MINUTES
Planning and Engineering Services Committee Meeting
Held on Monday 16 January 2017 at 4:00pm
City of Rockingham Boardroom
## CONTENTS

1. Declaration of Opening 4  
2. Record of Attendance/Apologies/Approved Leave of Absence 4  
3. Responses to Previous Public Questions Taken on Notice 5  
4. Public Question Time 5  
5. Confirmation of Minutes of the Previous Meeting 7  
6. Matters Arising from the Previous Minutes 7  
7. Announcement by the Presiding Person without Discussion 8  
8. Declaration of Member’s and Officer’s Interest 8  
9. Petitions/Deputations/Presentations/Submissions 8  
10. Matters for which the Meeting may be Closed 9  
    Engineering and Parks Services 9  
    EP-001/17 Tender T16/17-34 – Period Provision of Cleaning Services 9  
11. Bulletin Items 11  
    Planning and Development Services Information Bulletin – January 2017 11  
    Engineering and Parks Services Information Bulletin – January 2017 11  
12. Agenda Items – Planning and Engineering Services Committee  
    Planning and Development Services 17  
    PDS-001/17 Proposed Dog Day Care Centre 17  
    PDS-002/17 Reconsideration - Amendment to Private Recreation (Obstacle Course) Development Approval (Absolute Majority) 24  
    PDS-003/17 Proposed Child Care Premises 42  
    Engineering and Parks Services 61  
    EP-002/17 Delegated Authority for the Award of Tender T16/17-83 – Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1 (Absolute Majority) 61  
    EP-003/17 Tender T16/17-02 – Standing offer for the maintenance and repairs to lighting infrastructure 67  
13. Reports of Councillors 72  
14. Addendum Agenda 72  
15. Motions of which Previous Notice has been given 72  
16. Notices of Motion for Consideration at the Following Meeting 72  
17. Urgent Business Approved by the Person Presiding or by Decision of the Committee 72
<table>
<thead>
<tr>
<th></th>
<th>18. Matters Behind Closed Doors</th>
<th>72</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>19. Date and Time of Next Meeting</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>20. Closure</td>
<td>72</td>
</tr>
</tbody>
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City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 16 January 2017 - Council Boardroom

1. Declaration of Opening

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

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

Carried – 4/0

The A/Chairperson declared the Planning and Engineering Services Committee Meeting open at 4:00pm, welcomed all present to the first Planning and Engineering Services Committee meeting for 2017 and recited the Acknowledgement of Country.

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

2.1 Councillors

Cr Sammels A/Chairperson
Cr Matthew Whitfield
Cr Deb Hamblin (Deputy Mayor)
Cr Justin Smith (Deputising for Cr Elliott)
Cr Lee Downham (Observer)

2.2 Executive

Mr Andrew Hammond Chief Executive Officer
Mr Bob Jeans Director Planning and Development Services
Mr Peter Doherty Director Legal Services and General Counsel
Mr Kelton Hincks A/Director Engineering and Parks Services
Mr Brett Ashby Manager Strategic Planning and Environment
Mr Mike Ross Manager Statutory Planning
Mr David Caporn Manager Compliance and Emergency Liaison
Mr Rod Fielding Manager Health Services
Mr Ian Daniels Manager Engineering Services
Mr Tony Bailey A/Manager Asset Services
Mr James Henson Manager Land and Development Infrastructure
Mr Adam Johnston Manager Parks Services
Mr Allan Moles Manager Waste Services
Ms Melinda Wellburn PA to Director Planning and Development Services

2.3 Members of the Gallery: 5

2.4 Apologies: Cr Chris Elliott
Cr Katherine Summers

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

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

At the December Committee meeting held on 12 December 2016, Mr Green asked the following question that was taken on notice and the Director Planning and Development Services provided a response in a letter dated 14 December 2016 as follows:

My question relates to the Mangles Bay Economic Study, which as the attached indicates was lodged with the City of Rockingham in May 2015, the attached also highlights that Parliament was in fact 'misled' maybe unknowingly, by answers given in September 2014, with regard to the Economic Study.

Briefly, and by way of explanation:

1. Question asked in August 2014, for Minister to table Economic Study response in September 2014, was that 'Economic Study' was 'not yet finalized'.

2. Refer to question 3 asked 14 October 2015, some 13 months later, 'In what month and year was the study completed?' response, 'In the first quarter of 2013'.

3. So the study had been completed some 16 months before the first question was asked in Parliament.

**Question**

1. Does the City of Rockingham consider an Economic Study which was completed in early 2013, will still be relevant when the Local Structure Plan is released for Public Comment, and can the City advise of any anticipated date that the Local Structure Plan will be released?

**Response**

*Until the City has assessed the submitted Local Structure Plan, it is not in a position to comment on the suitability or currency of its content including the accompanying technical reports.*

*Further, it is not possible to advise when the Local Structure Plan will be released as the conclusion of the Metropolitan Region Scheme Amendment process will dictate the timing of the subsequent planning processes.*

4. **Public Question Time**

4.1 **Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Mangles Bay Marina**

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

In Weekend Courier 13/1/17 page 3 "Anger at beach vandalism" the Mayor was quoted as saying that there was no alternative to dumping the slurry and that Council was aware of the effects before it started. I’m aware that DPaW may have answers to some of these questions. On behalf of the users of that Beach and the residents nearby please tell me:

1. Why could the slurry not be dumped elsewhere, for example at the replenishment of north end of Shoalwater Bay or near John Point?

*The Chairperson advised that all other feasible options to dispose of the material within the Marine Park were investigated in liaison with the Department of Parks and Wildlife (DPaW). This was the only option DPaW would approve.*

2. Has the smell been tested for the presence of Hydrogen Sulphide gas?

*The Chairperson advised “No”.*

3. The Mayor is quoted as saying that the sand is safe. Has the slurry been tested for the presence of sulphuric acid and heavy metal compounds?
The Chairperson advised that the material at the disposal site has been tested for heavy metals and there are no elevated levels to cause alarm and the sand is suitable for beach renourishment purposes and poses little risk to the environment.

4. Have the City's planners considered any other options for launching small boats besides the Bent Street launching ramp which would not require constant dredging?

The Chairperson advised that a study was completed in 2011 on future boat launching sites within Warnbro Sound. A follow on from this study was a feasibility study that was recently undertaken on a possible upgrade to the Donald Drive Boat Launching facility. This study outlined a concept design that would require a small marina style facility including a breakwater and extra parking facilities.

5. Does Council believe that dredging must be ongoing for the foreseeable future?

The Chairperson advised that the City will undertake a post dredging debrief with DPaW to ascertain the future management of the Bent Street Channel.

6. If so, at what point would Council planners consider the ongoing expense excessive and look at other options for launching boats?

Refer to response to Question 5.

7. People living near the swimming area along the Safety Bay/Waikiki Beach have told me that jetski riders are taking their craft very close to the swimming area posing a danger to swimmers in the water and that jetski owners are parking their vehicles on the beach, putting up tents and subjecting others to loud music. What can rangers do about this?

The Chairperson advised that the management of these are a Water Police and Department of Fisheries/Transport issue. The City will report Mr Mumme's comments onto those Departments

I refer to the Engineering and Parks Bulletin for today's meeting:

8. Item 4.13 Mersey Point Jetty Design: how much is CoR expecting as a contribution from Wild Encounters? Given that the sandbar between Mersey Point and Penguin Island has broadened this past year and that the end of the existing jetty is not completely out of the water at low tide, is the design brief being updated to allow for observed changes in accretion of sand in the area?

The Chairperson advised that the City is still in discussions with the Commercial Operator. The City has undertaken full investigations that have informed the design process of the future jetty.

9. Item 4.25 $190,718 has been budgeted for herbicide spraying in the City in FY 16-17: Is glyphosate or a derivative of glyphosate being used? If so, is Council aware of the WHO announcement regarding the potential health effects of glyphosate? Has Council considered non-chemical alternatives like steam and sea water?

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

10. Item 4.29 Graffiti Removal Statistics. Over $219,000 has been expended so far for the first six months of FY 16-17. Projecting to the end of the financial year this will be a record by a long way. Given that there seem to be patterns in the incidence of graffiti, are there some policing or pro-active measures that could be taken to reduce it in particular suburbs?

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

11. Item 4.7 Garage Sale Trail. Is Council aware of the Government of Sweden's recent decision to reduce GST on repaired items? This measure can create more local employment, provide low cost items, reduce consumption based pollution and boost recycling at the same time.
<table>
<thead>
<tr>
<th><strong>4.2</strong> Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina</th>
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<tbody>
<tr>
<td>The Chairperson invited Mr Green to present his questions to the Planning and Engineering Services Committee. Mr Green asked the following questions:</td>
</tr>
<tr>
<td>The Planning Bulletin of January 2017 acknowledges the receipt of a revised Waterways Management Report from the proponent, which provides a forecast of the costs associated with the City performing the role of Waterways Manager over a 25 year period.</td>
</tr>
<tr>
<td>Also, Coastal Engineering Consultants MP Rodgers assisted the City with a peer review of the original submission, they have also provided the City with the Mangles Bay Marine Structure Guidelines, which include monitoring of the built structures in the canals and marina.</td>
</tr>
<tr>
<td>The EPA Report 1471 identifies a range of matters that include:</td>
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<tr>
<td>• Monitoring and maintenance of water quality to specific requirements</td>
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<tr>
<td>• Provision of a sustainable maintenance program including obligations for water quality and sediment monitoring programs, monitoring water depths, dredging, monitoring erosion; and</td>
</tr>
<tr>
<td>• Arrangements regarding a source of revenue for ongoing maintenance</td>
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<tr>
<td>My questions are:</td>
</tr>
<tr>
<td>1. Apart from receiving the original and revised Waterways Manager Reports from the proponent, has the City entered into discussion with the proponent regarding an Environmental Management Plan for water and sediment quality, maintenance dredging etc? in accordance with EPA Report 1471. If so can you tell me the outcomes, if any?</td>
</tr>
<tr>
<td>The Chairperson advised that the question will be taken on notice.</td>
</tr>
<tr>
<td>2. Has the cost of the Environmental Management Plan been included into the role of the Waterways Manager budget over the 25 year period?</td>
</tr>
<tr>
<td>The Chairperson advised that the question will be taken on notice.</td>
</tr>
<tr>
<td>3. Has the City had any discussions with the WAPC Hearings Committee since verbal presentations concluded on 7 June 2016, if so, was the Coastal Setback matter discussed?</td>
</tr>
<tr>
<td>The Chairperson advised that the question will be taken on notice.</td>
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<tr>
<td>4. Do the City planners consider the Mangles Bay Canal and Marina project in its entirety, constitutes a ‘Coastal Node’, in accordance with WAPC Policy?</td>
</tr>
<tr>
<td>The Chairperson advised that the question will be taken on notice.</td>
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<tr>
<td><strong>4:14pm</strong> There being no further questions the Chairperson closed Public Question Time.</td>
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<th><strong>5. Confirmation of Minutes of the Previous Meeting</strong></th>
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<tr>
<td>Moved Cr Hamblin, seconded Cr Whitfield</td>
</tr>
<tr>
<td>That Committee <strong>CONFIRMS</strong> the Minutes of the Planning and Engineering Services Committee Meeting held on , as a true and accurate record.</td>
</tr>
<tr>
<td>Committee Voting – 4/0</td>
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<th><strong>6. Matters Arising from the Previous Minutes</strong></th>
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<tr>
<td>Nil</td>
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7. **Announcement by the Presiding Person without Discussion**

<table>
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<tr>
<th>Time</th>
<th>Detail</th>
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<tbody>
<tr>
<td>4:14pm</td>
<td>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.</td>
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8. **Declarations of Members and Officers Interests**

<table>
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<tr>
<th>Time</th>
<th>Detail</th>
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<tbody>
<tr>
<td>4:14pm</td>
<td>The Chairperson asked if there were any interests to declare.</td>
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<td></td>
<td>There were none.</td>
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9. **Petitions/Deputations/Presentations/Submissions**

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<tr>
<th>Detail</th>
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<tbody>
<tr>
<td>Nil</td>
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10. **Matters for which the Meeting may be Closed**

| Engineering and Parks Services | 9 |
| EP-001/17 Tender T16/17-34 – Period Provision of Cleaning Services | 9 |

In accordance with section 5.23(2)(c) and (d) of the Local Government Act 1995 – if there are any questions or debate on Confidential Item EP-001/17 - Tender T16/17-34 - Period Provision of Cleaning Services, then the Planning and Engineering Services Committee will need to defer the matter for consideration at Agenda Item 18 - Matters Behind Closed Doors.

