# City of Rockingham
## Planning and Engineering Services Committee
### Meeting Minutes
#### Monday 15 May 2017

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<td><strong>Closure</strong></td>
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City of Rockingham  
Planning and Engineering Services Committee  
Meeting Minutes  
Monday 15 May 2017 - Council Boardroom  

1. Declaration of Opening  
The Chairperson declared the Planning and Engineering Services Committee Meeting open at 4.00pm, welcomed all present, and delivered the Acknowledgement of Country.

2. Record of Attendance/Apologies/Approved Leave of Absence  
2.1 Councillors  
Cr Chris Elliott Chairperson  
Cr Matthew Whitfield  
Cr Deb Hamblin (Deputy Mayor)  
Cr Katherine Summers  
Cr Barry Sammels (Mayor)  
Cr Justin Smith (Observer)  
Cr Lee Downham (Observer)  
Cr Joy Stewart (Observer)  

2.2 Executive  
Mr John Pearson A/Chief Executive Officer  
Mr James Henson A/Director Planning and Development Services  
Mr Peter Doherty Director Legal Services and General Counsel  
Mr Doug Forster A/Director Engineering and Parks Services  
Mr Peter Ricci Manager Major Planning Projects  
Ms Natalie Elliott A/Manager Strategic Planning and Environment  
Mr Mike Ross Manager Statutory Planning  
Mr Eduardo Perotti A/Manager Health Services  
Mr Ian Daniels Manager Engineering Services  
Mr Kelton Hincks Manager Asset Services  
Mr Adam Johnston Manager Parks Services  
Ms Melinda Wellburn PA to Director Planning and Development Services  

2.3 Members of the Gallery: 7  
2.4 Apologies: Nil  
2.5 Approved Leave of Absence: Nil  

3. Responses to Previous Public Questions Taken on Notice  
3.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Various  
At the Planning and Engineering Services Committee meeting held on 18 April 2017, Mr Mumme asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 24 April 2017 as follows:
(Preamble to questions) Last meeting I asked whether in the forthcoming tender there would be unmarked cars and whether personnel would be able to make citizens arrests and would actively and immediately ensure the security of citizens?

The response indicated that the main purpose of these security services is to “ensure that the City’s buildings and facilities are secure”. Of course I do not question that purpose.

**Question**

1. I recall that the expressed rationale for this service, in the absence of more effective police presence in the City, was originally to make the citizens of Rockingham feel more secure. Has the purpose changed and if so why?

**Response**

The Chairperson advised that the fundamental purpose of the City’s City Safe Services is to help the citizens of Rockingham to feel more safe and secure, however, the question will be taken on notice (provided at meeting).

The City is currently preparing a tender for the supply of security services, however, this is focused on the security of buildings and facilities i.e. security foot patrols of facilities outside of normal operating hours, locking and unlocking of facilities and also building alarm responses. These services have been in place for many years to ensure the City’s facilities remain secure and this current activity is to procure a replacement period contract.

The proposed tender does not relate to the City’s existing SmartWatch service which is the highly visible vehicle-based safety patrol service launched in 2015. SmartWatch is an internally delivered service i.e. not contracted, and aims to reduce anti-social behavior, vandalism, graffiti, hooning, and other neighborhood disturbances. The high visibility presence provides the Community additional reassurance and security.

(Preamble to questions) **BUSINESS CASE FOR MBM**

In responses to my questions about the costs of marina pens and the ability of boating club members to pay for marina pens, I was told that “it is not a matter against which the City can assess the existing planning proposal” and “the City is not party to negotiations” between Cedar Woods and the boating clubs.

The community expects that the City will “advocate on its behalf when important issues challenge the best interests of the City and its residents” and [have] “governance systems that enable council to make informed and considered decisions … within an accountable, … transparent and ethical environment.”

**Question**

2. Why then does the City not ask for the relevant details of the MBM negotiations to protect its own and the residents’ interests?

**Response**

The Chairperson advised that the Council’s and City Officers’ core purpose is the promotion and protection of the residents’ and district’s interest, however, the question will be taken on notice (provided at meeting).

The City is considering the planning proposals for ‘Mangles Bay Marina’ in its role as a planning agency and the receipt of this information has no bearing on the City’s assessment or the determination, that will ultimately be made by the State Government.

**Question**

3. Why is the City appearing to avoid tackling this important issue by hiding behind planning procedures? Is there a conflict here between the planning rules and the community’s aspiration? If so how can it be resolved?
The Chairperson advised that the planning process is dealt with by the City as required by planning legislation, however, to enable the legal and technical issues to be covered in a response, the question will be taken on notice (provided at meeting).

Refer to Response to Question 2.

The inference that the City is 'hiding' behind planning procedures is rejected outright.

(Preamble to questions) COST OF MANGLES BAY MARINA TO CITY
I thank the City for its response regarding the costs of the MP Rodgers report.
I refer to the Update in the Bulletin which uses the abbreviation N/A beside budget and also beside expenditure to date.

Question
4. What does N/A mean? From what budget did the money for Rodgers report come?

Response
As advised by the Chairperson at the meeting, N/A means 'not applicable'.
In most cases, the Project Status Report template used in the Information Bulletin relates to projects for which there is a specific account in the City’s Budget. The ‘Mangles Bay Marina’ proposal is different in the sense that the Budget does not contain a specific account and the City periodically incurs costs to receive specialist advice to assist in its statutory functions as a planning agency. In future Project Status Reports, the reference to ‘Budget’ and ‘Expenditure to Date’ will be removed.

Question
5. How many other expenditures has council incurred in dealing with the MBM that a) were budgeted? b) were not budgeted? How much do they add up to in F/Y15/16 and 16/17?

Response
The City has incurred the following approximate costs in commissioning expert consultants to assist in its consideration of the ‘Mangles Bay Marina’ planning proposals:
2015/16 - $26,180 (incl. GST)
2016/17 - $39,820 (incl. GST)

Question
6. Does Council have any idea what proportion of Officers’ time over F/Y15/16 and 16/17 has been devoted to this proposal? And if so, how many hours?

Response
No, this is not recorded.

(Preamble to questions) ROLE OF MARINA MANAGER
The response to a question about pens said that “As reported previously under the model proposed by Cedar Woods Properties Limited, the City will not perform the role of marina manager and be responsible for the leasing of boat pens.”

Question
7. Where and when was this reported?

Response
The Chairperson advised that the City has no interest in marina management, however, the question will be taken on notice (provided at meeting).

Verbal reference on numerous occasions at the Planning and Engineering Services Committee and Council.
## Question 8
If the City will not be responsible for leasing boat pens, does the City expect to receive any income from the leasing of boat pens?

**Response**
As it presently stands, no income is expected from the leasing of boat pens.

## Question 9
Does the City expect any other income from any part of the MBM and where specifically would this income come from?

**Response**
Consideration of the proponent’s 25 Year Waterways Management Plan, as required by WAPC Development Control Policy 1.8 (DCP 1.8), is ongoing and it is not appropriate to disclose potential income sources. Reference to DCP 1.8 will, however, provide an insight into the potential income sources.

(Preamble to question) RELEASE OF DOCUMENTS
I refer to a recent court ruling in New South Wales on refusal of the government to release documents relating to a controversial matter of great interest to the community. The decision said that "It was fundamentally unfair for the opposing council and other opponents of the merger proposal, to have to participate in the inquiry without possession of the document."

## Question 10
Does Council consider that it has been fundamentally unfair that the opponents of the MBM have had to participate in discussions on the MBM without access to the MP Rodgers report, without access to the draft LSP? If not, why not?

**Response**
No. All planning proposals will be advertised for public comment, in accordance with the statutory planning framework, when it is appropriate to do so.

(Preamble to question) PNP COASTAL VALUES INITIATIVE.
I note that only one of the City’s beaches, Waikiki, was proposed to be included in this study. I recall that the PNP included a figure of 200 metres of erosion along the coast and I know that council are very aware of the speed of erosion of Shoalwater Bay. It appears that Shoalwater has been decided to have no value!

## Question 11
Why was Shoalwater Bay not proposed for inclusion?

**Response**
The intent of the PNP Coastal Values Study is to test methods for identifying and assessing community values, and is limited to just three locations along the coast from the City of Rockingham to the City of Busselton. The Waikiki Foreshore was considered suitable for the purpose of the study as the area is already vulnerable to the impacts of erosion, contains a range of infrastructure and amenities, and is a popular place for community recreation.

### 4. Public Question Time

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<tr>
<th>Time</th>
<th>Details</th>
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<tbody>
<tr>
<td>4:02pm</td>
<td>The Chairperson invited members of the Public Gallery to ask questions.</td>
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<tr>
<td>4:1</td>
<td>Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Various</td>
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</tbody>
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The Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. Mr Mumme asked the following questions:

(Preamble to questions) Coastal Council Conference
I refer to the Mayor’s public statements that "the City needs to act now to address coastal hazards” that “councils are knowledgeable about these matters" and "call[s] on the Australian Government to play a lead role … (Website 10/5/17)."
1. Phil Watson of Clarence Council talks about promoting no regret or low regret solutions. Given that in the hierarchy of adaptation, AVOID is first - cheaper and easier than retreat and protect - does the Mayor's statement mean the City will refuse to approve any development proposals that may be at risk from sea level rise and inundation and be regretted?

The Chairperson advised that it is important that the City always makes the right decision, however, the question will be taken on notice.

2. Prof Tim Smith said that only about 35% of councils surveyed (46% of 77% of the total sample) use coastal monitoring to improve decision making. Does our City use coastal monitoring to improve decision-making and if so, can you give three examples of decision improved by coastal monitoring?

The Chairperson advised that he could not provide three decisions, however, the City is involved with the Coastal Sea Change Taskforce, Cockburn Sound Management Council and the Peron Naturaliste Partnership (PNP).

3. What specifically does the City want from the Australian Government given that the recent budget contained no reference to climate change?

The Chairperson advised that he was not sure if the City had a specific policy on that question, but he would want the Australian Government to take a leadership role with respect to climate change.

(Preamble to question) Pest Plants Threatening Lake Richmond

The Local Laws (2000 amended 2010) provide the City with the power to deal with any of six plants, only one of which has been found to be a threat to Lake Richmond.

The biggest threat to Lake Richmond is Brazilian Pepper, Schinus terebinthifolia. I believe that most councillors have been sent a graphic email containing pictures of how threatening this plant is.

4. What will the City need in order to add Schinus terebinthifolia to the City's Local Law and force owners of blocks with major infestations to remove them?

The Chairperson advised that he was not qualified to answer that question and that the question will be taken on notice.

4:09pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Whitfield

That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee Meeting held on 18 April 2017, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:10pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.
8. Declarations of Members and Officers Interests

4:10pm The Chairperson asked if there were any interests to declare. There were none.

9. Petitions/Deputations/Presentations/Submissions

9.1 Presentation - Cockburn Sound Management Council

4:11pm The Chairperson invited Dr Stephanie Turner and Professor Kateryna Longley to make their presentation.

Dr Turner gave a brief presentation on the Cockburn Sound Management Council's "Drivers-Pressure-State-Impacts" project currently being undertaken in Cockburn Sound.

Dr Turner and Professor Longley then provided answers to various question with respect to the project.

4:20pm The Chairperson thanked Dr Turner and Professor Longley for their presentation.

10. Matters for which the Meeting may be Closed

Nil

11. Bulletin Items

Planning and Development Services Information Bulletin – May 2017

Health Services
1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Environmental Waters Sampling
   3.5 Food Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 Permit Approvals
   4.7 After Hours Noise and Smoke Nuisance Complaint Service
   4.8 Complaint - Information
   4.9 Noise Complaints - Detailed Information
   4.10 Animal Exemptions
   4.11 Building Plan Assessments
   4.12 Septic Tank Applications
   4.13 Demolitions
   4.14 Swimming Pool and Drinking Water Samples
   4.15 Rabbit Processing
   4.16 Hairdressing and Skin Penetration Premises
   4.17 New Family Day Care Approvals
### Building Services

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

### Compliance and Emergency Liaison

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Ranger Services Action Reports
   - 4.2 Emergency Services
   - 4.3 Customer Requests Emergency Service Team
   - 4.4 Permits to Burn - Restricted Burning Period
   - 4.5 Prescribed Burning Program
   - 4.6 SmartWatch Key Result Area: Visibility
   - 4.7 SmartWatch Key Result Area: Engagement with Community
   - 4.8 SmartWatch Key Result Area: Increasing Perception of Safety
   - 4.9 SmartWatch Notable Statistics

### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Local Planning Strategy (LUP/1352)
   - 3.2 Waterwise Council Program (EVM/56-02)
   - 3.3 Karnup District Structure Plan (LUP/1546)
   - 3.4 Greening Plan (PKR/52-02)
   - 3.5 Frog Population Monitoring Program (EVM/174)
4. Information Items
   - 4.1 Fauna Relocation for Stage 1 Clearing at Lots 19 and 20 Sixty Eight Road, Baldivis
   - 4.2 Submission on the Banksia Woodlands of the Swan Coastal Plain: Draft Guidance for Part 7 Referrals (Department of the Environment and Energy)

### Land and Development Infrastructure

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

**Statutory Planning**  
1. Statutory Planning Team Overview  
2. Human Resource Update  
3. Project Status Reports  
   3.1 Planning Products via the Web formerly eDA  
4. Information Items  
   4.1 Land Use - Planning Enforcement  
   4.2 Subdivision/Development Approval and Refusals by the WAPC  
   4.3 Notifications and Gazettals  
   4.4 Subdivision Clearances  
   4.5 Subdivision Survey Approvals  
   4.6 Subdivision Lot Production  
   4.7 Delegated Development Approvals  
   4.8 Delegated Development Refusals  
   4.9 Delegated Building Envelope Variations  
   4.10 Subdivision/Amalgamation Approved  
   4.11 Strata Plans  
   4.12 Subdivision/Amalgamation Refused  
   4.13 Proposed Permanent Listing of Lake Richmond on State Heritage Register  

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

**Advisory Committee Minutes**  

**Committee Recommendation**  

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

Committee Voting – 5/0
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<td>3.1 Rockingham Foreshore Masterplan – Detailed Design</td>
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<td>3.1 Stormwater Drainage Plan</td>
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<td>3.2 Coastal Management Consultants (Sand Drift/Erosion Problems)</td>
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<td>3.3 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)</td>
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<td>4. Information Items</td>
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<td>4.1 Delegated Authority for Temporary Thoroughfare Closure</td>
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<td>4.2 Delegated Authority for the payment of Crossover Subsidies</td>
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<td>4.3 Delegated Authority for approval of Directional Signage</td>
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<td>4.5 Authorised Traffic Management Plans for Works on City Controlled Roads</td>
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<td>4.6 Safety Bay Road – Principal Shared Path – Stage 2B Mandurah Road to Eighty Road</td>
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<td>4.7 Water Corporation - Significant works within the City</td>
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<td>4.8 Asset Inspections</td>
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<td>4.9 Waikiki Foreshore – Foreshore Protection Specification</td>
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<td>4.10 Bent Street Boat Ramp Navigation Channel Sand Bypassing</td>
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<td>4.11 Mersey Point Jetty Design</td>
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<td>4.12 Palm Beach West Boat Ramp Upgrade – Detailed Design</td>
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<tr>
<td>4.13 Point Peron Boat Launching Facility Detailed Design of Boat Ramp Lanes Five and Six including boat trailer car park design</td>
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<td>4.14 Palm Beach East Boat Ramp Rock Armour Replacement and Boat Ramp Maintenance</td>
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<td>4.15 EP-013/16 – Investigate need for additional traffic signals on Wambro Sound Avenue</td>
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<td>4.16 Road Construction Program Roads to Recovery 2016/2017</td>
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<td>4.17 Road Construction Program Federal Black Spot 2016/2017</td>
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<td>4.18 Road Construction Program Municipal Works 2016/2017</td>
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<td>4.19 Drainage Upgrade Program Works 2016/2017</td>
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<td>4.20 Road Renewal Program Municipal Works 2016/2017</td>
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<td>4.21 Road Maintenance Program 2016/2017</td>
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<td>4.22 Litter Team 2016/2017</td>
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<td>4.23 LitterBusters and Sweeping 2016/2017</td>
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<td>4.24 Graffiti Out and About</td>
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<td>4.25 Graffiti Removal Annual Statistics</td>
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<td>4.26 Heavy Plant Program 2016/2017</td>
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**Parks Services**

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

**Asset Services**
1. Asset Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Path condition audit 2016-2017
   3.2 Maintenance and provision of public toilets
   3.3 Public Area Lighting Projects
4. Information Items
   4.1 Strategic Asset Management
   4.2 2016/2017 Public area lighting and arterial lighting
   4.3 Aqua Jetty – Gym roof HVAC enclosure (design)
   4.4 Baldivis South Sports Pavilion Eighty Road Baldivis
   4.5 Laurie Stanford Reserve development
   4.6 Rhonda Scarrott Reserve development
   4.7 Administration building exterior render repairs
   4.8 Aqua Jetty solar PV system 328kw
   4.9 Aqua Jetty – Tiling of external 50m pool
   4.10 Secret Harbour – Inclusive play space
   4.11 Baldivis South Youth Space
   4.12 2016/2017 Reserve flood lighting
   4.13 Baldivis South Community Centre
   4.14 Mike Barnett Sports Complex – Netball courts resurfacing
   4.15 Building and Facility Maintenance
   4.16 Reserve Maintenance
   4.17 Electrical Maintenance
   4.18 Asset Maintenance Statistics
   4.19 Lighting Inspections
   4.20 Solar Power Generation
   4.21 Building Operations

**Advisory Committee Minutes**

**Committee Recommendation**

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

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

#### Planning and Development Services

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<th>Planning and Development Services</th>
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<td>Reference No &amp; Subject:</td>
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<tr>
<td>File No:</td>
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<tr>
<td>Applicant:</td>
<td>Mr Luke Patton</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Luke Patton</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>15 May 2017</td>
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<td>Previously before Council:</td>
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<tr>
<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
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<tr>
<td>Site:</td>
<td>Lot 1003 (No.25) Ayrton Court, Golden Bay</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
<td>Rural</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photograph</td>
</tr>
<tr>
<td></td>
<td>3. Existing and Proposed Building Envelope Plan</td>
</tr>
<tr>
<td></td>
<td>4. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JUNE 2017
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1003 (No.25) Ayrton Court, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133, 138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process, Building Envelopes were approved for each of the proposed lots. The Bushfire Management Plan (BMP) approved as part of this subdivision is still relevant to the assessment of this application.

