional works to the satisfaction of the Western Australian Planning Commission, City of Rockingham and to the specifications of the APA Group.
       (c) To require that a Tree Protection Management Plan be submitted to the City and the Western Australian Planning Commission at subdivision application stage, with satisfactory arrangements being made for the implementation of the approved plan. The plan is to ensure the protection and management of trees on the site identified for retention.
       (d) To require the submission of a Fauna Relocation Management Plan as a condition of subdivision approval.
   (ii) That the Local Water Management Strategy be modified to address the matters raised by the Department of Water and the City.
   (iii) That the Bushfire Management Plan be modified to address the matters raised by the Department of Fire and Emergency Services and the City.
   (iv) That the Structure Plan Map, Report and Transport Assessment Report be modified to acknowledge the requirement to provide for a 1.5m road widening along the east-west road located on the northern boundary of the Structure Plan area.
   (v) That the Environmental Assessment Report be modified as follows:
       (a) To include the Department of Parks and Wildlife Threatened Ecological Communities and Priority Ecological Communities database results and provide comment on the likelihood of any Priority Ecological Communities occurring within the structure plan area.
       (b) To include the State NatureMap and Federal Protected Matters Search Tool Database Search results as an Appendix.
       (c) To amend the Black Cockatoo habitat tree survey to include the additional significant trees identified by the City.
       (d) To specify the extent and quality of potential foraging and breeding habitat to be cleared and whether this would likely require referral under the Environment Protection and Biodiversity Conservation Act 1999.
       (e) To discuss how trees to be retained will be protected during construction through application of Australian Standard: Protection of trees on development sites (AS 4970-2009).
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(ix) That the Structure Plan Report be modified to provide a more accurate description of the site’s environmental values.

(x) That the Structure Plan Report and Appendices be modified to incorporate relevant information from the updated Black Cockatoo Habitat Tree survey and Tree Retention 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 – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-034/17 Proposed Short Stay Accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2017.00000139.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Ms Vanessa Addison</td>
</tr>
<tr>
<td>Owner:</td>
<td>Ms Heather Little</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 July 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 300 (No.2) Ellendale Street, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>841m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>R5/20</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Floor Plan</td>
</tr>
<tr>
<td></td>
<td>4. Site Photo</td>
</tr>
<tr>
<td></td>
<td>5. Consultation Plan</td>
</tr>
</tbody>
</table>
**Purpose of Report**

To consider an application seeking Development Approval for Short Stay Accommodation at Lot 300 (No.2) Ellendale Street, Golden Bay.

**Background**

A Building Permit for the Single House was approved in 1987, for four bedrooms and associated living areas.

**Details**

The applicant seeks approval to use a Single House for Short Stay Accommodation, as follows:

- Stays of between one and 14 nights;
- Three bedrooms are to be available for use by guests;
- Up to five people staying as part of one group;
- The property manager will reside on the property for maintenance purposes, when it is not being rented out; and
- The property manager has advised that they will be contactable 24 hours a day, 7 days a week, by neighbours and guests.
Implications to Consider

a. Consultation with the Community

In accordance with Clause 64 of Town Planning Scheme No.2 (TPS2), the application was referred to the owners and occupiers of land in close proximity of the site for a period of 14 days, in accordance with the consultation plan below:

One submission was received in support of the application.
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 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

Town Planning Scheme No.2 (TPS2)

Permissibility

Single Short Stay Accommodation means the occupation of a single house by any form of tourist accommodation approved by the Council, by persons for not more than three months in any one twelve month period. Short Stay Accommodation is as an (‘A’) use in the Residential Zone, which means it is not permitted unless the Council has exercised its discretion by granting Development Approval after advertising the proposal.

Residential Zone

The objective of the Residential Zone is to promote a high quality residential environment by maintaining and enhancing the quality of existing residential areas and providing for a range of residential densities and housing types throughout the Scheme Area. The City considers that the proposed Short Stay Accommodation complies with the objectives of the Residential Zone and will facilitate the provision of a range of housing types.

Car Parking

The parking requirements for Short Stay Accommodation are 1 bay per unit and 1 bay per employee. There will be no employees on-site when there are guests staying at the property. There is one bay provided in the carport and there is room for two cars to park in the driveway. Up to five people can stay at the short stay accommodation as part of one group and the parking provided on-site is suitable for this.

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 Short Stay Accommodation is considered acceptable, on the basis that it provides for short stay and tourist accommodation in a coastal location. The amenity of the street is unlikely to be changed and any potential impacts can be managed through conditions of approval.

**Voting Requirements**

Simple Majority

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 AUGUST 2017

PRESIDING MEMBER
Officer Recommendation

That Council APPROVES the application for change of use to Short Stay Accommodation at Lot 300 (No.2) Ellendale Street, Golden Bay, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans as listed below:
   - Floor Plan, received 06.05.2017.
2. No guest parking is permitted on the street or verge.
3. No more than five persons are permitted to occupy the Short Stay Accommodation at any one time.

Committee Recommendation

Moved Cr Sammels, seconded Cr Stewart:

That Council APPROVES the application for change of use to Short Stay Accommodation at Lot 300 (No.2) Ellendale Street, Golden Bay, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans as listed below:
   - Floor Plan, received 06.05.2017.
2. No guest parking is permitted on the street or verge.
3. No more than five persons are permitted to occupy the Short Stay Accommodation at any one time.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-035/17 Proposed Section 40 Liquor Licence (Secret Harbour Dockers Sporting Association Inc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD069.2017.00000005.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Paul Smith</td>
</tr>
<tr>
<td>Owner:</td>
<td>City of Rockingham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
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<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                  | Lot 551 Coolawanyah Street, Golden Bay (Reserve 52767)                                      |
| Lot Area:              | 1.1773ha                                                                                    |
| LA Zoning:             | Public Open Space                                                                           |
| MRS Zoning:            | Urban                                                                                       |
| Attachments:           | Schedule of Submissions                                                                     |
| Maps/Diagrams:         | 1. Location Plan                                                                           |
|                        | 2. Aerial Photo                                                                             |
|                        | 3. Proposed Licenced Area                                                                   |
|                        | 4. Sport Pavilion Building                                                                   |
|                        | 5. Consultation Plan                                                                        |
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 AUGUST 2017
Purpose of Report

To consider an application from the Secret Harbour Dockers Sporting Association Inc. (SHDSA) for a Section 40 Liquor Licence (Section 40 Certificate) at the Rhonda Scarrott Reserve.

Background

Development approval was granted by the City on 7 May 2014 for the SHDSA to situate a demountable building on the Rhonda Scarrott Reserve for use as a temporary clubroom facility. This was a temporary arrangement pending construction of the new sports pavilion on Lot 551 for the SHDSA to manage under a lease arrangement with the Council. The approval is conditional on the temporary clubroom building being removed from the Reserve by 31 December 2017.

On 28 February 2017, the SHDSA submitted a Section 40 Certificate application to the City seeking approval for a “Club” licence to sell and supply alcohol from the new sports pavilion recently constructed on the reserve. The application requested the following trading hours:

- Mondays to Fridays (inclusive) 6am to 12 midnight;
- Saturdays 6am to 1am;
- Sundays 10am to 10pm.

Following discussions between City Officers, the application was revised to a “Club Restricted” license as described below.

Details

The applicant is seeking approval for a Section 40 Certificate of Local Government. A Section 40 Certificate from the City confirms that the proposed use of the premises complies either conditionally or unconditionally with Town Planning Scheme No.2 (TPS2), or if it cannot comply with the relevant planning laws for reasons specified.

A Section 40 Certificate from the City is required to accompany a Liquor Licence application made to the Department of Racing Gaming and Liquor.

