MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 20 May 2019 at 4:00pm
City of Rockingham Boardroom
City of Rockingham  
Planning and Engineering Services Committee  
Meeting Minutes  
Monday 20 May 2019

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

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

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

   **2.1 Councillors**
   - Cr Chris Elliott  
   - Cr Barry Sammels (Mayor)  
   - Cr Deb Hamblin (Deputy Mayor)  
   - Cr Katherine Summers  
   - Cr Mark Jones  
   - Cr Andy Burns (Observer)  
   - Cr Joy Stewart (Observer - arrived at 4:05pm)

   **2.2 Executive**
   - Mr Michael Parker  
   - Mr Bob Jeans  
   - Mr Peter Doherty  
   - Mr Sam Assaad  
   - Mr Peter Ricci  
   - Mr Brett Ashby  
   - Mr Tristan Fernandes  
   - Mr James Henson  
   - Mr Mike Ross  
   - Mr Rod Fielding  
   - Mr David Caporn  
   - Mr Ian Daniels  
   - Mr Om Gupta  
   - Mr Tony Bailey  
   - Mr Adam Johnston  
   - Mr Peter Varris  
   - Mr Peter Le  
   - Mr Tom Kettle  
   - Ms Melinda Wellburn  
   - Mrs Andrea Holman  

   **2.3 Members of the Gallery:**  
   - 5

   **2.4 Apologies:**  
   - Nil

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

| 3.1 | Mr Terry Power, Singleton - Bight Reefs Reserve Toilet |

At the Planning and Engineering Services Committee meeting held on 15 April 2019, Mr Power asked the following questions that were taken on notice and the Director Engineering and Parks provided a response in a letter dated 18 April 2019, as follows:

**Question**
1. What is the true cost to install and the ongoing maintenance of the toilet block?

**Response**

The installation of these types of facilities varies dependent on site conditions and the construction market at the time of tendering. Similar toilets installed in recent years were installed for around $150,000 excluding site costs.

The total maintenance and operating cost (supplies, services and cleaning) of these types of facilities is budgeted at $23,000 per annum.

**Question**
2. Were all Councillors aware and supportive of the project in 2016/17?

**Response** (provided at meeting)

The Chairperson advised that Council resolved in 2010 to erect a temporary toilet on Laurie Stanford Reserve and then transferred to another reserve in the future or sold when no longer required. In 2016 a local sporting club requested that the temporary toilet be retained and an additional toilet facility be erected on Bight Reefs Reserve. Council resolved to implement this project in 2017/18 (report CD-024/16).

**Question**
3. Has the toilet strategy and plan been produced?

**Response** (provided at meeting)

At the meeting, the Chairperson advised there is a strategy and timetable for the construction of toilet facilities at various reserves.

The City has developed a Specific Purpose Strategy: New Public Toilets (adopted at the ordinary meeting of Council, February 2012). In general, the Strategy prioritises the location of toilet facilities where there are activity generators such as barbecues, play equipment, tables, gazebos, etc.

The City's 10 Year Business Plan contains a list of all new public toilets. Requests for new public toilets are reviewed on a case by case basis using the information in the current Specific Purpose Strategy: New Public Toilets.

**Question**
4. Are you aware that there used to be a bus stop on the reserve which was frequently vandalised, smashed bottles, drug deals, anti-social behaviour which stopped once the bus stop was removed?

**Response** (provided at meeting)

The Chairperson advised that the issue of the bus stop on the reserve was raised at a meeting of the Singleton Residents Association when the matter of toilet facilities was being dealt with. It was identified that the reserve was popular and significantly used by mothers of young children, however, there was a lack of toilet facilities. A request was made to the City to construct toilets there and the City agreed to this request. This also resulted in the removal of the bus stop.

**Question**
4. Bight Reefs Reserve is a small reserve where there is no parking available and very secluded, why is a toilet needed? There are three toilets in the vicinity which are very accessible and easy to use.
Response (provided at meeting)
The Chairperson advised that the construction of toilet facilities is often controversial. People don’t want toilets built where they live. People who live near a reserve are written to and asked to put in a submission, that way the Council has an idea of public opinion. When this proposal was advertised, the majority of the submissions were in favour.

Question
5. Are those letters available to the public?

Response
No. The details and outcome of the community consultation was as follows:
The public consultation consisted of a hard copy survey mailed to 180 property owners within the surrounding area and a notification advertised in the Weekend Courier and Sound Telegraph. There was 31 hard copy forms returned and 11 written responses from the advertisements. Of these, 61% supported the proposed facility and 39% objected.
The outcome of the consultation in the area adjacent to the reserve are shown on the following plan.

Question
6. Is it still too late to over-turn this decision?

Response (provided at meeting)
The Chairperson advised that there is provision for a Rescission Motion to be presented to Council and that it is dependent on whether the majority of the Council feels that it should occur.

4. Public Question Time

4:01pm The Chairperson invited members of the Public Gallery to ask questions.

4.1 Mr James Mumme, Shoalwater - EP-013/19 - Draft Policy Verge Development

The Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. Mr Mumme asked the following questions:
(Preamble to questions) I congratulate the Officers on deciding to rule against artificial turf in the long term and to fairly allow residents time until replacement is required.

I refer to the recent decision by this Council and many others to limit the use of plastic in commerce. I affirm the mention of streetscapes to "create links to the environment and support biodiversity, to retain storm water, recharge groundwater and reduce heat."

1. Do any of the reserves or public areas in Rockingham have artificial turf?

The Chairperson advised there are ovals around the City that have cricket pitches with artificial turf on them, also a world class hockey pitch at the Lark Hill Sporting Complex and numerous bowling greens. In each of these cases the artificial turf is in place specifically for the need for safe, flat surfaces for players.

4:05pm Cr Joy Stewart joined the meeting.

2. Does Council know that testing of road and verge materials has shown that the temperature of artificial turf in strong sunlight in February in the City of Bayswater was 20 degrees C higher than even black asphalt and 40 degrees higher than real green grass? If not, will you please confirm these results by contacting the academic team at RMIT?


The Chairperson advised that a briefing was provided to all Councillors in 2018 with respect to artificial turf and temperature differences was a subject of that briefing.

3. I do note that the Officers rank Environment and Biodiversity as priority 3 well after amenity and accessibility, suggesting that the community has not yet appreciated how dependent we are on our environment for clean air, water and food. I fully accept that safety and health are priority 1 but Amenity? What will it take for Council's thinking to make environment priority 1?

The Chairperson advised that to exclude consideration of environment in Priority 1 is a misunderstanding. If you look at page 179 of the Agenda where the 19 benchmarks for the assessment of the different verge treatments is listed, those benchmarks include the heat island effect, the availability of water saving options, the use of herbicides and insecticides and soil conditions. I would think that it is not fair to say that the consideration of these road verges as environmental is a third priority.

Mr Sam Assaad, Director Engineering and Parks Services advised that many of the individual benefits assessed within the review could be categorised in more than one of the priority areas. An example is the benefit relating to street trees, which is also an environmental benefit.

In this case the direct and immediate benefit of street trees, which have amenity, health and safety impacts, mean that this is captured under priority one, not priority three. As was stated by the Chairperson, this is also the case for a number of environmental aspects as they also have a direct impact on amenity, health and safety. Therefore it is not a case that the environment is a low priority, but that there are only a few environmental and biodiversity impacts that do not also have a role in the other priorities.

4.2 Mr Sunny Millar, Safety Bay - EP-013/19 - Draft Policy Verge Development

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

Mr Millar referred to an artificial turf product in a local mega hardware store as being labelled 'natural artificial', which can confuse some customers on the nature of the 'man-made weed'.
1. Is there a way Council can preclude installation of this natural artificial turf?

*The Chairperson advised that the question would be taken on notice.*

2. Will the City communicate its waste separation requirements, this proposed verge development policy and transitional period widely to both home owners and home occupiers, as they are not necessarily the same person?

*The Chairperson advised that the question would be taken on notice.*

4:11pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Hamblin:

That Committee **CONFIRMS** the Minutes of the Planning and Engineering Services Committee Meeting held on 15 April 2019, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:11pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8. Declarations of Members and Officers Interests

4:12pm City Officers declared the following Declarations of Interest:

<table>
<thead>
<tr>
<th>Item PD-031/19</th>
<th>Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans</th>
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<tbody>
<tr>
<td>Officer:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Type of Interest:</td>
<td>Financial</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Owner of property within the Scheme Amendment area (rezoning)</td>
</tr>
<tr>
<td>Extent of Interest:</td>
<td>Consequence of the proposal could affect the value of his property</td>
</tr>
</tbody>
</table>

8.2 Item PD-031/19 | Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans |
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<tbody>
<tr>
<td>Officer:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Type of Interest:</td>
<td>Financial</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Part owner of property within the Scheme Amendment area (rezoning)</td>
</tr>
<tr>
<td>Extent of Interest:</td>
<td>Consequence of the proposal could affect the value of his property</td>
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8.3 Item PD-031/19 | Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans |
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<tr>
<td>Officer:</td>
<td>Mr Neels Pretorius, Statutory Planning Officer</td>
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<tr>
<td>Type of Interest:</td>
<td>Financial</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Wife owns a property included in the Scheme Amendment area (re zoning)</td>
</tr>
<tr>
<td>Extent of Interest:</td>
<td>Consequence of the proposal could affect the value of his property</td>
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The Chairperson asked if there were any further declarations to make. The following declarations were made:

**8.4 Item PD-031/19** Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans

<table>
<thead>
<tr>
<th>Officer:</th>
<th>Mr Michael Parker, Chief Executive Officer</th>
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<tr>
<td>Type of Interest:</td>
<td>Financial</td>
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<tr>
<td>Nature of Interest:</td>
<td>Owner of property included in the Scheme Amendment area (re zoning)</td>
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<tr>
<td>Extent of Interest:</td>
<td>Consequence of the proposal could affect the value of his property</td>
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**8.5 Item PD-031/19** Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans

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<th>Cr Barry Sammels, Mayor</th>
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<tr>
<td>Type of Interest:</td>
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<tr>
<td>Nature of Interest:</td>
<td>Owner of property included in the Scheme Amendment area (re zoning)</td>
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<tr>
<td>Extent of Interest:</td>
<td>Consequence of the proposal could affect the value of his property</td>
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**8.6 Item EP-012/19** Tender T18/19-17 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis West

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<th>Councillor:</th>
<th>Cr Barry Sammels, Mayor</th>
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<tr>
<td>Type of Interest:</td>
<td>Impartiality</td>
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<tr>
<td>Nature of Interest:</td>
<td>His nephew works for L D Total</td>
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<td>Extent of Interest:</td>
<td>It could affect his employment</td>
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**8.7 Item EP-013/19** Draft Policy Verge Development

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<tr>
<th>Councillor:</th>
<th>Cr Barry Sammels, Mayor</th>
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<tr>
<td>Type of Interest:</td>
<td>Financial</td>
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<tr>
<td>Nature of Interest:</td>
<td>His verge has had a compliant about being non-compliant and he is awaiting the outcome</td>
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<tr>
<td>Extent of Interest:</td>
<td>The outcome of the Policy could affect the decision on his verge treatment</td>
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### 9. Petitions/Deputations/Presentations/Submissions

#### 9.1 Deputation

**4:13pm** The Chairperson invited Mr Joel Gajic to make his deputation.

Mr Gajic, Aurecon acting for Telecom Australia Pty Ltd referred the Committee to montage images of the proposal during his deputation. He explained how Telstra identified the need for the facility due to growth associated with the expansion of Madora Bay and Singleton.

The site selected satisfies the mobile coverage requirements of Telstra. He also referred to Vodafone and Optus as seeking mobile coverage improvements, which could lead to possible co-location.

Mr Gajic referred to the proposed monopole structure, which includes internal cables and a headframe. He also discussed the visual screening of the proposal and its compliance with the City’s guidelines.

Mr Gajic sought the Committee’s support for the proposal with the deletion of Condition 2.

**4:22pm** The Chairperson thanked Mr Gajic for his deputation and advised the matter is to be considered by the Committee as an item on the Agenda.

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

Nil

### 11. Bulletin Items

**Planning and Development Services Information Bulletin - May 2019**

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
   3.5 Food Sampling
4. Information Items
   4.1 Food Recalls
   4.2 Food Premises Inspections
   4.3 Public Building Inspections
   4.4 Outdoor Event Approvals
   4.5 Permit Approvals
   4.6 Complaint - Information
   4.7 Noise Complaints – Detailed Information
   4.8 Health Approvals
   4.9 Septic Tank Applications
   4.10 Demolitions
   4.11 Swimming Pool and Drinking Water Samples
   4.12 Rabbit Processing
   4.13 Hairdressing and Skin Penetration Premises

**Building Services**

1. Building Services Team Overview
2. Human Resource Update
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<td>4.1 Monthly Building Permit Approvals - (All Building Types)</td>
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<td>4.2 Other Permits</td>
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<td>4.3 Monthly Caravan Park Site Approvals</td>
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**Compliance and Emergency Liaison**
1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Refurbishment of the New Compliance Headquarters
4. Information Items
   4.1 BEN Signage
   4.2 Ranger Services Action Reports
   4.3 Building Compliance
   4.4 Emergency Management and Fire Prevention
   4.5 SES Activity
   4.6 CRM - April 2019
   4.7 Restricted Burning Period
   4.8 SmartWatch Key Result Areas

**Strategic Planning and Environment**
1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Tamworth Hill Swamp Management Plan
   3.3 Lake Richmond Management Plan Review - Stage 2
   3.4 Coastal Hazard Risk Management and Adaption Plan – Stage 2
   3.5 Bushland Management Plan
4. Information Items
   4.1 City Endorsed as a Gold Waterwise Council
   4.2 Native Plants Giveaway 2019
   4.3 Proposed Amendment to Metropolitan Region Scheme – Rezoning from 'Rural' to 'Urban' – Jade Court and Penson Street, Singleton

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

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Heritage Strategy
   3.2 Pedestrian Access Way Strategy Review
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused

### Planning and Development Directorate

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector - Masterplan, Development Policy Plan and Proposed Amendment No’s 161 and 162 to Town Planning Scheme No.2
   3.3 Leeuwin Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.4 Northern Gateway Sector - Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Improvements to City Square and Civic Plaza (LUP/1933)
   3.6 Design Review Panel (LUP/2094)
   3.7 Safety Bay/Shoalwater Foreshore Revitalisation Master Plan
4. Information Items

### Advisory Committee Minutes

### Committee Recommendation

Moved Cr Sammels, seconded Cr Jones:

That Councillors acknowledge having read the Planning Services Information Bulletin – May 2019 and the content be accepted.

Committee Voting – 5/0

### Engineering and Parks Services Information Bulletin – May 2019

### Engineering and Parks Services Directorate

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

### Infrastructure Project Delivery
1. Infrastructure Project Delivery Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Beach Foreshore Revitalisation Stage One
4. Information Items
   4.1 Aqua Jetty Monolith Sign, Warnbro
   4.2 Asbestos Removal at City Depot SES Building, Rockingham
   4.3 Autumn Centre Refurbishment Works, Rockingham
   4.4 Baldivis Recreation Centre Refurbishment Works, Baldivis
   4.5 Baldivis Road Footpath (Mennock Approach to Kookynie Loop), Baldivis
   4.6 Bert England Lodge Floor Finish Replacement Works, Cooloongup
   4.7 City Park Play Equipment Replacement, Rockingham
   4.8 Council Depot and Operations Centre Security Electric Fence, Rockingham
   4.9 Crinia Drive Footpath Links (Coolabah Way to Claret Ash Boulevard), Baldivis
   4.10 Depot Nursery Bush Maintenance Shed Replacement, Rockingham
   4.11 Fantasy Park Light Emitting Diode (LED) Lighting Renewal, Waikiki
   4.12 Gidgi Way Reserve Play Equipment Replacement, Cooloongup
   4.13 Hymus Street and Esplanade Footpath, Rockingham
   4.14 Kingaroy Reserve Play Equipment and Surrounds, Baldivis
   4.15 Lagoon Reserve Landscape Upgrade, Secret Harbour
   4.16 Larkhill Sporting Complex Play Equipment Replacement, Secret Harbour
   4.17 Lewington Reserve Play Equipment Replacement, Rockingham
   4.18 Lighting Replacements
   4.19 Longbeach Rise Public Open Space, Port Kennedy
   4.20 Mersey Point Carpark Lighting Replacement, Shoalwater
   4.21 Mike Barnett Sport Complex Replacement of Backboards, Rockingham
   4.22 Old Abattoir Roof Replacement Works, Hillman
   4.23 Park Bench Replacement Programme
   4.24 Playground Replacement Programme
   4.25 Read Street, Warnbro Sound Avenue and Safety Bay Road, Waikiki
   4.26 Rockingham Tennis Club Extension Works, Rockingham
   4.27 Safety Bay Road Pedestrian Islands, Safety Bay
   4.28 Secret Harbour Surf Life Saving Club
   4.29 Surf Drive Reserve Play Equipment and Seating, Secret Harbour
   4.30 The Ridge Estate Pond Retaining Wall, Baldivis
   4.31 Townsend Reserve Gazebo, Rockingham
## Parks Services

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Delegated Public Open Space Handovers
   - 4.2 Greening Plan
   - 4.3 Vandalism – Baldivis Children's Forrest
   - 4.4 Larkhill Sporting Complex – turf cricket wicket resurfacing
   - 4.5 Irrigation Reinstatement – The Esplanade Foreshore
   - 4.6 Lark Hill – Turf Field Day
   - 4.7 Coast Care Community Planting Event, Port Kennedy
   - 4.8 Beach access pathway, Singleton Beach Foreshore
   - 4.9 Feral Animal Control Program
   - 4.10 Warnbro Sound foreshore lagoon water quality monitoring
   - 4.11 Bush Fire Mitigations works

## Engineering Services

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Rockingham Future Traffic Modelling
4. Information Items
   - 4.1 Delegated Authority for Temporary Thoroughfare Closure
   - 4.2 Delegated Authority for approval of Directional Signage
   - 4.3 Delegated Authority for approval of Heavy Haulage
   - 4.4 Authorised Traffic Management Plans for Works on City Controlled Roads
   - 4.5 Civil Works Program 2018/2019
   - 4.6 Civil Maintenance Program 2018/2019
   - 4.7 Road Rehabilitation Program Main Roads Grant 2018/2019
   - 4.8 Road Renewal Program Municipal Works 2018/2019
   - 4.9 Drainage Renewal Program Municipal Works 2018/2019
   - 4.10 Footpath Renewal Program Municipal Works 2018/2019
   - 4.11 Litter and Street Sweeping Program 2018/2019
   - 4.12 Graffiti Program 2018/2019
   - 4.13 Delegated Authority for the payment of crossover subsidies
   - 4.14 Third Party Works within the City
   - 4.15 Asset Inspections
   - 4.16 Verge Treatment Applications
   - 4.17 Verge Issues
   - 4.18 Coastal Infrastructure
   - 4.19 Coastal Management

## Advisory Committee Minutes

### Committee Recommendation

Moved Cr Sammels, seconded Cr Jones:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin - May 2019 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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-028/19</th>
<th>Council Policy - Single Use Plastics and Balloons</th>
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<td>File No:</td>
<td>EVM/185-02</td>
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<td>Owner:</td>
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<tr>
<td>Author:</td>
<td>Ms Emma Saikovski, Sustainability Officer</td>
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<tr>
<td>Other Contributors:</td>
<td>Ms Natalie Elliott, Coordinator Sustainability and Environment</td>
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<td></td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2019</td>
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<tr>
<td>Previously before Council:</td>
<td>26 February 2019 (PD-006/19)</td>
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<td>Attachments:</td>
<td>1. Schedule of Submissions</td>
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<td>2. Proposed Turn the Tide on Plastic Guideline</td>
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<td>Maps/Diagrams:</td>
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Purpose of Report

To consider adoption of the Single Use Plastics and Balloons Council Policy, following community consultation.

Background

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

‘SUPPORT the preparation of a Policy on Single Use Plastics and Balloons.’
As a result, the City prepared a draft Single Use Plastics and Balloons Policy (the Policy) to provide controls that minimise the adverse impacts of single use plastic and balloons on the environment. The draft Policy was supported by a new ‘Turn the Tide on Plastic’ Guideline (the Guideline) which provides detailed information to assist in making the switch away from single use plastics, while also educating businesses and individuals wishing to reduce their plastic impact.

Following preparation of the Policy and Guideline, at its Ordinary meeting on 26 February 2019, Council resolved to:

"APPROVE the draft Single Use Plastic and Balloons Policy, along with the supporting ‘Turn Tide on Plastic’ Guideline, for the purpose of public advertising."

Details

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

Compliance with the Policy will be required as a condition of approval for all new trading permits, however, an initial transition period of 12 months will be applied to allow traders time to adjust. If adopted, all operators who currently hold a permit to trade in the City will be notified and issued with an explanatory Policy information sheet.

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

The Guideline, which outlines the details articulated in the Policy, is not attached for Council adoption but was distributed as part of the community consultation to better inform the intent.

The advertising period for the Single Use Plastics and Balloons Council Policy has now concluded, the details of which form the basis of the this report.

Implications to Consider

a. Consultation with the Community

Advertising Methodology

The draft Policy was advertised for a period 49 days, commencing on 27 February 2019 and concluding on 17 April 2019. Public advertising was carried out in the following manner:

- A copy of the draft Policy (and supporting Guideline) was made available on the City's website for the advertising period;
- A notice was published in the Sound Telegraph newspaper on Wednesday 27 February 2019 and Wednesday 27 March 2019;
- All traders and event organisers who have been issued a permit by the City in the last 12 months were notified via email or post and invited to comment;
- An invitation to comment was distributed via Rockport on two occasions;
- An advertisement was posted on the City's Facebook page on Thursday 28 February 2019 and Thursday 21 March 2019; and
- An advertisement was posted on the City's Instagram page on Tuesday 2 April 2019.

Public Submissions

At the conclusion of the public advertising period, the City had received 94 submissions. A full copy of the submissions received during the advertising period is set out in the Schedule of Submissions attached to this report.

The content of these submissions is summarised and addressed in the table below. Submissions have been divided into four categories;

- Support (68)
- Support, with calls for further action (16)
- Support intent, with some reservations or queries (6)
All submissions will be individually responded to and queries addressed, following the Council decision.

**Support (68 submissions)**

**Summary of key themes:**

(i) Support without any objection.

(ii) Wish to see prompt application of the Policy.

(iii) Acknowledgement of the need for protection of marine life and the environment, which is integral to local way of life.

(iv) Generally, there is a very clear understanding of the negative environmental impacts from the use of single use plastic and the impact this is having on wildlife.

(v) There is no reason to not implement the Policy, there are plenty of viable alternatives available.

(vi) Many traders already practicing compliant behaviour, as it is required by some other local government areas and is fast becoming standard practice.

(vii) Support for educational guideline, Turn the Tide on Plastic.

(viii) Wish to see helium balloons and all balloons banned completely.

(ix) Some feedback received presumed that this Policy will ban single use plastics and balloons entirely from the City and as such was especially enthusiastic about the proposal.

(x) Query on whether the City will adopt an advocacy role with the State Government on the Container Deposit Scheme, specific queries and comments relating to the implementation of the Policy.

**City’s comment:**
The submissions are noted.

**Support, with calls for further action (16 submissions)**

**Summary of key themes:**

(i) Complete ban of balloons of all kinds (helium, latex, foil, water balloons, etc), not just at City events and the release of any balloon prohibited.

(ii) Advocate to the State government for an amendment to the Litter Act, to make releasing balloons an offense.

(iii) Wish to see broader application of Policy across City to include takeaway outlets etc. more can be done.

(iv) Will request similar action from other local government areas.

(v) Wish to see it adopted at a State wide level.

(vi) Acknowledging the deleterious environmental impact and the need for broader action, many wish to see single use plastics regulated at a federal level.

(vii) More public education on environmental impacts of plastic pollution, balloons, glitter, confetti and other wasteful items commonly used in public places.

(viii) Ban smoking on beaches, cigarette butts the most common litter collected in public outdoor spaces.

(ix) Plastic microbeads in personal care products should be banned.

**City’s comment:**
The submissions are noted.

The majority of feedback from the community is supportive of the banning of balloons, acknowledging that they are unnecessary, can be easily avoided, and can be harmful to wildlife. Public awareness on this issue is growing rapidly and support for the restriction of this particular item was strongly supported. Many still wish to see continued public education campaigns and the promotion of alternatives to balloons.
### Support, with calls for further action (16 submissions) (cont...)

Advice was sought during the preparation of the draft Policy on the practicalities of applying the Policy to City leases as well as the creation of a local law. As a result of that advice, it was determined that it was impractical to apply the Policy to City Leases and hence not recommended. It was also determined that the successful implementation of a new local law to restrict the use of single use plastic was attended by significant doubt.

The City has previously advocated to WALGA on the issue of single use plastic bags, which contributed to the eventual state-wide ban. It is recommended that the City maintain a strong advocacy role to the State Government on the matter of waste minimisation, acknowledging that a state wide ban on particular single use items is needed.

### Support intent, with some reservations or queries (6 submissions)

**Summary of submissions:**

(i) Owner of a balloon party business, stating that the impact of balloons in the marine environment is understudied and not as bad as it is claimed to be. Acknowledges that there are dangers associated with balloon releases, relating to balloon ribbons and clips.

(ii) Three submissions from members of PEBA (Pro Environmental Balloon Alliance). All submissions support a ban on the release of balloons, however, note that balloons are made from latex and should therefore not be included in a policy regarding plastic. Concerns were raised about the ability to continue use of all balloons at parties and events in the City. All submissions suggest community education on proper disposal of balloon materials, as a means to mitigate litter *(Submissions 61, 74, 76).*

(iii) Submitter supports the ban of foil balloons and balloons with plastic ribbons in an outdoor environment. Suggests a limit on balloon releases to be 100 at a time, without ribbons. Suggests a ban on plastics and foil balloons from public areas *(Submission 7).*

(iv) Submitter suggests a gradual introduction to a single use plastic ban should be applied. The submitter states that they support the proposal, although are concerned about the undertaking for business operators. The submitter therefore mentions a number of introduction strategies and promotions to encourage better environmental behaviour and an incremental approach to a ban on plastics.

(v) The submitter would also like to know the alternatives for water supply without plastic bottles and queries whether the City will provide more free water stations *(Submission 33).*

(vi) Submitter agrees with the banning of non-essential items such as balloons, however, disagrees with a ban on single use items such as bottled water, fast food packaging and plastic wrapping. The submitter mentions that these items are required for proper hygiene and health and safety practice. Suggests that a way to tackle pollution could be with proper waste management, i.e. better recycling systems or a waste to energy system *(Submission 47).*

**City’s comment:**

(i) & (ii) There is extensive and reliable research into the impacts of balloon litter in the marine environment. A background paper was prepared for WALGA, by the Municipal Waste Advisory Council in 2015, which cited numerous studies confirming the detrimental impact of balloon materials in the local Western Australian marine environment. This included research conducted by CSIRO. The paper recommended that WA Local Governments work towards reducing the amount of balloon litter in the environment.

Restricting the use of items, such as helium balloons, which frequently become litter is considered an appropriate measure to minimise the risk to wildlife. Considering the environmental impact, imposing an ‘acceptable limit’ on balloon releases is not supported. Enforcement of this would also be problematic.
Support intent, with some reservations or queries (6 submissions) (cont…)

(iii) The draft Policy only restricts the use of helium balloons, alongside the organised release of any balloons. Under the proposed Policy, traders will still be able to use balloons for the purpose of entertainment and decoration, as long as they are not filled. Helium balloons have a much higher potential to become unintentional litter, compared to other non-helium balloons. Further, the Policy title and definitions delineate balloons from single use plastics, noting that some balloons are made from latex. Regardless of their material, all balloons can be detrimental to wildlife once they enter the environment and will take years to break down, at best.

(iv) It is considered that the banning of single use plastics, as proposed by the Policy, will have minimal impact on the operation of businesses, with compostable alternatives readily available at minimal additional cost. An initial transition period of 12 months will be applied to allow traders time to adjust.

(v) Bottled water will only be restricted at City functions, where the provision of adequate drinking water can be managed internally at the City’s discretion. Acknowledging the complexities in restricting the sale of bottled water at all events, the City will endeavour to assist event organisers in providing additional drinking water facilities and promote their use on a voluntary basis.

If adopted, it is intended that traders will be given a 12 month transition period, to allow sufficient time to adjust. Further incentives and educational strategies will be considered.

(vi) Suitable alternatives to single use plastics as required by the Policy must be a) compostable, b) available and c) fit for purpose. The Policy exempts certain single use items where they are required for other purposes. Health and safety requirements will not be compromised and the alternatives proposed are already widely used across the food service industry. It is noted that fast food outlets and permanent food outlets are not subject to compliance with the Policy.

Other (4)

Submission summary:

(i) Query about cost of compostable alternatives and application of the Policy to school canteens (Submission 4).

(ii) Specific queries from a local event organiser about the necessity and application of the Policy and how the Policy will be enforced (Submission 42).

(iii) Submissioner comments that he uses and recommends a specific brand of non-plastic bin liners, and suggests enquiring about ordering commercial quantities (Submission 73).

(iv) Submissioner comments that the policy is hypocritical as the City has endorsed an incinerator that dumps toxic waste on the community. Submission relates to the Waste to Energy facility. (Submission 84).

City’s comment:

All queries will be addressed and responded to individually.

(i) The proposed Policy, if adopted, will apply to City operations, and permits issued under the Local Government Property and Activities on Thoroughfares Local Law. It will not apply to school canteens, however, voluntary adoption will be encouraged. The cost of compostable alternatives is a few cents extra per serve, on average.

(ii) Plastic reduction policies are fast becoming standard practice across different levels of government all over the world, as the detrimental impact of the uninhibited use of disposable plastic is widely recognised. The Policy will be enforced by officers as part of routine compliance for event approval and permit conditions.

(iii) Submission noted.
Other (4) (cont…)

(iv) The Waste to Energy facility was subject to a rigorous public environmental review process by the Environmental Protection Authority, with all proposed emissions within acceptable limits. Emissions will be monitored through operation of the facility by the Department of Water and Environmental Regulation.

b. Consultation with Government Agencies
Nil

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

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

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

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

d. Policy
Nil

e. Financial
If endorsed, all traders and event organisers will be notified via email or letter. The costs associated with implementing the proposed Policy will be met through existing operational budgets.

f. Legal and Statutory
Nil

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

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

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

Comments
When considering the significant environmental, social and economic values associated with the City’s coastline, together with acknowledging the impact of single use plastics on marine wildlife, it is important that the City demonstrate leadership on this issue in response to community concerns.
This was reflected through the public consultation period, with 90% of the submissions supporting the Policy. Of the remainder, 6% generally supported the intent of the Policy but had specific queries or concerns and 4% had queries but did not express their support or otherwise.

In response to the 19% of submissions that called for further application of the Policy or more widespread action on single use plastics and balloons, the City will liaise with local businesses and lessors to whom the Policy does not apply to encourage the switch away from single use plastics on a voluntary opt-in basis.

No concerns were raised during the comment period that warrant amendments to the proposed Policy. The effects of plastic on marine wildlife are well documented and the implementation of this Policy is an important part of the City’s ongoing commitment to best practice environmental management.

Acknowledging that further restrictions on single use plastic and balloon releases is best achieved at a State level, it is recommended that Council support any further action by the State Government, in addition to adoption of the draft Policy.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **SUPPORTS** a state wide ban on single use plastic serving materials and an amendment to the Litter Act 1979 to define balloon releases as littering.

2. **ADOPTS** the draft Single Use Plastics and Balloons Council Policy, as follows:

   **Single Use Plastics and Balloons Policy**

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

   **Council Policy Scope**

   This Policy applies to:
   - All City operations;
   - Traders operating with a permit issued by the City; and
   - Events held in thoroughfares, public places and on local government property where approval is required from the City.

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

   **Council Policy Statement**

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

   **Restrictions**

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

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

(d) Bottled water is not to be provided at City functions where potable drinking water facilities are available.

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

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

**Suitable alternatives**

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

(a) Compostable;

(b) Available; and

(c) Fit for purpose.

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

**Exemptions**

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

**Definitions**

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

*Plastic* means synthetic materials manufactured from fossil fuels such as oil and petrochemicals. Can be either soft, flexible or rigid.

*Polystyrene* means synthetic resin which is a polymer of styrene, used chiefly as lightweight rigid foams and films.

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

*Single use plastic bag* means any plastic bag with handles made wholly or partially of plastic provided to a customer for the purpose of carrying goods. Usually less than 35 micrometres (microns) in thickness.

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

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

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


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

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

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

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

Legislation

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

Responsible Division
Strategic Planning and Environment

Review Date
May 2021

Committee Recommendation

Moved Cr Summers, seconded Cr Hamblin:

That Council:

1. SUPPORTS a state wide ban on single use plastic serving materials and an amendment to the Litter Act 1979 to define balloon releases as littering.

2. ADOPTS the draft Single Use Plastics and Balloons Council Policy, as follows:

Single Use Plastics and Balloons Policy

Council Policy Objective

• To provide controls that minimise potential adverse impacts of single use plastic and balloons on the community and the environment.

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

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

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

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

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

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

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

Legislation

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

Responsible Division
Strategic Planning and Environment

Review Date
May 2021

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<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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<th>Implications of the Changes to the Officer’s Recommendation</th>
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<td>Not Applicable</td>
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To seek Council approval to advertise the draft Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for public comment.

State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) requires that all local governments prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). The purpose of the CHRMAP is to outline key directions for coastal adaptation in response to a predicted sea level rise of 0.9m over the next 100 years and prioritise management works over the next 10 years. Importantly, the CHRMAP will also inform preparation of the City’s Local Planning Strategy and new Town Planning Scheme.

Community consultation for the City’s CHRMAP began in August 2017, with a Community Coastal Values Survey to better understand how our community uses and values the coast. This survey was mailed to 5,000 households at random and was advertised online through the City’s website and social media. A total of 1,040 survey responses were received, providing a valuable dataset to inform the City’s assessment of potential coastal hazard impacts on key community values.
Furthermore, 743 community members requested their names be placed on a stakeholder register to be notified of future events relating to the CHRMAP project.

The survey data was used by Cardno Pty Ltd when engaged by the City to provide technical input for CHRMAP Parts 1 and 2, including coastal hazard modelling, mapping, a risk assessment and evaluation of potential adaptation options.

Results from the technical assessment were presented at a Councillor Engagement Session in July 2018. Following Councillor Engagement, a public drop-in information session and a community adaptation workshop were held in August 2018. The 2 hour workshop was centred around a presentation on potential coastal hazards, adaptation options and costs. In the context of this information, 30 residents participated in a number of activities and engaged in valuable discussion about:

- How they use and value the City’s coastal areas;
- Which areas they would prioritise for protection vs managed retreat;
- Who should pay to manage coastal hazards; and
- Whether it is reasonable to start putting money aside now for future adaptation.

Details

Taking into account feedback received through the abovementioned processes, a draft CHRMAP has now been prepared for the purposes of advertising for public comment.

The key aspects of the draft CHRMAP are to:

1. Map the erosion and inundation hazard areas
   Erosion and inundation hazard areas were modelled and mapped as per the parameters outlined in SPP 2.6, which stipulates allowances for storm events, historic shoreline movements and future sea level rise. These hazards were mapped according to projected sea level rise in 2017, 2030, 2070 and 2110.

2. Identify the risks to natural and built assets
   Following the identification of hazard areas, a risk rating was assigned to all potentially impacted natural and built assets based on an assessment of likelihood, consequence and vulnerability across over a 100 year planning timeframe.

3. Explain the management options under SPP 2.6 and highlight key considerations
   SPP 2.6 provides a hierarchy of adaptation options, being Avoid, Retreat, Accommodate and Protect. The CHRMAP describes these options in detail and presents the pros and cons of each.

4. Identify short term actions (to 2030), together with an implementation plan
   Aside from additional management works at existing erosion hotspots (Mersey Point and Hymus Street), the proposed short actions are primarily focused on establishing:
   - A long term coastal monitoring program, to ensure the City has accurate and timely data to track coastal hazard impacts and inform future decision making;
   - A coastal adaptation fund, to ensure the City is well placed to implement best practice coastal adaptation works if and when they are required; and
   - Measures for education and engagement, to ensure the community is well informed and property owners are aware of any potential coastal hazard risks that may affect them.

5. Identify long-term pathways for adaptation
   Coastal hazards and their associated risks are expected to manifest over long time scales, generally not requiring implementation of costly responses until such time as a significant level of change has occurred.

   The intent of identifying long term adaptation pathways is for decision making to be responsive to changing circumstances over time, in that while not all decisions can be made today, they can be planned, prioritised and prepared for.
The CHRMAP identifies priority areas for protection and managed retreat in the longer term, beyond 2030. These recommendations are intended to be somewhat flexible in response to future CHRMAP reviews and emergence of new information, however, are necessary in the short term to inform planning decisions and funding allocation.

**Implications to Consider**

a. **Consultation with the Community**
   If approved, the draft CHRMAP will be advertised for a period of 56 days (8 weeks). Community feedback during the consultation period will be sought by:
   - Hosting a minimum of three drop-in information sessions for residents, whereby City Officers will be available to explain what the CHRMAP might mean for them and to answer any questions.
   - Informing the 743 residents registered on the project stakeholder list via their preferred contact methods of the consultation period and the information sessions.
   - Informing all property owners located in coastal hazard areas via letter of the consultation period and the information sessions.
   - Advertising the consultation period and information sessions through online channels and in the local newspaper, with hard copies of the draft CHRMAP made available in the City's libraries. Signs will also be placed at various beach access points along the coastline.
   - Providing a short questionnaire guiding the provision of comments, to gauge whether the draft CHRMAP has been understood and ensure feedback is pertinent.

b. **Consultation with Government Agencies**
   All relevant government stakeholders have been consulted through development of the draft CHRMAP, including the Department of Biodiversity Conservation and Attractions, Department of Planning, Lands and Heritage and Department of Defence.

c. **Strategic Community Plan**
   This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:
   - **Aspiration 3:** Plan for Future Generations
   - **Strategic Objective:** Climate change adaptation – Acknowledge and understand the impacts of climate change and identify actions to mitigate and adapt to those impacts

d. **Policy**
   The draft CHRMAP has been prepared in accordance with the requirements of SPP 2.6 and the associated guidelines.

e. **Financial**
   The cost for community consultation is estimated to be $3,000.

f. **Legal and Statutory**
   Nil

g. **Risk**
   All Council decisions are subject to risk assessment according to the City's Risk Framework.
   Implications and comment will only be provided for the following assessed risks.
   - **Customer Service / Project management / Environment:** High and Extreme Risks
   - **Finance / Personal Health and Safety:** Medium, High and Extreme Risks
   - Finance: Extreme Risk
   Inadequate planning for sea-level rise and coastal hazards results in social, environmental and financial impacts to the City.
### Comments

When considering the significant environmental, social and economic values associated with the City's coastal zone, together with acknowledging that these areas are already subject to the impacts of coastal hazards, it is imperative that the City has a CHRMAP in place to prepare for the projected sea level rise identified in SPP 2.6.

Consultation is critical to ensure both the short term actions and long term pathways proposed in the CHRMAP are reflective of the community's values and preferences for coastal management in the future.

In this regard, it is noted that all actions, recommendations and priorities contained in the draft CHRMAP are simply options for the purpose of enabling further community consultation and feedback.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **APPROVES** advertising of the draft Coastal Hazard Risk Management and Adaptation Plan for the purpose of public comment.

### Committee Recommendation

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

That Council **APPROVES** advertising of the draft Coastal Hazard Risk Management and Adaptation Plan for the purpose of public comment.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
**Planning and Engineering Services Committee Minutes**  
**Monday 20 May 2019**  
**PD-030/19**

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 JUNE 2019

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### Planning and Development Services

**Strategic Planning and Environment Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-030/19 Proposed Amendment to Structure Plan ('Golden Bay')</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/246-27</td>
</tr>
<tr>
<td>Applicant:</td>
<td>The Trustee for The Everett Bennett Unit Trust (CLE Town Planning and Design)</td>
</tr>
<tr>
<td>Owner:</td>
<td>Peet Golden Bay Pty Ltd and Housing Authority (Department of Communities)</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Robert Casella, Senior Strategic Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Tristan Fernandes, Coordinator Strategic Planning  
                         | Mr Brett Ashby, Manager Strategic Planning and Environment |
| Date of Committee Meeting: | 20 May 2019                                              |
| Previously before Council: | August 1994 (498/94); October 2010 (SPE-003); December 2011 (SPE-035/11); May 2012 (SPE-007) |
| Disclosure of Interest: | Legislative                                                |
| Nature of Council’s Role in this Matter: | Legislative |

**Site:**  
Lot 3 Warnbro Sound Avenue, Golden Bay

**Lot Area:**  
38.6644ha

**LA Zoning:**  
Development

**MRS Zoning:**  
Urban

**Attachments:**

1. Schedule of Submissions  
2. Approved Structure Plan Map  
3. Proposed Structure Plan Amendment Map  
4. Proposed Landscape Master Plan

**Maps/Diagrams:**

1. Location Plan  
2. Approved 1994 Landscape Protection Plan  
3. Subdivision Approval 154533  
4. Subdivision Approval 156181  
5. Development Footprint Comparison between Approved Structure Plan and Proposed Amendment  
6. WAPC Approved Structure Plan Map (2012)  
7. Proposed Amendment to Structure Plan  
8. Proposed Concept Plan  
9. Southern Landscape Protection Area and Existing Site Features  
10. The Central Landscape Protection Area  
11. Advertising Area
Purpose of Report

To consider a proposed amendment to the ‘Golden Bay’ Structure Plan following the completion of the advertising period.