There were no questions or request for debate.

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**CONFIDENTIAL ITEM**

**NOT FOR PUBLIC ACCESS**

Section 5.95(3) Local Government Act 1995 (the Act)

This item may be discussed behind closed doors as per Section 5.23(2)(c) and (d) of the Act

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**Engineering and Parks Services**

**Asset Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-001/17 Tender T16/17-34 – Period Provision of Cleaning Services</th>
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<tbody>
<tr>
<td>File No:</td>
<td>T16/17-34</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Kelton Hincks, A/Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Tony Bailey, A/Manager Asset Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Kolina Brennan, Operations Supervisor</td>
</tr>
<tr>
<td></td>
<td>Mr Digby Wilson, Contracts Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 January 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>EP-042/16 (December 2016)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td></td>
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<tr>
<td>Lot Area:</td>
<td></td>
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<tr>
<td>LA Zoning:</td>
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</table>
### MRS Zoning:

**Attachments:** Schedule of Rates for Tender T16/17-34

**Maps/Diagrams:**

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council:

1. **REJECTS** the tender submitted from Cleandustrial Services Pty Ltd for Tender T16/17-34 – Period Provision of Cleaning Services.

2. **ACCEPTS** the alternate tender submitted from Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning for Tender T16/17-34 – Period Provision of Cleaning Services in accordance with the tender documentation for the contract period being from 1 February 2017 to 1 February 2020.

### Committee Recommendation

**Moved Cr Whitfield, seconded Cr Smith**

That Council:

1. **REJECTS** the tender submitted from Cleandustrial Services Pty Ltd for Tender T16/17-34 – Period Provision of Cleaning Services.

2. **ACCEPTS** the alternate tender submitted from Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning for Tender T16/17-34 – Period Provision of Cleaning Services in accordance with the tender documentation for the contract period being from 1 February 2017 to 1 February 2020.

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
### Bulletin Items

**Planning and Development Services Information Bulletin – January 2017**

#### Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 FoodSafe
   - 3.2 Industrial and Commercial Waste Monitoring
   - 3.3 Mosquito Control Program
   - 3.4 Environmental Waters Sampling
   - 3.5 Food Sampling
4. Information Items
   - 4.1 Mosquito-Borne Disease Notifications
   - 4.2 Food Recalls
   - 4.3 Food Premises Inspections
   - 4.4 Public Building Inspections
   - 4.5 Outdoor Public Event Approvals
   - 4.6 Permit Approvals
   - 4.7 After Hours Noise and Smoke Nuisance Complaint Service
   - 4.8 Complaint - Information
   - 4.9 Noise Complaints - Detailed Information
   - 4.10 Animal Exemptions
   - 4.11 Building Plan Assessments
   - 4.12 Septic Tank Applications
   - 4.13 Demolitions
   - 4.14 Swimming Pool and Drinking Water Samples
   - 4.15 Rabbit Processing
   - 4.16 Hairdressing and Skin Penetration Premises
   - 4.17 New Family Day Care Approvals
   - 4.18 Caravan Park and Camping Ground Inspections
   - 4.19 Emergency Services
   - 4.20 Social Media
   - 4.21 Customer Requests Emergency Service Team
   - 4.22 Training
   - 4.23 Welfare Evacuation Centre Review
   - 4.24 Fire Control Compliance Program
   - 4.25 Ranger Services Action Reports
   - 4.26 SmartWatch Key Result Area: Visibility
   - 4.27 SmartWatch Key Result Area: Engagement with Community
   - 4.28 SmartWatch Key Result Area: Increasing perception of Safety
   - 4.29 SmartWatch Statistics

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

**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 Waterwise Council Program (EVM/56-02)
   3.3 Karnup District Structure Plan (LUP/1546)
   3.4 Cockburn Sound Coastal Alliance – Vulnerability & Flexible Adaptation Pathways Project Stage 3 (EVM/149)
   3.5 Greening Plan (PKR/52-02)
   3.6 Frog Population Monitoring Program (EVM/174)
4. Information Items
   4.1 Notification of Approval of Structure Plan by the Western Australian Planning Commission

**Land and Development Infrastructure**

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

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Planning Products via the Web formerly eDA
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
4.9 Delegated Building Envelope Variations
4.10 Subdivision/Amalgamation Approved
4.11 Strata Plans
4.12 Subdivision/Amalgamation Refused
4.13 Proposed Telecommunications Infrastructure - Lot 9094 Norseman Approach, Baldivis
4.14 State Planning Policy 2.5 - Rural Planning

Planning and Development Directorate
1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Proposed Amendment No's.161 and 162 to Town Planning Scheme No.2
   3.3 Southern Gateway/Rockingham Station Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 and LUP/1847)
   3.4 Leeuwin Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.5 Northern Gateway Sector – Masterplan, Development Policy Plan and Amendment to Town Planning Scheme No.2
   3.6 Redevelopment of City Square and Civic Plaza (LUP/1933)
   3.7 ‘Mangles Bay Marina’
3. Information Items
4.1 Design WA

Advisory Committee Minutes

Committee Recommendation

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

Committee Voting – 4/0

Engineering and Parks Services Directorate

1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Foreshore Masterplan – Detailed Design
4. Information Items
4.1 Request for Information – Advertising on Infrastructure

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Stormwater Drainage Plan
   3.2 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.3 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.4 Construction of the Wanliss Street Carpark
4. Information Items
4.1 Delegated Authority for Temporary Thoroughfare Closure
4.2 Delegated Authority for the payment of Crossover Subsidies
4.3 Delegated Authority for approval of Directional Signage
4.4 Engineering Services Design Projects 2016/2017
4.5 Authorised Traffic Management Plans for Works on City Controlled Roads
4.6 Safety Bay Road – Principal Shared Path – Stage 2B Mandurah Road to Eighty Road
4.7 Millar Road Landfill – Concept Master Plan and Site Access
4.8 Water Corporation - Significant works within the City
4.9 Asset Inspections
4.10 Waikiki Foreshore – Foreshore Protection Specification
4.11 Point Peron Sand Trap and Beach Nourishment Management
4.12 Bent Street Boat Ramp Navigation Channel Sand Bypassing
4.13 Mersey Point Jetty Design
4.14 Palm Beach West Boat Ramp Upgrade – Detailed Design
4.15 Point Peron Boat Launching Facility Detailed Design of Boat Ramp Lanes Five and Six including boat trailer car park design
4.16 Palm Beach East Boat Ramp Rock Armour Replacement and Boat Ramp Maintenance
4.17 EP-013/16 – Investigate need for additional traffic signals on Warnbro Sound Avenue
4.18 Road Construction Program Roads to Recovery 2016/2017
4.19 Road Construction Program Main Roads Grant 2016/2017
4.20 Road Rehabilitation Program Main Roads Grant 2016/2017
4.21 Road Construction Program Federal Black Spot 2016/2017
4.22 Road Construction Program State Black Spot 2016/2017
4.23 Road Construction Program Municipal Works 2016/2017
4.24 Road Renewal Program Municipal Works 2016/2017
4.25 Road Maintenance Program 2016/2017
4.26 Litter Team 2016/2017
4.27 LitterBusters and Sweeping 2016/2017
4.28 Graffiti Out and About
4.29 Graffiti Removal Annual Statistics
4.30 Passenger Vehicle Fleet Program 2016/2017
4.31 Light Commercial Vehicles Program 2016/2017
4.32 Heavy Plant Program 2016/2017

Parks Services
1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
3.1 Rockingham Dog Exercise Area
3.2 Weld Street shower and drink fountain - Rockingham
3.3 Practice Cricket Net Modification - Rhonda Scarrott Reserve, Golden Bay
3.4 Practice Cricket Net Renewal – Careeba Reserve, Koorana Reserve and Warnbro Oval
3.5 Bore and Irrigation Cabinet – Malibu Reserve
3.6 City Parks – Central Irrigation Management System
3.7 Play Equipment Replacements
3.8 Synthetic Turf Renewal - Lark Hill Practice Cricket Nets
3.9 Limestone Access Track Upgrade - Lark Hill Reserve
3.10 Replace Conservation Reserve Fencing
3.11 New Conservation Reserve Fencing – Foreshore Drive, Singleton
### Planning and Engineering Services Committee Minutes

**Monday 16 January 2017 PAGE 15**

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 20 FEBRUARY 2017

### Asset Services

1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Road condition inspection and modelling
   - 3.2 Path condition audit 2016-2017
   - 3.3 Maintenance and provision of public toilets
   - 3.4 Lighting consultants (Technical Planning/Design, Underground Power Program)
4. Information Items
   - 4.1 Asset Management improvement strategy
   - 4.2 2016/2017 Public area lighting and arterial lighting
   - 4.3 Aqua Jetty – Gym roof HVAC enclosure (design)
   - 4.4 Rockingham Day Care fire panel replacement
   - 4.5 Baldivis South Club Facility Eighty Road Baldivis
   - 4.6 Laurie Stanford Reserve development
   - 4.7 Rhonda Scarrott Reserve development
   - 4.8 Administration building exterior render repairs
   - 4.9 Aqua Jetty solar PV system 328kw
   - 4.10 Aqua Jetty – Tiling of external 50m pool
   - 4.11 Secret Harbour – Inclusive play space
   - 4.12 Baldivis South youth space
   - 4.13 2016/2017 Reserve flood lighting
   - 4.14 Baldivis South Community Centre
   - 4.15 Mike Barnett Sports Complex and Warnbro Recreation Centre - Renovations
   - 4.16 Mike Barnett Sports Complex – Netball courts resurfacing
   - 4.17 Mike Barnett Sports Complex - Awning installation
   - 4.18 Baldivis Hall – Replacement of toilet partitioning
   - 4.19 Engineering office redesign
   - 4.20 Larkhill – Bench seating replacement
   - 4.21 Mary Davies Library and Community Centre – additional meeting space
   - 4.22 Building and Facility Maintenance
   - 4.23 Reserve Maintenance
   - 4.24 Electrical maintenance
   - 4.25 Asset Maintenance Statistics
   - 4.26 Lighting Inspections
   - 4.27 Solar Power Generation

### Waste Services

1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Waste Collection Services; Introduce Three Bin Collection System
   - 3.2 Waste Collection Services; Waste Audit
   - 3.3 Waste Collection Services; School Recycling Program
3.4 Waste Collection Services; Bin Tagging Program
3.5 Landfill Services; Construction of Cell 16 and Leachate Dams
3.6 Landfill Services; Landfill Access Road and Associated Infrastructure
3.7 Landfill Services; Construction of Cell 17
3.8 Landfill Services; Landfill Capping of Cells 12 and 13

4. Information Items
4.1 Waste Collection Services; Kerbside Collection
4.2 Waste Collection Services; Bulk Verge Collection
4.3 Waste Collection Services; Waste Diversion Percentage
4.4 Landfill Services; Tip Passes
4.5 Landfill Services; Landfill Statistics
4.6 Landfill Services; Waste Education and Promotion
4.7 Garage Sale Trail - Summary Report
4.8 Paintback Temporary Collection Day Results
4.9 Paintback Permanent Collection Facility at Landfill

Advisory Committee Minutes

Committee Recommendation

Moved Cr Smith, seconded Cr Whitfield:

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

Committee Voting – 4/0
### Agenda Items

#### Planning and Development Services

**Planning and Development Services**

**Statutory Planning Services**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-001/17 Proposed Dog Day Care Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2016.00000381</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Applicant:</td>
<td>Ms Gay Martens-Bowley</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Bruce Stephen</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Neels Pretorius, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Miss Donna Shaw, A/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>16 January 2017</td>
</tr>
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<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 27 (No.1/123) Dixon Road , East Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,014m²</td>
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<tr>
<td>LA Zoning:</td>
<td>Light Industry</td>
</tr>
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<td>MRS Zoning:</td>
<td>Industry</td>
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<td>Attachments:</td>
<td>Schedule of Submissions</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Dog Day Care Floor Plan</td>
</tr>
<tr>
<td></td>
<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>

#### Purpose of Report

To consider an application for a Dog Day Care Centre at Lot 27 (No.1/123) Dixon Road, East Rockingham.