A revised application for a Section 40 Certificate was received from the SHDSA on 4 May 2017, which was advertised for comment and included the following details:

- The applicant applied for a 'Club Restricted' Licence. A Club Restricted Licence authorises the sale and supply of liquor to members of the club and to the guests of that member in the company of that member. The club, however, must not sell packaged liquor and the trading hours are specified on the conditions of the licence should it be granted by the Department of Racing Gaming and Liquor.
- The ‘Club Restricted’ Licence is for the SHDSA, which is a body that manages the facilities used by the Secret Harbour Dockers Football and Cricket Clubs, being amateur sporting clubs based on the reserve.
- The sale of alcohol will be from a bar within the clubroom and the licenced area will be within and immediately adjacent the clubroom.
- The application seeks approval for the following revised trading hours:
  - Sundays, Mondays, Tuesdays and Wednesdays 12 noon to 10pm
  - Thursdays, Fridays and Saturdays 12 noon to midnight.
- Members will access the club for training on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays from 4pm to 8:30pm. Game days for senior players will be held on the weekends from 12pm.
- The club house facility will also be used for regular sporting functions such as member events and award presentations.
- The application states it is intended to hire out the facilities to community and charitable groups at community rates, which while providing a service to these organisations, will generate income to the sporting groups within the Association to maintain the facilities.

At the conclusion of the advertising period the application was further revised with the SHDSA requesting the following amended trading hours for a ‘Club Restricted’ licence:
• Monday to Thursday  4pm to 10pm;
• Friday 4pm to 12midnight;
• Saturday 12noon to 12midnight;
• Sunday 12noon to 9pm.

3. Proposed Licenced Area
4. Sports Pavilion Building

**Implications to Consider**

**a. Consultation with the Community**

In accordance with clause 64 of Town Planning Scheme No.2 (TPS2) the application was referred to nearby and adjacent landowners as shown on the Consultation Plan below. At the conclusion of the advertising period, a total of 21 submissions were received, comprising of 19 submissions of objection and 2 submissions of support.

A submission objecting to the proposal was received from the Department of Education. Submissions objecting were also received from properties 700m south west and 2.5km south of the subject site. Given the proximity, these submissions have not been shown on the consultation plan.
An assessment of the issues raised in the submissions is provided below:

### Traffic

**Submission:**

(i) Increase in traffic

**Proponent’s Comment:**

“The parking area of the club can accommodate up to 120 cars. There were only initially 70 bays, however the council have provided an increase of 50 bays to accommodate the new sporting pavilion and to reduce street parking issues.

The parking area will not be greatly affected by a liquor licence during match days.

For club events, as there will be no matches on, members and guests will be able to use the car park facilities.

The council will ultimately determine the maximum number of accommodation for the club as part of the S.40 certificate and this will assist in ensuring the car park will be able to accommodate most vehicles”.

**City’s Comment:**

A Club Restricted Licence authorises the sale and supply of liquor to members of the SHDSA and to the guests of the members in the company of a member only. As the sale of alcohol is not available to the general public it is considered the granting of a Section 40 Certificate would result in minimal increased traffic.

Carparking problems experienced by residents that are associated with the use of the reserve on sporting days are a separate matter to the Council’s consideration of a Section 40 Certificate.

### Amenity

**Submission:**

(i) Concerns about noise and sleep disruption

**Proponent’s Comment:**

“There will be evening training sessions and potential matches which will conclude by 8:30pm. However, as community owned and operated facilities, the club will endeavour to ensure a harmonious relationship is developed with the neighbouring residents.

The Club will be proactive in its approach to noise control with processes in place such as: compliance to City of Rockingham noise restrictions and other regulations, emptying/cleaning of the bins inside the premises to reduce noise where possible, and restricting club social events to indoors area after a certain time at night (e.g.: 9pm).

The Association encourages the neighbouring community to discuss any issues which may arise from activities at the club. Such as: noise problems, anti-social behaviour and more.

The Association will provide prior notice to the surrounding neighbourhood should there be any community or large events approved by the City and the Dept. of Racing Gaming & Liquor to be held at the Club.

Members and guests will be required to abide by the Club’s code of conduct when using the Association facilities. This includes: parking at the allocated bays, no loitering at the car park, no drinking at the oval and more”.

**City’s Comment:**

Having regard to the concerns of submitters, the City considers the trading hours (as recommended) are reasonable for such a facility of this nature, given the in-house management measures proposed by the applicant. The building is relatively isolated from dwellings and is constructed to meet BCA acoustic attenuation specifications.
**Amenity (Cont...)**

Should a Section 40 certificate be granted, a condition of approval is recommended which limits trading hours to 9pm Sundays, 10pm Mondays, Tuesdays, Wednesdays and Thursdays; and midnight on Fridays and Saturdays. These recommended trading hours are considered a reasonable balance between the needs of the surrounding neighbourhood and those of the SHDSA. Furthermore, a condition is recommended to require all activity associated with the sale and supply of alcohol to be confined to indoors within the clubroom after 9pm on weeknights.

**Recommendation:**

**Conditions are recommended requiring the following:**

- "Trading hours are restricted to between the following times:
  - Mondays to Thursdays (inclusive): 6pm to 10pm
  - Fridays: 6pm to midnight
  - Saturdays: 12 noon to midnight;
  - Sundays: 12 noon to 9pm."

- "There shall be no activity associated with sale and supply of alcohol permitted to occur outside of the clubroom building after 9pm Mondays to Thursday (inclusive)."

**Submission:**

(ii) **Security, regulation and compliance concerns**

**Proponent's Comment:**

"To discourage criminal acts, all items will be locked away in secured areas. The premises will also have a monitored alarm system with patrolled security cars. In addition, the club will be supplying a CCTV security system at the club’s cost, to monitor both inside and outside the building.

If the Association permanent liquor licence application is granted, the club will also comply with the additional requirements of the City of Rockingham and the Dept. of Racing Gaming & Liquor (RGL).

Legislative provisions as required by RGL will need to be maintained to allow for the following requirements:

- Proper provision is made for the management of the affairs of the association
- Appropriate conditions governing admission to membership of the SHDSA exist
- The liquor service is ancillary to the principal purpose of the association to emphasise that a club licence is not a hotel, a tavern or a similar commercial licence
- The SHDSA, as licensed premises, must operate within the interests of the local community.

The Association understands that failing to comply with the requirements of the state and local government may result in the revocation of its liquor licence."

**City's Comments:**

The onus is on the proponent to comply with relevant regulations and conditions in the first instance. The Department of Racing Gaming & Liquor has the ability to review the terms of a liquor license in the event of substantiated complaints being received.

**Hours of Operation**

**Submission**

(i) **Concerns the trading hours applied for are excessive**

**Proponent's Comment:**

"The requested trading hours are significantly reduced from a full club licence."
**Hours of Operation (Cont…)**

<table>
<thead>
<tr>
<th>Time</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Saturday 6am</td>
<td>6am to midnight</td>
</tr>
<tr>
<td>Sunday 10am to 10pm</td>
<td></td>
</tr>
</tbody>
</table>

Based on feedback, the club is willing to reduce the licensed hours to ensure there are no concerns with school children or concern about noise at night. As such the club is now seeking the following licensed hours:

- Monday to Thursday from 4pm to 10pm
- Friday from 4pm to 12am
- Saturday 12pm to 12am
- Sunday 12pm to 9pm.

We would ask for an exemption for public holidays that fall during the week during school terms, to be able to trade Sunday hours noted above.

The above hours are proposed to accommodate for:

- Training sessions for club divisions.
- Committee meetings which would be in the evenings (after dinner time).
- Access flexibility for team meetings, training/events preparation, inductions, administrative work for the club, deliveries and others.
- Weekend trading hours will accommodate for wind-up/awards presentation and other club functions.
- Food/Meals will be provided during licensed hours to ensure responsible service of alcohol.