Background

Environmental Approval

In January 1993, the then Minister for the Environment issued a statement (Ministerial Statement No.297) permitting the development of Lot 12 and Reserve 34664, Golden Bay for the purposes of urban development, subject to a number of conditions. Of the conditions outlined within Ministerial Statement No.297, two are applicable to the Structure Plan Amendment area that the applicant must address as follows:

“4. Landscape Protection

The landscape value of the parabolic dune ridge on the eastern edge of Golden Bay should be recognised.

4-1 Prior to subdivision approval, the proponent shall liaise with the Department of Planning and Urban Development (now the Department of Planning, Lands and Heritage) and the City of Rockingham to incorporate planning measures which recognise and protect the landscape value of the parabolic dune ridge on the eastern edge of Golden Bay, to the requirements of the Minister for the Environment and the Minister for Planning on advice of the Department of Planning and Urban Development, the City of Rockingham and the Environmental Protection Authority.
5. **Southern Brown Bandicoot (Isoodon obesulus)**

The population of the Southern Brown Bandicoot (Isoodon obesulus) at Golden Bay required special consideration.

5-1 Prior to the commencement of development and in consultation with the Department of Conservation and Land Management, the proponent shall establish the regional implications of disturbing the population of the Southern Brown Bandicoot (Isoodon obesulus) at Golden Bay and shall initiate management of the population, to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management.

5-2 The proponent shall carry out the on-going management of the population of the Southern Brown Bandicoot (Isoodon obesulus) at Golden Bay to the requirements of the Department of Conservation and Land Management."

With respect to Condition No.4 stipulated above, the Western Australian Planning Commission (WAPC) confirmed the approved Structure Plan reflects the Landscape Management Plan that was approved by the Council in December 1994.

**Planning Approvals**

The site has been subject to planning activity over many years and has a long history of valid planning and environmental approvals. A breakdown of the key approvals applicable to the proposal are outlined as follows:

**1994 Comprehensive Development Plan**

In August 1994, the Council approved the Golden Bay Comprehensive Development Plan (now referred to as a Structure Plan) covering Pt Lot 12 Dampier Drive (the original parent lot for the Golden Bay Structure Plan area), subject to conditions.

In September 1994, the State Planning Commission (now referred to as the WAPC) granted final approval to the Comprehensive Development Plan. The plan confirmed the Landscape Protection Areas located within the Structure Plan Amendment area (See Figure 2) that were required to be protected within Ministerial Statement No.297.
2. Approved 1994 Landscape Protection Area

In December 1994, the Council resolved to generally support a Landscape Protection Management Plan prepared for the identified Landscape Protection Areas (LPA), subject to conditions.

The Landscape Protection Management Plan sought to conserve the natural landform of the parabolic dune system. The LPA’s are broken up into four (4) precincts, as reflected by the areas indicated by the Figure 2 above.

The objective contained within the plan was to provide a level of protection of the landscape and vegetation quality in the LPA, whilst identifying areas for enhancement and passive recreation. This is proposed through limiting access to the reserves with fencing and designated entry points/walking trails, picnic and seating areas, as part of the landscape concept plans.

2010 Minor Amendment to Comprehensive Development Plan

In March 2010, the City (under delegated authority) approved a minor modification to the endorsed Comprehensive Development Plan to create Stage 1. The modification included the following elements:

- Creation of 150 residential lots;
- Provision for a 3.5ha primary school site, co-located with an existing 8.1ha Public Open Space (POS) Reserve (Rhonda Scarrott Reserve);
- Creation of a new 4,647m² centrally located POS Reserve; and
- Minor changes to the road layout in accordance with Liveable Neighbourhoods principles.
2011/12 Major Amendment to Golden Bay Comprehensive Development Plan

In December 2011, the Council refused to adopt the proposed Golden Bay Structure Plan on the basis that it was not consistent with the intent of Liveable Neighbourhoods, in that:

1. The proposed density and interface of the development was inconsistent with the existing urban character and local identity of Golden Bay and Secret Harbour.
2. The proposed broad scale application of medium density did not appropriately integrate with the prevailing context of the locality.

In March 2012, the WAPC’s Statutory Planning Committee approved the proposal, dismissing the Council’s decision.

In May 2012, the Council performed its legal obligation to adopt the Structure Plan, as approved by the WAPC.

Minor Amendments to Golden Bay Structure Plan

In 2015, the City (under delegated authority) approved two minor modifications, which introduced the following changes into the Golden Bay Structure Plan:

1. Implement a new Part One Structure Plan Report to introduce the R-MD development standards as provided for by WAPC Planning Bulletin 112/2016 - Medium-Density Single House Development Standards – Development Zones;
2. Update the Structure Plan Map to reflect the approved subdivision layout approved by the Western Australian Planning Commission (WAPC); and
3. Increase the density of a small portion of residential land from R40 to R60 in support of providing two storey terraced dwellings located on Aurea Boulevard.

Subdivision Approvals

The amendment area is subject to two valid Subdivision Approvals issued by the WAPC.

In June 2017 the WAPC approved subdivision 154533 providing for the creation of 88 single residential lots, two drainage reserves, one area of public open space and a portion of the planned Neighbourhood Connector road providing access off Dampier Drive. A copy of approved subdivision plan 154533 is shown as Figure 3.
3. Subdivision Approval 154533

In June 2018 the WAPC approved subdivision 156181 providing for the creation of 52 single residential lots, five parcels of public open space areas, three of which complement the central Landscape Protection Area and an extension to the Neighbourhood Connector road approved via in subdivision approval 154533. A copy of approved subdivision plan 156181 is shown as Figure 4.

4. Subdivision Approval 156181
Details

Description of the Proposal

The City has received an application seeking approval to amend the ‘Golden Bay’ Structure Plan to reconfigure the distribution and quantity of POS within the Lot 3 Warnbro Sound Avenue. The applicant has stated the reason for the amendment is to provide more connectivity for flora and fauna and protect a number of landforms by reducing the urban footprint and increasing the amount of POS (Figure 5).

The proposal also seeks to maintain the approved dwelling yield of approximately 426 dwellings within Lot 3 and 2200 dwellings overall. In light of the smaller urban footprint, the applicant has proposed to increase the density of residential development within Lot 3.

3. The proposed changes in density result in no changes to the

The application generally provides for the following changes:

1. To reconfigure and increase the amount of the POS provided within the Structure Plan area by 1.5ha. Figure 5 has been prepared by the applicant to illustrate the changes to the POS configuration (Note: There are no changes proposed to the location or size of the approved landscape protection area);

2. Removal of a reserve for ‘Public Purpose Drainage / Public Open Space’ abutting Dampier Drive;

3. Realign the main north-south neighbourhood connector road (the extension of Golden Bay Drive) and local access streets; and

4. Reallocate the residential densities within Lot 3 by:
   (i) Increasing the base density from R20 (450m² average lot size) to R25 (350m² average lot size).
   (ii) Increase the proportion of R40 coded land (220m² average lot size).
   (iii) Redistribute the location of areas coded R30 (300m² average lot size).
   (iv) Removing R60 residential density.

5. Introduce minor updates to the Structure Plan Part One Implementation Report to comply with the WAPC’s Structure Plan Framework.

The Structure Plan Amendment changes are illustrated in Figures 6, 7 and 8:
6. WAPC Approved Structure Plan Map (2012)

7. Proposed Amendment to Structure Plan
Site Analysis

The site features a series of dune systems and several distinct landforms. The majority of the site is covered with coastal vegetation complexes.

The amendment area contains a parabolic dune system with heavily undulating terrain. A substantial portion of the dune system is protected by the abovementioned Ministerial Statement. The terrain varies from RL6m AHD to RL38m AHD (see Figures 9 and 10).
The majority of the site is well drained with the depth to groundwater ranging from 5.8m at its lowest up to 46m under the Landscape Protection Area.

The landholding has been subject to a Public Environmental Review (PER), and as detailed above, the then Minister for the Environment issuing a 'Statement that the Proposal may be Implemented'. It has been confirmed that the Ministerial Statement remains valid. The approved Environmental Assessment Report concludes that the Structure Plan is consistent with the prevailing environmental approval.

9. The Southern Landscape Protection Area (background) and existing site features where urban development is proposed (foreground).

10. The Central Landscape Protection Area
Implications to Consider

a. Consultation with the Community

Advertising Methodology

The proposed Structure Plan Amendment was advertised for a period of 28 days, commencing on 8 March 2019 and concluding on 5 April 2019. Public advertising was carried out in the following manner:

(i) Nearby landowners (2149 referrals) being notified of the proposal in writing and invited to comment (properties located within the yellow border on Figure 11);
(ii) The erection of three signs on the property in prominent locations on Dampier Drive, Noreena Avenue and Minderoo Crescent (located at the planned access points into the Structure Plan area);
(iii) The Applicant placed notices in the Weekend Courier newspaper on 15 and 22 March 2019;
(iv) Copies of the proposed Structure Plan and relevant documents were made available for inspection during the advertising period at the City’s Administrative Offices and on the City’s website;

Advertising was undertaken in accordance with the requirements of Schedule 2, Part 4, Clause 18 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

Public Submissions

Following the close of the advertising period, the City had received 54 public submissions. A full copy of the submissions received during the advertising period is set out in the Schedule of Submissions (Attachment 1 to this Report). The content of the issues raised within these submissions are summarised and addressed as follows:
1. Amenity

1.1 Submission:
The increase in density will encourage anti-social behaviour and increased crime.

Applicant’s Response:
There is no evidence that anti-social behaviour and increased crime is correlated with the density codes proposed by the amendment. Whilst there is no correlation between density and crime, best practice planning and design of spaces can assist in reducing crime opportunities through the choice and layout of landscape treatments, lighting, fencing types and surveillance of public spaces.

The WAPC “Designing Out Crime: Planning Guidelines” sets out urban design standards to reduce the potential for crime. The principles of these Guidelines will be applied in the Golden Bay project.

City’s Comment:
There is no basis to assert that the introduction of residential development at the proposed density over the subject land will generate or contribute to anti-social behaviour.

Any future development will be assessed to ensure that adequate surveillance is provided to all public areas, including streets, parks, and paths to discourage anti-social behaviour in accordance with the WAPC’s Designing Out Crime: Planning Guidelines (2006). The Guidelines outline urban design standards for crime prevention through environmental design (CPTED) to reduce the potential for crime.

The Structure Plan encourages passive surveillance into the public realm provided from habitable spaces within dwellings.

1.2 Submission:
Property values will be impacted by residential development from the Structure Plan area.

Applicant’s Response:
As with any increase in crime, this is not evidence that the development of the area will result in any adverse impact to property values.

City’s Comment:
The potential impact to property values is not a matter that can be considered in the City’s Planning assessment of the proposed Structure Plan Amendment.

1.3 Submission:
The proposed development of footpaths through the western Landscape Protection Area will impact privacy and enjoyment of the landscape.

Applicant’s Response:
The Landscape Masterplan that accompanied the Amendment does show controlled access to and through the Landscape Protection Areas and adjacent public open space. This will allow for community enjoyment of the areas whilst controlling access, thereby protecting these areas. Final delivery of areas of open space will be done in consultation with the City.

City’s Comment:
The location of the footpath is shown conceptually on the Landscape Concept Plan and is subject to change as part of future detailed design. At subdivision stage, the City will recommend a condition be applied to a subdivision approval to provide a Landscape Plan. This Landscape Plan will determine the best location for any infrastructure within public open space, through which the City will give consideration to potential impacts on existing residents.
### 1. Amenity (cont...)

#### 1.4 Submission:
The Structure Plan must address noise impacts from Mandurah Road and the Mandurah Train Line.

**Applicant’s Response:**
The Structure plan area is not located in proximity to either Mandurah Road or the Mandurah Train Line to warrant any form of noise assessment.

**City’s Comment:**
State Planning Policy 5.4 – *Road and Rail Transport Noise and Freight Considerations* requires planning proposals within a maximum of 300 metres of a major road or railway transport corridor to carry out a noise assessment. The nearest point of the subject site is approximately 400m from Mandurah Road. It is considered unlikely that any transport noise will impact the subject lots or any lots further west of the subject site.

#### 1.5 Submission:
Proposed densities will have a detrimental impact to existing amenity enjoyed by the community in the existing adjoining residential area

**Applicant’s Response:**
The Golden Bay Structure Plan has already had, or will have a positive impact on the amenity of existing communities, offering:
- 15.6ha of landscaped local open space for active and passive recreation as well as conservation purposes.
- 10.6ha Foreshore Reserve, beach access facilities and surf life-saving club.
- Neighbourhood centre, including supermarket, speciality stores and mixed uses that could include childcare.
- Funding toward existing and future community facilities.
- Delivery of the Golden Bay Primary school.
- Expansion to the existing Comet Bay High School.
- Sewer and other upgraded service infrastructure.

This amendment only expands upon these benefits in providing an additional 1.5ha (approx.) of public open space for the use and benefit of residents as well as further enhancing and protecting the Landscape Protection Areas.

**City’s Comment:**
The Structure Plan Amendment area is zoned ‘Urban’ under the MRS and is proposed to be developed for residential land uses, which is consistent with the planned intent of the area. The proposed Amendment to the Golden Bay Structure Plan proposes no changes to the approved lot yield.

The City notes that existing residential properties are physically separated from proposed development by way of the landscape protection area. In light of these factors, the proposal is not considered to introduce any further impact to amenity to that approved in the existing Golden Bay Structure Plan.

#### 1.6 Submission:
By increasing the density and population in the structure plan area, there will be a shortage of adequate recreation areas for the future community.

**Applicant’s Response:**
Whilst the amendment is reviewing the residential density coding within Lot 3, it is important to note that this is to retain a comparative potential yield for the site (when compared with the current Golden Bay Structure Plan) notwithstanding the provision of an additional 1.5ha (approx.) of public open space.
### 1. Amenity (cont…)

The amendment will not see any change to the actual population numbers from that currently supported by the Golden Bay Structure Plan meaning that this amendment will not place any more additional, unforeseen pressures onto recreational areas.

**City’s Comment:**
An Assessment of Public Open Space is contained within the ‘Policy’ section of this Report.

### 1.7 Submission:

**The increase in densities to R30 and R40 lots, will be detrimental to the preservation of the character of Golden Bay.**

**Applicant’s Response:**

The purpose of the planned R30 and R40 density codes (in select locations) is to retain a comparative potential yield for the site given the provision of an additional 1.5ha (approx.) of public open space. It is this additional open space which will further provide for the protection and retention of the Landscape Protection Areas which are such a key topographic feature in Golden Bay.

**City’s Comment:**

*Liveable Neighbourhoods* stipulates that a Structure Plan layout should enhance local identity by responding to site context, site characteristics, setting, landmarks and views and incorporate key elements of natural and cultural significance.

This requires the integration of new areas, as far as practical, with existing development. This is to be achieved by:

- The provision of frequent local street connections in order to gain the benefits of integrated urbanism;
- Designing the movement network to balance the benefits of integration against any significant adverse effects (eg. likelihood of heavy through traffic) that may occur in areas that were built under a different planning philosophy; and
- Ensure the interface and edge treatments of new areas generally transition into the existing urban character.

The location of the Landscape Protection Areas along the western and southern boundaries of the structure plan amendment area provides for an appropriate transition between existing residential areas into the structure plan amendment area, and maintains the existing natural character of the locality.

The City does not support the distribution of R30 and R40 coded as proposed by the Structure Plan Amendment.

*Liveable Neighbourhoods* encourages smaller residential lots and higher density housing in areas close to a Town or Neighbourhood Centre, near public transport stops, and in areas with high amenity, such as parks. In this regard, the provision of medium and high density land within the proposed Structure Plan Amendment is considered appropriate in the following locations:

- Along Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
- On the end of street block to encourage housing diversity; and
- Adjacent to and overlooking public open space.

The Structure Plan Report does not provide justification to outline the intended built form outcomes sought to be delivered at subdivision stage as a result of the increase in density, particularly with respect to streets proposed to be coded R30 and R40.

It is recommended that the Structure Plan amendment be modified to redistribute higher R30 and R40 densities in accordance with the criteria stipulated above and provide justification within Part Two of the Structure Plan Report. The modification should outline objectives and illustrate examples of the intended built form outcomes that provide for an attractive and functional streetscape environment.
1. Amenity (cont…)

It is also recommended that Part One of the Structure Plan Report be amended to mandate subdivision applications provide a variety of lot widths along streets that can support narrow lot housing.

**Recommendation 1:**

(i) The Structure Plan amendment be modified to redistribute R30 and R40 densities shown on the Structure Plan Map in the following locations:

- Along Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
- On the end of street blocks to encourage housing diversity; and
- Adjacent to and overlooking public open space.

(ii) Amend Part Two of the Structure Plan Report to provide justification for the change in residential density proposed and outline the intended built form outcomes sought to be delivered at subdivision stage as a result of the increase in density.

(iii) Amend Part One of the Structure Plan Report to introduce the following provision in Section 6 Subdivision and Development:

> “An average lot width of not less than 12 metres, with no more than five (5) adjoining lots with a frontage of less than 12 metres, is required in any street block where garage access is provided to the primary street.”

1.8 Submission:

The Structure Plan will introduce additional residential development which will have an undue impact to existing infrastructure and facilities (public transport, police, schools, community facilities)

**Applicant’s Response:**

As mentioned above, whilst the amendment is reviewing the residential density coding within Lot 3, it will not see any change to the actual resident numbers from that currently supported by the Golden Bay Structure Plan meaning that this amendment will not place undue impact on existing infrastructure.

**City’s Comment:**

There is no change proposed to the lot yield of the approved Structure Plan. As such, there is no additional impact that can be assessed resulting from the proposed Structure Plan Amendment.

1.9 Submission:

The City should put in a concerted effort to attract small businesses to the area (Garden Centre, local shop, café’s) as well as a nearby Police Station around the Neighbourhood Centre Precinct.

**Applicant’s Response:**

Undoubtedly the City’s economic development team are continually looking to improve investment and encourage business growth within the City of Rockingham. No further comment can be given to the City’s strategy in this regard.

**City’s Comment:**

The City acknowledges the concern raised within the submission, however, this matter is beyond the scope of a planning assessment for the proposed Structure Plan Amendment.
### 2. Environment

**2.1 Submission:**

Do not support the removal of the Dunes. An environmental impact assessment should be done addressing the following:

- **(i)** The effects of significant dune reduction and levelling on the exposed Landscape Protection Areas which are no longer protected by the surrounding high dunes;
- **(ii)** How earthworks will affect the Landscape Protection Area;
- **(iii)** Wind studies have to measure possible erosion of the Landscape Protection Areas and the effects of changed wind direction and strength on the exposed dunes, fauna, flora and habitats etc;
- **(iv)** The effects of temperature extremes in winter and summer on the now exposed Landscape Protection Areas; and
- **(v)** The effects of degraded habitat on the native fauna in the Landscape Protection Areas.

**Applicant’s Response:**

A full environmental assessment of the urban development of Lot 3 was undertaken by the EPA through a Public Environmental Review (PER) in accordance with the Western Australian Environmental Protection Act 1986 (EP Act). The Minister for the Environment approved the project through Ministerial Statement 297. In accordance with the Ministerial Statement 297 a committee was set up to determine planning measures which recognise and protect the landscape value of the parabolic dune ridge on the eastern edge of Golden Bay within Lot 3. The final plan for the Landscape Protections Areas was agreed by the Minister for the Environment and the Minister for Planning on advice of the Department of Planning and Urban Development (now DPLH), the City of Rockingham and the Environmental Protection Authority. Further assessment is not required, nor is possible under the EP Act.

**City’s Comment:**

There is no statutory basis to require an addendum to the Environmental Assessment Report. The City notes an assessment has been carried out at a State level, which has determined the site to be suitable to accommodate urban development. Further, the proposal does not vary from the existing Environmental Approval and seeks to reduce the development footprint currently approved in the Structure Plan area.

In relation to the matters raised in submissions received above the City notes the following:

- **(i)** The City supports the concerns raised associated with the effects of the proposed site works to level the dune system. In order for the City to address the potential impacts of the change in topography, it is recommended that cross section diagrams be provided to outline the interface between landscape protection area with the adjoining road reserve and proposed residential development to guide consideration of future subdivision applications.

- **(ii)** A Construction Management Plan will be required through the subdivision process. This plan will require the applicant to demonstrate how civil works will be carried out, identifying any mitigation measures imposed to prevent the damage to the Landscape Protection Areas.

- **(iii)** The City recommends the Structure Plan Amendment documentation be amended to require a Landscape Protection Area Management Plan be submitted as a condition of Subdivision Approval.

The Plan is recommended to identify how the landscape protection area will be rehabilitated through measures such as revegetation, fencing, defined access and weed control. Ongoing active management measures will greatly assist in minimising any impacts of wind erosion on the central dune.
2. Environment (cont…)

It is considered the change in topography for the subject location will not have a detrimental impact from wind and possible erosion, as the protected areas of dune will be maintained with vegetation cover. Additionally, there is no requirement under the Regulations for the Applicant to undertake wind studies in support of the Structure Plan Amendment. The change in finished floor levels will provide a more suitable topography to develop the land for residential purposes, whilst controlling the location and direction of stormwater treatment.

(iv) The effects of temperature extremes in winter and summer are not matters that are required to be considered within an Environmental Impact Assessment Report.

(v) In accordance with the Environmental Approval, the Landscape Protection Areas are intended to provide a sanctuary for native fauna. The only works to occur in the Landscape Protection Areas are to occur generally in locations of already regraded areas. It is considered the proposed works will actually enhance and improve the quality of potential habitat in the Landscape Protection Areas.

**Recommendation 2:**
The Landscape Master Plan be updated to include cross-sectional drawings, demonstrating the interface between the road reserve and Landscape Protection Areas to guide consideration of future subdivision applications.

2.2 Submission:
More land should be dedicated for conservation to protect the bandicoot population.

**Applicant’s Response:**
The areas set aside in the Landscape Protection Areas (6.5ha) and the Foreshore Reserve (10.6ha) provide suitable habitat for the Bandicoot population. This habitat has been retained for conservation purposes in accordance with the requirements set out in the Ministerial Statement 297. The Foreshore Reserve is much larger than what is usually reserved to specifically protect the Bandicoot population and has been agreed with the Department of Biodiversity, Conservation and Attractions.

**City’s Comment:**
The proposed amendment fulfils the obligations of its Environmental Approval and the requirements of the WAPC’s Liveable Neighbourhoods Policy for the provision of 10% public open space.

2.3 Submission:
Increasing the density within the Structure Plan area will create further pressure on the survival of the local fauna from the introduction of domestic cats and dogs.

**Applicant’s Response:**
The City of Rockingham have domestic pet guidelines on their website and actively encourage responsible pet ownership. Both cats and dogs are required to be registered with the Council. If there are issues with stray cats and dogs the Council rangers should be contacted. http://rockingham.wa.gov.au/Services/Ranger-services.

**City’s Comment:**
The Structure Plan Amendment does not propose to increase the total number of dwellings currently approved by the WAPC within the Structure Plan Amendment area. As such, any potential impact is not likely to increase as a result of the proposal. The future management of feral animals is sought to be addressed by a recommendation to modify the Structure Plan Amendment to require a Landscape Protection Area Management Plan at subdivision stage (see Recommendation 2).
2. Environment (cont…)

2.4 Submission:

The coastal bushland and dune landscape within the structure plan should be preserved as much as possible to ensure the survival of flora and fauna into the future.

Applicant’s Response:

The areas set aside in the Landscape Protection Areas (6.5ha) and the Foreshore Reserve (10.6ha) are largely for conservation purposes and will ensure the survival of flora and fauna in the Golden Bay Structure Plan Area. There will also be an additional 3.7ha of Public Open Space provided on Lot 3 that will largely be revegetated with local species with only a small portion being dedicated to more active recreation.

City’s Comment:

The proposed Structure Plan Amendment maintains the Landscape Protection Areas set out within the Environmental Approval for the site. The proposed Amendment provides for a 1.5ha increase in public open space to compliment the landscape protection area.

The Landscape Concept Plan provided in support of the proposed Structure Plan Amendment proposes some limited access paths and lookout points within the dune system, which is supported by the City. The City supports the submission comment that the dune landscape should be rehabilitated and preserved in its natural state as far as practicable. Further assessment comments in relation to the treatment of public open space are contained within the ‘Policy’ section of this Report.

To ensure the appropriate management and ongoing protection of the Landscape Protection Areas and areas public open space proposed to be retained in its natural state, the City recommends the Structure Plan Report be amended to require a revised Landscape Protection Area Management Plan to be prepared and implemented as a condition of Subdivision Approval.

The original Landscape Protection Area Management Plan (1994) has been reviewed and determined to be too outdated to effectively inform management of these areas, while under the developer control and subsequent handover to the City for ongoing management.

This recommendation is intended to ensure measures are outlined for the ongoing use and management of the landscape protection area meet contemporary requirements now applicable to the site.

Recommendation 3:

That Part One, section 7 of the Structure Plan Report be amended to require a Landscape Protection Area (LPA) Management Plan as a condition of subdivision approval, to outline measures for the ongoing use and management of the LPA. The Management Plan is to address the following matters:

(i) Contain a targeted fauna assessment to determine any recolonisation of Quenda into the LPA post construction;

(ii) Provide a detailed flora and vegetation survey to assess vegetation condition, weed suites and priority weed locations;

(iii) Develop an implementation plan for the ongoing management of the LPA, with elements such as:
   - Revegetation areas and priorities;
   - Weed control;
   - Feral animal control;
   - Controlled access measures (fencing, gates, consolidated tracks) for pedestrians, maintenance and emergency response;

(iv) Proposed locations of fauna underpasses to provide connectivity between LPAs. These must be reflected on the Engineering Drawings prior to commencement of works.
2. Environment (cont…)

(v) Monitoring, contingencies and Key Performance Indicators; and
(vi) Responsibilities and timeframes.

2.5 Submission:
More conservation areas in the Golden Bay Structure Plan are needed to provide feeding grounds for the Carnaby’s Black Cockatoo and habitat for the declining bandicoot population.

Applicant’s Response:
The Golden Bay Structure Plan Area does not contain Carnaby’s Black Cockatoo habitat and did not prior to development. The tree species that provide foraging habitat for Carnaby’s Black Cockatoo, primarily Banksia trees, will not grow on the sandy coastal Quindalup dunes that occur over the entire Golden Bay Structure Plan area.

The areas set aside in the Landscape Protection Areas (6.5ha) and the Foreshore Reserve (10.6ha) in accordance with the Ministerial Statement 297 provide habitat for the Bandicoot population. The Department of Biodiversity, Conservation and Attractions supported the size of the Foreshore Reserve and that it is adequate for the protection of Bandicoots on the Golden Bay site.

City’s Comment:
The Landscape Protection Areas have been identified according to the Environmental Protection Authority’s advice and in accordance with the requirements of the Ministerial Statement. The City cannot require more conservation areas through the Structure Plan Amendment process.

2.6 Submission:
How much of the Public Open Space, identified in the Structure Plan amendment, will be dedicated to conservation of the natural landscape?

Applicant’s Response:
Approximately 6.5ha of land is already set aside as Landscape Protection Areas with a further 3.7ha (approx.) of public open space provided within Lot 3. The majority of this space will be revegetated as a more natural environment, with only selected areas to be finished for more active recreational areas.

Importantly the final delivery of areas of open space will be done in consultation with the City.

City’s Comment:
An assessment of Public Open Space is contained within the ‘Policy’ section of this Report.

2.7 Submission:
The existing Cat Laws will not protect the bandicoot and other native fauna.

Applicant’s Response:
Existing cat laws are well beyond the scope of this amendment and no comment can be offered.

City’s Comment:
The City recognises the threat from domestic cats to the vulnerable Southern Brown Bandicoot, although, the City does not have jurisdiction over State Government legislation, including the Cat Act 2011. The City does, however, undertake an ongoing feral animal control program for cats, foxes and rabbits, focussing on areas with known Southern Brown Bandicoot populations.

The City has recommended a modification to the Structure Plan to require the Applicant submit a Landscape Protection Area Management Plan as a condition of subdivision approval. This plan will identify how the Landscape Protection Area will be rehabilitated through measures such as revegetation, fencing, defined access, weed control and invasive fauna (fox, rabbit, cat) control.
### 2. Environment (cont…)

Ongoing active management measures will assist in minimising impact of cats on native fauna populations (See Recommendation 3).

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<tr>
<th>2.8 Submission:</th>
<th>Can the results of the fauna relocation program be made publicly available?</th>
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<tbody>
<tr>
<td><strong>Applicant’s Response:</strong></td>
<td>The results of the fauna relocation program are provided to the City of Rockingham who can decide on the release of these details. Furthermore, this information is made publicly available as part of the annual audit requirements.</td>
</tr>
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</table>

| **City’s Comment:** | The Applicant is required to prepare a periodic progress and compliance report to help verify the environmental performance of this project, which includes a relocation program for the Southern Brown Bandicoot, and submit it to the Environmental Protection Authority for approval. The City is provided a copy for information purposes, however, this does not provide the City permission to distribute to the public. It is recommended any parties interested in the outcomes of the relocation programme liaise with either Peet or the Environmental Protection Authority for a copy of the Fauna Relocation Reports. |

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<tr>
<th>2.9 Submission:</th>
<th>What is being done to monitor and care for the relocated fauna?</th>
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<tbody>
<tr>
<td><strong>Applicant’s Response:</strong></td>
<td>Bandicoots trapped prior to the clearing of vegetation in the development area are relocated to the Foreshore Reserve. A monitoring program is conducted annually in both Spring and Autumn in the Foreshore Reserve. The results of the monitoring program are provided in the Annual Compliance Report provided to the EPA Services (DWER). Other fauna relocated off-site are not required to be monitored by DBCA.</td>
</tr>
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</table>

| **City’s Comment:** | The Applicant is required to undertake an annual monitoring program in the Foreshore Reserve. The City has recommended a modification to the Structure Plan to require a Landscape Protection Area Management Plan be provided as a condition of subdivision approval to identify how the Landscape Protection Area will be appropriately rehabilitated and managed in the future (see Recommendation 3). |

### 3. Public Open Space

<table>
<thead>
<tr>
<th>3.1 Submission:</th>
<th>Further public open space should be provided to retain the natural dune landscape within the Structure Plan area.</th>
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<tbody>
<tr>
<td><strong>Applicant’s Response:</strong></td>
<td>The amendment is providing an additional 1.5ha (approx.) of public open space within Lot 3 from what is currently provided for in the Golden Bay Structure Plan, in addition to the Landscape Protection Areas set aside via the Minister for the Environment’s environmental approval (January 1993).</td>
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| **City’s Comment:** | Liveable Neighbourhoods encourages an integrated approach to the consideration of new Structure Plan areas where there is existing residential development. Development of the Structure Plan area must consider the appropriate placement of Public Open Space which must comprise a minimum of 10% of the gross subdivisible area. |
3. **Public Open Space (cont…)**

In this regard, the Structure Plan Amendment proposal provides above the minimum 10% of the gross subdivisible area requirement for the provision of public open space.

### 3.2 Submission:
The Structure Plan should maintain drainage/public open space reserve located on Dampier Drive as per approved structure plan (2012) and subdivision approval.

**Applicant’s Response:**

*The drainage reserve presently shown on the Golden Bay Structure Plan map is redundant, serving no drainage function. Its retention would only see a small, unusable area of POS created which would offer no amenity benefit but would result in an ongoing maintenance costs for the City.*

**City’s Comment:**

The City confirms the Applicant’s advice that the drainage reserve / public open space is not required for drainage purposes. The City does note this reserve, as approved by the WAPC in Subdivision Approval 15618, contains landscape value that interfaces with a dune system located on the eastern boundary of the Structure Plan area that should be retained.

Further, the City’s assessment of this site for residential purposes has determined that introducing residential development would require significant changes to the existing topography and the presence of bushfire prone vegetation adjoining the Structure Plan area prohibits the development of this site for residential purposes.

It is recommended that the Public Open Space / Drainage reserve located on Dampier Drive be retained as public open space as per the WAPC Subdivision Approval 156181.

### Recommendation 4:

*That the public open space / drainage reserve located on the corner of Dampier Drive and Golden Bay Drive and as shown in the approved Structure Plan and WAPC Subdivision Approval 156181 be retained as public open space.*

### 3.3 Submission:

In designating land uses, further scientific evidence needs to be provided in consideration for the need for nature play facilities for children and families.

**Applicant’s Response:**

*The Landscape Masterplan prepared by EPCAD sets aside an area for recreation, a play area and kick about space; however, this is only indicative. Final delivery of areas of open space, including the provision of play equipment, is done in consultation with the City.*

**City’s Comment:**

An Assessment of Public Open Space is contained within the ‘Policy’ section of this Report.

### 3.4 Submission:

The developer seeking to increase density should provide additional parking and landscaping along the current foreshore of Golden Bay Beach area in addition to providing public open space.

**Applicant’s Response:**

Whilst the amendment is reviewing the residential density coding within Lot 3, it is important to note that this is to retain a comparative potential yield for the site notwithstanding the provision of an additional 1.5ha (approx.) of public open space. The amendment will not see any change to the actual resident numbers from that currently supported by the Golden Bay Structure Plan.

Planned and provided infrastructure, including parking and landscaping remain appropriate based on no net change to future resident numbers, notwithstanding that the Applicant will be responsible for the delivery of an additional 1.5 ha (approx.) of public open space within the amendment area.
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<th>3. Public Open Space (cont…)</th>
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<tr>
<td><strong>City’s Comment:</strong></td>
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<tr>
<td>As a separate stage of development for the overall Structure Plan area, the applicant is required to construct parking and landscaping in accordance with the approved Golden Bay Foreshore Management Plan. In this regard, the applicant has met its statutory obligations to provide infrastructure within the foreshore reserve.</td>
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<tr>
<th>3.5 Submission:</th>
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<tr>
<td><strong>The manner in which drainage is being provided in the structure plan area will be a maintenance burden to the City.</strong></td>
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<tr>
<th>Applicant’s Response:</th>
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<tr>
<td><em>At sites such as Golden Bay, stormwater drainage was traditionally provided for by a pit and pipe network culminating in sumps. More recently fenced off sumps have given way to open grassed swales in public open spaces. This is encouraged by the Local authorities.</em></td>
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<th>City’s Comment:</th>
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<tr>
<td>The City has determined that the proposed Structure Plan Amendment can be appropriately managed. It is noted that the City’s assessment of the Local Water Management Strategy Addendum document submitted in support of the application, determined changes will be required to meet the requirements of the City’s Planning Policy 3.4.3 – Urban Water Management and the WAPC’s Better Urban Water Management Guidelines.</td>
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<th>4. Servicing</th>
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<tr>
<td><strong>4.1 Submission:</strong></td>
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<tr>
<td>By supporting the Structure Plan, the City should advocate for the provisions of deep sewerage infrastructure for the older area of Golden Bay.</td>
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<tr>
<th>Applicant’s Response:</th>
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<tr>
<td><em>The Water Corporation does have strategic planning in place for the sewer servicing of the existing Golden Bay Development. However this does not involve the installation of infrastructure within the structure plan area. All sewers within the structure plan area grades into a temporary pump station within Lot 3 which then discharges into the existing sewer network via a pressure main. The ultimate strategy for the LSP area and the wider Golden Bay region involves an eastern grade out of the sewers to a larger, permanent Waste Water Pump station situated east of Mandurah Road.</em></td>
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<th>City’s Comment:</th>
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<tr>
<td>The City acknowledges the concern raised within the submission, however, this matter is beyond the scope of a planning assessment for the proposed Structure Plan Amendment.</td>
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<tr>
<th>4.2 Submission:</th>
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<tbody>
<tr>
<td><strong>Earthworks and vibrations will cause subsidence with existing residential properties.</strong></td>
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<th>Applicant’s Response:</th>
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<tr>
<td><em>Typically vibrations from site machinery travel a maximum of 50 metres in sand and the frequency gets progressively weaker with distance from the source. Any settlement caused by the works is expected to result in minor hairline cracking typically at cornices. The contractor will offer dilapidation inspections prior to the commencement of works and if any settlement occurs as a result of the works they will be responsible for repairs.</em></td>
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<th>City’s Comment:</th>
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<tr>
<td>As part of the subdivision process the applicant is required to submit Engineering Drawings for the City’s approval.</td>
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</table>
### 4. Servicing (cont…)

As a condition of any Engineering Approval, the applicant is required to submit a Works Management Plan. This document is required to identify the machinery intended to be used and how any potential impacts will be managed. The applicant is required to implement appropriate measures to address any potential impacts to existing dwellings in proximity to the construction works.

### 5. Structure Plan Design

#### 5.1 Submission:

**Higher density development will result in poor urban design outcomes and streetscapes that cannot support visitor parking.**

**Applicant’s Response:**

*Whilst the amendment is reviewing the residential density coding within Lot 3, it is important to note that the proposed R30 and R40 density coding is far from high density and is provided in clearly designated locations to provide for an alternative and diversity in housing. It should also be noted that the higher R60 density coding which is provided for on the current Golden Bay Structure Plan has been removed whilst the majority of the site is R25, delivering traditional housing types. Examples of all planned density coding – and their respective housing types – can be found elsewhere within Golden Bay.*

**City’s Comment:**

As stipulated earlier in this Report, the Structure Plan Report does not provide justification to outline the intended built form and streetscape outcomes sought to be delivered at subdivision stage as a result of the increase in density, particularly with respect to streets proposed to be coded R30 and R40.

It is recommended that the Structure Plan Amendment Report be modified to outline objectives and illustrate examples of the intended built form outcomes that provide for an attractive and functional streetscape environment which addresses parking (see Recommendation 1).

#### 5.2 Submission:

**Why does the Structure Plan not provide more emphasis on the importance of natural landscapes in improving mental wellbeing?**

**Applicant’s Response:**

*The key purpose behind the amendment is to provide an additional 1.5ha (approx.) of public open space, in addition to the Landscape Protection Areas.*

**City’s Comment:**

The proposed application seeks to increase the retention of the natural landscape currently approved by including an additional 1.5ha to compliment the higher valued natural landform and landscape areas of the dune system.

#### 5.3 Submission:

**The increased densities of R30 and R40 will increase the urban heat island effect compared with the densities currently approved.**

**Applicant’s Response:**

*Whilst the amendment is reviewing the residential density coding within Lot 3, it is important to note that this is only to retain a comparative potential yield for the site. In turn, the higher R60 density coding has been removed.*

*Most critically is that the amendment will see an additional 1.5ha (approx.) of public open space delivered to the local community, directly combating the urban heat island effect.*
5. **Structure Plan Design (cont...)**

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<th><strong>City’s Comment:</strong></th>
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<td>If implemented, the City notes the increase in residential density proposed by the Structure Plan Amendment would permit development that could occupy a greater proportion of residential lots, than that currently approved by the Structure Plan area. As such, the proposal seeks to introduce development outcomes that are more likely to contribute to the ‘urban heat island’ effect. Currently, there are no state or local planning provisions to guide specific targets to reduce the impact of the urban heat island effect on private property. The City cannot recommend a reduction in residential density on this basis.</td>
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As stated earlier, the City does not support the current distribution of R30 and R40 development within the Structure Plan Amendment area and is recommending this form of development be distributed into more contextually appropriate locations (see Recommendation 1). Consistent with the WAPC’s Better Urban Forest Planning Guidelines, to address the urban heat island effect and encourage opportunities for urban greening and tree canopy cover, it is recommended the applicant prepare a Street Tree Master Plan to be implemented at subdivision stage as a component of the Landscape Concept Plan to ensure street trees are planted to provide shade cover and reduce any impact of the ‘urban heat island’ effect.