The existing Building Envelope has an area of 800.75m$^2$ and is setback 10m from the Primary Street, 8.1m from the western boundary, 7.2m from the eastern boundary and 12.9m from the rear boundary.

The property is generally level with a number of mature Tuart trees located throughout the site.

Details

The applicant seeks to modify the existing Building Envelope on site in order to accommodate a future Single House. The Building Envelope will increase in size from 800.75m$^2$ to 880.35m$^2$ (10%). The Building Envelope is proposed to be extended by 1.3m to the south east and 5.9m to the south west. No additional vegetation is required to be removed to facilitate this Building Envelope variation, than would otherwise be required to be removed to comply with the Asset Protection Zone (APZ) requirements of the BMP, for the existing Building Envelope.
3. Existing and Proposed Building Envelope Plan

Legend

Existing Building Envelope
Proposed Building Envelope
Implications to Consider

a. Consultation with the Community

In accordance with Clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to the adjacent landowners by the landowner, as shown on the Consultation Plan below, who all supported the proposed variation to the Building Envelope.

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

**Aspiration D:** Sustainable Environment

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

d. Policy

Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)

The following is an assessment against the relevant requirements of PP3.3.17:
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Schedule No.5 of TPS2.</td>
<td>Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an adverse environmental impact.</td>
<td>No vegetation is required to be removed than is otherwise required to be removed for bushfire purposes.</td>
<td>Yes</td>
</tr>
<tr>
<td>The varied Building Envelope must not result in an unacceptable level of bushfire risk.</td>
<td>The proposed modification will not result in an increase to the bushfire risk of the future dwelling.</td>
<td>Yes</td>
</tr>
<tr>
<td>No unacceptable amenity impacts to neighbours.</td>
<td>The amendment was referred to the adjoining neighbours and no objections were received. The modification is not considered to result in an adverse impact upon adjoining landowners.</td>
<td>Yes</td>
</tr>
<tr>
<td>The variation is a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.</td>
<td>The size of the Envelope will increase by 10% to accommodate the single house and will increase from 800.75m² to 880.35m².</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The Envelope will continue to be of a regular shape and comprise a single contiguous area.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

The purpose of the proposed Building Envelope modification is to accommodate a future Single House.

There is an approved BMP for Stage 2A of the Peelhurst Estate, Golden Bay. The BMP requires a 20m APZ to be provided around all future buildings and for a low fuel environment to be maintained at less than 2 tonnes per hectare across all lots. Therefore all surrounding lots are managed to a low-threat vegetation state in accordance with AS3959.

It is noted that the north western lot boundary setback is to be reduced from 26.5m to 25.5m and the rear lot boundary setback is proposed to be reduced from 17.2m to 15.8m. The reduction in lot boundary setbacks will not increase or intensify the bushfire risk in these directions as there are APZ's constructed on these adjoining lots. Therefore, the proposal is considered to be compliant with the requirements of SPP 3.7.

e. **Financial**
   
   Nil

f. **Legal and Statutory**
   
   Schedule No.5 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of Council.

**Risk**

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

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

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

Nil
Comments

The proposed Building Envelope complies with TPS2 and PP3.3.17. The proposal will have a minimal impact on the amenity of neighbouring properties given no additional vegetation is required to be removed than would otherwise be required for bushfire purposes and the proposal will not result in an increased level of bushfire risk. Additionally, no objections were raised by the adjoining owners.

The proposed Building Envelope will not result in an adverse environmental impact or an increased bushfire risk, therefore the proposed Building Envelope is recommended to be approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application to vary the Building Envelope at Lot 1003 (No.25) Ayrton Court, Golden Bay.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Summers:

That Council APPROVES the application to vary the Building Envelope at Lot 1003 (No.25) Ayrton Court, Golden Bay.

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 initiating Scheme Amendment No.168 to Town Planning Scheme No.2 (TPS2), to include the Additional Use of ‘Nursing Home’ at Lot 8 (No.5) Belrose Crescent, Cooloongup.

Background

The subject site contains an existing dwelling and shed. It adjoins an existing Nursing Home which is located on Lot 300 (No.1-9) Tanby Place, Cooloongup.

The Nursing Home ("Tanby Hall") was originally approved in May 1996 with 40 aged care bedrooms. The facility was expanded to accommodate 14 bedroom extensions in October 1997 and has since been approved for minor extensions (laundry room expansion) in October 2001 and (an office) in September 2011.
1. Location Plan

2. Aerial Photo of Site and Surrounds

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JUNE 2017

PRESIDING MEMBER
The applicant seeks Council approval for a Scheme Amendment to include the Additional Use of Nursing Home to the subject site. MercyCare Human Services Ltd seeks approval to expand its existing Nursing Home facility on Lot 300 (No.1-9) Tanby Place, Cooloongup, onto the subject site while retaining the Residential (R20) zoning.

The applicant has provided the following planning justification in support of the amendment:

- The existing aged care facility on the abutting lot 300 will be able to expand its operations onto the subject site;
- The expansion of aged care facilities in an established neighbourhood will provide an enhanced opportunity for seniors living in the area to ‘age in place’; and
- The expansion of the aged care facilities within this location will provide increased employment opportunities in the aged care industry.

A draft concept plan for the expansion of the existing Nursing Home onto Lot 8 has been provided to support the application. The plan depicts eight new aged care bedrooms and a lounge area, an outdoor garden space and a carpark containing eleven car parking bays. This plan is indicative only and has not been formally submitted to the City for consideration.
4. Draft Concept Plan for Nursing Home Expansion to Lot 8 (Site Context)
5. Draft Concept Plan for Nursing Home Expansion to Lot 8 (Enlarged
Implications to Consider

a. Consultation with the Community

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

b. Consultation with Government Agencies

Consultation with the Western Australian Planning Commission (WAPC) and other relevant government agencies will only occur if the Scheme Amendment is initiated by Council in accordance with the Regulations.

c. Strategic

Community Plan

This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives 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 all residents including seniors, youth and vulnerable populations.

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

Not Applicable

f. Legal and Statutory

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

The procedures for dealing with an application to amend TPS2, as per the Planning and Development Act 2005, are set out in the Regulations. Regulation 35 (1) allows the Council to adopt a standard amendment to TPS2 proposed by the owner of land. Under Regulation 35 (2) a resolution must:

"(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and

(b) include an explanation of the reason for the local government forming that opinion."

Regulation 47 requires the City to notify the WAPC, following advice from the Environmental Protection Authority (EPA).

Metropolitan Region Scheme

The proposal complies with the ‘Urban’ zoning of the land under the MRS.

Town Planning Scheme No.2 (TPS2)

The subject site is zoned ‘Residential’ (R20) under TPS2.

Under TPS2, a Nursing Home:

"means any building used for the medical treatment or care of sick persons, whether resident or not, but does not includes a Medical Centre or hospital."
Lot 300 (No.1-9) Tanby Place is zoned ‘Community Purposes’ and designated ‘Aged Persons Accommodation’ in the Scheme Map.

g. Risk

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

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

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

Nil

Comments

The proposal is unlikely to impact upon the amenity of the adjacent residents given the low key nature of the proposal shown on the draft concept plan. Landscaping, however, should be provided in front of the car park and this matter will be examined further following the lodgement of a Development Application for the subject site.

It is noted that the draft concept plan is indicative only, and the applicant has advised that the precise design of the expanded facilities has not been confirmed yet.

The expansion of the Nursing Home proposal is compatible with the surrounding residential area and is supported.

It is recommended that the Council initiate Amendment No.168 to TPS2.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** (initiate) Amendment No.168 to Town Planning Scheme No.2, in pursuance of Section 75 of the **Planning and Development Act 2005**, as follows:
   (i) Include Additional Use No.31 in Schedule 2 as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Site Description</th>
<th>Use</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.</td>
<td>Lot 8 (No.5 Belrose Crescent, Cooloongup</td>
<td>Nursing Home</td>
<td></td>
</tr>
</tbody>
</table>

   (ii) Amend the Scheme Maps Accordingly.

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

Committee Recommendation

Moved Cr Whitfield, seconded Cr Summers:

That Council:

1. **ADOPTS** (initiate) Amendment No.168 to Town Planning Scheme No.2, in pursuance of Section 75 of the **Planning and Development Act 2005**, as follows:
   (i) Include Additional Use No.31 in Schedule 2 as follows:

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

Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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</table>
## Planning and Development Services

### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-019/17 New Career Fire and Rescue Service Fire Station</th>
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<tbody>
<tr>
<td>File No:</td>
<td>LUP/2072</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Department of Fire and Emergency Services (DFES)</td>
</tr>
<tr>
<td>Owner:</td>
<td>Crown</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Waller, Coordinator Statutory Planning¹</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td></td>
<td>Mr David Caporn, Manager Compliance and Emergency Liaison</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Greg Whip, Coordinator Emergency Management</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 May 2017</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Reserve 26359 (Lot 1300) Mandurah Road, Port Kennedy</td>
</tr>
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<td>Lot Area:</td>
<td>6.4392ha</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
<td>Regional Reserve Parks and Recreation</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Image of Reserve 26359</td>
</tr>
<tr>
<td></td>
<td>3. Vesting Order</td>
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<tr>
<td></td>
<td>4. Existing land excision and Stakehill Road Dedication</td>
</tr>
<tr>
<td></td>
<td>5. Proposed land excision and Stakehill Road Dedication</td>
</tr>
</tbody>
</table>

¹ Correction of typographical error
Purpose of Report

To consider supporting the surrender of a portion of Reserve 26359, from the City of Rockingham to the Department of Fire and Emergency Services (DFES), to enable the future establishment of a new Career Fire and Rescue (CFRS) Fire Station and Volunteer Hub and Regional Office.

Background

Site

Reserve 26359 (Lot 1300) was created as a condition of subdivision in 1961.

Reserve 26359 is a ‘C’ classified Crown Reserve vested in 1988 and held by the former Shire of Rockingham for the purpose of “Public Recreation”. The City of Rockingham has managed the land through a vesting order for 29 years, but it remains vacant.

Prior to 2007, an unconstructed track was located to the north of Reserve 26359. Figure 2 below shows the realigned Stakehill Road, through Reserve 26359, which was constructed in 2007, but has yet to be dedicated as a gazetted road.
2. Aerial Image of Reserve 26359

3. Vesting Order

VESTING ORDER

File No. 1238/61

I, Professor Gordon Reid, Companion of the Order of Australia, Governor of the State of Western Australia, do hereby, in pursuance of the powers enabling me in that behalf, and under and by virtue of the provisions of Section 33 of the Land Act, 1933, direct that Reserve No. 26359 (Peel Estate Lot 1300) shall vest in and be held by the Shire of Rockingham in trust for the following objects and purposes (that is to say) "Public Recreation" subject nevertheless to the powers reserved to me by Section 37 of the said Act.

Given under my hand, at Perth this 25th day of October 1965

Gordon Reid
GOVERNOR
Stakehill Road Dedication and Land Excisions

In 2015, the City supported the closure of Lot 500 and 501 (unmade roads), the excision of the northern portion of Lot 1300 (Reserve 26359) Mandurah Road and the dedication of the realigned Stakehill Road. The northern portion of the land was to be surrendered by the City for inclusion into Reserve 51284, which was recommended by the Department of Lands as a logical extension of the adjoining reserve (see Figure 4). Reserve 51284 is currently vested in Racing and Wagering WA (RWWA).

With this arrangement the southern portion of Reserve 26359 was to remain under the control and management of the City of Rockingham.

The Department of Lands has previously sought Minister for Lands approval to the proposed excision from Public Recreation Reserve 26359 and dedication of Stakehill Road. The Western Australian Planning Commission (WAPC) has also undertaken a compulsory acquisition process to acquire the portions of unmade road (Forty - Lot 500 and Stakehill Road - Lot 501), to enable amalgamation with Reserve 51284.

4. Existing Land excision and Stakehill Road Dedication

New Fire Station

In December 2016, the City advised DFES of its in-principle support to the transfer of the Management Order of Reserve 26359 Mandurah Road, Port Kennedy for the purpose of establishing a new Fire Station, subject to the following considerations:

1. Co-location of the Rockingham/Kwinana SES and SVBFB with the proposed Fire Station site;
2. Council's endorsement is required prior to the formal disposal of the land and surrender of Reserve 26359 to enable the creation of a new reserve with a Management Order issued in favour of DFES.

3. The Department of Planning, in consultation with the Department of Parks and Wildlife would be required to assess the proposal in the event clearing of bushland is proposed, to determine if an offset for the loss of regionally significant vegetation is required.

In February 2017, DFES acknowledged the Department of Lands proposal for the Stakehill Road Reserve. DFES confirmed its preference to:

1. Continue to progress the securing of Lot 1300 (Reserve 26359) despite Lands recommendation to widen Stakehill Road through the middle of the reserve; and

2. Secure the total lot remaining following a revision of road reserve, to allow flexibility in the placement of facilities as well as in consideration of any restriction relating to the clearing of bushland that may be imposed by the Department of Planning and Department of Parks and Wildlife.

In March 2017, the City advised DFES that the Department of Lands is proceeding with the creation of the Stakehill Road reserve and the subdivision to facilitate excision of the reserves.

5. Proposed land excision and Stakehill Road Dedication

In April 2017, the City contacted RWWA to establish if it was prepared to support the northern portion of Reserve 26359 being surrendered to DFES in lieu of RWWA. DFES subsequently revised its proposal to only seek the excision and surrender of the southern portion of Reserve 26359. This was subject to the Department of Parks and Wildlife providing clearance that a significant portion of the southern block could be used for the Fire Station. DFES advised that it reserved the right to seek the land on both sides of Stakehill Road, if significant clearing could not occur on the southern portion.
Details

DFES seeks the Council’s support to transfer the southern Reserve 26359 Mandurah Road, Port Kennedy for the purpose of a CFRS Station.