There will be no liquor available during any junior training/events and games. This applies to all spectators including parents watching their children’s games. Based on our research the sporting association are following the industry’s best practice in alcohol management strategy and will ensure that the serving of alcohol is conducted responsibly.

An alternative option to a permanent liquor licence would be for the club to apply for monthly occasional liquor licence which can vary from $53 to $110 per application. This can result in a financial imposition to the club’s cash flow and the club will need to look into different resources for financial assistance for maintenance of the club and uniforms, which will include funding from the City of Rockingham and increased membership fees. The restricted club licence will mean that there will be no take-away sales/packaged alcohol sales.

It is proposed that the licensed area of the club will be the club rooms and a designated and approved outside area attached to the club rooms. This means that the club will not condone any alcohol being consumed off the licensed premises, including the change rooms or the perimeter of the oval.

Without permanent liquor licence, the association will be exposed to the possibility of BYO alcohol which will be significantly more complex to manage in terms of quantity of alcohol that could be brought in by members and guests as well as the type of alcohol beverages (e.g. spirits with high concentration of alcohol)."

**City's Comment:**

In response to the concerns of submissions, the City considers the recommended trading hours will ensure disturbance is unlikely to occur at nights and that the sale of liquor does not conflict with school hours or training for junior teams. In recommending these hours it is understood that the SHDSA will restrict social events to indoors after 9pm.

In the event the SHDSA intends to hold special functions and sell liquor it will need to obtain separate one-off Extended Trading Permits from the Department of Racing, Gaming and Liquor.

**Alcohol and the Community**

**Submission:**

(i) Concerns about the service of alcohol and young people
Alcohol and the Community (Cont…)

Proponent’s Comment:
“Harm minimisation strategies to protect juveniles are in line with the RSA Guidelines which include the following:

- Bar staff are trained to fully understand the terms: accepted forms of photo identification, secondary sales and responsible adult to ensure harm from alcohol consumption is not exposed to juveniles who are at the club for lawful reasons.
- Juveniles are only allowed at the club for the purpose of sporting activities only and can only access the licensed area if they are accompanied and supervised by a responsible adult.
- Juveniles are not allowed to remain at the bar area.
- Pursuant to Section 26 of the Liquor Control Act 1988, accepted photo ID will be requested for a suspected juvenile who appears younger than 25 years of age.
- The club will also work with any local Liquor Accord to address issues with young people across all licensed premises in the Golden Bay area.
- As a restricted club licence, there will be no sales of packaged (take-away) alcohol permitted.

There will be no external alcohol advertising on any external façade of the premises, or any other alcohol advertising around the perimeter of the oval that would be visible to any underage individuals. This will be consistent with the Liquor Control Act’s harm minimisation objects”.

City’s Comments:
Should the Section 40 Certificate be granted, a condition of approval is recommended restricting the trading hours to ensure they do not conflict with school times, given the proximity of the Golden Bay Primary School.

The SHDSA has alcohol and health related harm minimisation strategies incorporated within a Public Interest Assessment which the Department of Racing, Gaming and Liquor will consider when a liquor licence application is lodged. The strategies include initiatives intended to minimise harm to junior members through the sale and supply of alcohol.

Submission:
(ii) Residential area not suitable for licenced premises

City’s Comment:
The Residential zoning of the surrounding land does not restrict the ability for a Section 40 Certificate to be issued to the SHDSA, and it is typical throughout the City that sporting clubs utilising reserves are granted Liquor Licences for the sale and supply of alcohol on training and game days.

The City considers that any potential impacts on the surrounding residential amenity as a result of the Section 40 Certificate being granted, can be mitigated by conditions of approval restricting hours of operation and ensuring the venue is appropriately managed.

Anti-Social Behaviour

Submission:
(i) Concerns anti-social behaviour likely to increase including bad language, crime, hooning

Proponent’s Comment:
“Pursuant to section 48 and 49 of the Liquor Control Act 1988, Club and Restricted Club Licences are very restrictive not only in terms of the sale of alcohol to members and guests only but also in regards to access to the premises and use of the premises. Director’s policy dictates that ‘no stranger shall be permitted to use the club premises and no member or other person shall admit any stranger to use the club premises’. There are also specific regulations which govern access to the club by guests of members such as: members can only introduce a maximum of 5 guests to the club, the member introducing the guest shall be responsible for the proper conduct of that guest whilst on the club premises, and more.”
Anti-Social Behaviour (Cont…)

Taking the above conditions into consideration, the Association does not anticipate any increase in anti-social behaviour. However, in the unlikely event that such incident occurs, the perpetrator who is most likely a member or a guest, can be easily identified and disciplined.

Unlike other licence types, the Associations constitution provides for a disciplinary action to be used against members or guests who discredit the club's reputation. Disciplinary actions include but are not limited to: suspension and expulsion.

Members will sign and abide by a code of conduct established by Clubs WA, of which the Association is a member, which will include a clause to be respectful of the neighbouring area. Members failing to abide by the code of conduct will face disciplinary action. All members (new and existing) will be required to sign this code of conduct every year.

To prevent speeding and hooning, the club will provide an induction to new members who cover areas such as: driving speed of at council recommended levels only within the parking area of the club; we will also put up a notice near exits for members to consider their neighbours. Again, disciplinary actions would be implemented in the unlikely event that members do not comply.

There have been no documented anti-social reported incidents. With a permanent liquor licence, the SHDSA will have control over the consumption of alcohol.

The SHDSA is applying for a restricted club licence which will mean no packaged (take-away) alcohol sales will be allowed.

City’s Comment:

The Department of Racing Gaming and Liquor, in considering applications for a Liquor Licence, determines if the application is in the public interest. In this regard, the applicant is required to demonstrate the principles of harm minimisation, code of conduct and management policy in accordance with the guidelines.

Public interest is assessed by the Department of Racing Gaming and Liquor based on 'harm or ill health', impact on amenity, offence, annoyance, disturbance or inconvenience caused or any other matter.

The Code of Conduct, Management Policy and Public Interest Assessment documents provide a statement of intent on the way the licensee wishes to operate the premises and outlines the licensee's commitment to controlling patrons, controlling juveniles and the responsible sale of alcohol, harm minimisation and resolving complaints. The onus is on the club to manage the licensed premises in such a way that ensures anti-social behaviour does not occur. The Department of Racing Gaming and Liquor has the ability to investigate complaints and if found to be substantiated, can review the terms of the liquor licence.

Submission:

(ii) Concerns about increased drink driving

Proponent’s Comment:

“The Association plans to have the bar managed by Staff who hold Responsible Service of Alcohol/Approved Manager training.

The club will prevent alcohol consumption that will lead to intoxication. However, should intoxication occur due to other reasons such as: medication, the club will ask members to provide transport to other members who appear intoxicated. Club representatives will also call family members or friends to arrange for safe transport if this can't be provided by other members”.

City’s Comment:

The SHDSA will be required to manage the sale and consumption of liquor in accordance with the terms of any Liquor Licence granted by the Department of Racing, Gaming and Liquor and in accordance with its Code of Conduct and management policy.
### Property Values

**Submission:**

(i) Decrease in property values as a result of Licensed Premises

**Proponent's Comment:**

“There are a number of factors which will affect property values. However, the SHDSA believe living in a community with close proximity to the club can only be beneficial. The club provides for sporting facilities and a functional club house with easy and equitable access for members to participate in sporting activities.

When the Association facilities are not being utilised the community will be able to use the facilities for recreational purposes such as: play football with their families, running and taking their dogs for a walk around the greens or for outdoor personal training sessions”.

**City’s Comment:**

Property values are not considered a relevant planning consideration.

