MINUTES
Planning and Engineering Services Committee Meeting
Held on Tuesday 20 October 2015 at 4:00pm
City of Rockingham Boardroom
Planning and Engineering Services Committee Minutes
Tuesday 20 October 2015

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<td>Date and Time of Next Meeting</td>
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<td>Closure</td>
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1. **Declaration of Opening**

The Chief Executive Officer declared the Planning and Engineering Services Committee Meeting open at **4.00pm** and welcomed all present, and delivered the Acknowledgement of Country.

2. **Election of Presiding Member/Chairperson**

The Chief Executive Officer, Mr Andrew Hammond, invited nominations for the position of Chairperson of the Planning and Engineering Services Committee for the ensuing two years.

The following nomination was received:

Cr Chris Elliott

As there was no more than one nomination for the position, Cr Elliott was declared elected to the position of Chair of the Planning and Engineering Services Committee for the ensuing two years.

The Chief Executive Officer congratulated Cr Elliott and wished the Planning and Engineering Services Committee well with its deliberations and vacated the Chair.

Cr Elliott assumed the Chair and thanked the Committee for their confidence in him as Chair and was looking forward to working with Councillors and Officers over the next two years.

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

3.1 **Councillors**

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Role</th>
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</thead>
<tbody>
<tr>
<td>Cr Chris Elliott</td>
<td>Chairperson</td>
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<tr>
<td>Cr Deb Hamblin (Deputy Mayor)</td>
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<tr>
<td>Cr Barry Sammels (Mayor)</td>
<td>(until 5.20pm)</td>
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<td>Cr Katherine Summers</td>
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<td>Cr Matthew Whitfield</td>
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<tr>
<td>Cr Lee Downham</td>
<td>(Observer)</td>
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<tr>
<td>Cr Justin Smith</td>
<td>(Observer until 5.20pm)</td>
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<tr>
<td>Cr Joy Stewart</td>
<td>(Deputising for Cr Sammels from 5.20pm)</td>
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3.2 **Executive**

<table>
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<tr>
<th>Executive</th>
<th>Role</th>
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<tbody>
<tr>
<td>Mr Andrew Hammond</td>
<td>Chief Executive Officer</td>
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<tr>
<td>Mr Bob Jeans</td>
<td>Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr John Woodhouse</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Chris Thompson</td>
<td>Director Engineering and Parks Services</td>
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<tr>
<td>Mr John Pearson</td>
<td>Director Corporate Services (until 4.50pm)</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>Manager Major Planning Projects</td>
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<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
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</tbody>
</table>
3.3 Members of the Gallery: 7
3.4 Apologies: Nil
3.5 Approved Leave of Absence: Nil

4. Responses to Previous Public Questions Taken on Notice

4.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Perth and Peel @3.5M

At the September Committee meeting held on 14 September 2015, Mr Mumme asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 17 September 2015 as follows:

Question
1. Is Council, like the WAPC, also recommending the Garden Island Highway as a solution to the traffic problems posed by the so-called Mangles Bay Marina?
   If so, why? If not, why did Council not raise it?

Response
As answered by the Chief Executive Officer at the Planning and Engineering Services Committee meeting, the Council does not have a policy position on the need or otherwise to build the Garden Island Highway.

Also, as advised in the City’s letter dated the 7th September 2015, it is noted that the Garden Island Highway remains reserved as an ‘Other Regional Road’ under the Metropolitan Region Scheme.

Question
2. Council knows that the Federal Department of Environment imposed stringent conditions on the MBM in order to protect the water quality and levels of Lake Richmond that are considered vital to the sustainability of the thrombolites and the Holocene dune sedge community around the lake. If Council is considering recommending this road, will Council advise the Federal Department of Environment of this fact and seek its consent in relation to the conditions?
   If not, why not?

Response
Refer to the Response to Question No. 1.
Question
3. **Will Council advise the WAPC that it opposes the upgrading of Richmond Avenue to the Garden Island Highway?**
   If not, why not?

Response
Refer to the Response to Question No. 1.

Question
4. **I’m surprised that Council did not ask the WAPC to alter this map of the Bush Forever site. Because Council did not raise this issue, Council's submission gives the impression that Council also accepts the loss of Bush Forever 355 and agrees to the pre-emption.**
   **Does Council accept the loss of BF355?**
   If not, why did they not dispute the map?

Response
The current Metropolitan Region Scheme Amendment 1280/41 proposes the rezoning of the ‘Mangles Bay Marina’ project area. The proposed Amendment reduces Bush Forever Site 355 by approximately 43.16 hectares.
In its submission on *Perth and Peel @ 3.5 Million* and the *South Metropolitan Peel Sub-Regional Structure Plan*, the City recommended that the subject area be shown as ‘Urban Investigation’, rather than ‘Urban Expansion’, to reflect the current status of the planning process.
As such, the Metropolitan Region Scheme Amendment process will ultimately determine the extent to which Bush Forever Site 355 will be affected.

Question
5. **Will Council advise the WAPC that it is opposed to the pre-empted elimination of Bush Forever site?**

Response
Refer to the Response to Question No.4.

5. **Public Question Time**

4.05pm
The Chairperson invited members of the Public Gallery to ask questions.

5.1
**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:

**Process**
1. How is it good process to expect Councillors to responsibly endorse a submission when they do not have the submission before them with time to digest it?

   **The Chairperson advised that the Committee exhibits a high level of responsibility before a decision is made and that Council has at times deferred decision-making so that the time can be found to make assessments or submissions. The submission would be based on the report before the Committee and Council.**

2. How is it good process for anyone to be expected to make a meaningful submission to WAPC on a rezoning of land when the Local Structure Plan is available but has been withheld from both Councillors and the public?

   **The Chairperson advised that this question would be answered in two parts. Firstly, it should be directed to the Western Australian Planning Commission, as an answer could not be provided on its behalf.**
Secondly, with respect to the Structure Plan, it is currently with City Officers who have been seeking responses to specific issues before it is further considered. Councillors will not be provided with information until the completion of the assessment. City Officers have been in close liaison with the applicant with respect to the specific issues. Given the high degree of local interest, Councillors will be provided with all relevant information and be asked to consent to it being advertised.

The Structure Plan would be advertised for a period of six weeks, during which time public submissions will be welcomed and assessed, following which the Council will then consider its position on the Structure Plan.

3. The City says there is insufficient financial information about the Waterways Manager (p97). How is it good process to expect anyone to comment on economic issues of this rezoning when the only economic study is withheld from Councillors and the public and there have been no surveys of local residents or businesses?

The Chairperson advised that this matter will be addressed in the Agenda Item on the proposed MRS Amendment to be considered later in the meeting which has recommended to the WAPC that the Amendment should not be finalised until the City has signed off on the Water Management agreement amongst other things.

4. For newly elected Councillors is unreasonable to expect them to have the necessary knowledge of Council procedures, requirements and their legal obligations or understanding of engineering issues in an undertaking the size and complexity of the Mangles Bay Marina. Just to understand the Council Report Councillors are expected to locate and have some understanding of the following:

14 conditions imposed by the Federal Minister for Environment
Eleven conditions imposed by the State Minister for Environment
Six road and traffic impacts
Three years of correspondence
Two State Planning Policies
Two MRS Amendments
One Development Control Policy
and one EPBC Act

How is it good process to expect new Councillors to grasp all that within ten days?

The Chairperson advised that matters the Council deal with are often complex. If a Councillor is recently elected, then they are required to access the relevant Officer reports with respect to any Agenda Item.

The CEO advised that he had obligations under the Local Government Act 1995 to ensure that advice and information is available for Councillors to make informed decisions. Should new Councillors require any further information on the Mangles Bay Marina then arrangements would be made to facilitate those requests. The CEO also advised that it was important for Councillors to request the information should they consider it necessary.1

Content: New Information

5. About 1.5ha near the Causeway was slated for "Eco-friendly Chalet Facility for Family Affordable Accommodation" (PER page 23) From the Amendment we learn that this is within the Odour Buffer from the sewage treatment plant at Pt Peron.

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1 A special briefing on Mangles Bay Marina has been facilitated for the new Councillors on the morning of Friday, 23 October 2015.
Then in the Report we learn for the first time that this zoning will be deferred indefinitely because the Water Treatment Plant may never be closed. If this was genuinely a tourist project, this accommodation would not be dumped down in the smelly zone and it would not be located so as to be indefinitely deferred. Why does Council not call Cedar Wood's and Landcorp's bluff about their real purpose?

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

6. p97 The State Planning Policy 2.6 is clear that to adapt to climate change driven sea level rise, the preferred method is first to avoid. Then if something's there already, to retreat or accommodate and finally, the last option and the most expensive, to protect. Council says Applicant is required to demonstrate that setback of 162m is not appropriate or demonstrate why avoid/retreat/accommodate is not relevant. Why then does 3.7 ignore avoid/retreat/accommodate and go on to list seven very expensive measures to protect?

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

7. From the Council Report we now learn that the proponent wants a restaurant on the high water mark near the Causeway ignoring completely the Planning Commission's setbacks against storm surge and sea level rise. What else is lurking in the shadows of this proposal - maybe you can understand our concern?

The Chairperson advised that with respect to what else is "lurking in the shadows" it was impossible to comment.

Content: Omissions

8. The PER was in Cedar Wood's name but the Minister's statement 974 was in the name of Cranford. Cranford is a $2 company with no assets and no experience in constructing marinas. In whose name would a bank guarantee be obtained.

Mr Bob Jeans, Director, Planning and Development Services advised that an answer to this question could not be given at this stage.

9. In June 2012? Council voted unanimously not to manage the marina for sound financial reasons. This information has been omitted from the Report. Why?

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

10. P98 Traffic Report: For at least three years Council and others including myself have been raising the issue of the combined traffic impact of Stirling and the Marina. But it has not been dealt with. And now there will be even more congestion because of the proposed 480 unit development at Lake Street. Council suggests that construction of the GIH would help but would happen "ultimately"? Why should the public not conclude that this is underhand development that places Lake Richmond at even greater risk than just from the Marina?

The Chairperson advised that the question of traffic has been a significant concern of the Council. The Chairperson assured Mr Mumme that the matter of traffic would be would be discussed later in the meeting in consideration of the Agenda Item on the MRS Amendment.

5.2 Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangels Bay Marina

The Chairperson invited Mr Green to present his questions to the Planning and Engineering Services Committee. Mr Green advised the Committee that he was involved in the preparation of SPP2.6 with respect to coastal setbacks and wished to provide background information to the new Councillors. Mr Green then asked the following questions:
1. Does the Council have confidence that the developer has sufficient funds to construct the marina development?

   The Chairperson advised that the economical impact the marina may have on the City has been discussed between Councillors, however, economic issues of a developer is no business of the Council.

2. Is it inappropriate to suggest the water monitoring requirements of the State Environment Minister's Statement be conducted now to ensure that the proposal can proceed?

   The Chairperson advised that environmental issues had been addressed through environmental processes and ultimately the Minister for Environment. Environmental approvals had been issued by the State and Federal Governments. The issue of waterways management is a topic for discussion later on in the meeting.

3. Why was this matter not included in the Agenda Item on the MRS Amendment?

   The issue of waterways management is in its early stages. The report in the Committee's Agenda is in relation to the proposed Amendment, not waterways management issues.

4. Would the proposed location of the 'waterfront restaurant' be included in the 500m buffer from the Waste Water Treatment Plant?

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

Crs Hamblin and Stewart requested Mr Green to email his background information to the City.

4.40pm There being no further questions the Chairperson closed Public Question Time.

6. **Confirmation of Minutes of the Previous Meeting**

   Moved Cr Sammels, seconded Cr Hamblin:

   That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 14 September 2015, as a true and accurate record.

   Committee Voting – 5/0

7. **Matters Arising from the Previous Minutes**

   Nil

8. **Announcement by the Presiding Person without Discussion**

   4.41pm 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.

9. **Declarations of Members and Officers Interests**

   4.41pm The Chairperson asked if there were any interests to declare.

   There were none.

10. **Petitions/Deputations/Presentations/Submissions**

    Nil
### 11. Matters for which the Meeting may be Closed

Nil

### 12. Bulletin Items

#### Planning and Development Services Information Bulletin – October 2015

**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 Ocean Water and Storm Water 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 Building Plan Assessments  
   4.11 Septic Tank Applications  
   4.12 Demolitions  
   4.13 Swimming Pool and Drinking Water Samples  
   4.14 Rabbit Processing  
   4.15 Hairdressing and Skin Penetration Premises  
   4.16 New Family Day Care Approvals  
   4.17 Staff Recognition  
   4.18 Emergency Services  
   4.19 Social Media  
   4.20 Bush Fire Hazard Reduction Program  
   4.21 Accredited Volunteer Training  
   4.22 Community Engagement Events  
   4.23 2015 Metropolitan Strike Team and Task Force Agreement  
   4.24 Burn Over Crew Protection Systems  
   4.25 Rangers Action Reports  
   4.26 Response to Petition Lodged at August Council Meeting  

**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 Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually  
   4.4 Demolition Permit
### Planning and Engineering Services Committee Minutes

**Tuesday 20 October 2015**

**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 NOVEMBER 2015**

### Planning and Development Directorate

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<td>Temporary Sign Licence</td>
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<td>Street Verandah Approval</td>
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<td>Unauthorised Building Works (Section 51 of the Building Act)</td>
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<td>Monthly Caravan Park Site Approvals</td>
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### 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 Water Campaign (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)
4. Information Items
   - 4.1 Proposed Lifting Urban Deferment - Lot 20 Sixty Eight Road, Baldivis
   - 4.2 Urban Development Snapshot from Approved and Proposed Structure Plans in 2015
   - 4.3 Delegated Final Adoption of Structure Plan
   - 4.4 Delegated Minor Changes to Structure Plans
   - 4.5 Proposed Amendment to EPA Conditions relating to the Port Kennedy Regional Recreation Centre

### 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 Approvals 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 Amended State Planning Policy 5.2 – Telecommunications Infrastructure
   - 4.14 Minister’s Refusal of Amendment No.148 to Town Planning Scheme No.2
   - 4.15 Planning and Development (Local Planning Schemes) Regulations 2015

### 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 Scheme Amendment
   3.3 Campus Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.5 Southern Gateway Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
   3.6 Rockingham Station Sector – Masterplanning and Development Policy Plan (LUP/1848)
   3.7 ‘Mangles Bay Marina’

4. Information Items

Advisory Committee Minutes

Committee Recommendation

Moved Cr Hamblin, seconded Cr Whitfield:
That Councillors acknowledge having read the Planning Services Information Bulletin – October 2015 and the content be accepted.

Committee Voting – 5/0

4.50pm - Mr John Pearson, Director Corporate Services departed the Planning and Engineering Services Committee Meeting

Engineering and Parks Services Information Bulletin – October 2015

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Road Safety Strategy Review
   3.2 Integrated Transport Plan Review
   3.3 Stormwater Adaptation Plan
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure.
   4.2 Delegated Authority for the payment of Crossover Subsidies.
   4.3 Delegate Authority to approve the release of Bonds for private subdivisional works
   4.4 Delegated Authority to approve Engineering Drawings - Subdivisions
   4.5 Delegated Authority for Notices given under s3.25(1)(a) LG Act 1995
   4.6 Delegated Authority for approval of Directional Signage
   4.7 Engineering Services Design Project 2015/2016
   4.8 Handover of Subdivisional Roads
   4.9 Structure Plan Referrals
   4.10 Traffic Report Referrals
   4.11 Urban Water Management Referrals
   4.12 Subdivision Approval Referrals
   4.13 Subdivision Clearance Requests
   4.14 Development Application Referrals
   4.15 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.16 Safety Bay Road – Principal Shared Path
### Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Road Construction Program Roads to Recovery 2015/2016
   4.2 Road Construction Program Main Roads Grant 2015/2016
   4.3 Road Rehabilitation Program Main Roads Grant 2015/2016
   4.4 Road Construction Program Federal Black Spot 2015/2016
   4.5 Road Construction Program Municipal Works 2015/2016
   4.6 Road Resurfacing Program Municipal Works 2015/2016
   4.7 Road Maintenance Program 2015/2016
   4.8 Litter Team and Sweeping 2015/2016
   4.9 LitterBusters 2015/2016
   4.10 Light Commercial Vehicles Program 2015/2016
   4.11 Heavy Plant Program 2015/2016

### Parks Development
1. Parks Development Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Secret Harbour Emergency Access Path
   3.2 Rockingham Foreshore Management Plan
   3.3 Lewington Reserve Environmental Management Plan Review
   3.4 Tamworth Hill Swamp, Revegetation
   3.5 City Parks - Central Irrigation Management System
   3.6 Laurie Stanford Irrigation Upgrade
   3.7 Laurie Stanford Practice Cricket Net Replacement
4. Information Items
   4.1 Groundwater Monitoring
   4.2 Kulija Road Environmental Offsets
   4.3 Climate Change Mitigation
   4.4 Lake Richmond Heritage Listing
   4.5 Dixon Road Conservation Reserve AAG Funding
   4.6 Urban Water Management Referrals
   4.7 Structure Plan Approval Referrals
   4.8 Subdivision Approval Referrals
   4.9 Development Application Referrals
   4.10 Delegated Subdivision Public Open Space Practical Completion
   4.11 Delegated Subdivision Public Open Space Handovers
   4.12 Delegated Public Open Space Approvals
   4.13 Memorial Seat Approvals

### Parks Operations
1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Baldivis Nature Reserve, Install Formal Limestone Access Path (Greening Plan)
   3.3 Stan Twight Reserve – Cricket Net Renewal
   3.4 Centenary Reserve – Garden Kerbing Renewal
   3.5 Play Equipment Replacements
|---------------------|-----------------------------------------|

**Asset Management**
- 1. Asset Management Team Overview
- 2. Human Resource Update
- 3. Project Status Reports
  - 3.1 Drainage data collection
- 4. Information Items
  - 4.1 Asset Management Improvement Strategy
  - 4.2 Asset Systems Management
  - 4.3 Solar Power

**Building Maintenance**
- 1. Building Maintenance Team Overview
- 2. Human Resource Update
- 3. Project Status Reports
  - 3.1 Secret Harbour Car Park – Lighting Upgrade
  - 3.2 Replacement of Flood Lighting – City of Rockingham Administration Building
  - 3.3 Replacement of Electric Fence – City of Rockingham Depot/Operations Centre
  - 3.4 Warning Signage and Fire Panel Upgrade – City of Rockingham Depot and Operations Centre
  - 3.5 Upgrade of Fire Panel to Safety Bay Library
  - 3.6 Upgrade of Fire Panel at Millar Road Landfill
  - 3.7 Rockingham Bowling Club – Asbestos Removal
  - 3.8 McLarty Hall – Asbestos Removal
  - 3.9 Safety Bay Bowling Club – Asbestos Removal
  - 3.10 Hefron Street Youth Services – Asbestos Removal
  - 3.11 Rockingham Bowling Club – Asbestos Removal from Switchboard
  - 3.12 Safety Bay Bowling Club – Asbestos Removal from Switchboard
  - 3.13 Safety Bay Health Clinic – Asbestos Removal
  - 3.14 Safety Bay Yacht Club – Asbestos Removal
  - 3.15 Centaurus Kindergarten – Asbestos Removal Floor Replacement
  - 3.16 Centaurus Kindergarten – Asbestos Removal from Switchboard
  - 3.17 Rockingham Museum – Asbestos Removal and Ceiling Replacement
  - 3.18 Rockingham Museum – Asbestos Removal and Floor Replacement
  - 3.19 Lagoon Reserve - Pole Replacement
  - 3.20 Tangadee Reserve – Upgrade of Switchboard and Cabling
  - 3.21 Veteran’s Memorial Park Lighting Upgrade – Luminaire to LED Conversion
  - 3.22 Rockingham Museum – Rewiring Upgrade
  - 3.23 Lagoon Reserve – Replacement of five Picnic Tables
- 4. Information Items
  - 4.1 Building Maintenance
  - 4.2 Graffiti Removal
  - 4.3 Lighting Inspections

**Capital Projects**
- 1. Capital Projects Team Overview
- 2. Human Resource Update
- 3. Project Status Reports
  - 3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
  - 3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
  - 3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)

4. Information Items
   4.1 Shoalwater North Underground Power Project
   4.2 2015/2016 Public Area Lighting and Arterial Lighting
   4.3 Bent Street Boat Ramp Rock Armour Protection and Boat Ramp Maintenance
   4.4 Secret Harbour Surf Life Saving Club - Renovation
   4.5 Lark Hill Sub Metering
   4.6 Baldivis Reserve Toilet Replacement
   4.7 Lions Park Upgrade
   4.8 Waikiki Foreshore – Foreshore Protection Specification
   4.9 Rockingham Day Care Fire Panel Replacement
   4.10 Lotteries House Replacement of Elevator
   4.11 Administration Building Replacement of Elevator
   4.12 Aqua Jetty Swimming Club Office
   4.13 Eighty Road Reserve Club Facility
   4.14 Laurie Stanford Reserve Development
   4.15 Rhonda Scarrott Reserve Development
   4.16 Safety Bay Tennis Club – Reroofing and General Renovations
   4.17 Point Peron Sand Trap Excavation and Beach Nourishment 2015/2016
   4.18 Administration Building Exterior Render Repairs
   4.19 Demolition of Dowling Street and Dixon Road Clubrooms
   4.20 Building Operations Centre – Office Fit-Out

Waste Services
1. Waste Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Introduction of 3 Bin Collection System Including Roll Out of 360 Litre Recycling Bins
4. Information Items
   4.1 Kerbside Collection
   4.2 Bulk Verge Collection
   4.3 Waste Diversion Percentage

Millar Road Landfill and Recycling Facility
1. Millar Road Landfill and Recycling Facility's Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Landfill Access Road Off Kulija Road and Associated Internal Roads
   3.2 Cell Construction – Cell 16
   3.3 New Leachate Dams
4. Information Items
   4.1 Tip Passes
   4.2 Waste Education and Promotion
   4.3 Garage Sale Trail

Advisory Committee Minutes

Committee Recommendation

Moved Cr Hamblin, seconded Cr Whitfield:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – October 2015 and the content be accepted.