**Recommendation 5:**
*That the Landscape Concept Plan be amended to include a Street Tree Master Plan which is to be implemented through the subdivision process.*

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<th><strong>5.4 Submission:</strong></th>
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<tr>
<td>The Structure Plan should provide for natural linkages for fauna access beneath paths and roads to the four Landscape Protection Areas, particularly under roads.</td>
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<th><strong>Applicant’s Response:</strong></th>
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<tr>
<td>The largest Landscape Protection Area provides continuous movement for ground-dwelling fauna within the dune landscape. The other Landscape Protection Areas cannot be joined by fauna underpasses within the Golden Bay Structure Plan area as they are separated by more than just a road. However, the LPAs are connected by being contiguous with vegetation off-site that extends along the whole of the southern boundary south of the Structure Plan area.</td>
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<th><strong>City’s Comment:</strong></th>
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<tr>
<td>The proposed Structure Plan Amendment has been prepared to be consistent with the endorsed Comprehensive Development Plan with respect to the requirements of the Environmental Approval for the conservation of the Landscape Protection Area. The City acknowledges the proposed Structure Plan Amendment improves the connectivity of the Landscape Protection Areas and acknowledges the need for greater linkages between the Landscape Protection Areas. As such, the City has recommended that a Landscape Protection Area Management Plan be provided as a condition of subdivision, identifying management measures for the Landscape Protection Areas in addition to fauna underpasses to enable species movement between the Landscape Protection Areas (see Recommendation 3).</td>
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<tr>
<th><strong>5.5 Submission:</strong></th>
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<tr>
<td>The earthworks proposed to develop residential lots does not respect the existing landform and character of the site.</td>
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<tr>
<th><strong>Applicant’s Response:</strong></th>
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<tr>
<td>The Earthworks levels are largely dictated by the sewer servicing strategy and stormwater drainage overland flow paths and maintaining ridge levels in the Landscape protection zones. In addition to this, the levels along the eastern boundary of the site are designed to remain unchanged by the development. The existing residences along the western side also dictate earthworks levels. Existing road levels at the boundary of the site are need to be connected into with no level differences.</td>
</tr>
</tbody>
</table>
5. Structure Plan Design (cont…)

City’s Comment:

The Applicant has submitted an earthwork plan to reflect the cut to fill requirements for developing the site. The plan demonstrates a maximum of approximately 12m cut and 10m fill requirement to achieve a new finished level ranging from 20m to 21m in the south-east and north-west respectively.

The site is proposed to be designed to direct stormwater drainage into the natural low points of the site. Figure 12 below illustrates the direction and fall of the landscape for the proposed finished floor levels and drainage purposes.

The Engineering Servicing Report prepared by Cossill & Webley (Oct 2018), provides details as to the site/earthworks intended to accommodate the intended residential land use. It states that the Structure Plan Amendment has been designed to maximise the preservation of the significant topographic features, as well as grading the roads and development sites to follow the existing topography.

The engineering solution proposed for the modification of natural topography is to ensure future development can be serviced for reticulated water supply.

*Liveable Neighbourhoods* stipulates that a Structure Plan layout should enhance local identity by responding to site context, site characteristics, setting, landmarks and views and incorporate key elements of natural and cultural significance. It also states that development is "to produce lot layouts that accommodate the landform, views, prevailing breezes and environmental features and take account of site constraints, but where possible optimise orientation to suit energy efficient housing."
5. Structure Plan Design (cont…)

While the earthworks proposed over the site intends to change the landscape approved for urban purposes by up to approximately 10 metres across various locations of the site, by filling or excavating particular areas, the Servicing Report appropriately justifies the response proposed. The amended layout provides a smaller overall development footprint, reducing the total earthworks required for the site, to that currently approved within the existing Structure Plan.

The City does note the following matters that will need to be addressed within the proposal with respect to addressing the landform interface to the landscape protection area and eastern boundary of the Structure Plan area:

- The City has recommended the Landscape Master Plan be updated to include cross-sectional drawings, demonstrating the interface between the road reserve and Landscape Protection Areas to guide consideration of future subdivision applications (See Recommendations 2 and 10).
- The eastern R5 lot interface does not provide for an appropriate interface with the adjoining ‘Special Residential’ zoned land and this matter is separately addressed within the ‘Comments’ Section of this Report.

6. Traffic

6.1 Submission:
The proposed amendment will create adverse impacts associated with traffic along Noreen Avenue.

Applicant’s Response:
The traffic impact on Noreena Avenue is not anticipated to be material. Traffic modelling undertaken for the Transport Impact Assessment report indicates traffic volumes on Noreena Avenue will remain less than 1,000 vpd which is well within the capacity of this type of access street.

City’s Comment:
The Traffic Impact Assessment Report identifies an estimated future traffic volume of 700 vehicles per day using Noreen Avenue by 2031. Of the 700 vehicle movements projected, 50 vehicle movements per day were modelled to come from the Structure Plan area. The City’s assessment determined Noreen Avenue to have sufficient capacity to accommodate the future traffic volumes without any detrimental impacts to its functionality.

6.2 Submission:
The access and egress of vehicle traffic onto Warnbro Sound Avenue / Dampier Drive roundabout and Golden Bay Drive Intersection with Dampier Drive will create adverse traffic impacts.

Applicant’s Response:
The intersection capacity analysis documented in the Transport Impact Assessment report confirms these intersections will operate satisfactorily with the future traffic flows generated by full development of this area.

City’s Comment:
Austroads’ Guide to Road Design Part 4B (Roundabouts) recommends providing more than four access points should be avoided for multi-lane roundabouts. As there are already four access points at the intersection of Dampier Drive/Warnbro Sound Avenue/Allatoona Avenue, the City does not support the introduction of an additional access point as this would compromise safety.

The Transport Impact Assessment prepared for the Golden Bay Structure Plan Amendment states that the full movement T-intersection at Dampier Drive/Israelite Avenue and the existing roundabout at Dampier Drive/Warnbro Sound Avenue/Allatoona Avenue, the City supports this finding contained within the Transport Impact Assessment.
6. Traffic (cont…)

6.3 Submission:
The road connection onto Crystaluna Drive at Golden Bay Drive is unsafe and unnecessary.

Applicant’s Response:
The connection to Crystaluna Drive is appropriate for efficient traffic distribution to and from the amendment area. This connection was already included in the current approved structure plan and is also required for the future bus route through the amendment area. Appropriate treatment of any road safety issues will be addressed at detailed design stage in consultation with the City of Rockingham.

City’s Comment:
*Liveable Neighbourhoods* requires developments to provide an interconnected street network, which provides good accessibility and route choice. The intent of *Liveable Neighbourhoods* is achieved by providing this road connection.

It is also noted that this access point is currently approved within the Structure Plan. The City has reviewed the access arrangement in context with the requirements of *Liveable Neighbourhoods* and supports the applicant’s justification for the provision for this connection.

6.4 Submission:
The Structure Plan proposes no measures to improve traffic movement on the southern portion of Minderoo Crescent at the 90 degree bend onto Karunjie Road, nor on the sightlines along Crystaluna Drive at the intersection of Golden Bay Drive. Increased traffic from development of the Structure Plan will increase the risk of traffic accidents in this location which is currently high.

Applicant’s Response:
These planned road connections from the subject site were already included in the approved structure plan. Traffic volumes on Minderoo Crescent will not be significantly affected by traffic flows from the amendment area. If there is any existing deficiency in the design of Minderoo Crescent it should not be the responsibility of this structure plan to remedy it. Appropriate treatment of any road safety issues at the Crystaluna Drive / Golden Bay Drive intersection will be addressed at detailed design stage in consultation with the City of Rockingham.

City’s Comment:
The City acknowledges the concerns raised associated with the sightlines along the stated locations of Minderoo Crescent and Crystaluna Drive. It is recommended that a sight distance assessment should be completed at subdivision stage to assess the safety concern and confirm that the intersection design is in accordance with the relevant Austroads guidelines.

**Recommendation 6:**
*That the Transport Impact Assessment Report and Structure Plan Report Part One be modified to require a sight distance assessment be provided as a condition of subdivision approval. The assessment is to be completed during detailed design stage for all new intersections that connect to the existing road network to ensure compliance with Austroads Guideline to Road Design.*

6.5 Submission:
What effect will the proposed flyover on Dampier Drive and the resulting left hand entry and left hand exit have on the safety and convenience of traffic flow?

Applicant’s Response:
Land potentially impacted by the future fly over has been set aside in a Planning Control Area (PCA112). The supporting Transcore Traffic Impact Assessment examined a number of future development scenarios, including the need to limit access onto to Dampier Drive, finding that the road network can successfully operate.
6. Traffic (cont…)

City's Comment:
The proposed flyover on Dampier Drive may restrict the existing access (Israelite Avenue) to a left-in left-out, however, it may still be possible to allow a full movement at this location. It is noted that the final intersection geometry is dependent on the final design of the Dampier Drive Interchange, which is currently not finalised.

6.6 Submission:
Extra Traffic Generated by the Structure Plan area may impact the intersections of Crystaluna Drive, Marlin Way and Mandurah Road.

Applicant's Response:
Traffic modelling undertaken for the Transport Impact Assessment report indicates traffic volumes on Marlin Way will not be significantly affected by traffic generated from the structure plan amendment area. Future intersection requirements to provide sufficient capacity for the forecast future traffic flows at various intersections including the Mandurah Road / Crystaluna Drive intersection are identified in the TIA report.

City's Comment:
The Transport Impact Assessment Report has provide an assessment of the anticipated traffic volumes expected to be generated by the development of the Structure Plan area. It is considered that the traffic generated from the proposal will not have a detrimental impact on the intersection of Marlin Way.

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:
- Alinta Gas
- Department of Biodiversity Conservation and Attractions
- Department of Education
- Department of Fire and Emergency Services
- Department of Health
- Department of Transport
- Department of Water and Environment Regulations
- 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:

1. Department of Health

Submission:

(i) Water Supply and Wastewater Disposal

The development is required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy - Perth Metropolitan Region.
1. Department of Health (cont…)

(ii) Public Health Impacts

DOH has a document on ‘Evidence supporting the creation of environments that encourage healthy active living’ which may assist you with planning elements related to this structure plan. A copy is attached and may also be downloaded from: https://ww2.health.wa.gov.au/Articles/F_I/Health-risk-assessment

Further design elements that should be considered include:

- A range of quality public open spaces should be provided to contribute towards the recreation, physical activity, health and social needs of the community;
- Parks and open spaces should be located within walking distance of most residents along well-lit connected routes and be co-located with other community facilities to encourage access by walking or cycling; and
- The design of parks and open space and the infrastructure provided within them should cater for a variety of users to undertake a mix of activities that increase physical activity, provide access to healthy nutritious foods (through community gardens) and prevent injury.

Applicant’s Response:
Noted and acknowledged

City’s Comment:

(i) Water and Wastewater Disposal

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

(ii) Public Health Impacts

As assessment of public open space is contained within the ‘Policy’ section of this Report.

2. Main Roads Western Australia (MRWA)

Submission:

It is requested that the small portion of Lot 3 currently affected by Planning Control Area 126 (plan attached) is to be excluded from this amendment.

This future land use for Primary Regional Road, namely works associated with the future interchange and realignment of Paganoni Road is to be protected and reflected accordingly, at both the Structure Plan level and subdivision level.

Applicant’s Response:

We would strongly object to the land subject to PCA 126 being excluded from the Structure Plan area.

Amendment 2 looks to rezone/rationalise land already incorporated within the approve Golden Bay Structure Plan and does not look to amend its boundary or remove land from within.

Planning for the potential interchange is preliminary, with no known timing or detailed planning undertaken. To remove this land from the Structure Plan based on such preliminary planning is considered very premature.

A Planning Control Area is a temporary statutory mechanism, remaining valid for 5 years upon which time the WAPC must decide whether to reserve the land in the MRS or to rescind the PCA (refer Section 114 of the P&D Act). This again highlights the preliminary stage of planning for the interchange – if it was defined, the WAPC would have reserved the land in the MRS.

Importantly a PCA does not necessarily prevent development, instead only ensures that any development that occurs on this land will not prejudice its purpose or its potential reservation in the MRS. It does require that all development applications are determined by the WAPC.
2. Main Roads Western Australia (MRWA) (cont…)

Nonetheless, given that PCA 126 is in place, the Amendment report freely acknowledges that any material development is unlikely until the issue of the interchange is resolved – be it to reserve the land or rescind the PCA. Therefore Main Roads WA has full assurance that any development on this land will be considered by the WAPC in that light, ensuring any future road network planning is not compromised.

It is unclear what this land would be shown as in the Structure Plan; however, removing this land would be attuned to reserving the land by proxy.

To be clear, PCA 126 does afford Main Roads the appropriate level of protection at both the Structure Plan and subdivision level. Once planning for the interchange is further advanced, the WAPC can decide if the land is required, and either reserve it in the MRS or rescind/amend the Planning Control Area accordingly.

City’s Comment:

The City notes the protection of land for the purposes of providing a regional road alignment is addressed by way of an amendment to the Metropolitan Region Scheme and is generally not as a result of responding to the designation of a Planning Control Area.

As this is a matter of regional importance, it is recommended that the Western Australian Planning Commission determine if a portion of the Structure Plan area should be removed where it is subject to Planning Control Area No.126.

Recommendation 7:

That the Western Australian Planning Commission determine if a portion of the Structure Plan area be removed where it is subject to Planning Control Area No.126.

3. Department of Water and Environment Regulation

Submission:

Consistent with Better Urban Water Management (BUWM) (WAPC, 2008) and policy measures outlined in State Planning Policy 2.9, Water Resources the proposed Structure Plan should be supported by an approved Local Water Management Strategy (LWMS) prior to final approval of the Structure Plan.

The LWMS should demonstrate how the subject area will address water use and stormwater management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources.

The DWER reviewed the supporting document, Golden Bay – Lot 3 Local Structure Plan Amendment: Revised Stormwater Drainage Design, Local Water Management Strategy (JDA, June 2018) and it was deemed unsatisfactory to the DWER.

DWER cannot support the local structure plan until the Department is satisfied with the revised LWMS. Accordingly, the proposed structure plan should not be finalised prior to the endorsement of a satisfactory revised LWMS by the DWER and the City of Rockingham in accordance with BUWM (WAPC, 2008).

Applicant’s Response:

We note that DWER, at the time, suggested that it had a number of concerns on the LWMS (as amended in support of Amendment 2). Please see attached a response prepared by JDA Hydrologists (12 April 2019) to DWER which was likewise provided to the City. Subsequent to this email, DWER have provided an email response (dated 17 April 2019) confirming that JDA’s response are acceptable. Again, this confirmation email has been provided to the City.

City’s Comment:

The City’s assessment has determined a number of items requiring further information, points of clarification and/or modification within the LWMS.

An assessment of the stormwater drainage and LWMS is contained within the ‘Policy’ section of this Report.
4. Department of Fire and Emergency Services – Land Use Planning

Submission:
It should be noted that this advice relates only to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines to Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the Applicant to ensure that the proposal complies with all other relevant planning policies and building and regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals requires by a relevant authority under other written laws.

Advice
- It is acknowledged that the Golden Bay modified structure plan was approved in 2015 the current planning application seeks to amend the structure plan by increasing residential density within certain areas.
- It is acknowledged that the subdivision of the northern section has already been approved.
- Further clarification is required within the Bushfire Management Plan (BMP) of the requirements of SPP3.7 and the supporting Guidelines as outlined in our assessment below.

Assessment
1. Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map

<table>
<thead>
<tr>
<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vegetation Classification</td>
<td>Vegetation classification – not substantiated</td>
<td>Clarification / modification required. The BMP should substantiate the Class C Shrub classification for remnant vegetation.</td>
</tr>
<tr>
<td></td>
<td>The BMP has classified the majority of the structure plan area and remnant surrounding vegetation as Class C Shrub. DFES is unable to substantiate this classification with only one photograph. The City of Rockingham’s ‘Visual Landscape Guide – Singleton, Golden Bay and Secret Harbour’ 2011 Report classified the entire area as Class D Scrub. Further evidence is required to substantiate the Class C Shrub classification. This is particularly important for any remnant vegetation within the undeveloped lots to the east and the areas denoted as ‘landscape protected areas’. Moreover, it should be demonstrated within the BMP that there is no potential for those areas to become Class D Scrub over time. Alternatively, the vegetation classification should be revised to apply the worst case scenario as per AS 3959.</td>
<td></td>
</tr>
<tr>
<td>Vegetation Classification</td>
<td>Post-development vegetation classification</td>
<td>Clarification / modification required.</td>
</tr>
<tr>
<td></td>
<td>The BMP has not included post development vegetation classification mapping as per the Guidelines. Any areas where vegetation will be modified and therefore excluded in the post development scenario should be excluded under section 2.2.3.2 of AS3959. Without this information the BAL Contour Map is difficult to interpret.</td>
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</tbody>
</table>
### 4. Department of Fire and Emergency Services – Land Use Planning (cont…)

<table>
<thead>
<tr>
<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
</tr>
</thead>
</table>
| Vegetation Exclusion – POS areas and Landscape Protected Areas (LPA) | **Vegetation exclusions – not demonstrated**  
The BMP assumes that areas within the LPA’s can be modified to low threat. There is no evidence within the BMP that the City has agreed to the vegetation modification as shown in the Master Landscape Plan (Figure 14). The Landscape Management Plan does not reference AS3959. Any areas proposed to be modified to a low threat state should reference either Schedule 1 of the Guidelines or Section 2.2.3.2 of AS3959 to ensure there is a clear understanding of how the vegetation should be modified and/or maintained in perpetuity. | Modification required.  
Provide evidence that LPA’s can be modified.  
Demonstrate how and who will maintain the POS area to ‘low threat’ as per AS3959 (in accordance with the Guidelines Appendix 4, Element 2 and Schedule 1). This should also be included in the implementation section of the BMP. |
| Vegetation Management | **Vegetation management – insufficient information**  
The LPA area shown as area ‘N’ on the landscape management plan does not appear to be within the lot boundary. This area is an LPA and also Crown Land and therefore not subject to the City of Rockingham’s Firebreak Notice. There is no current active management of this area to low threat and no evidence has been provided within the BMP to enforce the partial management of this area to low threat in perpetuity. | Insufficient information. |
| Vegetation Management | Evidence to support the exclusion of Public Open Space (POS) and road reserve managed to low threat in accordance with AS3959 is required.  
Specifically:  
- POS – P1 and P2 appear to be drainage swales which will be inaccessible to the public and are proposed to be revegetated. It is unclear how this area is to be managed to low threat in perpetuity.  
- Road Reserve – on Warnbro Sound Avenue adjacent to the approved northern subdivision. This area will be revegetated with shrubs and is proposed to be a large road reserve. Evidence has not been provided to validate City management of the reserve. Alternatively, the vegetation classification should be revised to apply the worst case scenario as per AS3959. | Clarification required.  
The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed. |
### 4. Department of Fire and Emergency Services – Land Use Planning (cont…)

<table>
<thead>
<tr>
<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BAL Contour Map</strong></td>
<td>BAL Contour Map – insufficient information</td>
<td>Insufficient information</td>
</tr>
<tr>
<td></td>
<td>The BAL Contour Map cannot be validated. There are areas within LPA ‘N’ that do not appear to be contoured. There are also areas proposed to be re-vegetated in the Landscape Management Plan that have not been contoured. The BAL Contours are not clear. Post development vegetation classification layer may assist in the interpretation.</td>
<td></td>
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<tr>
<td><strong>BHL Assessment</strong></td>
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<tr>
<td></td>
<td>The BHL Assessment has not used the correct methodology. There are areas of Class D Scrub and Class B Woodland which have been mapped as moderate. Both of these vegetation classifications are extreme.</td>
<td>Modification required.</td>
</tr>
<tr>
<td><strong>BAL Contour Map</strong></td>
<td>BAL ratings – not demonstrated</td>
<td></td>
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<tr>
<td></td>
<td>Lots (lots T, U, V, W and lot 1621) are identified on the BAL Contour Map as BAL-40/FZ; however, Table 1 identified these lots as BAL-29. The BAL rating of a lot is defined by the highest BAL rating applied through the BAL contouring. Table 1 should identify the higher rating to ensure this is brought to the attention of the proponent/landowner and the decision maker.</td>
<td>Modification required. Amend Table 1 of the BMP to reflect the methodology contained within the Guidelines at Appendix 3.</td>
</tr>
</tbody>
</table>

### 2. Policy Measure 6.3 c) Compliance with the bushfire protection criteria

<table>
<thead>
<tr>
<th>Issue</th>
<th>Assessment</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location and Siting Design</strong></td>
<td>A1.1 – does not comply</td>
<td></td>
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<tr>
<td></td>
<td>There are lots within the approved subdivision as well as areas proposed for future development which are impacted by BAL40/FZ. The BMP and structure plan design has not responded to the remnant vegetation to the east of the structure plan area. Good design, including provision of hazard separation such as a perimeter road, will ensure future development subdivision meets the intent of this element by ensuring lots are located in areas with the least possible risk. These Guidelines state that the strategic planning proposal should be located in an area of BAL-29 or below. The strategic planning stage provides opportunity to ensure that this can be achieved.</td>
<td>Modification required. Please demonstrate that compliance can be achieved at subsequent planning layers.</td>
</tr>
<tr>
<td><strong>Vehicular access – Cul-de-sacs</strong></td>
<td>A3.3 – not demonstrated</td>
<td>Comment. All opportunities should be explored to avoid the cul-de-sac.</td>
</tr>
<tr>
<td></td>
<td>Cul-de-sacs within the approved northern subdivision design should be avoided in bushfire prone areas. The BMP does not consider options to avoid the cul-de-sacs. It is acknowledged that this road layout has been approved.</td>
<td></td>
</tr>
</tbody>
</table>
4. Department of Fire and Emergency Services – Land Use Planning (cont…)

<table>
<thead>
<tr>
<th>Vehicular Access – battle-axe legs</th>
<th>A3.4 – not demonstrated</th>
<th>Comment. All opportunities should be explored to avoid the battle-axe lot.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battle-axe legs within the approved northern subdivision design should be avoided in bushfire prone areas. The BMP does not consider options to avoid the two battle-axe lots, and justification has not been provided. It is acknowledged that this road layout has been approved.</td>
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</tbody>
</table>

**Recommendation – not supported modification required**

The DFES has assessed the proposed modified structure plan and accompanying BMP, and has identified several issues that need to be addressed prior to support of the proposal (refer to the tables above).

**Applicant's Response:**

**Vegetation Classification - not substantiated**

Natural Area prepared the original BMP for the site in 2011 – 2012, so there have been numerous visits to the site in the intervening 8-year period. Those site visits have been consistent in their classification of the dominant vegetation classification being Class C Shrubland with pockets of Class D Scrub. The original and subsequent assessments have been reviewed extensively and accepted by the City of Rockingham. The BMP provided to DFES is an amalgamation of the various documents prepared since 2016 for the site.

The nature of the vegetation (i.e.: the natural form of the species present) mean that it is currently in its mature form with little potential to become Class D Scrub – there would have been indications of that since the first visit to the site in 2011. Accordingly, it would be inappropriate to assign it as Class D and apply a worst-case scenario on the DFES belief that it ‘might become Class D Scrub’.

If required, additional photographs can be provided for the benefit of DFES so they can be satisfied with the Class C Shrub classification.

**Vegetation Classification - Post-development vegetation classification**

Noted – this can be provided.

**Vegetation Exclusion – POS areas and Landscape Protected Areas**

Vegetation exclusion areas and their proposed landscaping have been discussed extensively with the City of Rockingham, with landscaping plans approved. Landscaping plans prepared by Emerge were done so in consultation with Natural Area, where they were assessed from a bushfire management perspective before their submission to the City; this included an assessment of the level of management, presence of turfed areas, choice of species and their separation distances. Additional information can be added to the implementation section if required.

**Vegetation Management**

The area marked N on the landscape plan is the Lot 4205 Minderoo Crescent discussed in paragraph 2 of Section 2.4.1 which indicates that some landscaping will occur along the perimeter to ensure an appropriate separation distance is achieved. This information has been reviewed by the City of Rockingham.

**Vegetation Management**

The description of POS areas P1 and P2 are of landscaped areas with turf, seating and other amenities associated with parkland areas, thus meet the definition for exclusion clause 2.2.3.2 (f) of AS 3959. The City of Rockingham has reviewed the landscaping plan and their exclusion as classified vegetation; thus their classification and exclusion has been accepted.

**BAL Contour Map**

Clarification required – contours have been provided around those portions of the site that will impact on Lots within Lot 3. Those Lots within the northern portion of the site are in an approved subdivision area, while those to the south may be subject to change in the future – if any changes are required, they can be made.
4. Department of Fire and Emergency Services – Land Use Planning (cont…)

**BHL Assessment**
Noted, this can be adjusted.

**BAL Contour Map**
The final paragraph in Section 2.4.1 of the document indications that the rural residential blocks along the eastern boundary will require a suitable setback from the Lot boundary (i.e.: to the rear of the Lot) to achieve a BAL-29 rating. There is sufficient area within the Lots to enable the construction of a building and have a suitable separation distance between the vegetation and building walls. This information has been included in Table 1.

It is my understanding that a BAL-rating does not necessary apply to the Lot as a whole, though that tends to apply in early planning stages when a sufficient level of information is not available to look at the detailed situation. However, as per Section 2.2.4 of AS 3959, the BAL-rating is determined according to the distance between the building walls and the edge of the classified vegetation, hence the application of a minimum setback requirement for these Lots to enable a BAL-29 rating to be achieved.

**Location and Siting Design**
It is presumed this comment is synonymous with the one above relating to the BAL-contour Map and Lots T, U, V and W. This has been addressed through the application of a minimum rear setback from the Lot boundary to enable a BAL-29 rating to be achieved; these Lots are large enough to accommodate the required subdivision.

The same will apply to the rural residential Lots planned for the eastern boundary in the southern portion of Lot 3.

**Vehicular access – Cul-de-sacs**
Noted.

**Vehicular Access – Battle-Axe Legs**
Noted.

**Recommendation**
It is noted that several of the comments made by DFES relate to a portion of the subdivision that is already approved. As highlighted above, Natural Area will make changes to the BMP in appropriate locations.

**City’s Comment:**
1. **Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map**
   DFES comments are supported. The BMP should be updated to substantiate the Class C Shrub vegetation classification, as well as update the post development vegetation on the BAL Contour Map.

   **Vegetation Exclusion – POS Areas and Landscape Protected Areas**
   DFES comments are supported. The City is unable to determine the intended development standards proposed for the ‘Low fire fuel vegetation’ area. Further information is required to complete a full assessment.

   **Vegetation Management**
   DFES comments are supported. In addition to the areas outlined by DFES, the City has determined that Figure 12 of the BMP does not account for all bushfire prone vegetation within public open space that is proposed to be retained in a natural state as shown in the Landscape Master Plan (See Figure 13).

   In this regard, portions of public open space areas ‘F’, ‘M’, ‘Q’, ‘U’ and ‘V1’ are not shown to incorporate bushfire prone vegetation and determined within the BMP as being maintained as parkland area instead of being retained in its natural state. It is recommended that the BMP be amended to correctly show the BAL Contour areas.
4. Department of Fire and Emergency Services – Land Use Planning (cont…)

Under the Landscape Master Plan, the Warnbro Sound Avenue reserve vegetation treatment is identified as Shrubs. According to State Planning Policy 3.7, Shrub vegetation has the likelihood of maturing into an ‘extreme’ threat if not managed or landscaped appropriately. Further assessment needs to be provided for the Warnbro Sound Avenue road reservation.

**BAL Contour Map**

DFES comments are supported. The City’s assessment confirms that the BAL contour map does not align with the source of bushfire risk for post development threats.

Additionally, the City has identified discrepancies between the BAL rating indicated on the BAL Contour Map reflecting BAL – 40/FZ and the ratings applied to various lots in Table 1, identified as BAL-29, dependent on post development management outcomes.

**BHL Assessment**

DFES comments are supported. The vegetation classification should reflect that of an extreme hazard.

2. Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria

**Location and Siting Design**

DFES comments are supported. The Structure Plan should respond to the bushfire threats currently existing on the adjoining property/s/ reserves and apply appropriate urban design elements to reduce the threat of bushfire to proposed lots.

**Vehicular Access**

The cul-de-sac road and battle-axe legs have been approved by the WAPC in Subdivision Approval 154533.

**Recommendation 8:**

*That the Bushfire Management Plan be modified as follows:*

(i) *Provide an updated BAL Contour plan addressing the following:*

- The vegetation in the Landscape Master Plan
- A detailed topography and slow analysis; and
- Illustrate the BAL contours to align with the boundary of the identified radiant heat source.

(ii) *Amend the Bushfire Hazard Level Assessment in Figure 11 to reflect a vegetation classification as ‘Extreme’ Hazard.*

(iii) *Update the BAL Contour Map to reflect the modified vegetation classification areas.*

(iv) *Provide details as to how the landscape will be modified in the areas identified as ‘Low Fire Fuel Vegetation’.*

(v) *Provide justification as to how Landscape Protection Area ‘M’ under the Landscape Master Plan, will be managed to low threat.*

(vi) *Provide clarity as to how POS areas ‘U’ and ‘V1’ will be managed to low threat.*

(vii) *The BMP be modified to address BAL ratings to lots, as the risk occurs at the time of assessment, and not defer to subsequent works being required to be undertaken on neighbouring properties.*

(viii) *Introduce the following wording into the Bushfire Management Plan under ‘Developer Responsibilities’:

“Prior to subdivision clearance: implement solutions listed in Table 4: Compliance with the bushfire protection criteria, as contained in the Bushfire Management Plan”.*
c. **Strategic**

**Community Plan**

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

**Aspiration 3:** Plan for future generations  
**Strategic Objective:** Responsive planning and control of land use: plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. **Policy**

**State Planning Policies**

<table>
<thead>
<tr>
<th>Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon (Directions 2031)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy Implications</strong></td>
</tr>
<tr>
<td>Directions 2031 was released by the Western Australian Planning Commission (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.</td>
</tr>
<tr>
<td><strong>Directions 2031</strong> 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.</td>
</tr>
<tr>
<td>To achieve this target, the Policy sets a density target of 15 dwellings per gross urban zoned hectare of land in new development areas.</td>
</tr>
<tr>
<td><strong>City Assessment</strong></td>
</tr>
<tr>
<td>The Golden Bay Structure Plan achieves the target density by providing for 15 dwellings per gross urban zoned hectare of land. When the amendment area is viewed in isolation, Lot 3, will only achieve approximately 11 dwellings per gross urban zoned hectare. This is attributed by the topography and landscape value required to be protected in this portion of the Structure Plan area.</td>
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</table>

<table>
<thead>
<tr>
<th>Liveable Neighbourhoods (LN)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy Implications</strong></td>
</tr>
<tr>
<td>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 subdivisions. The document outlines all the requirements for 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.</td>
</tr>
<tr>
<td>LN contains eight ‘elements’ under which Structure plans and subdivisions are assessed as follows:</td>
</tr>
</tbody>
</table>
| 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. |
Liveable Neighbourhoods (LN) (cont…)

City Assessment
The City has assessed the proposal in accordance with the ‘Objectives’ and ‘Requirements’ of Liveable Neighbourhoods. The assessment outcomes are summarised as follows:

**Element 1 - Community Design**
Lot 3 is naturally undulating as part of the significant dune system, having peaks identified for landscape protection. The natural features are likely to create a strong sense of character and identity for the neighbourhood, with a centrally located observation point, enhancing the value of the natural dune features.

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 interface of R5 Lots to the eastern boundary is discussed further in the ‘Comments’ section of this Report.

**Element 2 – Movement Network**
The Structure Plan design considers its context and provides a permeable and efficient movement network.

A revision to the Traffic Impact Assessment (TIA) was prepared by Transcore. The City’s assessment has determined that minor points of clarification, corrections to assumptions and traffic modelling are required to the report. The changes will not result in amendments being required to the Structure Plan design.

**Element 3 – Lot Layout**
LN specifies that lots should be shaped and orientated to enable dwellings built on them to be sited to:
- Facilitate climate responsive and energy efficient housing;
- Protect natural and cultural features;
- Acknowledge site constraints including noise, soil erosion, poor drainage, saline or acid sulphate soils and bushfire risk;
- Minimise earthworks and retaining walls on sloping sites;
- Capitalise on views;
- Minimise overlooking and overshadowing; and
- Providing space for appropriate planning for microclimate management and energy conservation.

The indicative lot layout demonstrates that the proposed Structure Plan layout can effectively accommodate the siting and construction of dwellings on generally rectangular shaped lots that maximises solar efficiency.

As stated in response to submissions received, the City does not support the distribution of R30 and R40 coded land as proposed by the Structure Plan Amendment. Liveable Neighbourhoods encourages smaller residential lots and higher density housing in areas close to a Town or Neighbourhood Centre, near public transport stops, and in areas with high amenity, such as parks. In this regard, the provision of medium and high density land within the proposed Structure Plan Amendment is considered appropriate in the following locations:
- Along Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
- On the end of street block to encourage housing diversity; and
- Adjacent to and overlooking public open space.

The Structure Plan Report does not provide justification to outline the intended built form outcomes sought to be delivered at subdivision stage as a result of the increase in density, particularly with respect to streets proposed to be coded R30 and R40.

It is recommended that the Structure Plan Amendment be modified to redistribute higher R30 and R40 densities in accordance with the criteria stipulated above and provide justification within Part Two of the Structure Plan Report. The modification should outline objectives and illustrate examples of the intended built form outcomes that provide for an attractive and functional streetscape environment (see Recommendation 1).
Liveable Neighbourhoods (LN) (cont…)

The interface of R5 lots abutting the ‘Special Residential’ zoned land east of the Structure Plan area is also not supported and a detailed assessment of the City’s recommended change to Structure Plan is detailed in the ‘Comments’ section of this Report.

Element 4 – Public Parkland
Distribution and Provision of Open Space

The Structure Plan Amendment proposes to provide an additional 1.5ha of POS within Lot 3 of the Golden Bay Structure Plan providing for a total of 11.9% of the developable area being contributed towards POS, exceeding the minimum requirement of 10% under LN.

The POS has been redistributed, providing an east-west ecological linkage, as well as facilitating a greater transition between LPA’s, to urban development. The location and distribution of POS on the proposed Structure Plan satisfies the objectives of the Planning Policy. The POS and LPA’s are shown in Figure 13.

The City considers the overall change achieves an improved planning outcome, redistributing POS around the defined LPA’s to improve landform retention.

The City’s assessment of the Public Open Space schedule, which is provided as part of the Structure Plan Report, identified a number of minor discrepancies that will need to be corrected to be in accordance with LN.
Liveable Neighbourhoods (LN) (cont…)

Function of Open Space

LN requires public parkland to provide a balance between recreation, conservation, active and passive uses. The Structure Plan Amendment improves upon the protection of natural and culturally significant features of the parabolic dune system. The additional protection of these natural features does result in a marginally smaller component of space for informal recreation purposes (such as grass kick about spaces) to that currently approved.

The City has considered the provision of recreation space together with the community values for the protection of natural features, fauna and vegetation, as well as the provision of formalised walking trails and lookouts. The configuration of open space improves upon that currently approved and is supported.

Local Open Space (Corner Dampier Drive)

The approved Public Open Space / Local Drainage reserve site located on the north-east corner of Lot 3 has been proposed to be amended for ‘Residential R5’ as shown in Figure 14.

14. Local Reserve Public Purposes – Drainage Site

The site adjoins bushfire prone vegetation, limiting the ability for the lot to be developed for residential purposes.

Additionally, the existing Local Reserve Public Purposes – Drainage is impacted by Planning Control Area 126 (see Figure 15), which is identified to protect land from being developed for the potential future extension of the Dampier Drive interchange.
Liveable Neighbourhoods (LN) (cont…)

While it is acknowledged that the reserve is not required for drainage purposes, the characteristics of the site (while modified) are considered to still form part of the valued parabolic dune system. In this regard and in light of the other constraints specified above, it is recommended that the site be retained as retained for POS as per the approved Structure Plan and Subdivision Approval 156181 (see Recommendation 4).

**Element 5 – Urban Water Management**

The Applicant has submitted an addendum to the approved Local Water Management Strategy. The plan seeks to rationalise drainage from being contained in four locations into two swales for the treatment and storage of stormwater. Infiltration areas A and B are shown in Figure 16 below.

16. Stormwater Storage and Treatment Basins

The applicant is proposing to develop a three-tiered basin, making the Infiltration Area ‘B’ in POS ‘U’ unusable for recreation purposes. The detention basin occupies approximately 40% of this open space area. When considered in conjunction with the provision of a wastewater treatment, the public open space provided has limited recreational value.

To reduce the extensive use of retaining walls and terracing in POS ‘U’ (as shown in Figure 13), the City recommends that an additional reserve be provided generally in the location shown in Figure 17. This is an existing depression in the landscape (demarked in the red circle) and is identified as a drainage basin in the approved Structure Plan and LWMS.

The City recommends a dedicated drainage reserve be provided to operate in conjunction with Infiltration Area ‘B’. This change is intended to reduce the volume of stormwater in the Infiltration Area ‘B’ to provide additional recreational value to the reserve.
Liveable Neighbourhoods (LN) (cont…)

Element 6 – Utilities
The Structure Plan Amendment provides appropriate documentation as to the utilities required to be implemented at subdivision stage.

Element 7 – Activity Centres and Employment
Not applicable.

Element 8 – Schools
Not applicable.

Recommendation 9:
That the Structure Plan Map be amended and LWMS Addendum to reflect a dedicated drainage reserve on the R5 lot south of POS ‘U’ and Infiltration Basin ‘B’ of the LWMS.

State Planning Policy No.3.7 – Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

Policy Implications
State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) applies immediately to all planning applications in designated bushfire prone areas identified on the Fire and Emergency Services Commissioner’s Map of Bushfire Prone Areas (FESC Map). SPP3.7 sets out policy measures applicable to the consideration of development in bushfire prone areas. It 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 guidelines recommend that the following issues be addressed for Structure Plans:
- Location of bushfire prone areas within and adjacent to the structure plan area and the need for further assessment of the risk in such areas;
- Avoidance of land use and development intensification in any areas likely to maintain or generate a hazard level of extreme;
- Existing firefighting infrastructure such as response or suppression capacity, water tanks, brigades etc;
State Planning Policy No.3.7 – Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas (cont...)

- Existing and proposed road network, its' likely effectiveness in a bushfire emergency, and any gaps in the local access network from a bushfire safety perspective;
- Biodiversity issues and their interrelationships with bushfire prone areas;
- Means of protection for areas with high conservation values to accommodate biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores;
- Accommodation of biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores; and
- Location of any vulnerable or high-risk land uses within identified bushfire prone areas and whether such uses may require management strategies to be prepared.

City Assessment
The City’s assessment confirms that the risk of a bushfire can be adequately managed through the implementation of Asset Protection Zone’s (APZ) around the specified classes of vegetation.

An APZ can be achieved through the placement and development of local access streets (approximately 17m wide), which include the construction of on-street parking and footpaths, as well as mandatory building setbacks between the bushfire prone vegetation and the habitable building. In the event a dwelling falls within 100m of any identified bushfire prone vegetation, the dwelling will be required to construct to a BAL 12.5 standard, with notifications placed on titles to inform landowners of this requirement.

The BMP classifies the vegetation on site as a ‘moderate’ bushfire risk. It is recommended in accordance with the WAPC’s Planning in Bushfire Prone Areas Guidelines that the vegetation within the Structure Plan area be classed as an ‘extreme’ risk.

The City’s assessment has determined that minor technical matters, points of clarification and further information that are required to comply within the provisions of the Guidelines.

Local Planning Policies

Planning Policy 3.4.1 – Public Open Space

Policy Implications
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.

City Comment
The location and distribution of POS on the proposed Structure Plan satisfies the objectives of the Policy. The City has assessed the Landscape Master Plan and recommends the following amendments:

- Cross sections to be provided demonstrating the interface between surrounding road reserves and Landscape Protection Area / public open space (See Recommendation 2).
- Update POS reference numbering to be consistent with that of the Structure Plan Map and POS Schedule.
- Include reference to the wastewater pump station, including location and area, intended landscape treatment.
- Update description associated with ‘Conservation Reserve ‘M’ to be consistent with the Bushfire Management Plan, whether it is to be maintained as a parkland area or maintained for conservation.
Planning Policy 3.4.1 – Public Open Space

- Illustrate the general location for a firebreak to be implemented between the Landscape Protection Areas and any adjoining residential property boundaries. The construction standard should also be specified in the Landscape Master Plan.

- Clarify the infrastructure being placed within the Landscape Protection Area. This can be represented with further detailed explanation for each Landscape Protection Area site, or by producing detailed concept plans for the City's review.

- Further detail needs to be included in the Landscape Master Plan, confirming what treatment is proposed for ‘low fuel’ vegetation.

Recommendation 10:
The Landscape Master Plan be amended by undertaking the following:

(i) Update POS reference numbering to be consistent with that of the Structure Plan Map and POS Schedule.

(ii) Include reference to the wastewater pump station, including location and area, intended landscape treatment.

(iii) Update description associated with ‘Conservation Reserve ‘M’ to be consistent with the Bushfire Management Plan, whether it is to be maintained as a parkland area or maintained for conservation.

(iv) Update the Landscape Master Plan, illustrating the general location for a firebreak to be implemented between the Landscape Protection Areas and any adjoining residential property boundaries. The construction standard should also be specified in the Landscape Master Plan.

(v) The Landscape Master Plan needs to be updated to clarify the infrastructure being placed within the Landscape Protection Area. This can be represented with further detailed explanation for each LPA site, or by producing detailed concept plans for the City’s review.

(vi) Further detail needs to be included in the Landscape Master Plan, confirming what treatment is proposed for ‘low fuel’ vegetation.