#### Details

The applicant seeks approval for a Dog Day Care Centre. Details of the application are as follows:
- A maximum number of 30 dogs per day are proposed at the premises;
- A maximum of two staff members are proposed;
- No animals are proposed to be kept overnight; and
- The proposed hours of operation are Monday to Friday 7.00am - 6.30pm and Saturday 7.00am - 12.00pm.
3. Floor Plan
Implications to Consider

a. Consultation with the Community

The application was referred to 15 nearby and adjacent property owners and occupiers for a period of 21 days, concluding on 16 November 2016. At the close of the advertising period, three submissions of objection of which two were from one property were received.

<table>
<thead>
<tr>
<th>Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Noise from barking dogs.</td>
</tr>
<tr>
<td><strong>Proponent’s Response:</strong></td>
</tr>
<tr>
<td>The facility has been designed with 2.4m suspended ceilings with acoustic tiles in the foyer, offices and hallway areas.</td>
</tr>
<tr>
<td>I have applied for a license of up to 30 dogs however I would not expect to have more than 20 at one time due to allowing adequate and safe play for the dogs in my care. With this number there will be careful consideration to bookings taken regarding size and breed of dog.</td>
</tr>
<tr>
<td>For example there would not be any more than 5-8 large breed dogs at one time with approx. the same number of smaller size breeds.</td>
</tr>
<tr>
<td>The day care is about providing fulfilment, enrichment, social interaction as well as basic training methods.</td>
</tr>
<tr>
<td>I will be participating in a workshop: Quiet Dog Day Care Down Under, held by Laurie Wagner Tower a certified advanced dog trainer and instructor who will be teaching techniques of calming excited dogs and learning how to quiet dogs with proven methods. This is designed for dogs in day care.</td>
</tr>
<tr>
<td>Staff employed will have proven experience and knowledge of dogs behaviour and psychological needs as well as training techniques.</td>
</tr>
<tr>
<td>If for any reason a dog does not settle and continues to bark disrupting other dogs it will be removed for some 1 on 1 time with a staff member. Owners will be contacted if the situation cannot be resolved.</td>
</tr>
</tbody>
</table>
Amenity (Cont…)

City’s Comment:
The applicant has submitted an Acoustic Report which was reviewed and is considered to sufficiently address the noise related concerns. If the application is approved a condition of approval is recommended to require the business to comply with the management recommendations included in the Acoustic Report at all times which are:

- Dogs will be kept inside the building;
- Dogs will be under constant supervision of a dog handler; and
- The factory unit will be appropriately sound proofed.

Any noise from parking dogs will be managed in terms of the recommendations contained in the Acoustic Report. Hence compliance with the Environmental Protection (Noise) Regulations 1997 will be achieved at all times.

Submission:
(ii) Smell and hygiene concerns from dogs in a confined space.

Proponent’s Response:
I have methods in place to ensure the day care is kept both clean, germ free and odour free. Mops – buckets of a water and bleach mixture will be located at various locations throughout the day care to quickly and efficiently clean urine from floor surfaces. Any furniture will be wiped down with water and bleach, and toys removed and washed to remove any urine or faeces.

The day care will be cleaned daily:
- vacuum all floors
- sterilize all toys
- wipe down all furniture
- blankets and towels will be removed and washed off-site
- floors mopped and dried

Hand sanitiser stations will be located in the front foyer and play areas for use by staff and owners.

Wall mounted intermittent scented aerosol will be located in front foyer and play area to ensure the odour is not present.

Waste Disposal.

Faeces will be individually bagged and placed in a specifically allocated freezer in the rear store room. This will eliminate any associated smell.

Specialist waste removal bins will be emptied upon request at which time faeces will be placed into the bin from the freezer

City’s Comment:
The waste management measures as proposed by the applicant will adequately address waste management issues. Should the application be approved, a condition of approval is recommended requiring the applicant to comply with the waste management measures submitted with the application at all times.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory

City of Rockingham Town Planning Scheme No.2 (TPS2)

Clause 4.4 – Zoning Table

A dog day-care use does not reasonably fit within any prescribed land use definition contained in TPS2. Consequently, Clause 3.2.4 of TPS2 applies which states:

"If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the Use Classes, the Council may:

(a) determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted;

(b) determine that the proposed use may be consistent with the objectives and purposes of the particular zone and thereafter follow the advertising procedures of clause 6.3 in considering an application for planning approval; or particular zone and is therefore not permitted."

The Dog Day-Care business is considered to be consistent with the objectives of the Light Industry Zone as described below:

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

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

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

The proposed land use is considered to be compatible with the Light Industrial Zone, as it will form part of an existing development which consists of a mix of service industries along Dixon Road. The Dog Day-Care will also add to the diversity of commercial business activity within the area. The appearance and streetscape of the area will remain the same as the proposed use will be located in an existing factory unit.

Clause 4.15 - Carparking

The Dog Day-Care Centre will require 6 parking bays at a ratio of 1 bay per employee and 1 bay for every eight dogs. There are 12 parking bays at the front of the unit, accessible from Dixon Road. Clients will spend a maximum of 10 minutes during drop off and collection times. The hours for pick up and drop off will also be different to other businesses on this part of Dixon Road. Sufficient parking will be available for the proposed use on site.

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 applicant has adequately addressed concerns raised regarding noise and hygiene concerns and is generally compliant with requirements of TPS2.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVES the application for a proposed Dog Day Care (Use Not Listed) at Lot 27 (No.1/123) Dixon Road, East Rockingham, subject to the following conditions:
1. All development must be carried out in accordance with the approved plan as listed below:
   • Site Plan, received 27.07.2016.
2. No animals shall be kept on the premises overnight.
3. No more than two staff members being on site at any given time.
4. A maximum of 30 dogs are permitted on site to be cared for at any one time.
5. The Waste Management measures submitted by the applicant must be complied with at all times.
6. The business must operate in accordance with the recommendations contained in the Acoustic Report prepared by Herring Stored Acoustics dated November 2016 at all times.

Advice Notes:
1. A Building Permit and Occupancy Permit must be obtained for the development prior to occupation; the applicant and owner should liaise with the City's Building Services in this regard.

Committee Recommendation
Moved Cr Hamblin, seconded Cr Smith:
That Council APPROVES the application for a proposed Dog Day Care (Use Not Listed) at Lot 27 (No.1/123) Dixon Road, East Rockingham, subject to the following conditions:
1. All development must be carried out in accordance with the approved plan as listed below:
   • Site Plan, received 27.07.2016.
2. No animals shall be kept on the premises overnight.
3. No more than two staff members being on site at any given time.
4. A maximum of 30 dogs are permitted on site to be cared for at any one time.
5. The Waste Management measures submitted by the applicant must be complied with at all times.
6. The business must operate in accordance with the recommendations contained in the Acoustic Report prepared by Herring Stored Acoustics dated November 2016 at all times.

Advice Notes:
1. A Building Permit and Occupancy Permit must be obtained for the development prior to occupation; the applicant and owner should liaise with the City's Building Services in this regard.

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
## Planning and Development Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th></th>
<th>PDS-002/17 Reconsideration - Amendment to Private Recreation Development Approval  (Absolute Majority)</th>
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<tbody>
<tr>
<td>File No:</td>
<td></td>
<td>DD020.2016.00000341.001</td>
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<tr>
<td>Applicant:</td>
<td></td>
<td>Mr Ted Blackshaw</td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
<td>Mr Ted and Mrs Sandra Blackshaw</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr Brett Ashby, A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td></td>
<td>16 January 2017</td>
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<tr>
<td>Previously before Council:</td>
<td></td>
<td>January 2014 (PDS-006/14), December 2016 (PDS-086/16)</td>
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<tr>
<td>Disclosure of Interest:</td>
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<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<td></td>
</tr>
<tr>
<td>Site:</td>
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<td>Lot 4 Mandurah Road, Baldivis</td>
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<td>Lot Area:</td>
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<td>LA Zoning:</td>
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<td>Maps/Diagrams:</td>
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<td>2. Aerial Photo</td>
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<td>4. Site Plan</td>
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<td>5. Fencing Location</td>
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<td></td>
<td></td>
<td>6. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. Proposed Fencing/Vegetative Screening Location</td>
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</tbody>
</table>
Purpose of Report

To reconsider an application seeking approval for an amendment to modify the Development Approval for a Private Recreation (Obstacle Course) at Lot 4 Mandurah Road, Baldivis.

Background

In January 2014, the Council granted retrospective Development Approval to operate an Obstacle Course from the subject land subject to the following conditions:

1. Clients must only arrive and depart the premises between the hours of 8:00am and 5:00pm on Sundays and not at all on any other days.
2. No more than two exercise sessions are to take place and no exercise session is to exceed 1.5 hours in duration.
3. Not more than 20 clients are permitted to attend the premises during each exercise session.
4. All clients must park within the on-site car parking area marked in red on the approved plan. No client vehicle parking is permitted on Mandurah Road at any time.
5. The carpark must:
   (i) 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 - Certified;
   (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

   The car park must comply with the above requirements for the duration of the development.
6. All stormwater must be contained on site.
7. Strategic revegetation must be undertaken within 60 days of Planning Approval, in accordance with the attached Development Plan dated 6 January 2014 and maintained for the continuation of the development.
8. Existing Sea Containers must be relocated to be within the approved Building Envelope.
9. The crossover onto Mandurah Road must be designed and constructed in accordance with the City’s specifications for crossovers.”
3. Existing Approved Development
In September 2016, the applicant lodged an application to amend the Development Approval, which was considered by Council at its December 2016 ordinary Meeting.

Council resolved to defer consideration of the application to give the proponents the opportunity to revise the application to demonstrate that the proposal will not adversely impact on the amenity of neighbours.

Following Council’s decision, the applicants met with the Manager, Statutory Planning to discuss options for the proposal, following which the A/Director, Planning and Development Services met with the applicants on site to further discuss the proposal on 3 January 2017.

The reconsideration of this application forms the basis of this report.

**Details**

The applicant is seeking to modify the current Development Approval as follows:

- Permit trading on Saturdays and during School Holiday periods in addition to Sundays;
- Increase the number of clients from 20 to 50; and
- Provide space for 16 additional vehicles to park, including 2 for the exclusive use of people with disability, bringing the total capacity of the car parking area to 34 vehicles.

The applicant has provided the following additional details in relation to the operation of the Obstacle Course:

- The Obstacle Course is not open to the public, and operates on a booking only basis;
- Only one group is permitted to use the Obstacle Course per booking, with each booking provided a timeslot to use the course;
- The typical duration of sessions on the Obstacle Course is 1.5 hours;
- Starting and finishing times of bookings are typically after 10.00am and 3.30pm;
- There is a 30 minute to 1 hour break between sessions to enable one group to depart the session before the next group accesses the site;
- There are a maximum of 3 sessions held per day; and
- Groups are requested to carpool to the venue, and all vehicles are parked in a designated area on site controlled by parking attendant/s.

The applicant also submitted a Transport Impact Statement and an Acoustic Report in response to the City’s request for additional information to address submissions following advertising of the proposal. Both of these documents were prepared by the applicant.
In response to the Councils December 2016 resolution, the applicant is proposing to erect temporary metal fencing panels covered in shade cloth of 2.4m wide x 2.1m high with a total length of 130m, which will be covered in shade cloth to screen the Obstacle Course. The fence will be erected 50cm from the side boundary. The applicant also intends to plant vegetation against the fence to screen the Obstacle Course and maintain the rural character of the locality (refer to Figure 5). The applicants full revised submission is as follows:
"Please find underneath our further proposal to eliminate offending and disturbing the main complainant and secondary complainant with our limited activities on Sundays, Saturdays and school holidays on the obstacle course.