Committee Voting – 5/0
13. Agenda Items

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-066/15 Report on Viability of Implementing a Domestic Cat Sterilisation Subsidy Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>CUS/8-06</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Michael Howes, Coordinator Ranger Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 October 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>July 2015, September 2015 (PDS-045/15)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
</tbody>
</table>

Purpose of Report

To provide details of costs, legal ramifications, logistics and draft policy principles of a Domestic Cat Sterilisation Subsidy Program.

Background

At the July 2015 Council meeting a Notice of Motion was tabled by Cr Allan Hill OAM JP. This Notice of Motion requested that Council support the concept of subsidising the sterilisation of domestic cats for low income residents.

Council, at its September 2015 meeting, resolved to support the concept of subsidising the sterilisation of domestic cats for low income residents and directed the Chief Executive Officer (CEO) to prepare a proposal for further consideration by Council that details the costs, legal ramifications, logistics and draft policy principles of a Domestic Cat Sterilisation Subsidy Program.
Details

Cat Sterilisation Subsidy programs have been introduced by numerous other Local Governments and Animal Foundations throughout Western Australia. These programs take various forms but the predominate method of running the program is to provide a refund to the owner once a cat has been sterilised at the owner’s expense. The owner must also satisfy the following minimum criteria to be eligible for a refund:

- Cat owners must be low income earners or pensioners with proof provided;
- They must provide proof that they are a resident of the City;
- The cat must meet the requirements of the Cat Act that specify that the cat must also be registered and micro chipped; and
- The full cost of the sterilisation must be paid first.

All cats must be sterilised under the Cat Act 2011. The average cost to sterilise a cat is between $120 and $200. A $50 subsidy is considered fair and in line with other organisations and Local Government subsidy amounts.

It is considered that the method of providing a one-off refund once proof has been provided of sterilisation is the most effective way of providing a targeted subsidy. The refund to the owner can be provided once a cat has been sterilised at the owner’s expense and minimum criteria met. Many other Local Governments and Cat Welfare Organisations utilise this process. Examples of other key statistics for the 2014/2015 financial year are shown below:

<table>
<thead>
<tr>
<th>Local Government/Organisation</th>
<th>Budget Amount</th>
<th>Subsidy Amount</th>
<th>Applicant Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Victoria Park</td>
<td>$5,000</td>
<td>$50</td>
<td>29</td>
</tr>
<tr>
<td>City of Cockburn</td>
<td>$15,000</td>
<td>$50</td>
<td>87</td>
</tr>
<tr>
<td>Ruby Benjamin Foundation</td>
<td>Unknown ($500 from the City)</td>
<td>$50</td>
<td>5 (CoR only)</td>
</tr>
</tbody>
</table>

Based on the research undertaken, an amount of $5,000 is considered sufficient to fund this program for the 16/17 financial year.

Implications to Consider

a. Consultation with the Community

The City will continue to promote and encourage responsible pet ownership. Communication of the sterilisation subsidy scheme to residents will occur through newspaper advertising, displays, brochures, and the City’s website.

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 B:** Strong Community

**Strategic Objective:** Mobility and Inclusion - Community services, programs and infrastructure that effectively cater for seniors, youth and vulnerable populations.

d. Policy

Not Applicable
e. Financial

An amount of $5000 is considered sufficient to fund this program for the 2016/2017 financial year.

f. Legal and Statutory

Nil

g. Risk

Nil

**Comments**

The City currently supports the sterilisation of domestic cats and dogs for low income residents by way of an annual donation of $500 to the Ruby Benjamin Animal Foundation. This foundation assists low income earners by providing subsidies for the sterilisation of cats and dogs.

The Cat Haven also provides a discounted sterilisation price for Pension and Health Care Card holders. Both of these assistance programs are currently available to eligible residents within the City of Rockingham.

It is envisaged that the implementation of this program will further reduce the numbers of unwanted cats within the City, and enable low income earners to better comply with the requirements of the Cat Act 2011.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **APPROVE** the implementation of a cat sterilisation subsidy program for low income earners within the City, to commence 2016/2017.

2. **REVIEW** the subsidy program 12 months after commencement.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council:

1. **APPROVE** the implementation of a cat sterilisation subsidy program for low income earners within the City, to commence 2016/2017.

2. **REVIEW** the subsidy program 12 months after commencement.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
### Planning and Development Services
**Health Services**

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-067/15 Proposed Dog Exercise Areas - Baldivis</th>
</tr>
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<tbody>
<tr>
<td><strong>File No:</strong></td>
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<td>May 2015, June 2015 (PDS-045/15), July 2015 (PDS-046/15)</td>
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<td>Executive</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Site:</strong></th>
<th>Various Public Open Space Reserves in Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Area:</strong></td>
<td></td>
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<tr>
<td><strong>LA Zoning:</strong></td>
<td></td>
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<tr>
<td><strong>MRS Zoning:</strong></td>
<td></td>
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<tr>
<td><strong>Attachments:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Lot 8004 Chilvers Street (Reserve No.R51612)</td>
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<tr>
<td>2. Lot 1233 and 1472 Colreavy Ramble (Reserve No.50379 and 49081)</td>
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<td>3. Zedora Reserve - Lot 4807 Huxtable Terrace (Reserve No.47652)</td>
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<td>4. Steel Tree Reserve - Lot 1507 Brennan Promenade (Reserve No.48399)</td>
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<td>5. Wise Meander Reserve - Lot 1473 Wise Meander (Reserve No.48400)</td>
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<td>6. Highbury Reserve - Lot 168 Highbury Boulevard (Reserve No.49510)</td>
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<td>7. Palomino Reserve - Lot 182 Palomino Parade (Reserve No.49250)</td>
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<tr>
<td>8. Lot 699 Stillwater Drive (Reserve No.51731)</td>
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<tr>
<td>9. Lot 300 and 627 Atherstone Parade (Reserve No.50890)</td>
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<tr>
<td>10. Dog Exercise Areas North of Safety Bay Road</td>
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<tr>
<td>11. Dog Exercise Areas South of Safety Bay Road</td>
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### Purpose of Report

To declare parks and reserves within Baldivis as Dog Exercise Areas, following a public consultation process.

**CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 NOVEMBER 2015**

PRESIDING MEMBER
Background

At the May 2015 Council meeting a Notice of Motion was tabled by Cr Matthew Whitfield. This Notice of Motion requested the Chief Executive Officer (CEO) to investigate areas within Baldivis that could be considered suitable to be declared as Dog Exercise Areas.

Council, at its June 2015, resolved that the CEO prepare a report on suitable parks and reserves within Baldivis that could be considered for declaration as Dog Exercise Areas.

This report was subsequently completed and at the July 2015 Council meeting nine (9) reserves were identified as being suitable. Council supported the proposed reserves for the purpose of public consultation.

For reserves to be considered suitable, the following criteria was used:

1. They must be of an adequate size - To ensure that there is sufficient space for dogs to run off-leash;
2. Compatibility with adjacent park activities - Ensuring incompatible uses such as playgrounds, sports areas, BBQ facilities are not co-located. This can be obtained via physical or natural barriers or adequate distance;
3. Where possible, minimal internal pathways - To ensure that the interaction between dogs and recreational users of the reserve is kept to a minimum;
4. Proximity to other reserves and parks that are not declared Dog Exercise Areas. There must be an adequate mix between areas where people can go to exercise dogs off leash and areas which can be utilised by the general public; and
5. Other considerations - Possibility of flooding, natural water features, drainage reserves, form and layout.

The following nine reserves were identified as fitting the above criteria.

1. Lot 8004 Chilvers Street (Reserve No.R51612)
2. Lot 1233 and 1472 Colreavy Ramble (Reserve No.50379 and 49081)

3. Zedora Reserve - Lot 4807 Huxtable Terrace (Reserve No.47652)
4. Steel Tree Reserve - Lot 1507 Brennan Promenade (Reserve No.48399)

5. Wise Meander Reserve - Lot 1473 Wise Meander (Reserve No.48400)
6. Highbury Reserve - Lot 168 Highbury Boulevard (Reserve No.49510)

7. Palomino Reserve - Lot 182 Palomino Parade (Reserve No.49250)
8. Lot 699 Stillwater Drive (Reserve No.51731)

9. Lot 300 and 627 Atherstone Parade (Reserve No.50890)
Details

Nil

Implications to Consider

a. Consultation with the Community
In accordance with Section 1.7 of the Local Government Act 1995 the City has given local public notice of its intention to specify Dog Exercise Areas.

The public consultation period for the proposed Dog Exercise Areas began on 4 August 2015 and closed on 2 September 2015.

Consultation included the following:

- A Public Notice advertised in the Sound Telegraph on 4 August 2015;
- A Public Notice and Information posted on the City’s website; and
- A Public Notice being posted on noticeboards at the Administration Building and all Local Public Libraries.

The following submission was received on the proposed Dog Exercise Areas as a result of the Public Notice.

<table>
<thead>
<tr>
<th>Community Member</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mrs Dianne Gustafson 82 Huxtable Terrace BALDIVIS WA 6171</td>
<td>Zedora Park is prone to flooding, and not suitable. Steel Tree Reserve has play equipment and other park infrastructure.</td>
<td>Zedora Park has adequate drainage resulting in minimal water pooling during winter. Steel Tree reserve is a large reserve with all park infrastructure at one end of the reserve. If complaints and objections are received in the future, the reserve can be reviewed.</td>
</tr>
</tbody>
</table>

b. Consultation with Government Agencies
Nil

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

**Aspiration B:** Strong Community

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

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

d. Policy
Not Applicable

e. Financial
Signage for all nine reserves is estimated at a cost of $1,000.
f. Legal and Statutory
Section 31 of the Dog Act 1976 specifies that a local government may determine (by absolute majority) both dog exercise and dog prohibited areas.

“31. Control of dogs in certain public places

(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.”

g. Risk
Nil

Comments

The suburb of Baldivis is characterised by low density residential development with small local and neighbourhood public open spaces.

If the recommended reserves are approved as Dog Exercise Areas, the number of declared reserves within Baldivis will rise from two to eleven, as shown below:
10. Dog Exercise Areas North of Safety Bay Road
11. Dog Exercise Areas South of Safety Bay Road
Voting Requirements
Absolute Majority

Officer Recommendation
That Council DECLARE the following reserves as Dog Exercise Areas:
1. Lot 8004 Chilvers Street (Reserve No.R51612)
2. Lot 1233 and 1472 Colreavy Ramble (Reserve No.50379 and 49081)
3. Zedora Reserve - Lot 4807 Huxtable Terrace (Reserve No.47652)
4. Steel Tree Reserve - Lot 1507 Brennan Promenade (Reserve No.48399)
5. Wise Meander Reserve - Lot 1473 Wise Meander (Reserve No. 48400)
6. Highbury Reserve - Lot 168 Highbury Boulevard (Reserve No.49510)
7. Palomino Reserve - Lot 182 Palomino Parade (Reserve No.49250)
8. Lot 699 Stillwater Drive (Reserve No.51731)
9. Lot 300 and 627 Atherstone Parade (Reserve No.50890)

Committee Recommendation
Moved Cr Whitfield, seconded Cr Hamblin:
That Council DECLARE the following reserves as Dog Exercise Areas:
1. Lot 8004 Chilvers Street (Reserve No.R51612)
2. Lot 1233 and 1472 Colreavy Ramble (Reserve No.50379 and 49081)
3. Zedora Reserve - Lot 4807 Huxtable Terrace (Reserve No.47652)
4. Steel Tree Reserve - Lot 1507 Brennan Promenade (Reserve No.48399)
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7. Palomino Reserve - Lot 182 Palomino Parade (Reserve No.49250)
8. Lot 699 Stillwater Drive (Reserve No.51731)
9. Lot 300 and 627 Atherstone Parade (Reserve No.50890)

Committee Voting – 5/0

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

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-068/15 Proposed Dog Exercise Areas – Secret Harbour</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>CUS/8-06</td>
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<tr>
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<td>August 2015, September 2015 (PDS-057/15)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Various Public Open Space Reserves in Secret Harbour</td>
</tr>
</tbody>
</table>

### Site:
- Lot Area: 
- LA Zoning: 
- MRS Zoning: 
- Attachments: 
- Maps/Diagrams:
  1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No.48561)
  2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No.48356)
  3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No.48063)
  4. Tuart Park - Lot 4886 Bluestone Parkway (Reserve No.47615)
  5. Existing and Proposed Dog Exercise Areas - Secret Harbour

## Purpose of Report
To identify suitable parks and reserves within Secret Harbour that can be considered for declaration as Dog Exercise Areas.

## Background
At the August 2015 Council meeting a Notice of Motion was tabled by Cr Chris Elliott. This Notice of Motion requested the Chief Executive Officer (CEO) to investigate areas within Secret Harbour that could be considered suitable to be declared as Dog Exercise Areas.
Council, at its September 2015 meeting, resolved that the CEO prepare a report on suitable parks and reserves within Secret Harbour that could be considered for declaration as Dog Exercise Areas. This report outlines the investigation conducted and identifies suitable areas that could by Council resolution be declared as Dog Exercise Areas.

**Details**

For reserves to be considered suitable, the following criteria was used:

1. They must be of an adequate size - To ensure that there is sufficient space for dogs to run off-leash;
2. Compatibility with adjacent park activities - Ensuring incompatible uses such as playgrounds, sports areas, BBQ facilities are not co-located. This can be obtained via physical or natural barriers or adequate distance;
3. Where possible, minimal internal pathways - To ensure that the interaction between dogs and recreational users of the reserve is kept to a minimum;
4. Proximity to other reserves and parks that are not declared Dog Exercise Areas. There must be an adequate mix between areas where people can go to exercise dogs off leash and areas which can be utilised by the general public; and
5. Other considerations - Possibility of flooding, natural water features, drainage reserves, form and layout.

The following four reserves were identified as fitting the above criteria.

1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No.48561)
2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No.48356)

3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No.48063)
4. Tuart Park - Lot 4886 Bluestone Parkway (Reserve No. 47615)

**Implications to Consider**

a. **Consultation with the Community**
   To be conducted if the report is adopted by Council.

b. **Consultation with Government Agencies**
   Nil

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

   **Aspiration 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.

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

d. **Policy**
   Not Applicable

e. **Financial**
   Signage for all four reserves is estimated at a cost of $500.
f. Legal and Statutory

Section 31 of the Dog Act 1976 specifies that a local government may determine (by absolute majority) both dog exercise and dog prohibited areas.

“31. Control of dogs in certain public places

(2B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited.

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.”

g. Risk

Nil

Comments

The suburb of Secret Harbour is characterised by low density residential development with small local and neighbourhood public open spaces. There are minimal numbers of reserves within Secret Harbour that are suitable as proposed Dog Exercise Areas. Most have infrastructure such as playgrounds which results in them being inappropriate.

Secret Harbour does have a section of beach of approximately 1km in length where dog owners can exercise their dogs off-leash freely.

If the recommended reserves are approved as Dog Exercise Areas, the number of declared reserves within Secret Harbour will rise from one to five, as shown below:
5. Existing and Proposed Dog Exercise Areas – Secret Harbour

Voting Requirements
Simple Majority

Officer Recommendation
That Council SUPPORT the following reserves as proposed Dog Exercise Areas for the purposes of public consultation:
1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No.48561)
2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No.48356)
3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No.48063)
4. Tuart Park - Lot 4886 Bluestone Parkway (Reserve No.47615)
Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:
That Council SUPPORT the following reserves as proposed Dog Exercise Areas for the purposes of public consultation:

1. Bonaparte Reserve - Lot 8002 Bonaparte Drive (Reserve No.48561)
2. Coffs Bend - Lot 8002 Coffs Bend (Reserve No.48356)
3. Yampi Vale Reserve - Lot 8001 Yampi Vale (Reserve No.48063)
4. Tuart Park - Lot 4886 Bluestone Parkway (Reserve No.47615)

Committee Voting – 5/0

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

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Planning and Development Services
Strategic Planning and Environment Services

Reference No & Subject: PDS-069/15 Scheme Amendment No.155 - Rezoning from ‘Rural’ to ‘Development’ (Final Adoption)

File No: LUP/1855-03
Risk Register No: 
Applicant: Taylor & Burrell Unit Trust (Taylor Burrell Barnett) on behalf of Rockingham Park Pty Ltd
Owner: Rockingham Park Pty Ltd
Author: Mr Jeff Bradbury, Coordinator Strategic Planning
Other Contributors: Mr Brett Ashby, Manager Strategic Planning and Environment
Date of Committee Meeting: 20 October 2015
Previously before Council: July 2007 (PD130/7/07); June 2015 (PDS-039/15)
Disclosure of Interest: Legislative
Nature of Council’s Role in this Matter: Legislative

Site: Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis
Lot Area: 18.8248ha
LA Zoning: Rural
MRS Zoning: Rural
Attachments: 
Maps/Diagrams: 1. Location Plan
2. Aerial View
3. Consultation Plan
4. Indicative Concept Plan

Purpose of Report
To consider adopting Amendment No.155 for Final Approval following the completion of the public comment period.

Background
At its ordinary Meeting held in June 2015, the Council resolved to initiate Amendment No.155 to Town Planning Scheme No.2 (TPS2) to rezone Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis from ‘Rural’ to ‘Development’ for the following reasons:

- The proposal was considered to have merit as it reflects a logical extension of the existing urban precinct immediately to the north;

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 NOVEMBER 2015

PRESIDING MEMBER
- The documentation submitted by the applicant adequately addressed the City's requirements for the purposes of public advertising; and
- It would provide consistency with the Western Australian Planning Commission's (WAPC's) decision to initiate Amendment 1288/57 to the Metropolitan Region Scheme (MRS) to rezone the subject land from 'Rural' to 'Urban' and provide for the MRS and TPS amendments to be advertised in parallel.