Planning Policy 3.4.3 – Urban Water Management

Policy Implications

Planning Policy 3.4.3 – Urban Water Management (PP 3.4.3) provides guidance on total water cycle management to ensure that planning and development proposals are dealt with in a consistent manner and promote alternative water conservation and sustainability practices that reduce reliance on traditional supplies. The objectives of the Policy seek to:


- Ensure that land use planning decisions integrate land and water planning, achieve catchment specific environmental criteria and thereby deliver better improved water management outcomes for the catchments within the City.

- Implement Water Sensitive Urban Design (WSUD) principles and best management practices for all development proposals and City Operations

- Improve water quality within the City and ensure the protection and management of sensitive environments. Where possible, restore and enhance the environmental, economic and social values of the City’s waterways and protected wetlands.

- Assess the practical and appropriate level of risk related to the proposal

City Assessment

The City’s assessment of the Local Water Management Strategy Addendum, has identified a number of minor technical changes and further information required to comply with the provisions of the Policy.
e. Financial
Nil

f. Legal and Statutory

Amendment to Structure Plan under Planning and Development (Local Planning Schemes) Regulations (2015)

Schedule 2, Part 4, clause 29 of the Regulations states that a structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan. The Procedures for making a structure plan set out in the Regulations, with any necessary changes, must be followed in relation to an amendment to a structure plan.

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.

The recommended modifications to the Structure Plan outlined within this Report to address issues raised in submissions are not considered to warrant readvertising of the proposal.

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 Amendment has been assessed by City Officers and the following additional comments are provided:

**R5 Lots**

The proposed R5 density located on the eastern boundary has been provided as per the original 1994 Comprehensive Development Plan. The original intent of the R5 lots on the eastern boundary was to provide a transition interface to the adjoining ‘Special Residential’ zoned land and retain the natural features of the dune landscape.

The Structure Plan Amendment provides information regarding the manner the lots are intended to be developed. Building envelopes are proposed to be designated with an area of approximately 320m².

In light of changes in the planning framework since 1994, particularly the introduction of the State Planning Policy 3.7 – Planning in Bushfire Prone Areas, the application has not demonstrated how the R5 lots are capable of being developed whilst protecting the landscape values of the dune system as per the original intent of the 1994 Comprehensive Development Plan.

In areas designated as ‘Bushfire Prone’, suitable measures are required to be implemented to reduce the threat of a bushfire to a habitable structure, in this case, the building envelope. This includes introducing an asset protection zone, whereby the perimeter around a habitable structure is designated and maintained with ‘low threat vegetation’ (this is typically a maintained turf with limited landscape treatment to reduce the flammable material around a building). This alteration in the landscape for the protection of an asset, is considered to be detrimental to the retention of the natural vegetation and landscape.

The BAL Assessment identifies that the proposed R5 lots are adversely impacted by bushfire threats, requiring a BAL construction standard greater than that recommended by the Guidelines of BAL-29. For development to occur on these lots, development must comply with Table 2.4 – Determination of Bushfire Attack Level of AS 3959:2018. The standard requires a minimum 11m setback from the rear boundary in order to achieve a BAL-29 rating for the lots. This, in conjunction with a 12m setback as a standard under the Residential Design Codes, will constrain development of the proposed lots.
The original intent for the provision of R5 density on the eastern boundary of the Structure Plan area has been to provide lots that retain the landscape value, including vegetation, outside of the building envelope. Section 2.3 of the WAPC’s Planning in Bushfire Prone Area Guidelines states that where an APZ will cause the loss of vegetation, which is not acceptable or causes conflict with landscape or environmental objectives, an alternative solution should be applied, with suggestions including reducing the lot yield or modifying the development location in order to minimise the removal or modification of remnant vegetation.

The City’s assessment of the remnant vegetation along the eastern boundary of the subject site identifies the vegetation, together with the parabolic dunes upon which it grows, are worthy of as much protection as possible.

19. R5 Density Modification

In light of the constraints stated above, the development standards proposed do not provide a purchaser with sufficient area to build a house, shed, landscaping and outdoor living, without threat to degradation to the natural dune landscape.

**Recommendation 11:**

Address how the R5 density interface will be resolved, demonstrating how future development can comply with applicable bushfire separation requirements whilst respecting the natural dune topography.

**Conclusion**

The City’s assessment of the Structure Plan Amendment as determined that the proposal provides for an improved distribution of the public open space and layout in comparison with the approved Structure Plan.

The City recommends modifications to the proposal relating to:

1. The provision of an appropriate interface to the eastern ‘Special Residential’ zoned land to address bushfire separation requirements and the retention of natural dune topography;
2. Maintaining two reserves located on the eastern boundary of the Structure Plan area; and
3. Redistributing the location of proposed R30 and R40 residential densities to respond more appropriately to its context.
The City recommends the following modifications be made to the proposal as stipulated below:

**Recommendation 1:**

(i) The Structure Plan amendment be modified to redistribute R30 and R40 densities shown on the Structure Plan Map in the following locations:
- Along Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
- On the end of street blocks to encourage housing diversity; and
- Adjacent to and overlooking public open space.

(ii) Amend Part Two of the Structure Plan Report to provide justification for the change in residential density proposed and outline the intended built form outcomes sought to be delivered at subdivision stage as a result of the increase in density.

(iii) Amend Part One of the Structure Plan Report to introduce the following provision in Section 6 Subdivision and Development:

"An average lot width of not less than 12 metres, with no more than five (5) adjoining lots with a frontage of less than 12 metres, is required in any street block where garage access is provided to the primary street."

**Recommendation 2:**

The Landscape Master Plan be updated to include cross-sectional drawings, demonstrating the interface between the road reserve and Landscape Protection Areas to guide consideration of future subdivision applications.

**Recommendation 3:**

That Part One, section 7 of the Structure Plan Report be amended to require a Landscape Protection Area (LPA) Management Plan as a condition of subdivision approval, to outline measures for the ongoing use and management of the LPA. The Management Plan is to address the following matters:

(i) Contain a targeted fauna assessment to determine any recolonisation of Quenda into the LPA post construction;

(ii) Provide a detailed flora and vegetation survey to assess vegetation condition, weed suites and priority weed locations

(iii) Develop an implementation plan for the ongoing management of the LPA, with elements such as:
- Revegetation areas and priorities;
- Weed control;
- Feral animal control;
- Controlled access measures (fencing, gates, consolidated tracks) for pedestrians, maintenance and emergency response;

(iv) Proposed locations of fauna underpasses to provide connectivity between LPAs. These must be reflected on the Engineering Drawings prior to commencement of works.

(v) Monitoring, contingencies and Key Performance Indicators; and

(vi) Responsibilities and timeframes.

**Recommendation 4:**

That the public open space/drainage reserve located on the corner of Dampier Drive and Golden Bay Drive and as shown in the approved Structure Plan and WAPC Subdivision Approval 156181 be retained as public open space.

**Recommendation 5:**

That the Landscape Concept Plan be amended to include a Street Tree Master Plan which is to be implemented through the subdivision process.
Recommendation 6:
That the Transport Impact Assessment Report and Structure Plan Report Part One be modified to require a sight distance assessment be provided as a condition of subdivision approval. The assessment is to be completed during detailed design stage for all new intersections that connect to the existing road network to ensure compliance with Austroads Guideline to Road Design.

Recommendation 7:
That the Western Australian Planning Commission determine if a portion of the Structure Plan area be removed where it is subject to Planning Control Area No.126.

Recommendation 8:
That the Bushfire Management Plan be modified as follows:
(i) Provide an updated BAL Contour plan addressing the following:
- The vegetation in the Landscape Master Plan
- A detailed topography and slope analysis; and
- Illustrate the BAL contours to align with the boundary of the identified radiant heat source.
(ii) Amend the Bushfire Hazard Level Assessment in Figure 11 to reflect a vegetation classification as ‘Extreme’ Hazard.
(iii) Update the BAL Contour Map to reflect the modified vegetation classification areas.
(iv) Provide details as to how the landscape will be modified in the areas identified as ‘Low Fire Fuel Vegetation’.
(v) Provide justification as to how Landscape Protection Area ‘M’ under the Landscape Master Plan, will be managed to low threat.
(vi) Provide clarity as to how POS areas ‘U’ and ‘V1’ will be managed to low threat.
(vii) The BMP be modified to address BAL ratings to lots, as the risk occurs at the time of assessment, and not defer to subsequent works being required to be undertaken on neighbouring properties.
(viii) Introduce the following wording into the Bushfire Management Plan under ‘Developer Responsibilities’:

“Prior to subdivision clearance: implement solutions listed in Table 4: Compliance with the bushfire protection criteria, as contained in the Bushfire Management Plan”.

Recommendation 9:
That the Structure Plan Map be amended and LWMS Addendum to reflect a dedicated drainage reserve on the R5 lot south of POS ‘U’ and Infiltration Basin ‘B’ of the LWMS.

Recommendation 10:
The Landscape Master Plan be amended by undertaking the following:
(i) Update POS reference numbering to be consistent with that of the Structure Plan Map and POS Schedule.
(ii) Include reference to the wastewater pump station, including location and area, intended landscape treatment.
(iii) Update description associated with ‘Conservation Reserve ‘M’ to be consistent with the Bushfire Management Plan, whether it is to be maintained as a parkland area or maintained for conservation.
(iv) Update the Landscape Master Plan, illustrating the general location for a firebreak to be implemented between the Landscape Protection Areas and any adjoining residential property boundaries. The construction standard should also be specified in the Landscape Master Plan.
(v) The Landscape Master Plan needs to be updated to clarify the infrastructure being placed within the Landscape Protection Area. This can be represented with further detailed explanation for each LPA site, or by producing detailed concept plans for the City’s review.
(vi) Further detail needs to be included in the Landscape Master Plan, confirming what treatment is proposed for ‘low fuel’ vegetation.

**Recommendation 11:**
Address how the R5 density interface will be resolved, demonstrating how future development can comply with applicable bushfire separation requirements whilst respecting the natural dune topography.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the following recommendation to the Western Australian Planning Commission, with respect to the proposed amendment to the Golden Bay Structure Plan located at Lot 3 Warnbro Sound Avenue, Golden Bay:

1. The proposed Structure Plan not be approved until such time as the following matters have been satisfactorily addressed:
   
   (i) The Structure Plan amendment be modified to redistribute R30 and R40 densities shown on the Structure Plan Map in the following locations:
       - Along Neighbourhood Connector roads proposed to be serviced by a proposed bus route;
       - On the end of street blocks to encourage housing diversity; and
       - Adjacent to and overlooking public open space.

   (ii) Amend Part Two of the Structure Plan Report to provide justification for the change in residential density proposed and outline the intended built form outcomes sought to be delivered at subdivision stage as a result of the increase in density.

   (iii) Amend Part One of the Structure Plan Report to introduce the following provision in Section 6 Subdivision and Development:
       "An average lot width of not less than 12 metres, with no more than five (5) adjoining lots with a frontage of less than 12 metres, is required in any street block where garage access is provided to the primary street."

   (iv) The Landscape Master Plan be updated to include cross-sectional drawings, demonstrating the interface between the road reserve and Landscape Protection Areas to guide consideration of future subdivision applications.

   (v) That Part One, section 7 of the Structure Plan Report be amended to require a Landscape Protection Area (LPA) Management Plan as a condition of subdivision approval, to outline measures for the ongoing use and management of the LPA. The Management Plan is to address the following matters:
       (a) Contain a targeted fauna assessment to determine any recolonisation of Quenda into the LPA post construction;
       (b) Provide a detailed flora and vegetation survey to assess vegetation condition, weed suites and priority weed locations
       (c) Develop an implementation plan for the ongoing management of the LPA, with elements such as:
           - Revegetation areas and priorities;
           - Weed control;
           - Feral animal control;
           - Controlled access measures (fencing, gates, consolidated tracks) for pedestrians, maintenance and emergency response;
       (d) Proposed locations of fauna underpasses to provide connectivity between LPAs. These must be reflected on the Engineering Drawings prior to commencement of works.
       (e) Monitoring, contingencies and Key Performance Indicators; and
(f) Responsibilities and timeframes.

(vi) That the public open space / drainage reserve located on the corner of Dampier Drive and Golden Bay Drive and as shown in the approved Structure Plan and WAPC Subdivision Approval 156181 be retained as public open space.

(vii) That the Landscape Concept Plan be amended to include a Street Tree Master Plan which is to be implemented through the subdivision process.

(viii) That the Transport Impact Assessment Report and Structure Plan Report Part One be modified to require a sight distance assessment be provided as a condition of subdivision approval. The assessment is to be completed during detailed design stage for all new intersections that connect to the existing road network to ensure compliance with Austroads Guideline to Road Design.

(ix) That the Bushfire Management Plan determine if a portion of the Structure Plan area be removed where it is subject to Planning Control Area No.126.

(x) That the Bushfire Management Plan be modified as follows:

(a) Provide an updated BAL Contour plan addressing the following:
   - The vegetation in the Landscape Master Plan
   - A detailed topography and slope analysis; and
   - Illustrate the BAL contours to align with the boundary of the identified radiant heat source.

(b) Amend the Bushfire Hazard Level Assessment in Figure 11 to reflect a vegetation classification as ‘Extreme’ Hazard.

(c) Update the BAL Contour Map to reflect the modified vegetation classification areas.

(d) Provide details as to how the landscape will be modified in the areas identified as ‘Low Fire Fuel Vegetation’.

(e) Provide justification as to how Landscape Protection Area ‘M’ under the Landscape Master Plan, will be managed to low threat.

(f) Provide clarity as to how POS areas ‘U’ and ‘V1’ will be managed to low threat.

(g) The BMP be modified to address BAL ratings to lots, as the risk occurs at the time of assessment, and not defer to subsequent works being required to be undertaken on neighbouring properties.

(h) Introduce the following wording into the Bushfire Management Plan under ‘Developer Responsibilities’:

   “Prior to subdivision clearance: implement solutions listed in Table 4: Compliance with the bushfire protection criteria, as contained in the Bushfire Management Plan”.

(xi) That the Structure Plan Map be amended and LWMS Addendum to reflect a dedicated drainage reserve on the R5 lot south of POS ‘U’ and Infiltration Basin ‘B’ of the LWMS.

(xii) The Landscape Master Plan be amended by undertaking the following:

(a) Update POS reference numbering to be consistent with that of the Structure Plan Map and POS Schedule.

(b) Include reference to the wastewater pump station, including location and area, intended landscape treatment.

(c) Update description associated with ‘Conservation Reserve ‘M’ to be consistent with the Bushfire Management Plan, whether it is to be maintained as a parkland area or maintained for conservation.

(d) Update the Landscape Master Plan, illustrating the general location for a firebreak to be implemented between the Landscape Protection Areas and any adjoining residential property boundaries. The construction standard should also be specified in the Landscape Master Plan.
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(f) Further detail needs to be included in the Landscape Master Plan, confirming what treatment is proposed for ‘low fuel’ vegetation.

(xii) Address how the R5 density interface will be resolved, demonstrating how future development can comply with applicable bushfire separation requirements whilst respecting the natural dune topography.

(xiii) Amend the following Reports to address minor technical modifications, provide further information and meet policy requirements:

(a) Bushfire Management Plan;
(b) Local Water Management Strategy Addendum;
(c) Structure Plan Report; and
(d) Traffic Impact Assessment Report.

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 Jones, seconded Cr Hamblin:

That Council APPROVES the following recommendation to the Western Australian Planning Commission, with respect to the proposed amendment to the Golden Bay Structure Plan located at Lot 3 Warnbro Sound Avenue, Golden Bay:

1. The proposed Structure Plan not be approved until such time as the following matters have been satisfactorily addressed:

(i) The Structure Plan amendment be modified to redistribute R30 and R40 densities shown on the Structure Plan Map in the following locations:
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(xii) Address how the R5 density interface will be resolved, demonstrating how future development can comply with applicable bushfire separation requirements whilst respecting the natural dune topography.

(xiii) Amend the following Reports to address minor technical modifications, provide further information and meet policy requirements:
   (a) Bushfire Management Plan;
   (b) Local Water Management Strategy Addendum;
   (c) Structure Plan Report; and
   (d) Traffic Impact Assessment Report.

(iv) That the Structure Plan be modified to require that natural areas within proposed POS are retained at their natural levels, where an appropriate interface to urban development is achieved.

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
To ensure the natural topography of the additional POS areas are retained and to allow for some modification to tie in with development levels and useable areas of POS needed as part of the development.

Implications of the Changes to the Officer’s Recommendation
Not Applicable
4:42pm - Having earlier declared a financial interest, Mayor Sammels, Mr Michael Parker, Chief Executive Officer and Mr Mike Ross, Manager Statutory Planning departed the meeting.

### Planning and Development Services

#### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-031/19 Proposed Scheme Amendment No.174 - Scheme Maps brought into conformity with the Zones and Reserves on Structure Plans</th>
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<tr>
<td>File No:</td>
<td>LUP/2109</td>
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<tr>
<td>Applicant:</td>
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<tr>
<td>Owner:</td>
<td>Various</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Neels Pretorius, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning, Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
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</tbody>
</table>

Mr Mike Ross, Manager Statutory Planning declared a Financial Interest in Item PD-031/19 - Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans, as per Section 5.60A and 5.65 of the Local Government Act 1995, as he is the owner of property within the Scheme Amendment area (rezoning).

Mr David Waller, Coordinator Statutory Planning declared a Financial Interest in Item PD-031/19 - Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans, as per Section 5.60A and 5.65 of the Local Government Act 1995, as he is part owner of property within the Scheme Amendment area (rezoning).

Mr Neels Pretorius, Statutory Planning Officer declared a Financial Interest in Item PD-031/19 - Proposed Scheme Amendment No.174 - Scheme Maps Brought into Conformity with the Zones and Reserves on Structure Plans, as per Section 5.60A and 5.65 of the Local Government Act 1995, as his wife owns a property included in the Scheme Amendment area (rezoning).

### Nature of Council’s Role in this Matter:

Legislative

### Site:

Various
Purpose of Report

To consider Scheme Amendment No.174 to Town Planning Scheme No.2 (TPS2), for the purpose of bringing TPS2 into conformity with zones and reserves on adopted Structure Plans.

Background

Prior to 2015, when the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) were introduced, zones and reserves on adopted Structure Plans formed part of TPS2.

In September 2017, Scheme Amendment No.160 was gazetted which amended TPS2 to remove all clauses superseded by the ‘deemed provisions’ of the Regulations relating to Structure Plans. The Council now must have ‘due regard’ to, but is not bound by, a Structure Plan, when determining applications for Development Approval or providing its recommendation to the Western Australian Planning Commission (WAPC) on subdivision applications.

Details

This Scheme Amendment proposes the following changes:

Proposal No.1 – Structure Plans

The TPS2 zoning be amended from the Development Zone and Development Areas to the corresponding zones and reserves shown on approved Structure Plans, for land which has already been subdivided. There are 19 Scheme Maps with changes proposed. For land which is yet to be subdivided and developed, the Development Zone and Development Area will continue to apply.

Recommendation

Amend Scheme Map Sheet No’s 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 17, 18, 19, 21, 22, 25, 26, 28 and 31 by replacing the Development Zone with the corresponding zones and reserves shown on approved Structure Plans.

Proposal No.2 – Map Scale

Currently TPS2 maps are produced at both a 1:5,000 and 1:10,000 scale. When TPS2 was gazetted, on the 19 November 2004, 1:5,000 scale maps were applied to urban zoned land and 1:10,000 scaled maps for rural zoned land, to reflect the size of land parcels and legibility of the Scheme Map Sheets. With the changes in zoning a consistent 1:5,000 scale is proposed for improved legibility of the Scheme Maps, which will increase the number of Scheme Sheets from 22 to 34.

Recommendation

(a) Replace Sheets 1 to 22 with Sheets 1 to 34.
(b) Amend the Map legend on all Sheets accordingly.
(c) In the Scheme Text Clause 1.4 (c) replace ‘(Sheets 1-22)’ with ‘(Sheets 1-34)’.

Proposal No.3 – Development Areas

A Development Area is an area which is identified as being suitable for development in TPS2. A Structure Plan is required to be prepared and approved prior to subdivision and development.

Various Development Area have now been fully subdivided and developed and should be deleted from Schedule No.8 of TPS2. The zoning and reserve amendments for these areas is likewise included in Proposal No.1. Those Structure Plan areas which have not been fully developed will remain.
Recommendation
Delete the following Development Areas from Schedule No.8 of TPS2 and the Scheme Map:
DA1, DA2, DA3, DA4, DA5, DA6, DA8, DA11, DA12, DA15, DA16, DA17, DA18, DA20, DA21, DA23, DA28, DA29, DA32, DA33, and DA34.

Implications to Consider

a. Consultation with the Community
   Community Consultation is not required for a basic Scheme Amendment.

b. Consultation with Government Agencies
   Consultation with the Environmental Protection Authority will only occur if the Scheme Amendment is initiated by Council in accordance with the Regulations.

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2019-2029:
   
   Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
   The procedures for dealing with proposals to amend TPS2, as per the Planning and Development Act 2005, are set out in the Regulations.

   Regulation 35(1) enables the Local Government to prepare or adopt an amendment to TPS2, in a form approved by the Western Australian Planning Commission (WAPC). The resolution must specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment, and include an explanation for the reason for the local government forming that option.

   The City considers the proposed Scheme Amendment to be a basic amendment because it is an amendment to the Scheme Maps that is consistent with a Structure Plan that has been approved under the Scheme for the land to which the amendment relates.

   The process for basic Scheme Amendments following Council resolution to prepare or adopt an amendment is still required to be referred to the EPA, but there is no requirement for the Scheme Amendment to be advertised for public comment. Following the EPA decision whether environmental review is required, the City is required to forward the Scheme Amendment to the WAPC. The WAPC then considers the Scheme Amendment and makes a recommendation to the Minister for Planning, Lands and Heritage.

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 Scheme Amendment will incorporate the zones and reserves of adopted Structure Plans for land already subdivided into TPS2. Further Scheme Amendments will be required for active Development Zones and Development Areas, upon the land being subdivided. It is recommended that Council adopt the Scheme Amendment.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** Amendment No.174 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows:

   **Proposal No.1 - Structure Plans**

   Amend Scheme Map Sheets 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 17, 18, 19, 21, 22, 25, 26, 28 and 31, by replacing the Development Zone and Development Area with the corresponding zones and reserves on adopted Structure Plans.

   **Proposal No.2 – Map Scale**

   (i) Amending the Scheme Map scale from 1:5,000 and 1:10,000 to 1:5,000 throughout and thereby replace “Sheets 1 to 22” with “Sheets 1 to 34” and renumber all Scheme Maps accordingly.

   (ii) Amending the Map legend on all Sheets accordingly.

   (iii) Amending clause 1.4(c) to replace “(Sheets 1-22)” with “(Sheets 1-34)”.

   **Proposal No.3 - Schedule No.8 Development Areas**

   Delete the following Development Areas from Schedule No.8 of TPS2 and Scheme Maps:

   DA1, DA2, DA3, DA4, DA5, DA6, DA8, DA11, DA12, DA15, DA16, DA17, DA18, DA20, DA21, DA23, DA28, DA29, DA32, DA33, and DA34.

2. **CONSIDERS** the proposed Amendment to be a ‘basic amendment’ in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015; as a ‘basic amendment’ it includes an amendment to the Scheme Maps that is consistent with a Structure Plan that has been approved under the Scheme for the land to which the amendment relates.

Committee Recommendation

Moved Cr Jones, seconded Cr Summers:

That Council:

1. **ADOPTS** Amendment No.174 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows:

   **Proposal No.1 - Structure Plans**

   Amend Scheme Map Sheets 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 17, 18, 19, 21, 22, 25, 26, 28 and 31, by replacing the Development Zone and Development Area with the corresponding zones and reserves on adopted Structure Plans, as shown below.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 JUNE 2019
Proposal No.2 – Map Scale

(iii) Amending the Scheme Map scale from 1:5,000 and 1:10,000 to 1:5,000 throughout and thereby replace “Sheets 1 to 22” with “Sheets 1 to 34” and renumber all Scheme Maps accordingly.

(iv) Amending the Map legend on all Sheets accordingly.

(iii) Amending clause 1.4(c) to replace “(Sheets 1-22)” with “(Sheets 1-34)”.

Proposal No.3 - Schedule No.8 Development Areas

Delete the following Development Areas from Schedule No.8 of TPS2 and Scheme Maps:
DA1, DA2, DA3, DA4, DA5, DA6, DA8, DA11, DA12, DA15, DA16, DA17, DA18, DA20, DA21, DA23, DA28, DA29, DA32, DA33, and DA34.

2. CONSIDERS the proposed Amendment to be a ‘basic amendment’ in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015; as a ‘basic amendment’ it includes an amendment to the Scheme Maps that is consistent with a Structure Plan that has been approved under the Scheme for the land to which the amendment relates.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

4:44pm - Mayor Sammels, Mr Michael Parker and Mr Mike Ross rejoined the meeting.
### Planning and Development Services

**Statutory Planning Services**

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th><strong>PD-032/19 Proposed Child Care Premises</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>DD20.2018.00000257.001</td>
</tr>
<tr>
<td>** Applicant:**</td>
<td>Mr C Fernando</td>
</tr>
<tr>
<td>** Owner:**</td>
<td>Amman Holdings Pty Ltd</td>
</tr>
<tr>
<td>** Author:**</td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>20 May 2019</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Tribunal</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Lot 951 (No.1) Smirk Road and Sixty-Eight Road, Baldivis</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>2,161m²</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>Development</td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td>Urban</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photograph</td>
</tr>
<tr>
<td></td>
<td>3. The Dales (Smirk Road South) Structure Plan</td>
</tr>
<tr>
<td></td>
<td>4. Site Photo</td>
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<td></td>
<td>5. Site Plan</td>
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<td>6. Elevation Plans (1)</td>
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<td></td>
<td>7. Elevation Plans (2)</td>
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<tr>
<td></td>
<td>8. Consultation Plan</td>
</tr>
</tbody>
</table>

### Purpose of Report

To consider an application seeking Development Approval for a Child Care Premises at Lot 951 (No.1) Smirk Road and Sixty-Eight Road, Baldivis.
Background

The site is within the Dales (Smirk Road South) Structure Plan and is located on the corner of Sixty-Eight Road and Smirk Road. The Dales (Smirk Road South) Structure Plan was adopted by Council in October 2007 and modifications to the plan were adopted in August 2009. The site is identified for a ‘Grouped Housing Site R40’ under the approved Structure Plan.
3. The Dales (Smirk Road South) Structure Plan

**Details**

The applicant seeks Development Approval for a Child Care Premises on the subject site. Details of the proposal are as follows:

- Single-storey building with a floor area of approx. 572m²;
- Facilities include toilets, commercial kitchen, laundry, storage, outdoor play area and car parking;
- Accommodate a maximum of 90 children/toddlers/babies;
- 18 staff;
- A 174.5m² outdoor play area;
- 29 car parking bays proposed onsite, including staff tandem bays; and
- Operating hours will be Monday to Friday, between 7am and 7pm, excluding weekends and public holidays.

The applicant provided the following documents in support of the application:

- Planning Report;
- Development Plans;
- Environmental Acoustic Assessment;
- Traffic Impact Assessment (TIA);
- Geotechnical Report; and
- Bushfire Management Plan (BMP) and Emergency Evacuation Plan (EEP).

The site plan depicted below is a revision of the original submitted site plan. The design was modified to address traffic engineering concerns raised by the City.
5. Site Plan
6. Elevation Plans (1)
7. Elevation Plans (2)
**Implications to Consider**

a. **Consultation with the Community**

The application was advertised to 33 adjoining and nearby landowners for a period of 28 days, concluding 1 February 2019, as per the requirements of Planning Policy No.3.3.5 - Child Care Premises (PP3.3.5).

At the close of the advertising period, two submissions were received objecting to the proposal. One objection was from a landowner approx. 815m north of the subject site on Smirk Road.

8. **Consultation Plan**

<table>
<thead>
<tr>
<th>Legend</th>
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</thead>
<tbody>
<tr>
<td>Subject Site:</td>
</tr>
<tr>
<td>Consulted:</td>
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<tr>
<td>Objection:</td>
</tr>
</tbody>
</table>

**Noise Impact**

**Submission:**
No.11 Smirk Road raised concerns about noise from the proposed development.

**Applicant's Response (Summary):**
A Child Care Premises does not generate any commercial level noise from machinery or other equipment. The noise emitted from a CCP would be minimum in a residential context and not carry 'four doors down' to affected objector. The closest 'fourth' property is located approx. over 40m or over 80m away from the subject site, which is a considerable distance. The outdoor play area has been located closer to Sixty-Eight Road and the outdoor living area/ open space of No.2 Hearth Way. The owner is willing to work with the City and neighbours if any concerns arise during the assessment process to further eliminate any noise issues.
### Noise Impact (cont…)

**City's Comments**

The subject site is located adjacent to existing residential dwellings, which are noise sensitive land uses. An Acoustic Assessment has been provided with the application and is considered acceptable upon review.

The outdoor play area and car parking is proposed adjacent to Sixty-Eight Road to reduce the noise impact on existing surrounding residents. The Acoustic Assessment states that noise from children playing in outdoor areas and noise from cars (including doors closing and engine start-ups) will comply with the Environmental Protection (Noise) Regulations 1997. The Acoustic Assessment also recommends that the main outdoor play area recommends that no more than 30 children at any one time.

The noise modelling accounts for the existing colorbond boundary fencing and states it is considered acceptable.

**City's Recommendation**

Should Council grant development approval, a condition of approval is recommended that will restrict the maximum number of children permitted in the outdoor play area to 30 children, at any one time. Noise associated with mechanical services, such as air conditioning units, is also recommended to be addressed prior to the occupation of the development through an additional Acoustic Assessment condition.

### Commercial Competition

**Submission:**

Concerns regarding commercial competition due to an additional CCP in Baldivis in close proximity to the existing CCPs on Smirk Road (No.51 Borough Road).

**Applicant's Response (Summary):**

There is no prescribed distance (similar to pharmacies or chemists for example) for Child Care Premises to be setback from another. However, not only in this area, but in Perth Metropolitan area in general, there is a shortage of 'required' child care facilities. This means that all child care facilities may not be at full capacity on every day of the week. However, they cannot cater for the growing population of young children under the age of primary school, with both parents working to satisfy full time day care for up to 2-3 children of the same family at times.

The next closest Child Care Premises is 550m (Pipsqueaks Playschool) at No.51 Borough Road, Baldivis. The next closest (3.4km) is ‘Maragon Early Learning Centre’ at No.2 Avoca Chase, Baldivis. The driving distances for both of them are 1.3km and 5.4km, respectively. Under Liveable Neighbourhoods such a pedshed distance is a considerable distance.

Having spoken to them as recent as 7/8/2018, neither have full time facilities for 2 children aged 1 year (baby room) and 2.5 years (toddler room) and have a waiting period based on children moving to the next aged group or not attending.

The Child Care Premises has been proposed to cater for the needs of the newly developed and developing areas. As one can appreciate the developer has also carried out necessary research and forecasting for the return of their investment prior to purchasing the property and proposing a facility of this nature.

**City's Comment:**

Commercial competition between existing CCPs is not a valid planning consideration. Please refer to section d, policy assessment, regarding strategically locating CCPs as to provide the maximum benefit to the community it serves.

### Traffic Impact

**Submission:**

Concerns regarding increased traffic and parking generated on the existing local road network, in addition to traffic generated from Ridge View Secondary School.
Traffic Impact (cont…)

Applicant's Response (Summary):
Any additional traffic created would be as a result of increased residential density and development which results in the need for facilities of this nature and high schools. Before children can attend high school, they need to attend daycare, kindergarten and primary school. The traffic will also be local traffic generated within the immediate locality.

Parking for the site was brought to the City's engineers prior to the submission and we were provided with guidelines which we have addressed in our submission. The submission was also followed by a Traffic Impact Assessment addressing access, egress, parking on site and all vehicular movement including drop off of children, which has not been disputed or brought to our attention as a matter of concern by the City's engineers. There will be no need for parking on the street or verge and the neighbour four doors down has no reasons to be concerned. I'm assuming if the proposal was to be approved by Council, the officer recommendation can propose a condition on restrictions to parking to be contained on site.

City's Comments
A Traffic Impact Assessment (TIA) was provided in support of the application. The TIA states that traffic generated by the proposal is within the design capacity of the existing road network. The adequacy of the local road network to serve the 'Ridge View Secondary School' on Sixty-Eight Road has already been addressed in 2016, during the assessment of this application for the school and its accompanying Transport Impact Assessment (TIA).

The City previously requested changes to the proposed car parking layout, which have been included in modified plans to improve traffic flows during customer ‘drop-off’ and ‘pick-up’ times. The car parking shortfall of one (1) car bay is considered acceptable in the context of 29 car bays being provided on-site.

b. Consultation with Government Agencies

Department of Fire & Emergency

Submission:
Recommendation – supported compliant application

DFES advises that the Bushfire Management Plan (BMP) has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved for the development application.

Applicant's Response
Nil

City's Comments
DFES comments are noted. The Bushfire Management Plan (BMP) is consistent with State Planning Policy 3.7, Planning in Bushfire Prone Areas (SPP3.7) and the Guidelines for Planning in Bushfire Prone Areas, Version 1.3, December 2017.

c. Strategic

Community Plan

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

Aspiration 3: Plan for Future Generations

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

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

The subject site is within the State’s Bushfire Prone Area. The Bushfire Management Plan (BMP) is consistent with State Planning Policy 3.7, Planning in Bushfire Prone Areas (SPP3.7) and the Guidelines for Planning in Bushfire Prone Areas, Version 1.3, December 2017.

**Local Policies**

**Planning Policy No.3.3.5 - Child Care Premises (PP3.3.5)**

PP3.3.5 outlines siting, design and operative requirements for Child Care Premises. The following table shows how the proposed development addresses the objectives and intent of PP3.3.5.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td></td>
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<tr>
<td>(a) Distributed strategically to provide the maximum benefit to the community it serves;</td>
<td>(a) The proposal will serve the growing south Baldivis community, including the ‘Parkland Height Estate’ (currently under construction) to the west, the established ‘Dales Estate’ to the immediate north and the future ‘Brightwood Estate’ to the east. The property is also located between ‘Mother Teresa Catholic College’ (2min drive) to the west and ‘Ridge View Secondary College’ (10min walk) to the east. It is likely to benefit from passing traffic between the two schools on Sixty Eight Road. The nearest CCP is approx. 550m north of the subject site on Smirk Road. Given the existing and future residential catchment in the locality and the potential of the proposed development to benefit from passing traffic on Sixty Eight Road, it is considered that the proposal is strategically located as to provide maximum benefit for the community it serves.</td>
<td>Yes</td>
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<tr>
<td>(b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;</td>
<td>(b) The site is located opposite Public Open Space (POS) to the immediate east of the subject site and another POS is located within close proximity to the west. The subject site is positioned between ‘Mother Teresa Catholic College’ (2min drive) to the west and ‘Ridge View Secondary College’ (10min walk) to the east.</td>
<td>Yes</td>
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<tr>
<td>Requirement</td>
<td>Provided</td>
<td>Compliant</td>
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<tr>
<td>Location (cont…)</td>
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<tr>
<td>(c) Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties);</td>
<td>Yes</td>
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<tr>
<td></td>
<td>(c) The site is bound by residential development in the ‘The Dales Estate’. South of Sixty Eight Road, properties are zoned ‘Rural. All adjoining uses are considered compatible with the proposed CCP’s;</td>
<td>Yes</td>
</tr>
<tr>
<td>(d) Serviced by public transport (where available);</td>
<td>Yes</td>
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<td></td>
<td>(d) The site is located on the 565 (approx.194m north of the subject site) bus route;</td>
<td>Yes</td>
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<tr>
<td>(e) Considered suitable from a traffic engineering/safety point of view; and</td>
<td>Yes</td>
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<td></td>
<td>(e) Updated plans and the TIA demonstrate that the proposal is acceptable from a traffic engineering and safety point of view; and</td>
<td>Yes</td>
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<tr>
<td>(f) Of sufficient size and dimension to accommodate development without affecting amenity of the area.</td>
<td>Yes</td>
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<td></td>
<td>(f) The site complies with the minimum site area and is of regular shape, which is sufficient to accommodate the proposal without impacting the amenity of the area.</td>
<td>Yes</td>
</tr>
<tr>
<td>Site Characteristics</td>
<td></td>
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<tr>
<td>As a general rule, sites in a residential area should be of regular shape and greater than 1000m² in size. A maximum site coverage of 50% will apply to any proposal to prevent the over-development of any lot.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>2,161m² total site area. The child care premises is 572m² in area and the outdoor play area is 174.5m² in area. The proposal complies with the maximum site coverage of 50% (approx. 26.4% building coverage).</td>
<td>Yes</td>
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<tr>
<td>Carparking</td>
<td></td>
<td></td>
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<tr>
<td>Parking to be provided in accordance with TPS2.</td>
<td>No, but it is considered to be acceptable.</td>
<td></td>
</tr>
<tr>
<td>The parking requirements for a CCP’s is one (1) parking bay per employee and one (1) parking bay per eight children. Based on this rate, the proposed development, with 18 staff members and 90 children, requires 30 on-site parking bays. The car parking shortfall of one (1) car bay is considered acceptable and is not likely to create a traffic hazard on-site or within the immediate local road network.</td>
<td>No, but it is considered to be acceptable.</td>
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</tbody>
</table>
### Requirement

#### Traffic Impacts

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>A traffic impact statement/assessment will be required where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises has the potential to impact on the functionality and amenity of an area and may create or exacerbate unsafe conditions for children and families using the premises, or for pedestrians or road users.</td>
<td>A Traffic Impact Assessment has been provided with the application. This has since been updated by the applicant for the purposes of improving the traffic flows during customer ‘drop-off’ and ‘pick-up’ times. The traffic generated by the proposal is within the design capacity of the existing road network.</td>
<td>Yes</td>
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</tbody>
</table>

#### Noise Impact

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
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<tbody>
<tr>
<td>A noise impact assessment may be required for the development of a Child Care Premises. The objectives should be to limit the noise impact of the Child Care Premises on adjacent properties, and also limit any noise impact from external sources on the Child Care Premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise mitigation measures, such as acoustic treatments to buildings. Although each application will need to be assessed on its individual merits, the following basic principles apply:</td>
<td>The subject site is located adjacent to residential dwellings, which are noise sensitive land uses. An Acoustic Assessment has been provided with the application. No concerns were raised by the City’s Health Services in its assessment of this report. The Acoustic Assessment states that noise from children playing in outdoor areas and noise from cars (including doors closing and engine start-ups) will comply with the Environmental Protection (Noise) Regulations 1997.</td>
<td>Yes</td>
</tr>
<tr>
<td>(a) Where a Child Care Premises is located adjacent to a noise sensitive use, such as houses, retirement villages and nursing homes, the noise-generating activities of the Child Care Premises, such as the outdoor play areas, parking areas and any plant equipment, are to be located away from the noise sensitive use;</td>
<td>The outdoor play area and car parking has been located adjacent to Sixty Eight-Road to reduce the noise impact on existing surrounding residents.</td>
<td>Yes</td>
</tr>
<tr>
<td>(b) Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and</td>
<td>The Acoustic Assessment of the main outdoor play area included no more than 30 children at any one time. A condition of approval will restrict the maximum number of children permitted in the outdoor play area to 30, at any one time.</td>
<td>Yes</td>
</tr>
<tr>
<td>The Acoustic Assessment modelling included the existing boundary fencing in the assessment. The report noted that the existing fences are colorbond and considered acceptable.</td>
<td></td>
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</tbody>
</table>
**Requirement** | **Provided** | **Compliant**
---|---|---
**Noise Impact (cont...)**
(c) The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits. | Noise associated with mechanical services, such as air conditioning units, will be addressed, prior to the occupation of the development, through an additional Acoustic Assessment. | Yes

**Design Considerations**
The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture. | The architectural style of the building is similar to a large, single-storey house. | Yes

Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimise any impact on adjoining properties. | The building has a wall height less than 3.5m high and a roof height less than 9m high. The western wall of the building has the closest lot boundary setback at approx. 1.8m. Building heights and lot boundary setbacks are consistent with requirements of the Residential Design Codes (R-Codes). Door openings to the main outdoor play area address Sixty-Eight Road only. | Yes

Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible. | The main outdoor play area has been located adjacent to Sixty-Eight Road to reduce the noise impact on existing surrounding residents. With aim of reducing noise impact the play area will be south facing and will benefit from reduced passive solar sun. | Partially

Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose. | The play area is generous in size with an overall area of 174.5m² and a minimum dimension of approx. 9m. | Yes

Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape. | The main outdoor play area is located behind the front setback area, addressing Smirk Road. This play area is partially within the secondary street setback, addressing Sixty-Eight Road. The play area will be visible from the car park, addressing Smirk Road. A solid fence to be erected along Sixty-Eight Road due to the vehicular carrying capacity of this road and this is considered acceptable. | Yes
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Design Considerations (cont…)</strong></td>
<td>Landscaping will be required along the frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights and potentially toxic plants.</td>
<td>A 3m wide soft landscaping strip is proposed along the site boundary, addressing Smirk Road. 0.5m landscape strip is proposed along Sixty-Eight Road. Dwellings along Smirk Road consistently have soft landscaping within the front setback area, with a minimum width of 3m wide. It is considered that landscaping from the proposed development will appropriately harmonise with the front setback areas of existing residential lots on Smirk Road.</td>
</tr>
</tbody>
</table>

| **Hours of Operation** | For Child Care Premises in Residential areas, hours of operation will be restricted to 7.00am to 7.00pm, unless otherwise agreed to by the Council. | 7am – 7pm, Monday to Friday, excluding weekends and public holidays. | Yes       |

| **Advertising Signs** | Any proposed advertising sign must accord with the provisions of clause 5.3 of Town Planning Scheme No 2. Furthermore, a Sign Permit application is required to be submitted to the Building Department, pursuant to the Council's Signs, Hoardings and Bill Posting Local-Law. | Noted | This will be included as an advice note. |

<p>| <strong>Need for Child Care Premises</strong> | Where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises may have an adverse impact on the level of service to the community by similar existing or approved facilities, the proponent will be required to provide further information in regard to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility. | Not required in this instance, as the proposal is justified on the following grounds; The CCP’s will serve the growing south Baldivis community, including the ‘Parkland Height Estate’ (currently under construction) to the west, the established ‘Dales Estate’ to the immediate north and the future ‘Brightwood Estate’ to the east. The property is also located between ‘Mother Teresa Catholic College’ (2min drive) to the west and ‘Ridge View Secondary College’ (10min walk) to the east. It is likely to benefit from passing traffic between the two schools on Sixty Eight Road. | N/A       |</p>
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need for Child Care Premises (cont…)</td>
<td>The nearest CCP’s is approx. 550m north of the subject site. Given the existing and future residential catchment in the locality, and the potential of the proposed development to benefit from passing traffic on Sixty Eight Road, it is considered that the proposal is strategically located as to provide maximum benefit for the community it serves.</td>
<td></td>
</tr>
</tbody>
</table>

#### Building Approval

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

<table>
<thead>
<tr>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted</td>
<td>This will be included as an advice note.</td>
</tr>
</tbody>
</table>

#### Health Approval

Where a Child Care Premises requires the construction of a new building or modifications to an existing building, a Form 2 - Maximum Accommodation Certificate will be required from the Council (in addition to a Development Approval). In addition, an Application for a Certificate of Registration of a Food Premises must also be submitted. The food preparation area is required to comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standards Code.