We have made several proposal including the ones below to no avail (see our writing from 25 October, 3 November, 15 November, 16 December and 17 December 2016). We are hopeful that this, together with this letter, will be sufficient to move forwards with our application.

We proposed to put up temporary metal fencing panels of 2.4m (w) x 2.1m (h) with a total length of 130m covered in shade cloth to below the view instantly, whilst at the same time vegetation will be planted against the fencing panels to help stop noise and keep the rural character. The panels will be placed just off the boundary (e.g. 50cm) to avoid overhang of vegetation of the neighbours’ property.

Please find attached the amended site plan with the proposed location of the fencing panels/vegetation.

This will block out the view and noise of the entire obstacle course, shed and proposed parking area from 1631 (the main complainant).

In addition, the obstacles at the front of the property, although not in use, will be taken down to satisfy the secondary complainant (1635).

The instructor’s voice will be limited to the middle of the obstacle course so that the neighbour will not be disturbed or offended by the voice of the instructor. We do like to reiterate that the instructor occasionally and only uses his voice at moments when an instruction or encouragement is required and not for the entirety of the session/s.

In conclusion, we are aiming to do all we can to resolve and move forwards with this proposal."
5. Fencing Location

**Implications to Consider**

a. **Consultation with the Community**

In accordance with clause 6.3.3 of Town Planning Scheme No.2 (TPS2) the initial application was referred to the adjacent landowners as shown on the Consultation Plan below. At the conclusion of the advertising period, two submissions objecting the proposal were received. The revised proposal has not been advertised.
6. Consultation Plan

Compliance with Development Approval

Submission:
(i) Concern that applicant is failing to comply with current approval, including client numbers exceeding 100 on any given day.

Proponent’s Response:
Firstly, the claim that we welcome more than 100 clients on any given day is a false claim. However, we are one of the very few businesses in the Rockingham area that has significantly grown during the past 6 months, to be exact since May of this year. We didn’t foresee, nor plan for this success and were somewhat taken by surprise of the sudden growth. Initially we were of the view this was a one off, or temporary demand. However, as soon as we realised the demand and increased bookings and number of clients was likely not a temporary demand (we are still not sure of that) we made contact with the Council for guidance and started the process to seek approval for extended hours and extended number of visitors.

Secondly, we do like to take the opportunity to confirm that these concerns come from an individual/s who fails to submit applications to the Council for a full front wall across his rural property (quoted by Council Rockingham) AND failed to seek approval for the structure/shed on his own property. We, on the other hand, have always followed the correct process and sought Council approval for all activities and developments on our property (home, shed, obstacle course).

We like to make you aware that the concerns submitted by our neighbour/s follow on from an intolerance from the moment we purchased the property. Prior to us occupying the property, this property was used by number 1631, number 1635 and number 1637 as their own. The sheep of number 1631 were kept on 1633, the children's play area of 1635 was set up on 1633, the fences were opened and gates installing in between the property for easy access. Many concerns were raised to use directly when we became owners of 1633 over private activities (grass was too long, fences should remain open between the properties, comments about our dog even to the extent of the way how we were dressed, etc.) long before we asked approval for the obstacle course.

The reason for highlighting the above, is for the mere reason that we believe it is important to validate the motives of the submissions since 2014 by these individuals and verify the reason and validity of the concerns raised, oppose to a character and personal vendetta over the loss of power of the usage of 1633, since we have become the owners.
Compliance with Development Approval

Lastly, the increased demand for the services offered by XLR8 Fitness on the obstacle course is proof of the positive impact and reception of the general public of the services offered on the obstacle course.

Offering a unique, outdoor, active and healthy activity to children, teens and adults has already changed so many people's lives. I can provide 87 testimonials in where parents and other individuals thank us for the positive impact on the health and general life of their children or themselves. It is no coincidence that we have recently been awarded with the RKCC SOHO Business of the Year 2016.

In addition, we are also asking you to take into account the business' and economic advantages the obstacle course brings to the area of Rockingham/Baldivis. There is no other permanent outdoor obstacle course in WA as of yet, whilst we understand this brings some complication in the set up and application of this new concept, it also brings interest, business and many other benefits to the area.

City's Comment:
Should the application be approved, a condition of Development Approval should be imposed ensuring a maximum of 50 clients attend the premises during each exercise session. The applicant has been advised of the need to ensure compliance with the existing Development Approval, which limits client numbers to 20 per session. It is noted that 100 people could attend the premises on any one day based on 50 clients attending each session during the operating hours.

Location of Obstacle Course

Submission:
(i) Obstacle course extending to Mandurah Road as opposed to the rear of the block as per the approved Development.

Proponent’s Response:
We have recently erected 2 obstacles at the front/side of the property. These obstacles are not in use but have been privately tested. After consultation with the planning department of the City of Rockingham and consideration we can confirm that these obstacles will not be made available or active till further notice or a separate application is made to the City of Rockingham for the use of these obstacles.

City's Comment:
The applicant has acknowledged that there are two obstacles located at the front of the site. The approved Development Approval located all obstacles to the rear eastern portion of the site, and not extending towards Mandurah Road.

The applicant has agreed to remove the two obstacles form the front/side of the property as part of this revised application. A condition of Development Approval may be imposed in this respect.

Noise

Submission:
(ii) Concern regarding the use of whistles, an all-terrain vehicle and yelling from instructors.

Proponent’s Response:
a) There has never been any use of any whistle/s of any kind. This is an invalid claim.
b) All-terrain vehicles in our possession and used on the property are 125cc kids' size quad and a golf cart. It is correct that these all-terrain vehicles are used for the purpose of the business.
   The quad is used for health & safety purposes including:
   a. A check-up of the course before every event to ensure wildlife, including snakes are identified.
Noise (Cont…)

b. If any injury occurs we will pick up the injured individual with the quad from the course, avoiding further injury, if needed.

As the golf cart as a small open back, it is used for maintenance purposes including:

a. carrying of tools such as spades
b. carrying of cones
c. the golf cart is also used for the provision of medical assistance, should this be needed. It carries the first aid kit and we have the option to pick up the possible injured from the course, avoiding further injury.

State None of the all-terrain vehicles or the drives of the vehicles, break any Council, or Federal policy, regulation or law.

The concern raised that there is a noise disturbance from these vehicles is absurd considering the engine size of these vehicles and the fact that the neighbours drive tractors and jeeps on the surrounding properties all day long when they are there with much more powerful engines producing noise far beyond the noise of the all-terrain vehicles in our possession.

c) Yelling from instructors:

a. We only have 1 instructor at all times, not multiple instructors. To suggest that there are multiple instructors yelling is an invalid claim.

b. The instructor and owner, Ted Blackshaw, does indeed use words of encouragement with the natural voice but no implements including megaphones are ever used. It is part of the requirement of the job, being the instructor, to encourage people and guide them through their paces of exercise. This is inherent of the fitness industry and as the activities haven’t changed, nor should this be a concern taken into the account under this application (the purpose of the land and the usage of the obstacle course has already been approved in 2014).

c. As the distance between all other properties, with the exception of property 1631, is too far to able to hear the natural voice used it is our assumption that this is only concerning 1631. That being the case, the owner of 1631 is not only rarely at his property, he is also almost at all times on his tractor. We greatly doubt that the volume of the natural voice of 1 person exceeds the volume and noise of the tractor.

City’s Comment:
The applicant has advised that no music or noise amplifying equipment such as whistles will be used, and the applicant has not proposed the use of such equipment as part of this application.

Given the concerns regarding noise impacts received in the submissions, the City considered that an Acoustic Report was required from the applicant to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997.

The applicant provided an Acoustic Report that it had prepared, which was not deemed sufficient by the City on the basis that:

- The conclusions drawn in the report are incorrect, in that they have compared predicted noise levels to the incorrect part of the Environmental Protection (Noise) Regulations 1997. Table 5 on page 5 is incorrect, and this type of activity is required to comply with stricter assigned noise levels; and

- The ATVs are required to comply with the assigned noise levels under the Environmental Protection (Noise) Regulations 1997 when used on private property, and not just the maximum exhaust noise emission for the vehicle.

The applicant was advised that the City did not deem the report sufficient, and chose not to engage the services of a suitably qualified Acoustic Consultant to prepare a report.

In discussions with the submissioners, the submissioners advised that the applicant had been using whistles, and they could hear shouting from the instructors from their properties.
Noise (Cont…)

The City agrees that it is likely that noise and instructors voices would be audible from neighbouring properties which will adversely impact the amenity of these properties. The City considers that the applicant's revised proposal, which includes the erection of fencing and vegetation screening to obscure the noise from the Obstacle Course, will generally address this concern. The location of fencing is subject to further assessment in the comments section of this report.

Traffic

Submission:
(i) Concern regarding vehicles entering and exiting the property based on the number of clients and the use of a shared driveway.

Proponent’s Response:
a. The vehicles entering and exiting the private property of number 1633 (the obstacle course) is not affecting or should not be the concern of the neighbour/s:
   (i) vehicles only enter and exit the private property of number 1633 (the obstacle course) and not any other private property.
   (ii) A fully tarmacked road with sufficient width for 2 cars (one entering and one exiting at the same time) runs from the entry of 1633 to the bottom of the property.

b. Shared Driveway
   (i) There is no shared driveway. However, there is a shared side road from Mandurah Road towards the entry of both properties (Council owned) with separate entries to number 1631 and 1633. The address of 1633 is published on all business communication and all visitors are directed to enter and exit the obstacle course from 1633 (the obstacle course) only, which therefore the majority of visitors do.

   (ii) We acknowledge that drivers familiar with (the director to) the obstacle course, and those only coming from Safety Bay Road will most likely enter the shared side road in front of 1631. However, during the past 21 weeks, we have measured the number of vehicles entering and exiting the property. The average number of cars per session is 11! This taken into account, as well as the facts pointed out under point 1b, (ii), (i), we believe the concern about the shared side road to be minimal or even insignificant. However, if this remain to be a concern, we are prepared to discuss a barrier between the shared side road to stop any traffic entering and exiting from 1631 (e.g. a permanent barrier or a temporary barrier).

c) Speed
   (i) The claim that vehicles enter the shared side road of 1633 (the obstacle course) with high speed is a false claim. The owner of 16331 has claimed that people drive as fast as 80km/hr (quote). This has been tested by 6 people and not once could exceed 40km/hr. The condition of the side road (lose gravel) and its fairly sharp turn from Mandurah Road onto the shared side road with an even sharper turn into 1633 (the obstacle course) makes it impossible to speed. The fastest clocked speed was 40km/hr from Mandurah Road onto the shared side road. If this is classified as 'high speed' then we are more than willing to:
      i. Put up signage with an acceptable speed limit for the owner of number 1631;
      ii. Discuss the option of a sleeper on the shared side road (1631 side).
   (ii) On the 8th of November 2016 entry walls with gates will be installed at 1633 (the obstacle course) which will further support our claim that speeding is not a possibility (awaiting building permission).
   (iii) Although the speed on the private road of 1633 is not and never has been a concern, we are prepared to do the same as suggested under point 2Ci; (e.g. signage and install a sleeper, if this would eliminate the concern raised by the neighbour/s).
Traffic (Cont…)

City’s Comment:
The City previously raised concern that the northern crossover to access the subject land presents a potential safety hazard due to roadside vegetation limiting drivers’ sightlines and therefore, view of oncoming traffic. The applicant provided a self-prepared Traffic Impact Statement (TIS) which, along with the safety considerations of this proposal, were the subject of an assessment by the City. The City also referred the TIS to its Traffic Consultant for a peer review of the traffic issues.

The City’s Traffic Consultant concluded that whilst the access to the site does not currently meet the recommended Austroads minimum requirements, and the low angle of the intersection is undesirable, the estimated volume of traffic would be small and the non-compliances are not critical. Notwithstanding the above, it was recommended that in view of the increase in unfamiliar drivers exiting the site the installation of ‘give way’ signs at both ends of the access road would be desirable. A condition of Development Approval may be imposed in this regard.

To address the amenity concerns of the neighbouring property owner, a condition of Development Approval may also be imposed requiring clients to only access and egress the site from the southern crossover.

b. Consultation with Government Agencies
Not Applicable

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

**Aspiration D:** Sustainable Environment

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

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

In further assessment of the proposal, the City has identified that further assessment of bushfire risk is required before approval of the application can be granted.