The MRS amendment was advertised for public comment from 30 June 2015 to 4 September 2015 and by letter dated 1 September 2015, the City advised the WAPC that it had no objections to the proposed amendment to the MRS.

**Details**

The land in question is bounded by Serpentine Road to the south, Baldivis Road (Baldivis Tramway Reserve) to the west, the Kwinana Freeway to the east and the Heritage Park residential estate to the north (refer to Figures 1 and 2).

A concept plan has been provided (refer to Figure 4) that demonstrates an indicative form of residential development over the site.
Implications to Consider

a. Consultation with the Community

The Scheme Amendment was advertised for public comment in accordance with the requirements of the *Town Planning Regulations 1967* for a period of 46 days, ending on 21 September 2015, with advertising being undertaken in the following manner:

(i) Two signs were erected in prominent locations adjacent to the subject land and remained on-site for the duration of the advertising period;

(ii) Two notices were published in the Public Notices section of the Weekend Courier newspaper on 7 and 14 August 2015.

(iii) An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices; and
Adjacent/nearby landowners (approximately 400 as shown highlighted in yellow on Figure 3 below) and the Baldivis Community Association were notified of the proposal in writing.

At the conclusion of the advertising period, the City had received one submission from a nearby landowner regarding the future pedestrian access ways through the subject land (refer to Schedule of Submissions). The proposed pedestrian movement network is a matter that will be addressed as part of the future structure planning process.
4. Indicative Concept Plan

Referral to Government Agencies

The following government agencies were also notified of the proposal and invited to comment:

- Alinta Gas;
- Department of Aboriginal Affairs;
- Department of Education;
- Department of Environmental Regulation;
- Department of Fire and Emergency Services
- Department of Health;
- Department of Parks and Wildlife;
- Department of Transport;
- Department of Water;
- Main Roads WA;
- Public Transport Authority;
- Telstra;
- Water Corporation; and
- Western Power.
At the conclusion of the advertising period, the City had received ten (10) submissions from Government agencies (refer to Schedule of Submissions). Only one of these submissions raised concerns with the proposed Amendment. This matter is summarised below:

<table>
<thead>
<tr>
<th>Department of Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue:</strong></td>
</tr>
<tr>
<td>It would be premature to amend the Town Planning Scheme prior to a formal MRS Scheme amendment process reflecting the proposed changes.</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>At the time of writing this report, MRS Amendment 1288/57 proposing to rezone the subject land from ‘Rural’ to 'Urban' had yet to be determined.</td>
</tr>
</tbody>
</table>

The City acknowledges that the Minister's approval of Amendment No.155 cannot precede the approval of MRS Amendment 1288/57. It is, however, appropriate for the City to adopt Amendment No.155 such that it can be considered by the Minister in parallel with the MRS Amendment.

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

**Planning for Bushfire Protection Guidelines Edition 2**

The WAPC *Planning Bush Fire Protection Guidelines* (Edition 2) notes in Section 2.3 – Guidance Statements for Strategic Plans, Planning Strategies, Planning Schemes, Planning Scheme Amendments and Structure Plans – that unless it is clear to the decision-making authority that the land in question is not in an area that has a moderate or extreme bush fire hazard level, any new proposals or proposals which will effect a change of land use or design resulting in the introduction of, or an intensification of development should:

- Include a bush fire hazard assessment based on the fire hazard assessment methodology and classifications set out in Appendix 1 of the Guidelines;
- Identify any bush fire hazard issues arising from that assessment; and
- Address those issues, in accordance with the general principles that underpin these guidelines, in a statement or report which demonstrates that all fire protection requirements can be achieved to the satisfaction of the WAPC.

A Bushfire Hazard Assessment was prepared as part of the initiation report where moderate and extreme fire risks were identified over the subject land. A Development Area provision has been incorporated into the Scheme Amendment that requires the preparation of a Fire Management Plan as part of a Proposed Structure Plan over the land.

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

This Policy seeks to minimise the adverse impact of transport noise, without placing unreasonable restrictions on noise-sensitive residential development, or adding unduly to the cost to transport infrastructure. The Policy applies for the consideration and management of the impacts of transport noise and freight operations when development is proposed in the following manner:
- New noise-sensitive development in the vicinity of existing or future major transport corridors or freight handling facilities;
- New major road or rail infrastructure projects, including major redevelopments, in the vicinity of existing or future noise-sensitive land uses; and
- The location of freight handling facilities.

The potential impact of noise from the Kwinana Freeway will be addressed as part of the Local Structure Planning and subdivision processes.

e. Financial

Nil

f. Legal and Statutory

Planning and Development Act (2005)

Part 9 Clause 124 (1) of the Planning and Development Act 2005 states that:

"A local planning scheme is not to be approved by the Minister under this Act unless the provisions of the local planning scheme are in accordance with and consistent with each relevant region planning scheme."

Part 9 Clause 124 (2) of the Planning and Development Act 2005 states that:

"If a region planning scheme is inconsistent with a local planning scheme, the region planning scheme prevails over the local planning scheme to the extent of the inconsistency."

The City acknowledges that the Minister's approval of Amendment No.155 cannot precede the approval of MRS Amendment 1288/57. It is, however, appropriate to adopt Amendment No.155 such that it can be considered by the Minister in parallel with the MRS Amendment.

Town Planning Regulations 1967

The procedures for dealing with proposals to amend a local planning scheme, as per the Planning and Development Act 2005, are set out in the Town Planning Regulations 1967. Regulation 13(1) provides that the City shall:

(a) if it resolves to proceed with Scheme Amendment, adopt the proposed Amendment in accordance with the Act; or

(b) if it resolves not to proceed with the Scheme Amendment, notify the Western Australian Planning Commission in writing of that resolution.

Note: The Town Planning Regulations 1967 are repealed on the date of the coming into operation of the Planning and Development (Local Planning Schemes) Regulations 2015; that date being 19 October 2015.

Planning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (2015 Regulations) were gazetted on 25 August 2015 and came into operation on 19 October 2015.

Regulation 80 of the Regulations states that any step taken in the preparation of a planning instrument (ie an amendment to a local planning scheme) under the Planning and Development Act 2005 and in accordance with the repealed regulations before commencement date of the 2015 Regulations is to be taken to be a step taken in the preparation of a planning instrument of that type under the 2015 Regulations.

Regulation 50(2) of the 2015 Regulations states as follows:

"The local government —

(a) must consider all submissions in relation to a standard amendment to a local planning scheme lodged with the local government within the submission period; and

(b) may, at the discretion of the local government, consider submissions in relation to the amendment lodged after the end of the submission period but before the end of the consideration period."
Regulation 50(3) of the 2015 Regulations states as follows:

"Before the end of the consideration period for a standard amendment to a local planning scheme (the day that is 60 days after the end of the submission period for the amendment), or a later date approved by the Commission, the local government must pass a resolution —

(a) to support the amendment without modification; or
(b) to support the amendment with proposed modifications to address issues raised in the submissions; or
(c) not to support the amendment."

Comments

The 'Development' zone and supporting Development Area outlined in Schedule No.9 of TPS2 provide the most appropriate statutory mechanisms to ensure orderly and proper planning of the subject land, consistent with the future intended use of the land to be developed for urban purposes. As such, Amendment No.155 is supported.

The City has identified a minor text error within the amendment documentation whereby in Schedule No.9 reference is made to Local Structure Plan, however, the correct terminology under TPS2 is Structure Plan. Hence, it is necessary to delete the word 'Local'. This minor change does not impact the intent of the Amendment and is recommended that the Scheme Amendment documentation be modified accordingly.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPT** for Final Approval Amendment No.155 to Town Planning Scheme No.2, subject to the modification shown in red below:

   (i) Rezone Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis from 'Rural' to 'Development' on the Scheme Map.

   (ii) Amend the Scheme Map to contain Lots 986 and 993 Baldivis Road, Baldivis within Development Area No. 42 and reference this on the Scheme Map as 'DA 42'.

   (iii) Amend 'Schedule No.9 - Development Areas' to include new Development Area DA42 as set out below:

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>Area</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA42</td>
<td>Lots 986 and 993 Baldivis Road, Baldivis</td>
<td>An approved Structure Plan, together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
</tbody>
</table>

1. **Proposed Local Structure Plan**

   1-1 The following matters must be addressed as part of the preparation of the Proposed Structure Plan in addition to those set out in Clause 4.2.5:

   1. The preparation of a Fire Management Plan where a Bushfire Hazard Assessment determines the land as having a moderate to extreme risk of bushfire.
2. **ADOPT** the recommendations contained within the Schedule of Submissions.

### Committee Recommendation

 Moved Cr Sammels, seconded Cr Whitfield:

That Council:

1. **ADOPT** for Final Approval Amendment No.155 to Town Planning Scheme No.2, subject to the modification shown in red below:

   (i) Rezone Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis from 'Rural' to 'Development' on the Scheme Map.

   (ii) Amend the Scheme Map to contain Lots 986 and 993 Baldivis Road, Baldivis within Development Area No. 42 and reference this on the Scheme Map as 'DA 42'.

   (iii) Amend 'Schedule No.9 - Development Areas' to include new Development Area DA42 as set out below:

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<td>An approved Structure Plan, together with all approved amendments and detailed area plans, where applicable, shall apply to the land in order to guide subdivision and development.</td>
</tr>
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</table>

2. **ADOPT** the recommendations contained within the Schedule of Submissions as follows:

### CITY OF ROCKINGHAM

**SCHEDULE OF SUBMISSIONS**

**PROPOSED SCHEME AMENDMENT NO.155 TO TOWN PLANNING SCHEME NO.2**

**REZONING FROM RURAL AND DEVELOPMENT - LOTS 986 and 993 BALDIVIS and SERPENTINE ROADS, BALDIVIS**

<table>
<thead>
<tr>
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<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.1 - Customer Service Coordinator - Western Power - Locked Bag 2520 - Perth WA 6001. Thank you for your correspondence dated 6th August, 2015 regarding Amendment No.155 to Town Planning Scheme No. 2 – Rezoning from 'Rural' to 'Development'. Western Power will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where detailed investigations are needed to support accurate advice, Western Power will advise City of Rockingham of additional information requirements within the advertising period.</td>
<td>No additional feedback was received from Western Power. As such, the submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENTS</td>
<td>RECOMMENDATION</td>
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</tbody>
</table>
| **No.1 - Cont...**  
If you have any queries on the progress of this matter, please do not hesitate to contact us via email enquiry@westernpower.com.au | | |
| **No.2 - Mr Norm Walkerden - Telstra - Locked Bag 2525, Perth WA 6001**  
Thank you for the above advice. At present, Telstra Corporation Limited has no objection. NBN will be servicing this development. | The submission does not raise any objections to the proposed amendment. | That the submission be noted. |
| **No.3 - Mr Lyndon Mutter - Department of Parks and Wildlife - Locked Bag 104, Bentley DC WA 6983**  
Department of Parks and Wildlife (DPaW) Swan Region has no comments on the proposal. It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework. | The submission does not raise any objections to the proposed amendment. | That the submission be noted. |
| **No.4 - Mr Brett Coombes, Water Corporation - PO Box 100, Leederville WA 6007**  
I refer to your letter of 6 August 2015 inviting comments from the Water Corporation on the proposed rezoning of this land from "Rural" to "Development" zone. The following advice is provided in relation to servicing issues and current infrastructure planning for this area.  
**Wastewater**  
The subject land is situated within the Water Corporation's Baldivis South Sewer District. Provision of wastewater services to the future subdivision and development of this land requires the prior construction of the South Baldivis Interim Waste Water Pump Station (WWPS) and receiving sewers.  
The WWPS station project is currently being scoped and designed by consulting engineers on behalf of the developers of Lot 1263 immediately to the west of Baldivis Road. The draft catchment plan for the proposed pump station has allowed for wastewater flows from this land. It is anticipated that the WWPS will be constructed within the next 5 years.  
**Water Planning**  
The subject land is situated outside the extent of the Water Corporation’s infrastructure planning for the Tamworth gravity zone, which is presently supplied with water from the Tamworth Hill reservoir. | The submission does not raise any objections to the proposed amendment. | That the submission be noted. |
<table>
<thead>
<tr>
<th>NO. 4 - Cont...</th>
<th>COMMENTS</th>
<th>RECOMMENDATION</th>
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</thead>
<tbody>
<tr>
<td>Long term water planning for the broader Baldivis-Karnup-Keralup area to the south of the Tamworth gravity zone places this and adjoining landholdings in the catchment of a future Karnup Gravity zone, which currently does not have any infrastructure (storage) and requires further replanning following the finalization of the SW Metro and Peel Sub-Regional Planning Framework. In the interim, remodelling of the southern parts of the Tamworth gravity system will be required to confirm if and how this land can be served from the Tamworth system in the short to medium term, and to identify the size and route of water mains that will need to be extended by developers. These technical investigations are scheduled to commence in early 2016. <strong>Drainage</strong> The Peel rural sub-drain B runs north to south along the eastern boundary of the land. As part of the overall structure planning and subdivision of Lots 986 and 993, the sub-drain will be removed and the City of Rockingham will take over responsibility for local urban drainage at that point and the Corporation will remove the relevant section of sub-drain from its asset register. If you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>NO. 5 - Mr Paul Southam - Department of Fire &amp; Emergency Services, PO Box 1174, Perth WA 6844</th>
<th>COMMENTS</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further to your recent correspondence regarding the above matter, I wish to advise that the Department of Fire and Emergency Services have no comment regarding this matter. Should you require further information relating to this application please telephone DFES South Coastal Regional Office on 9395 9300.</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NO. 6 - Ms Jane Sturgess - Department of Water - PO Box 332, Mandurah WA 6210</th>
<th>COMMENTS</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thank you for the above referral received with correspondence dated 7 August 2015. The Department of Water (DoW) has reviewed the application and has no objection to the rezoning from rural to development.</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>SUBMISSION</td>
<td>COMMENTS</td>
<td>RECOMMENDATION</td>
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<td>------------</td>
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<tr>
<td><strong>No.6 - Cont...</strong>&lt;br&gt;It is to be noted that a Local Structure Plan (LSP) be considered at a later stage and be supported by a Local Water Management Strategy prior to the final approval of the future LSP.&lt;br&gt;Save time with Water Online&lt;br&gt;You will soon be able to lodge referrals electronically via the Water Online customer portal at <a href="http://www.water.wa.gov.au">www.water.wa.gov.au</a>. Planning Advice will provide the quickest and most convenient process for submitting referrals or requests for planning advice. Further information regarding the new online service will be provided to you in the coming weeks. If you wish to discuss the above further please contact Catherine Taylor at the DoW's Mandurah Office on (08) 9550 4237.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.7 - Ms Assunta Dinardo - Main Roads Western Australia - PO Box 6202, East Perth WA 6892</strong>&lt;br&gt;Thank you for your letter dated 6 August 2015 requesting Main Roads comments on the above proposal. The proposed rezoning of Lots 986 and 993 from &quot;Rural&quot; to Development under the TPS No.2 is acceptable to Main Road.&lt;br&gt;Please note that at the time of subdivision Main Roads will impose the following conditions:&lt;br&gt;- No earthworks shall encroach on to the Kwinana Freeway reserve;&lt;br&gt;- No stormwater drainage shall be discharged onto the Kwinana Freeway reserve;&lt;br&gt;- No vehicle access shall be permitted to or from the Kwinana Freeway reserve;&lt;br&gt;- The ground levels on the Kwinana Freeway boundary are to be maintained as existing;&lt;br&gt;- The applicant shall make good any damage to the existing verge vegetation within the Kwinana Freeway road reservation;&lt;br&gt;- The applicant is required to undertake a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 ‘Road and Rail Transport Noise and Freight considerations in Land Use Planning’ and implement those recommendations as specified in the acoustic noise report.</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>SUBMISSION</strong></td>
<td><strong>COMMENTS</strong></td>
<td><strong>RECOMMENDATION</strong></td>
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<tr>
<td><strong>No.7 - Cont...</strong>&lt;br&gt;If you require any further information please contact Ms Assunta Dinardo on (08) 9323 4163 quoting file reference 04/6857-09 (D15#492486).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No.8 - Mr Jason Banks - Department of Environment Regulation, Locked Bag 33, Cloisters Square WA 6850</strong>&lt;br&gt;I refer to the letter dated 6 August 2015 requesting advice from the Department of Environment Regulation (DER) on the above Town Planning Scheme Amendment.&lt;br&gt;Lots 986 and 993 Baldivis and Serpentine Roads Baldivis occur in an area of moderate to low risk of acid sulfate soils occurrence and future development may require conditions for the investigation and management acid sulfate soil disturbance, to mitigate risks of impacts to the environment.&lt;br&gt;Where required DER will provide input at subsequent stages of planning in regard to regulatory responsibilities under the Environmental Protection Act 1986 and the Contaminated Sites Act 2003.</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td><strong>No.9 - Mr Jeremy Miller - Department of Transport - GPO Box C102, Perth WA 6839</strong>&lt;br&gt;Thank you for your letter dated 7th August 2015, inviting the Department of Transport (DoT) to provide comments on the above TPS amendment.&lt;br&gt;This application proposes to amend Town Planning Scheme No.2 (TPS2) to rezone Lots 986 and 993 Baldivis and Serpentine Roads, Baldivis from 'Rural' to 'Development'.&lt;br&gt;DoT has reviewed the above application and advises that DoT does not support the proposed amendment as submitted. It would be premature to amend the Town Planning Scheme prior to a formal MRS Scheme amendment process reflecting the proposed changes.&lt;br&gt;If you require any further clarification on the above comment, please feel free to discuss this application with Nabil Rahman on (08) 6551 6675.</td>
<td>The City acknowledges that the Minister's approval of Amendment No.155 cannot precede the approval of MRS Amendment 1288/57. It is, however, appropriate for the City to adopt Amendment No.155 such that it can be considered by the Minister in parallel with the MRS Amendment.</td>
<td>That the submission be not upheld.</td>
</tr>
</tbody>
</table>

2 Correction of numerical error
<table>
<thead>
<tr>
<th>SUBMISSION</th>
<th>COMMENTS</th>
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</tr>
</thead>
<tbody>
<tr>
<td>No.10 - Ms Monique Dyer - 61 Appaloosa Drive, Baldivis, Baldivis WA 6171</td>
<td>The proposed pedestrian movement network is a matter that will be addressed as part of the future structure planning process.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.11 - Mr Stephen Muldoon - Department of Education, 151 Royal Street, East Perth WA 6004</td>
<td>The submission does not raise any objections to the proposed amendment.</td>
<td>That the submission be noted.</td>
</tr>
<tr>
<td>No.12 - Mr Jim Dodds - Department of Health, PO Box 8172, Perth Business Centre WA 6849</td>
<td>Potential adverse impacts upon the future residential land uses will be addressed through the Structure Plan, subdivision and building processes.</td>
<td>That the submission be noted.</td>
</tr>
</tbody>
</table>
To minimise adverse impacts on the residential component, the City of Rockingham could consider incorporation of additional sound proofing / insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures. This is also pertinent in relation for the development to the vicinity of the freeway and traffic noise. Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au.
### Purpose of Report

To consider granting Final Approval to Amendment No.156 to Town Planning Scheme No.2 (TPS2) to amend Clause 5.6 Development Contribution Areas and Schedule No.12 Development Contribution Plan No.2, following the completion of the public comment period.

### Background

State Planning Policy 3.6 Development Contributions for Infrastructure (SPP3.6) was gazetted on 20 November 2009. The objectives of the SPP3.6 are to:

- promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- ensure consistency and transparency in the system for apportioning, collecting and spending the development contributions; and
- ensure the social well-being of communities arising from, or affected by, development.