<table>
<thead>
<tr>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noted</td>
<td>This will be included as an advice note.</td>
</tr>
</tbody>
</table>

#### Consultation

All applications for Development Approval for the establishment of Child Care Premises in the Residential and Development zones will be the subject of a process of community consultation in accordance with clause 6.3.3 of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.

<table>
<thead>
<tr>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>The application was advertised for a period of 28 days, ending on the 1st February 2019.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### Financial

Nil

#### Legal and Statutory

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

*Clause 3.2 - Zoning Table*

The subject site is zoned ‘Development’ under TPS2 and a Structure Plan is required to be prepared for a Development Area. The Dales (Smirk Road South) Structure Plan was adopted by Council in October 2007 and modifications to the plan were adopted in August 2009. The site is identified for ‘Grouped Housing Site R40’ under the approved Structure Plan.
Child Care Premises is interpreted under TPS2 as follows: 

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

A Child Care Premises is not permitted within the Residential Zone, unless Council has exercised its discretion by granting Development Approval after advertising, in accordance with clause 6.4 of the deemed provisions of TPS2.

Clause 4.15 - Carparking

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.2 of TPS2. The parking requirements for a Child Care Premises is one (1) parking bay per employee and one (1) parking bay per eight children.

Based on this rate, the proposed development with 18 staff members and 90 children requires 30 on-site parking bays. 29 car bays are proposed on-site, including one (1) disabled bay. The car parking shortfall of one (1) car bay is considered acceptable and is unlikely to create a traffic hazard on-site or within the immediate public road network.

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 Child Care Premises is generally compliant with TPS and PP3.3.5. With regard to submissions received regarding noise and traffic, these matters have been appropriately addressed by the applicant.

The proposal is considered suitable for its location, given it is located at the entry to a residential estate located at the corner of Sixty-Eight Road and Smirk Road. The site location is of sufficient distance from existing CCPs in the locality. The traffic generated by the proposal is within the design capacity of the existing road network.

Although the main outdoor play area is not north-facing to maximise passive solar sun, it is located to minimise the noise impact on neighbouring residential properties. The applicant has demonstrated that noise impacts will be to an acceptable level.

It is recommended that Council approve the proposed CCP subject to conditions.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for a Child Care Premises at Lot 951 (No.1) Smirk Road and Sixty-Eight Road, Baldivis, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans, as listed below, and including any amendments to those plans, as shown in red:
   - Feature Survey, Job No.J2015063, dated 05/02/2015;
   - Site Plan, Sheet No.A01.02, dated 26/03/19;
   - Landscape Floor Plan, Drawing No.A02.01, dated 04/11/18;
   - Ground Floor Plan, Sheet No.A02.02, dated 04/11/18;
   - Evacuation Plan, Sheet No.A02.03, dated 04/11/2018;
   - Elevation Plans, Drawing No.A03.01, dated 26/03/19;
• Elevation Plans, Drawing No.A03.02, dated 26/03/2019; and
• Bushfire Management Plan and Emergency Evacuation Plan, prepared by Ecosystem Solutions, Revision B, dated 21/03/2019.

save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

2. The Child Care Premises must only operate between the hours of 7am to 7pm, Monday to Friday, and not at all on weekends or public holidays.

3. No more than 90 children are to be accommodated by the Child Care Premises, at any one time, for the duration of the development.

4. No more than 30 children are to be accommodated within the main outdoor play area, at any one time, for the duration of the development.

5. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City’s satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997. The Final Acoustic Assessment must include the following information:

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

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

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

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

6. Prior to applying for a Building permit, a Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham:

(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

(ii) Any lawns to be established;

(iii) Any natural landscape areas to be retained;

(iv) Those areas to be reticulated or irrigated;

(v) Verge Treatments; and

(vi) Details of water supply.

Prior to the occupation of the development, the landscaping must be completed and must be maintained at all times to the satisfaction of the City of Rockingham.

7. Prior to the occupation of the development, the street setback area and all verge areas must be landscaped and reticulated in accordance with a landscaping plan and must be maintained at all times.

8. Prior to the occupation of the development, parking bays must be marked as follows:-

(i) A minimum of 11 parking bays must be marked for use by ‘parents’ or ‘care givers’ for the dropping off and collection of children;

(ii) A minimum of 17 parking bays marked as ‘staff only’; and

(iii) Parent bay No.11 as identified on Landscape Floor Plan, Drawing No.A02.01, dated 04/11/18 must be marked as a ‘small car bay only’.

Marked parking bays must be maintained, at all times, to the satisfaction of the City of Rockingham.

9. Prior to the occupation of the development, the existing footpath within the southern road reserve on Sixty-Eight Road must be extended to the proposed entry crossover on Smirk Road, to the satisfaction of the City.
10. The carpark must:
   (i) provide 29 car parking spaces on-site;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include one (1) car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained in good condition thereafter; and
   (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

11. The Child Care Premises must be designed, constructed and maintained to BAL19 as specified in Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas (AS3959). The Child Care Premises must be maintained in accordance with the specified requirements of the BAL for the duration of the development.

12. All works must be carried out in accordance with the approved Bushfire Management Plan and Emergency Evacuation Plan, prepared by Ecosystem Solutions, Revision B, dated 21/03/2019, for the duration of the development.

13. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

14. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Hamblin:

That Council **APPROVES** the application for a Child Care Premises at Lot 951 (No.1) Smirk Road and Sixty-Eight Road, Baldivis, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans, as listed below, and including any amendments to those plans, as shown in red:
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2. The Child Care Premises must only operate between the hours of 7am to 7pm, Monday to Friday, and not at all on weekends or public holidays.
3. No more than 90 children are to be accommodated by the Child Care Premises, at any one time, for the duration of the development.

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5. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997. The Final Acoustic Assessment must include the following information:

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

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

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

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

6. Prior to applying for a Building permit, a Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham:

   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

   (ii) Any lawns to be established;

   (iii) Any natural landscape areas to be retained;

   (iv) Those areas to be reticulated or irrigated;

   (v) Verge Treatments; and

   (vi) Details of water supply.

Prior to the occupation of the development, the landscaping must be completed and must be maintained at all times to the satisfaction of the City of Rockingham.

7. Prior to the occupation of the development, the street setback area and all verge areas must be landscaped and reticulated in accordance with a landscaping plan and must be maintained at all times.

8. Prior to the occupation of the development, parking bays must be marked as follows:

   (i) A minimum of 11 parking bays must be marked for use by ‘parents’ or ‘care givers’ for the dropping off and collection of children;

   (ii) A minimum of 17 parking bays marked as ‘staff only’; and

   (iii) Parent bay No.11 as identified on Landscape Floor Plan, Drawing No.A02.01, dated 04/11/18 must be marked as a ‘small car bay only’.

Marked parking bays must be maintained, at all times, to the satisfaction of the City of Rockingham.

9. Prior to the occupation of the development, the existing footpath within the southern road reserve on Sixty-Eight Road must be extended to the proposed entry crossover on Smirk Road, to the satisfaction of the City.

10. The carpark must:

    (i) provide 29 car parking spaces on-site;

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    (iii) include one (1) car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained in good condition thereafter; and

(v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times.

11. The Child Care Premises must be designed, constructed and maintained to BAL19 as specified in Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas (AS3959).

The Child Care Premises must be maintained in accordance with the specified requirements of the BAL for the duration of the development.

12. All works must be carried out in accordance with the approved Bushfire Management Plan and Emergency Evacuation Plan, prepared by Ecosystem Solutions, Revision B, dated 21/03/2019, for the duration of the development.

13. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.

14. All stormwater must be contained and disposed of on-site at all times to the satisfaction of the City.

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>Reference No &amp; Subject:</th>
<th>PD-033/19 Proposed Modification to Building Envelope</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD024.2019.0000003.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr and Mrs Putland</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr and Mrs Putland</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Banovic, Senior 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>20th May 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 62 (No.172) Dampier Drive, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2001m²</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Special Residential</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Rural</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 Photograph</td>
</tr>
<tr>
<td></td>
<td>3. Planning Control Area 126</td>
</tr>
<tr>
<td></td>
<td>4. Existing and Proposed Building Envelope Plan</td>
</tr>
<tr>
<td></td>
<td>5. Future Pool and Fence</td>
</tr>
<tr>
<td></td>
<td>6. View of intended swimming pool and fence area looking south</td>
</tr>
<tr>
<td></td>
<td>7. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photograph
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 62 (No.172) Dampier Drive, Golden Bay.

Background

The subject site is located on the southern side of Dampier Drive and west of Mandurah Road. The approved Building Envelope was created as part of the subdivision of the subject site in January 2013.

The approved Building Envelope is 764.9m² and setback 3m from the northern boundary, 3m from the eastern boundary, varies between 3m and 6m from the western boundary and varies between 9m to 9.7m along the southern boundary.

A significant portion of the property access-leg is within WAPC's Planning Control Area (PCA) 126 (see Figure 3 below). The land highlighted in yellow has been identified for the potential future extension of Dampier Drive. The proposed road expansion aims to improve traffic flow and increase connectivity between future communities and in the Karnup area. The proposed modified Building Envelope does not impact on the PCA.

Details

The applicant proposes to modify the approved Building Envelope for the purpose of accommodating a future pool fence as indicated in Figure 5.

The size of the Building Envelope will increase from 764.9m² to 836m², equating to an increase of approximately 8.55%.
The edge of the modified Building Envelope is proposed to be setback a minimum of 4.9m from the southern boundary.

4. Existing and Proposed Building Envelope Plan

5. Future Pool and Fence
6. View of intended swimming pool and fence area looking south

**Implications to Consider**

a. **Consultation with the Community**

In accordance with Clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - *Variations to Building Envelopes*, the Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties.

The application was referred to the adjoining landowners for comment for a period of 21 days, as shown on the Consultation Plan below.
7. Consultation Plan

At the conclusion of the advertising period, one submission was received supporting the proposal.

Advertising was not undertaken to the adjoining eastern lot (Lot 40), as the site is owned by the City of Rockingham. Lot 40 is identified as 'Peelhurst Ruins' which is a Category 'A' heritage listed place, pursuant to the deemed provisions of TPS2. There is no impact on Lot 40 as part of this proposal.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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


Strategic Objective: Responsive planning and control of land use: Plan and control the use of land to meet the needs of growing population, with consideration of future generations.
Planning Policy 3.3.17 - Variations to Building Envelopes (PP3.3.17)

The objective of this Planning Policy is to promote the orderly and proper development of land by identifying in which circumstances a Building Envelope may be varied and the process by which such an application would be considered.

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

<table>
<thead>
<tr>
<th>Variations to Building Envelopes Requirement</th>
<th>Provided</th>
<th>Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application complies with TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an adverse environmental impact.</td>
<td>The application proposes the modification of an approved Building Envelope in order to accommodate swimming pool fencing. The modified Building Envelope will not result in an adverse environmental impact as no clearing of vegetation is proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>It is demonstrated that the varied Building Envelope will not result in an unacceptable level of bushfire risk.</td>
<td>The proposed modification will not result in an increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
<tr>
<td>There are no unacceptable amenity impacts to neighbours.</td>
<td>The modified Building Envelope is only proposed to alter its alignment along the southern and eastern boundary. The proposal was also referred to the adjoining neighbours and no objections were received.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation results only in a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The size of the approved Building Envelope will be increased from 764.9m$^2$ to 836m$^2$, which is an increase of approximately 8.55% and complies with the maximum allowable increase of 10%.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The modified Building Envelope is regular and comprises a single contiguous area.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

The Building Envelope modification is proposed for the purpose of accommodating a swimming pool fence. The implementation of APZ’s over subject site and adjoining Lot 809 significantly minimises bushfire risk to the area of modified Building Envelope. The proposal is considered to be compliant with the requirements of SPP3.7.

e. Financial

Nil

f. Legal and Statutory

Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.
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 modified Building Envelope complies with the requirements of TPS2 and PP3.3.17. The modification will facilitate the construction of the southern portion of the swimming pool fence.

The modified Building Envelope does not necessitate the removal of any trees on the property. It is considered that the Building Envelope modification will not result in any adverse environmental impact or an increased bushfire risk to the locality.

It is recommended that the proposed Building Envelope be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application to vary the Building Envelope at Lot 62 (No.172) Dampier Drive, Golden Bay as shown on the plan below.
**Committee Recommendation**

Moved Cr Jones, seconded Cr Sammels:

That Council **APPROVES** the application to vary the Building Envelope at Lot 62 (No.172) Dampier Drive, Golden Bay as shown on the plan below.

![Plan](image)

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 Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-034/19</th>
<th>Proposed Telecommunications Infrastructure (Mobile Telephone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2019.00000037.001</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Aurecon Australasia Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Telecom Australia Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Banovic, Senior Planning Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2019</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Site: | Lot 688 Singleton Beach Road (Cnr Jade Court), Singleton |
| Lot Area: | 1583m² |
| LA Zoning: | Community Purposes |
| MRS Zoning: | Rural |

<table>
<thead>
<tr>
<th>Attachments:</th>
<th>Schedule of Submissions</th>
</tr>
</thead>
</table>
14. Consultation Map
15. Depiction of candidate locations investigated for proposal

1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application seeking Development Approval for Telecommunications Infrastructure (mobile telephone monopole) at the Telstra Singleton Exchange, Lot 688 Singleton Beach Road, Singleton.

Background

The subject site contains an existing Telstra exchange building and small communications mast (see Figure 3 below).

To the east of the Telecommunications Infrastructure, on Lot 492m, is a commercial centre comprising a mechanical workshop, service station, fast food outlet and other incidental uses.

Further east of Lot 492, on the other side of Mandurah Road, is the Vistas Estate Neighbourhood Centre.

The subject site adjoins Special Rural zoned land to the south, west and north. The nearest Residential zoned land is located on the western side of the Singleton dunes. The nearest dwelling is situated approximately 62m south of the subject site, in the Special Rural zone, and approximately 177m west of the subject site, in the Residential zone.

Details

Development Approval is sought for Telecommunication Infrastructure comprising the following:

- A 28.8 metre high steel monopole structure with a headframe mount equating to a total height of 31.6 metres;
- Panel antennas at the 30 metre centreline level and ancillary equipment mounted on a circular headframe;
• The monopole structure is setback 19.2 metres from Singleton Beach Road road reservation and 20 metres from Jade Court road reservation;
• Telecommunications Infrastructure is situated on the eastern side of the property, to rear of the exchange building;
• The equipment shelter finished is to be Colorbond 'Surfmist' (light grey);
• Ancillary equipment for the protection and safety, operation and functioning of the facility is to be included (e.g. signage, cable tray, feeders); and
• Existing compound fence fronting Singleton Beach Road and Jade Court is to be extended around the monopole structure to match existing.

The applicant advises that Telstra vehicular access will typically be infrequent (1-2 times per year), such that there will be no notable change to the volume of traffic accessing the site.

It is noted that the headframe on the monopole will allow for 4G and 5G panel antennas, tower mounted amplifiers and remote radio units to be installed in future.

The applicant's (summarised) reasons for the proposed Telecommunications Infrastructure at the Singleton Exchange site are:
• The subject site is specifically reserved for Public Purposes under the City's Town Planning Scheme No 2 (TPS2);
• The subject site already accommodates Telecommunications Infrastructure;
• The principal designated use of the area is commercial;
• The subject site is separated from any identified community sensitive land uses;
• The subject site presents a location that does not impact on any significant views; and
• Telecommunications Infrastructure is screened from most vantage points by mature trees and structures; and
• Whilst there are two Telstra facilities within 2km of the proposed facility, co-location was not possible as the site is not centrally located to service the target area and achieve the desired coverages.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 JUNE 2019

PRESIDING MEMBER

PRESENT

1. Site Layout

NOTES:
1. ALL ACCESS POINTS ON THE STRUCTURE MUST BE BRACKED AND PROTECTED AS PER EXTERNAL PLANT POLICY ORDINANCE.
2. FOR DUE DILIGENCE NOTED IN 1. REFER TO DSRM FOR DETAILS.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMPLIANCE. IT IS NOT A DETAILED STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOUNDATIONS ARE SHOWN INDICATIVE ONLY AS FINAL DESIGN IS SUBJECT TO RESULTS OF GEOLOGICAL INVESTIGATION AND DETAILED DESIGN.
5. FINAL LOCATION OF POWER ROUTE AND FIRE LINE CABLE SUBJECT TO LAND OWNER, TELSTRA AND WESTERN POWER REQUIREMENTS.
6. EMI SIGN TO BE SECURED TO THE REAR OF EACH ANTENNA.
7. EMI SIGN TO BE SECURED TO THE FRONT OF EACH ANTENNA.

SITE LAYOUT

SCALE 1:250

SITE ACCESS

NOT TO SCALE

PRELIMINARY

MOBILE NETWORK SITE 12806
MANDARAH NORTH EXCHANGE (SINGLETON)
SITE LAYOUT AND ACCESS
6 JARO COURT, SINGLETON, NSW 2335

TO BE READ IN CONJUNCTION WITH SHEETS 51.1, 53.3, 53.1

ERICSSON

[Diagram showing site layout and access details]
5. Northern Elevation
6. South Western Elevation
7. Photo Montage Locations

8. Montage 1 (motorist's perspective travelling north on Mandurah Road)
9. Montage 2 (streetscape perspective looking south-west from Singleton Beach Road)

10. Montage 3 (looking south west from Cerulean Road)
11. Montage 4 (motorist's perspective travelling east along Singleton Beach Road)

12. Montage 5 (motorist's perspective looking west from Redwood Avenue across Mandurah Road)
13. Montage 6 (streetscape perspective looking south west from Singleton Beach Road)

**Implications to Consider**

a. **Consultation with the Community**

The application was advertised for public comment over a period of 21 days, commencing on 1 March 2019 and concluding on 22 March 2019. Advertising was carried out in the following manner:

- Landowner and occupiers within 500 metres of the site were notified in writing of the proposed development, as shown in Consultation Map below;
- A sign advertising the proposed development was erected on the fence fronting Singleton Beach Road;
- A notice appeared in the public notice section of the Weekend Courier on 1 March 2019 and 8 March 2019; and
- Copies of the technical report and plans of the proposal were made available for public inspection at the City's Administration Offices and placed on the City's website.
14. Consultation Map

At the close of the public consultation period a total of 13 submissions were received, which included eight (8) objections, four (4) letters of support and one (1) letter relating to the level of detail provided in the advertising letter.

The location and distribution of submissions received from the immediate locality, both supporting and objecting to the proposal are shown in Consultation Map above.

The objections have been summarised in the table below, including the applicant's and City's response to the issue. The applicant's response to issues raised have also been summarised.

<table>
<thead>
<tr>
<th>Health</th>
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<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Health and Safety risk as a result of Telecommunications Infrastructure.</td>
</tr>
<tr>
<td><strong>Applicant's Response:</strong></td>
</tr>
<tr>
<td>The facility will operate in accordance with federal government agency (ARPANSA) emissions standards and be licensed by the Australian Communications and Media Authority (ACMA).</td>
</tr>
<tr>
<td><strong>City's Comment:</strong></td>
</tr>
<tr>
<td>State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2) specifies setback distances for Telecommunications Infrastructure to address health and/or safety standards for human exposure to electromagnetic emissions are not to be set out in local planning schemes or planning policies, as such standards are determined by ARPANSA. It is for this reason TPS2 and Planning Policy 3.3.16 - Telecommunications Infrastructure (PP3.3.16) does not include buffer distances for Telecommunications Infrastructure. The standards set by ARPANSA incorporate safety margins to address health and safety matters. Consequently, it is not within the scope of the City to consider such matters.</td>
</tr>
</tbody>
</table>
### Visual Amenity

#### Submission:

(i) Concerns Telecommunications Infrastructure will impact on the ambience of area.

#### Applicant's Response:

Telecommunications infrastructure is a required and accepted element of all urban environments. The proposed infrastructure is being installed within an existing telecommunications exchange site specifically designated for the purpose of telecommunications. Security fencing will prevent unauthorised access and the exchange site will continue to be maintained by Telstra in a graffiti-free and tidy condition.

#### City's Comment:

This concern has been raised throughout seven of the eight objections received. The potential for negative visual impact arising from the proposed Telecommunications Infrastructure has been considered as follows.

The character of the immediate locality is largely semi-rural in appearance with a mixture of native vegetation, single houses and rural land uses. The area east is transitioning to urban and the subject site is adjacent to a commercial centre, at a prominent intersection. Further, east of the intersection is the Karnup Village Shopping Centre.

The applicant has provided photomontages of the proposed development representing collective view experiences from a motorist's perspective from the local road network. It is expected that the visual impact from properties, or vantage points, that are only capable of seeing the bottom half of the tower will not be unduly impacted. The dense existing vegetation and proposed additional trees will screen the Telecommunications Infrastructure from longer range vantage points.

The amenity considerations are discussed in detail in the Policy and Comment section of this report. It is concluded that the visual impact is acceptable having regard to Norfolk pine planting along Singleton beach Road, which will screen the development.

#### Submission:

(iii) Telstra needs to beautify the existing building.

#### Applicant's Response:

Three further Norfolk Island Pine trees are proposed within the verge areas abutting the exchange. Telstra will also remove the graffiti from the front fence as part of the proposed works.

#### City's Comment:

The proposed development application does not alter the appearance of the existing Telstra building. Therefore, there is no ability to require the appearance of the existing building to be improved.

The applicant's comment in respect to the removal of graffiti is noted and supported.

#### Submission:

(iv) Concerns Telecommunications Infrastructure is contrary to WA State Planning Framework namely the Visual Landscape Planning in Western Australia (a manual for evaluation, assessment, sitting and design), specifically:

1. Prominent locations: such structures are often located prominently in landscape, for example on hilltops, ridgelines, escarpments or in long view corridors, to maximise reception. The proposed development in this case is at the lowest point and will not provide the intended coverage.
### Visual Amenity (cont…)

2. Camouflaging towers: disguising mobile phone towers as pine trees, palm trees or chimneys has occurred in the past.
3. Inappropriate scale: The development dwarfs existing structures.

**Applicant's Response:**

1. We have provided a visual landscape assessment and remain of the view that the visual impact does not outweigh the community benefit the technology will bring. It is nonsensical to suggest that positioning the monopole on top of a sensitive Quindalup dune ridge with associated vegetation and soil disturbance with an existing designated exchange site nearby is a preferred option.

2. The proposed natural factory finish has been demonstrated to blend better when viewed against lighter backgrounds such as the sky (rather than a darker painted finish). Blending is the prescribed methodology for prominent development as prescribed by Visual Landscape planning in Western Australia - a manual for evaluation, assessment, siting and design.

3. We submit that there is no more appropriate location to provide telecommunications infrastructure than on land reserved in the planning scheme for Public Purposes – Telecom. The abutting Commercial zoned arguably contains more impactful development both in terms of scale and prominence due to the prevalence of corporate colours and signage.

**City's Comment:**

In response to part one of the submission, it is noted that the Telecommunications Infrastructure is located at the lower section of the Singleton dune system and not at the peak of the system.

The development will be screened behind existing mature Norfolk Island trees and further trees to be planted long Singleton Beach Road and Jade Court as shown on the proposed plans. The development is further screened to some extent by the commercial development fronting Mandurah Road. The ridgeline of dunes, running north-south immediately west of the subject site, ensures the proposed development is screened from residents living on the western side of the dune.

In response to part two of the submission, a 'blending' methodology has been applied, as the pole will have a natural grey finish to blend better against the sky. This will assist in ensuring any visual impact is minimised.

With regard to comments concerning scale, it is noted the tower is proposed in a location that is out of driver's line of sight along Mandurah Road and is surrounded by mature trees of a similar height.

The Visual Landscape Evaluation (VLE) submitted by the applicant and assessment of siting and design concludes that the proposal is not contrary to the visual character objectives of locality in accordance with the Department of Planning Visual Landscape Assessment Manual. It is agreed that the proposal on balance is considered suitable in this location and will not cause any significant visual impact upon the surrounding locality or view from Mandurah Road. The site selection process and associated visual impacts are further detailed in the Policy and Comment section of this report.

### Alternative Locations

**Submission:**

(i) Telecommunications Infrastructure should be placed near the shopping centre precinct.

**Applicant's Response:**

The Singleton Exchange site is the most appropriate location for telecommunications and has been designated for this purpose within the City of Rockingham planning scheme.
### Alternative Locations (cont…)

**City's Comment:**
The applicant advised subject site was chosen based on a site selection process.

The Council is required to consider the application before it having due regard to the planning merits of the proposal.

**Submission:**

(ii) **Location of Telecommunication Infrastructure contradicts the City’s position which is to maintain a rural vista through Singleton.**

**Applicant's Response:**
We have provided a visual landscape assessment and remain of the view that the visual impact does not outweigh the community benefit the technology will bring. The Singleton Exchange site is the most appropriate location for telecommunications and has been designated for this purpose within the City of Rockingham Planning Scheme.

**City's Comment:**
The land use considerations are discussed in detail in the Policy section of this report. It is concluded that the proposal is suitable in this location, as it satisfies the applicable planning framework.

**Submission:**

(iii) **Telecommunications Infrastructure should not be erected at the start of the only entrance into the estate.**

**Applicant's Response:**
We agree that the main entrance to Singleton is the intersection with Mandurah Road that is dominated by a petrol station, and commercial development including a district shopping centre. However, we disagree that the Singleton Exchange site is not the most appropriate location for telecommunications as it has been designated for this purpose within the City of Rockingham planning scheme and affords separation from sensitive land uses, areas of heritage significance, lookouts and vista.

**City's Comment:**
The site is located near the main entry road into Singleton and within a rural wedge, between two residential areas. It is also situated within an existing Telstra exchange site, which has a bearing in considering the application.

The applicant advised that three sites (with a 6km radius) were originally considered for the proposed Telecommunications Infrastructure, including the subject site as well as an existing Optus, Vodafone and Telstra triangular lattice tower facility to the north (Lot 4039 Crystalline Drive, Golden Bay and) and a Telstra monopole facility to the south (No. 29 Jade Court, Menora Bay).
15. Depiction of candidate locations investigated for proposal

The applicant advised that co-location was not possible at the two other facilities, as they were not centrally located to the intended targeted areas.

As advised above, the land use considerations are further discussed in the Policy and Comment section of this report.

Design and Timing of Development

**Submission:**

(i) Telecommunications Infrastructure should not go ahead until development of the school has commenced.

**Applicant's Response:**

The need to improve Telstra's mobile phone network in the Singleton area has been identified and is not determinate on development of a school in the area. Any delay has an opportunity cost.

**City's Comment:**

The Council must determine the development application based on compliance with TPS2 and applicable planning policies, taking into consideration impacts on the amenity of surrounding locality.

There is no planning basis to defer consideration of the proposed development, pending development of the school.

**Submission:**

(ii) Submitter encourages the Council to request applicant to undertake a redesign which reduces impact on their constituents.
Design and Timing of Development (cont…)

<table>
<thead>
<tr>
<th>Applicant's Response:</th>
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<tbody>
<tr>
<td>We have provided a visual landscape assessment and remain of the view that the visual impact does not outweigh the community benefit the technology will bring.</td>
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</table>

<table>
<thead>
<tr>
<th>City's Comment:</th>
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<tbody>
<tr>
<td>As advised above, the proposal is considered to be suitable in this location as it satisfies the applicable planning framework. The submitter’s comment is noted, however, the Council is required to consider the application before it.</td>
</tr>
</tbody>
</table>

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 Strategic Community Plan 2019-2029:

**Aspiration D:** Plan for Future Generations

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

d. Policy

State Planning Policy 5.2 - *Telecommunications Infrastructure* (SPP5.2)

The Western Australian Planning Commission's (WAPC) SPP5.2 seeks to balance the need for effective telecommunication services and effective roll-out of networks, with the community interest in the protection of the visual character of local areas. The objectives of this policy are to:

- "facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;"
- manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and
- promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure."

An assessment of the application against the relevant matters to be considered listed in SPP5.2 is as follows:

<table>
<thead>
<tr>
<th>Policy Requirements</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis.</td>
<td>The visual impact of the application was assessed by the City, which included an appraisal of the applicant's visual amenity assessment and photomontages, as well as a site inspection.</td>
<td>Yes; the structural form and location of the infrastructure are designed to minimise visual impact. The monopole mast will (by necessity) be visible to varying degrees.</td>
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<td>Policy Requirements</td>
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<tr>
<td>Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:</td>
<td>The Telecommunications Infrastructure is sited behind existing mature Norfolk Island Trees along Singleton Beach Road which provide a visually dominating vertical element within the landscape. Additionally, the slimline ‘monopole’ structural design ensures visual impact is minimised. This will ensure that:</td>
<td>Yes</td>
</tr>
<tr>
<td>(a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;</td>
<td>(a) The primary view of the Telecommunications Infrastructure is likely to occur when heading east on Singleton Beach Road which has been considered by the applicant in Montage 4 (see Figure 10). This view is transitional and varied in duration as the majority of viewers will experience the view by travelling in a vehicle. The views are likely to be short, however, it is noted that the alignment and geometry of Singleton Beach Road (at the rise) directs the viewer towards the proposed tower location, as seen in Montage 4. Other views occur immediately adjacent to the site at street level, where the Telecommunications Infrastructure becomes into views foreground as demonstrated in Montages 2 and 6 (see Figures 8 and 12).</td>
<td>Yes</td>
</tr>
<tr>
<td>(b) be located to avoid detracting from a significant view of heritage item or place, a landmark, a streetscape, vista or panorama, whether viewed from public or private land;</td>
<td>(b) The proposed Telecommunications Infrastructure will not detract from significant views of any heritage place, landmark, streetscape, panorama or vista.</td>
<td>Yes</td>
</tr>
<tr>
<td>(c) not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised; and</td>
<td>(c) The proposed Telecommunications Infrastructure will not be located on a site where environmental or cultural heritage values may be compromised. Although the structure will to some extent be visible, the structure is considered to be appropriate to its site context.</td>
<td>Yes</td>
</tr>
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<td>Policy Requirements</td>
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<td>(d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.</td>
<td>(d) The pole will have a natural grey finish to blend better against lighter backgrounds such as the sky. Antennas will be mounted on a circular headframe to minimise bulk at the top of the structure and the equipment shelter will be painted in 'surfmist' to match the existing exchange building.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Telecommunications infrastructure</strong> should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.</td>
<td>The applicant has submitted that Telecommunications Infrastructure at this site will address existing depth of coverage issues in the Singleton area. The site is centrally located to service the catchment population of Singleton and Madora Bay as well as the surrounding road network.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Telecommunications Infrastructure</strong> should be co-located and whenever possible:</td>
<td>The applicant investigated potential to co-locate onto the nearest existing Telstra telecommunication infrastructure, which is approximately 974m away from the subject site at 29 Jade Court, Madora Bay. The site is unable to provide service to the area which the proposed telecommunications infrastructure is intended to and therefore, co-location is not possible in this instance.</td>
<td>Yes</td>
</tr>
<tr>
<td>(a) cables and lines should be located within an existing underground conduit or duct; and</td>
<td></td>
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<tr>
<td>(b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.</td>
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The proposal is considered compliant with SPP5.2.

**Planning Policy 3.1.1 - Rural Land Strategy (RLS)**

The City's RLS provides the basis for land use planning in the rural area of the district. In particular it provides local government with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City. The RLS is considered to be relevant given the rural context of the subject site.

RLS considers the City's rural land in terms of 'Planning Units' which are further divided into Planning Precincts. The adjacent rural land is located within 'Planning Unit 3'. The primary objective for this Planning Unit is to encourage Special Rural/Special Residential development which is compatible with the land capability of the Quindalup dune system and that subdivision and development accords with the recommendations of the VLE. The VLE evaluates the visual landscape character, identifies landscape and visual sensitivities and develops strategies for managing visual landscape character.

The VLE assessment against the applicable landscape character units identifies the adjoining land as having a low capacity to absorb Special Rural/Special Residential development change. It is noted that the proposed development application does not relate to residential intensification on rural land. Nevertheless, the proposal was considered against the relevant recommendations of the VLE as follows.
Maintain height below the dune ridge as viewed from key thoroughfares
The proposed Telecommunications Infrastructure is proposed in the lowest point to minimise the visual impact. This location also ensures there is no soil disturbance to the Quindalup dune ridge.

Avoid planting of non-native vegetation
The proposed development considers and responds to the natural features of the site and requires minimal site works. Although planting of one additional non-native tree is proposed by the proponent (Norfolk Island Pines) along the Singleton Beach Road frontage, it is noted that the existing established street trees along the streetscape are mostly the same species as the proposed. A Norfolk Island Pine tree was previously present in this location, however, it appears it died and was not replaced. Consequently, it is not considered unreasonable to support the planting of an additional non-native street tree which would be used to retain the viewers focus on the streetscape and further blend the proposed Telecommunications Infrastructure into the existing landscape character. Two native Tuart trees (Eucalyptus gomphocephala) are also proposed which would be in keeping with the existing landscape character of Jade Court.

The proposed Telecommunications Infrastructure is considered to satisfy the objectives of RLS.

Planning Policy 3.3.16 - Telecommunications Infrastructure (PP3.3.16)
PP3.3.16 is a local planning policy which the Council must have due regard to in its consideration of applications seeking Development Approval for Telecommunications Infrastructure. The objectives for PP3.3.16 are:

“(a) To promote a consistent approach in the assessment and determination of applications for Development Approval for Telecommunications;
(b) To manage the environmental, cultural heritage, visual and social impacts of Telecommunications Infrastructure through appropriate provisions intended to minimise any potential adverse impacts from such Telecommunications Infrastructure;
(c) To facilitate the provision of Telecommunications Infrastructure in an efficient and environmentally reasonable manner to meet community needs; and
(d) To ensure that Telecommunications Infrastructure is included in the relevant planning process as essential infrastructure for business, personal and emergency reasons.”

The following is an assessment of the proposal against the requirements of PP3.3.16:

<table>
<thead>
<tr>
<th>Policy Requirements</th>
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<th>Compliance</th>
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<tbody>
<tr>
<td>The preferred location for telecommunications infrastructure that cannot be classified as low impact facilities is in the Industrial, Commercial and Rural zones.</td>
<td>The subject site is zoned Community Purposes under TPS2, which is not a preferred location for such development. Nevertheless, it is noted the subject site is zoned Rural under the Metropolitan Region Scheme (MRS).</td>
<td>Partially compliant; the site has a rural context.</td>
</tr>
<tr>
<td>To provide for future co-location, new mobile telecommunication towers and sheds are to be designed to permit at least 3 carriers to co-locate. Carriers shall co-locate onto existing towers wherever possible.</td>
<td>The applicant has confirmed proposed Telecommunications Infrastructure is structurally capable of accommodating at least 3 carriers. Refer above to comments on SPP5.2</td>
<td>Yes</td>
</tr>
<tr>
<td>Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis.</td>
<td>The visual impact of the Telecommunication Infrastructure was considered by the City, which included an appraisal of the applicant's visual assessment and photomontages as well as a site inspection.</td>
<td>Yes</td>
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<tr>
<td>Policy Requirements</td>
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<td>For the reasons discussed further below, while the proposed structure will (by necessity) be visible to some degree, it is not regarded as being visually obtrusive.</td>
<td>Yes</td>
</tr>
<tr>
<td>Telecommunications infrastructure should be sited and designed to have minimal impact on the environmental, cultural heritage, social and visual landscape.</td>
<td>The proposed Telecommunications Infrastructure is unlikely to adversely impact the environmental and cultural heritage landscape. The applicant contends that the proposed Telecommunications Infrastructure will provide reliable depth of coverage, and therefore will enhance service to local residents. The social impacts of the proposal are considered positive. Refer above to comments on visual landscape on SPP5.2 as well as Comments section below for further discussion of the visual landscape implications.</td>
<td>Yes</td>
</tr>
<tr>
<td>Be located away from scenic routes and recreation sites.</td>
<td>The primary emphasis is on valued stands of existing trees, dunes and beach access, nevertheless, views of the structure shall be intermittent in nature, as intervening vegetation will screen the structure. The site is also away from the ridgeline of dunes running north-south immediately west of the subject site. The nearest recreation site is Laurie Stanford Reserve which is located west of the subject site and is approximately 305m from the proposed Telecommunications Infrastructure at Lot 1991 Singleton Beach Road, Singleton. Although the levels of the recreational site are approximately 6m higher than the subject site, it is considered that established trees along with the separation distance protect the structure from view.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The proposed Telecommunications Infrastructure will not detract from significant views of any landmarks, streetscapes or vistas.</td>
<td>Yes</td>
</tr>
<tr>
<td>To avoid detracting from significant views of landmarks, streetscapes and vistas.</td>
<td>The proposal is for a slim line monopole structure which would be finished in a natural grey colour to blend better against lighter backgrounds such as the sky.</td>
<td>Yes</td>
</tr>
<tr>
<td>The scale, materials and colours should be sympathetic to the surrounding landscape and use techniques to blend the facility into the environment.</td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>
Policy Requirements | Provided | Compliance
--- | --- | ---
Towers should be of monopole construction. | The structure is a steel monopole. | Yes
The screening of the base of the tower and associated installations by vegetation will be applied on a ‘case by case’ basis. | The base of the tower and associated ground level equipment will be screened from most ground level vantage points by either remnant vegetation or mature trees. | Yes

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning and Land Use

The proposed use is interpreted as ‘Telecommunications Infrastructure’ which is a land use which is not permitted ("D") unless the Council grants development approval within the Community Purposes zone.

Clause 4.14.1 - Objective of the zone

The objective of the Community Purposes zone is:

"to provide for the development of religious, educational, health and social care facilities, accommodation for the aged and infirm, and other services by organisations involved in activities for community benefit, in convenient locations within the Scheme Area."

The subject site already accommodates Telecommunications Infrastructure. The proposed upgrade by Telstra seeks to improve mobile telecommunications in the area.

Clause 4.14.2 - Form of Development

In considering applications for Development Approval in the Community Purposes zone, the Council is required to ensure that site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.

The choice of location as well as design is in response to the need to provide sufficient elevation to antennas whilst respecting the structural engineering requirements. Lowering the height of the structure would reduce the ability of other carriers to co-locate and thereby placing pressure on the need for more Telecommunications Infrastructure facilities. The appearance of the Telecommunication Infrastructure is not considered to be out of character.

The construction of Telecommunications Infrastructure will not require the removal of vegetation or significant soil disturbance. Upon review of the applicants VLE, it was suggested that views to the structure could be further mitigated by the inclusion of two additional mature Tuart trees along Jade Court road reserve and one additional mature Norfolk Island tree along Singleton Beach Road reserve. The applicant has submitted revised plans incorporating the suggested trees.