DFES advised that, with an increase in population along the coastal corridor from Kwinana to Mandurah and east to the Kwinana Freeway, it seeks approval from Council to transfer Crown Reserve 26359 under a DFES Management Order, for the purpose of a new Port Kennedy Fire Station.

DFES has advised that it has a fire station in Rockingham operated by Career Fire and Rescue Service (CFRS) firefighters. Other DFES services within the City of Rockingham (the City) include:

- Rockingham VFRS;
- Rockingham/Kwinana SES;
- Baldivis VFRS;
- Secret Harbour VFRS; and
- Singleton BFB (City of Rockingham).

According to DFES, the ideal location to deliver emergency services within prescribed time limits is located at the intersection of Ennis Avenue and Stakehill Road (west) at Port Kennedy. This location would provide emergency services to those residents living in Port Kennedy, Secret Harbour, Golden Bay, Singleton, Baldivis and Karnup. DFES has also advised the site would lend itself to the long term development of a volunteer hub and Regional Office.

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   The Department of Lands has advised that there is an opportunity for the City to agree to surrender a portion of Reserve 26359 (3.486 hectares) to enable the creation of a new Reserve with a Management Order issued in favour of DFES. The Department of Lands also advised the City that there is no requirement to seek approval from RWWA for any actions on the southern portion of Reserve 26359. If DFES also sought control of the northern portion of Reserve 26359 written approval from RWWA would be required.

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration B:** Strong Community
   
   **Strategic Objective:** Safety and Support: A community that feels safe and secure in home, work and leisure environments, and has access to a range of effective support services and partnerships when encountering challenging or difficult times.

d. Policy
   Nil

e. Financial
   Nil

f. Legal and Statutory
   Reservation
   Reserve 26359 is also within a Regional Reserve for Parks and Recreation in Town Planning Scheme No.2 (TPS2) and the Metropolitan Region Scheme (MRS). The proposal can still be considered, however, Development Approval will be required from the Western Australian Planning Commission.
Reserve 26359 is identified Bush Forever site No.356 in the Bush Forever report published by the WAPC in December 2000. Any proposals for clearing of regionally significant vegetation require an environmental assessment and approval from the Department of Parks and Wildlife.

g. **Risk**

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

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

Nil

**Comments**

Council approval is required to surrender the southern portion of Reserve 26359 (3.3 hectares approx.) to DFES for the purpose of accommodating a future CFRS Station. There are no plans of the proposal that have been prepared by DFES as the request only relates to land requirements.

City Officers have liaised with the Department of Lands and directly with DFES regarding the request and have undertaken research into the City’s future needs for the land. There are several changes to Reserve 26359 and surrounding land that are currently being progressed by the Department of Lands, which has made the DFES request more involved to assess.

The City’s analysis has revealed that the northern portion of Reserve 26359 has already been allocated to Racing Wagering WA (RWWA) and for the dedication of Stakehill Road. This leaves 3.486 hectares that could be available for DFES.

The City has examined its future land requirements associated with Reserve 26359, and whilst there is no current need for the reserve, it has identified an opportunity for the site to be used by the Rockingham/Kwinana SES and Singleton Volunteers Bushfire Brigade (SVBFB) together with the proposed Fire Station. Agreement for the colocation of facilities has been indicatively agreed to by DFES.

Given Reserve 26359 is not required by the City, its surrender to DFES will assist in the establishment of a permanent Fire Station for Baldivis and southern Rockingham. It also maintains future planning options for the co-location of other volunteer services. As Reserve 26359 is vested in the City of Rockingham for "Public Recreation", the reserve purpose (portion 3) will need the Minister for Lands approval to amend it to a “Community Purpose” for a future DFES Fire Station.

On this basis, it is recommended that surrender of the southern portion of Reserve 26359 be supported.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **SUPPORTS** the surrender of the southern portion of Reserve 26359, Mandurah Road, Port Kennedy in favour of the Department of Fire and Emergency Services for the purpose of a Career Fire and Rescue Fire Station and Volunteer Hub and Regional Office

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **SUPPORTS** the surrender of the southern portion of Reserve 26359, Mandurah Road, Port Kennedy in favour of the Department of Fire and Emergency Services for the purpose of a Career Fire and Rescue Fire Station and Volunteer Hub and Regional Office

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>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-020/17 Proposed Dog Kennel (Extension)</th>
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<tr>
<td>File No:</td>
<td>DD020.2016.0000232.001</td>
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<tr>
<td>Applicant:</td>
<td>Mr Norman Brooks</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Steven and Mrs Lillian Butcher</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Dave Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>Date of Committee Meeting:</td>
<td>15 May 2017</td>
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<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td></td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
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<td>Site:</td>
<td>Lot 15 (No.1881) Mandurah Road, Karnup</td>
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<td>Lot Area:</td>
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<td>4. Proposed parking and turnaround Area</td>
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<td>5. Castle and Kennels Floor Plan</td>
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<td>6. Kennels Floor Plan</td>
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<td>13. Neighbouring Property to the North</td>
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<td>14. Looking South</td>
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15. Accessway
16. Consultation Plan

1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application seeking Development Approval for an extension to the Dog Kennels at Lot 15 (No.1881) Mandurah Road, Karnup.

Background

In 1976, Planning Approval was granted for six Dog Kennels.
In 1981, Planning Approval was granted for a Caretaker's Dwelling.
In 1987, Planning Approval was granted to increase the number of Kennels by 31.
In 1991, Planning Approval was granted for the use of a rural outbuilding as an Agricultural Produce Store and to extend the Cattery.
In 1993, Planning Approval was granted for an entry statement.
In January 2016, a complaint was lodged to the City regarding fill being delivered to the subject site by trucks. This matter is considered further in this report.
In July 2016, a Development Application was lodged for an extension to the kennels, which is the subject of this application.

The existing kennels has a kennel licence pursuant to the Dog Act 1976 and the City of Rockingham Local Law, with the number of dogs set as 'unlimited'.

There have been no complaints in the history of the operation of the kennels, regarding noise.

Details

The applicant seeks Development Approval to extend the Dog Kennels on the subject site. There are currently 41 kennels and the capacity to accommodate 28 cats within the development. The proposal is as follows:

- Kennels are proposed to be increased by 76, resulting in a total of 117 kennels;
- The applicant has advised that in peak times, two dogs from the same family may be boarded together, resulting in a maximum of 155 dogs in total;
- The capacity of the cattery is to remain unchanged;
- The kennels are to be accommodated within two new buildings of 286m² and 516m²;
- The kennels are family run, with four staff members;
- The animals may only be dropped off and picked up during the following times;
  - Check in between 8:00am to 11:30am, Monday to Saturday;
  - Check out between 8:00am to 12:00pm Monday to Saturday, 3:30pm to 5:00pm, Monday to Friday and 3:30pm to 5:00pm on Sundays;
- The animals will be kept on site 24 hours a day, seven days per week;
- The filling of land surrounding the kennels area is to be used to provide an exercise yard. A 1.2m high concrete wall is proposed to enclose this with a 1.8m high weldmesh fence;
- The filling of land is proposed to increase the useable area of land adjacent to the kennels as the land drops sharply by approximately 3.5m, which is proposed to be filled. The filling of land has already commenced on a portion of the lot;
- A new ‘castle’ entry statement is proposed (near the kennels);
- Three trees are proposed to be removed to accommodate the development; and
- Eight parking bays are proposed with a turnaround area.

The applicant has submitted a Traffic Impact Assessment (TIA), an Acoustic Assessment and a Bushfire Management Plan (BMP) in support of the proposal.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 19 JUNE 2017

PRESIDING MEMBER
4. Proposed Parking and turnaround Area
5. Castle and Kennels Floor Plan
6. Kennels Floor Plan
7. Castle Elevations
8. Detailed Site Plan
9. Existing Kennel Building

10. Existing Dog Kennels and Play Area
11. Remainder of Site

12. Looking North
13. Neighbouring Property to the North

14. Looking South
15. Accessway

**Implications to Consider**

a. Consultation with the Community

In accordance with Clause 64 of Town Planning Scheme No.2 (TPS2), the application was referred to the owners and occupiers of land within a 500m radius of the site for a period of 14 days, in accordance with the consultation plan below:
16. Consultation Plan

At the close of the advertising period, four submissions were received including two submissions of support and two objections.

### Issue 1 Traffic

**Submission**
The proposed increase in development could prove a hazard on traffic safety.

**Proponent’s Response:**
A traffic management report has been submitted to Council as part of the application.

**City’s Comment:**
The City and Main Roads have assessed the Traffic Impact Assessment (TIA) and consider that the proposed scale of development is acceptable and will have no undue impact on local or regional traffic that use Mandurah Road and/or road safety. The traffic generated by the proposal is within the capacity of the existing road network.

### Issue 2 - Amenity Impacts

(a) Noise

**Submission Issues:**
- Our property was purchased with the peace and tranquillity that our location provides as a very important factor in our purchasing decision. There is already the constant sound of barking coming from the existing kennels, which is a disturbance to our normal usage of the property.
(a) Noise (Cont…)

- The proposal to include an additional 76 Kennels with the potential, according to the Camelot Pet Resort’s policy of making double kennels available to dog families, plus the current existing 47 kennels could potentially see a total of 246 dogs housed at any one time. The barking of 246 dogs would be a considerable nuisance to us.

Proponent’s Response:

The complainant purchasing the property for ‘peace and tranquility’ is negated by the fact that the kennels have been in operation on this site prior to Mr & Mrs Butcher becoming owners. To the best of our knowledge, the complainants purchased their properties within the last 25 years. The complainant’s comment that ‘the constant sound of barking from existing kennels’ seems unjustified as they have never voiced their concerns to the owners of the property or the Council’s health officers. Notwithstanding this, the acoustic report submitted addresses all levels of noise emission.

The Camelot Pet Resort policy of ‘making double kennels available to dog families’ would only happen in minimal cases as the majority of families only have a single dog and dogs from different families are never boarded together. When more than one dog comes in with a family, they are generally boarded in separate kennels, by request of the owners. This is to simulate their own space at home. Therefore the hypothetical scenario of ‘246 dogs housed at any one time’ is unfounded.

We've looked at Peak times over the last 30 years and found that we very rarely exceed a third more than our total kennel number as most people only have one dog. We believe that that would also be the ratio with the new kennels. We have always had a policy to never mix dogs from different families either in the kennels or out in the exercise yards and intend to maintain that policy. In numbers that is approx. 155 dogs in total.

City’s Comment:

The applicant has provided an Acoustic Assessment Report, which has been assessed by the City’s Health Services and is considered appropriate, subject to the recommendations of the Acoustic report being undertaken. This includes a number of construction and operational measures as follows:

- Barking dogs are/will not be permitted in any outdoor areas (yards or runs) before 7:00am Monday to Saturday and 9:00am on Sundays and public holidays;
- Kennels roof are/will be sheet metal with the underside of the roof internally lined with acoustic insulation e.g. 50mm thick, 11kg/m3 insulation. The insulation can have a facing material for protection but it must be perforated;
- Disruptive dogs are/will be separated from each other within the kennels and access their run areas at separate times of the day;
- All kennels gates and doors opening to open areas are of solid construction. Gaps between door and frame are minimal or covered using compressible seals or rubber gaskets to perimeter;
- Solid fencing around the external yard will be installed to prevent dogs from seeing external persons attending the kennels and therefore potentially barking at ‘intruders’;
- Dogs are fed within the enclosed yards.

The development is also required to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (Regulations).

Should the application be approved, the maximum number of dogs that can board at the kennels should be restricted to 155, as per the information from the proponent, which will be included as a condition of Development Approval, as well as in the yearly renewal of the licence from the City’s Ranger Services.

Recommendation 1:

A condition is recommended requiring the following:

1. The measures contained in the Acoustic Assessment to be complied with for the duration of the development; and
2. **The maximum number of dogs permitted to boarded, at any one time to be restricted to 155 dogs.**

An advice note is recommended advising of the requirements of the Environmental Protection (Noise) Regulations 1997 (Regulations) for the duration of the development.

### (b) Visual

**Submission:**
The exercise area faces our property and whenever we are walking on our property a number of dogs run to the fence of the exercise yard and bark at us. The fence of the exercise yard is a simple chain link fence which provides no visual barrier between the dogs and neighbouring properties.

**Proponent’s Response:**
As it is the Pet Resort's policy to only allow individual dogs into the yard at a time, we feel that the statement of 'a number of dogs running in the yard and barking constantly' needs to be ratified with the times and instances that this has taken place, when the complainants were 'walking on their property'.

**City's Comment:**
The majority of the kennels will face the western boundary away from the view of the neighbouring property, with some kennels also facing the east and north west. The closest kennel is setback 40m from the complainant's boundary, however a 1.2m concrete wall and 1.8m chain link fence is proposed to be erected along the boundary of the exercise yards, providing a visual barrier between the exercise area and the neighbouring property.

The installation of screening vegetation would help to ameliorate any visual impacts to a future house provided on the adjoining property.

**Recommendation 2:**
A condition requiring screening vegetation to be planted, such that the visual impact of the development from Lot 14 (No.1859) Mandurah Road is minimised.

### (c) Property Value

**Submission:**
The development may affect property values.

**City's Comment:**
Property values are not a relevant planning consideration.

### Issue 3 - Servicing

#### (a) Environmental Health

**Submission Issues:**
- The quantity of faecal matter alone from the existing 47 kennels and the additional 76 kennels must have serious consequences with regard to smell, ground water, and the attraction of insects.
- We already have a view of the neighbour’s rubbish pile at the rear of the property. Given this disregard to the visual amenity for neighbours, we can only imagine what hygiene outcomes will be for such a massive expansion to the existing kennel business only 20 meters from our property.

**Proponent’s Response:**
There has never been a complaint from either the neighbours or the Council regarding noise, smell or pollutants.
### (a) Environmental Health (Cont…)

The rubbish on the property was left over from previous tenants and will be removed in winter when considered safe. With reference to the control of faecal matter, smell, flies etc.; the resort had a full commercial septic tank installed prior to commencing additions in 1986.

City's Comment:
An existing septic tank/leach drain system currently accommodates faecal matter from the Kennels. Should the development be approved, a further application would be required to be made to the City's Health Services to upgrade the system. It is unlikely that the development will adversely impact the quality of the groundwater, as the natural ground level is well separated from the water table.

The City does not consider that the development would generate adverse odour impacts provided that waste is collected and disposed of correctly. It is recommended that an Odour Management Plan is prepared to ensure that the increase in development does not generate any adverse odour impacts.

**Recommendation 3:**

A condition be imposed requiring the preparation and implementation of a management plan addressing odour.

An advice note be included advising of the requirement for the existing treatment of sewage and disposal of effluent and liquid waste to be upgraded or a separate system installed to the satisfaction of the City.

### Issue 4 - Bushfire

**Submission:**
Need for consideration of Bushfire requirements

**Proponent's Response:**
All aspects of bushfire protection and hazard management have been covered in the bushfire report, submitted as part of the application.

**City's Comment:**
A BMP was submitted as part of the Development Application and is considered acceptable to the City. All requirements of the BMP will be required to be carried out for the duration of the development, should the Development Application be approved. In this regard, standard bushfire conditions are recommended.

**Recommendation 4:**

Standard bushfire conditions be imposed.

### Issue 5 - Retrospective Filling of Land

**Submission:**
Will the required environmental assessment report still be required as required under Planning Policy 3.3.15 Bulk Earthworks Policy (PP3.3.15) and what compliance action will the council be undertaking on this matter? Will infringement notices be issued for undertaking development activities prior to obtaining council approval?

**Proponent's Response:**
All points regarding land filling, earthworks and certification have been addressed in conjunction with the City's Planning Services, and have been satisfied as compliant, however, the City's compliance investigation into the matter is still continuing.

**City's Comment:**
The bulk earthworks policy applies to significant earthworks to facilitate urban development, which is not the case here.

The filling of land has ceased and a Development Application has been made and the filling of land is a component of this application.
Issue 6 - Assessment of Application under Dogs Local Law 2000

Submission:
Given that, the original licence for the approved kennel establishment will no longer be valid due to the variation in the number of dogs housed, will the full application process for a new licence be required, including all design requirements in Schedule 2 of the Dogs Act?