SPP 3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The site has been designated bushfire prone under the *Fire and Emergency Services Act 1998 (as amended)* and therefore the requirements of SPP3.7 are applicable. These requirements are triggered given the proposed development constitutes an intensification of an existing land use within a Bushfire Prone Area, by virtue of the increased number of patrons proposed.

The objectives of SPP3.7 are to:

“Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.

Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.

Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.

Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.”
The proposed development is considered to be a vulnerable land use under SPP3.7, given it is a land use where persons may be less able to respond in a bushfire emergency.

Applications for development approval for a vulnerable land use in areas between BAL-12.5 - BAL-29 will not be approved unless they are accommodated by a Bushfire Management Plan jointly endorsed by the City and the Department of Fire and Emergency Services. These applications also require an Emergency Evacuation Plan for proposed occupants. Development applications for vulnerable land uses in areas of BAL-40 or BAL Flame Zone will not be supported.

The City therefore requires the applicant to submit and have endorsed by the City and DFES a Bushfire Management Plan and Emergency Evacuation Plan, demonstrating that a BAL of 29 or lower can be achieved, and that addresses the required elements of the Guidelines associated with SPP3.7, prior to the application being determined.

Despite that this information was not identified or requested from the applicant previously, the City considers that the bushfire risks need to be properly assessed before the application is determined, due to the threat of bushfire to people. The applicant has not had the opportunity to address these bushfire requirements as a consequence.

Planning Policy 3.1.1 - Rural Land Strategy (PP3.3.1)

The City’s PP3.1.1 provides the basis for land use planning in the rural area of the district. In particular, it provides Council with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

The subject site is within Planning Unit No.4 of the City’s Rural Land Strategy (RLS).

The primary objective for this Planning Unit is to encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east.

The proposal is generally consistent with this objective, as the location of the obstacle course and the small scale of the obstacles maintains the viewshed to Mandurah Road and is sympathetic to the natural landscape with low-impact structures.

e. Financial

Nil

f. Legal and Statutory

City of Rockingham Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning

A Private Recreation is a discretionary (‘D’) use that is not permitted in the Rural Zone, unless the Council has exercised its discretion by granting Planning Approval.

Town Planning Scheme No.2 (TPS2) defines Private Recreation as:-

“A premises used for indoor or outdoor leisure, recreation or sport which are not normally open to the public without charge”.

Clause 4.11.1 - Rural Zone Objective

The objective of the Rural Zone is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

Unless the proposal is properly managed by the applicants, the increase in client numbers could generate a significant number of vehicle movements which could impact on the amenity of the surrounding landowners. To address this concern, a condition of Development Approval may be imposed to ensure clients only use the southern driveway entrance. This will ensure the privacy and amenity of the adjacent No.1631 Mandurah Road is not compromised. An additional condition requiring fencing to screen the carparking area and obstacles is also recommended.

Clause 4.11.2 - Rural Zone Setbacks

TPS2 requires development on Rural land to be set back 30 metres from the front lot boundary and 10 metres from other boundaries, however, the current location of carparking and obstacles have previously been approved with a reduced setback to the side boundaries.
It should be noted that the location of obstacles may need to be modified based on the outcomes of the BMP.

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.

TPS2 requires 1 bay per every 4 people attending the Private Recreation at any one time. The proposed maximum of 50 clients therefore generates demand for 13 carparking bays. A total of 16 carparking bays, including two for the exclusive use of people with disability, have been proposed which is compliant.

Health (Public Building) Regulations 1992

The additional client numbers results in the development being classed as a Public Building under the Health (Public Building) Regulations 1992. The Health (Public Building) Regulations 1992 deal with such matters as registration of a Public Building, sanitary facilities and smoking.

An advice note to the applicant ensuring the development complies with the Health (Public Building) Regulations 1992 is recommended on any subsequent Development Approval.

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

Amenity:

In its original assessment of the application, the City was concerned that the proposed development would have an adverse impact on the amenity of neighbours based on the increased operation and scale of the development, and the compatibility of the use within its rural setting.

The City is satisfied that the erection of fencing and/or vegetative screening to obscure the view of the Obstacle Course from adjacent properties and mitigate noise impacts will address these amenity concerns.

It should be noted that the applicant has only proposed temporary fencing and vegetative screening to obscure views of the Obstacle Course from No.1631 Mandurah Road. This is primarily so that the fencing can be removed once the landscaping has been properly established. The temporary fencing is understood to be similar to that used to control events and would be covered in shade cloth and erected 0.5m from the side boundary.

The City accepts that fencing should only be provided on the northern boundary on the basis the dwelling on No.1631 is directly adjacent the carparking and obstacle area and therefore the privacy of the occupants of this dwelling could be compromised. This will equate to approximately 130m of fencing required on the northern boundary.

The dwelling on No.1635 is approximately 140m south west of the Obstacle Course and there is existing mature vegetation on No.1635 that would screen the Obstacle Course from the dwelling. Fencing is therefore not considered necessary on the southern boundary. Despite this, the City considers that given the same concerns were raised by the owners of No.1635, and these owners seek to enjoy the use of the rear of their property and not just views from the dwelling, vegetative screening should be provided on the southern side boundary adjacent the Obstacle Course for approximately 120m.

The outcomes of the BMP may have an impact on the location that fencing/vegetation can be erected/planted due to the setback of the obstacles required to achieve an acceptable BAL rating. The City considers that fencing should be setback as far as possible from the side boundaries, given only post and wire fencing is typically permitted on side boundaries in the Rural zone. Vegetation should be located within the side setback area as permitted by the BMP. A revised plan is therefore recommended to be submitted requiring the location of fencing and vegetation in relation to the obstacles, with the fence setback as far as possible from the northern side boundary in accordance with an approved BMP and Figure 7 of this report.
Access
The City considers that limiting clients to accessing and egressing the site from the southern
crossover will ensure the vehicle movements to the site will not adversely compromise or
inconvenience access to the site for the adjacent No.1631 Mandurah Road. This may be included
as a condition on any subsequent Development Approval granted.

Toilets
The City has previously approved one toilet in the shed, in addition to the toilet provided in the
dwelling. It is assumed that clients will only use the toilet in the shed and not the dwelling.
For 50 clients, the Building Code of Australia requires two unisex toilets. An additional toilet facility
must therefore be provided on site. An advice note to the application is recommended in this
respect. It is also noted that the existing effluent disposal system servicing the toilet in the shed may
need to be upgraded or a separate system installed. An advice note to the applicant is also
recommended in this respect.

Further Approval
Whilst it is considered that the matters raised can be adequately addressed in this instance, it is
unlikely that the site could accommodate any further increase in client numbers or operating hours
without adversely impacting on the amenity of the adjoining properties and the safety and
functionality of access to the site.

Conclusion
On the basis that the installation of revised fencing and vegetation screening, in addition to limiting
access, can adequately address the amenity concerns of neighbours, the City considers the revised
proposal can be considered for approval, subject to the applicant first addressing the requirements
of SPP3.7. Once DFES and the City have approved the required BMP and Emergency Evacuation
Plan, the application can be further considered for approval.
Should the BMP determine that the use should not be approved, in light of bushfire risks, the matter will be referred to Council for determination.

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council **DELEGATES** authority to the Chief Executive Officer to approve the application for an amendment to the Development Approval for a Private Recreation (Obstacle Course) on Lot 4 Mandurah Road, Baldivis, subject to:


2. A revised plan in accordance with the approved Bushfire Management Plan detailing the following:

   (i) The location of obstacles and people in the event that the Bushfire Management Plan determines that the existing location of obstacles poses an unacceptable fire risk (i.e. Bushfire Attack Level of BAL-40 or BAL-FZ).

   (ii) The location of fencing and vegetative screening along the northern property boundary and setback as far as possible for a length of 130m on the northern boundary unless otherwise determined by the Bushfire Management Plan, to the satisfaction of the City.

   (iii) The location, species type and density of vegetative screening along the southern property boundary for a length of 120m on the southern boundary within the side setback area unless otherwise determined by the Bushfire Management Plan, to the satisfaction of the City.

3. Receipt of approval from the Department of Fire and Emergency Services on the Bushfire Management Plan and Emergency Evacuation Plan.

4. Upon receipt of the above information, the approval being in accordance with the following conditions (modified as necessary to accord with the Bushfire Management Plan):

   (i) Clients must only arrive and depart the premises between the hours of 8:00am and 5:00pm on Saturdays, Sundays and during School Holidays only and not at all on any other days.

   (ii) No more than two exercise sessions are to take place and no exercise session is to exceed 1.5 hours in duration on each approved day.

   (iii) Not more than 50 clients are permitted to attend the premises during each exercise session.

   (iv) All clients must park within the on-site car parking area marked in red on the approved plan. No client vehicle parking is permitted on Mandurah Road at any time.

   (v) Clients must access and egress the site using the southern crossover from Mandurah Road only.

   (vi) All carparking must be contained to the location marked in RED on the approved plan.

   (vii) All stormwater must be contained on-site.

   (viii) Temporary fencing must be erected in the location marked in RED on the approved plan, and may only be removed when the obstacle course is appropriately screened from view of No.1631 Mandurah Road, to the satisfaction of the City.

   (ix) Prior to the commencement of the development, vegetative screening must be planted between the lot boundaries and the fence as marked in GREEN on the approved plan and must be maintained to the satisfaction of the City for the duration of the development.
(x) All obstacles located on the western portion of the property (adjacent Mandurah Road) must be removed prior to the commencement of the development.

(xi) Landscaping must be carried out in accordance with the approved plan and be maintained for the duration of the development to the satisfaction of the City.

Advice Notes:

(i) The disposal of wastewater on-site must be with the approval of the City; the applicant and owner should liaise with the City's Health Services in this regard.

(ii) The existing effluent disposal system servicing the dwelling may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City's Health Services in this regard.

(iii) The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City's Health Services in this regard.

(iv) Two unisex toilets are required to service the development. The applicant should liaise with the City's Building Services in this regard.

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **REFERS** the matter back to the Chief Executive Officer to be dealt with under Delegated Authority.

Committee Voting – 4/0

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

To enable the matter to be dealt with under the current Delegated Authority from the Local Government to the Chief Executive Officer under Town Planning Scheme No.2.

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

Not Applicable
## Planning and Development Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-003/17 Proposed Child Care Premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2016.00000317.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr F Chaney and Mr J Jones</td>
</tr>
<tr>
<td>Owner:</td>
<td>Australand Industrial No.63 Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Miss Donna Shaw, A/Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 January 2017</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></td>
</tr>
</tbody>
</table>

| Site:                   | Lot 9001 Pike Road, Baldivis           |
| Lot Area:               | 8.5ha                                  |
| LA Zoning:              | Development                            |
| MRS Zoning:             | Urban                                  |
| Attachments:            | Schedule of Submissions                |
| Maps/Diagrams:         | 1. Location Plan                       |
|                        | 2. Aerial Photo                        |
|                        | 3. Site Plan                           |
|                        | 4. Floor Plan                          |
|                        | 5. Elevations                          |
|                        | 6. Perspective of Child Care Premises  |
|                        | 7. Consultation Plan                   |
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application seeking Development Approval for a Child Care Premises on a portion of Lot 9001 Pike Road, Baldivis, which fronts Eighty Road and Amberley Drive.

Background

On 26 November 2014 the Western Australian Planning Commission (WAPC) approved the Baldivis Grove Local Structure Plan (LSP). The subject site was zoned Residential RMD-25 under the LSP. A subdivision application was approved by the WAPC on 4 October 2016 to facilitate the creation of a 2,712m² lot, to accommodate the proposed Child Care Premises.

Details

The applicant seeks approval to develop a Child Care Premises on the subject site. Details of the application are as follows:
- Maximum of 104 children;
- Days of operation: Monday to Friday, except Public Holidays;
- Hours of operation: 7:00am to 6:00pm;
- Twenty-one staff members;
- The Child Care Premises consists of six play spaces, two cot rooms, a kitchen and servery, laundry, pram store, office and staff room;
- 650m² outdoor area for children 2 - 6 years old;
- 175m² outdoor area for children 0 - 2 years old;
- Twenty-seven car bays including one accessible bay;
- Access to the site is from Amberley Drive; and
- Signage is proposed on the south western and south eastern frontages of the building, addressing the car park and Eighty Road.