The proposal is considered to be compliant with the provisions of 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

Location

The purpose of the development is to provide an improved network service as more of the locality transitions to urban. Whilst there are two other facilities within 2km of the proposed facility, co-location was not possible at either site, as they are not centrally located to service the target areas (Madora Bay, Lakelands, Karnup and Singleton) and do not achieve the desired coverage.

The City supports the applicant’s view that the location selected is the most appropriate site, out of the three explored locations, due to the fact that it provides a wider community benefit, whilst being capable of mitigating the visual impact of the proposed monopole.

Visual Impact

The subject site for the development is not located in a place of identified heritage or cultural significance. It is located on the lower portion of the Singleton Dunes adjoining a mixed commercial area and will be screened by existing and proposed vegetation. Residents East of the dune will not be able to see the monopole. The visual impact, in this instance, is considered to be acceptable and it has been demonstrated that it will be adequately mitigated.

Submissions

Submissioners have raised concerns in relation to health, design and locational impacts of the future development, within the surrounding locality. The submissions received during the consultation period have been considered and the Officer's comments within the consultation and policy sections address these concerns.

Conclusion

It is considered, on balance, that the visual impact of the development on local area against the need for improved communication services, is acceptable. It is recommended Council grants approval to the development, subject to conditions.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for Telecommunications Infrastructure (Mobile Telephone) on Lot 688 Singleton Beach Road, Singleton, subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Plan, drawing no W109094, dated 23.04.19;
   - North Elevation, drawing no W109094, dated 23.04.19; and
   - South West Elevation, drawing no W109094, dated 08.01.19.

2. Prior to the commencement of any works a Construction and Maintenance Traffic Management Plan (CMTMP) shall be submitted and approved by the City, which shall include provisions to minimise any inconvenience and safety risk for nearby properties during construction and maintenance of works. The CMTMP shall include a requirement for the proponent to consult with and notify nearby businesses in regards to potential disruptions during construction and maintenance works.

3. The approved Telecommunications Infrastructure shall be structurally capable of accommodating three telecommunications carriers.

4. Prior to completion of the development, the applicant must provide for the installation of two, 200L Tuart trees (Eucalyptus gomphocephala) and one, 500L Norfolk Island Pine tree (Araucaria heterophylla), as detailed on the approved Site Plan. The City will maintain the trees with a cash contribution, to be provided by the applicant prior to commencement of the development.
Committee Recommendation

Moved Cr Jones, seconded Cr Hamblin:
That Council APPROVES the application for Telecommunications Infrastructure (Mobile Telephone) on Lot 688 Singleton Beach Road, Singleton, subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Plan, drawing no W109094, dated 23.04.19;
   - North Elevation, drawing no W109094, dated 23.04.19; and
   - South West Elevation, drawing no W109094, dated 08.01.19.

2. Prior to the commencement of any works a Construction and Maintenance Traffic Management Plan (CMTMP) shall be submitted and approved by the City, which shall include provisions to minimise any inconvenience and safety risk for nearby properties during construction and maintenance of works. The CMTMP shall include a requirement for the proponent to consult with and notify nearby businesses in regards to potential disruptions during construction and maintenance works.

3. The approved Telecommunications Infrastructure shall be structurally capable of accommodating three telecommunications carriers where the structure design and installation includes all cables being installed internally within the monopole structure.

4. Prior to completion of the development, the applicant must provide for the installation of two, 200L Tuart trees (Eucalyptus gomphocephala) and one, 500L Norfolk Island Pine tree (Araucaria heterophylla), as detailed on the approved Site Plan. The City will maintain the trees with a cash contribution, to be provided by the applicant prior to commencement of the development.

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

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

The Committee considered that all cables should be installed within the monopole structure to reduce the visual impact of the proposed development.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Purpose of Report

To consider the various on-street parking opportunities at the Rockingham Beach following the conclusion of the community consultation period.

<table>
<thead>
<tr>
<th>Purpose of Report</th>
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<tbody>
<tr>
<td>To consider the various on-street parking opportunities at the Rockingham Beach following the conclusion of the community consultation period.</td>
</tr>
</tbody>
</table>
**Background**

In December 2018, Council resolved to direct the Chief Executive Officer to investigate further options at Rockingham Beach to increase parking capacity in the short term, to compensate for the on-street carparking reduced as a consequence of the townscape improvements currently being undertaken at Railway Terrace. Council’s resolution followed consideration of a Notice of Motion from Cr Stewart.

In February 2019, Council resolved to approve, for the purposes of community consultation, the preliminary on-street parking opportunities for Harrison Street (Val Street - Florence Street), May Street, Florence Street and Esplanade (Val Street - Samuel Street), as shown below.

1. Esplanade (Val Street - Florence Street)
   This option will deliver approximately 21 parallel bays.

2. Esplanade (Florence Street - Samuel Street)
   This option will deliver approximately 25 parallel bays.

3. May Street (Harrison Street - Parkin Street)
   This option will deliver approximately 10 parallel bays.
These options (as shown in Figures 4 and 5) will provide line-marking to optimise the use of the existing on-street parking resources and consistently deliver greater parking capacity.

**Contextual Considerations**

**Rockingham Beach Foreshore Revitalisation Project**

As reported to Council in February 2019, the current Rockingham Beach Foreshore Revitalisation Project ('Revitalisation Project') at Railway Terrace is the first stage of implementing the *Rockingham Beach Foreshore Master Plan*. The ‘Revitalisation Project’ involves the removal of approximately 60 bays in order to accommodate the pedestrian focussed ‘Beach Plaza’ and new Railway Terrace street environment, with increased alfresco dining capacity.

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

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

On-street Parking Investigations

The ability to deliver short-term public parking in proximity to Railway Terrace is limited to on-street bays within road reserve managed by the City.

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

Planning policy, such as Liveable Neighbourhoods (WAPC 2009), consistently applies a maximum 400m/five (5) minute walkable catchment as the threshold where people are prepared to walk for ‘daily activities’.

The parking usage surveys conducted during the preparation of the Rockingham Strategic Metropolitan Centre Parking Strategy 2017 (‘the Parking Strategy’), and more recent surveys conducted by the City, has confirmed that on almost all occasions there is available public parking.

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

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

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

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

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

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

Details

The community consultation with respect to the on-street parking opportunities has concluded and the details of the consultation methods and the feedback is provided in the ‘Consultation with the Community’ section below.

Implications to Consider

a. Consultation with the Community

Community consultation was carried out between 28 February - 25 March 2019 through the following means:

(i) Letters were sent to all landowners and residents (where different) directly affected by the options. The letter contained details of the option and a copy of the plan depicting the proposed bays.

(ii) Notifications on the City’s Facebook account;
(iii) Notification on RockPort; and
(iv) A dedicated webpage on the City’s website through which submissions could be lodged via ‘Share Your Thoughts’.

At the conclusion of the consultation period, 114 submissions were received, including 26 signed pro-forma letters of objection and one petition in objection containing 84 signatories.

The following Table contains an indication of the support and objection for the various options. Some submitters took the opportunity to support some options but object to others in the same submission.

<table>
<thead>
<tr>
<th></th>
<th>Objection</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esplanade</td>
<td>47*</td>
<td>9</td>
</tr>
<tr>
<td>May Street</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Florence Street</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Harrison Street</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>General**</td>
<td>32</td>
<td>3</td>
</tr>
</tbody>
</table>

* Three submissions specifically mentioned the Val Street to Florence Street option with the remainder referencing Esplanade generally.

** These submissions did not specifically object or support an option but provided a ‘general’ comment (the 26 pro-forma letters are included as ‘General Objections’).

Further to the above, seven submissions raised matters unrelated to what was advertised. A full copy of all submissions is contained in the attached Schedule of Submissions.

Of those that provided support, all are not directly affected by the proposals apart from a landowner on Harrison Street who is also a trader within the Rockingham Foreshore. Two submissions of support were received from landowners of Esplanade west of the proposed parallel bays.

Those landowners and/or residents that provided submissions on the proposals are depicted in Figure 6 below. Multiple submissions were received from some properties, whilst in other cases, not all strata owners provided submissions.
6. Submissions from Proximate Landowners/Residents

In summary, the following matters were raised in the submissions to which an Officer Response is provided:

**Esplanade**

(i) *The bays will impact the current character, amenity and useability of the northern verge of Esplanade.*

**Officer Response**

It is agreed that the proposed parallel bays will impact the existing nature of the verge and the current amenity it offers both to adjacent residents and those recreating within the area. This was fore-shadowed in the February 2019 Agenda Item which resulted in Council resolving to invite comment on the options.

It was also noted in February 2019 that the Master Plan (2015) does not recommend that the character of this foreshore/verge be amended, as a result, any decision to introduce parking represents a variation to the Master Plan.

The change in character and amenity brought about by the inclusion of parallel parking is an important consideration in this context.

A number of submissions suggested that the dual-use path within the verge, and the surrounding turfed area, is heavily patronised day-to-day and used during community events. It is also used by The Cruising Yacht Club for the rigging of yachts especially when it is hosting large regattas. This is acknowledged but the presence of parallel parking will not prevent it from accommodating its current function it will just reduce the area within which it is performed.

It is also the case that the existing beach access in proximity to Val Street, which is used by the TCYC, will be maintained and detailed design (should the proposal proceed) will ensure such.

(ii) *Esplanade is part of a dedicated Tourist Drive and the presence of parked cars will interrupt the vista across Mangles Bay as vehicles turn from Val Street to Esplanade.*
Officer Response

The unobstructed vista for motorists as they enter Esplanade, which moves from the turfed verge, to the foredune, the ocean environment of Mangles Bay (containing moored vessels) across to Cape Peron/Garden Island as a back-drop, is clearly part of the Rockingham character.

Tourist Drive 202, which extends from Kwinana Beach to Waikiki, includes Esplanade and the transition from Val Street to Esplanade is an integral part of the experience. The images below provide a sense of how the vista, from a motorist perspective, will be impacted by the proposal. Figure 9 interprets the impact of the angled bay scenario which was tabled before Council in February 2019 but not circulated for comment.

7. Existing Esplanade Streetscape (in proximity to Val Street)
8. Interpretation of Esplanade Streetscape with Parallel Parking

9. Interpretation of Esplanade Streetscape with Angled Parking (not advertised)

It is the case that on-street parking exists, mainly in an angled format, further west on Esplanade from Fisher Street to Hymus Street. This setting is different in the sense that there are car dependant facilities such as boat ramps and the Palm Beach jetty and the foreshore reserve is generally wider. Also, the levels are such that, in part, the vista from a vehicle across Mangles Bay is obstructed.

In light of the above, the impact on the vista and the Tourist Drive is significant and a matter which needs to be reconciled in reaching an outcome on this proposal.
(iii) The parallel bays will create a safety hazard for cyclists through car doors opening in their path; Esplanade was identified as being a regular recreational cycle route.

Officer Response
The City is not aware that Esplanade is dedicated by the Department of Transport as on-street cycle route as claimed in some submissions. In any event, it is acknowledged that it is used by cycling groups as part of their training.

Given the low operating speed of the vehicles (50km/h posted speed) and the width of the road carriageway (7.6m), there is no requirement under Austroads for an on-road cycle lane as suggested in various submissions. Austroads recommends a separation of cyclists from the road carriageway which is catered for by the dual-use path within the adjacent verge.

Through detailed design, off and on ramps will be provided to allow cyclists to exit the road prior to the parallel parking bays and re-join the road after the parallel parking bays.

There is also an ability to increase the width of the parking bays such that the potential for vehicle doors being opened in the path of cyclists is reduced.

(iv) The parallel bays will create a safety hazard as passengers alight from vehicles onto the road carriageway. They will also impact the safety of pedestrians as they cross Esplanade.

Officer Response
As mentioned above, Esplanade currently has a 7.6m carriageway with a posted speed limit of 50km/h.

The proposed parking bays are likely to have a medium level of turnover resulting in the embayments being designed at 2.3m wide, as per Australian Standard 2890.5 – Parking Facilities. The embayments can be widened to 2.5m to accommodate a higher turnover and allow more space for passengers to alight from vehicles.

The matter of parked vehicles causing safety concerns as pedestrians cross Esplanade is difficult to substantiate. Sight distance and crossing points for pedestrians were considered in the preliminary design. Also, there is little difference to the western end of Esplanade where pedestrians cross in the presence of angled parking bays.

It should also be noted that there are dedicated crossing points, with pram ramps etc, in proximity to the intersection with Samuel Street, Florence Street and Val Street which link to the dual-use path.

(v) Esplanade is already a busy, high speed road and the bays will add to congestion and impact traffic movement with cars stopping/parallel parking.

Officer Response
Esplanade carries between 3,500 and 4,000 vehicles per day with a posted speed of 50km/h. It has been proven that the introduction of on-street parking further reduces vehicle speed and creates a safer environment and the introduction of the proposed parking should provide benefit in this regard.

(vi) The additional bays should be on the southern side of the road to improve driver behaviour.

Officer Response
It is claimed in some submissions that the parking should be on the other side of Esplanade to cater for those seeking bays (who will predominantly come from the Val Street direction) and improve driver behaviour as motorists will not undertake dangerous or illegal manoeuvres when a vacant bay is observed.

Although this option is acknowledged, the presence of driveways on the southern side would significantly reduce the parking yield. Also, it is not possible to make decisions on the potential for dangerous or illegal driver behaviour as all motorists are bound by the road rules enforced by the WA Police.

(vii) The existing levels will result in the kerb/retaining on the northern side being approximately 500mm which will prevent car doors from opening.
Officer Response

As part of the preliminary design investigations, no retaining was deemed necessary. It is likely, however, that the verge section between the proposed parking and existing pedestrian path will need to be re-graded to provide acceptable kerb heights.

(viii) **On-street parking on busy/major roads is contrary to engineering requirements.**

Officer Response

As detailed above, Esplanade carries between 3,500 and 4,000 vehicles a day with a posted speed of 50km/h. There is no requirement under Austroads for a local road of this nature to prohibit on-street parking. It is also the case that the western end of Esplanade, which is classified similar to the section in question, contains on-street parking.

(ix) **The bays will impact views, reduce privacy, increase the potential for anti-social behaviour and reduce property values.**

Officer Response

It is common for issues of this nature to be raised when the City engages on proposals that will change the existing settings.

Although they are clearly ‘front of mind’ for those in proximity, the issues are either speculative comments which are impossible to substantiate or matters that cannot form part of technical assessments of this nature.

In the same way that the City, for example, will not recommend an outcome based on a positive impact on views or property values, these matters will not be central to the recommendations on these proposals.

(x) **The foredune will be damaged by indiscriminate pedestrian movement.**

Officer Response

Existing beach access paths exist through the foredune and it is difficult to validate the claim that access behaviours will change through the introduction of additional parking. There is also the ability to manage access in the event that damage to the foredune is observed.

**May Street**

(i) **Parking already occurs on the eastern side of the carriageway primarily during community events etc.**

Officer Response

The presence of parking on the eastern side of the carriageway is acknowledged and the proposed bays will formalise and provide a more orderly setting for this practice.

(ii) **When Rockingham Beach Road is closed for events, buses are re-routed down May Street – and the bays will make this practice unsafe.**

Officer Response

The removal of vehicles from the carriageway into parallel bays will likely provide a greater capacity within the carriageway for vehicle movement including buses.

(iii) **Access to two gates on Lot 68 from May Street will be comprised.**

Officer Response

It is noted that informal vehicle access occurs to Lot 68 as shown in Figure 10 below. There is currently no built or authorised access across the verge to these gates. The presence of vehicles parked in the proposed parallel bays presents similar issues to vehicles being parked on the carriageway as is current practice.
10. Vehicle Gates at Lot 68

(iv) The bays will prevent vehicle access from May Street and potentially restrict the abutting lots from realising development potential.

Officer Response
The properties siding onto May Street have redevelopment potential under the City’s planning framework to achieve greater residential densities. There are currently no valid approvals in place, and if there were, the design of the parallel parking would recognise the approved vehicle access.

The presence of the parallel parking will not prevent access in the future when and if additional vehicle access is proposed. When it is approved and built, the parallel bays in the verge will be modified accordingly. This practice is common where development sites abut on-street parking.

(v) The potential yield is less than what is proposed.

Officer Response
A submission suggested that the parking yield is six as opposed to the ten bays proposed. The preliminary parking design has observed the appropriate standards, and even in the event that street trees are included, it has been confirmed that ten bays can be delivered.

The proposed bays have the added benefit of enabling street parking on the western side of the carriageway between the existing crossovers when vehicles are parked on the eastern side.

(vi) A verge tree will be removed.

Officer Response
The one existing verge tree is not proposed to be removed.

Harrison Street

(i) Parking is already orderly; it will not result in more parking.

Officer Response
The City's position that line-marking will result in the maximizing the space and the orderly parking of vehicles is taken from on-site observations and inspecting aerial photographs over a number of years.

It has been established that, on occasions, the capacity of on-street parking is reduced through parking behaviours and the proposed arrangement will result in maximum occupancy being consistently achieved.

(ii) Line marking will restrict parking further and not allow cars with trailers which regularly park on Harrison Street.
Officer Response
The City's Compliance and Emergency Liaison Team has confirmed that the parking of a vehicle and attached trailer over two or more marked parking bays is not an offence.

Florence Street

(i) **The bays should be angled parking to maximise bays.**

**Officer Response**
A preliminary design was prepared for angled parking on Florence Street which delivered only one additional bay to the parallel format, and given that parallel bays represent a safer traffic and pedestrian outcome, this option was selected.

(ii) **Already used for parallel parking with very little wasted space and existing crossovers are never blocked and this proposal will not deliver more bays.**

**Officer Response**
The City's position that line-marking will result in the maximisation of space and the orderly parking of vehicles is taken from on-site observations and inspecting aerial photographs over a number of years.

(iii) **Objection to unnecessary line-marking.**
The proposal involves line-marking and a hatched ‘keep clear’ area in front of crossovers. The City's Engineering Services has advised that the ‘keep clear’ hatching need not be included.

**General**

(i) **There is no information on time restrictions or paid parking potential.**

**Officer Response**
This process is associated with additional parking provision, and in the event that it delivers more parking, the use and management of these bays will subsequently be resolved. There is no proposal to introduce paid parking in the foreseeable future.

(ii) **The parking is not needed as there is enough public parking within the Rockingham Foreshore as evidenced by the parking occupancy surveys conducted by the City. The proposals are short-sighted and a ‘knee-jerk’ reaction and inconsistent with the City’s adopted approach.**

**Officer Response**
As reported to Council on a number of occasions, parking occupancy surveys conducted by the City have established that there is available public parking on almost all occasions at the Rockingham Foreshore. The greatest proportion of parking availability is within the public parking resources south of Kent Street, however, it has been expressed by some that this parking is too remote or not convenient.

The claim that there is available parking can therefore not be disputed and is an important consideration in this context.

The City's approach to public parking provision is detailed in the Officer Responses below.

(iii) **Should provide more parking central within the Rockingham Foreshore in a decked format or through arrangement with private carpark owners.**

**Officer Response**
The Parking Strategy identified a number of potential public parking opportunities at the Rockingham Foreshore most of which are centrally located. The Parking Strategy also recommends that the need for these additional resources should be further examined when it is established that public parking occupancy is regularly over 85%. Most of these parking opportunities are for decked parking.

When the ‘Revitalisation Project’ is finished, the City will conduct regular parking surveys to determine occupancy. Any decision to increase parking provision after considering occupancy outcomes will clearly need to be made in the context of funding availability amongst other considerations.
The Parking Strategy also contains an ‘Action’ to ‘Investigate the potential for the City to facilitate the large private carparks within the Waterfront Village realising their parking potential in terms of maintenance and the provision of bays’. Some investigations have occurred in this regard and others will be instigated as the opportunity arises.

(iv) The parking proposals should have been part of the consultation on the Stage 1 Rockingham Foreshore Revitalisation Project.

Officer Response

The consultation for the ‘Revitalisation Project’ was not focussed on resolving issues associated with public parking provision at the Rockingham Foreshore. Its primary purpose was to refine the project design which was an extension of the outcomes contained with the Master Plan.

The adopted Master Plan contained recommendations for the rationalisation of parking, including the reduction of bays in Railway Terrace, and the consultation on the Master Plan and the subsequent Parking Strategy were the forums to resolve the public parking regime.

(v) The expenditure would be an inefficient use of Council funds.

Officer Response

The expenditure of funds is a decision for the Council based on the applicable circumstances and information before it.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 1: Actively Pursue Tourism and Economic Development

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

d. Policy

Nil

e. Financial

The preliminary cost estimates for the proposed options are as follows:

(i) Esplanade parallel parking - $120,000
(ii) May Street parallel parking - $41,000
(iii) Florence Street - $1,400
(iv) Harrison Street - $3,000

Funding for Items (i) and (ii) will likely require approval from Council through subsequent Budget Review processes whereas Items (iii) and (iv) can be funded from existing Budget allocations.

f. Legal and Statutory

Nil

g. Risk

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

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

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

Nil
Comments

The matters raised during the community consultation process essentially bring into question the value of the City’s streetscapes against the desire to increase convenient public parking provision. The proposals for Esplanade are most prominent in these discussions.

As detailed in ‘Background’, in adopting the Master Plan in June 2015, it was noted that its parking recommendations are predicated on the basis that there should be no net loss of public parking provision within the precinct throughout the implementation of the Master Plan.

In recognition of the above position, the original scope of the ‘Revitalisation Project’ involved an expansion of the Wanliss Street foreshore carpark to off-set the loss of parking in Railway Terrace with additional bays in the precinct. The Wanliss Street carpark expansion did not proceed given that the ‘Port Rockingham Marina’ proposal involved development over the carpark location.

Should the Wanliss Street foreshore carpark expansion have been built, the intent of the Master Plan would be satisfied but it would not have brought additional parking close to Railway Terrace and the same issues would likely prevail.

As a backdrop to this, the City’s recent surveys of public parking occupancy show that there is availability within the Waterfront Village, however, there is an inability or reluctance for some visitors to use these bays.

The regular parking surveys which will be conducted following the completion of the ‘Revitalisation Project’ will offer further insight into parking behaviours and provide a solid platform for the Council to make decisions on public parking provision and management.

Esplanade is clearly a unique streetscape that is valued by the local and broader community. The introduction of parallel parking will erode the manner in which this streetscape presents and is used. It also interrupts the vista afforded to motorists as they enter Esplanade from Val Street as part of the Tourist Drive.

The issues surrounding safety are valid, but as detailed in the assessment above, the design of the parallel parking is within the prevailing engineering standards and additional refinements can be made at detailed design to improve safety.

In light of the above, there is insufficient justification to proceed with the on-street parking proposals at Esplanade.

The May Street proposal is not supported by the majority of landowners/residents in proximity. The concerns centre around the need for the bays, given that informal on-street parking already occurs on the eastern carriageway, and the impact on existing functions and development potential.

As eluded to in the above assessment, the proposed parallel bays will increase parking provision by maximising use of the existing space and allowing vehicles to park on the western side of the carriageway. The concerns regarding function (i.e. accessibility to existing vehicle gates) and development potential cannot be substantiated.

The May Street option is therefore supported and should proceed.

The line-marking of Harrison Street and Florence Street can deliver a more orderly and productive use of the on-street parking resources. The submissions objecting to the proposals raise issues which can be resolved and it is recommended that the proposals also proceed.

The recommended on-street parking projects are depicted in Figure 11.
11. Recommended On-street Parking Projects

Should Council resolve to proceed with these on-street parking opportunities, the City will refine the preliminary designs and consult with the affected landowners/residents in the normal manner prior to the works being conducted.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the following proposals for implementation:

1. Parallel parking within the eastern verge of May Street (Harrison Street to Parkin Street); and
2. Line-marking of Harrison Street (Val Street - Florence Street) and Florence Street (Esplanade to Harrison Street).

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council **APPROVES** the following proposals for implementation:

1. Parallel parking within the eastern verge of May Street (Harrison Street to Parkin Street); and
2. Line-marking of Harrison Street (Val Street - Florence Street) and Florence Street (Esplanade to Harrison Street).

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
**Engineering and Parks Services**

**Reference No & Subject:** EP-011/19 Tender T18/19-43 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products

<table>
<thead>
<tr>
<th>File No:</th>
<th>T18/19-43</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent/s:</td>
<td>Mr Om Gupta, Acting Manager Engineering Services</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Aulad Hossain, Civil Maintenance Supervisor</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

**Site:**

**Lot Area:**

**LA Zoning:**

**MRS Zoning:**

**Attachments:**

**Maps/Diagrams:**

---

**Purpose of Report**

Provide Council with details of the tender received for Tender T18/19-43 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products, document the results of the tender assessment and make recommendations regarding award of the tender.

---

**Background**

Tender T18/19-43 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products was advertised in the West Australian on Saturday, 2 March 2019 and the Sound Telegraph on Wednesday, 6 March 2019. The Tender closed at 2.00pm, Wednesday, 20 March 2019 and was publicly opened immediately after the closing time.

---

**Details**

The scope of the contract is for the cleaning and maintenance of installed drainage systems. The period of the contract shall be from the date of award to until 30 June 2022.
A panel comprising Acting Manager Engineering Services, Acting Coordinator Maintenance and Operations and Engineering Drainage Officer undertook the tender evaluations.

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 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>Drainflow Services Pty Ltd</td>
<td>37.6</td>
<td>16.3</td>
<td>34.0</td>
<td>87.9</td>
<td></td>
</tr>
<tr>
<td>Perth Pressure Jet Services trading as Cleanflow Environmental Solutions</td>
<td>25.3</td>
<td>11.3</td>
<td>33.4</td>
<td>70.0</td>
<td></td>
</tr>
<tr>
<td>Rico Enterprises Pty Ltd ATF Rico Family Trust trading as Solo Resource Recovery</td>
<td>27.6</td>
<td>12.0</td>
<td>26.2</td>
<td>65.8</td>
<td></td>
</tr>
<tr>
<td>Western Maze Pty Ltd trading as Western Educting Service</td>
<td>18.0</td>
<td>8.0</td>
<td>33.1</td>
<td>59.1</td>
<td></td>
</tr>
<tr>
<td>TC Drainage (WA) Pty Ltd trading as TCD Services Australia</td>
<td>23.8</td>
<td>10.3</td>
<td>17.1</td>
<td>51.2</td>
<td></td>
</tr>
</tbody>
</table>

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

   **Aspiration 4:** Deliver Quality Leadership and Business Expertise

   **Strategic Objective:** Strategic and sustainable financial planning: Undertake long-term resource planning and allocation, with prioritised spending on core services, infrastructure development and asset management.

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

d. **Policy**

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

e. **Financial**

   Expenditure in accordance with the City's Annual Operational Budget.

   The provision of this service is variable with a range of proactive/cyclical and reactive works. Expenditure for 2017/2018 was $583,544 and it is expected that expenditure for 2018/2019 will be in the order of $615,000.

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**

Tenderers were required to supply information addressing level of service, organisational structure, demonstrated relevant industry experience, available resources, qualified personal, methodology for undertaking works and quality accreditation systems.

Tender submissions varied in the depth and detail of the qualitative criteria information received demonstrating different levels of capability to undertake the contract requirements. Drainflow Services Pty Ltd scored the highest score in level of service, understanding of tender requirements and tendered price.

Following consideration of the submissions in accordance with the tender assessment criteria, Drainflow Services Pty Ltd represents 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 Drainflow Services Pty Ltd, for Tender T18/19-43 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products in accordance with the tender documentation for the contract period from date awarded to 30 June 2022.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Jones:

That Council *ACCEPTS* the tender submitted from Drainflow Services Pty Ltd, for Tender T18/19-43 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products in accordance with the tender documentation for the contract period from date awarded to 30 June 2022.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
## Purpose of Report

Provide Council with details of the tenders received for Tender T18/19-17 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis West, document the results of the tender assessment and make recommendations regarding award of the tender.
Background

Tender T18/19-17 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis West was advertised in the West Australian on Saturday, 16 March 2019 and the Sound Telegraph on Wednesday, 20 March 2019. The Tender closed at 2.00pm, Wednesday, 17 April 2019 and was publicly opened immediately after the closing time.

Details

The scope of services is for landscape maintenance to approximately 73.5 hectares of public reserves and streetscapes in Baldivis West, bounded by Nairn Drive, Sixty Eight Road, Eighty Road, and Kerosene Lane, as described in the following maps.
Baldivis Reserves Map 3
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 JUNE 2019

PRESIDING MEMBER
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 17 JUNE 2019

PRESIDING MEMBER
Baldivis Streetscapes Map 5
The service provided under this contract will include:

- manage treat and maintain turfed areas;
- manage treat and maintain garden beds;

Baldivis Streetscapes Map 6
• manage treat and maintain streetscapes;
• maintain trees;
• maintain water features;
• maintain and operate irrigation systems;
• provide an infill plant replacement program.

The period of the contract shall be from the 1 July 2019 to 30 June 2024.

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

The City received a total of five tender submissions.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Price Ex GST</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Max. Points</td>
<td>40 Pts</td>
<td>30 Pts</td>
<td>30 Pts</td>
<td>100 Pts</td>
</tr>
<tr>
<td>LD Total</td>
<td>$1,100,551.30</td>
<td>30.8</td>
<td>26.1</td>
<td>14.0</td>
<td>71.0</td>
</tr>
<tr>
<td>Skyline Landscape Services (WA)</td>
<td>$1,330,352.81</td>
<td>30.8</td>
<td>25.1</td>
<td>12.1</td>
<td>68.0</td>
</tr>
<tr>
<td>Green Options Pty Ltd</td>
<td>$455,134.32</td>
<td>18.9</td>
<td>9.1</td>
<td>30.0</td>
<td>58.1</td>
</tr>
<tr>
<td>Lochness Landscape Services</td>
<td>$1,019,571.84</td>
<td>21.9</td>
<td>18.6</td>
<td>14.7</td>
<td>55.2</td>
</tr>
<tr>
<td>Horizon West Landscape &amp; Irrigation Pty Ltd</td>
<td>$1,336,519.60</td>
<td>22.9</td>
<td>16.3</td>
<td>11.7</td>
<td>51.1</td>
</tr>
</tbody>
</table>

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

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

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

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

   **Aspiration 4:** Deliver Quality Leadership and Business Expertise
   **Strategic Objective:** Management of current assets: Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.
d. Policy

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

e. Financial

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

Expenditure on previous contracts covering the same areas was $1,019,114 per annum. The tendered lump sum price in the recommended submission is $1,143,051.30 per annum. This represents good value for the City as the specification for this contract requires an increased level of service delivery.

f. Legal and Statutory


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

g. Risk

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

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

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

Nil

Comments

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

All tenderers provided adequate information regarding their company structure, key personnel, industry experience, mobilisation plan and quality systems.

In regards to the qualitative criteria for Level of Service and Understanding Tender Requirements, tenderers were requested to demonstrate their understanding of the works required, submit a draft programme of works, identify the labour and equipment resources required, prepare an infill planting program and provide any other supporting information that demonstrated they could successfully complete the contract.

The submission received from Sanpoint Pty Ltd trading as LD Total scored highest in detailing their ability and understanding of the contract requirements and the price consideration provided. The submission from Skyline Landscape Services (WA) also scored highly in their demonstration of understanding these requirements.

Green Options Pty Ltd provided the lowest price consideration, however, they were not considered to provide best value for the City. Their submission did demonstrate an ability to deliver high quality turf solutions, however, did not demonstrate adequate experience in the maintenance of public open space. The proposed staffing and equipment levels were considered insufficient to deliver the tender requirements. Therefore, the Green Options submission recorded significantly lower scores on the qualitative criteria: Level of Service and Understanding of Tender Requirements.

LD Total is considered to represent best value for the required works and are recommended as the preferred tenderer.
**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *ACCEPTS* the tender submitted from Sanpoint Pty Ltd trading as LD Total for Tender T18/19-17 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis West, in accordance with the tender documentation for the contract period being from 1 July 2019 to 30 June 2024.

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr Summers:

That Council *ACCEPTS* the tender submitted from Sanpoint Pty Ltd trading as LD Total for Tender T18/19-17 - Periodic Maintenance of Various Reserves and Streetscape Areas in Baldivis West, in accordance with the tender documentation for the contract period being from 1 July 2019 to 30 June 2024.

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
4:59pm - Having earlier declared a financial interest, Mayor Sammels departed the meeting.

### Engineering and Parks Services

**Engineering Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-013/19 Draft Policy Verge Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>RDS/28-22</td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Sam Assaad, Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Manoj Barua, Manager Engineering Services</td>
</tr>
<tr>
<td></td>
<td>Mr Adam Johnston, Manager Parks Services</td>
</tr>
<tr>
<td></td>
<td>Mr Johnny Lau, Infrastructure Compliance Officer</td>
</tr>
<tr>
<td></td>
<td>Ms Michelle Ebert, Business Analyst</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

**Site:**

| Lot Area:                |                                          |
| LA Zoning:               |                                          |
| MRS Zoning:              |                                          |

**Attachments:**

2. Statement of Engineering Policy NO PE1 Street Verge Development
3. Public Places and Local Government Property Local Law 2018

**Maps/Diagrams:**

---

**Purpose of Report**

To seek Council support to advertise a new Policy Verge Development.

**Background**

The Activities in Thoroughfares and Public Places and Trading Local Law in 2001 (Local Law 2001) was gazetted in November 2001. This document provided the head of power for verge development in Part 2, Division 3.

The concept of acceptable materials was incorporated into Local Law 2001 in Clause 2.6.
"acceptable material" means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

The list of acceptable materials was further defined in the City’s Policy Street Verge Development (Policy PE1).

“The term ‘acceptable material’ includes brick paving, bitumen, concrete and paving slabs. Materials not classified as acceptable include crushed brick, limestone, pea gravel or any other material deemed by Council to be unstable”

In regard to the requirements of the Local Law, Policy PE1 provides the list of acceptable material, being - brick paving, bitumen, concrete and paving slabs. All other items which do not appear on the list are not acceptable materials under the existing policy.

Council decision EP-075/12 also considered the application of artificial grass (synthetic turf) for recreation reserves and areas in the general public domain.

The revision of Local Law 2001 commenced in 2017 and the Public Places and Local Government Property Local Law 2018 (Local Law 2018) was approved by Council in February 2019 and was gazetted on 8 May 2019.

Since 2001, the City recognised the need to manage verge development for the benefit of the community, confirming the need for written applications for verge treatments which do not fully meet the overall community benefit. The concept of acceptable materials is retained in the Local law 2018 and therefore it is appropriate to review the Policy PE1.

### Details

#### Priorities and Focus for Verge Development

The City has care and control of a substantial portfolio of maintained open space incorporating streetscape, sports and play surfaces, sport field surrounds, developed reserves and conservation areas.

The following table shows the proportion of each category of maintained open space:

<table>
<thead>
<tr>
<th>Category</th>
<th>Area, Ha</th>
<th>Percentage of total maintained open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streetscape</td>
<td>980</td>
<td>40</td>
</tr>
<tr>
<td>Sport and play surfaces</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Sport field surround</td>
<td>112</td>
<td>5</td>
</tr>
<tr>
<td>Developed reserve</td>
<td>530</td>
<td>22</td>
</tr>
<tr>
<td>Bushland and foreshore conservation</td>
<td>800</td>
<td>33</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,435</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

The streetscape, is the single largest category of open space, at 40% of the entire portfolio. In addition, it is the only category of open space asset that directly abuts every property within the City. The bulk of this land is verge, with a small portion represented in medians, traffic islands and other spaces.

For this reason, the streetscape has an important role in terms of aesthetic, safety and health benefits for the community, including:

- Promoting health and wellbeing
- Enhancing social identity through accessibility and connectivity
- Creating a link to the environment and supporting biodiversity
- Storm water management through water retention in topsoil and groundwater recharging
Reduction of heat island effects of the built environment.

Public safety through maintenance and management practices

As the largest category of open space asset for the community, the streetscape provides a significant resource for the City in meeting its strategic objectives in relation to environment, canopy cover in the urban area, infrastructure provision, climate change, community safety and public amenity.

The verge also accommodates public service utilities, such as street lighting, power, water, sewerage, gas, telephone and optic fibre cables which are important elements in support of the lifestyle of our community.

Verge development is important to many residents seeking to improve the amenity of their property. Many owners seek to install low maintenance verge treatments to ensure minimal impacts on their lifestyle, hobbies and recreation. In addition, many residents seek verge development options that save time, water and have other environmental benefits.

Whilst the community has an interest in the verge from an individual perspective, the City, public utilities, state government authorities and their authorised contractors have specific responsibilities and rights to access and undertake works on the verge as defined in legislation and codes of practice in servicing and support of the wider community.

The City has a dedicated officer who receives and processes written applications for verge developments, investigates and actions complaints in relation to verge issues and deals with owners and occupiers in relation to resolving non-compliant verge treatments.

The City is an endorsed Waterwise Council and is incorporating waterwise principles in its systems and activities. As part of its participation in this program, the City is actively considering verge development at it relates to waterwise principles, both in terms the approval process and support programs such as the Waterwise Verge Incentive Scheme.

In recognising the value of the verge, the City measures proposed treatments against 19 benefits grouped under three principles for verge development which are prioritised as follows:

- **Priority 1 - Amenity, Health and Safety**
  - Street tree friendly
  - reduced heat island impact on the community
  - able to maintain sigh lines
  - availability of water saving option
  - ability to withstand spread of fire
  - does not require regular use of herbicide or insecticide
  - ease of day-to-day maintenance
  - ease of long term maintenance
  - does not require the use of fertiliser or soil conditioner

- **Priority 2 - Community and Public Works**
  - can withstand repeated traffic loads
  - universal accessibility
  - will allow rain to replenish groundwater
  - ease of access and repair for City or utility works
  - ease of general repair and replacement
  - stormwater management benefits without soak wells/pits/pipes

- **Priority 3 - Environment and biodiversity**
  - no or low risk particulates or contaminants released into the environment (including microplastics)
  - enhances biodiversity
  - made from renewable/recycled resources and can be renewed/recycled
low energy use and low greenhouse emissions from manufacture, use, maintenance and disposal.

Review of treatment options for the verge

A number of treatment options for the verge have been considered in the review of the policy on the basis of community feedback, including

- Concrete
- Brick or Pavers
- Asphalt
- Synthetic Turf/Artificial Grass
- Organic mulch - wood chip, pine bark and similar
- Inorganic mulch - stone, pebble, gravel and similar
- Compacted Limestone

It is important when considering these treatments, consideration be given to the importance of the verge as part of the City's open space portfolio (representing 40% of the maintained open space available to support the environment, biodiversity, stormwater management etc.).

The review has considered the priorities for verge development.

Concrete, brick, paver and compacted limestone

Concrete, brick and pavers are manufactured from a combination of natural materials (aggregate), bound in a matrix of cement, clay or similar. The matrix materials, has a bearing on the manufacture, with cement being mixed with water and allowed to cure through a chemical reaction that creates concrete. Clay, is dried either in a kiln or air, resulting in a stone-like product.

Compacted limestone, is a natural product from the quarrying and crushing of limestone. The process of compacting, results in a firm, stable surface, similar to the other products. Under heavy traffic, the compacted limestone may lose some of the fine surface material, however this product can be sealed which reduces the likelihood of the loss of surface material.

These products, once cured are considered inert, exhibiting little wear and tear under normal use and for the bulk of their life which normally exceeds 50 years.

The product of deterioration is stone like with inclusion of the original aggregate material, breaking down into smaller particles after a long period. These materials are easily recycled or reused.

The installation of concrete, brick, paver and compacted limestone requires the construction of a level and stable foundation. This is achieved by removing soil to a specified depth (100-150mm), and compacting the sub-grade. This process removes the majority of organic components, insects, worms and microorganisms in the soil.

The components of natural topsoil take water and organic matter and convert these into nutrients and form the base of the food chain. In addition, research has shown that topsoil has benefits in terms of water quality, removing contaminants and reducing pathogens and harmful bacteria.

The organic material in soil also holds onto water, with topsoil retaining more water than sandy soil. In the process of removing this material from the soil profile, synthetic turf reduces the retention of water in the topsoil diverting this volume to overland flows, or into the groundwater system.

As a result of the installation the water management and biodiversity benefits of the soil profile is severely reduced.

Once sufficiently compacted, a granular material is placed and further compaction undertaken.

Once installed, these treatments are considered impermeable. The installation method may also significantly damage tree roots and impact on the availability of water and nutrients to these trees. Further, these treatments limit the ability of the City to plant street trees in the future.

Evidence shows that a number of trees (both public and private) have been impacted as a result of the installation of these impermeable verge treatment.

It is noted that expert advice in relation to tree health indicate that permeable soil should be maintained past the drip line of a tree otherwise the tree is likely to be severely impacted.. This results in a recommended ‘opening’ of 2-3m from the trunk for each street tree. For this reason, the coverage of these treatments is limited to portion of the verge.
Overall these materials behave consistently and provide good outcomes in relation to accessibility, maintenance and water saving and are considered as appropriate materials for use on the verge, however the impact on street trees, biodiversity, stormwater and groundwater should be mitigated by limiting the coverage of the verge.