SPP3.6 contains draft Model Scheme Text provisions which are to be incorporated in Town Planning Schemes to facilitate the implementation of development contributions for infrastructure.

In June 2010, the Council resolved to initiate Amendment No.101 to TPS2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure, as set out in SPP3.6.

Amendment No.101 was adopted by the Council in October 2010 and, following approval by the Minister, gazetted on 12 April 2011.

In May 2011, the Council resolved to adopt (initiate) Amendment No.114 to TPS2 to introduce provisions pertaining to the implementation of Development Contributions for Infrastructure through the introduction of Development Contribution Plan No.2. Amendment No.114 also made a number of modifications to Clause 5.6.

Amendment No.114 was gazetted on 6 March 2013.

**Details**

In March 2015, Council resolved to adopt (initiate) Amendment No.156 to Town Planning Scheme No.2 (TPS2) to address a number of minor issues which have been identified with respect to the operation of clause 5.6 and Schedule No.12 as follows:

1. Amending clause 5.6.1(a) to ensure that contributions under Development Contribution Plan No.2 are applicable to subdivision and development within the Anstey Park area.
2. Update Clause 4(2), to ensure that contributions are applicable to subdivision within the following zones:
   - Primary Centre Waterfront Village;
   - Primary Centre Urban Village;
   - Primary Centre City Living Zone; and
   - Commercial.

**Implications to Consider**

a. **Consultation with the Community**

   Scheme Amendments are required to be dealt with in accordance with the Town Planning Regulations 1967 (as amended), which includes a requirement to advertise proposals for public comment over a period of 42 days, prior to Council considering Final Adoption.

   The Scheme Amendment was advertised for public comment in accordance with the requirements of the Town Planning Regulation 1967 for a period of 44 days, ending on 25 September 2015, with advertising undertaken in the following manner:

   (i) A notice was published in the Public Notices section of the Weekend Courier newspaper on 10 July 2015;
   (ii) An advertisement was placed on the City’s website for the duration of the advertising period and copies of documents explaining the Scheme Amendment were also made available for inspection at the Council Administration Offices; and
   (iii) Three (3) landowners with undeveloped land within the ‘Anstey Park’ area were notified in writing of the proposal, as well as the Urban Development Institute of Australia (WA), Property Council of Australia (WA) and the Housing Industry Association of Australia (WA).

   At the conclusion of the advertising period, no submissions had been received.
b. Consultation with Government Agencies

All Scheme Amendments are required to be referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment is required, prior to advertising. The EPA advised that the Amendment should not be assessed under the EP Act, and that it was not necessary to provide any environmental advice or recommendations on the Amendment.

Given the nature of the Amendment, no other government agencies were notified of the proposal.

c. Strategic

Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. Policy

State Planning Policy 3.6 – Development Contributions for Infrastructure

State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6), as adopted by the Western Australian Planning Commission under Section 26 of the Planning and Development Act 2005 (‘the Act’), provides the statutory framework for the preparation of Development Contribution Plans. Section 77 of the Act requires a local government to have due regard to any State Planning Policy in preparing or amending a local planning scheme.

One of the principles set out within SPP 3.6 states “Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need”. The effect of clause 5.6.1(a) in its current form, which prevents contributions under DCP2 from being levied from development within the Anstey Park area, is inconsistent with the above principle. The Scheme is to be amended to correct this inconsistency.

e. Financial

Contributions from anticipated subdivision and development within the Anstey Park area have been included in Development Contribution Plan Report for Development Contribution Plan No.2, and the City’s Business Plan.

f. Legal and Statutory

The procedures for dealing with proposals to amend a local planning scheme, as per the Planning and Development Act 2005, are set out in the Town Planning Regulations 1967. Regulation 13(1) provides that the City shall:

(a) if it resolves to proceed with Scheme Amendment, adopt the proposed Amendment in accordance with the Act; or

(b) if it resolves not to proceed with the Scheme Amendment, notify the Western Australian Planning Commission in writing of that resolution.

g. Risk

Nil

**Comments**

Modification of Clause 5.6.1(a)

The proposed modification to clause 5.6.1(a) ensures that development contributions are applicable to subdivision and development within the Anstey Park area, consistent with the principles of SPP 3.6 which states that contributions should apply to all development within a Development Contribution Area.
Modification of Clause 4(2) of Schedule No.12

The modification ensures that contributions are payable for subdivision that occurs within the Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Living, and Commercial Zones. Again, this ensures that contributions are applied to all development within Development Contribution Area No.2, and reflects previous changes to zones applied to TPS2.

Conclusion

Given no objections were received during the advertising period, it is recommended that the Council adopt the Amendment for Final Approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPT** (Final Adoption) Amendment No.156 to Town Planning Scheme No.2 as follows:

1. Clause 5.6.1(a) is amended by deleting “, but does not apply to Development Contribution Area No.1”.
2. Clause 4(2) of Schedule No.12 is amended by:
   (i) inserting the following:
      “(b) the Primary Centre Waterfront Village Zone;
      (c) the Primary Centre Urban Village Zone;
      (d) the Primary Centre City Living Zone;
      (e) the Commercial Zone”;
   (ii) deleting “(b) the Waterfront Village Zone;”;
   (iii) renumbering paragraphs (c), (d), (e), (f), (g) and (h) respectively.

Committee Recommendation

**Moved Cr Whitfield, seconded Cr Sammels:**

That Council **ADOPT** (Final Adoption) Amendment No.156 to Town Planning Scheme No.2 as follows:

1. Clause 5.6.1(a) is amended by deleting “, but does not apply to Development Contribution Area No.1”.
2. Clause 4(2) of Schedule No.12 is amended by:
   (i) inserting the following:
      “(b) the Primary Centre Waterfront Village Zone;
      (c) the Primary Centre Urban Village Zone;
      (d) the Primary Centre City Living Zone;
      (e) the Commercial Zone”;
   (ii) deleting “(b) the Waterfront Village Zone;”;
   (iii) renumbering paragraphs (c), (d), (e), (f), (g) and (h) respectively.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-071/15 Proposed Street Naming Theme – &quot;The Edge&quot; (Indigenous Native Flower and Vegetation Names)</th>
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<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/1907</td>
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<td><strong>Risk Register No:</strong></td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Vinten Browning Advertising Agency</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Perron Developments Pty Ltd</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mrs Sharon Peacock, Projects Research Officer</td>
</tr>
<tr>
<td></td>
<td>Miss Donna Shaw, A/Coordinator Statutory Planning</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>20 October 2015</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Executive</td>
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<tr>
<td><strong>Site:</strong></td>
<td>Lots 3, 921 and 922 Baldivis Road, Baldivis</td>
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<tr>
<td><strong>Lot Area:</strong></td>
<td>27ha</td>
</tr>
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<td><strong>LA Zoning:</strong></td>
<td>Development</td>
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<td><strong>Attachments:</strong></td>
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</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Subdivision Plan</td>
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</table>
Purpose of Report

To consider an application seeking approval for a street naming theme based on ‘Indigenous Native Plant Species’ for a residential subdivision located at Lots 3, 921 and 922 Baldivis Road, Baldivis. The Estate is to be marketed as ‘The Edge Baldivis’.

Background

In September 2015, the Western Australian Planning Commission (WAPC) approved a Structure Plan over Lots 3, 921 and 922 Baldivis Road, Baldivis.

The Structure Plan contains the following elements:

- The creation of approximately 390-400 residential lots, with the predominant density of R25 and small pockets of R40 near the primary school and public open space areas;
- A portion of a public primary school measuring approximately 2ha in area; and
- Two areas of Public Open Space totalling 2.1ha.

Conditional Subdivision Approval was granted by the WAPC in September 2015.
Details

The applicant advises that the street names within ‘The Edge Baldivis’ are based on ‘Indigenous Native Plant Species’ found in the surrounding area.

The street names derive from either indigenous native plants found along the Cockburn/Baldivis coastal plain or Western Australian native perennial plants.

Examples of the proposed street names are as follows:

Moodjar - English name is a native Christmas Tree found on coastal plains. The tree is trusted with care and respect by the Indigenous Community.

Pimelea - A Western Australian native perennial plant with dense dark foliage and massed pink flowers, found in the Baldivis/Cockburn Sound Region.

Nyilla - English name is native mistletoe. This plant is found predominantly around the estuary waters of Cockburn Sound.

Yangeti - English name is a native Bullrush. These are found in permanent coastal wetlands within the Baldivis Region.

Implications to Consider

a. Consultation with the Community

   Nil

b. Consultation with Government Agencies

   Consultation with the Geographic Names Committee is required following the Council's decision.
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**  
The Land Administration Act 1997 (section 26A) requires developers of new subdivisions to submit street names for support by the Council. The responsibility for approving street names rests with the Geographic Names Committee. The proposed theme is in accordance with Geographic Names Committee Principles, Procedures and Guidelines.

g. **Risk**  
Nil

**Comments**

The proposed theme, based on ‘Indigenous Native Plant Species’, is compliant with the City’s Planning Procedure No.1.4 and the Geographic Names Committee Principles, Procedures and Guidelines, which recognises and encourages the promotion, preservation and restoration of indigenous culture within Western Australia, and is acknowledged by preference being given to indigenous names where possible.

In light of the above, it is recommended that the Council support the proposed street naming theme.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **SUPPORT** the proposed street naming theme of ‘Indigenous Native Plant Species’ for the residential subdivision located at Lots 3, 921 and 922 Baldivis Road, Baldivis, known as ‘The Edge Baldivis’.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Hamblin:

That Council **SUPPORT** the proposed street naming theme of ‘Indigenous Native Plant Species’ for the residential subdivision located at Lots 3, 921 and 922 Baldivis Road, Baldivis, known as ‘The Edge Baldivis’.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
## Purpose of Report

To consider a nomination for an additional community member on the Heritage Reference Group (HRG) from the Rockingham District Historical Society (RDHS).

## Background

In September 2014, Council appointed Mrs Wendy Durant and Mrs Sylvia Reed, both from the RDHS, as community representatives of the HRG for a two-year term, commencing on the 23rd September 2014.

The terms of reference of the Heritage Reference Group is to provide a forum to discuss the conservation and preservation of natural and culturally significant heritage sites within the Rockingham district.

The HRG membership comprises:
- One Councillor, also Chairperson of the Committee;
- One alternate Councillor Delegate;
- Two representatives from the RDHS; and
- Regional Heritage Advisor.

Non-committee Members include:
- Senior Planning Officer - Secretary; and
- Manager Statutory Planning.

Meetings are held on an as needs basis.

## Details

The City has received a request for nomination from Mrs Debra Armstrong from the RDHS to become a member of the HRG.

## Implications to Consider

<table>
<thead>
<tr>
<th></th>
<th>Consultation with the Community</th>
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</tr>
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<tbody>
<tr>
<td>a</td>
<td>Consultation with Government Agencies</td>
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<tr>
<td>b</td>
<td>Strategic</td>
<td>Community Plan</td>
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<tr>
<td>c</td>
<td>Aspiration C: Quality Leadership</td>
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<td>d</td>
<td>Strategic Objective: Community Engagement and Advocacy - An engaged and informed community that participates in local decision making and can rely upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.</td>
<td></td>
</tr>
<tr>
<td>e</td>
<td>Policy</td>
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<tr>
<td>f</td>
<td>Financial</td>
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<td>f</td>
<td>Legal and Statutory</td>
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</tr>
<tr>
<td>g</td>
<td>Risk</td>
<td></td>
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</table>

Mrs Debra Armstrong has been a member of the RDHS since 2014, and currently holds the position of Secretary of the RDHS.
The HRG considered the request for nomination at its last meeting on the 29th July 2015, where it supported the nomination.

The terms of the HRG currently only provides for two representatives from the RDHS. The City considers that the existing two members from the RDHS provide a sufficient level of advice to the City with respect to heritage matters. For this reason, it is recommended that Mrs Debra Armstrong instead be nominated as a proxy member to the HRG, to fill the position of vacant members as the need arises.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council

1. **NOT EXPAND** the Heritage Reference Group to include an additional member from the Rockingham District Historical Society, given that there are already two members of the Rockingham District Historical Society represented on the Heritage Reference Group.

2. **APPOINT** Mrs Debra Armstrong as a proxy member from the Rockingham District Historical Society on the Heritage Reference Group, to attend meetings if serving members on the Heritage Reference Group from the Rockingham District Historical Society cannot attend, and for a term expiring on 23 September 2016.

### Committee Recommendation

Moved Cr Hamblin, seconded Cr Whitfield:

That Council

1. **NOT EXPAND** the Heritage Reference Group to include an additional member from the Rockingham District Historical Society, given that there are already two members of the Rockingham District Historical Society represented on the Heritage Reference Group.

2. **APPOINT** Mrs Debra Armstrong as a proxy member from the Rockingham District Historical Society on the Heritage Reference Group, to attend meetings if serving members on the Heritage Reference Group from the Rockingham District Historical Society cannot attend, and for a term expiring on 23 September 2016.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable

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3 Correction of typographical error
## Planning and Development Services
### Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-073/15 Amendment to Joint Development Assessment Panel Planning Approval - Fast Food Outlet - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</th>
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<td>Risk Register No:</td>
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<td>Applicant:</td>
<td>Urbis Pty Ltd</td>
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<td>Owner:</td>
<td>Perpetual Limited</td>
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<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Erika Dawson, Projects Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
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<td>Date of Committee Meeting:</td>
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<td>April 2015 (PDS-028/15)</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</td>
</tr>
</tbody>
</table>
| Lot Area:               | Lot 2003 = 30,580m²  
 Lot 2010 = 27,493m²  
 Lot 2013 = 3,522m²  |
| LA Zoning:              | District Town Centre                                                                                                                                  |
| MRS Zoning:             | Urban                                                                                                                                               |
| Attachments:            | Responsible Authority Report                                                                                                                          |
| Maps/Diagrams:          | 1. Location Plan  
 2. Aerial Photo  
 3. Site Plan  
 4. Change to Floor Plan  
 5. Inclusion of Terrace Screen and change to Terrace Floor Plan  
 6. Proposed Terrace Elevation  
 7. Indicative Development Plan |
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 NOVEMBER 2015

PRESIDING MEMBER
3. Site Plan

Note:
The layout of the Shopping Centre and Carpark has been modified in a subsequent proposal.
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an amended application for a Fast Food Outlet on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour. Specifically:

- The inclusion of a screen to the terrace area;
- Minor changes to the terrace floor plan; and
- The modification of two conditions.

Background

History of Approvals

The following outlines the history of Planning Approvals on site:

- February 2005 - Planning Approval issued - Stage 1 Shopping Centre
- September 2005 - Planning Approval issued - Tavern and Drive Thru Bottle shop
- September 2006 - Subdivision Approval issued - to excise the Tavern from the Shopping Centre Site
- May 2007 - Planning Approval issued - Service Station
- September 2007 - Planning Approval issued - Two (2) pylon signs and associated signage (Caltex)
- October 2007 - Planning Approval issued - revised Tavern design
- May 2009 - Modification to Planning Approval issued - Alfresco Area of Tavern
- February 2015 - JDAP Planning Approval issued - Extension to Secret Harbour Shopping Centre
- May 2015 - JDAP Planning Approval issued - Fast Food Outlet (McDonalds)
- October 2015 - Modification to JDAP Planning Approval issued - Extension to Secret Harbour Shopping Centre

Existing Site Improvements

The existing Secret Harbour Shopping Centre is contained wholly within Lot 2003. It is a single storey building that contains 5,246m² of floor space. The Centre comprises one (1) supermarket (3,800m²), 1,620m² of specialty stores, and an associated car park containing 390 parking spaces.

A Caltex Service Station is located on the north eastern corner of Lot 2003.

The site has two (2) vehicular access points from Warnbro Sound Ave, one (1) from Secret Harbour Boulevard and two (2) from Oasis Drive.

The adjacent Lot 2002 contains the Whistling Kite Tavern and drive thru bottle shop. It gains access over Lot 2003.

Details

The application proposes to amend the JDAP Planning Approval in terms of layout as outlined below, and by amending a number of conditions.
1. Modified Design

(a) Changes to Floor Plan

Existing Floor Plan
4. Change to Floor Plan
(b) Reconfiguration of the terrace layout.

Existing Terrace Floor Plan

Proposed Terrace Screen and change to Floor Plan

5. Inclusion of Terrace Screen and change to Terrace Floor Plan
(c) Reconfigured of the terrace area with the addition of a screen around the terrace area which will effectively close it off from external public access.

2. Modified Conditions

(a) Condition 4

The approved condition states:

“The proposed access street intersections with Warnbro Sound Avenue and Oneida Road must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersections must be constructed in accordance with the approved plans prior to occupation of the development”

The applicant proposes to amend the condition to read:

“The proposed Warnbro Sound Avenue and Oneida Road crossovers must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The crossovers must be constructed in accordance with the approved plans prior to occupation of the development.”

(b) Condition 6

The approved condition states:

“The left out egress for Access Street South onto Warnbro Sound Avenue must not be constructed unless and until the Access Street North on Warnbro Sound Avenue is modified to remove either its ingress or egress, and that affected area is rehabilitated, paved and landscaped to the satisfaction of the City of Rockingham.”
The applicant proposes to amend the condition to read:

"Prior to finalisation of construction of the Shopping Centre

‘Until such time as the construction of the Shopping Centre is completed, the Access Street South crossover shall allow for both left-in and left-out movements’.

Following finalisation of construction of the Shopping Centre

"The Access Street South crossover shall be limited to left-in moments only."

**Implications to Consider**

a. **Consultation with the Community**

As the amended development is consistent with the scale identified for the site by the Local Commercial Strategy, and is consistent with the IDP for Secret Harbour, advertising is not required.

b. **Consultation with Government Agencies**

The amended application was referred to the Department of Planning for comment as the site has direct access to Warnbro Sound Avenue which is classified as an “Other Regional Road” under the MRS, and the proposed development has the potential to increase traffic flows by more than 100 vehicles per hour in peak period.

The DoP provided the following comments:

**Access**

The Department’s position is that above condition 10 (Secret Harbour Shopping Centre Expansion approved by JDAP 12 February 2015) does not explicitly provide for an interim scenario of 7 access and egress movements, and above condition 6 (McDonalds approved by JDAP 7 May 2015) clearly limits access and egress movements to 6 at any time along the subject section of Warnbro Sound Avenue. Warnbro Sound Avenue is a Category 1 (control of access) Other Regional Road and it is considered that 6 access / egress points provides sufficient access to the Shopping Centre within a relatively short distance.

The Department of Planning does not support the justification provided by Urbis summarised below (dated: 25 May 2015).

1. This states that: the conditions placed on the broader shopping centre approval did not specify which access movements should be restricted. It is considered such decisions can be appropriately dealt with through commercial negotiations with Charter Hall. Not supported, the DoP seeks to minimise vehicular access points onto Other Regional Roads, for reasons of safety and efficiency (refer to WAPC D.C. Policy 5.1 Vehicular Access). This issue is a planning / transport engineering matter which should be determined by the City and DoP, rather than a commercial matter.

2. This further states that: Good way-finding is generally provided by entry and exit at the same location. A left-out at this location can utilise gaps created by the future traffic signals at Oneida Road and platoon effect of traffic. An egress at this location will reduce through Traffic on Oneida Road. Service vehicles to McDonalds do not need to negotiate the car park to exit which reduces commercial traffic attraction to Oneida Road. Not supported, although it is acknowledged that good way-finding is assisted with a single entry and exit point, safety and efficiency by reducing total points of access onto the regional road is a more important consideration in this case.

**City Response:**

The City supports the DoP’s comments.