Proponent's Response:
Mr and Mrs Butcher, the owners and operators of the existing kennels, have held an unrestricted licence for over thirty years. The application is to extend the current kennel numbers. We fail to see the relevance of the City of Rockingham's Dog Local Law (2000), as this relates to a new kennel licence.

City's Comment:
The annual kennel licence issued for the site states that the number of dogs that are permitted to be housed is 'unlimited'. Should the application be approved, a copy of the Development Approval will be provided to the City's Ranger Services, which will include a condition that the maximum permitted number of dogs to be boarded is 155, as per Recommendation No.1. When the kennel licence is renewed, the City's Ranger Services will carry out a site visit and will include the maximum permitted number of dogs on the kennel licence, in line with the Development Approval.

b. Consultation with Government Agencies

Main Roads Western Australia

Submission:
Main Roads has no objections to the proposed development subject to the following conditions:
(i) No vehicle access shall be permitted to or from Mandurah Road reserve from the proposed development (Lot 15) except at the designated/current crossover point.
(ii) No right turn from the crossover is permitted (traversing over the median strip) - approved access is left in left out only.
(iii) No earthworks are to encroach onto the Mandurah Road reservation.
(iv) No stormwater drainage shall be discharged onto the Mandurah Road reservation.
(v) The existing levels on the Mandurah Road reserve boundary are to be maintained as existing.
(vi) The applicant shall make good any damage to the existing verge vegetation within the Mandurah Road reservation.

City's Comment:
The development is generally compliant with Main Roads requirements. Should the application be recommended to be approved, it is required to be conditioned that access to and from the site is to be restricted to left in and left out only.

Recommendation 5:
A condition be imposed restricting access to and from the site to be left in and left out only.

Department of Fire and Emergency Services (DFES)

Submission:
It is recommended that no Unexploded Ordnance (UXO) Condition be applied to this Development (Proposed Earthworks & Dog Kennels) Proposal. This recommendation is proffered on the basis that it can be considered that the possible risk from UXO within the site in question is minimal. However, as no guarantee can be given that this site is completely free from UXO, the Applicant should still be made aware of the possible potential, even if considered minimal, of UXO pollution. In this regard, could you please include the standard UXO Fa1 “Advice to Applicant” on your letter of approval.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
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Department of Fire and Emergency Services (DFES) (Cont…)

City's Comment:
The comments made by DFES are noted and it is recommended that an advice note regarding UXOs will be applied to Development Approval.

Recommendation 6:
An advice note be imposed advising of the possible risks from UXOs.

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 Policy 3.3.1 - Rural Land Strategy (PP3.1.1)
PP3.1.1 provides the basis for land use planning in the rural area of the district. In particular, it provides Council with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

PP3.1.1 considers the City's rural land in terms of ‘Planning Units’, which are further divided into Planning Precincts.

The subject property is located within ‘Planning Unit 4’. The primary objective for this Planning Unit is to encourage special rural/special residential development, which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east.

The subject site is located within precinct ‘4C’. This precinct is not identified as performing an urban function, and a lower density is recommended than the other units within Planning Unit 4. A 40m landscape buffer strip is required to the Mandurah Road setback, which has been provided, therefore the development is compliant with the requirements of PP3.1.1.

e. Financial
Nil

f. Legal and Statutory
Metropolitan Region Scheme (MRS)
The subject property is zoned ‘Rural’ under the MRS and is therefore affected by Clause 32 (Resolution No.55 – Development in the Rural Zone) under the MRS.

Such applications are required to be determined by the Western Australian Planning Commission (WAPC), pursuant to the MRS, however considering that the application is for the extension of existing kennels, the WAPC has confirmed that the application can be determined by the City.

Town Planning Scheme No.2 (TPS2)
Permissibility
Catteries and Dog Kennels are (‘A’) uses in the Rural Zone, which are not permitted unless the Council has exercised its discretion by granting Development Approval after advertising the proposal.
Rural Zone

The objective of the Rural Zone under TPS2 is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area, in which it is located. The City considers that the proposed extension to the Dog Kennels complies with the objectives of the Rural Zone and provides a service for the boarding of animals. It is the most appropriate zone in which to locate such land uses. The development is for the extension of existing kennels that have been in operation for over 35 years and the development setbacks are compliant with TPS2 and the PP3.1.1.

Setbacks

TPS2 requires all development to be setback 30m from Mandurah Road and 10m from all other boundaries.

The development is setback approximately 280m from Mandurah Road, 40m from the northern side boundary and 15m from the southern side boundary.

Car Parking

There are no parking requirements specified for Kennels under TPS2. In this regard clause 4.15.1.4(a) of the Deemed Provisions of TPS2 identifies that parking requirements are to be determined on the basis of:

- the nature of the proposed development;
- the number of employees likely to be employed on the site;
- the anticipated demand for parking;
- the orderly and proper planning of the locality.

The kennels are a family run business with two of the staff members residing on-site with the remaining staff members parking adjacent to the dwelling, behind the kennels. Eight parking bays are proposed to accommodate all visitors to the site. A turnaround area is also provided for vehicles travelling with a caravan or trailer, which commonly occurs. The provision of eight bays is considered acceptable, as animals will generally stay at the Kennels for a week or more, therefore the vehicles attending the property will be spaced out. There is also a range of times when the animals can be dropped off and picked up. One parking space is required to be designed for people with disabilities, in accordance with Australian Standard AS 2890.6 - Off-Street Parking for People with Disabilities.

g. Risk

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

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

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

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

Nil

Comments

The proposed extension to the dog kennels is a use that Council can permit in the Rural zone. The impacts of the development have been assessed, along with the submissions received through the neighbour notification. On balance of the issues, the proposed development is considered to be suitable for the subject site and would not adversely impact upon the amenity of the locality.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for proposed Earthworks and Extension to Dog Kennels at Lot 15 (No.1881) Mandurah Road, Karnup.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:

That Council **APPROVES** the application for proposed Earthworks and Extension to Dog Kennels at Lot 15 (No.1881) Mandurah Road, Karnup, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans as listed below including any amendments to those plans as shown in red:
   - Site plan, Drawing No.A101, dated 07.02.2017;
   - Site Plan with Parking, Drawing No. A101 (B), dated 31.03.2017;
   - Castle and Kennels Floor Plan, Drawing No.A102, dated 15.06.2016;
   - Kennels Floor Plan, Drawing No.A104, dated 13.06.2016;
   - Castle Elevations, Drawing No.A103, dated 15.06.2016; and
   - Detailed Site Plan, Drawing No.A105, dated 15.06.2016.

2. A maximum of 155 dogs are permitted to board at any one time in accordance with the applicant's submission.

3. Within three months after the grant of the approval, the applicant must submit to the City of Rockingham, for its approval, an Odour Management Plan (OMP) which addresses Odour prevention and management.

   The development must operate in accordance with the approved OMP prior to commencement of the Kennels, and must be carried out for the duration of the development.

4. The development must be designed and all works must be carried out in accordance with the approved Acoustic Assessment prepared by Lloyd George Acoustics and dated 23 December 2016, prior to the occupation of the Kennels and must be maintained for the duration of the development.

5. All stormwater generated by the development must be contained and disposed of on-site to the satisfaction of the City of Rockingham.

6. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must 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.

7. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
   (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) screening vegetation to be planted, such that the visual impact of the development from Lot 14 (No.1859) Mandurah Road is minimised, to the satisfaction of the City, and must be retained and maintained in good condition at all times.
   (iii) vegetation to be provided to stabilise the embankment;
   (iv) any lawns to be established and areas to be mulched;
   (v) any natural landscape areas to be retained; and
   (v) those areas to be reticulated or irrigated.

   The landscaping and reticulation 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 for the duration of the development.

8. The carpark must:
   (i) provide eight (8) car parking spaces;
   (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
(iii) provide one car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

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

(v) comply with the above requirements for the duration of the development.

9. The existing crossover must be upgraded to bitumen or concrete and must have a minimum width of 4m at the property boundary and 7m at the kerb line, to the City's specification for the construction of commercial crossovers (attached), prior to occupation of the development.

10. All vehicles are prohibited from accessing and exiting the site via the median strip on Mandurah Road and must access and exit the site via a left in left out turn only, at all times for the duration of the development.

11. Materials, sea containers, goods or bins must not be stored within the carpark at any time.

12. The development must be designed and all works must be carried out in accordance with the approved Bushfire Management Plan prepared by Bushfire Smart and dated 22 December 2016, for the duration of development.

13. Prior to the occupation of the development, the private driveway as shown on figure 4.3.2 of the Bushfire Management Plan must be constructed in accordance with the following requirements:

   (a) minimum trafficable surface of 4 metres;
   (b) minimum horizontal clearance of 6 metres;
   (c) minimum vertical clearance of 4.5 metres;
   (d) maximum grade over 50 metres or less of 1 in 10;
   (e) minimum weight capacity of 15 tonnes;
   (f) maximum crossfall of 1 in 33;
   (g) minimum inner radius of curves of 8.5 metres;
   (h) turn around area for 3.4 Urban Tanker series fire appliance as shown on the plan;
   (i) passing bays located every 200 metres, having a minimum length of 20 metres and minimum width of 2 metres; and
   (j) all weather surface (i.e. compacted gravel, limestone or sealed).

The private driveway must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.

14. Prior to occupation of the development, a water tank with a minimum capacity of 10,000 litres, reserved solely for the purpose of fire fighting, must be installed on site. The tank must:

   (a) be sited above ground and constructed of concrete or metal;
   (b) be located within 60 metres of the outer edge of the building;
   (d) be fitted with both a 55mm cam-lock fitting with a full-flow valve and a 125mm Storz coupling with a full-flow valve;
   (e) have all above ground water pipes constructed of non-corrodible and non-combustible materials;
   (f) have a hardstand turn around area, suitable for a 3.4 Urban Tanker fire appliance, provided within 3 metres of the water tank; and
(g) be readily identifiable from the building or appropriate signage be provided pointing to the location of the water supply.

If the water tank has a tank stand, that stand must be constructed of non-combustible materials and heat shielding of the stand must be provided.

The water tank must be maintained in accordance with these requirements and be in working condition for the duration of the development.

15. The buildings must be designed, constructed and maintained to BAL-29 as specified in Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas (AS3959).

Prior to issuing a Building Permit, amended plans must be submitted to the City of Rockingham demonstrating the building has been designed to the required BAL as specified in AS3959. The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.

16. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in figure 2.3 Site Plan of the Bushfire Management Plan prepared by Bushfire Smart dated 22 December 206, must be installed on the site in accordance with the following requirements:

(a) maximum Fine Fuel Load of 2 tonnes per hectare;
(b) tree crowns must be a minimum of 10 metres apart, not located within 2 metres of a building or overhanging a building, with no dead material being within the tree crowns or on the boles;
(c) shrubs must not be located within 2 metres of a building;
(d) fences and sheds must be constructed of non-combustible material; and
(e) sheds must not contain flammable materials.

The APZ must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.

17. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Licence.

Advice Note:

(i) The development must comply with the Environmental Protection (Noise) Regulations 1997; please contact the City’s Health Services for information on confirming requirements.

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

(iii) The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). While it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:

(a) do not disturb the site of the known or suspected UXO;
(b) without disturbing the immediate vicinity, clearly mark the site of the UXO;
(c) notify Police of the circumstances/situation as quickly as possible; and
(d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.
Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Department of Fire and Emergency Services.

Committee Voting – 5/0

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<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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# Planning and Development Services

## Statutory Planning Services

<table>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-021/17 Revocation of Planning Policy 3.3 - Planning for Community Facilities in New Suburbs</th>
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<td>File No:</td>
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<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Keara Freeley, Planning Officer</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr David Waller, Coordinator Statutory Planning  
|                         | Mr Mike Ross, Manager Statutory Planning  
|                         | Mr Brett Ashby, Manager Strategic Planning and Environment                                   |
| Date of Committee Meeting: | 15 May 2017                                                                                 |
| Previously before Council: |                                                                                               |
| Disclosure of Interest: |                                                                                               |
| Nature of Council’s Role in this Matter: | Executive                                                                                   |
| Site:                   |                                                                                               |
| Lot Area:               |                                                                                               |
| LA Zoning:              |                                                                                               |
| MRS Zoning:             |                                                                                               |
| Attachments:            |                                                                                               |
| Maps/Diagrams:          |                                                                                               |

## Purpose of Report

To consider revoking Planning Policy 3.3 - Planning for Community Facilities in New Suburbs (PP3.3).

## Background

In 1991, PP3.3 was adopted by Council to provide guidelines for the provision of community facilities and aged persons accommodation in new residential areas within the City.

- PP3.3 applies to new residential suburbs comprising of a neighbourhood centre with at least 5,000 residents;
- It states a 5,000m² site should be set aside for community purposes within each neighbourhood centre;
- Examples of possible uses for the Community Purpose sites include a community centre, a centre for counselling services, a youth activity centre, a community arts centre, a child care centre, community gardening activities, or a day centre for the aged and disabled etc.; and
- Within the neighbourhood centre, a 3,000m$^2$ site should be set aside to be offered for sale to community organisations such as churches.

In 1998, Liveable Neighbourhoods (LN) was released and has been updated a number of times since. One of the requirements of LN is to guide the location of community facilities within Local Structure Plan’s and subdivision layouts.

In May 2011, the Community Infrastructure Plan (CIP) was adopted by Council. This informed the location, type, cost and timing of community infrastructure within the City over a ten year period. The CIP was updated in 2016 and will be in effect until 2026.

**Details**

At the time of the adoption of PP3.3 by Council in 1991, the planning mechanisms to inform the location of Community Purpose sites was limited. The location of Community Purpose sites and the type of use to be provided is now informed by the (CIP), LN and State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2).

In the application of PP3.3 to subdivision applications, subdividers have in the past been transferring land free of cost to the City or to the Crown (vested in the City) as part of the 10% Public Open Space allocation. This has resulted in some Community Purpose sites being provided, which do not have an identified purpose. These sites are either undeveloped, vacant or have been functioning as Public Open Space.

Churches and Child Care Centres are generally located within activity centres where they can be sufficiently accommodated.

**Implications to Consider**

a. **Consultation with the Community**
   
   Nil

b. **Consultation with Government Agencies**
   
   Nil

c. **Strategic**

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

   **Aspiration D:** Sustainable Environment

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

d. **Policy**

   Nil

e. **Financial**

   Nil

f. **Legal and Statutory**

   **Town Planning Scheme No. 2 (TPS2)**
   
   Under Clause 6 of the deemed provisions of TPS2, a Local Planning Policy may be revoked by a notice of revocation prepared by the Council and published in a newspaper circulating the scheme area.
g. Risk

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

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

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

Nil

Comments

In the past, Community Purpose sites were provided as part of the Local Structure Plan process in accordance with PP3.3. Some of these Community Purpose sites do not yet have an identified use and remain vacant or are used as Public Open Space, until they are needed.

When PP3.3 was adopted by Council 1991, the CIP, LN and SPP4.2 were not in place. It is considered that the CIP should be the mechanism to inform the Local Structure Planning process on an as needs basis, with regards to the location of Community Purpose sites with LN and SPP4.2 further informing this process.

Uses such as Child Care Centres and Churches can be located in activity centres, where they can be sufficiently accommodated. The location of Child Care Centre's and their development requirements are also separately addressed by Planning Policy 3.3.5 - Child Care Premises (PP3.3.5).

As such, PP3.3 is not required and is recommended to be revoked.

Voting Requirements

Simple Majority

Officer Recommendation

That Council REVOKES Planning Policy 3.3 - Planning for Community Facilities in New Suburbs.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council REVOKES Planning Policy 3.3 - Planning for Community Facilities in New Suburbs.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Planning and Development Services
### Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-022/17 Proposed Child Care Premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2017.00000052.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Building Blocks (WA) Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Building Blocks (WA) Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Neels Pretorius, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 May 2017</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
<td></td>
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<td>Nature of Council’s Role in this Matter:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 1 Avoca Chase, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>2,001m²</td>
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<td>LA Zoning:</td>
<td>Development</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td>Maps/Diagrams:</td>
</tr>
<tr>
<td></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>4. Rivergums Estate Structure Plan</td>
</tr>
<tr>
<td></td>
<td>5. Site and Floor Plan</td>
</tr>
<tr>
<td></td>
<td>6. North and South Elevation</td>
</tr>
<tr>
<td></td>
<td>7. East and West Elevation.</td>
</tr>
<tr>
<td></td>
<td>8. Consultation Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
3. Subdivision Plan

**Purpose of Report**

To consider an application seeking Development Approval for a Child Care Premises on Lot 1 Avoca Chase, Baldivis.