### Proximity to primary school

**Submission:**

(i) Inappropriate use given the proximity to Golden Bay Primary School

**Proponent’s Comment:**

“The club is aware that juveniles are one of the at risk groups which form part of risk assessment of section 38(4)(a) of the Liquor Control Act 1988 for Harm and Ill-Health.

The Association is willing to reduce licensed hours to accommodate the school.

Responsible service of alcohol will be implemented at all times to prevent juveniles from the exposure of anti-social behaviour and intoxication. Members and guests of the club will be well educated on when and where they can consume alcohol.

We will encourage regular visits by council officers and other inspectors to ensure that local residents are not drinking on the ovals.

The main purpose of the premises is to facilitate and promote the sporting activities of football and cricket and the club hopes to encourage increased participation for football and cricket in the Golden Bay Area”.

**City’s Comment:**

The issue can be addressed by ensuring the sale of liquor only occurs outside of school hours on school days.

### Use of a community facility as a licensed premises

**Submission:**

(i) Inappropriate for a community facility to operate as a licences premises

**Proponent’s Comment:**

“The application for a permanent liquor licence is secondary purpose of the Club. A permanent liquor licence will assist the Association financially to a certain degree but the supply and sale of alcohol are not something that the SHDSA will promote as they do not form part of the Associations objects.

Outside of trading hours, the SHDSA will lock up the bar area to prevent access to alcohol. Appropriate signage will then be on display.

During licensed hours, an approved Duty Manager will be in attendance at all times.”
Use of a community facility as a licensed premises (Cont…)

Harm minimisation strategies will be employed by the Association.

A licensed club provides for responsible consumption of alcohol for members and guests in an environment that is safe and controlled (i.e. the club house), instead of having these members and guests go to a pub or nightclub after training or a game, where anti-social behaviour is easily provoked and where the restriction of entry is less arduous.

West Australian Sporting Clubs have a much lower number of reported incidences relating to alcohol because clubs manage members through their constitution and through members wanting to be part of a like-minded club and understanding there are regulations surrounding code of conduct. Other licensed venues are unable to create this culture and as such have higher incidences of offences. Clubs are often the only place left for people of all generations to be able to meet, have a drink and meal and socialise together in a safe, family friendly environment*.

City’s Comment:
The use of the building as a club rooms is consistent with the purpose of the reserve. It is common for sporting associations to serve alcohol in a controlled environment under a Club Restricted liquor licence as the sale and supply of liquor will be directly associated with the activities of the club. The sale of alcohol will not be permitted to the public at large.

b. Consultation with Government Agencies
Not Applicable

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

- **Aspiration B:** A Strong Community
  - **Strategic Objective:** Capacity Building and Wellbeing - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits.

- **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
Planning Policy 3.3.19 - Licensed Premises (PP3.3.19)

PP3.3.19 provides guidance for the assessment and determination of Liquor Licence Applications within the City. The objectives of PP3.3.19 are to:

- *(a)* Provide a framework for the assessment and determination of Liquor License Applications, including the issuing Section 39 and 40 certificates under the Liquor Control Act 1988;
- *(b)* Assist the Council in its consideration of applications for Planning Approval which involve a liquor license;
- *(c)* Identify appropriate locations for different types of licensed premises;
- *(d)* Protect the safety and amenity of existing and future residents and business proprietors against anti-social behaviour; and
- *(e)* Minimise personal harm or ill health caused to people, or any group, due to excessive consumption of liquor.*

Council is required to have regard to PP3.3.19 when assessing applications for Section 40 Certificates under the Liquor Control Act 1988.
The following is an assessment of the proposal against the assessment criteria of PP3.3.19:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td></td>
<td></td>
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<tr>
<td>Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties. A significant potential impact includes circumstances in which the application were granted:</td>
<td>The City has supported Section 40 Certificates for sporting clubs utilising reserves on training and game days, based on Policy compliance. The City however, considers it undesirable for alcohol to be sold in the clubroom during school hours given the close proximity of a school. The proposed licensing hours have been amended to ensure they won’t conflict with the operating hours of the school and with school children using the oval.</td>
<td>Yes</td>
</tr>
<tr>
<td>(i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) The amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened. Licensed premises should generally have an active street front.</td>
<td>The City considers adverse impacts on the amenity of the surrounding residential area can be mitigated by conditions of approval limiting the trading hours with no consumption of alcohol permitted outside the clubroom building after 9pm Monday to Thursday and ensuring the venue is appropriately managed.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Number of Patrons</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises are restricted to maximum patron numbers under the Health (Public Building) Regulations 1992, and those numbers are to be complied with at all times.</td>
<td>The SHDSA must comply with the maximum accommodation number under the Health (Public Building) Regulations 1992.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Previous History</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The City will generally review the history of complaints regarding existing licensed premises when considering an Application for Planning Approval for a “Change of Use” or an Extended Trading Permit.</td>
<td>The SHDSA does not currently hold a Liquor Licence.</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Noise</strong></td>
<td></td>
<td></td>
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<tr>
<td>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit a noise report, prepared by a suitably qualified acoustic consultant (as determined by the City), in order to ensure that the noise emanating from the licensed premises is not excessive and indicating the likely noise nuisance and what sound attenuation measures are needed.</td>
<td>Noise emanating from the premises is unlikely to cause disturbance to neighbouring properties as evening trading will be limited while most activity will be confined within the clubroom, which is approximately 100m from the nearest dwelling.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
**Harm Minimisation**

<table>
<thead>
<tr>
<th>The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, Code of Conduct and Management Plan in accordance with the Department of Racing, Gaming and Liquor Guidelines.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant has provided a House Management Policy, Code of Conduct and Management Plan as well as a Public Interest Assessment in accordance with the Department of Racing, Gaming and Liquor Guidelines. Staff of the club will have successfully completed their required training and obtained the appropriate approval from the licensing authority prior to the approval of an application for a licence. The responsible service of alcohol will be required at all times.</td>
<td></td>
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</tbody>
</table>

**Consultation**

<table>
<thead>
<tr>
<th>Where the City considers the approval of a licenced premise is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of communication in accordance with PP3.3.19.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application was referred to nearby and adjacent property owners for comment. This has been further discussed in the Consultation with the Community section of this report.</td>
<td></td>
</tr>
</tbody>
</table>

**Consistency with Planning Approval**

<table>
<thead>
<tr>
<th>Ensure compliance with conditions that have been placed on a Planning Approval (if appropriate).</th>
<th>Development Approval is not required by the SHDSA for use of the Rhonda Scarrott Reserve.</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposal complies with PP3.3.19.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Legal and Statutory**

**Liquor Control Act 1988 (LC Act)**

The power to grant a Liquor Licence is vested in the licencing authority (Department of Racing Gaming and Liquor.) Whilst the Council has to ability to grant a Section 40 Certificate, the ultimate determination on whether a Liquor Licence is issued rests with the Department of Racing Gaming and Liquor.

Clause 33 of the LC Act gives the licensing authority absolute discretion to grant or refuse an application under the LC Act on any ground, or for any reasons, that the licencing authority considers in the public interest.

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

Clause 4.22 of TPS2 relates to Licenced Premises Applications. Sub-clause 4.22.2 of TPS2 requires Council take into account (i) the general and specific objectives of TPS2, (ii) Clause 67 of the deemed provisions of TPS2 and (iii) have regard to any relevant Policy of the Council.

The relevant considerations under Clause 67 of the deemed provisions of TPS2 are the effect of the proposal on the amenity of the locality and any submissions received on the application. These matters have been discussed in the Consultation with the Community section of this report. The proposal is considered to comply with TPS2.
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

Under a “Club Restricted” liquor licence the SHDSA seeks to sell alcohol for consumption on site by members (and the guests of members) of the football and cricket clubs.