**Recommendation:**

*That the applicant’s modified condition 6 be not supported.*
c. Strategic

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

**Aspiration D:** Sustainable Environment

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

d. Policy

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)

The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

**Clause 5.3 - Movement**

The subject site was chosen as the location for the District Centre given its proximity to Warnbro Sound Avenue which is classified as an “Other Regional Road” under the Metropolitan Region Scheme (MRS). A high frequency public transport service is not available in this area. This is relevant as access to high frequency public transport services can be reasonably used as justification for a reduction in parking requirements. The proposed amended condition 6 seeks an additional vehicle movement onto the “Other Regional Road”, which is not supported the Department of Planning. This is discussed further in the consultation section of this report.

Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3)

PP3.2.3 provides guidance on development of land within the Secret Harbour Town Centre.

**Clause 3 - Policy Objectives**

The objectives of PP3.2.3 are:

(i) To create a Town Centre which will be the primary social and commercial focus of the locality and surrounding district.

(ii) To achieve an integrated townscape character that incorporates Main Street design principles.

(iii) To create a built environment and landscape that will make a substantial contribution to the sense of community and identity of Secret Harbour.

(iv) To achieve a contemporary, mixed use development by incorporating the best features of commercially successful townsapes.

(v) To allow the Town Centre to grow in stages, whilst maintaining a ‘sense of being’ at every stage.

(vi) To maintain flexibility to ensure that various land use combinations can be incorporated as demand emerges.

The proposed development is considered to be consistent with the objectives of the PP3.2.3.

**Indicative Development Plan (IDP)**

Clause 5 of PP3.2.5 requires the Council to have regard to the IDP in applying PP3.2.3. The IDP is contained within Figure 7.

The amended development provides for built form that is consistent with the IDP.
7. Indicative Development Plan

General Requirements

PP3.2.2 includes general requirements as well as specific precinct requirements applying to development. The amended proposal does not have any further Policy implications.

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

A signage strategy was submitted in support of the application. No changes to signage have been proposed through the amended proposal. As such, there are no further Policy implications.

Planning Policy 3.3.9 – Fast Food Outlets (PP3.3.9)

The amended floor plan and elevation do not trigger any PP3.3.9 Policy implications.
Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)
The amended proposal does not change the NLA of the development. As such, the same condition and for the provision of bicycle bays and end of trip facilities is recommended.

e. Financial
Nil

f. Legal and Statutory
Town Planning Scheme No.2 (TPS2)
The proposal was assessed against the requirements of TPS2 and is compliant. Details of the relevant Clauses of TPS2 and an explanation of how the development is compliant are as follows:

Clause 3.2 - Zoning Table
The subject site is zoned 'District Town Centre' under TPS2. The proposed land use of 'Fast Food Outlet' is a use that is not permitted (D), unless the Council has exercised its discretion by granting planning approval.

Clause 4.5 - District Town Centre Zone
The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of 'Main Street' Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy.

The proposed development has due regard to the objectives and principles outlined within the City's Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3). This is addressed in the assessment against PP3.2.3 below. As such, the proposal is considered to be generally consistent with the objective of the District Town Centre Zone.

Clause 4.5.3 - Planning Principles
The Council is required to have due regard to a number of planning principles in determining any development application. Each principle has been considered in relation to this application in the full assessment provided in the RAR attached to this report. The development is considered to be consistent with the planning principles.

(a) be guided by the objectives of the Policies;
The amended proposal is considered to be consistent with PP3.2.3. This is considered below in the Local Policies Section.

(b) have due regard to the impact of the development on the establishment, quality and use of the public domain;
The development has direct frontage to Warnbro Sound Avenue, which is a car dominated environment that is not conducive active street frontages or alfresco dining. The development is sited as per PP3.2.3’s Indicative Development Plan (IDP) on one of the identified pad sites on the fringe of the Core Precinct and will include landscaping in the street setback area. As such, the development is considered appropriate for the location.

(c) seek to encourage a mix of uses both within individual developments and more broadly within the Centres as a whole;
The Fast Food Outlet contributes to the overall mix of land uses in the Town Centre and is consistent with the IDP.

(d) have due regard to the principles and objectives of State Planning Policy 4.2: Activity Centres for Perth and Peel; and

The amended proposal is considered to be generally consistent with State Planning Policy 4.2: Activity Centres for Perth and Peel. This is discussed in the Policies Section.

(e) consider the specific requirements of the policies established by the Policies for each of the use precincts within the Zone.
The amended proposal is considered to be consistent with PP3.2.3. This is discussed in the Policies Section.
Clause 6.6 - Matters to be considered by the Council

Clause 6.6 outlines the matters to which Council is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Comments Section.

g. Risk
Nil

Comments

Reconsideration of Conditions

Condition 4
It is acknowledged that the access points are crossovers rather than street intersections. As such, the modified condition is supported.

Condition 6
Based upon the advice received from the DoP, this modified condition is not supported.

Conclusion

The proposed changes to the plans and modification to Condition 4 are minor in nature and do not materially affect the proposed development. As such, they can be supported. The proposed modified Condition 6, however, will result in a situation where there additional traffic movements onto the Other Regional Road. As the modified condition is not supported by the DoP, it is recommended that the existing condition be maintained.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the amended application for a Fast Food Outlet and associated signage on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West JDAP resolves to:
1. Approve that the DAP Application reference DAP/14/00748 as detailed on the DAP Form 2 dated 28 May 2015 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;
2. Refuse the request to amend Condition 6;
3. Approve the DAP Application reference DAP/14/00748 as detailed on the DAP Form 2 dated 28 May 2015 and accompanying plans:
   • Floor Plan, No. DA04 Rev A; and
   • Terrace Screening Elevations, No. DA09
   in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the approval dated 7 May 2015 and the following amended condition:

4. The proposed Warnbro Sound Avenue and Oneida Road crossovers must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The crossovers must be constructed in accordance with the approved plans prior to occupation of the development.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:
That Council ADOPT the Responsible Authority Report for the amended application for a Fast Food Outlet and associated signage on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

*That the Metro South-West JDAP resolves to:

1. **Approve** that the DAP Application reference DAP/14/00748 as detailed on the DAP Form 2 dated 28 May 2015 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. **Refuse** the request to amend Condition 6;

3. **Approve** the DAP Application reference DAP/14/00748 as detailed on the DAP Form 2 dated 28 May 2015 and accompanying plans:
   - Floor Plan, No. DA04 Rev A; and
   - Terrace Screening Elevations, No. DA09

   in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the approval dated 7 May 2015 and the following amended condition:

4. The proposed Warnbro Sound Avenue and Oneida Road crossovers must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The crossovers must be constructed in accordance with the approved plans prior to occupation of the development.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Joint Development Assessment Panel Application - Shop (Liquor Store) and associated Signage - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour

### Reference No & Subject:
- **Reference No:** PDS-074/15
- **Subject:** Joint Development Assessment Panel Application - Shop (Liquor Store) and associated Signage - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour

### File No:
- **File No:** DD020.2015.00000179.001

### Applicant:
- **Applicant:** Rowe Group Pty Ltd

### Owner:
- **Owner:** Perpetual Limited

### Author:
- **Author:** Mr Greg Delahunty, Senior Planning Officer

### Other Contributors:
- **Mrs Erika Dawson, Projects Officer**
- **Mr Bob Jeans, Director Planning and Development Services**

### Date of Committee Meeting:
- **20 October 2015**

### Site:
- **Site:** Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour

### Lot Area:
- **Lot 2003:** 30,580m²
- **Lot 2010:** 27,493m²
- **Lot 2013:** 3,522m²

### LA Zoning:
- **District Town Centre**

### MRS Zoning:
- **Urban**

### Attachments:
- **Responsible Authority Report**

### Maps/Diagrams:
1. Location Plan
2. Aerial Photo
3. Overall Site Plan
4. Site Plan
5. Floor Plan
6. South Elevation and West Elevation
7. East Elevation and North Elevation

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## Confirmation

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 NOVEMBER 2015

PRESIDING MEMBER
8. Roof Plan
9. Signage Details
10. Intersections
11. Indicative Development Plan
12. Current on-site parking to be retained

1. Location Plan

2. Aerial Photo
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a Shop and associated signage on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour.

Background

History of Approvals

The following outlines the history of Planning Approvals on site:

- February 2005 - Planning Approval issued - Stage 1 Shopping Centre
- September 2005 - Planning Approval issued - Tavern and Drive Thru Bottle shop
- September 2006 - Subdivision Approval issued - to excise the Tavern from the Shopping Centre Site
- May 2007 - Planning Approval issued - Service Station
- September 2007 - Planning Approval issued - Two (2) pylon signs and associated signage (Caltex)
- October 2007 - Planning Approval issued - revised Tavern design
- May 2009 - Modification to Planning Approval issued - Alfresco Area of Tavern
- February 2015 - JDAP Planning Approval issued - Extension to Secret Harbour Shopping Centre
- May 2015 - JDAP Planning Approval issued - Fast Food Outlet (McDonalds)
- October 2015 - Modification to JDAP Planning Approval issued - Extension to Secret Harbour Shopping Centre

Existing Site Improvements

The existing Secret Harbour Shopping Centre is contained wholly within Lot 2003. It is a single storey building that contains 5,246m² of floor space. The Centre comprises one (1) supermarket (3,800m²), 1,620m² of specialty stores and an associated car park containing 390 parking spaces.

A Caltex Service Station is located on the north eastern corner of Lot 2003.

The site has two (2) vehicular access points from Warnbro Sound Ave, one (1) from Secret Harbour Boulevard and two (2) from Oasis Drive.

The adjacent Lot 2002 contains the Whistling Kite Tavern and drive thru bottle shop. It gains access over Lot 2003.

Details

The proposed development involves the construction of a Shop with a total gross floor area of 1,245m² and Net Lettable Area (NLA) of 1,054m². The proposed Shop will be occupied by a Dan Murphy's Liquor Store. The development will also provide for associated parking, access and landscaping. The following signage is proposed:

- One (1) illuminated wall sign; and
- Eight (8) unilluminated wall signs.

The proposed development will be set back approximately 2m from Warnbro Sound Avenue.

The western façade incorporates street level glazing to allow sight lines and light both into and out of the building and surveillance of the surrounding car park.

At the entry to the building there is a weather protective awning above the adjoining footpath. Feature timber columns are also proposed on this elevation. The southern and northern elevations incorporate coloured wall panels.

A total of forty-eight (48) cars parking bays are provided for the use of the Shop.

Vehicular entrance to the development is proposed to be obtained from Warnbro Sound Avenue. (These access points have been approved as part of the recent Secret Harbour Shopping Centre expansion).

Service vehicles will access the site from Warnbro Sound Avenue and exit the site at Oneida Road. The service bay will be screened from public view.
3. Overall Site Plan

Note:
The layout of the Shopping Centre and Carpark has been modified in a subsequent proposal.
4. Site Plan
5. Floor Plan
6. South Elevation and West Elevation
7. East Elevation and North Elevation
8. Roof Plan
9. Signage Details

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<th>SIGN NO.</th>
<th>SIGN IMAGE</th>
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**Implications to Consider**

a. **Consultation with the Community**

As the amended development is consistent with the scale identified for the site by the Local Commercial Strategy, and is consistent with the IDP for Secret Harbour, advertising is not required.

b. **Consultation with Government Agencies**

The application was referred to the Department of Planning for comment as the site has direct access to Warnbro Sound Avenue which is classified as an “Other Regional Road” under the MRS, and the proposed development has the potential to increase traffic flows by more than 100 vehicles per hour in peak period.

The DoP provided the following comments. For clarity of intersection descriptions refer to Figure 10.
### Access

The Department of Planning has previously advised that it will support the following access arrangements:

- Existing Warnbro Sound Avenue access (north) to be restricted to left-in only after 2018;
- Existing Warnbro Sound Avenue access (central) to be restricted to left-in / left-out / right-in; and
- Existing Warnbro Sound Avenue access (south) to be restricted to left-in only until the closure of Warnbro Sound Avenue access (north), after this is may become left-in / left-out.

The Department of Planning has no objection to the proposal subject to the above agreed access arrangements.

**City Response:**

This development can function appropriately with the access arrangements proposed by the DoP.

**Recommendation:**

A condition be imposed prohibiting a left out movement for Access Street South on Warnbro Sound Avenue being constructed unless and until the Access Street North on Warnbro Sound Avenue is modified to remove a turning movement and is, rehabilitated, paved and landscaped to the satisfaction of the City of Rockingham.

### Parking

The Department of Planning has no objection to the subject to the proposal meeting Council’s parking requirements.

**City Response:**

The proposal meets TPS2 parking requirements.
10. Intersections

Access Street North
Left in / Left out

Access Street Middle
Left in / Left out / Right in

Access Street South
Left In
c. **Strategic**

**Community Plan**

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

**Aspiration D:** Sustainable Environment

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

d. **Policy**

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)

The purpose of SPP4.2 *inter alia* is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

**Clause 5.1 - Activity Centre Hierarchy**

Secret Harbour is identified as a 'District Centre' under the Activity Centres Hierarchy in SPP4.2. The proposed development is consistent with the planned activity centre hierarchy.

**Clause 5.2 - Activity**

The proposal contributes to the overall mix of land uses within the District Centre. It is also a land use that will generate additional evening and weekend activity consistent with SPP4.2.

**Clause 5.3 - Movement**

The subject site was chosen as the location for the District Centre given its proximity to Warnbro Sound Avenue which is classified as an “Other Regional Road” under the MRS. A high frequency public transport service is, however, not available in this area.

Consistent with SPP4.2, the City has set upper limits to parking in TPS2 reflecting the opportunity for reciprocal and shared parking and availability of on-street parking.

SPP4.2 requires that parking facilities are to be located, scaled, designed and landscaped to avoid visual domination of street and public space frontages, and to avoid discontinuity of the urban form and pedestrian amenity. The parking provides for a continuation of the main street (Oasis Drive), with all parking provided behind the buildings in this location, consistent with the SPP. Whilst Warnbro Sound Avenue is dominated by parking, its function as an Other Regional Road, makes this more appropriate.

**Clause 5.4 - Urban Form**

The development is sited as per PP3.2.3’s IDP, on one of the identified pad sites on the fringe of the Core Precinct. Although it does not contribute directly to the activation of Main Street within the Town Centre, the proposal will not compromise the Main Street design of Oasis Drive and the Urban Form of the centre.

**Clause 5.5 - Resource Conservation**

The application has not identified whether the development will include any measures to contribute to the conservation of resources.

**Clause 5.6 - Out of Centre Development**

The development, which is considered to be primarily served by customers in a car, is located out of the centre. As such, it complies with the intent of SPP4.2.

**Clause 6.6 - Development Control**

Clause 6.6.1 of SPP4.2 states that an Activity Centre Structure Plan (ACSP) should be prepared prior to approval of any major development within an activity centre. There is no ACSP for Secret Harbour. The SPP continues that developments should comply with either an endorsed ACSP or a Local Planning (Commercial) Strategy. Assessment of the application against the Local Planning (Commercial) Strategy (PP3.1.2) is provided below under Local Policies. The development is consistent with the location and NLA required by the Strategy and the development is located within an appropriate level centre of the activity centre hierarchy.
This development is considered to be a stage in the development of the overall Secret Harbour District Centre. The staging of the centre is consistent with Clause 6.6.1(3) of SPP4.2, which requires the shopping component of an Activity Centre to be provided in a staged manner reflecting population growth.

Clause 6.6.1(5) of SPP4.2 requires the responsible authority to consider the region planning scheme, town planning scheme or strategy, state planning policy, and any relevant endorsed policy, strategy or plan. These have all been considered in this assessment.

Planning Policy 3.1.2 - Local Commercial Strategy (PP3.1.2)

The subject site is located within the area identified as 'Precinct 3 South Coastal' under PP3.1.2.

Recommended Centre Sizes

The Secret Harbour District Centre is recommended to have a PLUC5 NLA of 15,000m² under PP3.1.2.

The centre overall post development will have a NLA of 16,414m²; however, with the range of uses accommodated it will have less than 15,000m² PLUC5 NLA. This is consistent with PP3.1.2.

Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3)

PP3.2.3 provides guidance on development of land within the Secret Harbour Town Centre.

Clause 3 - Policy Objectives

The objectives of PP3.2.3 are:

(i) To create a Town Centre which will be the primary social and commercial focus of the locality and surrounding district.

(ii) To achieve an integrated townscape character that incorporates Main Street design principles.

(iii) To create a built environment and landscape that will make a substantial contribution to the sense of community and identity of Secret Harbour.

(iv) To achieve a contemporary, mixed use development by incorporating the best features of commercially successful townsscapes.

(v) To allow the Town Centre to grow in stages, whilst maintaining a ‘sense of being’ at every stage.

(vi) To maintain flexibility to ensure that various land use combinations can be incorporated as demand emerges.

The proposed development is considered to be consistent with the objectives of the PP3.2.3.

Indicative Development Plan (IDP)

Clause 5 of PP3.2.5 requires the Council to have regard to the IDP in applying PP3.2.3. The IDP is contained within Figure 11.

In accordance with the IDP, the proposed shop is located at site 8 (car based commercial). Accordingly, the proposed development is considered consistent with the IDP in terms of location.
11. Indicative Development Plan

General Requirements

PP3.2.2 includes general requirements as well as specific precinct requirements applying to development. A detailed assessment has been undertaken against the Policy provisions in the City’s Responsible Authority Report (RAR), which concludes that the proposal is generally consistent with the Policy.

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

The application seeks approval for the following signs:

- One illuminated wall sign; and
- Eight unilluminated wall signs.
A signage strategy was submitted in support of the application.

Clause 3 - Objectives

The objectives of PP3.3.1 are to:

(a) Ensure that advertisements are appropriate for their location;
(b) Minimise the proliferation of advertisements;
(c) Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;
(d) Protect the amenity of residential areas, townscape areas and areas of environmental significance;
(e) Protect the significance of heritage places or buildings;
(f) Ensure that advertisements are constructed with quality materials;
(g) Encourage advertisements located within the Rural or Special Rural Zone or in areas of environmental significance to be sympathetic with the natural environment in terms of materials and colours;
(h) Ensure advertisements are generally erected on land where the advertised business, sale of goods or service is being carried out; and
(i) Ensure that advertisements are maintained to a high standard.

The signs are considered to be generally consistent with the objectives of PP3.1.1. This is demonstrated in the specific assessment against the provisions of PP3.3.1 below.

Clause 4.3.1 - Signs on Buildings

The application proposes nine (9) signs on the building. The signs are typical of what is to be expected for a development of this nature. As such, they are considered to comply with the objectives of PP3.3.1.

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

Clause 4.1 - Provision of Bicycle Parking Devices

A Shop is considered to be ‘Commercial’ in terms of PP3.3.14. As such the following bicycle parking rates have been applied based on an NLA of 1,054m²:

<table>
<thead>
<tr>
<th>Table 1: Bicycle Parking Requirements</th>
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<tbody>
<tr>
<td>Rate</td>
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<tr>
<td>Long Term Parking</td>
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<tr>
<td>one (1) space per 250m² NLA</td>
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<tr>
<td>Short Term Parking</td>
</tr>
<tr>
<td>one (1) space per 150m² NLA (min 2 space)</td>
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<td>Total</td>
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Should the application be approved, it is recommended that a condition be imposed requiring the construction of five (5) long term and eight (8) short term spaces in accordance with PP3.3.14.

Clause 4.3 - Provision of End-of-Trip Facilities

With the provision of 5 long term parking spaces, two showers are required to be provided in accordance with PP3.3.14. The showers are required to be provided in a changeroom in accordance with the policy. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities in accordance with PP3.3.14.
Planning Policy 3.3.19 – Licensed Premises (PP3.3.19)

The purpose of this Policy is to provide guidance for the assessment and determination of Liquor License Applications and Planning Applications within the City of Rockingham.