**Background**

On 21 October 2010, the Western Australian Planning Commission (WAPC) approved the Rivergums East Structure Plan (LSP) which designates the subject land as a possible Child Care Centre.

On 8 July 2016, a subdivision application to create the subject lot, measuring 2,001m², was approved by the WAPC to accommodate the proposed Child Care Premises.
The applicant seeks approval to develop a Child Care Premises on the subject site. Details of the application are as follows:

- Maximum of 99 children;
- Days of operation: Monday to Friday, except Public Holidays;
- Hours of operation: 6:30am to 6:30pm;
- Nineteen staff members;
- The Child Care Premises consists of a reception area, six activity rooms, three outdoor play areas, four cot rooms, a kitchen, laundry, store, office and staff room;
- 688m² outdoor play area for children;
- Twenty car bays on site and eight car bays in the road adjoining road reserve;
- Access to the site is from Avoca Chase; and
- Signage is proposed on the western and eastern frontages of the building, addressing approaching traffic on Avoca Chase.

The applicant has submitted a Traffic Impact Assessment (TIA), in support of the proposal.
5. Site and Floor Plan
6. North and South Elevation.
7. East and West Elevations
Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby owners and occupiers for comment for a period of 21 days.

One submission from the Department of Education of no objection to the Child Care Premises was received. The Department of Education, however, commented that traffic management around the site may be a cause for concern. The consultation plan is depicted below, the adjoining property owner to the south was not consulted as it is owned by the developer which initially proposed the development of the Child Care Premises.

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

### Issue 1 - Traffic

#### (a) Traffic Generation

**Submission issues:**
At peak times traffic management around the school site may be cause for concern. With the limited embayment parking along Avoca Chase and with the 21 on-site bays this may lead to further congestion.

**Applicant’s Response:**
To avoid adding to any existing traffic issues at the Baldivis Secondary College and the Rivergums Primary School the following management procedures will be put in place by the Baldivis Early Learning Centre:
- The Baldivis Early Learning Centre will open doors at 6:30am.
- Parents will be encouraged to drop off and collect outside the peak periods for the schools.
- Staggered drop-offs and collections will be encouraged.
- Staff will arrive and leave outside of peak hours.
- Servicing and deliveries will be organised outside of peak hours.

From observation at other child care centres, many children are dropped off around 8:00am as parents then proceed to go to work. This avoids the peak school drop-off period from 8:30 to 9:00am. Apart from some families with siblings at the Primary School, most of the Early Learning Centre children will already be in the centre prior to the school drop-offs. The afternoon pick-ups are not coinciding anyway.
### (a) Traffic Generation (Cont…)

**City's Comment:**

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

The peak hours of the Child Care Premises generally fall outside the peak hours of the school which is situated to the north of the site. The traffic generated by the proposal is within the capacity of the existing road network and will not lead to undue traffic congestion, then already experienced by the school.

<table>
<thead>
<tr>
<th>b. Consultation with Government Agencies</th>
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</thead>
<tbody>
<tr>
<td>The Department of Education was consulted as outlined above.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>c. Strategic</th>
</tr>
</thead>
<tbody>
<tr>
<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>
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</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>d. Policy</th>
</tr>
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<tbody>
<tr>
<td>State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)</td>
</tr>
<tr>
<td>The purpose of the SPP3.7 is to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.</td>
</tr>
<tr>
<td>The site is classified with a Bushfire Attack Level of (BAL) low in terms of the approved Bushfire Management Plan previously prepared for the site, a detailed Bushfire Management Plan is therefore not required for the proposed Child Care Centre.</td>
</tr>
</tbody>
</table>

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

The proposed signage includes the words "Maragon Early Learning Centre" on the east and west elevation of the building. The lettering measures 600mm in height and occupies less than 5% of the façade of the building. The signage is compliant with the objectives of PP3.3.1 as only two signs are proposed which cover less than 20% of the façade of the building.

**Clause 4.3.1 - Signs on Buildings**

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

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

The following are objectives of PP3.3.5:

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

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

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

The following table shows how the proposed development complies with the objectives and intend of PP3.3.5.
<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distributed strategically to provide the maximum benefit to the community it serves.</td>
<td>The site of the proposed Child Care Premises is consistent with the adopted Structure Plan.</td>
<td>Yes</td>
</tr>
<tr>
<td>Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities.</td>
<td>The site is adjacent to a community node. A Primary School is located directly opposite the proposed Child Care Premises and is close to the Baldivis High School.</td>
<td>Yes</td>
</tr>
<tr>
<td>Located in areas where adjoining uses are compatible with a Child Care Premises (includes considering all permissible uses under the zoning of adjoining properties).</td>
<td>The proposed Child Care Premises is considered to be compatible with the two schools and future and existing residential development.</td>
<td>Yes</td>
</tr>
<tr>
<td>Serviced by public transport (where available).</td>
<td>The Child Care Premises is located 500m from a public bus route.</td>
<td>Yes</td>
</tr>
<tr>
<td>Considered suitable from a traffic engineering/safety point of view.</td>
<td>The TIA submitted is considered to be satisfactory from both a traffic generation and safety perspective.</td>
<td>Yes</td>
</tr>
<tr>
<td>Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.</td>
<td>The size and nature of the proposal is unlikely to affect the amenity of the Residential area in which it is proposed to be located. Carparking can be accommodated on-site and within the adjacent roads. Measures to mitigate acoustic impacts are examined in the policy section of the report.</td>
<td>Yes</td>
</tr>
<tr>
<td>Site Characteristics</td>
<td>The site is of sufficient size being 2,001m² with a total site coverage of 36%. The site is level and it is a newly created lot with no soil or groundwater contamination.</td>
<td>Yes</td>
</tr>
<tr>
<td>Carparking</td>
<td>A car parking assessment is provided in the legislation section of this report demonstrates that sufficient car parking can be provided on-site and on-street. These bays will be available for the use of dropping off and collection of children by parents. The car park is located in front of the building and landscaping is provided on-site and on the verge.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Traffic Impacts

A TIA is required when the proposed Child Care Premises has the potential to impact on the functionality and amenity of an area.

A TIA was submitted and is considered to be satisfactory.  

**Compliance**: Yes

### Noise Impacts

A noise impact assessment may be required for a Child Care Premises.

Where a Child Care Premises is located next to a house, outdoor play areas and parking areas are to be located away from the dwelling. Where outdoor play areas are located close to a dwelling, appropriate noise mitigation is to be undertaken.

The proponent has agreed to construct a 2.1m masonry wall on the southern boundary of the site to alternate noise to future adjoining houses.  

**Compliance**: Yes

### Design Considerations

Where the development is located in a residential area, the built-form should lend itself to domestic architecture.

Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimise any impact on adjoining properties.

Outdoor play areas are to be located to limit their impact on the amenity of adjoining properties, whilst taking advantage of passive solar orientation.

Play areas should be of a useable area. Where a play area is in the front setback, fencing should be of a predominantly open construction.

The development is located in a residential area opposite a Primary School. It is proposed to clad the building partly with concrete look cladding and partly with timber look cladding. This will make the building compatible with the school and the surrounding residential area.

The majority of the outdoor play areas are located on the northern side of the proposed building away from future residential lots. The play area on the southern part of the building will be used by 2-3 year old children.

The fencing proposed in the front setback of the Child Care Centre is a permeable steel fence which complies with the requirements of the policy.  

**Compliance**: Yes

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

### Financial

Nil

### Legal and Statutory

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

**Clause 3.2 - Zoning Table**

The subject site is zoned 'Development' under TPS2 and a Structure Plan is required to be prepared for a Development Area. The Rivergums East Structure Plan (LSP) was approved over the subject site, which was adopted by Council on 6 January 2011. The area of the proposed Child Care Premises is zoned RMD-40 under the LSP.
Child Care Premises is interpreted under TPS2 as follows:
“means premises used to provide a child care service within the meaning of the Child Care Services Act 2007, but does not include a Family Day Care Centre”

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

Clause 4.15 - Carparking
Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.2 of TPS2. The parking requirements for a Child Care Premises is one (1) parking bay per employee and one (1) parking bay per eight children. Based on this rate, the proposed development with 19 staff members and 99 children requires the provision of 32 parking spaces.

A total of 28 parking bays, including one car parking space for people with disabilities have been provided. A car parking assessment was provided as justification for the parking shortfall of 4 parking bays, which is considered to be acceptable on the following basis:

- The Baldivis Early Learning Centre will open its doors at 6:30am being outside school operating hours.
- Parents will be encouraged to drop off and collect outside the peak periods for the schools.
- Staggered drop-offs and collections will be encouraged.
- Staff will arrive and leave outside of peak hours.
- Servicing and deliveries will be organised outside of peak hours.

A condition of Development Approval that 12 parking bays on site being made available for the collection and dropping off of children by parents, at all times is recommended.

g. Risk

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

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

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

Nil

Comments

The proposed development of a Child Care Premises is compliant with TPS2 and PP3.3.5. The proposal is also consistent with the designation as a possible Child Care Centre site in terms of the LSP. The carparking shortfall has been addressed by the provision of off-street parking. The development is considered to be consistent with the character of the locality and will facilitate a community service in an area, where one currently does not exist.

The development is considered to be suitable for its location, given its context at the entrance of a new residential subdivision. The traffic generated by the proposal is within the capacity of the existing road network.

It is recommended that Council approve the application for a Child Care Premises.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the application for a Child Care Premises at Lot 1 Avoca Chase, Baldivis.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Hamblin:
That Council APPROVES the application for a Child Care Premises at Lot 1 Avoca Chase, Baldivis, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans as listed below and including any amendments to those plans as shown in red:
   - Site Plan and Ground Floor Plan, Drawing No. SD002 Rev C dated 4.04.2017;
   - Elevations, Drawing No. SD004 rev B, dated 6.02.2017;
   - Sections, Drawing No. SD005, Rev B dated 6.02.2017;

2. No more than 99 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.

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

4. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit:
   - The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   - Any lawns to be established;
   - Any natural landscape areas to be retained;
   - Those areas to be reticulated or irrigated;
   - Verge Treatments;
   - Details of water supply;
   - Compliance with the approved Detailed Area Plan; and
   
   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.

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

6. The carpark must:
   - provide 20 car parking spaces on site and 8 off-street parking bays in the adjacent road reserve;
   - be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit;
   - include one car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
   - be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
   - 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.

7. A minimum of twelve parking bays must be available for use of parents, for the dropping off and collection of children, at all times.
8. Prior to occupation of the development, a 2.1m high masonry wall must be constructed along the full length of the southern boundary of the site. The standard of finish to the wall(s) built up to boundaries must be to the satisfaction of the adjoining owner(s) or, in the case of a dispute, to the satisfaction of the City of Rockingham.

9. The Child Care Centre must only operate between the hours of 6:30am to 6:30pm, Mondays to Fridays, and not at all on weekends, or public holidays.

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

11. Prior to the occupation of the development, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.

Committee Voting – 5/0

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

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

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-023/17 Proposed Concrete Batching Plant</th>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2017.00000043.001</td>
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<tr>
<td>Applicant:</td>
<td>Allerding and Associates</td>
</tr>
<tr>
<td>Owner:</td>
<td>LandCorp</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Kevin Keyes, Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Co-ordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>15 May 2017</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 3 Alumina Road, East Rockingham</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>30.782ha</td>
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<tr>
<td>LA Zoning:</td>
<td>General Industry and Special Industry</td>
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<td>MRS Zoning:</td>
<td>Rural</td>
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<td>Attachments:</td>
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<td>2. Aerial Photograph</td>
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<tr>
<td></td>
<td>3. Approved Subdivision Plan</td>
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<td>4. Proposed Site Plan</td>
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<td>5. Proposed Elevations</td>
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<td>6. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>7. Proposed Site Plan (Front Boundary Landscape Strip)</td>
</tr>
</tbody>
</table>
**Purpose of Report**

To consider an application seeking approval for a Concrete Batching Plant at Lot 3 Alumina Road, East Rockingham.

**Background**

The site is located within the East Rockingham Industrial Park. The subject lot is approximately 2km north east of Rockingham City Centre and 464m to the east of Patterson Road. The locality is mostly undeveloped scrubland and the site abuts vacant lots to the north, south and west. The Rockingham Wastewater Treatment Plant adjoins the subject property to the east.

The subject lot is vacant, densely vegetated in mature scrubland and has generally level contours. Vehicular access to and from the site is provided only to the east onto Patterson Road via Alumina Road and Zirconia Drive.

The Western Australian Planning Commission (WAPC) granted Subdivision Approval on the 4th January 2016 to create two lots of 18,871m² and 11,911m² in size. The proposed development is set within proposed Lot 2.

3. Approved Subdivision Plan
Details

Details of the operation of the proposal are as follows:

Operations
- The batching plant will be a supplier of concrete for projects throughout the Perth and Metropolitan Region, and particularly within the south western and south eastern corridors;
- The function of the facility is to batch and distribute concrete to development sites. Raw materials used to produce the concrete will be delivered to the subject site prior to batching occurring;
- There will be 25 permanent employees located on-site, including one Concrete Plant Manager, one Territory Sales Manager, one Transport Manager, two Batchers, sixteen Concrete Truck Drivers and four Aggregate Tipper/ Cement Tanker Drivers;
- Proposed hours of operation will be 6:00am to 5:00pm Monday to Saturday (including Public Holidays); and
- The plant will also operate outside normal hours for the purposes of catering for customer circumstances, to allow for plant maintenance and for twenty-four hour raw material deliveries;

Proposed Works
- Create an aggregate storage area designed for the storage and distribution of aggregates for the concrete batching process;
- Establish the plant core to house the electronic and mechanical infrastructure used to combine and mix the concrete batch. The approximate height of the silos will range from 18m to 22m;
- Implement a water and waste management system for vehicle wash-down areas, storage and waste water settlement pits;
- Establish a concrete recovery and recycling area to reclaim surplus concrete composites not used on delivery; and
- Establish an Administrative Office building.

Car Parking, Access and Traffic Management
- 30 car bays are to be provided on-site, including 25 employee bays and five visitor bays. In addition, provision has been made for two disabled bays and two motorcycle bays. Heavy vehicles will also be parked on-site;
- The site will be secured with fencing around the perimeter and include controlled access via a lockable entry gate at the Alumina Road frontage;
- Estimated traffic movements are as follows:

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Movements/day</th>
<th>Movements/year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete</td>
<td>49</td>
<td>13,000</td>
</tr>
<tr>
<td>Cement</td>
<td>3</td>
<td>700</td>
</tr>
<tr>
<td>Raw Material</td>
<td>16</td>
<td>4,200</td>
</tr>
<tr>
<td>Other</td>
<td>19</td>
<td>5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>87</strong></td>
<td><strong>22,900</strong></td>
</tr>
</tbody>
</table>

- The proposed plant will receive raw materials from external manufacturing and quarrying sources and will load these products on to purpose built mixing trucks for delivery to construction and civil industries;
- These incoming and outgoing deliveries are expected to occur in varying trucking configurations and include six to eight wheeler rigid, semi tipper, B double or truck and trailer;
- Vehicles will exclusively use industrial roads within the Rockingham Industrial Zone before accessing the regional road network (Patterson Road); and
- The applicant has advised that anticipated traffic volumes will not exceed the capacity of local roads or Patterson Road.

The following documents have been provided in support of the application:
- Environmental Management Plan (EMP);
- Bushfire Management Plan (BMP);
- Traffic Management Plan (TMP); and
- Construction Management Plan (CMP).
4. Proposed Site Plan

- Office Building
- Plant Core
- Aggregate Storage Area
- Wash Down Area
5. Proposed Elevations

Office Building (Max. Height 4.7m above Ground Level)

Plant Core (Max. Height 22.3m above Ground Level)
Implications to Consider

a. Consultation with the Community

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), the application was advertised for a period of 14 days, in the following manner:

- Landowners and occupiers within 500m of the site were notified in writing of the proposed development; and
- Details of the proposal were made available at the City’s Administration Office and on the City’s website.