**Asphalt**

Similar to concrete, asphalt is formed through the use of aggregate, bound together in a matrix based on a bituminous binder. The binder is liquid at high temperatures and forms a solid material as it cools.

Asphalt is prone to soften in high temperatures and is highly impacted by oxidation. The normal life for this product is 15-25 years depending on environmental factors with the loss of aggregate occurring after a few years and accelerating as the bituminous binder becomes brittle under oxidation.

The deterioration products of asphalt are primarily the aggregate material, however the loss of bitumen binder into the environment will accelerate as the material oxidises.

As a result of the material properties, asphalt can be recycled into new product by crushing, heating and adding new aggregate.

The installation of asphalt has similar outcomes as that noted for concrete, brick, paver and compacted limestone.

It is also noted that asphalt has a shorter life than these other materials and the compounds of deterioration can have unintended impacts on the environment through the loss of bituminous compounds through oxidation. As a result of these additional negative impacts, asphalt is not considered to be an appropriate verge treatment option.

**Synthetic Turf**

Synthetic turf is manufactured using a similar process to carpet, with a grass fibre (yarn), being woven into a backing material.

The primary materials for yarn is nylon (NY), polyester (PE) or polypropylene (PPE).

The yarn is manufactured with a number of additives and/or coatings to achieve a range of outcomes including, improving the colour and texture of the yarn to mimic grass, stabilise and protect the yarn from UV degradation and improve cooling attributes.

The backing is made of multiple layers but typically includes two polyurethane layers with an infill sandwiched between. This infill provides the shock absorbency necessary to mimic lawn.

The installation requires a stable and flat surface. This is achieved by removing soil up to 150mm, and compacting the sub-grade. This process removes all the organic components, insects, worms and microorganisms in the soil and the remaining ground is considered sterile in comparison.

Granular material is leveled and compacted to form the foundation. Dependent on the type of granular material used, this foundation may be semi-permeable but is often impermeable.
The synthetic turf is pinned to the foundation layer and joins sealed together in order to ensure the synthetic turf remains in place. Infill material is spread over the finished product for stability. It is critical that the infill material is replaced on an ongoing basis, however there is evidence that most verge treatments do not undertake this annual maintenance, resulting in the fabric becoming loose from the base layer, especially under traffic loads.

It is also known that synthetic turf stretches and shrinks with temperature variations and this can also cause the fabric to become loose. Manufacturers recommend that the fabric is regularly inspected and re-pinned as required.

The installation of artificial grass has the same impacts as that noted for concrete, brick, pavers, asphalt and compacted limestone.

In addition, artificial grass also has a range of other impacts such as:

1. The release of microplastics into the environment.
2. The release of various chemicals into the environment from the various coatings, additives and breakdown products under UV and weathering.
3. The inability to recycle or repurpose the material

Normal wear and tear of synthetic turf contributes to the microplastics found in the environment, including marine pollution with the best quality yarn, degrading at 1.5% in 7 years. On an average size verge of 20m², the best quality synthetic turf will contribute an average 50g of microplastics each year into the environment due to breakdown under UV conditions. This amount of microplastics released is equivalent to several hundred single use plastic bags each year.

As the material degrades, it is unknown what impacts the various additives will have on human health and the environment.

There are no effective methods to recycle synthetic turf and so this product is disposed to landfill after 15-20 years. As a result, any use of recycled materials for the manufacture of synthetic turf will be a one-off benefit, with ultimate disposal into landfill. The additional challenge in its disposal - synthetic turf is chemically treated to extend longevity.

Synthetic turf, provides a high amenity surface with a number of benefits in relation to water saving, reduced water use and low maintenance. Some of the negative impacts on the environment and community can be mitigated by limiting the area of coverage, however there are a number of additional concerns that cannot be mitigated, including the high likelihood that the fabric will become loose from the base layer, and the release of contaminants into the environment.

Overall, synthetic turf is not considered to be an appropriate verge treatment option.

**Organic Mulch**

Organic mulch when used outside of a verge garden, will have similar environmental and biodiversity benefits as lawn and garden, whilst also mitigating the concerns in relation to water and chemical use for maintenance of the treatment.

Overall, this treatment is seen to be suitable as a verge treatment and may be placed over the entire verge.

**Inorganic Mulch (without garden)**

Inorganic mulch is a term used to group a range of stone like products. This category includes both crushed rock, pebbles, gravels, crushed glass, crushed brick, crushed concrete and manufactured stones.

These products cannot form a stable surface, creating a potential slip hazard and are unsuitable for universal access. When placed on the verge, these products are likely to move out of the area under the effect of pedestrian and vehicular movement, spreading onto roads, paths and crossovers.

Installation of these products normally requires the compaction of the subgrade and placement of a sturdy plastic film on the base surface. The installation method prevents the effective drainage of water into the ground and in heavy storms can increase overflow.

Finally, this treatment is prone to weed and insect infestation, resulting in the need for the ongoing use of herbicide and pesticide treatments.

Overall, inorganic mulch is not considered to be an appropriate verge treatment option.
Transition Arrangements

In the period while the Local Law 2018 and Policy PE1 have been reviewed, the City has placed non-compliance actions in relation to artificial grass on hold. Over this period, other non-compliance issues continue to be actioned on the basis of complaints.

It is known that artificial grass has been installed on a number of verges across the City, with a number of these residents stating that they were unaware of the City’s position on this treatment.

In continuing the current position on artificial grass on the verge, the City recognises the impacts of requiring removal of these treatments. This must also be balanced against the fact that the same principles will apply to verge treatments with:

- in excess of 1/3 hard paving, or
- inorganic mulch treatments

In order to ensure fairness and equity in managing this issue, it is proposed to provide a transitional arrangement for non-compliant artificial grass, hard paving and inorganic mulch treatments on the verge as follows:

1. Implement a media, education and information campaign to ensure the community is aware of the need to register their verge treatment. This will be undertaken over a six week period with a further two weeks amnesty period for registration.

2. Upon registration, these verge treatments will be considered permissible until such time as requiring repair or replacement.

3. Other issues, such as restricted visibility, loose materials or unsatisfactory maintenance will be continue to be actioned through the transition period:
   - (a) Any verge treatment that is considered unsafe will be actioned immediately.
   - (b) Any verge treatment installed during this period will be excluded from the transitional arrangement.

For all verges subject to the transitional arrangements, the following conditions will need to be met.

1. The verge treatment is registered
2. The verge treatment is maintained to manufacturer’s requirements, and kept weed free.
3. That an opening 3m wide is provided at such time as the City undertakes street tree planting on the verge.
4. The treatment is removed when it requires repair and is replaced with a compliant verge treatment.

Builders, commercial and industrial properties will not be included in this period and these verges will need to be reinstated as compliant treatments immediately.

Education and Assistance and Incentives

In addition to the campaign for the registration on non-compliant verges, the City will develop and implement an ongoing campaign to educate the community in relation to verge development and waterwise gardening.

The City is developing a range of educational material, guidelines and facts sheets to assist in improving information in relation to verge treatments. It is important to remember that all treatments other than lawn or garden continue to require written application and approval from the City.

It is considered that as part of its assistance to the community to encourage verge gardens, the City would continue to provide other in-kind programs which leverage off existing activities. Two examples are the free shredded green waste from the Millar Road landfill and the provision of native plants to residents which are already in place.

Implications to Consider

a. Consultation with the Community

   The draft policy will be advertised seeking community consultation.

   Submissions received as part of the local law review have been considered in the development of the policy. These submissions are listed in the following table with the responses provided following.
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| 1   | Jarl Anderson | Dear Chief Executive Officer, City of Rockingham Having given the Local Law Review 2018 attention as per email 13/07/18 and short of having studiously read every single law in its entirety, please find my comments here:  
- Repeal an Amendment Local Law 2018 and Public Places Local Government Property Law 2018 - I will let through to the keeper. | Comments noted.                      |
| 2   | J Giles       | Verge Treatments (Fake Lawn)  
Dear City of Rockingham’s CEO,  
I would like to voice my opinion on law change 2018 and Verge Treatments preferably “artificial grass”.  
In 2016, My Husband and I built our first home. We purchased Land in the Parklands Height estate and were very excited to be able to own a home and make it beautiful.  
We called the council and then asked for advice from the landscaper supplied by Summit about putting artificial grass on the verge to match the rest of the front yard. In both instances we where told it was fine. There are also over 1000 people in Baldivis who have the same.  
If we were told now to remove it, we 1) could not afford it. 2) it would not match our front as we only have Fake lawn. 3) It would not be neat and tidy as it is now. 4) Cost both us and the planet in water as we chose artificial grass as the option to be waterwise and help the environment.  
We have a beautiful front right now but as a young family both working full time we have no time for gardens. Therefore, we chose artificial grass as it was the best way to be waterwise and look great with our lack of time to beautify the verge.  
It is also one of the options recommended by the Water Corp.  
Please keep up with the times as other councils have and embrace the changes that people are trying to make. Come and visit Baldivis you will see how the verges with fake lawn look better as everyone else’s grass is dying. | See Response 1  
See Response 2 |
| 3   | Craig Latta   | We built in secret harbour and all of our plans went through Rockingham Council for approval including house plans shed plans pool plans which all areas outside included a detailed almost to scale landscaping plan which was approved.  
I have synthetic lawn all the way down to my kirb which i paid around $90 sqm for labour and materials.  
Rockingham council approved these plans and therefore i do not accept the fact that now the council wants it ripped up this would change my landscaping design to something i would not like.  
In addition to this what is the difference between synthetic lawn and poured limestone or concrete. | See Response 1  
See Response 2  
See Response 3 |
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| 4   | Kerry and Rose Carter       | WE are currently holidaying on the east coast of Australia and have just been informed by my brother-in-law from a topic on the local news that the Council is considering those with the above subject will need to remove it. He also said that there would be heavy fines if it was not done by a certain time. Could you please advise us as to whether this is true and when, if it goes ahead when will be implemented. We spent a number of dollars in laying ours to:  
  a. Save on water usage, and  
  b. Make the area look good and give visitors etc a good impression of the street.  
We have noticed that there are verges in the area that have allowed the natural grass to just grow and become untidy.                                                                                                                                                                                                                   | See Response 1  
See Response 2 |
| 5   | Selina Go Greener Synthetics | VERGE TREATMENTS – ROCKINGHAM CITY COUNCIL  
In relation to the recent and ongoing situation regarding approved verge treatments within the Rockingham area, we wish to request that ours and the situation of both our existing and future clients be taken into account please. We have been operating a successful synthetic lawn company based in Mandurah but covering all areas SOR for approximately 9 years now. We have always advised our clients both verbally and in writing to check with local councils whenever we have undertaken a verge synthetic lawn installation. We have found the whole recent instruction given to our client at 6 Lancelin Approach, Baldivis to remove her artificial lawn extremely distressing as I know our client has also. We did approach the council on Ediths behalf before we carried out her installation and were assured verbally it was fine to proceed. Granted and in hindsight we should have sought this confirmation in writing but as there are literally thousands of other households in the area that have the same verge treatments down (bearing in mind also that these other installs have been in place for many years) we considered the verbal ok and the implied permission of the other homes in the area to be sufficient. | See Response 1 |
We also consulted with the CoR website for advice on this matter and could find no ruling at all that artificial lawn was disallowed. On this point if you were to consult on virtually any other council website they have very specific rules on what are permissible verge treatments in their areas. We wish to respectfully request that the ruling be reconsidered for change at the next council meeting please. Homeowners certainly want and are happy to pay for artificial lawn on their council verge areas. In relation to the point that some are ill maintained, this would be in the very small minority as synthetic lawn is an expensive investment for our clients and the majority take great pride in their lawns. Although we concede that the council may have functional issues with access we would like to propose the following as a compromise moving forward for all concerned:

All future synthetic lawn installs are to be professionally laid and general guidelines followed in relation to base preparation, pegging, sanding etc to ensure its secured properly. We are happy to consult with the council on this to reach a good standard to set for all installers.

1. All home owners to sign a standard disclaimer, produced by the council (again, happy to consult on this with you) accepting that if the council need to access any services etc then the council cannot be held liable for any remedial work required to relay the lawn or any costs involved.

2. We understand drainage concerns are considered an issue, we don’t believe this to be the case as the base materials we use are porous and the rainwater soaks through as natural lawn. All of our products have porous backing and drainage holes as standard. We could also perhaps consult with our manufactures to add extra drainage if required. Our manufactures has also offered to help devise further underground drainage systems if needed.

3. We would ask that all current installation already in place be allowed to remain. As Im sure you are already well aware feelings are running high on this matter and if the council were to insist that all synthetic lawns are removed (along with all pebbles, paving, tarmac, concrete etc etc that home owners have installed – all these materials are not approved apparently) then Im sure you would be aware there would be total mayhem caused.

4. We ask that synthetic lawn be allowed to council verge areas with conditions as above. We also ask that other materials such as compacted hardstands (the base the lawns go onto but with no lawn installed), pebbles, peagravels etc also be permitted. We understand that concrete and paving etc would be to hard to access through so we agree these are not a good option for verges.
5. We can provide certification to prove that all our lawns are completely child and pet safe and contain no harmful toxins or heavy metals. I'm sure all suppliers would be able to offer the same.

6. Residents are keen to preserve water and save on water and maintenance costs of up keeping the council property. With the never ending increases in water supplies homeowner simply cant afford to maintain natural verges.

7. It should be considered the impact that fertilizers, pesticides and weed killers have on the environment. Glyphosate in particular is extremely dangerous and this seeping into the water table surely has to be an issue to address? This product is already banned in many countries. Please follow the link to see the dangers already established with this product. [Link](https://clicktime.symantec.com/a/1/ZvEO5ona2yK8MXXjQCB1npTgP3H95PJQTE3YFl3L6qs=?d=VKhvTNsOkiyqGsn-k21xcK_dq2qi5WYLnmr-8HXi2Y_3FsGFz0vrxXvIa5EG9J88oYpMjbbB20XXGAbjggCg0CVsb7HiS6aN2S6to2PBMKYoipCG_aHeYIiZj2Df9n2y3bc27nDWr_yL1ZcizF9nz9QPyT7E0Dgowdw-QYtZyna9NTynmpyBhTaLxXtzDHAff5QpsnrOvgSPFLtSYB00Dc0azy8p6jerzUJ9TsloHv7WKGjnflUQ6nsCYY5DOomz0YJzOCwwUjeLXEK2nNCu5fmsevTE8wnEvHBPnPRqID4o1sNgy04eJyLIP6KxFw427bojg2QHEfiMtgFytiG9qtVZdygyjXUPmkCUJNfcdSwodVSTBOMZeVAvoTjEyC04beDUDutc9_d2Yp2gns4Hy4UEWEot5HMJl3tqj32PwURGdObIXiA0bdzde8v2KzNURZfBBPn&u=https%3A%2F%2Fen.wikipedia.org%2Fwiki%2FGlyphosate)

8. House sales. This matter will also be affecting house sales in the area. How can home owner and real estates be selling homes that have potentially unapproved verge treatments. This current issue and uncertainty has already caused major stress upon not only our many, many clients' in the CoR area but ourselves and our fellow installers.

I'm sure you can imagine the backlash we have already suffered from disgruntled clients asking how on earth this can be happening! As I mention before, although we always advise them to check, many have and have been told its ok, for them to now be seeing these orders have been issued with possible crippling fines I'm sure you'd understand they are quite rightly extremely concerned.

As a company which is already suffering from the current financial climate we are now facing months of uncertainty while this issue is resolved. We can no longer install in the area with peace of mind that our clients are receiving our best advice in relation to their install. As such, and I'm sure our competitors will be feeling the same effect, the phone has stopped ringing with new enquiries.
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<td>6</td>
<td>Matthew Branson</td>
<td>The only calls we are getting at the moment are ones of concerned existing client’s. Ordinarily we have four teams of installers full time laying lawns for us. As things stand we cant even find work for one team, that’s 6-8 men that we have had to lay off already and we cant see things improving until the council makes a final decision on this matter. This also has more far reaching effects locals that supply us also, the knock on effect is simply massive. We ask that you please pay very careful consideration into how this is, and will furthermore so, affect not only us and our clients but our competitors also. This could result in a lot of people simply out of work. We await your response thank you.</td>
<td>See Response 1 See Response 2 See Response 3</td>
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VERGE TREATMENTS – ROCKINGHAM CITY COUNCIL
I am a local business owner and employer and have been running an Artificial lawn business for six years. The Rockingham council has just recently moved to not only ban, but retrospectively issue orders to have presently installed artificial lawns taken up with the threat of huge fines.
Artificial lawn comes with many benefits including requiring no water to maintain, minimal maintenance and adding to street appeal all year round. Artificial lawn is of great benefit to those who are time poor or unable to maintain a garden themselves and for whom otherwise their front lawn would become very unattractive due to lack of maintenance. These people include retirees who possibly due to ill health can no longer bend down to weed and mow and keep a lawn and fifo workers or busy families. Artificial lawn very much fills a need in society and has many tangible benefits.
But i will also address some of the issues that council has flagged and offer feedback and/or solutions with the experience i have had working in the industry.

**Issue 1: Third Party Access to verge area for works**
The council has raised the issue of public utilities such as Telstra/Western Power requiring access to the verges, as well as the possibility of council installing bus shelters on a verge and rubbish bins being collected and put back down on the council verge.
I propose putting the liability back on homeowners in these instances, by taking on the approach of other councils which require residents to seek approval for an artificial lawn installation. The homeowner as part of the approval process would sign a document (a standard verge treatment form that would be downloadable from the council website), which listed these possible future occurrences and the homeowner would sign to take liability should these events occur.
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<td>I think its important to not forget, that in reality it is very uncommon that works are carried out on a verge and that its also not that difficult to take up the lawn in a somewhat careful way that doesn't cause any lasting damage to the lawn. Calling on my experience of six years in business, I've only had one service call where i needed to fix up after the water corp had carried out works. In this instance it took me under an hour to fix up the lawn, the water corp tradesman had shown care in how they rolled up the lawn, took up the base, carried out the works and then mostly returned it to the original state. As the lawn is laid in panels, it can just be rolled up or cut out in the case of installing bus shelters. The base can also be dug out and kept aside and then refilled in after works. <strong>Issue 2: Drainage</strong> The artificial lawn has drainage holes across the base of the lawn every 10-15cm, these allow water to drain through the artificial lawn. The lawn is typically installed on a 75mm base comprised of both roadbase to make the verges car traffic-able and a thin layer of blue metal dust (also called cracker dust) on the top. Unlike laying artificial lawn on concrete, this base material does allow rain water to drain through very well. I am currently looking into how we could provide technical data to council on this. But from a purely non scientific perspective, i have looked at my artificial lawn during the recent rain and there hasn't been any widespread pooling occurring. There has certainly been some puddles whilst the its is raining heavily similar to natural lawn but when it stops raining this drains away within minutes. Also in relation to artificial lawns on verges, the base level height finishes approximately 25mm below the top of the road kerb, the artificial lawn is typically 30-40mm so the lawn finishes slightly above the road kerb level. I have never seen rain pooling to such a degree that the rain starts pouring over the road kerb onto the road and adding to storm water runoff on the road. To summarise the rain water doesn't stay on top of the lawn because the lawn has holes in the backing and secondly the rain doesn't pool and stay on top of the base because the base is permeable. <strong>Issue 3: Loose Flaps/Tripping hazard</strong> Artificial lawns that are installed correctly do not flap up or cause a tripping hazard. The installation involves installing U pins to anchor the artificial lawn every 50cm around the perimeter and along joins. But the main thing that anchors the artificial lawn, is the white sand that is applied and brushed into the lawn with a mechanical broom. The manufacturers specify a minimum of 15kg per m2 be applied to the lawn area, we choose to apply 17-20kg per m2 depending on the lawn length.</td>
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In short an average front verge of 50m² has approximately 1 tonne of white sand weighing it down, and that in combination with the U pegs every 50cm keep the artificial lawn in place. We are happy to work with council to formulate install guidelines that could be provided to residents (online link), who apply to have artificial lawn installed in the future. The homeowner can then be informed and ensure they are quoted for artificial lawn as per council guidelines. In practice the vast majority of local long running artificial lawn business all complete installations to a high standard anyway.

**Issue 4: Human Health Effects**

Our manufacturer of lawns conducts independent testing of their lawns for lead and other heavy metals. I also know that many other suppliers in Perth have had similar testing done too by the CSIRO. Artificial lawn has been installed for many years with no negative health outcomes reported. Many customers do ask about lead and testing and we provide the testing reports on request.

**Summary**

I would ask council to allow artificial lawns to be installed under the following conditions:

1. Installation standards to be drawn up and provided to homeowners to follow when applying for new artificial lawn installation.
2. All home owners to sign a disclaimer taking responsibility for any remedial action needed after third parties carry out works on the verge.
3. Home owners to pay a standard application fee to cover the councils time in processing the submissions (local artificial lawn business's could facilitate the process with the homeowner or we could pay the fee).

I would also like to make the following points in relation to taking up existing artificial lawns:

1. We ask that council grandfather all existing lawns and allow them to remain. There are by my estimate at minimum two thousand artificial lawns installed on verges in the Rockingham council area and possibly up to several thousand. The cost alone to remove the lawn and base would be at least one thousand dollars per lawn (skip,bobcat,workers), plus the cost to add new reticulation/lawn/plants etc. The financial impact simply can not be overstated.
2. The taking up of existing lawns will transfer artificial lawn to landfill, it is more environmentally friendly to allow the lawn to reach the end of its useful life of around 15 or more years and then be removed.
3. The process to ensure past lawns are grandfathered could involve giving homeowners with existing lawns three months to register their lawn. After this date enforcement action is taken against those who didn’t apply.
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<td>7</td>
<td>Jack and Linda</td>
<td>Whilst homeowners had the money to initially complete their artificial lawn, many of them added this cost to their mortgage and will not have several thousand dollars available to remove and replace the artificial lawn. Homeowners were factoring in the $700-$1200 a year saving in water, fertilising and lawn mowing costs over the 15-20 year life of the lawn in making the decision to install artificial lawn. So from an investment cashflow perspective they've had a major expense in year 1 and are now recouping the investment over the useful life of the artificial lawn. I'm hoping that council will take into account submissions by residents and the business community to find a path forward that both alleviates the councils concerns around artificial lawn and doesn't cause financial stress to residents. We are in a tough economic climate at the moment and i know this applies to both my fellow small business owners and also homeowners in general. I have already noticed the effect of this uncertainty, on the number of calls I'm getting and therefore the amount of work we are completing. If i can assist in anyway with the Rockingham Councils work on this matter please don't hesitate to contact me personally.</td>
<td>See Response 1 See Response 2</td>
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<td>8</td>
<td>J Kidd</td>
<td>We have had a sales representative come to our home to quote for synthetic turf to be laid at our home in Baldivis. She advised us that because of a council ruling that we are unable to lay the turf on the verge. She advised that if we laid it that you would ask us to remove it. I would have thought that having turf on the verge would be an asset because we wouldn't be using water to keep it alive. It's also visually appealing instead of having rocks or gravel on the verge for people to slip on. Or in some cases leaving it unattended to look ugly. Ratepayers who have already laid artificial turf and paying good money for it (and it's not cheap to get good quality turf) and then being told by council to pull it up, we believe to be unfair. I feel this ruling to be a very impractical. Surely the council would prefer verges to look neat and tidy. After all we the ratepayers are paying to have your verge looking nice.</td>
<td>See Response 1</td>
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<td>Mrs L Buchan</td>
<td>We received council approval for our artificial lawn, including to the verge prior to paying for its installation in the beginning of last year. To now face the risk of being fined if we do not remove it is unjust, and an insulting waste of your ratepayers hard earned money.</td>
<td>See Response 1</td>
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1 Correction of typographical error
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<td>I have been in touch with the council and asked for guidelines and policy on verge treatments when my house was built in 2012. I was told there was no such policy and I could install synthetic turf to my verge. We went ahead as it is easily maintained, looks fantastic and is water wise. That was my choice given the information handed out by Council officers. Now in 2018 my friends have been issued with removal notices? How can this be legal? We all asked for policy and directives but none was forthcoming, available to download from the CoR website or information given by City officers. It is unbelievable now that because of a change in personnel at the CoR who has a personal agenda retrospective orders for removal are being issued. I for one think this is illegal and will be seeking legal advice should an order be issued to me. Yes make a policy, educate residents and your own staff then implement it but don't back date it! That is simply UNFAIR.</td>
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| 10  | Selina Go Greener Synthetics | In relation to the matter of synthetic lawns possibly being considered as acceptable verge treatments throughout the Rockingham area we would like to submit the following please:-  
3. Attached. Comments in relation to council findings in relations to artificial lawn in above two reports.  
We realise that synthetic lawn is not for everyone. However, lots of people do want it for reasons mentioned in the attached. In a perfect world we would all have lovely lush green natural lawns and water usage and maintenance wouldn't be an issue, sadly this isn't real life in WA. Also, the use of various chemicals, some proven harmful, with natural lawns has to be considered.  
We believe that as home owners in your council area are required to landscape, maintain and pay ongoing costs for their council verge areas they should be allowed the choice, within reason, to have a surface that suits them and their circumstances.  
We are asking that the council take a reasonable and objective consideration of artificial lawn as a suitable verge treatment.  
We believe that moving forward all artificial lawn installers should be registered with yourselves to ensure an excellent product is correctly installed. We propose that the council update all media to reflect that homeowners are completely responsible for any damage caused to their verge lawn while any access is being made for council purposes. We further propose that all future installs of synthetic lawn are subject to clients signing a disclaimer to reflect the same. | See submission 5 |
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<td>Ms Jayde McNair</td>
<td>I strongly believe verge gardens - edible included should be free for residents to undertake. I disagree that turf should be allowed on the verge. I believe cat numbers per household should be restricted due to neighbouring residents being impacted on the unwanted effects of multiple cats spraying, killing wildlife in neighbouring residences. Thankyou.</td>
<td>See Response 4 Comment in relation to synthetic turf is noted.</td>
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| 12  | Markus Enkler     | **SUB-TOPIC: City of Rockingham verges**  
The current DRAFT of “Local Government Act 1995, City of Rockingham, Public Places and Local Government Property Local Law 2018” - Part 6, Division 2, 6.4 Permissible Verge Treatments (2) and (3) does still not specify what the acceptable material is...  
The ORIGINAL Local Government Act 1995 stipulates that Local Government is to “maintain a list of acceptable material”.  
A clearer and more concise Policy/Local Law for the City of Rockingham is required on verge treatment with defined and maintained list and easily accessible to CoR Staff, Ratepayers and businesses! This will eliminate confusion and misinterpretation.  
DRAFT of “Local Government Act 1995, City of Rockingham, Public Places and Local Government Property Local Law 2018” - Part 6, Division 2, 6.4 Permissible Verge Treatment (3) to remain in the form of “Local Government is to maintain a list of acceptable material”.  
The requirement of an application form to be made mandatory for ALL verge treatments, not just other than “Treatment option 1 - Lawn”!  
The Motion EP-075/12 needs to be rescinded and all retrospective Removal Orders and further actions on ratepayers and recreational venues with synthetic lawn to be cancelled/withdrawn. | Comments in relation to the Local Government Act, Policy and previous Council decisions are noted.                                                                                                   | See Response 1                                                                                                                                                                                                                                                                                                                                                                                   |
As my wife has a permanent disability stated in her submission “after discussions with CoR staff the best options for our corner block was synthetic lawn. It was identified in Street Verge Development Policy as stated by CoR staff that “there was nothing stopping you from installing synthetic lawn” and there was no application form in place. No application required for “Lawn”. CoR have a application form for alternative Verge Treatment “just ask or send an email”. Lawn was not defined by City of Rockingham. 

I reiterate the need for a suitable verge treatment that is low maintenance, water wise and with good drainage is required to support people with disabilities, elderly and their carers.

*Or the City of Rockingham is to maintain the verges themselves for the disadvantaged in the community.*

The Motion EP-075/12 needs to be rescinded and all retrospective Removal Orders and further actions on ratepayers and Council recreational venues with synthetic lawn to be cancelled/withdrawn. And the City of Rockingham needs to determine an Acceptable and non Acceptable Verge Treatment List with appropriate application form and processes in place.

- **A Footpath per street is required for pedestrian safety in every street (other than Lane Ways) in the City of Rockingham.**

Verges in the City of Rockingham have plant, structural obstructions, mulch, uneven grass, bricks and other trip hazards, which are not safe to walk on or to manoeuvre over with something with wheels also with narrower roads in the new developments footpaths are essential.

Pedestrians often have to use the road and we have regularly witnessed near misses around the City of Rockingham and here in Baldivis as no footpaths are provided on most streets.

- **Synthetic Lawns** or other well draining water wise products to be specifically added as Acceptable Verge Material in CoR to assist people with disabilities and the elderly remain in their homes longer.

- **Reduce use of chemical treatments** on verges, recreational areas and public domains is required. Weed Killer treatment to Verges, Parks and recreational area especially close to waterways need to be reduced for a healthier environment. Due CoR staff and community members frequent exposure on Council land all over the City of Rockingham, we suggest the use of high pressure steaming instead of glyphosate weed poisoning be investigated.

Attached is for reference other council’s policies and references

City of Cockburn verge policy
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Comment</th>
<th>City Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Amy O'Brien</td>
<td>In regards to the issues for discussion: 1- yes to synthetic turf on verges. I see no issue and it is water wise. I disagree with edible gardens as I think it will be messy and create waste.</td>
<td>Comments are noted.</td>
</tr>
<tr>
<td>14</td>
<td>Diane Park</td>
<td>With regards to synthetic turf for verges, I find that this enhances the area, is easily maintained, uses little or no water and can easily be ‘lifted’ in areas for maintenance. If the policy for no synthetic turf in public areas is implemented then one can assume as well as verge treatments the synthetic turf will be removed from all public sporting facilities!</td>
<td>See Response 1 See Response 2 Comment in relation to other uses of Synthetic Turf are noted.</td>
</tr>
<tr>
<td>15</td>
<td>Denise Brown</td>
<td>I feel fake turf and edible gardens should be permitted on street verges. Edible verges encourage neighbours to get to know each other making a better community spirit and also the regular gentle exercise carried out whilst maintaining the gardens is another bonus. It would encourage my children to get more fresh air and help grow the veggies. Fake turf is a benefit to people who don’t have the time, money or ability to maintain a verge (weeding, etc). It is low maintenance, meaning the street appeal will be more pleasing and saves water. Not having to use chemicals to kill weeds, pests and fertilise has got to be a good thing. Even if the verge can only be 50% fake turf, it still would tidy up and keep a lot of front gardens neater. My opinion is that the pros for both edible gardens and fake turf on verges far outweigh the cons.</td>
<td>Comments are Noted. See Response 4.</td>
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<tr>
<td>No.</td>
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<tr>
<td>16</td>
<td>Louise Kavanagh</td>
<td>I would like to make a general comment regarding the placing of false turf instead of grass. If the council do not want false turf then they should be responsible for the maintenance of the grass. If the owner is to responsible for the maintenance then it should be up to them whether they have turf or not.</td>
<td>Comment is noted.</td>
</tr>
<tr>
<td>17</td>
<td>Kim Wren</td>
<td>I would like to submit my opinions on local law proposals and amendments. 1. I think people should be allowed to have the verge covered as they wish as long as it is safe, kept free of weeds and maintained nicely if a verge is not maintained and kept nice then the council should be able to fine but if a resident wants to use synthetic or editable gardens they should be allowed. If the council wants to stipulate that low care options eg synthetic turf cannot be used then the council should be responsible for the upkeep of the verge. 2. I think people should be allowed to keep 3 cats or 3 dogs</td>
<td>Comments are noted.</td>
</tr>
<tr>
<td>18</td>
<td>Craig Latta</td>
<td>Fake Turf - Council does not look after the verges on owners properties and therefore should have no say in regards to those who want to have pristine houses and landscaping designs. The fake turf was discussed with council when i was in the planning stages and the council said it was fine. Also is the council going to ripup all the concrete ones and paver ones as well. If the council wants it changed the the council will need to pay for a full redesign of our landscaping plans as this would have changed our plans in the beginning. Leave our landscaping alone</td>
<td>See Response 1</td>
</tr>
<tr>
<td>19</td>
<td>Julie Edmonds</td>
<td>I think that edible Gardens should be encouraged anywhere, whether it's verge, front gardens or rear gardens. I also think that fake lawn looks neat and is waterwise and agree that it should be permissible on verge strips. Thankyou.</td>
<td>Comments are noted.</td>
</tr>
<tr>
<td>20</td>
<td>Damian Ryan</td>
<td>Fake turf should be reviewed and allowed to be done up to the verge!</td>
<td>Comments are noted.</td>
</tr>
<tr>
<td>21</td>
<td>Linzi Bridger</td>
<td>Public Places and Local Government Property Local Law 2018 I believe that residents should have more say in how their verges are maintained. They are classified as 'council' property but yet council are not responsible for their upkeep. Many are just piles of rubble or weeds. How about you allow artificial turf and market gardens and allow residents to have pride in how their verges look. I certainly would prefer to look at properly installeed artificial turf than a pile of weeds or rubble which in itself can be a hazard. Market gardens/veggie patches could be a focal point for a 211eighbourhood improving community spirit. Eg. Swapping produce with neighbours, best veggie patch or produce competitions etc. Another issue i have is with the trees planted by council on verges. The roots regularly impact footpaths, curbs and peoples lawns. Branches overhang the roads etc. Residents need to be better informed how council will assist in tree or footpath maintenance.</td>
<td>Comments are noted.</td>
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<tr>
<td>22</td>
<td>Kellie Gustard</td>
<td>I am emailing you today in regards to having Artificial Turf on council verge. I support having it as it always looks nice (I am sure the city would like nicely presented houses in the suburbs). And with the cost of maintaining real lawn it is a cheaper option in the long term. The cost of everything is going up ie: water, electricity (to run retic), mowing, edging etc. A lot of houses in Baldivis have artificial turf out the front. I drive through baldivis every day and comparing the houses with artificial turf against real turf, you know which looks better. The house with artificial, (no weeds not overgrown and doesn't die). I have lived in Baldivis for 7 years and during that time, more and more houses have put in artificial. Please let everybody keep it.</td>
<td>See Response 1 See Response 2 See Response 3</td>
</tr>
</tbody>
</table>
| 23  | Delphine Enkler | **City of Rockingham verges are UNSAFE for pedestrians!**  
1) Install Footpaths on every street in the City of Rockingham.  
2) Synthetic Lawns or similar low maintenance water wise product suitable for people with disabilities and elderly, to be approved as Acceptable Verge Material in City of Rockingham.  
3) Clear and concise Policy/Local Law for the City of Rockingham on verge treatment with defined and maintained list of Acceptable and NON Acceptable materials, easily accessible to CoR Staff, Ratepayers and businesses! Application form for ALL verge treatments!  
4) Rescind Motion EP-075/12 and Cancel all retrospective Removal Orders and further action on ratepayers and recreational venues with synthetic lawn.  
5) Ban the use of harmful poisons and pesticides by CoR on verges, recreational areas and public domains for all the community to live in a safe maintainable environment.  
1) Pedestrians and people with mobility scooters, prams and children have to walk on the roads as verges in the City of Rockingham have uneven grass, plant obstructions, stones, bricks, and trip hazards, as well mulched verges. All which can’t be safely walked over let alone gone over with something with wheels. Material from verges are spreading over the roads causing greater slip hazards and with narrower roads in the new developments footpaths are essential. Several children have had near misses recently in Rivergums as they walk home from school as they have to walk on the road as no paths provided off Rivergums Blvd.  
Action: Install “Footpaths” on every street in the City of Rockingham.  
2) As a person with a permanent disability and after lengthy discussions with City of Rockingham staff the best options for our corner block was synthetic lawn. It was clearly identified in Street Verge Development | See Response 1 See Response 2 See Response 3 |
Policy as stated by CoR staff that “there was nothing stopping you from installing synthetic lawn” and there was no application form in place. No application required for “Lawn”. Note nor did the CoR have a application form for alternative Verge Treatment “just ask or send a email”. Lawn was not defined by City of Rockingham.

A minimal, low maintenance, water wise and good drainage verge treatment needs to be included in the new local laws, ideally synthetic lawn or similar that enables people with disabilities, allergies, and elderly to have a respectable tidy verge. Suitable for walking, riding and that can even be driven over.

Or the City or Rockingham maintains the verges themselves for the disadvantaged in the community.

**Action:** Synthetic Lawns or similar low maintenance water wise product suitable for people with disabilities and elderly, to be approved as Acceptable Verge Material in City of Rockingham.

3) Verge Treatment Policy and/or Local Law needs to be clearly defined in in the City of Rockingham with a specific list of **Acceptable and NON Acceptable Verge Treatments** developed reflective ratepayers need and abilities to maintain Local Government land. Listed below are several other WA Council verge treatment policies and guideline documents which the CoR could obtain ideas from and produce similar document for all ratepayers, and businesses involved in verge treatments and maintenance. That is easily accessible over the counter, on the CoR website and included with other CoR documents given to all new property owners.

Hence CoR needs a clear application form for ALL verge treatments. So as the Mayor stated “everything is in writing”! Especially after our experience it appears the word of CoR can be not be guaranteed.

CoR need to advise new owners of when and were a footpath will be installed in their street, what Verge treatments are available clearly listed on application form.

**Action:** **Clear and concise Policy/Local Law for the City of Rockingham on verge treatment with defined and maintained list of Acceptable and NON Acceptable materials, easily accessible to CoR Staff, Ratepayers and businesses! Application form for ALL verge treatments!**

4) Motion EP-075/12 needs to be fully reviewed with Government and non-Government reports considered. It needs to be either withdrawn, amended or moved to be ADOPTED.

As the continued installation or funding of synthetic lawn by the City of Rockingham in recreational areas demonstrates that their is indeed a place for synthetic lawn within our community. And as stated by CoR in previous written approvals of synthetic lawn installation a clause be added regarding restoration by owner if...
underground services need attention. Synthetic lawn can be rolled away and site works can take place and land levelled out as per any other verge treatment and then the resident attend to the reinstall of synthetic lawn.

*The cost of removing synthetic lawn throughout the City of Rockingham verges, recreational areas and public places would be enormous, a cost ratepayers I would suggest need to vote on.*

**Action:** Rescind Motion EP-075/12 and Cancel all retrospective Removal Orders and further action on ratepayers and recreational venues with synthetic lawn

5) In considering Verge Treatments In Local Laws the City of Rockingham needs to be fully aware of the harm to the community of poisons and pesticides used to maintain verges, parks and public spaces. The effect on water run offs and the personal effect on community members and staff of CoR needs to be addressed as it has been proven, in the recent Roundup court case, that poison/pesticides are cancer causing agent.

The City of Rockingham could try steam treatment and drain pipe catchment nets as other Councils are!

**Action:** Ban the use of harmful poisons and pesticides by CoR on verges, recreational areas and public domains for all the community to live in a safe maintainable environment.

Kwinana verge policy

City of Cockburn verge policy

City of Belmont

City of Stirling 1/3 policy

City of South Perth

City of Rockingham Turf renewal 2016 cricket area

“Artificial turf will give you up to 20 years of maintenance-free life depending on the volume of traffic in the area. Fake grass won’t fade or flatten. It is UV stabilised and will retain its colour and integrity.
Throughout recent years, synthetic grass has been utilized as an alternative to natural grass. Not only does synthetic grass stay green all year long, but it also aids in multiple aspects of environmental conservation.

1. **Water Conservation:**
Within the past few years, many states across the nation and world suffer from extreme drought and water rationing is unfortunately becoming commonplace. According to the Southern Nevada Water Authority, one square foot of synthetic grass can save up to 55 gallons of water in one year.

2. **Pesticides:**
It may rid your plants and grass of annoying bugs, weeds and other overgrowth, however, pesticide chemicals have proven harmful side-effects that not only hide in your lawn but eventually seep into your local water table. According to the [Cancer Research Center-UK](https://www.cancerresearchuk.org), studies suggest pesticides could be linked to cancers such as leukemia, brain tumors, breast and prostate cancer.

3. **Carbon Emissions:**
Gas-powered gardening equipment like lawnmowers represent **five percent of air pollution** in the U.S., according to the Environmental Protection Agency. A synthetic lawn requires minimal upkeep with gas-powered gardening equipment and therefore would eliminate the need for these items.

A synthetic lawn not only benefits the end user, it has multiple environmental advantages. By eliminating water and chemical waste as well as reducing carbon emissions, artificial turf can be the solution to many ongoing environmental problems.