The licensing hours sought are wide ranging to provide the Club with flexibility to cater for the needs of these various groups. The Club does not intend to sell alcohol while any junior sports or training is underway. To ensure this is the case, it is recommended that trading hours are restricted to commence from 6pm on Mondays to Fridays, which is consistent with Section 40 Certificates issued by the City for other sporting organisations (e.g. Shoalwater Football Club, Baldivis Soccer Club).

The City considers that concerns regarding potential adverse impacts on the amenity of the surrounding residential area can be adequately addressed via conditions restricting trading hours and requiring the applicant to comply with a House Management Policy and Code of Conduct Management Plan.

Furthermore, in the event of substantiated resident complaints being received regarding noise or anti-social behaviour of patrons, the trading hours may be changed at the discretion of the Department of Racing Gaming and Liquor.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the Section 40 Certificate (Club Restricted Liquor Licence) for the Secret Harbour Dockers Sporting Association at Lot 551 Coolawanyah Street, Golden Bay (Reserve 52767), subject to the following conditions:

1. Trading hours are restricted to between the following times:
   - Mondays to Thursdays (inclusive): 6pm to 10pm
   - Fridays: 6pm to midnight
   - Saturdays: 12 noon to midnight;
   - Sundays: 12 noon to 9pm.

2. There shall be no activity associated with the sale and supply of alcohol permitted to occur outside of the clubroom building after 9pm Mondays to Thursday (inclusive).

3. The sale and supply of alcohol is restricted to members of the Secret Harbour Dockers Sporting Association and to the guests of that member in the company of that member only.

4. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of adjacent residents is maintained at all times.

5. All rubbish within the licensed area and the car park being disposed of in a waste receptacle following club activities.

6. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing Gaming and Liquor.

7. The House Management Policy and Code of Conduct Management Plan must be complied with at all times.
Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:
That Council APPROVES the Section 40 Certificate (Club Restricted Liquor Licence) for the Secret Harbour Dockers Sporting Association at Lot 551 Coolawanyah Street, Golden Bay (Reserve 52767), subject to the following conditions:

1. Trading hours are restricted to between the following times:
   - Mondays to Thursdays (inclusive): 5pm to 10pm
   - Fridays: 5pm to midnight
   - Saturdays: 12 noon to midnight;
   - Sundays: 12 noon to 9pm.

2. There shall be no activity associated with the sale and supply of alcohol permitted to occur outside of the clubroom building after 9pm Mondays to Thursday (inclusive).

3. The sale and supply of alcohol is restricted to members of the Secret Harbour Dockers Sporting Association and to the guests of that member in the company of that member only.

4. Patrons arriving and departing the premises must do so in a responsible manner to ensure the amenity of adjacent residents is maintained at all times.

5. All rubbish within the licensed area and the car park being disposed of in a waste receptacle following club activities.

6. In the event of the City receiving any substantiated resident complaints regarding crowd noise or anti-social behaviour of patrons, the operating times may be changed at the discretion of the Department of Racing Gaming and Liquor.

7. The House Management Policy and Code of Conduct Management Plan must be complied with at all times.

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

The Committee’s Reason for Varying the Officer’s Recommendation
To accommodate club members and guests in accessing the club facilities at an earlier time, recognising that junior sports and training concludes at approximately 4:30pm.

Implications of the Changes to the Officer’s Recommendation
Not Applicable
# Engineering and Parks Services

## Engineering and Parks Services

### Reference No & Subject:

| EP-008/17 | Tender T16/17-84 – Standing offer for the installation of stormwater drainage infrastructure |

| File No: | T16/17-84-01 |
| Proponent/s: | Mr Darren Dropulich, Construction Engineer |
| Author: | Mr Ian Daniels, Manager Engineering Services |
| Other Contributors: | |
| Date of Committee Meeting: | 17 July 2017 |
| Previously before Council: | |
| Disclosure of Interest: | |
| Nature of Council’s Role in this Matter: | Executive |

### Purpose of Report

Provide Council with details of the tenders received for Tender T16/17-84 – Standing offer for the installation of stormwater drainage infrastructure (Tender T16/17-84), document the results of the tender assessment and make a recommendation regarding the award of the tender.

### Background

Tender T16/17-84 was advertised in the West Australian on Saturday, 13 May 2017. The Tender closed at 2.00pm, Wednesday, 31 May 2017 and was publicly opened immediately after the closing time.

### Details

The scope of T16/17-84 is for the installation of stormwater drainage infrastructure for road and drainage upgrade projects. This includes the installation of concrete and PVC drainage pipes, soakwells, junction pits, gully/side entry pits, gross pollutant traps (GPT) and infiltration pipe systems.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 AUGUST 2017

PRESIDING MEMBER
The period of the contract shall be from 1 August 2017 until 31 December 2019. Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Max. Points</th>
<th>Level of Service 40 Pts</th>
<th>Understanding of Tender Requirements 20 Pts</th>
<th>Tendered Price/s 40 Pts</th>
<th>Total Weighted Scores 100 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>TC Drainage (WA) Pty Ltd trading as TC Drainage</td>
<td>28</td>
<td>14</td>
<td>32.6</td>
<td></td>
<td>74.6</td>
</tr>
<tr>
<td>D &amp; S Behsman Pty Ltd the Trustee for Behsman Family Trust</td>
<td>32</td>
<td>12</td>
<td>30.2</td>
<td></td>
<td>74.2</td>
</tr>
<tr>
<td>Egan Civil Pty Ltd trading as Castle Civil</td>
<td>38</td>
<td>18</td>
<td>12.2</td>
<td></td>
<td>68.2</td>
</tr>
<tr>
<td>Certa Civil Works Pty Ltd the Trustee for Certa Civil Works Unit Trust</td>
<td>36</td>
<td>16</td>
<td>15.8</td>
<td></td>
<td>67.8</td>
</tr>
<tr>
<td>Dowsing Group Pty Ltd trading as Dowsing Group</td>
<td>28</td>
<td>13</td>
<td>25.8</td>
<td></td>
<td>66.8</td>
</tr>
<tr>
<td>Tracc Civil Pty Ltd</td>
<td>29</td>
<td>15</td>
<td>19.6</td>
<td></td>
<td>63.6</td>
</tr>
<tr>
<td>D &amp; S Behsman Pty Ltd the Trustee for Behsman Family Trust trading as Minpex Drainage</td>
<td>29</td>
<td>11</td>
<td>20.1</td>
<td></td>
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</tr>
<tr>
<td>TC Drainage (WA) Pty Ltd business name TC Drainage</td>
<td>31</td>
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<td>56.2</td>
</tr>
<tr>
<td>DeGrey Civil Pty Ltd</td>
<td>29</td>
<td>14</td>
<td>11.4</td>
<td></td>
<td>54.4</td>
</tr>
</tbody>
</table>

The Acting Director Engineering and Parks Services nominated the following tender evaluation panel:
- Coordinator Planning, Design and Construction,
- Construction Engineer, and
- Civil Construction Supervisor.

Evaluation of T16/17-84, in accordance with the advertised tender assessment criteria, produced the following weighted scores:
The Contract rates will be subject to a price variation every twelve (12) months. The price variation will be calculated in accordance with the variation in the Consumer Price Index - All Groups for Perth Western Australia (CPI) for the 12 months preceding the last full CPI quarter as at the date the price variation is due.

### Implications to Consider

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

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

**c. Strategic**

- **Community Plan**
  This item addresses the Community’s Vision for the future and specifically the following 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**

Expenditure will be in accordance with the City’s annual budgets for capital projects and drainage renewal works and will fluctuate depending upon the scope and number of projects. Historical expenditure for 2015/2016 (part year - April to June) was $176,722 and 2016/2017 was $535,050.

**f. Legal and Statutory**


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

**g. Risk**

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

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

Nil

### Comments

The tender evaluation process resulted in two submissions receiving scores within one point of each other.