At the conclusion of the 14 day advertising period, no comments were received.

b. Consultation with Government Agencies

The following government departments and service agencies were also consulted:

- Department of Environment Regulation (DER);
- Department of Water (DoW); and
- Department of Planning (DoP/ Bushfire Policy Team).

A summary of comments received are as follows:

<table>
<thead>
<tr>
<th>Department of Environmental Regulation (DER)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(i) Concrete Batching or cement products manufacturing is a prescribed activity (Category 77 Concrete Batching or cement products manufacturing) under Schedule 1 of the Environmental Protection Regulations 1987, if the production or design capacity of the plant is 100 tonnes or more per year.</td>
</tr>
</tbody>
</table>
### Department of Environmental Regulation (DER) (Cont…)

The Environmental Protection Act 1986 (EP Act) requires a “Works Approval” to be obtained before constructing a prescribed premises. The purpose of a “Works Approval” is to allow DER to assess the environmental acceptability of potential emissions and discharges of a proposal against standards and policies.

(ii) The subject lot is mapped as an ESA and threatened ecological community. Therefore, unless clearing is approved under the works approval, it is likely a permit will be required to clear native vegetation for the proposed development. It is noted that the application states that “preliminary clearing of vegetation under the already obtained permit”. DER has not received a “Clearing Permit” application for Lot 2 Alumina Road, East Rockingham.

**Applicant’s Comment:**

We understood from LandCorp that a “Clearing Permit” had been attained for the Rockingham Industrial Zone as part of their comprehensive environmental process at both a Federal and State level. We have had further discussions with LandCorp whom has offered to liaise directly with the DER in respect to those approvals in anticipation that their comments can be revised accordingly. However, we understand that the “Clearing Permit” does not prevent the Council from dealing with the application for planning approval. It is typical that the DER will not deal with the “Clearing Permit” until such time as a planning approval has been received from the responsible Planning Authority.

**City’s Comment:**

The comments from both DER and the applicant are noted. The City received a referral requesting comments regarding a “Works Permit” for the development from the DER. The City assessed both the “Works Permit” and the Environmental Report submitted with the Development Application at the same time. The City is satisfied that all possible environmental impacts such as noise, dust, water pollution and clearing of vegetation have been satisfactorily addressed by the applicant, subject to conditioning of the Development Approval.

### Department of Water (DoW)

**Submission:**

(i) Any groundwater abstraction in this proclaimed area for purposes other than domestic and/ or stock watering taken from the superficial aquifer, is subject to licensing by DoW. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee; and

(ii) The DoW recommends that onsite stormwater is suitably designed, constructed and managed as per *Stormwater Management Manual for Western Australia* (DoW, 2004-2007) and *Water Quality Protection Note 52: Stormwater management at industrial sites* (DoW, 2010). The DoW also recommends that on-site practices are carried out in accordance with *Water Quality Protection Note 20: Industry - general and heavy* (DoW, 2013)

**Applicant’s Comment:**

With respect to the groundwater extraction, we are involved in discussions with LandCorp with respect to the possibility of using groundwater extraction and rain harvesting in lieu of scheme water. This opportunity has specifically arisen because Hanson already has an existing extraction licence and bore contained within the same aquifer. The intent being that upon receipt of the necessary approvals, that extraction licence can be transferred to the East Rockingham operations. We understand that this shouldn't affect the planning application process. If we are unable to secure the use of groundwater extraction through the above process, then it is our intent to utilise rainwater capture in combination with scheme water.
### Department of Water (DoW) (Cont…)

**City’s Comment:**

The comments from both DoW and the applicant are noted. The requirement for a groundwater licence can be considered after the Development Approval is issued, otherwise, the applicant will need to connect to scheme water supply.

### Department of Planning (Bushfire Policy Team)

**Submission:**

(i) While the Bushfire Policy Team can assist with general enquiries regarding the application of State Planning Policy 3.7; *Planning in Bushfire Prone Areas* (SPP 3.7), it is up to the City of Rockingham as the decision maker to determine if the proposed use should be considered a “Vulnerable” and/or “High Risk” land-use in accordance with SPP 3.7;

(ii) In this instance the Bushfire Policy Team are of the opinion that the storage of fuel, acid and batching chemicals alone does not automatically result in the land use being considered a “High Risk” land use. Rather it is the amount that is stored and if this results in a referral to either the Department of Mines and Petroleum or the Department of Environmental Regulation as a regulated Dangerous good/hazardous material that will determine if the development application should be treated as a “High Risk” land use; and

(iii) I would not consider a concrete batching plant to be a “Vulnerable” land use as a “Vulnerable” land use is "a land use where persons may be less able to respond in a bushfire emergency". I think that the staff will be able bodied, know their local surrounds and be able to respond in a bushfire event, however, once again this is up to the local government as the decision making body to determine.

**Applicant’s Comment:**

The applicant has listed all chemicals and fuels associated with the proposed development and methods of storage. Fuel will be stored in accordance with AS1940-2004; “The Storage and Handling of Flammable and Combustible Liquids”. It is stated that a Dangerous Goods Permit/Licence will not be required from the Department of Mines and Petroleum. Emergency provisions applied to the site to minimise potential impacts of spills and fire relating to the presence of these chemicals will be managed as detailed within the submitted Construction Management Plan (CMP), Safety Management Plan (SMP), and Environmental management Plan (EMP).

**City’s Comment:**

The City is satisfied that the applicant has demonstrated the proposed development is neither a ‘High Risk’ nor ‘Vulnerable’ land use under State Planning Policy 3.7; *Planning in Bushfire Prone Areas* (SPP 3.7).

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 Policy 3.3.8 – East Rockingham Development Guidelines (PP3.3.8)**

The purpose of PP3.3.8 is to guide the orderly development of serviced industrial land within the East Rockingham Industrial Park (IP14 Area).
The objectives of PP3.3.8 are:

"(a) To achieve an attractive and unified development which acknowledges the goal of conserving and enhancing the natural environment by emphasising the retention of natural vegetation and the introduction of complementary quality landscaping and well designed buildings;

(b) To achieve a degree of consistency and compatibility in the built form and landscaping, whilst allowing for individuality and a well presented corporate or market image; and

(c) To avoid unsightly and poorly planned development and enhance and protect the investment of all owners within the East Rockingham Industrial Park and the investment of others in the region."

To conserve as much vegetation on site as possible existing vegetation within proposed landscape areas will be required to be retained. Any mature vegetation worthy of transplanting into these landscape areas will be required under condition of approval.

The proposed development is considered appropriate to its location and will service the broader region. The layout and building design are considered to meet the standard of built form required for the East Rockingham Industrial Park (ERIP).

**Planning Policy 7.1 – East Rockingham Industrial Park – Environmental Planning Policy (PP7.1)**

The objective of PP7.1 is to establish guiding principles and policies for the environmental acceptability of industrial development on industrial zoned land within the City of Rockingham, predominantly within the IP14 area. PP7.1 utilises the following categories for assessment against minimum requirements for development proposals:

- Air Quality;
- Risks and Hazards;
- Noise;
- Water Quality; and
- Social Environment

PP7.1 does not support the development of industries unless it can be demonstrated that there is compliance with the *Environmental Protection Act 1986* (EP Act). The applicant has submitted an Environmental Management Plan (EMP) with the application and this plan has also been submitted to the DER as part of the “Works Approval” required under the Environmental Protection Act 1986. The DER is undertaking parallel processing of applications, however, the “Works Approval’s” assessment will be completed after the Development Approval is granted.

The City’s assessment of the EMP has demonstrated that acceptable environmental standards can be met which relate to air, noise and water quality. The report includes a risk assessment that identifies all associated hazards with operations and includes control measures to reduce any identified hazard to a “Low Risk”.

It is recognised in this report that environmental risks can be controlled by the design of the plant and management control measures. The City is satisfied that continued monitoring of the facility will ensure ongoing compliance with relevant standards and regulations.

Finally, the Environmental Protection Authority - *Draft Guidance Statement No.3* recommends a separation distance of 300m to 500m, depending on size, for batching plants to sensitive land uses. A “separation distance” is defined as the recommended distance to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid adverse impacts to human health and amenity. The nearest sensitive land use is approximately 1,537m from the subject lot. Therefore, it is considered that there will be no adverse impacts on the social environment.
f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Permissibility

The proposed development is classed as ‘Industry: General (Licenced)’ under TPS2. The Industry: General (Licenced) use is an ‘A’ use within the General Industry zone, which means that the use is not permitted unless the Council has exercised its discretion by granting Development Approval after giving special notice in accordance with Clause 64 of the Deemed Provisions.

Clause 4.10.1 – Objectives

The subject site is zoned ‘General Industry’. The objectives of the Industrial zones are:

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

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

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

The proposed development is an industrial land use and the surrounding vacant lands are zoned for similar industrial land uses. The proposed development is therefore considered compatible with the future planning context of the locality and is unlikely to adversely impact on the amenity of the area.

Clause 4.10.2 – Form of Development

The Council is required to have regard to the following when considering an application for planning approval on industrial zoned land:

“(a) promotion of a high standard of building development, landscaping and working environment;

(b) protection of the amenity of adjacent residential and open space areas;

(c) management of drainage systems and land uses to promote groundwater conservation; and

(d) to ensure safe movement of vehicular and pedestrian traffic in the area.”

The proposal includes water and waste management systems for the collection, recycling and stormwater management. The impact of additional traffic movements on the locality is considered acceptable because the proposed increase will be within the design capacity of the existing road network of regional and local roads that serve the subject lot. Car parking bays will be located around the proposed Office with disability bays abutting the Office for greater accessibility for pedestrians.

The proposed development is consistent with the above objectives with regards to building design and landscaping. The following section of this report demonstrates overall consistency with these requirements under the development provisions of TPS2.

Clause 4.10.4 – General Development Provisions

Clause 4.10.4 provides development guidelines on all industrial zoned land within the City. The following is an assessment of the proposed development against the requirements of clause 4.10.4:
## General Development Requirement as per TPS2

<table>
<thead>
<tr>
<th>Façade</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Council in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish. The second floor level, or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Council.</td>
<td>The proposed Office building will require a condition of approval to ensure that the proposed external walls will be masonry construction or any other material approved by the Council. It is not considered reasonable to require all other plant and machinery to be constructed with masonry materials. The proposed materials and finishes of the plant and machinery are considered satisfactory. The screen wall façade of the plant core is to be shale-grey, trimdeck cladding and this will be broke up by the open silo structures above the façade which are to be painted dulux (Hanson white).</td>
<td>Yes</td>
</tr>
</tbody>
</table>

## Fencing

<table>
<thead>
<tr>
<th>Fencing</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Council are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Council has not been granted. Any industrial (eg. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Council.</td>
<td>Side and rear boundary treatment will be trimdeck metal fencing, colorbond green sage and 1.8m high. The front boundary treatment facing Alumina Road is to be metal palisade fencing with 100mm spacing, black in colour and 1.8m high. The proposed fencing materials are considered acceptable.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
**Use of Building Setback Area**

No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Council.

The front setback area (25m) will be used for landscaping, parking and vehicular access/circulation. Yes

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**Clause 4.10.3 - Parking**

TPS2 requires the provision for the on-site parking of vehicles for all development on industrial zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The proposed development is a land use that is not specified in Table No.2 and therefore no minimum car parking requirement is specified. In accordance with Clause 4.15.1.4, where land is proposed to be developed for a purpose which is not specified in Table No.2, the Council is to determine the number of car parking bays required in regards to the following:

(i) The nature of the proposed development;
(ii) The number of employees likely to be employed on the site;
(iii) The anticipated demand for parking; and
(iv) The orderly and proper planning of the locality"

The proposal provides for 30 bays on site, including 25 employee bays and five visitor bays. In addition, two disabled bays and two motorcycle bays are provided. Work vehicles will also be parked on-site. All permanent staff on site will have access to a car bay and the remainder five bays can be used by visitors. It is therefore considered that an adequate amount of employee, visitor and disabled bays have been provided on site. The applicant has therefore demonstrated compliance with clause 4.10.3 - Parking of TPS2.

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**Clause 4.10.9 - General Industry Zone**

Clause 4.10.9 provides setback and landscaping requirements for developments within the Special Industry Zone.

The following is an assessment of the proposed development against these requirements:

### Setback

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>A minimum front setback of 25 metres shall apply for major structures and a minimum front setback of 15 metres shall apply to offices, gatehouses and amenity buildings.</td>
<td>A 27.2m setback has been provided to the nearest aboveground structure (wash area platform), with the largest structures (plant core) achieving a 68m front setback. A 29.2m setback has been provided to the office from the front boundary.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Landscaping

<table>
<thead>
<tr>
<th>Required Element</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary.</td>
<td>The required 10m wide landscape strip along the street frontage has been only partially applied to the development.</td>
<td>Partial</td>
</tr>
</tbody>
</table>
It is considered reasonable to require the landscape strip to be fully complaint with the provisions of TPS2. This can be done by condition of approval and will not impact on the overall layout of the development.

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

The subject lot is located within an undeveloped industrial area that is highly vegetated and classified as a Bushfire Prone Area.

As previously mentioned in the report, after consulting with the DoP, the City has deemed that the proposed development is neither a ‘High Risk’ nor a ‘Vulnerable’ land use under State Planning Policy 3.7; Planning in Bushfire Prone Areas (SPP 3.7).

Under AS3959 the Office building only is required to be constructed to design specifications for bushfire reasons. This building will be constructed to Bushfire Attack Level (BAL) 29. It is noted that there are outside open working areas, plant and structures that may be exposed to bushfire intensity exceeding BAL-29 on site. These areas will not be constantly frequented by employees nor are they required to be constructed to design specifications under AS3959.

Bushfire mitigation measures have been adequately balanced with requirements for the retention of natural vegetation on site. All vegetation that lies within the proposed landscaped areas will be retained in its entirety. Any mature vegetation worthy of transplanting into these landscaped areas will be required under condition of approval.

**Comments**

The proposal is complaint with TPS2 and PP3.3.8, with the exception of the front boundary landscape strip being partially less than 10m wide. A condition of approval is to be included requiring the landscape strip to be fully complaint with the provisions of TPS2. This will not impact on the overall layout of the development.

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2 Correction of typographical error
The proposal is an industrial land use and the surrounding vacant lands are zoned for similar industrial land uses. The application was advertised to all landowners/occupiers within 500m of the subject lot and at the conclusion of the 14 day advertising period, no comments were received. The proposed development is therefore considered compatible with the future planning intent of the locality.

The City’s assessment of the EMP has demonstrated that acceptable environmental standards can be met which relate to air, noise and water quality. The proposal is considered to be environmentally acceptable, however, conditions are necessary relating to noise and dust to ensure quality control.

It recommended that the proposed development be approved subject to standard conditions.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the application for a General Industry - Licence (Concrete Batching Plant) at Lot 3 Alumina Road, East Rockingham.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Whitfield:

That Council **APPROVES** the application for a General Industry - Licence (Concrete Batching Plant) at Lot 3 Alumina Road, East Rockingham, subject to the following conditions:

1. The development must be carried out in accordance with the terms of the application as approved herein and the attached endorsed:
   - Site Plan, Drawing No.A1.01, dated 23.01.2017;
   - Overall Contour and Stormwater Plan, Drawing No.A1.05, dated 14.10.2016;
   - Overall Site Landscape and Irrigation Plan, Drawing No.A1.06, dated 14.10.2016;
   - Overall Site Elevations, Drawing No.A2.01, dated 28.02.2017;
   - Office Floor Plan and Elevations, Drawing No.A3.01, dated 14.10.2016;
   - Plant Core Plan, Drawing No.A4.01, dated Aug 2016;
   - Wash Area Plan, Drawing No.A5.01, dated Aug 2016;
   - Overhead Bin and Special Area Plan, Drawing No.A6.01, dated Aug 2016;
   - Reclaimer Plan, Drawing No.A7.01, dated Aug 2016;
   - Unloader Plan and Sections, Drawing No.A8.01, dated Aug 2016;
   - BAL Assessment Report, prepared by Natural Area Holdings Pty Ltd, Version 1 (V1), dated 20th April 2017; and
   - Environmental Management Plan (EMP), prepared by Hanson Construction Materials, dated 29th October 2016.

2. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
   (i) Landscape strip along the front boundary of the site no less than 10m wide;
   (ii) Natural landscape areas to be retained;
   (iii) Details for the protection of natural landscape areas to be retained during construction phase; and
(iv) Any areas that may require to be reticulated or irrigated; and

The landscaping and any required reticulation 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 for the duration of the development.

3. A Dust Management Plan must be prepared in accordance with the Department of Regulation (DER) guidelines for the development to the satisfaction of the City, prior to applying for a Building Permit.

All works must be carried out in accordance with the Dust Management Plan, for the duration of the development.

4. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.

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

The Final Acoustic Assessment must include the following information:

(a) 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;

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

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

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

6. Prior to applying for a Building Permit, a schedule of the materials, colour and texture of the Office building must be provided to the satisfaction of the City of Rockingham.

The development must be finished in accordance with the schedule provided and approved by the City of Rockingham, prior to occupation of the development.

7. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.

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

9. All stormwater generated by the development must be contained and disposed of on-site to the satisfaction of the City of Rockingham.

Prior to applying for a Building Permit, plans must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. The approved plans must be implemented and all works must be maintained for the duration of the development.

10. The carpark must:

(i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;

(ii) include two (2) car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
(iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

(iv) 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.

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

11. Materials, sea containers, goods or bins must not be stored within the car park at any time.

12. The Office building must be designed, constructed and maintained to BAL-29 as specified in Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas (AS3959).

Prior to applying for a Building Permit, amended plans must be submitted to the City of Rockingham demonstrating the building has been designed to the required BAL as specified in AS3959. The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.

13. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites. These measures are to be detailed in a vegetation retention management plan to the satisfaction of the City of Rockingham.

Prior to applying for a Building Permit, arrangements must be made to the satisfaction of the City of Rockingham for the relocation of all grasstree plants and any nature trees of significant environmental value that are specifically identified for removal to be relocated within the designated landscape areas.

14. Prior to the commencement of site works, a Fauna Relocation and Management Plan is to be prepared and approved by the City’s Sustainability and Environment Services to ensure the protection and management of on-site environmental assets.

15. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham.

The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration 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
Purpose of Report

To seek Council approval of the draft Community Plan Strategy - Bushfire Risk Mitigation (The Strategy) for the purposes of public advertising.

Background

The risk from bushfire to life and property is increasing. Consequently, significant changes have been made to legislation and policy relating to bushfire risk in Western Australia. The City has responsibilities for planning, preparation, response and recovery relating to bushfire, as well as land use planning decision making and enforcement roles. The actual bushfire risk throughout the City is not yet completely understood and the legislative and policy framework is fragmented as a result of incremental changes over time. Acknowledging this, the Chief Executive Officer prepared a Bushfire Risk Discussion paper in December 2014. This paper:

- Acknowledged the changing bushfire environment;
- Identified the risks to the City;
- Established key actions for further clarification; and
- Proposed to develop a Community Plan Strategy to address bushfire risk mitigation.

This Strategy has been developed as a direct result of the Discussion Paper.

Given the urgent nature of dealing with bushfire risk, the City has already commenced a number of actions that were considered necessary. A major component of the Strategy is the undertaking of a bushfire risk assessment of the whole Local Government Area. This involves the assessment of all bushfire prone vegetation, as well as identifying the associated risks. Due to the complexity of preparing a bushfire risk assessment for such a large area, it was decided that the Warnbro Dunes Bushfire Risk Management Plan (BRMP) pilot project should be developed.
In May 2015, Council endorsed the preparation of the BRMP Pilot Project for the Warnbro Dunes. This pilot project was used to iron out any issues with methodology and implementation for the City wide assessment as well as expediting attention to an area with extreme bushfire risk. The risk assessment component was endorsed by Council in May 2016 and the site specific property management plans were subsequently issued in time for the 2016/2017 fire season. In December 2016, City Officers commenced property inspections in the Warnbro Dunes to assess compliance with issued property management plans. All 119 properties were inspected, with 28 properties requiring further works to be completed. As such, these properties were issued with work orders to complete the works. Numerous site meetings have occurred with residents to ensure work orders are sufficiently completed.

The methodology and the conclusions of the Warnbro Dunes Pilot Project have been incorporated into the City wide bushfire risk assessment and the City wide BRMP. A City wide, tenure blind, BRMP is required under the State Hazard plan for Fire (Westplan Fire) and is also a key element of the Strategy. The City has progressed significantly through the preparation of the City wide BRMP and is seen as one of the leaders in the State.

Details

The purpose of this Strategy is to identify and outline the City’s role in providing for improved protection against bushfires and to establish a culture of community awareness of bushfires. This Strategy seeks to review, rationalise and update the legislative and policy framework relating to bushfire and the City's responsibilities. It will incorporate a City wide bushfire risk assessment and associated plan, and provide for a consolidated and coordinated approach to community awareness and education of bushfire risk and management throughout the City. The elements of the Strategy will be implemented over the next two years.

The specific objectives of this Strategy are:

- To review and rationalise the existing legislative and policy framework relating to bushfire protection in the City.
- To understand the bushfire risk throughout the City.
- To facilitate appropriate management of the bushfire risk throughout the City.
- To provide for community education and awareness of bushfire risk and management.

Should Council support be obtained, the draft Strategy will be publicly advertised for a period of 28 days.

Implications to Consider

a. Consultation with the Community

Community consultation will commence should the Council approve the draft Strategy for public advertising.

b. Consultation with Government Agencies

Comments from Government Agencies will be sought, should the Council approve the draft Strategy for public advertising.

c. Strategic Community Plan

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

**Aspiration D:** A Sustainable Environment

**Strategic Objectives:** Climate Change - Planning systems, infrastructure standards and community awareness programs that acknowledge, mitigate and adapt to the impacts of climate change; and
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
$500,000 allocated in City Budget for 2016/2017 for bushfire risk mitigation.
f. Legal and Statutory
Nil
g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.

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

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

Risk Description:
- Risk of bushfires on the City’s owned or managed land.

Action:
- Implementation of the Bushfire Risk Mitigation Community Plan Strategy will provide strategic direction based on comprehensive and accurate information.

Risk Assessment:
- High Risk

Comments

The draft Strategy aims to provide Council with a strategic guide to mitigate bushfire risk throughout the City. The following elements have been established as the three key measures for achieving this:

- A statutory and policy review relating to bushfire matters;
- Risk reduction throughout the City; and
- Programs for education, compliance and enforcement.

Each Key Element is supported by a number of sub-elements that will aid the delivery of the overarching element.

As discussed in the background section of this report, the City has already commenced a number of components of the Strategy that were considered necessary. The next step in the process is for Council to consider the draft strategy for approval for the purposes of public advertising.

Public comment will be sought for 28 days through the City’s website, advertising in local newspapers and making the document available at the City’s Administration building. Following the closing of the public comment period, all feedback will be reviewed by Officers for possible inclusion in the final Strategy which will be presented to Council for final approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the draft Community Plan Strategy - Bushfire Risk Mitigation for the purposes of public advertising.
Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:
That Council APPROVES the draft Community Plan Strategy - Bushfire Risk Mitigation for the purposes of public advertising.

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, Planning Services

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<td>LUP/407-09</td>
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<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
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<td>Previously before Council:</td>
<td>August 2016 (PDS-054/16); November 2015 (PDS-080/15)</td>
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<td>Advocacy</td>
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<td>Site:</td>
<td>Western Trade Coast Protection Area (Within Rockingham - the Rockingham Industrial Zone, including the East Rockingham industrial area)</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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<td>Maps/Diagrams:</td>
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Purpose of Report

To request the State Government to undertake a proper scientific examination of the entire Western Trade Coast Protection Area buffer line.

Background

Proposed Legislation 2015

On 21 October 2015, the former State Government released the ‘Planning and Development Legislative Amendment (Western Trade Coast Protection Area) Bill 2015’ for public comment, to declare the Western Trade Coast Protection Area (WTCPA).

Accompanying the Bill 2015, the Department of State Development (DSD) released a ‘Fact Sheet’ which provided further ‘summary’ information and explanation to the proposed legislation. The Bill 2015 was released for public comment until 4 December 2015; legislative amendments were expected to be introduced into State Parliament in early 2016.
The process for dealing with public submissions was not specified, although the process was being conducted by DSD.

**Western Trade Coast Protection Area (WTCPA)**

The WTCPA encompasses the industrial area known as the WTC, which includes the:

- Kwinana Industrial Area;
- Rockingham Industry Zone;
- Latitude 32 Industry Area;
- Australian Marine Complex;
- as well as a buffer of surrounding land (mainly rural land) which separates industry from residential areas.

**Proposed Legislation**

The legislative framework which was being proposed to prohibit residential and other ‘sensitive’ land uses was in two parts.

Firstly, there was draft legislation (a Bill) to amend the ‘Hope Valley Wattleup Redevelopment Act 2000’ (aka Latitude 32) and the ‘Planning and Development Act 2005’ to ‘provide for development restrictions in respect of the Western Trade Coast’.

Secondly, Regulations were proposed, known as the ‘Hope Valley Wattleup Redevelopment Amendment Regulations 2015’. These Regulations would apply to the Latitude 32 area, and would come into effect on the day that the ‘Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Act 2015’ came into operation.

The proposed Regulations set out:

- a list of prohibited classes of land use from the ‘protected area’ (i.e. the WTCPA); and
- the definitions for various land use classifications.

Draft Regulations were proposed for the Hope Valley Wattleup Redevelopment Area, however, none were put forward for the balance of the WTCPA, including the East Rockingham industrial precinct. No reasons were given by the former State Government for this omission.
WTCPA Boundary

The WTCPA follows the line of the “Kwinana Industrial (including Air Quality) Buffer” which was endorsed by the Western Australian Planning Commission (WAPC) in September 2010. This buffer evolved from work done by the Environmental Protection Authority (EPA) in the early 1990’s studying air quality in and around the Kwinana Industrial Area. In response to various requests to alter the buffer line (in nine separate locations), the WAPC reviewed the boundary over eight years, with input from government agencies, industry and the public, prior to deciding to not make any changes to the 1992 buffer line.
There was no proposal to extend the WTCPA beyond the existing Kwinana Air Quality Buffer (KAQB), only to define the current buffer in legislation.

**Summary of WTCPA legislation:**

- The former State Government (via DSD) proposed the WTCPA.
- The WTCPA was based on a line established in 1988 to monitor sulphur dioxide (SO$_2$) emissions.
- SO$_2$ is no longer considered a significant environmental consideration.
- The former Premier withdrew the task of defining the WTCPA from the WAPC and allocated it to DSD.
- DSD used the 1988 SO$_2$ line because the State Government has not undertaken any further scientific research to refine the ‘buffer’ line.
- The DSD draft legislation proposed:
  - a Bill to define that buffer area and to allow regulations to restrict prohibitive land uses.
  - Regulations to prohibit sensitive land uses from the Hope Valley Redevelopment Area (Latitude 32).
  - No Regulations were proposed for the balance of the WTCPA.

**City Response to draft Bill**

The WTCPA legislation framework was considered by Council in November 2015.

The Council supported the former Government’s objective of legislative protection of the WTC industrial area and recognised the need for a strategically and scientifically identified buffer. The Council acknowledged that a credible buffer serves to protect rights and interests of all landowners and stakeholders.

The City advised the Barnett Government that it had consistently (and publicly) supported the concept of a buffer zone to separate incompatible land uses. This is a sound town planning principle, and as a responsible local government planning authority, the City had always sought to apply this concept as part of its orderly and proper planning practices.

The City’s position on buffers was founded on the delineation of buffer lines to be based on a credible scientific process, which would give authenticity to the line, and a justifiable defence against competing land uses into the future. Credible science would allow for greater community understanding of the buffer, and therefore better acceptance of its need.

The former Government’s proposal was based on the KAQB line, which was formed in the late 1980’s as part of a legislative process to control sulphur dioxide emissions, as it had previously indicated that it was not prepared to expend funds on research to establish the accuracy of the buffer for the proposed WTCPA.

Instead, the State Government relied on an out-of-date buffer line, which lacked context to current day planning and was not based on any credible scientific evidence.

The City submitted to the previous Government that the boundary should be defined by modern measurement methods and based upon contemporary scientific data and not an antiquated 1980’s sulphur dioxide odour emission assessment, which is essentially irrelevant to current and future industrial and commercial activities within the zone.

With respect to the WCTPA, the City considered that:

- There was a need to undertake contemporary credible and objective scientific research and analysis to identify an appropriate buffer area.
- The WAPC should implement the buffer using the State’s strategic policy and statutory planning framework.
- Local governments should align local planning policies, schemes and strategies to the agreed State Government planning framework.
• Defining sensible land use in the area will be essential for compatible and harmonious future development.

The above comments formed the basis of the City’s submission on the proposed legislation.

**Mandogalup Buffer Review (EPA)**

In mid-2016, there was significant publicity given to a buffer dispute between the Satterley Property Group and the State Government, regarding the definition of the WTCPA buffer line in the Mandogalup locality.

Extensive media publicity was given to the dispute, and the fact that the buffer line had been proposed without any credible scientific foundation.

In an effort to resolve the dispute, the State Government (being the Minister for State Development, Hon Bill Marmion) referred the matter to the Office of Environmental Protection Authority, with a request for examination.

Subsequent media reports attributed the following comments to the EPA Chairman, Tom Hatton:

“The EPA’s advice to the Minister for Environment will be in respect of potential health and amenity impacts of dust on urban development in the Mandogalup area. The Minister has requested the EPA to provide this advice under section 16 (c) of the Environmental Protection Act 1986, following a request from the Minister for State Development.”

It was clear from this statement that the EPA was not intending to review the adequacy of the WTCPA buffer line within Rockingham.

The EPA review of the WTCPA buffer line was warranted, however, the planning and environmental principles which have prompted the review were applicable to the entire buffer line, rather than just portions of it.

The Council considered the Mandogalup buffer review matter in August 2016, and resolved to:

1. Express to the State Government the Council’s concerns and opposition to the limited review being undertaken by the Environmental Protection Authority (EPA) on the Western Trade Coast Protection Area (WTCPA) buffer line in the Mandogalup locality;

2. Seek Ministerial intervention to direct the EPA to conduct a thorough review of the entire WTCPA buffer line, to ensure a proper, justifiable and credible outcome; and

3. Request that the Western Australian Planning Commission, as the State’s leading planning agency, resolve the land use planning framework surrounding the definition of the WTCPA buffer line, using the State’s planning framework.”

The Council sought the support of the former Premier to ensure that the EPA conducted a thorough review of the entire WTCPA buffer line, to ensure a proper, justifiable and credible outcome.

In addition to the above, the City also submitted that the delays associated with resolving the WTCPA buffer issue were having a detrimental effect on the implementation of the Rockingham Strategic Metropolitan Centre because:

• The proposed expanded buffer area was inconsistent with WAPC approved Rockingham Strategic Metropolitan Centre Activity Centre Plan.

• The WTCPA was inconsistent and deleterious to the existing approved planning framework that has evolved over many years for the Rockingham Industry Zone and Rockingham Strategic Metropolitan Centre.

• The City had twice attempted to rezone land within the WTCPA for service commercial, mixed business and ‘bulky goods’ development:
  - Amendment No.137 to Town Planning Scheme No.2 (TPS2) - Adopted by Council February 2014
  - Amendment No.161 to TPS2 - Adopted by Council in November 2015

• Both Scheme Amendments had been blocked by the State Government (EPA and DSD) on the grounds that the WTCPA legislation was not finalised.

• No residential land uses were proposed in either Amendment.
• The delays adversely impacted on the delivery of much needed investment and subsequent creation of employment generating businesses.

Premier's Response
In October 2016, the Premier responded as follows:

"As you may be aware, there were a range of views expressed concerning the size of the buffer relating to health and amenity impacts of dust now, and into the future, in respect of potential urban development in the Mandogalup area.