The Policy also aims to protect the safety and amenity of existing and future residents and business proprietors against alcohol related problems such as anti-social behaviour, violence, property damage, harm and promote the responsible sale and consumption of alcohol.

A detailed assessment has been undertaken against the Policy provisions in the City’s Responsible Authority Report (RAR), which concludes that the proposal is generally consistent with the Policy.

e. Financial

Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

The proposal was assessed against the requirements of TPS2 and is compliant. Details of the relevant Clauses of TPS2 and an explanation of how the development is compliant are as follows:

Clause 3.2 - Zoning Table

The subject site is zoned 'District Town Centre' under TPS2. The proposed land use of ‘Shop’ is a use that is not permitted (D), unless the Council has exercised its discretion by granting planning approval.

Clause 4.5 - District Town Centre Zone

The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of 'Main Street' Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy.

The proposed development has due regard to the objectives and principles outlined within the City’s Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3). This is addressed in the assessment against PP3.2.3 below. As such, the proposal is considered to be generally consistent with the objective of the District Town Centre Zone.

Clause 4.5.3 - Planning Principles

The Council is required to have due regard to a number of planning principles in determining any development application. Each principle has been considered in relation to this application in the full assessment provided in the RAR attached to this report. The development is considered to be consistent with the planning principles.

(a) be guided by the objectives of the Policies;

The proposal is considered to be consistent with PP3.2.3. This is considered below in the Local Policies Section.

(b) have due regard to the impact of the development on the establishment, quality and use of the public domain;

The development has direct frontage to Warnbro Sound Avenue, which is a car dominated environment that is not conducive active street frontages or alfresco dining. The development is sited as per PP3.2.3’s Indicative Development Plan (IDP) on one of the identified pad sites on the fringe of the Core Precinct and will include landscaping in the street setback area. As such, the development is considered appropriate for the location.

(c) seek to encourage a mix of uses both within individual developments and more broadly within the Centres as a whole;

The Shop contributes to the overall mix of land uses in the Town Centre and is consistent with the IDP.
(d) have due regard to the principles and objectives of State Planning Policy 4.2: Activity Centres for Perth and Peel; and

The proposal is considered to be generally consistent with State Planning Policy 4.2: Activity Centres for Perth and Peel. This is discussed in the Policy Section.

(e) consider the specific requirements of the policies established by the Policies for each of the use precincts within the Zone.

The proposal is considered to be consistent with PP3.2.3. This is discussed in the Policy Section.

Clause 6.6 - Matters to be considered by the Council

Clause 6.6 outlines the matters to which Council is to give due regard when considered relevant to an application. Where relevant, these have been discussed in the Planning Assessment.

g. Risk

Nil

Comments

Car Parking

Forty-Eight (48) bays are to be provided for Dan Murphys. This complies with the TPS2 requirement.

Amalgamation

Service vehicles will access the site from Warnbro Sound Avenue via Lot 2003 and exit the site at Oneida Road via Lot 2010. It is therefore necessary to amalgamate the lots in order to remove the requirements for access easements.

Conclusion

The proposal involves the construction of a 1,245m² Shop and associated signage.

The proposed development is considered to be compliant with TPS2 and Policy. Where variations are proposed, these have been assessed and considered acceptable in the context of the locality or have been recommended for removal from the approval.

It is recommended that the application be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the Responsible Authority Report for the application for a Shop and associated signage on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council ADOPT the Responsible Authority Report for the application for a Shop and associated signage on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:
That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/15/00795 and accompanying plans:

- Proposed Carpark Allocation; No.DA10 Rev. B; dated 23.06.15;
- Proposed Ground Floor Plan, No. DA03, dated 10.03.15;
- Proposed Roof Plan No. DA04, dated 10.03.15;
- Proposed West and South Elevations, No. DA05, dated 16.03.15;
- Proposed North and East Elevations, No. DA06, dated 16.03.15;
- Proposed Sections A-A + B-B, No. DA07, dated 16.03.15;
- Proposed Sections C-C + Concept Perspectives, No. DA08, dated 16.03.15;
- Proposed Signage Schedule; No. DA09, dated 10.03.15;
- Sealhurst Acoustic Design and Engineering Operational Noise Emissions Assessment dated April 2015; and
- Final acoustic assessment report submitted to satisfy condition 13

in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

1. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.

2. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the issue of a Building Permit. The design shall be implemented and maintained for the duration of the development.

3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and must be completed prior to occupation.

4. The proposed access street intersection with Oneida Road (including the service vehicle route through the site) must be designed and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to issue of a Building Permit. The access street intersection (including the service vehicle route through the site) must be constructed in accordance with the approved plans prior to occupation of the development.

5. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit.
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) The street setback area and all verge areas.

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

6. The carpark must:
   (i) provide a minimum of forty-eight (48) parking spaces;
   (ii) be designed in accordance with User Class 3A of the 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 issue of a Building Permit;
   (iii) include one (1) car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
(iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
(v) have lighting installed, prior to the occupation of the development; and
(vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times.

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

7. Eight (8) short-term bicycle parking spaces and five (5) long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.

8. Two (2) secure hot-water showers, change rooms and clothing lockers must be provided for the development. They must be designed in accordance with Planning Policy 3.3.14, Bicycle Parking and End-of-Trip Facilities, approved by the City prior to issue of a Building Permit, and constructed prior to occupancy of the development. The showers and change rooms and lockers must be retained and maintained in good condition at all times.

9. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of a Building Permit:
   (i) the location of bin storage areas and bin collection areas;
   (ii) details of screening of the bins from view from the street;
   (iii) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
   (iv) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (v) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
   (vi) frequency of bin collections; and
   (v) the bin storage area drainage details.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

10. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.

11. Prior to the occupation of the development, the recommendations of the Sealhurst Acoustic Design and Engineering Operational Noise Emissions Assessment dated April 2015, must be implemented.

12. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and includes the following information, to the satisfaction of the City, prior to the occupation of the development:
   (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
   (ii) tonality, modulation and impulsiveness; and
   (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
13. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham’s satisfaction prior to applying for a Building Permit.

Advice Notes

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.

3. A separate approval from the City of Rockingham’s Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City of Rockingham’s Health Services in this regard.

4. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.

5. With respect to Condition 5, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.

6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street carparking spaces and any works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.

7. The applicant is advised that as there are overhead power lines and/or underground cables, adjacent to or traversing the property Western Power should be consulted prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.

8. The applicant is advised that a liquor store licence under section 47 of the Liquor Control Act 1988 is required for the sale and supply of liquor for consumption off the licensed premises (i.e. packaged liquor). Please contact the Department of Racing, Gaming and Liquor for further information.

9. With respect to Condition No. 10 the City of Rockingham will restrict access of service vehicles or operation of forklifts to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays unless the Loading and Service Management Plan demonstrates compliance with the Environmental Protection (Noise) Regulations 1997 outside of those hours.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
**Planning and Development Services**

**Directorate Services**

<table>
<thead>
<tr>
<th><strong>Reference No &amp; Subject:</strong></th>
<th>PDS-075/15 Submission on Metropolitan Region Scheme Amendment 1280/41 – ‘Mangles Bay Marina’</th>
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<tbody>
<tr>
<td><strong>File No:</strong></td>
<td>LUP/820-07</td>
</tr>
<tr>
<td><strong>Risk Register No:</strong></td>
<td>Cranford Pty Ltd trading as Cedar Woods Properties Limited and Western Australian Land Authority trading as LandCorp</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr Peter Ricci, Manager Major Planning Projects</td>
</tr>
<tr>
<td><strong>Owner:</strong></td>
<td>Government of Western Australia</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Mr Tristan Fernandes, A/Co-ordinator Strategic Planning</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>19 October 2015</td>
</tr>
<tr>
<td><strong>Previously before Council:</strong></td>
<td>February 2006 (PD1/2/06); June 2007 (CES230/6/07); April 2009 (PD59/4/09); May 2012 (SPE8/12); July 2012 (GM-004/12)</td>
</tr>
<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td>Advocacy</td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Lots 1786 &amp; 2055 Hymus Street; Lots 301 &amp; 500 Safety Bay Road; Lots 1, 2, 3, 5, 303, 501, 2058, 2193, 2301, 2328, 2733, 2374 Point Peron Road, Peron</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>65.8ha</td>
</tr>
<tr>
<td><strong>LA Zoning:</strong></td>
<td>Parks and Recreation (Bush Forever Site 355); Ports Installation; Other Regional Road Reserve; Waterways Reserve</td>
</tr>
<tr>
<td><strong>MRS Zoning:</strong></td>
<td>Parks and Recreation (Bush Forever Site 355); Ports Installation; Other Regional Road Reserve; Waterways Reserve</td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Metropolitan Region Scheme Amendment Report 1280/41 - Mangles Bay Marina</td>
</tr>
<tr>
<td><strong>Maps/Diagrams:</strong></td>
<td>1. 2005 Marina Concept Option 2.4</td>
</tr>
<tr>
<td></td>
<td>2. Indicative Land Development Plan</td>
</tr>
<tr>
<td></td>
<td>3. Existing MRS</td>
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<td></td>
<td>4. Proposed MRS Amendment</td>
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<tr>
<td></td>
<td>5. Bush Forever Site No.355</td>
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<tr>
<td></td>
<td>6. ‘Urban’ Zoned land Proposed to High Water Mark</td>
</tr>
</tbody>
</table>

**Purpose of Report**

To seek Council's endorsement to the content of a submission, on Metropolitan Region Scheme Amendment 1280/41 relating to the proposed ‘Mangles Bay Marina’, to the Western Australian Planning Commission.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 16 NOVEMBER 2015

PRESIDING MEMBER
Background

Since the mid-1980’s there have been a number of attempts to progress a marina at Cape Peron, east of the Garden Island Causeway. The marina proposals followed a decision to abandon a proposed container port in this location.

The current proposal, referred to as ‘Mangles Bay Marina’, followed a feasibility study conducted in 2005 under the supervision of the ‘Cape Peron Tourist Precinct Steering Committee’.

The process established a number of development options which were then the subject of a ‘Strategic Environmental Review’ under the Environmental Protection Act 1986. In October 2005, the Environmental Protection Authority released its findings which noted that “Option 2.4” “was not considered to be inherently environmentally unacceptable, but significant further investigation and possible project modification would be required to demonstrate that the project could be environmentally acceptable”.

‘Option 2.4’, as depicted in Figure 1 below, comprised an ‘inland waterbody’ with two entrances to service an ‘Aquatic Club’ and commercial marina along with a range of associated tourist, mixed-use, commercial, recreational and other uses.

In July 2007, the Minister for Planning & Infrastructure advised that further Government involvement in the project would cease until the feasibility of the privately funded ‘Wanliss Street Marina’ (also referred to as ‘Port Rockingham’) was resolved. A change of State Government in 2008, however, led to the project being reinstated and the key actions and dates associated with the ‘Mangles Bay Marina’ are summarised in the following Table:
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2009</td>
<td>State Government commits to seek environmental and planning approval.</td>
</tr>
<tr>
<td>April 2010</td>
<td>State Government announces Cedar Woods Properties Ltd as Joint Venture Partner with LandCorp to progress the project through the statutory approvals processes.</td>
</tr>
<tr>
<td>February 2012</td>
<td>Following the level of assessment being set at ‘Public Environmental Review’ (PER), the relevant documentation is released by the EPA for public comment. The PER assessed a revised concept to ‘Option 2.4’, referred to as an ‘Indicative Land Development Plan’, as shown in Figure 2 below.</td>
</tr>
<tr>
<td>June 2012</td>
<td>Upon considering a Notice of Motion, the Council supports the concept of a marina based tourist precinct, of a size and scale as proposed in the PER, subject to the following:</td>
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<tr>
<td></td>
<td>- Environmental Approval from the EPA.</td>
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<td></td>
<td>- MRS Amendment approval from the WAPC.</td>
</tr>
<tr>
<td></td>
<td>- Town Planning Scheme Amendment and Local Structure Plan approvals from the WAPC and the City of Rockingham.</td>
</tr>
<tr>
<td></td>
<td>- The Mangles Bay Fishing Club and Cruising Yacht Club of WA being satisfactorily accommodated within the confines of the project.</td>
</tr>
<tr>
<td></td>
<td>- Traffic impact and management issues being resolved, including appropriate transport corridors to satisfactorily accommodate traffic traveling between the Garden Island Causeway and Safety Bay Road.</td>
</tr>
<tr>
<td>November 2013</td>
<td>The Western Australian Planning Commission invites ‘pre-initiation’ comments from the City on a proposed Metropolitan Region Scheme (MRS) amendment to rezone the ‘Mangles Bay Marina’ project area.</td>
</tr>
<tr>
<td>June 2014</td>
<td>The Minister for the Environment issued a Statement that the ‘Proposal may be Implemented’ pursuant to the <em>Environmental Protection Act 1986</em>. The decision, which constitutes ‘State Environmental Approval’, was subject to the eleven conditions.</td>
</tr>
<tr>
<td>October 2014</td>
<td>Commonwealth Minister for Environment issues approval under the <em>Environmental Protection and Biodiversity Act 1999</em>, subject to fourteen conditions.</td>
</tr>
<tr>
<td>October 2014</td>
<td>WAPC initiates amendment to the Metropolitan Region Scheme to rezone the project area.</td>
</tr>
</tbody>
</table>
2. Indicative Land Development Plan
As detailed above, the ‘Indicative Land Development Plan’ associated with the PER is a revision to ‘Option 2.4’ that was the subject of the ‘Strategic Environmental Review’. The primary variations include a reduction in the area and shape of the waterbody, a single marina entrance and a different land use configuration including a greater proportion of residential uses.

As detailed above, in November 2013, the City was invited by the WAPC to provide preliminary comments prior to its consideration to initiate a MRS Amendment (ie. ‘pre-initiation’) and raised the following matters (being an extract from the City’s correspondence):

1. **Sea Level Rise**

   Insufficient justification has been provided against the policy requirements set under State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) (amended July 2013) to address potential sea level rise.

   The policy requirements of SPP2.6 are required to be applied at the earliest appropriate stage of any planning process. In this regard, SPP 2.6 prescribes the preparation and implementation of a Foreshore Management Plan for this scale of development which has not been prepared.

   The proposal provides for a foreshore setback of 20m, which is based upon the following assumptions:

   (i) Constructing a buried seawall and beach renourishment (from the Point Peron sand trap);

   (ii) Stable shoreline with 0m net erosion trend since 1988 and installation of buried sea wall to protect against erosion; and

   (iii) Sea level rise defence – unspecified coastal defensive structures and active beach management.

   In the absence of a risk assessment, the required setback outlined by SPP2.6 is 162m.

   The measures proposed do not consider the adaptation framework hierarchy outlined in SPP 2.6 and have not identified how development of the proposed 'Urban' zoned land can respond to the adaptation framework but to only implement protective measures against sea level rise.

   Also, the information provided does not outline who is responsible to implement works to protect the development to the effects of sea level rise.

2. **Waterways Manager**

   No information is provided regarding any agreement for the future waterways manager for the Mangles Bay Marina. This is not consistent with the requirements of Development Control Policy 1.8 - Canal Estates and Artificial Waterway Developments.

3. **Zoning**

   (i) Without prejudice to the decision of the Minister for Environment for the proposal, the City recommends that the WAPC consider implementing an 'Urban Deferred' zoning in lieu of an 'Urban' zone (as proposed within the Amendment request) in light of the various environmental conditions and monitoring recommended within the PER. An 'Urban Deferred' zoning can provide sufficient certainty for the project whilst permitting any further environmental work being completed prior to any potential development of the site.

   Should the WAPC support the implementation of an 'Urban Deferred' zoning, it is the City’s request that it be consulted when the WAPC seeks to lift Urban Deferment.

   It is the City’s view that the feasibility of the marina needs to be guaranteed following the completion any work required through environmental conditions, prior to development commencing. Given the basis of the proposal is to deliver a marina; any associated development of the land based component should be linked to this outcome.

   It is also recommended a Deed of Agreement be entered into between the City and the State Government to set the terms for the use of the site for a Marina and tourist based destination.
(ii) Lot 1786 Hymus Street does not form part of the MRS Amendment and it is recommended that it be considered to be incorporated as part of this Amendment from ‘Port Installations’ to ‘Public Purpose’ or ‘Special Use’ which is consistent with the use of the land. Land abutting the ‘Waterways’ reservation which is zoned ‘Port Installations’ is also recommended to be rezoned to ‘Parks and Recreation’.

4. Traffic

The Traffic Report does not sufficiently outline the implications of the development to the broader regional and local movement network as the focus of the document relates only to its immediate vicinity.

The City’s assessment of the Traffic Report has determined the modelling does not appropriately account for traffic currently using local roads to access Garden Island. The modelling also does not account for growth in employment at HMAS Stirling or further infill development. These factors, combined with the introduction of a marina and tourist based precinct will contribute further to existing congestion to local streets.

Parkin Street and Safety Bay Road are currently performing the role of a regional transport route and it is recommended that the WAPC considers the viability of the Garden Island Highway to be constructed to service the development and traffic accessing Garden Island.

The City is concerned that the section of the ‘Other Regional Road’ reserve abutting Lake Richmond may not be built in light of the sensitive environmental nature of the land. The implications of not building the Garden Island Highway to the local and regional road network have not been rationalised within the Amendment documentation and this matter is recommended to be carefully considered by the WAPC.

It is also unclear from a regional planning perspective whether key access roads should be considered for reclassification to an ‘Other Regional Road’ status. This matter should be considered as part of the MRS Amendment as access to Garden Island and the proposed Marina are a linked regional traffic issue. It is recommended this be investigated by the WAPC in consultation with the Department of Transport and the City.

In the Council's submission to the WAPC on the draft Perth and Peel @3.5 Million and South Metropolitan Peel Sub-Regional Planning Framework it addressed the ‘Mangles Bay Marina’ project area being shown as ‘Urban Expansion’.

The submission identified that the MRS Amendment process will ultimately confirm the bone-fides of the project in a regional planning sense, and by classifying the project area as ‘Urban Expansion’, it creates the impression that the outcomes of the planning process are pre-empted.

It recommended that ‘Mangles Bay Marina’ be classified as ‘Urban Investigation’ to better reflect its status and to give the MRS Amendment process impartiality.

Details

The purpose of the proposed MRS Amendment (as stated in the WAPC’s MRS Amendment Report) is to facilitate the development of a tourist based marina, as follows:

- A single entrance marina comprising public and private mooring facilities for approximately 661 - 700 boats (i.e. 411 - 450 in wet pens and 250 in boat stackers);
- Combined aquatic club;
- A marina village combining tourist based commercial uses, cafes, restaurant etc.;
- Short stay and permanent residential uses; and
- Open space and foreshore areas.

Despite the WAPC initiating the MRS Amendment in October 2014, the consultation period has only recently commenced for a period of three months, concluding on 13 November 2015. The amendment is classified as a ‘Major Amendment’ which involves a more comprehensive process to a ‘Minor Amendment’, as described in the ‘Legal and Statutory’ section below.

The MRS Amendment comprises the following:

- ‘Urban’ zone (52.89ha);
- ‘Urban Deferred’ zone (1.35ha);
- Parks and Recreation Reservation (3.53ha); and
- Other Regional Road Reservation (4.41ha).

It also involves the removal of 43.16ha of Bush Forever Site 355.

An extract from the existing MRS is shown in Figure 3, along with the proposed MRS Amendment in Figure 4.

The majority of the ‘Mangles Bay Marina’ project area is proposed to be zoned ‘Urban’. As a result, existing Bush Forever Site 355 (see Figure 5), which extends over much of the Cape Peron peninsular, is reduced. A section of Bush Forever Site 355 is proposed to be retained within the project area, abutting Safety Bay Road.
The proposed ‘Urban Deferred’ zoning represents the eastern extent of the buffer to the adjacent Point Peron Wastewater Treatment Plant. The ‘Urban Deferment’ will not be lifted until the Plant is decommissioned; there is no current timeframe within which this will occur.