In order to ensure value for money, the panel completed reference checks for both these submissions, being for

- Egan Civil Pty Ltd trading as Castle Civil and
BCL Group Pty Ltd.

The reference checks focussed on previous works undertaken by both contractors and the panel was satisfied that Egan Civil Pty Ltd trading as Castle Civil would be capable of undertaking the required stormwater drainage infrastructure installation works for road and drainage upgrade projects.

Therefore the submission received from Egan Civil Pty Ltd trading as Castle Civil 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 Egan Civil Pty Ltd trading as Castle Civil for Tender T16/17-84 – Standing offer for the installation of stormwater drainage infrastructure in accordance with the tender documentation for the contract period 1 August 2017 to 31 December 2019.

### Committee Recommendation

Moved Cr Sammels, seconded Cr Stewart:

That Council **ACCEPTS** the tender submitted from Egan Civil Pty Ltd trading as Castle Civil for Tender T16/17-84 – Standing offer for the installation of stormwater drainage infrastructure in accordance with the tender documentation for the contract period 1 August 2017 to 31 December 2019.

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 Engineering Services Committee Minutes**
Monday 17 July 2017

**EP-009/17 PAGE 77**

**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 14 AUGUST 2017**

**Reference No & Subject:** EP-009/17  
**Subject:** Extension of Existing Extractive Industries Licences

**File No:** ECD/14

**Proponent/s:**  
Aigle Royal Developments Pty Ltd (ABN 2417915466);  
Mr Don Ashby;  
WA Limestone;  
Alcoa of Australia Ltd;  
Caversham Land Co Pty Ltd;  
Jacaranda Springs Private Estate Pty Ltd; and  
Hanson Construction Materials Pty Ltd

**Author:**  
Mr Ian Daniels, Manager Engineering Services  
Mr Paul Devcic, Graduate Engineer, Engineering Services

**Other Contributors:**

**Date of Committee Meeting:** 17 July 2017

**Previously before Council:**  
26 June 2012 (EP-041/12); 23 September 2015 (EP-039/15);  
22 March 2016 (EP-009/16); 28 June 2016 (EP-017/16)

**Disclosure of Interest:**

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

**Site:**

**Lot Area:**

**LA Zoning:**

**MRS Zoning:**

**Attachments:**

**Maps/Diagrams:**

---

**Purpose of Report**

To seek Council approval for the renewal of an Extractive Industries (EI) Licence to various land holders/operators within the City of Rockingham. The duration of each new licence is for a period of five years, expiring on 30 June 2022.

**Background**

At the June 2012 Council meeting, Council considered a report suggesting a unified expiration date for all licences and resolved as follows:
“That Council APPROVES the issuing of Extractive Industries Licences to the following applicants listed in accordance with the City of Rockingham Extractive Industries Local Law 2000 and conditions, as listed in each of the entities respective Metropolitan Region Scheme Approval to commence development, for a period of five (5) years, expiring on the 30 June 2017”.

A new application for an extractive industry licence was received by the City in September 2015 and at the Council Meeting held 23 September 2015 Council resolved as follows:

That Council APPROVES the issuing of an Extractive Industries Licence to Avadean Pty Ltd (T/A Rocla Quarry Products) for Lot 500 (No.157) Paganoni Road, Karnup in accordance with the City of Rockingham Extractive Industries Local Law 2000 under the conditions listed below:

1. Approval Period - valid until the 30 June 2017.

A further application for sand extraction was considered at the Council meeting on 22 March 2016 where the following was resolved:

That Council APPROVES the issuing of an Extractive Industries Licence to Aigle Royal Developments Pty Ltd for Lot 1 (No.142) and Lot 2 (No.148) Baldivis Road, Baldivis in accordance with the City of Rockingham Extractive Industries Local Law 2000 under the conditions listed below:

1. Approval Period - valid until the 30 June 2017.

The transfer of an existing Extractive Industries for Lot 500 (No.157) Paganoni Road, Karnup was approved by Council at the meeting held 28 June 2016 from Rocla Pty Ltd to Hanson Construction Materials Pty Ltd.

Current licence holders are as follows:

<table>
<thead>
<tr>
<th>Licensee</th>
<th>Site Location</th>
<th>Licensee Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aigle Royal Developments Pty Ltd ABN 2417915466 Licence 20/2020</td>
<td>Lots 1 and 2 Baldivis Road, Baldivis</td>
<td>PO Box 7897 Cloisters Square WA 6850</td>
</tr>
<tr>
<td>WA Limestone Licence No. 4/2007</td>
<td>Lots 290 and 291 Kerosene Lane, Baldivis</td>
<td>41 Spearwood Avenue Bibra Lake WA 6163</td>
</tr>
<tr>
<td>WA Limestone Licence No. 6/2007</td>
<td>Lot 2170 Millar Road, Baldivis</td>
<td>41 Spearwood Avenue Bibra Lake WA 6163</td>
</tr>
<tr>
<td>Mr Don Ashby Licence No. 5/2007</td>
<td>Lot 11 Paganoni Road, Karnup</td>
<td>206 Gordon Road Mandurah WA 6210</td>
</tr>
<tr>
<td>Hanson Construction Materials Pty Ltd Licence No. 20/2020</td>
<td>Lot 500 Paganoni Road, Karnup</td>
<td>Level 10 35 Clarence Street, Sydney NSW 2000</td>
</tr>
<tr>
<td>Alcoa of Australia Ltd Licence No. 28/926</td>
<td>Lot 12 St Albans Road, Baldivis</td>
<td>Alcoa Kwinana Refinery PO Box 161 Kwinana WA 6167</td>
</tr>
<tr>
<td>Jacaranda Springs Private Estate Pty Ltd Licence No. 18/2007</td>
<td>Lot 569 Baldivis Road, Baldivis</td>
<td>ABN Group PO Box 389 Osborne Park WA 6917</td>
</tr>
<tr>
<td>Caversham Land Co Pty Ltd Licence No. 19/2007</td>
<td>Lot 1263 Baldivis Road, Baldivis</td>
<td>ABN Group PO Box 389 Osborne Park WA 6917</td>
</tr>
</tbody>
</table>

Details

In order to continue operating in compliance with the City of Rockingham Extractive Industries Local Law 2000; clause 2.1, all operators must maintain a current licence. Operators wanting to continue mining are required to make written application to the City of Rockingham in accordance with the provisions clause 4.3 Renewal of licence.
The City has received Extractive Industries Licence applications from the following licensees:

<table>
<thead>
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</tr>
</thead>
<tbody>
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<td>ABN Group PO Box 389 Osborne Park WA 6917</td>
</tr>
</tbody>
</table>

The last of these applications was finalised in May 2017 but not in time for a report to be submitted to the June 2017 Council meeting. All renewal fees have been received from the licensees. All licensees will continue to operate in accordance with the conditions of their licence.

**Implications to Consider**

a. **Consultation with the Community**
   Consultation with the Community is undertaken during the Development Application process through the Planning and Development Division.

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 D:** Sustainable Environment
   **Strategic Objective:** Land use 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**
   The Extractive Industries Amendment Local Law 2000 requires the payment of the Annual Licence Fee by 30 June each year.
The Fees and Charges set for the 2017/2018 Budget in relation to Licence Fees are determined by the anticipated tonnage of material to be extracted from each site for the period of 1 July 2017 to 30 June 2018:

- Renewals - Less than 50,000 m³ $2,000 (excl. of GST)
- Renewals - Greater than 50,000 m³ $3,000 (excl. of GST)

f. **Legal and Statutory**

In accordance with section 2.1 of the City of Rockingham Extractive Industries Local Law 2000.

*A person must not carry on an extractive industry -*

(a) unless the person is the holder of a valid and current licence; and

(b) otherwise than in accordance with the provisions of this local law and any terms and conditions set out in, or applying in respect of, the licence.