The Minister for Environment has sought the advice of the Environmental Protection Authority pursuant to Section 16(e) of the Environment Protection Act 1986. This is to provide the Minister for State Development with independent environmental advice on the size of the buffer in Mandogalup.

I am satisfied that the scope of the Environmental Protection Authority's review is adequate for this purpose.

Once the Environmental Protection Authority provides its advice to the Minister for Environment at the end of this year, the Liberal National Government can consider the implications of the advice for the progression of the Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Bill.

Expeditious resolution of the Bill will help alleviate the delays being experienced by the City of Rockingham. I am confident that the Bill will not prevent the City of Rockingham from implementing the Rockingham Strategic Metropolitan Centre for employment generating businesses."

In short, the Premier refused to expand the EPA review to include the Rockingham sections of the WTCPA.

WTCPA Legislation - Consultation Outcomes
The City has enquired several times with DSD to ascertain the outcomes of the public consultation process and to seek a timetable for progression.

Nothing has been forthcoming on either matter.

Details
The WTCPA legislation was not introduced to State Parliament before the March 2017 Election, and the outcomes of the public consultation process run by DSD are not known to the City.

Further, the advice of the EPA arising from its review into the Mandogalup buffer line is also not known.

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 C: Quality Leadership
   Strategic Objective: Financial Sustainability - A City that understands the importance of sustainable revenue streams, long term resource planning and allocation, and the need to prioritise spending on core services and strategic asset management programs.
Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

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

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

Nil

Comments

The formal position of the new McGowan State Government towards the WTCPA legislation is not known, although it was previously critical of the WTCPA buffer line proposals when it was in Opposition.

Although the Council’s previous attempts to have the EPA review expanded to encompass the whole of the WTCPA buffer line were rejected by Premier Barnett, this position is still credible and worthy of exploring with the new State Government.

In addition, the City should seek discussions (with the new Government) on its recommendation that the WAPC, as the State’s leading planning agency, should be tasked with the responsibility of resolving the land use planning framework, following the definition of the WTCPA buffer, using modern scientific methods, to ensure proper and credible outcomes.

Voting Requirements

Simple Majority

Officer Recommendation

That Council DIRECTS the Chief Executive Officer to write to the Premier, in his capacity as Minister for State Development to:

1. Express the Council’s continued concerns and opposition to the limited review which was undertaken by the Environmental Protection Authority (EPA) on the Western Trade Coast Protection Area (WTCPA) buffer in the Mandogalup locality;

2. Seek Premier McGowan’s support to expand the EPA review to encompass the whole of the WTCPA buffer line, using modern scientific research and methods, to ensure a proper, justifiable and credible outcome; and

3. Request that the Western Australian Planning Commission, as the State’s leading planning agency, be tasked with the responsibility of resolving the Western Trade Coast land use planning framework, following definition of the buffer line.
Committee Recommendation

Moved Cr Summers, seconded Cr Sammels:

That Council **DIRECTS** the Chief Executive Officer to write to the Premier, in his capacity as Minister for State Development to:

1. Express the Council’s continued concerns and opposition to the limited review which was undertaken by the Environmental Protection Authority (EPA) on the Western Trade Coast Protection Area (WTCPA) buffer in the Mandogalup locality;

2. Seek Premier McGowan’s support to expand the EPA review to encompass the whole of the WTCPA buffer line, using modern scientific research and methods, to ensure a proper, justifiable and credible outcome; and

3. Request that the Western Australian Planning Commission, as the State’s leading planning agency, be tasked with the responsibility of resolving the Western Trade Coast land use planning framework, following definition of the buffer line.

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, Planning Services

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<td>Applicant:</td>
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<tr>
<td>Owner:</td>
<td>Mr Peter Ricci, Manager Major Planning Projects</td>
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<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning and Development Services</td>
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**Purpose of Report**

To seek Council’s approval to engage with the State Government to seek the abolition of the proposal to reinstate the ‘Kwinana Loop Freight Railway’.

**Background**

The ‘Railways Reservation’ for the ‘Kwinana Loop Freight Railway’ was included in the Metropolitan Region Scheme when it was originally gazetted in 1963.

The southern section, from the CBH ‘tear-drop’ freight rail loop to the existing main north-south rail network, via Lewington Reserve and north of Dixon Road, was never constructed. Portions of the unconstructed ‘Railways Reservation’ were deleted from the MRS in 1996 as Westrail determined that they were surplus to requirements and the land was subsequently zoned ‘Urban’ and ‘Parks and Recreation’.

The ‘Parks and Recreation’ reserve, now referred to as Lewington Reserve, was designated as a ‘Parkland Buffer’; it has been managed for this purpose since its creation.

In November 2015, the Western Australian Planning Commission (WAPC) invited comment on the South East and South West District Omnibus 2.
The Amendment sought comment on 36 Proposals one of which (Proposal 31) sought to reinstate the previously deleted ‘Railways Reservation’ to facilitate the construction of the ‘Kwinana Loop Railway’ - refer to diagram below.

In October 2014, following invitation from the WAPC to provide preliminary comment on the same proposal, the City registered its objection on various grounds. The WAPC subsequently decided to not initiate the MRS Amendment.

It is not clear what transpired in the intervening period that resulted in the WAPC initiating the Amendment, however, the matters raised previously by the City remained applicable and unresolved.

The Department of Transport subsequently advised that the reinstatement of the ‘Kwinana Loop Freight Railway’ was needed to increase freight rail capabilities to the Rockingham Industry Zone as it had identified that the existing network, specifically at the ‘Kwinana Triangle’ adjacent to Thomas Road, was soon to reach capacity. It was deemed that in the absence of major reconfiguration of the ‘Kwinana Triangle’, an alternative route from the south is needed.

By letter dated 29 January 2016, the City advised the WAPC that it strongly objects to the proposal as it raises the following concerns:

(i) It is inconsistent and deleterious to the existing planning framework that has evolved over many years for the Rockingham Industry Zone and Rockingham Strategic Metropolitan Centre.

(ii) The proponent’s justification is without basis.

(iii) The impact on matters such as residential amenity, societal risk and traffic/transport have not been reconciled.

(iv) The process instituted by the Department of Transport lacks rigor and accountability.

(v) A transparent and inclusive options analysis exercise should be undertaken at the outset to ensure that the optimum freight railway network for the Western Trade Coast, that balances all considerations, is realised.

A copy of the City’s submission is attached.

The submission provided a full chronology of the planning that had been undertaken since the deletion of the ‘Railway Reservation’.
The submission sought to demonstrate that the presence of freight rail infrastructure would significantly undermine the implementation of the WAPC endorsed Activity Centre Plan for the Rockingham Strategic Metropolitan Centre, be inconsistent with the strategic planning for the Rockingham Industry Zone and fail to recognise the parkland buffer designation of Lewington Reserve. It was also expressed that the proposal would result in residential amenity and the regional road network being compromised.

The City subsequently conveyed its objection to the ‘Kwinana Loop Freight Railway’ to senior staff at the Departments of Planning and Transport and relevant State Ministers.

Details

In April 2016, the Department of Transport advised that it would conduct an ‘options analysis’ to establish the preferred alignment to increase rail capacity to the Rockingham Industry Zone in the form of a ‘Multi-Criteria Analysis’ (MCA) process. The ‘Kwinana Loop Freight Railway’ was one option to be considered through the MCA.

Since June 2016, the City has participated in the MCA process which essentially seeks to involve key stakeholders in setting the criteria against which the freight rail options are assessed then undertakes the assessment to arrive at a preferred alignment.

The MCA stakeholders also include representatives from the State Government’s transport agencies, the rail operator, CBH, Landcorp, Department of State Development and Department of Planning. The process is run by a consultant engaged by the Department of Transport.

The City’s input into the MCA has sought to ensure that the matters raised in its objection to Proposal 31 are given balanced consideration and that the assessment fully appreciates the implications of reinstating the ‘Railways Reservation’.

The MCA process has reached a point where two short-listed options have been established (one being the ‘Kwinana Loop Freight Railway’) and endorsed by the WAPC for further detailed consideration. The last MCA Working Group meeting was held in November 2016 and there has been limited contact from the Department of Transport since that time.

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

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

   **Aspiration 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 progress of the MRS Amendment is governed by the *Planning & Development Act 2005*. 
g. Risk

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

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

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

Nil

Comments

The ‘Kwinana Loop Freight Railway’ reinstatement is an unresolved and fundamentally flawed proposal that disregards the long-standing planning framework from the Rockingham Strategic Metropolitan Centre and Rockingham Industry Zone.

It also brings freight rail close to homes in north Rockingham, by severing a landscaped buffer designed to protect their amenity and has the potential to adversely impact the regional road network.

The MCA has not reached its conclusion but the City has expressed ongoing concerns about the impartiality and objectivity of the process. The City has no confidence that the process will reach a satisfactory and balanced conclusion but simply ratify the Department of Transport’s expedient option of reinstating the reservation.

When in opposition, the Hon Mark McGowan MLA lodged a submission with the WAPC during the MRS Amendment consultation objecting to the ‘Kwinana Loop Freight Railway’ proposal on various grounds including residential amenity, safety, regional traffic and the parkland buffer being compromised.

In light of the new political landscape, it is recommended that the City approach the relevant State Government Minister and WAPC to seek the abolition of the ‘Kwinana Loop Freight Railway’ proposal for the reasons detailed within the submission on the MRS Amendment and the failings of the MCA process.

In doing so, the City should engage with the Minister for Transport, Planning and Lands to better understand the intentions for freight rail planning in the Rockingham Industry Zone.

Voting Requirements

Simple Majority

Officer Recommendation

That Council DIRECTS the Chief Executive Officer to:

1. Write to the Minister for Transport, Planning and Lands, the Hon Rita Saffioti, MLA to seek the abolition of the ‘Kwinana Loop Freight Railway’ on the same grounds that the City objected to Proposal 31 of the South East and South West Omnibus Amendment and the inadequacies of the Multi-Criteria Analysis process conducted by the Department of Transport.

2. Request a meeting with the Minister for Transport, Planning and Lands and the Chair of the Western Australian Planning Commission to convey the Council’s total opposition to the proposed reinstatement of the ‘Kwinana Loop Freight Railway’.

3. Seek to clarify the new State Government’s position on the freight rail planning in the Rockingham Industry Zone, particularly given the unresolved nature of the proposed Outer Harbour feasibility investigations, which are yet to commence.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council DIRECTS the Chief Executive Officer to:
1. Write to the Minister for Transport, Planning and Lands, the Hon Rita Saffioti, MLA to seek the abolition of the ‘Kwinana Loop Freight Railway’ on the same grounds that the City objected to Proposal 31 of the South East and South West Omnibus Amendment and the inadequacies of the Multi-Criteria Analysis process conducted by the Department of Transport.

2. Request a meeting with the Minister for Transport, Planning and Lands and the Chair of the Western Australian Planning Commission to convey the Council’s total opposition to the proposed reinstatement of the ‘Kwinana Loop Freight Railway’.

3. Seek to clarify the new State Government’s position on the freight rail planning in the Rockingham Industry Zone, particularly given the unresolved nature of the proposed Outer Harbour feasibility investigations, which are yet to commence.

Committee Voting – 5/0

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

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

#### Reference No & Subject:

- **EP-004/17**
- **Tender T16/17-83 – Construction of the Wanliss Street Carpark**

### File No:
- T16/17-83

### Proponent/s:
- Mr Michael Wilson, Senior Projects Officer

### Author:
- Mr Doug Forster, Director Engineering and Parks Services

### Other Contributors:
- Mr Doug Forster, Director Engineering and Parks Services

### Date of Committee Meeting:
- 15 May 2017

### Previously before Council:

### Disclosure of Interest:
- Executive

### Site:
- Lot 150 Rockingham Beach Road, Rockingham. Reserve No. 22568 and Wanliss Street Foreshore Carpark.

### Lot Area:
- 28,555m²

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

### Location of Wanliss Street Foreshore Carpark Extension

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Location Map: Location of the Wanliss Street Carpark
Purpose of Report

To make recommendation to Council regarding tenders received for the Wanliss Street carpark in light of recent developments that impact its continued viability.

Background

The Wanliss Street carpark extension has been designed in keeping with the Rockingham Beach Foreshore Master Plan as approved by Council at the Ordinary Meeting of Council held on 28 July 2015.

The Tender for expansion of the carpark was advertised in the West Australian newspaper on Saturday, 21 January 2017. The tender closed at 2:00pm Wednesday, 15 February 2017 and was publicly opened immediately after the closing time.

Details

There have been a number of significant changes since the Council last considered the project in 2015. The details follow:

Strategic integration – private development

A private development group has indicated its intent to construct a marina including commercial elements with a landfall in the proximity of the Wanliss Street carpark. Should the proposal gain the necessary approvals and commercial viability, demand for parking in particular will be acute. Long term and integrated planning needs to be applied to take advantage of likely opportunities which will arise for the City.

Strategic integration - parking

An assessment of future parking demands is presently being undertaken. A parking strategy including the foreshore area and surrounds is currently being drafted. The draft will be consulted upon, and the strategy subsequently presented to the Council for consideration. The foreshore project needs to take cognisance of that work as other options to the expansion of the Wanliss Street carpark warrant further consideration.

Implications to Consider

a. Consultation with the Community

Extensive consultation was undertaken as part of the Rockingham Beach Foreshore Revitalisation Stage One project from July - November 2016. In addition, a number of special interest groups were communicated with, such as the Million Paws Walk; Triathlon WA and the local Aboriginal Community.

b. Consultation with Government Agencies

Consultation was undertaken with Western Australian Planning Commission (WAPC); the Department of Lands; Western Power; and Department of Environment Regulation (DER).

c. Strategic Community Plan

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

Aspiration A: Tourism Lifestyle

Strategic Objective: Rockingham Beach Foreshore Precinct - A world-class foreshore precinct capitalising on its unique location and aspect, delivering a quality leisure tourism experience through contemporary design, best practice facilities and seamless linkage between beach, park land and tourism-based commercial, retail and food and beverage outlets.

Aspiration C: Quality Leadership

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

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

In accordance with the City’s Purchasing Policy, Council resolved to delegate authority to the Chief Executive Officer to award Tender T16/17-83 - Construction of the Wanliss Street Carpark Rockingham Beach Foreshore Revitalisation Stage 1 at the 24 January 2017 Council meeting. This delegation does not apply where the recommendation is to DECLINE all tenders.

e. Financial

Nil

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), tenders were publicly invited.

g. Risk

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

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

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

Nil

Comments

The recent Port Wanliss Marina proposal and the imminent parking strategy have called into question whether the City should continue with the Wanliss Street carpark redevelopment at this time. As such, it is considered financially responsible to delay any City activity in respect of the Wanliss Street foreshore carpark until greater clarity can be obtained in respect of the timeframes for development of Port Wanliss Marina, and the parking strategy completed.

Accordingly, it is recommended that the Wanliss Street carpark extension not be proceeded with at this time and the tender process be discontinued.

Voting Requirements

Simple Majority

Officer Recommendation

That Council DECLINES all tender submissions received for T16/17-83 - Construction of the Wanliss Street Carpark.

Committee Recommendation

Moved Cr Whitfield, seconded Cr Sammels:

That Council DECLINES all tender submissions received for T16/17-83 - Construction of the Wanliss Street Carpark.

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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<thead>
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<tbody>
<tr>
<td>13.</td>
<td><strong>Reports of Councillors</strong></td>
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<td>Nil</td>
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<td>14.</td>
<td><strong>Addendum Agenda</strong></td>
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<td><strong>Motions of which Previous Notice has been given</strong></td>
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<td>16.</td>
<td><strong>Notices of Motion for Consideration at the Following Meeting</strong></td>
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<tr>
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<td>Nil</td>
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<td>17.</td>
<td><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
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<td>18.</td>
<td><strong>Matters Behind Closed Doors</strong></td>
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<td>19.</td>
<td><strong>Date and Time of Next Meeting</strong></td>
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<td>The next Planning and Engineering Services Committee Meeting will be held on <strong>Monday 19 June 2017</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<td>20.</td>
<td><strong>Closure</strong></td>
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<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at <strong>5:00pm</strong>.</td>
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