The applicant has submitted a Traffic Impact Assessment (TIA), Acoustic Assessment, Bushfire Management Plan (BMP) and Bushfire Evacuation Plan (BEP) in support of the proposal.
3. Site Plan
4. Floor Plan
5. Elevations
6. Perspectives of Child Care Centre

**Implications to Consider**

<table>
<thead>
<tr>
<th>a. Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby owners and occupiers for comment for a period of 14 days.</td>
</tr>
<tr>
<td>Six submissions were received, consisting of four objections and two submissions of in-principle support for the development subject to measures being provided to reduce the impact on amenity. A consultation plan is depicted below:</td>
</tr>
</tbody>
</table>
7. Consultation Plan

The key points raised in submissions, along with the City’s comments, are provided below:

<table>
<thead>
<tr>
<th>Issue 1 - Traffic &amp; Parking</th>
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<tbody>
<tr>
<td><strong>(a) Traffic Generation</strong></td>
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</table>

**Submission issues:**
- The Safety Bay/Eighty Road intersection cannot deal with up to 10,000 vpd as estimated in the Traffic Impact Assessment.
- Council plans and advice show a roundabout at the corner of Pike and Eighty Road as part of the Baldivis Grove development which would slow northbound traffic. Why has this not been constructed?
- Children attempting to cross the road will be in danger from speeding or inattentive drivers.

**Applicant’s Response:**
The remarks relating to the existing road classification of Eighty Road is a Local Distributor road which has an indicative practical road carrying capacity of 7,000 to 10,000 vpd. It is noted that it is currently constructed to a single carriageway standard and will require upgrading to reflect a full urban Local Distributor standard. However, in the approved Local Structure Plans for the broader area, these roads will be upgraded via funding through the Developer Charging Scheme for the area. The crash history for 2011-2015 is the only documented data for crash history in the area and is sourced from MRWA.
(a) Traffic Generation (Cont…)

It is recognised that the relatively recent construction of this section of Amberley Drive would not be reflected in these crash statistics at this stage, however, as noted above, these roads will have been designed to be entirely compliant with Austroads and City of Rockingham standards to allow for efficient, effective and safe traffic operations in the area. The low volume of traffic generated by the proposal and the implementation of a roundabout at Amberley Drive and Eighty Road will allow for effective and efficient and safe ingress and egress for site-generated traffic with no direct access provided via Amberley Drive. Sightlines at the Amberley Drive/Road 11 intersection for outbound turning vehicles are adequate for and consistent with traffic engineering guidelines used by both MRWA and the City. The existing road classification of Amberley Drive and Road 11 is an Access Road which has an indicative maximum practical daily road capacity of 3,000 vpd. Realistically, the greatest volume on Amberley Drive would be on approach or discharge from the roundabout and would consist mainly of vehicles generated by the residential subdivision to the north, west and south of the proposal.

In relation to any proposed changes to traffic control at Eighty Road/Pike Road, is the responsibility of the City of Rockingham and is not related to the proposal.

The proposed car parking supply on the site will be sufficient to accommodate the demands associated with pick-up/drop-off activities with no need to cross Amberley Drive as no bus services currently exist in the area.

City's Comment:

The City has assessed the TIA and Car Parking Assessment and considers that the proposed scale of development is acceptable and there are no concerns relating to the impact on existing local traffic and road safety. The traffic generated by the proposal is within the capacity of the existing road network.

The roundabout shown on the Baldivis Grove LSP is not a consideration of this Development Application.

The Child Care Premises and carpark is accessed from a local access road, away from Eighty Road. Parking is catered for on-site, therefore children will not be crossing Eighty Road to access the Child Care Premises.

(b) Parking Provision

Submission issues:
- Insufficient parking provision for 100+ children. The plan shows a car park with 22 bays, presumably these are for the 21 staff members.

Applicant's Response:

Please refer to updated proposal, traffic engineers report and letter from end user. There are now a minimum of 13 bays available for short term pick up drop off. This meets the requirement of the TPS.

City's Comment:

Under the City's TPS2, 1 bay is required per staff member and 1 bay is required for every 8 children, which equates to 34 bays. A total of 27 bays are proposed and the City is satisfied that this will provide sufficient parking to accommodate staff and parents. The reduction in car bays was justified in the TIA and it was demonstrated that during peak hours, there will be a maximum parking demand of 22 bays. The provision of 27 bays is therefore considered to be acceptable subject to a condition of Development Approval requiring 13 bays to be available for parents for the dropping off and collection of children, at all times. This is compliant with the requirements of TPS2 in terms of the number of children that the Child Care Premises will accommodate.

Recommendation 1:

A condition of Development Approval be imposed requiring a minimum of thirteen parking bays being available for the use of parents for the dropping off and collection of children, at all times.
### Issue 2 - Amenity Impacts

#### (a) Noise

**Submission issues:**
- Considering the development of the surrounding residential estate and the addition of the Child Care Premises, this will generate an additional 500 vehicle movements directly opposite our house. A low limestone wall or full hedging on the verge on the southern side of Eighty Road is requested, to reduce the noise from traffic and outdoor play areas.
- The acoustic report does not take into account the future development.
- The acoustic report states that noise emissions from the Child Care Premises are expected to occur Monday to Friday and if required on Saturdays. This varies from the advertising letter provided by Council, which states Monday to Friday only.
- The acoustic assessment includes measures, which whilst looking good on paper are unenforceable. This includes the northern car bays being used for staff parking and signage being placed in the carpark asking parents and staff not to slam car doors and boots.

**Applicant’s Response:**
Unable to comment on the provision of a limestone wall and hedging on the southern side of Eighty Road.

We have undertaken an acoustic report and have designed a limestone wall on the north side with screen planting to reduce noise breakout.

The noise modelling shows the extent of the noise emissions from the carpark.

The assigned (allowed) noise levels during the daytime are the same from Monday to Saturday 7am to 7pm. The noise modelling results for Monday to Friday is also applicable to Saturday. The Saturday comment is included to alert others that Saturday could also be used if desired and if permitted by the council.

These measures are a noise management plan issue. Staffs is the first and last to leave the Child Care Premises so they will be directed by their employer to utilize those ‘staff bays’. Signage is used to remind parents and caregivers of their obligation of being mindful of both the neighbors also the smaller children already within the Child Care Premises that may be sleeping/resting.

**City’s Comment:**
In terms of noise from the operation of the centre, the site is largely bounded by roads. There is over 33m separation between the proposed development and the nearest dwelling. A 1.8m high acoustic wall is proposed to be constructed to the south eastern and south western boundaries to ameliorate any potential noise impacts to nearby residents.

Noise from the proposal including children playing and vehicles entering and exiting the premises are required to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997* (Regulations). An acoustic assessment was submitted with the application, which recommends the provision of a 1800mm high solid wall to be constructed on top of the north eastern boundary retaining wall and a 1800mm high solid wall, to be constructed on the top of retaining wall on the boundary fronting Eighty Road, which will be visually permeable above 800mm. A number of the recommendations include operational requirements relating to the play areas, music, the car park and mechanical services. A condition of Development Approval is recommended requiring the recommendations of the acoustic assessment to be complied with.

Additionally, the Child Care Premises is only proposed to operate on weekdays, which will reduce any noise impacts on neighbouring residents.

**Recommendation 2:**

*The recommendations outlined in Section 5.1 and 5.2 of the Acoustic Assessment reference 1609091 by ND Engineering Consulting Chartered Engineers dated 30 September 2016 must be complied with for the duration of the development.*
### (b) Loss of Visual Amenity

**Submission issues:**
- The increasing urban development in the area has diminished the visual amenity enjoyed from surrounding land. To combat this, it is requested that extensive native shrubbery is planted on the median strip between Eighty Road and Sibley Ramble.
- The design of the building is not sympathetic to the characteristics of the area in which it is located. The highest point of the structure adjacent to the roadway at a height of 14m.

** Applicants' Response:**
The material finishes of the building are both of high quality and are sympathetic to the surrounding subdivision. The building underwent a design review and approval process with the land developer. In conjunction there will be additional landscaping provided with proposal to compliment building. There is also verge tree planting that has already taken place on Eighty Road which will in due course largely screen the low profiled timber building. The building height is 4.6m above natural ground level at its highest point, not 14m. The building form and scale has been designed to co-exist with surrounding houses whilst being easily recognisable to community users.

**City's Comment:**
A landscaping plan is included as part of the proposal, which includes the planting of trees in the verge area fronting Eighty Road, which will reduce the visual impact of the proposal. The building height is 4.6m.

The City's Planning Policy 3.3.5 - Child Care Premises (PP3.3.5) requires development located in residential areas to be sympathetic to its surroundings by providing domestic architecture. The proposed built form is not considered to be domestic architecture and it is recommended that a condition be imposed on the Development Approval requiring the applicant to amend the development to ensure that the built form is consistent with a domestic style architecture.

**Recommendation 3:**
A condition of Development Approval be imposed requiring the development to be amended to ensure that the built form is consistent with a domestic style architecture in accordance with the City Planning Policy 3.3.5 - Child Care Premises and to the satisfaction of the City.

### Issue 3 - Site Suitability

#### (a) Location

**Submission issues:**
- Land has been set aside on the corner of Pike and Eighty Road for a 'future education site'. If it is to be an early learning centre, why progress with this development?

**Applicant's Response:**
The complainant is confusing child care and education uses and is referring to the 1ha site designated in the LSP as an Early Learning Centre to be ceded to the Department of Education. This is a separate and distinct use from the child care use proposed under the DA and neither use impacts in any way on demand for the other.

**City's Response:**
The submissioner is referring to the site denoted as a Primary School in the Baldivis Grove LSP, which is a separate use to a Child Care Premises.
Issue 4 - Health Impacts

(a) Insecticide use from market garden on adjacent property

Submission issues:
- The proposed child care centre is in close proximity to a private residence with a market garden which may include the use of insecticides or agents which may have an associated risk to children. All practical and reasonable efforts are taken by the owner to ensure risk is minimised, however, a risk may still exist.

Applicant’s Response:
The adjoining lot is currently used for residential purposes, within which the landowner (Ken Grubelich) has a small-scale vegetable garden. Liaison with Mr Grubelich has confirmed the following:
- Crop beds are planted out only twice a year;
- Herbicides and insecticides are used sparingly and only applied with the use of a handheld applicator outside of windy periods;
- The vegetable garden is planted some 12m from the lot boundary (the width of standard residential lot) and there is a 1.8m high colorbond fence separating it from the Child Care site;

The above points clearly demonstrate the use of the land in no way reflects that of a “Market Garden” use but rather a domestic scale vegetable garden.
The market garden has been considered in the design of the Child Care Premises; currently there is a 1800mm high continuous fence on an 800mm retaining wall separating the garden from the Child Care Premises. The garden is situated in an area earmarked for future residential development. It is unclear how long the market garden will continue its small scale operation. On my numerous site visits over the last 8 months it would appear that it is single crop/single bed rotation at any one time. The prevailing winds in this area originate from the south west and push any air from the market garden away from the childcare centre.

City’s Response:
There is a small existing market garden on the adjacent Lot 2 Eighty Road, Baldivis. The City has met with the market garden operators, who have advised that the market garden grows seasonal vegetables such as corn, garlic, beans, peas, lettuce and watermelon. Granulated manure is applied every two weeks and spraying of crops is done as required, but the use of pesticides is minimised.
The applicant is aware of the operating market garden on the adjacent property and its use of pesticides. The City has not previously received any complaints regarding odour and the construction of a 1800mm high solid wall will reduce the potential of spray drift.

b. Consultation with Government Agencies

A Bushfire Management Plan (BMP) and Bushfire Evacuation Plan (BEP) were prepared for the Child Care Premises, which were referred to the Department of Fire and Emergency Services (DFES) for comment.

c. Strategic Community Plan

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

**Aspiration D:** Sustainable Environment

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

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

The purpose of the SPP3.7 is to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The subject site is located within 100 metres of vegetation that is considered to be bushfire prone vegetation by the Fire and Emergency Services Commissioner.