The ‘Other Regional Roads Reservation’ is a realignment of Memorial Drive to form the western boundary of the project area. The proposed ‘Reservation’ has been designed to ultimately connect with the Garden Island Highway (currently reserved as ‘Other Regional Roads’) in the event that it is built. In the interim, the southern leg of Memorial Drive (as shown in Figure 2) is proposed to be contained within a ‘Local Road’ Reservation.

The ‘Parks and Recreation Reservation’ represents the proposed Foreshore Reserve which will ultimately be managed by the City. It includes the breakwater entrance to the marina and the beach/foredune environment, including the proposed coastal protection infrastructure. It varies in width from 0m – ~100m and averages approximately ~75m.

A section of ‘Urban’ zoned land is proposed between the Garden Island Causeway and marina entrance. It is understood that this severance of the ‘Reservation’ seeks to allow for a freehold section to be created to accommodate an ocean-front commercial use (ie. restaurant).

### Implications to Consider

**a. Consultation with the Community**

The WAPC has invited comment from the community through notices in the local newspapers and *The West Australian*, along with letters to landowners within 500m of the project area and information on its website. Copies of the MRS Amendment documentation have also been made available at offices of the WAPC, City of Rockingham and three other Local Authorities.
The City has also sought to bring the MRS Amendment process to the attention of the community by placing advice on the homepage of the City’s website, a press release to the local newspapers and through information in the recently circulated City Chronicle.

b. Consultation with Government Agencies
The WAPC has consulted with government agencies at both the ‘pre-initiation’ phase and through the current consultation process.

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: Coastal Facilities

Strategic Objective: A range of quality and contemporary leisure tourism facilities including a “major brand” hotel, marinas, boat ramps, jetties, boardwalks and foreshore parks that contribute to the City’s reputation as the premier metropolitan coastal tourism destination.

Aspiration C: Quality Leadership

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

Aspiration D: Sustainable Environment

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

d. Policy
Development Control Policy 1.8 - Canal Estates and Artificial Waterway Developments (WAPC)

Development Control Policy 1.8 - Canal Estates and Artificial Waterway Developments (‘DCP1.8’) sets out the requirements for assessment and general principles/procedures to be considered with a proposal to develop an artificial waterway (which the proposed inland waterway at the ‘Mangles Bay Marina’ is classified).

A key consideration in DCP1.8 is Waterways Management, or the party that will ultimately be responsible for managing and maintaining the waterway and the associated maritime infrastructure. DCP1.8 suggests that the relevant local government would generally assume the role.

DCP1.8 states that "as a prerequisite to rezoning, there is a requirement for the applicant to enter into a draft Deed of Agreement with the local government concerning future waterways management. The Deed needs to state the waterways manager and be endorsed by all affected parties prior to the amendment being finalised. The Deed shall be flexible to accommodate provision for any matters determined by the WAPC arising from subsequent planning stages, such as structure plan subdivision/survey strata and development assessment processes."

It is also stated in DCP1.8 that "local government will need to be satisfied regarding economic viability of the proposal and the local government's financial capacity to meet ongoing water and canal wall-monitoring and maintenance costs. Proponents shall provide projected short and long-term costs related to capital works and maintenance for local government assessment."

The issue of Waterways Management remains unresolved despite the City raising this matter on a number of occasions, including within its ‘pre-initiation’ submission.
The City has recently been engaged by the applicant on Waterways Management through the submission of preliminary long term expenditure and revenue forecasts.

The City has established an internal Working Party to assess the financial implications of performing the role as Waterways Manager and it is likely that expert external advice will be needed to confirm outcomes.

When all information has been received, and the City can establish the potential financial implications of undertaking Waterways Management, the outcomes will be presented to Council for consideration along with the key principles in the draft Deed of Agreement.

**State Planning Policy 2.6 - State Coastal Planning Policy (WAPC)**

The purpose of State Planning Policy 2.6 - State Coastal Planning Policy (‘SPP2.6’) is to provide guidance for decision-making within the coastal zone including the management of development and land use change and the establishment of foreshore reserves with a view to protecting, conserving and enhancing coastal values.

In essence, SPP2.6 provides a framework to determine the width and extent of the foreshore reserve, and by extension, the distance that development should setback from the marine environment.

Section 5.9 of SPP2.6 identifies three broad purposes of the foreshore reserve which are fundamental in determining the extent (width) of the foreshore reserve:

- Significant natural and human related features;
- Coastal hazards and processes through Coastal Hazard Risk Management and Adaptation Planning; and
- Providing access for recreational and related uses.

The MRS Amendment Report states that the proposal complies with the general intent of SPP2.6. The City's assessment concluded, however, that the information presented to support the coastal setback did not address key aspects of the Policy with the shortcomings outlined below.

**Coastal Hazard Risk Management and Adaptation Planning**

SPP2.6 requires that adequate coastal hazard risk management and adaptation planning be undertaken where a development is proposed in an area at risk of being affected by coastal hazards.

As a first step, SPP2.6 provides guidance on ‘calculating the coastal processes’, which determines the foreshore width necessary to accommodate the long term movement of the coast; this represents the ‘coastal setback’. The calculation factors in the nature of the coast (in this case a ‘sandy coast’) and matters such as the risk of storm erosion, historical shoreline movement trends and future sea level rise.

SPP2.6 also allows for some variations below the coastal processes calculation to accommodate specific development such as relocatable infrastructure, industrial/commercial development, coastal nodes and surf lifesaving clubs.

Where the assessment identifies that the level of risk is unacceptable to the proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. A hierarchy of adaptation planning measures to address the coastal risk hazard are contained in SPP2.6, as follows:

(i) Avoid
(ii) Planned or Managed Retreat
(iii) Accommodate
(iv) Protect

The PER assessed coastal processes and arrived at a coastal setback of 20m with the assumptions supporting this outcome being summarised as follows:

- Stable shoreline with 0m net erosion trend since 1988;
- Construction of a buried seawall and beach renourishment (from the Point Peron sand trap); and
- Sea level rise defence – unspecified coastal defensive structures and active beach management.

An assessment of the applicant’s coastal setback proposal has identified that the requirements of SPP 2.6 have not been addressed. In this regard, without accounting for adaptation measures and variations, the required setback outlined by SPP 2.6 is approximately 162m. This would be the minimum requirement that would allow coastal processes to take their course up to the year 2100.

Under the provisions of the Policy, the applicant is required to demonstrate the technical basis that this setback is not appropriate, or demonstrate a case that ‘avoid’, ‘retreat’ and ‘accommodate’ options are not relevant in this instance and that a reduced setback using the ‘protect’ option should apply. The Public Environmental Review did not address either of these issues and states that the ‘protect’ option will be applied.

It is noted that the protection measures will require on-going management for:
- Maintenance of the seawall, particularly following any storms and resultant damage;
- Regular beach renourishment.

It is likely that the City will have to meet the cost of this on-going management.

Coastal Node
The applicant has sought to classify the full extent of the ‘Mangles Bay Marina’ as a ‘Coastal Node’ which is defined under SPP 2.6 as “a distinct and discrete built area that may be located within a coastal foreshore reserve. Excluding permanent residential development, it may vary in size from a grouping of recreational facilities to an area of commercial or tourism facilities or accommodation.”

SPP 2.6 states that the need for the provision of coastal nodes on the coast is recognised and should provide for a range of facilities to benefit the broader public. Such nodes may be developed within the coastal foreshore reserve but should only be located where identified in a strategic plan. Nodes should be located on stable areas; should have no negative impacts on the adjacent environment; and should avoid areas of high natural landscape or resource value.

The City notes that this is not a typical coastal node, in that the actual activity centre is around the inland marina and not at the coast. In this regard, it is considered that the links to the coast is not a key feature of the node and an increased coastal setback can be provided.

This criteria needs to be addressed by the Applicant in justifying the proposed coastal setback reduction.

Public Environmental Review
As mentioned above, the PER included information on coastal processes.

The EPA assessment and the Ministerial Statement, however, did not deal with the issue of coastal setbacks and the EPA assessment makes it clear that this matter needs to be dealt with through the planning process.

During the PER consultation, both the Department of Planning and Department of Transport raised concerns that the proposed coastal setbacks were inadequate and not compliant with SPP 2.6. The City also raised this matter in its ‘pre-referral’ submission on the MRS Amendment.

e. Financial
As stated above, DCP 1.8 states that, as a prerequisite to zoning, there is a requirement for the applicant to enter into a draft Deed of Agreement with the local government concerning future waterways management. There is insufficient information presented at this time to determine the potential financial implications of the City performing the role as Waterways Manager.
f. Legal and Statutory

Metropolitan Region Scheme Process

The MRS Amendment process is regulated by the *Planning and Development Act 2005*.

The WAPC classifies all MRS Amendments as either ‘Minor’ or ‘Major’. A ‘Major Amendment’ differs from a ‘Minor Amendment’ in the following manner:

- The Minister for Planning consents to a ‘Major Amendment’ being advertised, whereas the decision for a ‘Minor Amendment’ rests with the WAPC.
- A ‘Major Amendment’ is advertised for three months, a ‘Minor Amendment’ for 60 days.
- Government stakeholders and members of the public who made a submission on the ‘Major Amendment’ can request a hearing before a WAPC Sub-Committee to verbally present their submission. This opportunity is not afforded to a ‘Minor Amendment’ process.
- The Minister for Planning approves a ‘Minor Amendment’ upon considering a recommendation from the WAPC. A ‘Major Amendment’ is approved by the Governor of Western Australia following which it is placed before each House of Parliament for 12 sitting days. During this time, any member can introduce a motion to disallow the Amendment.

When the MRS is amended, the affected Local Authority has three months to initiate an amendment to its Town Planning Scheme to ensure consistency.

**Comments**

The assessment of the proposed MRS Amendment has raised a number of issues that require resolution (some of which are addressed in the ‘Policy’ section above), as follows:

**Waterways Management**

The applicant is seeking the City's agreement to perform the role of Waterways Manager, as advocated in WAPC *Development Control Policy No. 1.8*. The Policy also stipulates that the local government should be satisfied that it has the financial capacity to carry out the responsibilities.

Until the role of Waterways Manager is confirmed, the MRS Amendment cannot proceed to Final Approval as it places uncertainty on the ongoing viability and management of the project.

The City has recently been engaged by the applicant on this matter which will establish the potential financial implications of being Waterways Manager, and it is not clear when resolution will be reached.

**Coastal Setback**

The applicant has not demonstrated that the requirements of the *State Coastal Planning Policy* have been satisfied in determining the coastal setback and the extent of the Foreshore (‘Parks and Recreation’) Reservation.

The applicant should be required to comply with the Policy requirements, to the satisfaction of the City, Department of Planning and Department of Transport, prior to the MRS Amendment being considered for Final Approval. In doing so, the extent of the Foreshore Reservation will be established.

When the composition of the Foreshore Reservation has been settled, a Foreshore Management Plan will then be required to provide details on the works and improvements within, including the proposed coastal protection infrastructure. This requirement will likely be satisfied through the local structure planning process at which time the City's maintenance responsibilities can be reconciled.

**Regional Roads**

The City has completed a preliminary assessment and has obtained a peer review of the Traffic Report that has been prepared by the applicant to gauge the impact of the proposed 'Mangles Bay Marina' on the existing road network, including access to Garden Island.
It has been determined that the traffic modelling within the Traffic Report requires further refinement in order to understand the potential impact to the overall movement network. In particular, the City needs to understand the peak demands on the movement network entering and exiting the immediate development area.

Unless the traffic modelling is refined to provide accurate forecasts, the implications of the project on the local movement network, including the proposed and existing intersections abutting the project area, cannot be assessed. It is recommended that the WAPC require the traffic model to be revised to ensure accuracy and that the City be given the opportunity to assess the outcomes and supplement its submission prior to the WAPC considering the MRS Amendment for Final Approval.

The Department of Defence is also assessing the Traffic Report to determine the implications on access to Garden Island. In essence, Defence is seeking confirmation that the proposed ‘Mangles Bay Marina’ will not cause the existing access situation to be adversely affected and impact its operational imperatives.

Zoning

The appropriateness of an ‘Urban Deferred’ zoning for land located within the buffer of the Point Peron Wastewater Treatment Plant is questionable. As stated within the MRS Amendment Report, the Water Corporation has stipulated that there are no plans to decommission the Wastewater Treatment Plant. This limits the long term viability for the land located within the buffer to be developed for ‘sensitive’ urban land uses (such as residential development).

Further, the proposed ‘Urban’ zoning to high water mark, as shown in Figure 6, is not supported. It is understood the ‘Urban’ zoning in this location is to facilitate the development of a waterfront restaurant building.

The applicant has not demonstrated the merit of containing this use within privately owned, ‘Urban’ land rather it be within ‘Parks and Recreation’ Reserve, with a leasehold or similar form of tenure. There are benefits for the land to be part of the broader ‘Parks and Recreation’ Reserve to enable integrated and coordinated management.

6. ‘Urban’ Zoned land Proposed to High Water Mark

Urban Water Management

The City has assessed the District Water Management Strategy (DWMS) prepared to support the MRS Amendment.

The City notes that the MRS Report stipulates that the Department of Water has supported the DWMS. In discussions with the Department of Water, the City has been advised that the Department has identified shortcomings in the Report that have yet to be addressed.

The City has also identified a number of key matters and shortcomings of the document that are recommended to be addressed within a revised DWMS. To summarise, the document needs to address the following matters:

1. Provide estimated land requirements for water management;
2. Provide an indicative water balance to demonstrate that the development will not impact surrounding environmentally sensitive areas;
3. The Maximum Groundwater Level calculation requires correlation and correction to the nearest Department of Water long term monitoring bore;

4. The water quality sampling of groundwater and Lake Richmond requires further assessment and quantification in the DWMS to establish trends in comparison to relevant guideline targets;

5. The peak pre-development discharge rates for major events into Mangles Bay need to be quantified;

6. Correspondence from the Water Corporation is required to confirm a commitment to providing wastewater infrastructure to the development;

7. A hydrogeological assessment should be performed to demonstrate that the development of a marina and groundwater abstraction will not adversely impact the surrounding environmentally sensitive areas;

8. Sustainability initiatives such as rainwater harvesting should be referred to for the management of frequent events; and

9. Further information is required regarding the drainage design criteria including the Lake Richmond Main Drain (the realignment not identified along Safety Bay Road).

Conclusion

It is recommended that the Council endorse a submission being lodged with the WAPC that addresses the matters discussed above. Resolution of these issues is critical to resolve the implications and suitability of the proposed ‘Mangles Bay Marina’, both in the immediate and long term.

The submission will request that the City be afforded the opportunity to engage with the WAPC, and the various stakeholders, to achieve a satisfactory outcome to the outstanding issues.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ENDORSE** a submission being lodged with the Western Australian Planning Commission on Metropolitan Region Scheme Amendment 1280/41, pertaining to the proposed ‘Mangles Bay Marina’, that addresses the issues raised in the Officer Report under the following headings:

(i) Waterway Management;
(ii) Coastal Setback;
(iii) Regional Roads;
(iv) Zoning; and
(v) Urban Water Management.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Whitfield:

That Council **ENDORSE** a submission being lodged with the Western Australian Planning Commission on Metropolitan Region Scheme Amendment 1280/41, pertaining to the proposed ‘Mangles Bay Marina’, that addresses the issues raised in the Officer Report under the following headings:

(i) Waterway Management;
(ii) Coastal Setback;
(iii) Regional Roads;
(iv) Zoning; and

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4 Correction of typographic error
(v) Urban Water Management.

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

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

5.20pm - Cr Barry Sammels departed the Planning and Engineering Services Committee Meeting.

5.20pm - Cr Justin Smith joined the Planning and Engineering Services Committee Meeting.
## Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-26 – Supply and delivery of various items of safety equipment, clothing and footwear, document the results of the tender assessment and make recommendations regarding the award of the tender.

## Background

Tender T15/16-26 – Supply and delivery of various items of safety equipment, clothing and footwear was advertised in the West Australian on Saturday 25 July 2015. The Tender closed at 2.00pm, Wednesday 12 August 2015 and was publicly opened immediately after the closing time.
Details

The scope of the contract is for the Supply and delivery of various items of safety equipment, clothing and footwear.

The period of the contract shall be from the date of award to 30 September 2019.

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staples Australia Pty Ltd</td>
</tr>
<tr>
<td>Global Workwear Investments Pty Ltd</td>
</tr>
<tr>
<td>RSEA Pty Ltd</td>
</tr>
<tr>
<td>J. Blackwood &amp; Son Pty Ltd</td>
</tr>
<tr>
<td>Amare Safety Pty Ltd trading as Panos Safety</td>
</tr>
<tr>
<td>Aqua Terra Oil and Mineral Services and Supply Company Pty Ltd trading as Atom Express</td>
</tr>
<tr>
<td>VM &amp; JA Tomlinson trustee for the Tomlinson Family Trust trading as HIP Pocket Workwear &amp; Safety – Mandurah</td>
</tr>
<tr>
<td>Safeman (WA) Pty Ltd</td>
</tr>
<tr>
<td>Workwear Industries Pty Ltd trustee for the Multirange Unit Trust trading as Workwear Industries Group</td>
</tr>
<tr>
<td>CCNL Pty Ltd trustee for the CG Family Trust and the CS Family Trust trading as Uniforms West</td>
</tr>
<tr>
<td>Ex Products Pty Ltd trading as Total Industrial and Safety Supply Company</td>
</tr>
<tr>
<td>Scavenger Supplies Pty Ltd</td>
</tr>
<tr>
<td>Covs Parts Pty Ltd</td>
</tr>
</tbody>
</table>

The tender submissions from RSEA Pty Ltd, J. Blackwood & Son Pty Limited and Amare Safety Pty Ltd trading as Panos Safety were deemed Non-Compliant by the assessment panel as the submitted qualifications did not comply with Clause 3.2 Annual Price Variation, contained within the Special Conditions of Contract.

The Schedule of Rates for all Separable Portions are attached.