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</table>
| 24  | Richard Noakes | Artificial Lawns. I was advised about the submission regarding Artificial Grass use, 2 days after it closed and while I appreciate Rockingham Shire’s position on this, I would still like to make my observations, bearing in mind, I installed artificial grass in late 2012 around my property, when I could financially afford to do so - it was not cheap. I think that all verges around homes in the Rockingham Shire should be covered with artificial grass because uncared for verges and dried out and burnt verges in the summer months are an eyesore, while those homes which maintain green lawns through the summer months, do so at huge groundwater loss. | See Response 1
See Response 2
See Response 3 |
expenditure, so much so that by February, as Baldivis has grown, my bore is pumping air, where in previous years there was always a good water supply. The ground water table has shrunk by February each year, so that bore water is no longer available. Artificial grass requires no water and is a water conservation tool, while remaining green no matter what the weather conditions and requires no maintenance, which is very important to me, because at 72, I am a pensioner and I cannot afford a monthly lawnmowing expense (quoted $70 in 2012) from my pension and I don't have the physical ability to run behind a lawnmower anymore. Baldivis is a wonderful suburb and modern homes have been built with plenty of open spaces, which is a credit to the City Planners. What a shame that artificial grass is not a prequisite to upgrade and beautify Baldivis more, while adding value to our homes and beautifying our streets to showstopping quality all of the year round.

Response 1 – existing synthetic turf treatments
If synthetic turf continues to be unacceptable on the verge, the City proposes to incorporate a grandfathering provision for pre-existing treatments subject to the conditions. Refer to the Transitional Arrangements provided in the Details section of this report for more details.

Response 2 – water saving
The current waterwise garden program developed by the Water Corporation highlights that waterwise verge gardens are the best option for the development of verges in Perth. The Waterwise program has identified a number of plants, tips and tools that will save substantial water and provide low maintenance options for both lawn and garden verge treatments.

Although there are water saving benefits with synthetic turf, there are a number of negative aspects which make this material less desirable than other options (See Response 3).

Response 3 – concerns with synthetic turf
Refer to the Review of Acceptable Materials in the Detail section of this report for more details.

Although synthetic turf is comparable with concrete, limestone and other hard surfaces in many aspects, there are two substantial differences that make this treatment type significantly less desirable than concrete, paving or compacted limestone.

Firstly, synthetic turf is installed in the same manner as carpet and relies on being pinned to the foundation layer, and weighed down by the application of a substantial volume of infill sand (several tonnes). The infill sand requires regular replacement as it is lost as a result of normal use.

On the verge, the synthetic turf is subject to substantial vehicle loads which over time will cause the synthetic turf to stretch or buckle and this is exacerbated where the infill is not replaced regularly. This has the potential to become a significant hazard to pedestrians and traffic. This is not the case with other proposed acceptable materials.

Secondly, synthetic turf, under normal weather conditions, degrades into microplastics, which are then released into the environment. Combined with the additives and coatings used in manufacture, the impact of these environmental contaminants is a concern. Again, this is not the case with other proposed acceptable materials.
It is noted that for the other proposed acceptable materials, the coverage on the verge is limited to 35% of the verge area, with space provided for the street tree. The principle desire of the submissions relating to synthetic turf is for full coverage of the verge in order to achieve the perceived amenity, maintenance, water saving and other benefits. These benefits will not be achieved once a portion of the verge is treated with another treatment type.

Response 4 – Verge Gardens

Verge gardens are a permissible treatment under the Public Places and Local Government Property Local Law 2018. Some restrictions are applied to ensure that the verge remains safe, accessible and to prevent hazards to the community. Edible gardens are included in the definition of a verge garden, however it is recommended that waterwise principles are utilised in the establishment of any garden.

Verge gardens also have additional benefits to the environment providing food and shelter to a range of insects and animals, improving biodiversity and the overall wellbeing of the environment.

b. Consultation with Government Agencies

As an endorsed Waterwise Council, the City has been working to implement an action plan relating to the recommendations of his program. One element of the plan was to revise the Verge Development Policy to recognise and promote waterwise gardens as the preferred verge treatment.

c. Strategic Community Plan

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

Aspiration 3: Plan for Future Generations

Strategic Objective: Liveable Suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.

Aspiration 4: Deliver Quality Leadership and Business Expertise

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

d. Policy

The development and adoption of the Verge Development Policy would be progressed in accordance to the requirements of Council’s Policy Framework.

e. Financial

It is estimated that the costs for printing the various collateral will be in the order of $8,000 per annum. There are no additional operational costs associated with implementing the policy.

The City currently employs an officer to investigate and action non-compliance on the verge.

f. Legal and Statutory

The Public Places and Local Government Property Local Law 2018 (the Local Law) was gazetted on 8 May 2019.

Part 6, Division 2, section 6.4 (3) of the Local Law, relating to Permissible Verge Treatments states:

2 Correction to typographical error
3 Correction of typographical error
4 Correction of typographical error
In this clause **acceptable material** means any material which would create a hard surface, and which has been approved by the local government.

The Verge Development Policy defines which materials have been approved by the Local Government as acceptable materials.

Part 6, Division 2, Section 6.5 of the local law defines the obligations of the owner or occupier when seeking to install a verge treatment.

Part 6, Division 2, Section 6.6 of the local law defines the transitional provisions which apply to verge treatments where the previous provisions have changed under the current Local Law. In response to the concerns regarding current treatments, the policy also provides additional transitional arrangements for verge treatments which were non-compliant under the Street Verge Development Policy, PE1.

Part 6, Division 2, Section 6.7 of the local law defines the powers to carry out public works on verge and responsibilities for restoration of the verge treatment by the local government of authority authorised to undertake work under a written law.

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

**High Risk**

Historically, the City deals with around 15 non-compliance actions each month, primarily to do with matters that impact on the safety of pedestrians and motorist, including verge obstructions, overgrown plants and sight obstructions. Verge obstructions create trip and slip hazards to pedestrians and where materials such as stone extend over roads, can also cause loss of traction for cyclists and motorists.

Overgrown plants, often prevent the safe passage of pedestrians past a property, requiring vulnerable road users onto the road carriageway without opportunity to escape if a motorist approaches. In most cases, overgrown plants also present a sight obstruction, both for motorists and pedestrians and can create significant risks when motorists are exiting private property.

These matters, present a real and immediate hazard and therefore require immediate actions.

**Comments**

The verge represents a significant portion of the City’s open space, covering 980 Ha and representing some 40% of the public open space under the City's care and control. Any activities that impact on the verge will have a material impact on the City’s sustainability objectives and may have other public health, safety and amenity impacts.

The principal basis of the Policy Verge Development is to provide opportunities for the community to enhance the amenity of their locality while balancing this with the needs of the wider community and the City’s responsibilities in relation to the governance of the district.

The City is committed to working towards environmental sustainability, with a range of strategies and plans in place across the organisation, such as:

- Greening Plan to slow (and reverse) the loss of canopy cover on public land.
- Waterwise Action Plan to reduce water wastage including support of waterwise verge gardens.
- Revegetation to provide wildlife corridors through and between urban areas to support biodiversity
- Bushfire Risk Mitigation to commence implementation of verge maintenance to reduce bushfire risk in priority areas.
There has been consideration of the amount of control from the City in relation to the verge. The level of control has been assessed against the risk and therefore significant improvements to the policy have been made that allow more opportunities to develop the verge to meet individual taste, streamline the application and administration for low-risk treatments including:

1. allow mulch where it can be contained
2. allow garden edging
3. remove application requirements for verge gardens
4. improved documentation, fact sheets and guidelines

The City is an endorsed Waterwise Council and is actively looking at participation in the verge incentive scheme in partnership with Water Corporation. In advance of any decision on this matter, the City can supply tube stock through its nursery and shredded mulch from the Millar Road Transfer Station, providing in-kind support to residents to implement verge gardens.

It is important that the City continue to be proactive in protecting the community when allowing private verge work in the public domain.

It is important that the City does not place onerous requirements on the community while managing the risks. With the focus on installing waterwise gardens and in recognition that the risks to community are low, it is proposed that verge gardens can also be installed without approval.

As part of this process, improved documentation has been developed and education and information will be provided on an ongoing basis.

Recognising that there are a number of non-compliant verge treatments, the City is proposing transition arrangement. In accordance with the proposed policy, this includes:

- artificial grass
- hard paving in excess of 35% of the verge
- inorganic mulch

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council SUPPORTS the draft Council Policy Verge Development, for the purposes of public consultation, as follows:

**Verge Development**

**Council Policy Objective**

To ensure that property owners and occupiers are able to develop street verges within the City of Rockingham with due regard to public health and safety, social and environmental benefits, amenity and aesthetics with a particular focus on accessibility, bushfire mitigation and sustainability

**Council Policy Scope**

This policy provides a list of acceptable materials as required under the Public Places and Local Government Local Law 2018 (Local Law).

This policy provides guidance to owners and occupiers on how to develop street verges whilst meeting the principles and priorities of verge development as defined in this document.

**Council Policy Statement**

**Policy Principles**

The City encourages the property owner and occupier (the occupier) to take pride in the verge which abuts their property, to enhance the amenity and aesthetic value of their properties and the streetscape as a whole.
Ongoing maintenance and reinstatement of the developed verge is the responsibility of the occupier. The City will undertake basic maintenance to ensure public safety and mitigate risk of fire for undeveloped verges.

Public utilities, state government authorities and their authorised contractors have specific responsibilities and rights to access and undertake works on the verge as defined in legislation and codes of practice.

The City retains the right to undertake works in the verge including construction, maintenance, mowing, brush cutting, pest and weed control and any other action as determined from time-to-time. The City is responsible for the planting, removal and maintenance of trees in the road reserve.

This policy does not apply to street trees.

Any verge development which includes acceptable materials must be approved by the City’s Engineering and Parks Services division in writing.

The City encourages the use of water wise gardens.

The following items will not be approved as part of the verge development:

- Structures - excluding edging to garden beds, installed in accordance with the Verge Development Guidelines.
- Unacceptable Materials and Unacceptable Plant Species as defined in the definitions.
- Any treatment not identified as permissible within the Local Law
- Any treatment not included on the list of acceptable materials

Priorities

In recognising the value of the verge, the City measures proposed treatments against three principles for verge development which are prioritised as follows:

- Priority 1 - Amenity, Health and Safety
- Priority 2 - Community and Public Works
- Priority 3 - Environment and biodiversity

List of Acceptable Materials

The list of acceptable materials is as follows:

- Concrete,
- Brick and Paver,
- Organic mulch – wood chip, pine bark and similar
- Compacted limestone providing a flat and stable surface.

Other than organic mulch, acceptable materials are not to exceed 35% of the verge excluding the crossover and public footpath. Organic mulch will be permitted over the entire verge.

The remaining verge area can be installed as lawn, garden or organic mulch.

Pedestrian Access Zone

In order to improve accessibility for pedestrians, a Pedestrian Access Zone must be provided on any verge where there is no footpath provided on either side of the road carriageway.

The Pedestrian Access Zone is to be provided for 2m adjacent to the kerb and must not have any obstructions, plants or loose materials. The preferred surface is lawn or acceptable material.

Visibility/Site obstructions

In order to ensure visibility for pedestrians and motorists, all vegetation (excluding street trees) must be maintained to a maximum of 500mm in the following areas

- two metres behind the kerb or road shoulder
- adjacent to any vehicular crossing
• the verge area 10 m x 10 m at any road intersection.
• In all other areas, the maximum height of vegetation is to be 750mm.

Other Details
The approval of verge development remains with the City’s Engineering and Parks Services division. It is the obligation of the owner or occupier to:
• Locate any public utility services on the verge and protect these from damage by the verge development.
• Maintain a verge development at no cost to the City, inclusive of reinstatement after works by the City or any public utility.
• Keep the verge in a good and tidy condition and ensure;
  o the verge development is maintained in an acceptable condition by regular mowing/slashing and weed management.
  o where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed
  o the pedestrian access zone is kept clear and maintained in a safe condition.
  o sight lines are not obstructed for pedestrians or vehicles.
  o Not disturb a footpath on the verge.

Compliance
Any development by the occupier needs to be completed, maintained and repaired in accordance with the lawful directive of officers of the City to minimise risk to the public.

Any works that does not meet the necessary requirements will need to be removed and replaced with an approved treatment.

Definitions
Unacceptable Materials Any material which
• is likely to become loose under repeated pedestrian or traffic loads
• is likely to cause trip or slip hazards
• is likely to cause sight obstructions
• has other potential hazards

Unacceptable plants species - Any plant which:
• Is listed as a declared plant, noxious plant, environmental weed or pest plant through legislation or local law
• Has sharp spines which may encroach over footpaths or road pavements
• Creates sight obstructions.
• Fruit trees and climbing plants

Legislation
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6:
Public Places and Local Government Property Local Law 2018
Pest Plants Local Law 2018

Other Relevant Policies/ Key Documents
Verge Development Guidelines
Specification for the Construction of Residential Crossovers
Water Corporation Waterwise Verge Best Practice Guidelines
Pest Plant information sheets
Building and Renovating Services – Soak Wells

Responsible Division
Engineering and Parks Services

Review Date

###

**Revised Officer Recommendation**

By memorandum to all Councillors dated 20 May 2019, Mr Sam Assaad, Director Engineering and Parks Services proposed the following revised Officer Recommendation:

1. That Council **SUPPORTS** the draft Council Policy Verge Development, for the purposes of public consultation, as follows:

**Verge Development**

**Council Policy Objective**

To ensure that property owners and occupiers are able to develop street verges within the City of Rockingham with due regard to public health and safety, social and environmental benefits, amenity and aesthetics with a particular focus on accessibility, bushfire mitigation and sustainability.

**Council Policy Scope**

This policy provides a list of acceptable materials as required under the *Public Places and Local Government Local Law 2018* (Local Law).

This policy provides guidance to owners and occupiers on how to develop street verges whilst meeting the principles and priorities of verge development as defined in this document.

**Council Policy Statement**

**Policy Principles**

The City encourages the property owner and occupier (the *occupier*) to take pride in the verge which abuts their property, to enhance the amenity and aesthetic value of their properties and the streetscape as a whole.

Ongoing maintenance and reinstatement of the developed verge is the responsibility of the occupier. The City will undertake basic maintenance to ensure public safety and mitigate risk of fire for undeveloped verges.

Public utilities, state government authorities and their authorised contractors have specific responsibilities and rights to access and undertake works on the verge as defined in legislation and codes of practice.

The City retains the right to undertake works in the verge including construction, maintenance, mowing, brush cutting, pest and weed control and any other action as determined from time-to-time. The City is responsible for the planting, removal and maintenance of trees in the road reserve.

This policy does not apply to street trees.

Any verge development which includes acceptable materials must be approved by the City's Engineering and Parks Services division in writing.

The City encourages the use of water wise gardens.

The following items will not be approved as part of the verge development:

- Structures - excluding edging to garden beds, installed in accordance with the Verge Development Guidelines.
- Unacceptable Materials and Unacceptable Plant Species as defined in the definitions.
• Any treatment not identified as permissible within the Local Law
• Any treatment not included on the list of acceptable materials

Priorities
In recognising the value of the verge, the City measures proposed treatments against three principles for verge development which are prioritised as follows:
• Priority 1 - Amenity, Health and Safety
• Priority 2 - Community and Public Works
• Priority 3 - Environment and biodiversity

List of Acceptable Materials
The list of acceptable materials is as follows:
• Concrete,
• Brick and Paver,
• Organic mulch – wood chip, pine bark and similar
• Compacted limestone providing a flat and stable surface.

Other than organic mulch, acceptable materials are not to exceed 1/3rd of the verge excluding the crossover and public footpath. Organic mulch will be permitted over the entire verge.

The remaining verge area can be installed as lawn, garden or organic mulch.

Pedestrian Access Zone
In order to improve accessibility for pedestrians, a Pedestrian Access Zone must be provided on any verge where there is no footpath provided on either side of the road carriageway.

The Pedestrian Access Zone is to be provided for 2m adjacent to the kerb and must not have any obstructions, plants or loose materials. The preferred surface is lawn or acceptable material.

Visibility/Site obstructions
In order to ensure visibility for pedestrians and motorists, all vegetation (excluding street trees) must be maintained to a maximum of 500mm in the following areas
• two metres behind the kerb or road shoulder
• adjacent to any vehicular crossing
• the verge area 10 m x 10 m at any road intersection.
• In all other areas, the maximum height of vegetation is to be 750mm.

Other Details
The approval of verge development remains with the City’s Engineering and Parks Services division.

It is the obligation of the owner or occupier to:
• Locate any public utility services on the verge and protect these from damage by the verge development.
• Maintain a verge development at no cost to the City, inclusive of reinstatement after works by the City or any public utility.
• Keep the verge in a good and tidy condition and ensure;
  o the verge development is maintained in an acceptable condition by regular mowing/slashing and weed management.
  o where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed

---

5 Correction of typographical error
the pedestrian access zone is kept clear and maintained in a safe condition.
- sight lines are not obstructed for pedestrians or vehicles.
- Not disturb a footpath on the verge.

**Compliance**

Any development by the occupier needs to be completed, maintained and repaired in accordance with the lawful directive of officers of the City to minimise risk to the public.

Any works that does not meet the necessary requirements will need to be removed and replaced with an approved treatment.

**Definitions**

**Unacceptable Materials**

Any material which
- is likely to become loose under repeated pedestrian or traffic loads
- is likely to cause trip or slip hazards
- is likely to cause sight obstructions
- has other potential hazards

**Unacceptable plants species**

Any plant which:
- Is listed as a declared plant, noxious plant, environmental weed or pest plant through legislation or local law
- Has sharp spines which may encroach over footpaths or road pavements
- Creates sight obstructions.
- Fruit trees and climbing plants

**Legislation**

Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6:
Public Places and Local Government Property Local Law 2018
Pest Plants Local Law 2018

**Other Relevant Policies/ Key Documents**

Verge Development Guidelines
Specification for the Construction of Residential Crossovers
Water Corporation Waterwise Verge Best Practice Guidelines
Pest Plant information sheets
Building and Renovating Services – Soak Wells

**Responsible Division**

Engineering and Parks Services

**Review Date**

###

2. **SUPPORTS** the Transitional Arrangements for the purposes of public consultation as follows:

**Transitional Arrangements**

It is proposed to provide a transitional arrangement for non-compliant artificial grass, hard paving and inorganic mulch treatments on the verge as follows:

1. Implement a media, education and information campaign to ensure the community is aware of the need to register their verge treatment. This will be undertaken over a six week period with a further two weeks amnesty period for registration.

2. Upon registration, these verge treatments will be considered permissible until such time as requiring repair or replacement.
3. Other issues, such as restricted visibility, loose materials or unsatisfactory maintenance will be continue to be actioned through the transition period

(a) Any verge treatment that is considered unsafe will be actioned immediately.

(b) Any verge treatment installed during this period will be excluded from the transitional arrangement.

For all verges subject to the transitional arrangements, the following conditions will need to be met.

1. The verge treatment is registered
2. The verge treatment is maintained to manufacturer’s requirements, and kept weed free.
3. That an opening 3m wide is provided at such time as the City undertakes street tree planting on the verge.
4. The treatment is removed when it requires repair and is replaced with a compliant verge treatment.

Builders, commercial and industrial properties will not be included in this period and these verges will need to be reinstated as compliant treatments immediately.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Hamblin:

1. That Council *SUPPORTS* the draft Council Policy Verge Development, for the purposes of public consultation, as follows:

**Verge Development**

**Council Policy Objective**

To ensure that property owners and occupiers are able to develop street verges within the City of Rockingham with due regard to public health and safety, social and environmental benefits, amenity and aesthetics with a particular focus on accessibility, bushfire mitigation and sustainability

**Council Policy Scope**

This policy provides a list of acceptable materials as required under the *Public Places and Local Government Local Law 2018* (Local Law).

This policy provides guidance to owners and occupiers on how to develop street verges whilst meeting the principles and priorities of verge development as defined in this document.

**Council Policy Statement**

**Policy Principles**

The City encourages the property owner and occupier (the *occupier*) to take pride in the verge which abuts their property, to enhance the amenity and aesthetic value of their properties and the streetscape as a whole.

Ongoing maintenance and reinstatement of the developed verge is the responsibility of the occupier. The City will undertake basic maintenance to ensure public safety and mitigate risk of fire for undeveloped verges.

Public utilities, state government authorities and their authorised contractors have specific responsibilities and rights to access and undertake works on the verge as defined in legislation and codes of practice.

The City retains the right to undertake works in the verge including construction, maintenance, mowing, brush cutting, pest and weed control and any other action as determined from time-to-time. The City is responsible for the planting, removal and maintenance of trees in the road reserve.

This policy does not apply to street trees.
Any verge development which includes acceptable materials must be approved by the City's Engineering and Parks Services division in writing.

The City encourages the use of water wise gardens.

The following items will not be approved as part of the verge development:

- Structures - excluding edging to garden beds, installed in accordance with the Verge Development Guidelines.
- Unacceptable Materials and Unacceptable Plant Species as defined in the definitions.
- Any treatment not identified as permissible within the Local Law
- Any treatment not included on the list of acceptable materials

Priorities
In recognising the value of the verge, the City measures proposed treatments against three principles for verge development which are prioritised as follows:

- Priority 1 - Amenity, Health and Safety
- Priority 2 - Community and Public Works
- Priority 3 - Environment and biodiversity

List of Acceptable Materials
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- Concrete,
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  o the verge development is maintained in an acceptable condition by regular mowing/slashing and weed management.
  o where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed
  o the pedestrian access zone is kept clear and maintained in a safe condition.
  o sight lines are not obstructed for pedestrians or vehicles.
  o Not disturb a footpath on the verge.

Compliance
Any development by the occupier needs to be completed, maintained and repaired in accordance with the lawful directive of officers of the City to minimise risk to the public.

Any works that does not meet the necessary requirements will need to be removed and replaced with an approved treatment.

Definitions
Unacceptable Materials  Any material which
• is likely to become loose under repeated pedestrian or traffic loads
• is likely to cause trip or slip hazards
• is likely to cause sight obstructions
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Unacceptable plants species - Any plant which:
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Pest Plants Local Law 2018

Other Relevant Policies/ Key Documents
Verge Development Guidelines
Specification for the Construction of Residential Crossovers
Water Corporation Waterwise Verge Best Practice Guidelines
Pest Plant information sheets
Building and Renovating Services – Soak Wells

Responsible Division
Engineering and Parks Services

Review Date
###
2. **Supports** the Transitional Arrangements for the purposes of public consultation as follows:

**Transitional Arrangements**

It is proposed to provide a transitional arrangement for non-compliant artificial grass, hard paving and inorganic mulch treatments on the verge as follows:

(i) Implement a media, education and information campaign to ensure the community is aware of the need to register their verge treatment. This will be undertaken over a six week period with a further two weeks amnesty period for registration.

(ii) Upon registration, these verge treatments will be considered permissible until such time as requiring repair or replacement.

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   (a) Any verge treatment that is considered unsafe will be actioned immediately.

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(i) The verge treatment is registered

(ii) The verge treatment is maintained to manufacturer’s requirements, and kept weed free.

(iii) That an opening 3m wide is provided at such time as the City undertakes street tree planting on the verge.

(iv) The treatment is removed when it requires repair and is replaced with a compliant verge treatment.

Builders, commercial and industrial properties will not be included in this period and these verges will need to be reinstated as compliant treatments immediately.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

5:12pm - Mayor Sammels rejoined the meeting.
13. **Reports of Councillors**  
Nil

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

### Engineering and Parks Services

#### Reference No & Subject:

<table>
<thead>
<tr>
<th>File No:</th>
<th>GOV/37</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proponent/s:</td>
<td>Cr Mark Jones</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Adam Johnston, Manager Parks Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Kelton Hincks, Manager Asset Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 May 2019</td>
</tr>
</tbody>
</table>

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

**Site:**  

**Lot Area:**  

**LA Zoning:**  

**MRS Zoning:**  

**Attachments:**  

**Maps/Diagrams:**  

**Purpose of Report**

To provide Officer advice on the following Notice of Motion submitted by Cr Mark Jones for consideration at May 2019 Council Meeting:

“That Council DIRECTS the Chief Executive Officer to:

1. Develop and implement a 5 year Parks Strategy for all the City managed reserves.
2. Develop a pilot project in the 2019/2020 financial year for greater community awareness and consultation when local parks in Port Kennedy and Wambro are planned to be improved.”

**Background**

Cr Mark Jones submitted the above Notice of Motion supported by the following reasons:

“5 Year Parks Strategy”
The City Business Plan contains proposed asset preservation and new construction proposals for City Parks for the next 5 years, however this information is not part of an overall strategy. In addition, the information is separated under different categories and not presented in a consolidated way to the community like the City does for the Community Infrastructure Plan for each reserve. The City would greatly benefit by having a plan or strategy in regard to the provision of facilities in parks and reserves. It is envisaged that a strategy will create a hierarchy of reserves and would provide styles and standards for types of replacement and new facilities like playgrounds, park benches, picnic shelters, barbeques, drinking fountains, shade sails etc depending on the location, type of reserve and the prevailing demographics of the area and intended users.

Pilot Project for Port Kennedy & Warnbro

It is apparent that many residents are not satisfied with many of the facilities at local parks and reserves within Port Kennedy. It is acknowledged that some parks are planned to have playgrounds replaced, facilities upgraded and new facilities installed, however the community is generally not aware of this until after it occurs and there is no opportunity to comment on the type of facilities.

A pilot project for Port Kennedy and Warnbro (as they adjoin each other and share facilities) would allow local communities to be informed by the City of the projects planned for the area and allow input into the planned design (2 or 3 options presented) to enable greater community ownership.

Often the City focuses on strategies that are location specific like the Safety Bay and Shoalwater Foreshore Masterplan. Due to the large number of City managed reserves, a pilot project for Port Kennedy and Warnbro would enable the benefits of additional community consultation to be measured and evaluated before implementing over the whole district.

It is suggested that community consultation occur in an appropriate and timely manner to allow necessary funds to be allocated in the City Business Plan and Annual Budget*.

Details

The City of Rockingham (the City) maintains over 1,400 hectares of recreational land at 437 parks and open spaces. The below graph indicates the distribution of the maintained area of these parks located within each of the City’s suburbs.

Graph 1 - Total Area of Park Area by Suburb

Each park in the City contains elements of infrastructure to increase the functional use of each space. Although the level of provision and quality varies at each location, the combined quantity of infrastructure equates to a significant portfolio consisting of over nine thousand items. Table 1 below is a summary of the assets. These assets have historically been created as a result of either new land developments or community demand resulting in City funded capital projects.
The City’s Infrastructure Asset Management Plan 2014 contains criteria for the replacement of these assets including a minimum condition rating, compliance to Australian Standards, risk profile, age and cost. Assets which qualify under these criteria are allocated in the City’s 10 year Business Plan in section 3.2 - City Asset Preservation. At the time of replacement Officers assess the appropriate replacement options and the level of stakeholder consultation required.

New City funded park infrastructure assets are received through various mechanisms including requests from the community. A sustainable volume of POS assets is required to be maintained and Officers currently use park hierarchies and demographic catchment assessments to determine the need for the addition of new assets. Current hierarchies are based on State and City planning guidelines including Liveable Neighbourhoods and City Planning Policy 3.4.1 Public Open Space. New asset creation projects are included in the Business Plan within sections; 2.2 - Major Projects, 3.9 - Marine Infrastructure and section 3.7 - City Parks Major Construction Proposals.

### Implications to Consider

<table>
<thead>
<tr>
<th>Implication</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Consultation with the Community</td>
<td>The development of a policy for the provision of park infrastructure will require public consultation as part of the City’s new Council Policy framework.</td>
</tr>
<tr>
<td>b. Consultation with Government Agencies</td>
<td>Nil</td>
</tr>
<tr>
<td>c. Strategic Community Plan</td>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Strategic Community Plan 2019-2029:</td>
</tr>
</tbody>
</table>

**Aspiration 2:** Grow and Nurture Community Connectedness and Wellbeing  
**Strategic Objective:** Services and facilities - Provide cost effective services and facilities which meet community needs.  
**Aspiration 3:** Plan for Future Generations
**Strategic Objective:** Liveable suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.

The City of Rockingham Strategic Community Plan 2019-2029 details the community’s aspirations for the City’s future. Aspiration 3 - Plan for Future Generations, has a number of strategies that have been identified to assist in meeting this aspiration. One of the new strategies to be developed is the Public Open Space Strategy (the Strategy). The Strategy will provide direction on the provision of open space at a network scale, across all open spaces considering function, distribution, location and configuration. It will identify hierarchies for POS area’s guiding development and infrastructure levels. The draft Strategy is currently being developed by the City’s Strategic Planning and Environment Department and is scheduled for completion in the latter half of this year.

**Aspiration 4:** Deliver Quality Leadership and Business Expertise

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

d. **Policy**
The development and adoption of a Parks Provision Policy would be progressed in accordance to the requirements Council’s Policy Framework.

e. **Financial**
The proposed Parks Provision Policy will be prepared using existing resources within the Engineering and Parks Services Division.

f. **Legal and Statutory**
Nil

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

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

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

Nil

**Comments**

The City’s existing parks and open spaces were constructed to meet the requirements of the local community at the time of development and were generally designed in isolation. However, the community’s expectations have naturally increased over time, so what was once acceptable, may not be today. Further, as new areas develop, the standard of infrastructure provision is higher. As a result, there will always be a perceived deficiency in service delivery as older parks become less desirable when compared to recently developed parks. It is difficult to completely close this gap due to the continuous changes in expectations, technology and materials. With limited resources it is important the City has a clear plan detailing priority locations where funds can be directed in a strategic approach.

The Public Open Space Strategy currently under development will address park hierarchies both individually and at a catchment level. This will provide direction on the levels of infrastructure that each catchment should have as a minimum while taking into consideration the hierarchy of parks to guide specific locations for various infrastructure.

As infrastructure styles, types, materials and technologies are continuously being developed it is important to avoid setting prescriptive standards within the Strategy but to define outcomes that the infrastructure provided is fit for purpose, durable for the geographic location, provides value for funds invested, considers whole of life costs and meets the community's needs.

In order to ensure that POS infrastructure levels meet the requirements of the Strategy it is considered that a Parks Provision Policy (the Policy) be developed. The Policy will define the process, approvals, communications, service levels and priorities for the redevelopment of POS.
The Policy, will provide the framework to develop a Parks Improvement Plan (the Plan), identifying specific improvements and upgrades over a five year period. The Plan will look to audit all existing POS and to classify them within the defined Strategy criteria and hierarchies, identifying gaps between the target and actual infrastructure provision. This gap analysis will be used to create a prioritised list of parks improvement projects for funding through the Business Plan.

The Policy and Plan will support greater community awareness and consultation in relation to the replacement and development of infrastructure within the City’s POS, it will inform residents of planned works and what improvements are likely to occur.

Although not prescribed, the implementation of park improvement projects incorporates a level of community engagement as part of the design and implementation process. In acknowledging the benefit of improved community participation, it is recognised that the Policy and Plan should ensure clarity on how the community can be involved in park improvement projects.

Given the City wide approach, timeframes for development and the greater community awareness that the Strategy, Policy and Plan will provide it is not considered that a specific pilot project targeted at any particular area of the City will be required.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council APPROVES the development of a Parks Provision Policy, to be informed by the Public Open Space Strategy, for the redevelopment of established public open space.

### Notice of Motion from Cr Jones

“That Council DIRECTS the Chief Executive Officer to:

1. Develop and implement a 5 year Parks Strategy for all the City managed reserves.
2. Develop a pilot project in the 2019/2020 financial year for greater community awareness and consultation when local parks in Port Kennedy and Warnbro are planned to be improved.”

### Committee Recommendation

Moved Cr Jones, seconded Cr Hamblin:

That Council APPROVES the development of a Parks Provision Policy, to be informed by the Public Open Space Strategy, for the redevelopment of established public open space.

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-015/19 Revocation Motion - Provision of a Public Toilet at Bight Reefs Reserve

File No: CPR/901
Proponent/s: Cr Mark Jones, Cr Deb Hamblin, Cr Matthew Whitfield, Cr Joy Stewart
Author: Mr Kelton Hincks, Manager Asset Services
Other Contributors: 
Date of Committee Meeting: 20 May 2019
Previously before Council: CD-024/16
 Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive

Site: Reserve R43694
Lot Area: Lot 1990 - 7,280m²
LA Zoning: 
MRS Zoning: 
Attachments: 

Purpose of Report

To provide Officer advice on the following Revocation Motion submitted by Cr Mark Jones for consideration at May 2019 Council Meeting:

“That Council -

1. RESCINDS the following 26 July 2016 Council Meeting resolution for Item CD-024/16 Laurie Stanford Reserve – Public Toilet Amenities –

“That Council APPROVES the following:

2. Undertake the development of a public toilet strategy, to be prepared during the 2016/2017 financial year and include the provision of a public toilet facility at Bight Reefs Road Reserve in 2017/2018.”; and

2. APPROVES the development of a public toilet strategy for the City of Rockingham.”

Background

Cr Mark Jones submitted the above Revocation Motion supported by the following reasons:
The Council report in July 2016 did not provide a specific commentary in relation to the location or the cost to build and maintain the toilets at the Bight Reefs Road Reserve. Therefore, Council was not fully informed on the financial and social implications before making their decision.

Recently it has been revealed that:

- the provision of services to the site will be $30,000;
- the construction is estimated to be $240,000; and
- the annual operating, maintenance and renewal costs are estimated at $23,000.

The City recently received letters of objection and a petition from 17 people who live in close proximity to the Bight Reefs Road Reserve, requesting Council NOT construct a toilet facility on the subject reserve (see attached).

The Bight Reefs Road Reserve is local park 7,280m² (equivalent to 8 housing lots in the area). Singleton already has public toilet facilities on larger reserves including the Laurie Stanford Reserve (2 toilet facilities), Harmony Park and the Foreshore reserve at the end of Singleton Beach Road.

Passive visual surveillance of the reserve is poor as it directly abuts housing on three sides and the frontage to Bight Reefs Road has a vegetated earthen bund. The construction of toilet on the reserve would go against CPTED (crime prevention through environmental design) and is likely to attract anti-social behaviour.

No public parking is provided for people visiting the Bight Reefs Road Reserve and most people would need to walk to the park. The provision of a toilet is likely to encourage more people from outside the local area to visit the park and parking would be required. There is very little street parking available on Bight Reefs Road.

The provision of public toilets should be planned through a strategy for the district.

Details

In February 2012, Council adopted a Specific Purpose Strategy – New Public Toilets. The document was created to rationalise public toilet infrastructure and develop a guide to maintain safe, accessible, clean and environmentally responsible public toilets to meet the expectations and needs of the wider community.

The strategy for the provision of new public toilets recognises that design techniques will be ineffective if a location is inappropriate. As such, the first step in determining a design standard is to assess the usage of public areas without toilet facilities to determine if they are required. Once a site has been identified as in need of toilets, it is then important to determine the correct location of the facility.

Toilets should be located in the following areas:

- where high traffic and pedestrian volume exists;
- in areas where there are ‘Activity Generators’ such as barbeques and tables;
- opposite a building or facility that provides opportunity for casual surveillance;
- highly visible from all or most directions/open sight lines.

Visibility is an important consideration when installing new toilet blocks. It forms the basis of a Crime Prevention through Environmental Design (CPTED) principal i.e. by placing toilets back in an area that has constant movement of pedestrian and vehicle traffic; there will be a reduction in unsafe and inappropriate behaviour.

The Bight Reefs Reserve is located in Singleton on 7,280m², is used for passive recreation and classified as a local park under the City's Community Infrastructure Plan hierarchy. The only section facing a road is the southern end on Bight Reefs Road which is 53m wide. The view into the park is obstructed due to a vegetated sand dune (see Figure 1 below).
1. Street View of Bight Reefs Reserve

The location and size of the Park is depicted in Figure 2 below. The Park contains various infrastructure assets including a barbeque, gazebos, footpaths, play equipment and seating. It is important to note there is no public area lighting or deep sewer connection.

2. Bight Reefs Reserve Singleton

The location of existing City managed toilets within the Singleton/Golden Bay area are displayed in Figure 3. While there are no minimum standards for the distribution of public toilets, the Liveable Neighbourhood Communities Design Code (Western Australian Government) recommends that neighbourhoods should be planned around 400-600metre distance (five to 10 minute walk) to any neighbourhood town centre or transport hub. The green circle around each facility represents this distance.

Bight Reefs Reserve is situated within the 400m radius of the Singleton Community Centre public toilets and is shown in red.
3. Toilets located in Golden Bay and Singleton

### Implications to Consider

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<thead>
<tr>
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<tr>
<td>d. Policy</td>
<td>Nil</td>
</tr>
<tr>
<td>e. Financial</td>
<td>The estimated costs that would be associated with the installation of a new public toilet at Bight Reefs Reserve in Singleton is $270,000. The estimated ongoing operating costs would be in the vicinity of $23,000 per year.</td>
</tr>
<tr>
<td>f. Legal and Statutory</td>
<td>Section 5.25(1)(e) of the Local Government Act 1995 and regulation 10 of the Local Government (Administration) Regulations 1996 provide the underpinning requirements for Council to consider revoking or changing a decision previously made.</td>
</tr>
</tbody>
</table>
In this case a motion to revoke the previous decision must first be supported by at least one third of the number of members of the Council. A decision to revoke must include the reason for revocation in the minutes and should be carried by absolute majority.

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

Public toilets are an important community asset with significant operational requirements including cleaning and security. The provision of these facilities requires consideration of the maintenance and operation requirements and is monitored by the City to ensure strategic objectives are met. A strategic framework for the provision of public toilets within the City will establish guiding principles and key directions that prioritise the provision and improvement of public toilets facilities.

It is envisaged that the objectives of the strategy would be to;

- Identify gaps in the placement of existing facilities compared to site usage to determine levels of service.
- Assess the compliance with BCA and Universal Access requirements
- Establish a criteria for provision of new facilities, to include:
  - Location in proximity to existing toilets
  - Park hierarchy classification
  - Level of surrounding infrastructure
  - Crime prevention through environmental design (CPTED) opportunities
- Specify the preferred types of facilities to be installed and the standard of fixtures and fittings appropriate to the location considering whole of life costs and levels of service
- Create a capital works program inclusive of the objectives listed above

These objectives are closely aligned to the provision of park infrastructure as public toilet facilities are generally located within parks and open spaces. Given this close relationship, the strategic analysis and planning of park infrastructure will include the City’s public toilet facilities.

Therefore it is recommended the City does not develop a standalone Public Toilet Strategy, but include criteria for the provision of new public toilets in the proposed Parks Provision Policy (the Policy). The Policy will define the process, approvals, communications, service levels and priorities for the redevelopment of public open space ensuring public toilet facilities are also appropriately located.

The Policy will provide the framework to develop a Parks Improvement Plan (the Plan), identifying specific developments and upgrades over a five year period. The Plan will detail the results of audits on all existing POS and to classify each park within a defined criteria and hierarchy, identifying gaps between target and actual facility provision. This gap analysis will be used to create a prioritised list of projects for funding through the City's Business Plan.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **RESCINDS** the following 26 July 2016 Council Meeting resolution for Item CD-024/16 Laurie Stanford Reserve – Public Toilet Amenities –

   *That Council APPROVES the following:*
2. Undertake the development of a public toilet strategy, to be prepared during the 2016/2017 financial year and include the provision of a public toilet facility at Bight Reefs Road Reserve in 2017/2018.

2. DIRECTS the Chief Executive Officer to include a strategic review of the provision of the City's public toilet infrastructure within the proposed Parks Provision Policy.

Notice of Motion from Cr Jones

“That Council -

1. RESCINDS the following 26 July 2016 Council Meeting resolution for Item CD-024/16 Laurie Stanford Reserve – Public Toilet Amenities –

   “That Council APPROVES the following:

   2. Undertake the development of a public toilet strategy, to be prepared during the 2016/2017 financial year and include the provision of a public toilet facility at Bight Reefs Road Reserve in 2017/2018.”;

2. APPROVES the development of a public toilet strategy for the City of Rockingham.”

Committee Recommendation

Moved Cr Jones, seconded Cr Hamblin:

That Council:

1. RESCINDS the following 26 July 2016 Council Meeting resolution for Item CD-024/16 Laurie Stanford Reserve – Public Toilet Amenities –

   *That Council APPROVES the following:

   2. Undertake the development of a public toilet strategy, to be prepared during the 2016/2017 financial year and include the provision of a public toilet facility at Bight Reefs Road Reserve in 2017/2018.”;

2. DIRECTS the Chief Executive Officer to include a strategic review of the provision of the City’s public toilet infrastructure within the proposed Parks Provision Policy.

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
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<table>
<thead>
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<tbody>
<tr>
<td><strong>16.</strong></td>
<td><strong>Notices of Motion for Consideration at the Following Meeting</strong></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
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<tr>
<td><strong>17.</strong></td>
<td><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
</tr>
<tr>
<td></td>
<td>Nil</td>
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<td><strong>18.</strong></td>
<td><strong>Matters Behind Closed Doors</strong></td>
</tr>
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<td></td>
<td>Nil</td>
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<td><strong>19.</strong></td>
<td><strong>Date and Time of Next Meeting</strong></td>
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<tr>
<td></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 17 June 2019</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td><strong>20.</strong></td>
<td><strong>Closure</strong></td>
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<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>5:15pm</strong>.</td>
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