A Child Care Premises is considered to be a vulnerable land use under SPP3.7. In areas where a BAL-12.5 to BAL-29 applies, vulnerable land uses will not be supported unless they are accompanied by a BMP and emergency evacuation plan, jointly endorsed by the local government and the state authority for emergency services. The applicant has engaged the services of Bushfire Prone Planning to prepare a BMP and BEP, which were referred to DFES for approval. DFES have requested further clarification on some of the vegetation classifications.

The City is satisfied that the issues can be resolved and that the requirement for the BMP to be updated accordingly can be applied as a condition of Development Approval. Works have commenced on the on the residential subdivision to the north west and the City is satisfied with the exclusion of vegetation as per Photo 3a.

**Planning Bulletin No. 72 - Child Care Centres (PB72)**

PB72 aims to:

"a) Outline a consistent policy approach to planning for Child Care Premises; and

b) Advise of planning considerations in relation to the location and development of Child Care Premises."

Child Care Premises provide a much needed community function, but many are operated as a commercial venture, with market forces influencing the location and availability of the service. While the WAPC strongly supports the provision of necessary facilities, it is important to emphasise that the need for a service does not justify development in inappropriate locations.

Section 3.6 states that a TIA should be required for the development of a Child Care Premises. The submitted TIA is deemed acceptable.

Section 3.7 states that a Noise Impact Assessment may be required for the development of a Child Care Premises. It also states that, as a general rule, the hours of operation of a Child Care Premises should be limited to between the hours of 7 am and 7 pm weekdays and on Saturdays, unless otherwise agreed to with the City. The Child Care Premises will operate between 7am and 6pm Monday to Friday. The acoustic assessment submitted is considered by the City to be acceptable.

**Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)**

Clause 4.3.1 - Signs on Buildings

The proposed signage is minimal and is considered to be of an appropriate scale.

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

The following are objectives of PP3.3.5:

- "To secure the amenity of the locality by ensuring that Child Care Premises (Child Care Premises) are consistent with the scale and character of the immediate area;"

- "To ensure that appropriate and flexible child care facilities are provided to accommodate the needs of the children and their carers.

- "To consider the health and safety of children attending the Child Care Premises within the confines of the planning system."

The below table is an assessment against the requirements of PP3.3.5:
## Site Characteristics

<table>
<thead>
<tr>
<th>Required (Policy Requirement)</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sites to be of a sufficient size and shape to accommodate the development, generally greater than 1,000m² with a maximum site coverage of 50%. The topography of the site should be considered and the potential for soil and groundwater contamination is to be considered.</td>
<td>The site is of sufficient size being 2,712m². The site slopes gently downwards to the rear of the lot and a site contamination report has been submitted demonstrating that it is not contaminated.</td>
<td>Yes</td>
</tr>
<tr>
<td>Carparking</td>
<td></td>
<td></td>
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<tr>
<td>------------</td>
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</tr>
<tr>
<td>Parking bays are required to be provided in accordance with the standards and requirements of Table No.2 of TPS2. Parking areas should be located in front of the building. Landscaping may be required to screen car parking areas from the street and the child care premises from adjoining residences.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A car parking assessment is provided in the Legislation section of this report where it is demonstrated that sufficient car parking has been provided subject to a condition being applied to the Development Approval requiring 13 bays to remain available for the use of dropping off and the collection of children by parents, at all times. The car park is located in front of the building and landscaping is provided on-site and on the verge.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Traffic Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A TIA is required when the proposed Child Care Premises has the potential to impact on the functionality and amenity of an area.</td>
</tr>
<tr>
<td>A TIA was submitted and is considered to be satisfactory.</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Noise Impacts</th>
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</thead>
<tbody>
<tr>
<td>A noise impact assessment may be required for a Child Care Premises. Where a Child Care Premises is located next to a house, outdoor play areas and parking areas are to be located away from the dwelling. Where outdoor play areas are located close to a dwelling, appropriate noise mitigation is to be undertaken.</td>
</tr>
<tr>
<td>An acoustic assessment, which includes a number of recommendations including the construction of acoustic walls has been provided to the City's satisfaction.</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the development is located in a residential area, the built-form should lend itself to domestic architecture. Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimise any impact on adjoining properties. Outdoor play areas are to be located to limit their impact on the amenity of adjoining properties, whilst taking advantage of passive solar orientation. Play areas should be of a useable area. Where a play area is in the front setback, fencing should be of a predominantly open construction.</td>
</tr>
<tr>
<td>The building is comprised of limestone bricks, stained timber and colorbond, which is not considered to be compatible with the surrounding residential development. The building is setback 1.8m from the boundary adjoining the adjacent property. The outdoor play area is setback 41m from the dwelling on the adjacent property. The outdoor play area is located adjacent to the existing market garden, which has been considered in the design. The outdoor play area is separated from the market garden by a 1.8m high wall to be built on top of the retaining wall, as required by the acoustic assessment.</td>
</tr>
<tr>
<td>No - The built form is not considered to be domestic architecture and is recommended to be amended. Otherwise compliant.</td>
</tr>
</tbody>
</table>
Design Considerations (Cont...)

| Landscaping is required along the frontage of the development. | Street trees are proposed in the verge along the Amberley Drive and Eighty Road frontages. |

The proposed development complies with the objectives and intent PP3.3.5.

e. **Financial**

Nil

f. **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 Baldivis Grove Local Structure Plan was approved over the subject site, which was adopted by Council in January 2015. The area of the proposed Child Care Premises is zoned RMD-25 under the Baldivis Grove LSP.

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 giving special notice in accordance with clause 6.3.

*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 21 staff members and 104 children requires the provision of 34 parking spaces. Based on this rate, the proposed development with 21 staff members and 104 children requires the provision of 34 parking spaces. A total of 27 parking bays, including one car parking space for people with disabilities have been provided on-site. A car parking assessment was provided as justification for the parking shortfall, which was considered to be acceptable. A condition of Development Approval that 13 parking bays being made available for the collection and dropping off of children by parents, at all times is recommended.

g. **Risk**

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

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

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

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

Nil

**Comments**

**Conclusion**

The proposed development of a Child Care Premises is generally compliant with the TPS2 and PP3.3.5, with the exception of car parking and the built form of the building. The development is consistent with the future desired character of the locality and will facilitate a community service to the local community.

On balance of the matters raised by submissioners, the development is considered to be suitable for the site and is unlikely to adversely impact neighbours. It is recommended that Council approve the application for a Child Care Premises, subject to conditions that are intended to maintain the amenity of the area.
Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for a Child Care Premises at Lot 9001 Pike 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:
   - Lot 2 Interface Earthworks and Retaining Wall Plan, Drawing No. C100 Revision 4, dated 29.07.2016;
   - Ground Floor Plan, Drawing No. A201 rev C, dated 29.08.2016;
   - Perspectives, Drawing No. A401, rev B, dated 29.08.2016; and
   - Cover Sheet, Drawing No. A100, Rev B, dated 29.08.2016.

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

3. The street setback area and all verge areas must be landscaped and reticulated prior to the occupation of the development in accordance with the landscaping plan and must be maintained at all times.

4. The carpark must:
   (i) provide 26 car parking spaces;
   (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   (iii) include one car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; 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.

5. A minimum of thirteen parking bays must be available for the use of parents, for the dropping off and collection of children, at all times.

6. The recommendations outlined in Section 5.1 and 5.2 of the Acoustic Assessment reference 1609091 by ND Engineering Consulting Chartered Engineers dated 30 September 2016 must be complied with for the duration of the development.

7. Prior to occupation of the development, a 1.8m high masonry wall must be constructed along the full length of the north eastern boundary of the site and a 1.8m high masonry wall visually permeable above 1m must be constructed along the south eastern boundary.

8. The Child Care Centre must only operate between the hours of 7.00am to 6.00pm, Mondays to Fridays, and not at all on weekends, or public holidays.

9. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
10. The Bushfire Management Plan prepared by Bushfire Prone Planning dated 24 November 2015 being updated to the satisfaction of the City and the Department of Fire and Emergency Services, prior to applying for a Building Permit.

11. All works must be carried out in accordance with the updated Bushfire Management Plan prepared by Bushfire Prone Planning, for the duration of development.

12. Prior to applying for a Building Permit, the built form of the building is required to be amended to ensure that the built form is consistent with domestic style architecture, to the satisfaction of the City.

**Committee Recommendation**

**Moved Cr Whitfield, seconded Cr Hamblin:**

That Council APPROVES the application for a Child Care Premises at Lot 9001 Pike Road, Baldivis, subject to the following conditions:

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   (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained 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.

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10. The Bushfire Management Plan prepared by Bushfire Prone Planning dated 24 November 2015 being updated to the satisfaction of the City and the Department of Fire and Emergency Services, prior to applying for a Building Permit.

11. All works must be carried out in accordance with the updated Bushfire Management Plan prepared by Bushfire Prone Planning, for the duration of development.

12. Prior to applying for a Building Permit, the built form of the building is required to be amended to ensure that the built form is consistent with domestic style architecture, to the satisfaction of the City.

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
Engineering and Parks Services

Reference No & Subject: EP-002/17 Delegated Authority for the Award of Tender T16/17-83 – Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1 (Absolute Majority)

File No: T16/17-83
Proponent/s: Mr Stuart McCarthy, Senior Infrastructure Management Officer
Author: 
Other Contributors: 
Date of Committee Meeting: 16 January 2017
Previously before Council: 
Disclosure of Interest: 
Nature of Council’s Role in this Matter: Executive
Site: Reserve ID 22568
Lot Area: 
LA Zoning: 
MRS Zoning: 
Attachments: 
Maps/Diagrams: 1. Area context plan 2. Wanliss Street carpark

Purpose of Report

For Council to delegate authority to the Chief Executive Officer (CEO) to award Tender T16/17-83 – Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1.

Background


“That Council ADOPT the Rockingham Beach Foreshore Master Plan, for the purpose of guiding the growth and redevelopment of the foreshore generally between Hymus Street and Governor Road, subject to the following modifications (as depicted on Drawing Nos. SK 01, 02 and 03, Revision 1):

1. Parking being maintained in proximity to the proposed Flinders Lane water playground;
2. The form of the proposed ‘Rockingham Beach Jetty’ being modified to maintain the proposed theme and increase its functionality;
3. The extent of the existing grassed areas at Naval Memorial Park being retained by removing the proposed ‘re-created dune’;
4. Tree planting in proximity to Bell and Bayview Streets being removed and the planting within the Wanliss Street foreshore being defined as low level, coastal species.
5. The locations where temporary toilets could be located during community events being depicted;
6. A notation being included that cycling facilities are to be provided within suitable nodes;
7. A notation being included that universal access across all elements is required to be investigated and resolved through the subsequent detailed design phases;
8. A notation being included that Crime Prevention Through Environmental Design principles are to be applied to all subsequent detailed design phases;
9. Exercise nodes being depicted along the pedestrian path in Area Three;
10. A landscaping treatment being depicted within the Bell Street roundabout;
11. Additional Picnic Nodes being depicted in the western portion of Churchill Park, under the existing tree canopy;
12. The existing toilet facility in proximity to Fisher Street being retained; and
13. A notation being included to provide maintenance vehicle access to the beach from Wanliss Street."

The Rockingham Beach Foreshore Master Plan provides a coherent vision for 4kms of waterfront reserve and its immediate surrounds. The reserve comprises approximately 32 hectares of coastal land starting at Hymus Street to the West and finishing at Governor Road to the North-East.

The Master Plan includes three areas;

- Area one - Bell and Churchill Park including the boardwalk, Rockingham Beach Road and Railway Terrace;
- Area two - Palm Beach and Esplanade including Palm Beach Jetty and Val Street Jetty; and
- Area three - Wanliss Street to Governor Road Reserve including Naval Memorial Park.
The City received notification on the 7 December 2015 that the submission for Federal funding grant of $4,999,967 was successful and the grant documentation was formally signed off on 20 April 2016.