A panel comprising Construction Engineer, Coordinator Parks Operations, Senior Maintenance Coordinator, and Storeperson undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, was undertaken on a Separable Portion basis and produced the following weighted scores:
## Separable Portion ‘A’ – Supply and delivery safety equipment – Head and face

<table>
<thead>
<tr>
<th>Name of Company</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staples Australia Pty Ltd</td>
<td>14</td>
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<tr>
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<td>Ex Products Pty Ltd T/As Total Industrial and Safety</td>
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<tr>
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<tr>
<td>VM &amp; JA Tomlinson atf Tomlinson Family Trust t/ as HIP Pocket Workwear &amp; Safety – Mandurah</td>
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## Separable Portion ‘B’ – Supply and delivery safety of clothing – All weather, dry weather and embroidery

<table>
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<tr>
<th>Name of Company</th>
<th>Max. Points</th>
<th>Level of Service</th>
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<tr>
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### Separable Portion ‘C’ – Supply and delivery of gloves

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### Separable Portion ‘D’ – Supply and delivery of footwear

<table>
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<tr>
<th>Name of Company</th>
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<th>Level of Service</th>
<th>Understanding of Tender Requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
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<td>75.8</td>
</tr>
<tr>
<td>Aqua Terra Oil &amp; Mineral Services &amp; Supply Company Pty Ltd T/A’s ATOM</td>
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</tr>
<tr>
<td>Scavenger Supplies Pty Ltd</td>
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<td>35.8</td>
<td>58.8</td>
</tr>
<tr>
<td>VM &amp; JA Tomlinson atf Tomlinson Family Trust t/as HIP Pocket Workwear &amp; Safety –</td>
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<td>37.1</td>
<td>56.1</td>
</tr>
<tr>
<td>Mandurah</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workwear Industries Pty Ltd ATF Multirange Unit Trust</td>
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<td>3</td>
<td></td>
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<tr>
<td>Covs Parts Pty Ltd</td>
<td>4</td>
<td>2</td>
<td></td>
<td>43.4</td>
<td>49.4</td>
</tr>
</tbody>
</table>
The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

### Implications to Consider

<table>
<thead>
<tr>
<th>a. Consultation with the Community</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Consultation with Government Agencies</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>c. Strategic</td>
<td>Community Plan</td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:</td>
<td></td>
</tr>
<tr>
<td><strong>Aspiration C:</strong></td>
<td>Quality Leadership</td>
</tr>
<tr>
<td><strong>Strategic Objective:</strong></td>
<td>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.</td>
</tr>
<tr>
<td>d. Policy</td>
<td>In accordance with the City’s Purchasing Policy, for purchases above $100,000, 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).</td>
</tr>
</tbody>
</table>
e. Financial
Expenditure in accordance with the City's standard operational requirements.
Expenditure for 2014/2015 was $187,456.

f. Legal and Statutory
In accordance with section 3.57 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1), and 18(2).
‘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 $100,000 unless sub regulation (2) states otherwise’.
‘A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.’

g. Risk
Nil

Comments
Following consideration of the submissions in accordance with the tender assessment criteria, all conforming tenderers demonstrated a capacity to provide the services for the items tendered under Price Schedule 5.3 Supply and delivery of various items of safety equipment, clothing and footwear. However, as the tender was assessed on a Separable Portion basis, the following tenderers represent best value to the City and are recommended as the preferred tenderer for the nominated separable portions below:

- Staples Australia Pty Ltd for 5.3.1 Separable Portion ‘A’ – Supply and delivery safety equipment of Head and face, 5.3.3 Separable Portion ‘C’ – Supply and delivery of gloves, 5.3.4 Separable Portion ‘D’ – Supply and delivery of footwear and 5.3.5 Separable Portion ‘E’ – Miscellaneous safety items.

- Safeman Pty Ltd for 5.3.2 Separable Portion ‘B’ – Supply and delivery safety of clothing – All weather, dry weather & embroidery.

Voting Requirements
Simple Majority

Officer Recommendation
That Council:
1. REJECT the non-compliant tenders received from RSEA Pty Ltd, J Blackwood and Son Pty Ltd and Amare Safety Pty Ltd trading as Panos Safety as these companies did not comply with the Conditions of Contract.
2. ACCEPT the tender submitted by Staples Australia Pty Ltd, 163 O’Riordan Street, Mascot NSW 2020 for 5.3.1 Separable Portion ‘A’ – Supply and delivery safety equipment of Head and face, 5.3.3 Separable Portion ‘C’ – Supply and delivery of gloves, 5.3.4 Separable Portion ‘D’ – Supply and delivery of footwear and 5.3.5 Separable Portion ‘E’ – Miscellaneous safety items.

3. ACCEPT the tender submitted by Safeman (WA) Pty Ltd, 23 Colin Jamieson Drive, Welshpool WA 6106 for 5.3.2 Separable Portion ‘B’ – Supply and delivery safety of clothing – All weather, dry weather & embroidery,

for Tender T15/16-26 – Supply and delivery of various items of safety equipment, clothing and footwear in accordance with the tender documentation for the contract period from the date of award to 30 September 2019.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Smith:

That Council:

1. **REJECT** the non-compliant tenders received from RSEA Pty Ltd, J Blackwood and Son Pty Ltd and Amare Safety Pty Ltd trading as Panos Safety as these companies did not comply with the Conditions of Contract.

2. **ACCEPT** the tender submitted by Staples Australia Pty Ltd, 163 O’Riordan Street, Mascot NSW 2020 for 5.3.1 Separable Portion ‘A’ – Supply and delivery safety equipment of Head and face, 5.3.3 Separable Portion ‘C’ – Supply and delivery of gloves, 5.3.4 Separable Portion ‘D’ – Supply and delivery of footwear and 5.3.5 Separable Portion ‘E’ – Miscellaneous safety items.

3. **ACCEPT** the tender submitted by Safeman (WA) Pty Ltd, 23 Colin Jamieson Drive, Welshpool WA 6106 for 5.3.2 Separable Portion ‘B’ – Supply and delivery safety of clothing – All weather, dry weather & embroidery, for Tender T15/16-26 – Supply and delivery of various items of safety equipment, clothing and footwear in accordance with the tender documentation for the contract period from the date of award to 30 September 2019.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report

Provide Council with details of the tenders received for Tender T15/16-24 – Electrical maintenance works associated with the City of Rockingham, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T15/16-24 – Electrical maintenance works associated with the City of Rockingham was advertised in the West Australian on Saturday, 22 August 2015. The Tender closed at 2.00pm, Wednesday, 9 September 2015 and was publicly opened immediately after the closing time.

Details

The scope of work for this contract comprises two separable portions;

Portion A - Buildings and parks infrastructure electrical services.
  - Internal/external lighting attached to buildings.
- In ground feature up lights.
- Park bollard lights.
- Automated public toilets.
- New and existing general power outlets.
- Exhaust fans.
- Repairs and replacement on components to security lighting.
- Emergency lighting.
- Electrical hot water systems.
- Electrical sub meters.
- Electric urns.
- Electric heaters.
- Power failures.
- Residual current devices.
- Periodic testing of all City facilities.

Portion B - Irrigation electrical services.
- Installation/removal of irrigation controller units.
- Diagnosing irrigation controller and irrigation switchboard system faults.
- Installation and repair of irrigation pump protection systems.
- Installation and repair of pump starters and associated equipment.
- Connect and disconnect irrigation components from main power supply.
- General irrigation switchboard maintenance.
- Fountains and pumps.

The period of the contract shall be from the date of award for a period of 36 months.

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Electrical Pty Ltd</td>
</tr>
<tr>
<td>Greenlite Electrical Contractors Pty Ltd</td>
</tr>
<tr>
<td>Netspark Pty Ltd</td>
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<tr>
<td>M Power U Pty Ltd trustee for the Montini Family Trust trading as M Power U Electrical Contracting</td>
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<tr>
<td>MMJ Electrical Pty Ltd</td>
</tr>
<tr>
<td>Surun Services Pty Ltd</td>
</tr>
<tr>
<td>Northlake Electrical Pty Ltd</td>
</tr>
<tr>
<td>JDS Technical Services Pty Ltd</td>
</tr>
<tr>
<td>Interlec (WA) Pty Ltd</td>
</tr>
<tr>
<td>Rhysco Holdings Pty Ltd trustee for the Lawton Family Trust trading as Rhysco Electrical Services</td>
</tr>
<tr>
<td>C.P.D Group Pty Ltd</td>
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<tr>
<td>Pearmans Electrical and Mechanical Services Pty Ltd</td>
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<tr>
<td>Downer EDI Engineering Electrical Pty Ltd</td>
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<tr>
<td>Leedenn And Lorson Pty Ltd atft Grasslin Family Trust trading as Elexacom</td>
</tr>
<tr>
<td>Shine Rise Pty Ltd</td>
</tr>
<tr>
<td>Hartec Electrical Sereices Pty Ltd</td>
</tr>
</tbody>
</table>
A panel comprising of the City’s Building Maintenance Contractor Officer, Senior Building Maintenance Officer and Reticulation Coordinator undertook tender evaluations.

The evaluation of the tender submissions was undertaken on a separable potion basis and in accordance with the advertised tender assessment criteria, produced the following weighted scores:

**Separable Portion ‘A’ – Buildings and parks infrastructure electrical services**

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Tendered Prices</th>
<th>Total Weighted Scores</th>
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<tbody>
<tr>
<td><strong>Portion A</strong></td>
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<td>77.1</td>
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<td>Downer EDI Engineering Electrical Pty Ltd</td>
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<td>Shine Rise Pty Ltd</td>
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<td>Leedenn And Lorson Pty Ltd atft Grasslin Family Trust tading as Exeacom</td>
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### Separable Portion ‘B’ – Irrigation electrical services

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<th>Portion B</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Tendered Prices</th>
<th>Total Weighted Scores</th>
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<tbody>
<tr>
<td>Greenlite Electrical Contractors Pty Ltd</td>
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<td>96.6</td>
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<td>Netspark Pty Ltd</td>
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<td>Northlake Electrical Pty Ltd</td>
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<td>M Power U Pty Ltd trustee for the Montini Family Trust trading as M Power U Electrical Contracting</td>
<td>51.7</td>
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<td>30.1</td>
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<td>Downer EDI Engineering Electrical Pty Ltd</td>
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<td>60</td>
<td>23.7</td>
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<tr>
<td>Leedenn And Lorson Pty Ltd atft Grasslin Family Trust trading as Elexacom</td>
<td>45</td>
<td>60</td>
<td>24</td>
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<td></td>
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<tr>
<td>JDS Technical Services Pty Ltd</td>
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<td>26.7</td>
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<tr>
<td>Hartec Electrical Services Pty Ltd</td>
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<td>Insight Electrical Technology Pty Ltd</td>
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<td>Aurora Electrical Services Pty Ltd</td>
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<td>Bre WA Services Pty Ltd</td>
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</table>

### Implications to Consider

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

b. **Consultation with Government Agencies**
   
   Not Applicable
c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2015-2025:

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

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

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

Aspiration D: Sustainable Environment
Strategic Objective: Carbon Footprint and Waste Reduction - Carbon footprint reduction and waste minimisation programs focussed on community education and awareness, and the use of new technologies proven to be environmentally acceptable and financially sustainable.

d. Policy
In accordance with the City’s Purchasing Policy, for purchases above $100,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. Financial
Expenditure will be in accordance with the operational maintenance budgets as allocated in the 2015/2016 budget. Expenditure over the term of the Contract is expected to exceed $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 $100,000 unless sub regulation (2) states otherwise’.

g. Risk
Nil

Comments
The provision of electrical maintenance services for the City covers a broad range of activities and assets types which are listed above in the details section. Although all of the services within the scope require specific qualifications and management systems to legally carry out the activities, there is a defined difference in the skills, experience and resources required to successfully carry out the works to the City’s required levels of service. Therefore the Tender specification allowed for these services to be separated into two grouped activities to improve the Tender assessment outcome and on-going management of the contract.
The maintenance of electrical services to the City’s building and park infrastructure is considered to be of high importance due to the frequency of use, potential impact on safety and required continuation of service delivery through essential infrastructure. Therefore after assessing the tender submissions, the panel considered it necessary to recommend the separable portions to two different Tenderers due to the variance in the levels of service scores.

Following consideration of the tenders received, the submissions from Law Electrical Pty Ltd for Separable Portion A, and GreenLite Electrical Contractors Pty Ltd for Separable Portion B are considered the best value to the City and therefore recommended as the preferred Tenderers.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ACCEPT** the tender submitted from Law Electrical Pty Ltd, PO Box 6132, Waikiki for Separable Portion ‘A’ – Buildings and parks infrastructure electrical services.

2. **ACCEPT** the tender submitted by GreenLite Electrical Pty Ltd, U7/133 Winton Road, Joondalup for Separable Portion ‘B’ – Irrigation electrical services,

for Tender T15/16-24 – Electrical maintenance works associated with the City of Rockingham in accordance with the tender documentation for a contract period of 36 months from the date of award.

**Committee Recommendation**

Moved Cr Smith, seconded Cr Whitfield:

That Council:

1. **ACCEPT** the tender submitted from Law Electrical Pty Ltd, PO Box 6132, Waikiki for Separable Portion ‘A’ – Buildings and parks infrastructure electrical services.

2. **ACCEPT** the tender submitted by GreenLite Electrical Pty Ltd, U7/133 Winton Road, Joondalup for Separable Portion ‘B’ – Irrigation electrical services,

for Tender T15/16-24 – Electrical maintenance works associated with the City of Rockingham in accordance with the tender documentation for a contract period of 36 months from the date of award.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
<table>
<thead>
<tr>
<th>14.</th>
<th>Reports of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Hamblin tabled three letters, as follows:</td>
<td></td>
</tr>
<tr>
<td>• Ms Harriett Doris - request to investigate the improvement of bus services to and from the Autumn Centre</td>
<td></td>
</tr>
<tr>
<td>• Ms Harriett Doris - request to investigate the improvement of bus services to and from Rockingham General Hospital</td>
<td></td>
</tr>
<tr>
<td>• Mr Ron Ross, Principal, Baldivis Primary School - request for urgent attention to ensure safety of Baldivis children and the community utilising Eighty Road</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15.</th>
<th>Addendum Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
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</table>
16. Motions of which Previous Notice has been given

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-044/15 Notice of Motion – Pedestrian Access along Eighty Road, Baldivis</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>EIG1-02</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Matthew Whitfield</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Thompson Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 October 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Eighty Road (between Rialto Way and Fifty Road), Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
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<tr>
<td>Attachments:</td>
<td>Extract 2015 Business Plan – 3.5 City Dual Use Paths</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Current Baldivis Land Development south of Fifty Road;</td>
</tr>
<tr>
<td></td>
<td>2. Location Map for requested footpath</td>
</tr>
<tr>
<td></td>
<td>3. Master Plan of future Spires Estate Development</td>
</tr>
<tr>
<td></td>
<td>4. Existing sub-development catchment</td>
</tr>
</tbody>
</table>

1. Current Baldivis Land Development south of Fifty Road
Purpose of Report

To provide Officer comment and advice on Cr Matthew Whitfield’s Notice of Motion to investigate temporary and permanent options which will allow pedestrian access along Eighty Road to Baldivis Primary School.

Background

Cr Whitfield submitted the following motion for consideration at the September 2015 Council Meeting:

“That Council DIRECT the Chief Executive Officer to urgently investigate temporary and permanent options which will allow pedestrian access along Eighty Road to Baldivis Primary School and present options to the Council.”

Details

As part of the Business Plan process the City has established a Five Year Plan for the provision of dual use footpaths. The plan is determined and prioritised from needs identified by staff, resident requests, complaints, changes to Public Transport Routes and new infrastructure such as schools, libraries etc. A copy of the City’s currently adopted Five Year Footpath plan is attached.

In the past the City has not included footpaths that will be built as part of new residential developments in the Five Year Plan as footpath infrastructure is built and installed by the developer who then transfers this infrastructure to the City.
Land development in Baldivis has been moving northwards over the past few years and is now at a point where the closest urban land is now just over 500m from Fifty Road.

The Developer for the Spires Private Estate to the west of Eighty Road/Nairn Drive but south of Fifty Road has recently submitted Engineering Drawings for approval to install roads and footpaths for Stage 8 which will effectively link a new road and path network from the intersection of Eighty Road and Amazon Drive through to Fifty Road. These works are now anticipated to be undertaken over the next 12-18 months. The location of this road and path network is shown in green below.

3. Master Plan of future Spires Estate Development

The current section of Eighty Road (between Rialto Way and Amazon Drive) will be completely removed when land development occurs through this section and the Nairn Drive extension constructed. The section between Rialto Way and Fifty Road will be altered considerably. Any infrastructure installed along this section of Eighty Road will most likely be demolished and removed to make way for the newly formed roads and associated infrastructure.

Officers have therefore investigated temporary and permanent options for a footpath along Eighty Road from Rialto Way to Fifty Road as a footpath network exists through Everest Way and Galata Avenue.

Option 1 is to use loose road profilings that we have from this year’s Roads Program. This option is the cheapest to install but the most expensive to keep maintained. This is the option used recently on the temporary Surf Drive path and will provide a temporary solution. Installation cost $37,000.

Option 2 is to use loose road profilings but to cover them with a thin asphalt surface. This will provide more stability and assist with maintenance. Installation cost $50,000.

Option 3 is to use bitumen stabilised limestone. Installation cost $62,000.

Option 4 is to construct a concrete footpath. Installation cost $78,000.
All of the abovementioned options are considered to be sacrificial and most likely to be removed when that part of the land area is developed. Further, all the options only provide for drainage back onto the road.

An assessment was undertaken by a City Traffic Officer on Thursday 24 September 2015 over and hour and a half period, and observed seven pedestrians, four cyclists and one scooter user all being children in the ten minutes following the closure of the Baldivis Primary School. All of the above used the eastern side of Eighty Road, heading south, and entered the new subdivision area through Rialto Way and then dispersed. Two adult cyclists also used Eighty Road later within the assessment time.

### 4. Existing sub-development catchment

<table>
<thead>
<tr>
<th>Implications to Consider</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Consultation with the Community</td>
</tr>
<tr>
<td>b. Consultation with Government Agencies</td>
</tr>
</tbody>
</table>
| c. Strategic Community Plan | This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objectives contained in the Community Plan 2015-2025:  

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

d. Policy
Nil
e. Financial
The current 2015/2016 Budget and the Five Year Business Plan does not have this project included.
Temporary path estimated costs are listed below:
- Loose Road Profiling’s (Pavement and surface) $37,000
- Loose Road Profiling’s Pavement with thin asphalt surface $50,000
- Bitumen Stabilised Limestone (Pavement and surface) $62,000
Permanent path estimated cost are
- Concrete $78,000
f. Legal and Statutory
In accordance with 6.8 Section (1) (b), of the Local Government Act 1995:
‘A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure from municipal fund not included an annual budget is authorised in advance by resolution’.
An Absolute Majority decision is required for this budget amendment.
g. Risk
Nil

### Comments

A number of key items need to be taken into consideration:
1. The land development for the area will include path networks that will link the Baldivis Community with the Baldivis Primary School over the next 12-18 months.
2. The portion of Eighty Road between Rialto Place and Fifty Road will most likely be demolished in the future.
3. This Path link has not been previously identified or included in the City’s Five Year Footpath Program and no funds are allocated within 2015/2016 Budget.
4. Therefore this path is being considered in isolation to other paths that may have a higher priority that are included within the Five Year Footpath Program.
5. The City does not usually put in infrastructure that will be later provided by Developers.
6. The safety of road users is understood and there are no alternate routes.

The fact that land development is now occurring within 750m from the Baldivis Primary School it is expected that there will continue to be an increasing demand for pedestrian access leading to the School. However this demand is not unique to Baldivis Primary School and at the other end of Eighty Road the same situation of urban development infrastructure not being immediately in place occurs up to the Mother Teresa Catholic College.

Taking all factors into consideration it is not recommended that a permanent concrete path be installed along Eighty Road.

Of all the temporary options presented, the best of them would be to construct the loose road profiling pavement with thin asphalt surface at an estimated cost of $50,000. This option allows for a smooth surface at a low cost. The loose road profiling or bitumen stabilised limestone without a sealed surface would deteriorate quickly and become loose underfoot. This could cause safety issues and would create maintenance concerns.
**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **NOT SUPPORT** the construction of a permanent or temporary footpath along Eighty Road to Baldivis Primary School.

**Notice of Motion from Cr Whitfield**

That Council **DIRECT** the Chief Executive Officer to urgently investigate temporary and permanent options which will allow pedestrian access along Eighty Road to Baldivis Primary School and present options to the Council.

**Committee Recommendation**

Moved Cr Elliott, seconded Cr Hamblin:

That Council **SUPPORT** the construction of a temporary footpath along Eighty Road to Baldivis Primary School using Option 2 at a cost of $50,000.

Committee Voting – 5/0

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

To enable the construction of a temporary footpath along Eighty Road to Baldivis Primary School.

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

A budget amendment will be required. In accordance with section 6.8(1)(b) of the Local Government Act 1995 any unbudgeted expenditure from the Municipal Fund must be authorised in advance by Absolute Majority resolution of Council.
17. **Notices of Motion for Consideration at the Following Meeting**
   - Nil

18. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**
   - Nil

19. **Matters Behind Closed Doors**
   - Nil

20. **Date and Time of Next Meeting**
    - The next Planning and Engineering Services Committee Meeting will be held on **Monday 16 November 2015** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

21. **Closure**
    - 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 **5.26pm**.