In accordance with section 4.3 of the City of Rockingham Extractive Industries Local Law 2000.

‘(1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and must submit with the application for renewal -

(a) the fee determined by the local government from time to time;

(b) a copy of the current licence;

(c) a plan showing the contours of the excavation carried out to the date of that application;

(d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 2.3(1) (b) and (c); and

(e) any other things referred to in clauses 2.3 and 3.1.

(2) The local government may waive any of the requirements specified in clause 4.3 (1) (d) or (e).

(3) If -

(a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and

(b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,

then the applicant shall not be obliged, unless otherwise required by the local government, to submit details of any of the things referred to in clauses 2.3 and 3.1.

(4) Upon receipt of an application for the renewal of a licence, the local government may -

(a) refuse the application; or

(b) approve the application on such terms and conditions, if any, as it sees fit.’

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
All operators have complied with their respective licence conditions, with no complaints related to mining operations received by the City.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVES the renewal of Extractive Industries Licences to all current licensees in accordance with the City of Rockingham Extractive Industries Local Law 2000 under the conditions of the applicable licence until 30 June 2022.

Committee Recommendation
Moved Cr Whitfield, seconded Cr Hamblin:
That Council APPROVES the renewal of Extractive Industries Licences to all current licensees in accordance with the City of Rockingham Extractive Industries Local Law 2000 under the conditions of the applicable licence until 30 June 2022.

Committee Voting – 5/0

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

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

Provide Council with details of the tenders received for Tender T16/17-103 – Construction of the Mersey Point Jetty (T16/17-103), document the results of the tender assessment and make a recommendation regarding award of the tender.

Background

Tender T16/17-103 was advertised in the West Australian on Saturday, 20 May 2017. The Tender closed at 2.00pm, Wednesday, 14 June 2017 and was publicly opened immediately after the closing time.

Details

The works will be at Mersey Point, located in Shoalwater, Western Australia. The jetty structure will consist of steel piles with reinforced concrete headstocks and reinforced concrete deck panels. The structure will include a steel frame lower level landing suitable for short-term recreational boating vessel berthing.

The jetty structure is 76m long x 1.8m wide along the jetty approach section and this widens to 2m at the head section of the jetty to accommodate commercial vessel berthing operations. Handrails will be installed on both sides of the jetty between the abutment and head section.
The structure will also be elevated to allow natural coastal sand movement to continue along the beach.

The jetty will abut land based infrastructure by a connecting reinforced concrete access path and hardstand area from the Mersey Point car park to formalise safe access to and from the facility. A shade shelter for the community and tourists will also be constructed. Universal access has been included within the design of the new structure.

The type of works to be completed under the Contract shall include:

- Clearing and excavation to enable construction of the jetty.
- Piling
- Precast reinforced concrete headstocks and deck panels
- In-situ concreting including all connections
- Steelwork for low level landing, chafers, fender frame, ladder and ramp.
- Fibre- Reinforced Polymer (FRP) decking and connections.
- Bollards and fenders
- Installation of solar lighting, hand rails, lockable gate and windbreak fencing
- Supply and install concrete hardstand

The period of the contract shall be from the date of award until 30 January 2018.

Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Lump Sum Price – GST Excl</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMC Marine Pty Ltd - Alternative</td>
<td>$1,506,090.00</td>
</tr>
<tr>
<td>SMC Marine Pty Ltd</td>
<td>$1,544,200.00</td>
</tr>
<tr>
<td>Global Resource Support Pty Ltd</td>
<td>$3,674,296.52</td>
</tr>
<tr>
<td>Ertech Pty Ltd</td>
<td>$1,672,431.14</td>
</tr>
<tr>
<td>Neo Infrastructure Pty Ltd trading as Neo Infrastructure (WA)</td>
<td>$1,776,400.00</td>
</tr>
<tr>
<td>Marine &amp; Civil Pty Ltd</td>
<td>$1,260,596.00</td>
</tr>
<tr>
<td>Engineered Water Solutions Pty Ltd trading as Engineered Water Systems</td>
<td>$1,470,799.00</td>
</tr>
<tr>
<td>Total AMS Pty Ltd</td>
<td>$1,945,123.47</td>
</tr>
<tr>
<td>Maritime Constructions Pty Ltd</td>
<td>$2,564,173.00</td>
</tr>
<tr>
<td>DB Cunningham Pty Ltd trading as Advanteering Civil Engineers</td>
<td>$972,342.00</td>
</tr>
<tr>
<td>Dencona Pty Ltd</td>
<td>$2,062,626.00</td>
</tr>
<tr>
<td>Centrefield Holdings Pty Ltd trading as In-Situ Construction &amp; Maintenance</td>
<td>$1,901,897.50</td>
</tr>
</tbody>
</table>

The Acting Director Engineering and Parks Services nominated the following tender evaluation panel:

- Manager Engineering Services
- Coordinator Infrastructure and Fleet; and
- Coastal Engineering Officer.
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 35 Pts</th>
<th>Understanding of Tender Requirements 35 Pts</th>
<th>Tendered Price/s 30 Pts</th>
<th>Total Weighted Scores 100 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMC Marine Pty Ltd - Alternative</td>
<td>30</td>
<td>26</td>
<td>19.4</td>
<td>75.4</td>
<td></td>
</tr>
<tr>
<td>SMC Marine Pty Ltd</td>
<td>30</td>
<td>26</td>
<td>18.9</td>
<td>74.9</td>
<td></td>
</tr>
<tr>
<td>Ertech Pty Ltd</td>
<td>30</td>
<td>25</td>
<td>17.4</td>
<td>72.4</td>
<td></td>
</tr>
<tr>
<td>Total AMS Pty Ltd</td>
<td>26.25</td>
<td>26</td>
<td>15</td>
<td>67.25</td>
<td></td>
</tr>
<tr>
<td>Neo Infrastructure Pty Ltd trading as Neo Infrastructure (WA)</td>
<td>25</td>
<td>22</td>
<td>16.4</td>
<td>63.4</td>
<td></td>
</tr>
<tr>
<td>Marine &amp; Civil Pty Ltd</td>
<td>20</td>
<td>17.5</td>
<td>23.1</td>
<td>60.6</td>
<td></td>
</tr>
<tr>
<td>DB Cunningham Pty Ltd trading as Advantecering Civil Engineers</td>
<td>20</td>
<td>8.75</td>
<td>30</td>
<td>58.75</td>
<td></td>
</tr>
<tr>
<td>Maritime Constructions Pty Ltd</td>
<td>25</td>
<td>20</td>
<td>11.4</td>
<td>56.4</td>
<td></td>
</tr>
<tr>
<td>Centrefield Holdings Pty Ltd trading as In-Situ Construction &amp; Maintenance</td>
<td>22</td>
<td>19</td>
<td>15.3</td>
<td>56.3</td>
<td></td>
</tr>
<tr>
<td>Engineered Water Solutions Pty Ltd trading as Engineered Water Systems</td>
<td>10</td>
<td>9</td>
<td>19.8</td>
<td>38.8</td>
<td></td>
</tr>
<tr>
<td>Global Resource Support Pty Ltd</td>
<td>12</td>
<td>15</td>
<td>7.9</td>
<td>34.9</td>
<td></td>
</tr>
<tr>
<td>Dencona Pty Ltd</td>
<td>9.5</td>
<td>8.75</td>
<td>14.1</td>
<td>32.35</td>
<td></td>
</tr>
</tbody>
</table>

**Implications to Consider**

a. **Consultation with the Community**
   Consultation has taken place with the City’s Marine Infrastructure Advisory Committee (MIAC) which represents community recreational boating and fishing groups and the Cruising Yacht Club.
   In addition a Mersey Point Jetty Stakeholder Meeting was held on 27 April 2016 with representation by the MIAC, State Agencies and the commercial tourism operator, Rockingham Wild Encounters.
   This meeting was convened to consider the new jetty footprint location, jetty design criteria, design standards, results of hydrographic surveys, site specific coastal monitoring, wave modelling and geotechnical conditions.

b. **Consultation with Government Agencies**
   Consultation has been held with State Agencies including Department of Transport, Department of Parks and Wildlife, Conservation and Parks Commission and Department of Environmental Regulations.