The Grant funding is to be utilised in the following areas;
- Detailed design
- Upgrade of Railway terrace (Kent Street to Rockingham Beach Road)
- Creation of a Beach Plaza
- Upgrade to the Boardwalk
- Expansion of the Wanliss Street car park

Public consultation during the master plan process indicated that no net loss of foreshore parking bays was desirable. Accordingly construction of the Wanliss St. car park was prioritised ahead of the Beach Plaza and Railway Terrace upgrades to ensure foreshore parking bay numbers are maintained.

The tender documentation for T16/17-83 – Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1 is currently being prepared prior to the advertising.

### Details

The three main areas of the Rockingham Beach Foreshore Master Plan;

Area one: Bell and Churchill Parks.

Val Street jetty to Wanliss Street including Railway Terrace, Kent Street and Rockingham Beach Road. This area comprises principally of Bell and Churchill Parks, The Boardwalk and the streetscapes and retail frontages for Railway Terrace and Rockingham Beach Road. It is characterised by the five hectare park which enjoys a direct connection to the beach. The park contains numerous mature and native trees and is popular with a large range of user groups all year round. It is especially popular during summer and is rightly recognised as Rockingham’s principal and most successful public space.

The initial works for area one is the Wanliss Street car park construction. T16/17-83 – Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1 involves the construction of approximately a 160 bay carpark with associated other infrastructure including lighting, paving and landscaping. The indicative timeframe for the construction of these works is approximately 26 weeks.

2. Wanliss Street carpark
The City must meet specific requirements to receive $4,999,967 in federal grant funding for the Rockingham Beach Foreshore Revitalisation Project.

Stage 1 works commencement date of the 15 April 2017 is critical to meet funding requirements.

Area two: Palm Beach.

Val Street jetty along the Esplanade to Hymus Street incorporating Palm Beach Jetty. The Palm Beach precinct includes the Esplanade which is a pleasant scenic coastal drive with largely unimpeded views of Cockburn Sound and Garden Island. The beach is popular with locals and visitors alike. The Jetty has become locally iconic and is largely comprised of low vegetated dunes, turf verges and a shared path. Residential properties enjoy close proximity and views of the beach and water. Shade is sparse except in the western end near the boat ramps.

Area Three: Wanliss Street to Governor Road.

Wanliss Street to Governor Road Reserve bordered by Rockingham Beach Road and the Foreshore. The sequence of the three primary foreshore reserve spaces to the east of Wanliss Street include:

(a) a large turfed area set back from the primary dune interspersed with carparks;
(b) a large dunal landscape;
(c) the Naval Memorial Park and Governor Road Reserve to the north/east

Of the three study areas, it is the least developed and retains more of a casual character.

**Implications to Consider**

a. **Consultation with the Community**

   Public consultation has been undertaken with the community and business.

   Special interest groups have been consulted where appropriate. The Country Women’s Association have been very positive regarding relocation of the CWA Rose Garden’s from the median strip in Patterson Road. The maritime education unit at Rockingham Senior High School have been engaged with designing the relocated storage facilities for their equipment via Les Dodd. Finally, the contacts for existing memorial plaques on Rockingham Beach wall have been contacted and many have responded indicating their preferences for relocation of those plaques.

   Wider consultation with Elected Members; residents; businesses and community groups has been extensive, comprehensive and delivered using a wide range of media, including a new online social media tool. This consultation resulted in nearly 1000 unique contributions that provided information that informed the development of the detailed designs, and then responded to the draft designs. Concerns regarding a perceived lack of future parking at the Foreshore have been raised consistently and vigorously. However feedback regarding the designs themselves has been mostly very positive, with residents and businesses alike keen to see construction begin.

b. **Consultation with Government Agencies**

   State agencies that have been involved during the project include the WAPC, NBN (both indicating no requirements); Western Power (in principle approval for the substation, no issues with the Wanliss St. car park); Main Roads Western Australia, and the Public Transport Authority of Western Australia (both actively engaged in ongoing consultation).

c. **Strategic**

   **Community Plan**

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

   **Aspiration A:** Tourism Lifestyle

   **Strategic Objective:** Rockingham Beach Foreshore Precinct - A world-class foreshore precinct capitalising on its unique location and aspect, delivering a quality leisure tourism experience through contemporary design, best practice facilities and seamless linkage between beach, parkland and tourism-based commercial, retail and food and beverage outlets.
**Strategic Objective:** Investment Attraction - A strategic and focussed approach to attracting major investment to the City’s coastal nodes, City Centre and inland settlements that promotes quality retail, commercial and residential development, improved civic infrastructure and leisure tourism experiences for residents and visitors.

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

**Aspiration B:** Strong Community

**Strategic Objective:** Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional.

**Aspiration C:** Quality Leadership

**Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

**Strategic Objective:** Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

**Economic Development Strategy 2014-2017**

The redevelopment of the Rockingham Beach Foreshore is one of the key recommendations of the Economic Development Strategy 2014 - 2017.

d. **Policy**

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

e. **Financial**

An amount of $10,627,002 has been allocated in the 2016/2017 budget for the foreshore revitalisation project. Works included in the Wanliss Street carpark are estimated to exceed the Chief Executive Officers $500,000 delegation limit to accept tenders.

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’.

In accordance with section 5.42, subsection (1) read in conjunction with section 5.43 of the Local Government Act 1995.

‘A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties’.

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 grant conditions for the Federal funding require that site works have commenced by 15 April 2017.

An extract of the grant funding condition is listed below:

"Deed of Agreement - Funding Agreement in Relation to the Rockingham Beach Foreshore Revitalisation

Clause 2A.3. Commence Construction

a. The Recipient must commence Construction required for the activity within twelve months of the date of this agreement.

b. The Recipient must notify the Commonwealth that the Recipient has Commenced Construction for the Activity, within (5) Business Days of Commencing Construction and,

c. If the Recipient fails to Commence Construction required for the Activity within twelve months of the Date of this Agreement, the Commonwealth may give the Recipient notice requiring the Recipient to repay the Commonwealth all or part of the Funding that the Commonwealth has previously paid to the Recipient within the period specified in the notice."

To facilitate the construction to meet this requirement and to minimize the associated funding risks for the project, delegated authority is requested to allow the CEO to award the tender as soon as practicable following tender closing.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council DELEGATES authority to the Chief Executive Officer to award Tender T16/17-83 – Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1.

Committee Recommendation

Moved Cr Smith, seconded Cr Whitfield:

That Council DELEGATES authority to the Chief Executive Officer to award Tender T16/17-83 – Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1.

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
Purpose of Report

Provide Council with details of the tenders received for Tender T16/17-02 – Standing offer for the maintenance and repairs to lighting infrastructure, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T16/17-02 – Standing offer for the maintenance and repairs to lighting infrastructure was advertised in the West Australian on Saturday, 15 October 2016. The Tender closed at 2.00pm, Wednesday, 2 November 2016 and was publicly opened immediately after the closing time.

Details

The type of works to be undertaken under the Contract includes:

- Scheduled and reactive maintenance of City owned street, reserve and public access way lighting
- Scheduled and reactive maintenance of the City’s sporting complex lighting
- Auditing of the City’s sporting complex lighting
The period of the contract shall be from the date of award until 1 April 2022. Submissions were received from:

**Company**

- Inlex Engineering Pty Ltd
- Interlec (WA) Pty Ltd
- Citylight Holdings Pty Ltd trading as Auriemma Electrical Services
- Metrowest Service Pty Ltd
- Burgess Enterprises Australia Pty Ltd trading as Kalamunda Electrics
- Zambezi Electrical Pty Ltd
- JDS Technical Services Trustee for Cheetha Trust trading as JDS Technical Services
- M Power U Pty Ltd ATF Montini Family Trust trading as M Power U Electrical Contracting
- Cablelogic Pty Ltd a Division of Tempo Australia
- KP Electric (Australia) Pty Ltd
- Surun Services Pty Ltd
- Netspark Pty Ltd
- Danber Lighting and Technical Services
- JL & AA Pty Ltd trading as Powerlux WA

A panel comprising of A/Director of Engineering and Parks Services, A/Manager Asset Services and Electrical Asset Inspector 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 30 Pts</th>
<th>Understanding Tender Requirements 30 Pts</th>
<th>Tendered Price/s 40 Pts</th>
<th>Total Weighted Scores 100 Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>M Power U Pty Ltd ATF Montini Family Trust trading as M Power U Electrical Contracting</td>
<td>26.3</td>
<td>28.0</td>
<td>21.1</td>
<td>75.4</td>
<td></td>
</tr>
<tr>
<td>Surun Services Pty Ltd</td>
<td>22.0</td>
<td>14.3</td>
<td>34.3</td>
<td>70.6</td>
<td></td>
</tr>
<tr>
<td>Citylight Holdings Pty Ltd trading as Auriemma Electrical Services</td>
<td>22.0</td>
<td>22.3</td>
<td>23.3</td>
<td>67.6</td>
<td></td>
</tr>
<tr>
<td>Metrowest Service Pty Ltd</td>
<td>21.8</td>
<td>25.0</td>
<td>17.8</td>
<td>64.6</td>
<td></td>
</tr>
<tr>
<td>Burgess Enterprises Australia Pty Ltd trading as Kalamunda Electrics</td>
<td>19.0</td>
<td>21.0</td>
<td>21.6</td>
<td>61.6</td>
<td></td>
</tr>
<tr>
<td>JDS Technical Services Trustee for Cheetha Trust trading as JDS Technical Services</td>
<td>23.3</td>
<td>14.3</td>
<td>19.5</td>
<td>57.1</td>
<td></td>
</tr>
</tbody>
</table>
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON MONDAY 20 FEBRUARY 2017
PRESIDING MEMBER

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 Aspiration and Strategic Objectives contained in the Community Plan 2015-2025:

      **Aspiration A:** Tourism Lifestyle

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

      **Aspiration B:** Strong Community

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

      **Aspiration C:** Quality Leadership

      **Strategic Objective:** Financial Sustainability - A City that understands the importance of sustainable revenue streams, long term resource planning and allocation, and the need to prioritise spending on core services and strategic asset management programs.

      **Strategic Objective:** Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.
**Strategic Objective:** Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. **Policy**

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

e. **Financial**

Operational expenditure will be in accordance with the Engineering and Parks operations maintenance budgets and any capital works expenditure will be in accordance with the City’s Business Plan.

Average annual operational expenditure for the services covered by this contract is approximately $1,500,000.

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**

Maintenance of street lighting, reserve lighting and sports facility lighting is a high risk activity given the electrical nature of the works, vehicular and pedestrian traffic movements, as well as the need to ensure public areas are adequately lit so they are safe to use. It is therefore imperative that the successful contractor holds the required quality assurances, licences and has appropriate experience to carry out the works under the tender requirements.

The submission received from M Power U Pty Ltd ATF Montini Family Trust trading as M Power U Electrical demonstrated a clear understanding of the expectations of this tender and a level of service that is fitting of the high risk work involved. M Power U Pty Ltd ATF Montini Family Trust trading as M Power U Electrical is therefore recommended as the successful tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the tender submitted from M Power U Pty Ltd ATF Montini Family Trust trading as M Power U Electrical Contracting for Tender T16/17-02 – Standing offer for the maintenance and repairs to lighting infrastructure in accordance with the tender documentation for the contract period being from the date of award to 1 April 2022.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **ACCEPTS** the tender submitted from M Power U Pty Ltd ATF Montini Family Trust trading as M Power U Electrical Contracting for Tender T16/17-02 – Standing offer for the maintenance and repairs to lighting infrastructure in accordance with the tender documentation for the contract period being from the date of award to 1 April 2022.

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
<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>13. Reports of Councillors</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>14. Addendum Agenda</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>15. Motions of which Previous Notice has been given</strong></td>
<td>NOTE: Cr Whitfield has withdrawn his Notice of Motion pertaining to EP-045/16 - Move the Replacement of the Skate Park to 2018/2019 on which Committee deferred consideration to January 2017</td>
</tr>
<tr>
<td><strong>16. Notices of Motion for Consideration at the Following Meeting</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>17. Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>18. Matters Behind Closed Doors</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>19. Date and Time of Next Meeting</strong></td>
<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 20 February 2017</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
<tr>
<td><strong>20. Closure</strong></td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>4:35pm</strong>.</td>
</tr>
</tbody>
</table>