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 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.

Strategic Objective: 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.

Aspiration B: Strong Community

Strategic Objective: Mobility and Inclusion - Community services, programs and infrastructure that effectively caters for all residents including seniors, youth and vulnerable populations.

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.

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.

Aspiration D: 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.

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

An amount of $1,947,703 has been allocated for the construction of Mersey Point Jetty in the 2017/2018 Budget.

f. Legal and Statutory


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

g. Risk

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

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

Nil

Comments

The tender evaluation process resulted in two submissions receiving scores within one point of each other.
Both submissions were from SMC Marine which submitted a conforming tender and an alternative tender for the construction of Mersey Point Jetty.

In order to ensure value for money, the tender evaluation panel undertook a review of the methodology submitted in the alternate tender, as follows

- The alternative tender proposal detailed changes to the pile protection system, installing High Density Polyethylene (HDPE) Plastic Sleeves as an alternative to the ‘Denso SeaShield Series’ Pile Wrapping as specified.
- Technical advice was sought from the jetty design engineers.
- Additional clarifications from SMC Marine was sought to confirm the durability of the proposed changes, potential impact to the current design requirements and installation techniques.

The tender assessment panel was satisfied with the advice and clarifications received.

Further, the alternative submission received from SMC Marine Pty Ltd showed that its level of service and understanding of the tender requirements was superior and therefore is considered the best value to the City and recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the alternative tender submitted from SMC Marine Pty Ltd for Tender T16/17-103 – Construction of the Mersey Point Jetty in accordance with the tender documentation for the lump sum value of $1,506,090 (excl GST).

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **ACCEPTS** the alternative tender submitted from SMC Marine Pty Ltd for Tender T16/17-103 – Construction of the Mersey Point Jetty in accordance with the tender documentation for the lump sum value of $1,506,090 (excl GST).

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Reference No & Subject: EP-011/17 Tender T16/17-58 – Standing offer for the cleaning of sand softfall areas

File No: T16/17-58

Proponent/s: Mr Kelton Hincks, Manager Asset Services

Author: Mr Digby Wilson, Contracts Officer

Other Contributors: Mr Martin Hughes, Operations Supervisor

Date of Committee Meeting: Monday 17 July 2017

Previously before Council:

Disclosure of Interest: Executive

Nature of Council’s Role in this Matter: Various

Site: Various

Lot Area: Various

LA Zoning: Various

MRS Zoning: Various

Attachments: Schedule of Rates – T16/17-58

Maps/Diagrams: Various

Purpose of Report

Provide Council with details of the tenders received for Tender T16/17-58 – Standing offer for the cleaning of sand softfall areas (T16/17-58), document the results of the tender assessment and make a recommendation regarding award of the tender.

Background

Tender T16/17-58 was advertised in the West Australian on Saturday, 22 April 2017.

The Tender closed at 2.00pm, Wednesday, 17 May 2017 and was publicly opened immediately after the closing time.

Details

The City maintains 544 playgrounds located at 186 parks across Rockingham. These are all constructed, inspected and maintained to, or above Australian Standards to reduce the risk of injury to play equipment users.

Playground injuries most frequently occur when a child falls from play equipment onto a hard surface. To reduce the likelihood and impact of accidents, fall zones are designed and constructed with soft fall material such as rubber and sand. 195 of the playgrounds installed around the City utilise sand as the soft fall treatment.
Although sand is one of the preferred materials to reduce the likelihood of injuries, it has maintenance implications to ensure it remains safe to use as its intended purpose. This includes regular 'topping up' to replenish the sand.

Unfortunately play areas can attract undesired activities which can lead to the distribution of broken glass, cigarettes and syringes which will increase the risk of injury. In addition to these hazards, tree foliage can also add some element of risk with small sharp twigs and sticks that can cause foot injuries. All sand soft fall is cleaned of these materials on a regular basis, resulting in the loss of some of the sand.

Sand soft fall areas are also impacted by wind and high usage which will cause additional loss of sand and reduce the minimum depth of cover.

The maintenance works to be undertaken under this contract will comprise of the mechanical sifting, cleaning, levelling and replenishing of sand within the City’s 195 playgrounds with sand soft fall areas.

The period of the contract shall be from the date of award for a period of 60 months.

Submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lollipop Ventures Pty Ltd The Trustee for Dennison Family Trust trading as Outdoor Maintenance Australia</td>
</tr>
<tr>
<td>Steve’s Sand Sifting for Playground Services</td>
</tr>
<tr>
<td>Intelife Group Inc.</td>
</tr>
<tr>
<td>Sifting Sands Pty Ltd The Trustee for Sandrehlyn Trust trading as Sifting Sands</td>
</tr>
</tbody>
</table>

The following tender evaluation panel was appointed in accordance with the City’s procurement framework,

- Manager Asset Services,
- Operations Supervisor and
- Contracts Officer.

The pricing schedules in the submission from Steve’s Sand Sifting for Playground Services were incomplete and were not assessed by the panel.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Understanding Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Points</td>
<td>20 Pts</td>
<td>40 Pts</td>
<td>40 Pts</td>
<td>100 Pts</td>
</tr>
<tr>
<td>Intelife Group Inc.</td>
<td>17.17</td>
<td>34.00</td>
<td>40.00</td>
<td>91.17</td>
</tr>
<tr>
<td>Sifting Sands Pty Ltd</td>
<td>15.75</td>
<td>35.33</td>
<td>37.84</td>
<td>88.92</td>
</tr>
<tr>
<td>Outdoor Maintenance Australia</td>
<td>12.17</td>
<td>21.67</td>
<td>35.41</td>
<td>69.25</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 Index - All Groups for Perth Western Australia (CPI) for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

**Implications to Consider**

- **Consultation with the Community**
  - Not Applicable

- **Consultation with Government Agencies**
  - Not Applicable
c. **Strategic**

**Community Plan**

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

- **Aspiration A:** Tourism Lifestyle

  **Strategic Objective:** Safety, Appearance and Cleanliness - Attractive, appealing and welcoming foreshores, beaches and public spaces that are clean, safe and litter free.

- **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 operations maintenance budgets. The average annual expenditure on this service is $150,000.

f. **Legal and Statutory**


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

g. **Risk**

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

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

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

Nil

**Comments**

The tender submission received from Intelife Group Inc. communicated a strong ability to deliver the service required under this contract.

Given the importance of safety and amenity of all playground users, the Evaluation Panel deemed it necessary to further examine the performance of Intelife Group Inc. through a reference check with existing Local Government customers. As a result of the assessment process, the submission received from Intelife Group Inc. 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 Intelife Group Inc. for Tender T16/17-58 – Standing offer for the cleaning of sand softfall areas in accordance with the tender documentation for the contract period being for 60 months from the date of award.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:

That Council ACCEPTS the tender submitted from Intelife Group Inc. for Tender T16/17-58 – Standing offer for the cleaning of sand softfall areas in accordance with the tender documentation for the contract period being for 60 months from the 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
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Addendum Agenda</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Motions of which Previous Notice has been given</td>
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<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Notices of Motion for Consideration at the Following Meeting</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Matters Behind Closed Doors</td>
</tr>
<tr>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on Monday 14 August 2017 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td></td>
<td>Closure</td>
</tr>
<tr>
<td></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:45pm.</td>
</tr>
</tbody>
</table>