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<td>Matters Behind Closed Doors</td>
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<tr>
<td>19.</td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td>20.</td>
<td>Closure</td>
</tr>
</tbody>
</table>
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**

<table>
<thead>
<tr>
<th>2.1 Councillors</th>
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</thead>
<tbody>
<tr>
<td>Cr Chris Elliott</td>
<td>Chairperson</td>
</tr>
<tr>
<td>Cr Barry Sammels (Mayor)</td>
<td></td>
</tr>
<tr>
<td>Cr Deb Hamblin (Deputy Mayor)</td>
<td></td>
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<tr>
<td>Cr Katherine Summers</td>
<td></td>
</tr>
<tr>
<td>Cr Mark Jones</td>
<td></td>
</tr>
<tr>
<td>Cr Andrew Burns</td>
<td>(Observer)</td>
</tr>
<tr>
<td>Cr Joy Stewart</td>
<td>(Observer until 4:36pm)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.2 Executive</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Michael Parker</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Peter Ricci</td>
<td>A/Director Planning and Development Services</td>
</tr>
<tr>
<td>Mr Peter Doherty</td>
<td>Director Legal Services and General Counsel</td>
</tr>
<tr>
<td>Mr Sam Assaad</td>
<td>Director Engineering and Parks Services</td>
</tr>
<tr>
<td>Mr Brett Ashby</td>
<td>Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Mr James Henson</td>
<td>Manager Land and Development Infrastructure</td>
</tr>
<tr>
<td>Mr Mike Ross</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Mr Rod Fielding</td>
<td>Manager Health and Building Services</td>
</tr>
<tr>
<td>Mr David Caporn</td>
<td>Manager Compliance and Emergency Liaison</td>
</tr>
<tr>
<td>Mr Ian Daniels</td>
<td>Manager Infrastructure Project Delivery</td>
</tr>
<tr>
<td>Mr Manoj Barua</td>
<td>Manager Engineering Services</td>
</tr>
<tr>
<td>Mr Kelton Hincks</td>
<td>Manager Asset Services</td>
</tr>
<tr>
<td>Mr Adam Johnston</td>
<td>Manager Parks Services</td>
</tr>
<tr>
<td>Mr Peter Varris</td>
<td>Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Mr Peter Le</td>
<td>Senior Legal and Councillor Liaison Officer</td>
</tr>
<tr>
<td>Mr Aiden Boyham</td>
<td>City Media Officer</td>
</tr>
<tr>
<td>Ms Melinda Wellburn</td>
<td>EA to Director Planning and Development Services</td>
</tr>
<tr>
<td>Mrs Andrea Holman</td>
<td>EA to Director Engineering and Parks Services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.3 Members of the Gallery:</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.4 Apologies:</td>
<td>Nil</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>2.5 Approved Leave of Absence:</td>
<td>Nil</td>
</tr>
</tbody>
</table>
3. Responses to Previous Public Questions Taken on Notice

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

At the Planning and Engineering Services Committee meeting held on 20 May 2019, Mr Millar asked the following questions that were taken on notice and the Director Engineering and Parks Services provided a response in a letter dated 24 May 2019 as follows:

Mr Millar referred to an artificial turf product in a local mega hardware store as being labelled 'natural artificial', which can confuse some customers on the nature of the 'man-made weed'.

**Question**
1. Is there a way Council can preclude installation of this natural artificial turf?

**Response**

If this product is not listed as an acceptable material, it is not permitted to be installed on the verge.

Any new installation will be non-compliant and subject to action as defined in the Public Places and Local Government property Local Law 2018.

Any existing installation of this product will be subject to any approved transitional arrangements.

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

**Response**

Yes, the recommendation to Council is that the draft policy and transitional arrangements are widely advertised for community engagement before the policy is determined by Council.

4. Public Question Time

4.1 Mr James Mumme, Shoalwater - PD-044/19 Safety Bay Shoalwater Foreshore Master Plan - ‘Design Drivers’

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

1. With respect to the Master Plan, does Council consider that the coastal dune system along Shoalwater Bay is one of our "key environmental assets" or merely a nuisance to be reduced whenever possible?

   *The Chairperson advised that the coastal dune system is considered an asset as is evidenced by the proposed Master Plan Design Driver which reads: ‘Protect and enhance the natural assets of the foreshore, such as the dune system and coastal environment’.*

2. What will it take for Council Officers and councillors to realise that it makes no sense to make "protecting key environmental assets" the last in the set of priorities for its strategic vision for a foreshore?

   *The Chairperson advised that the outcomes in the Project Purpose for the Master Plan are not listed in order of priority.*

3. Why is there no SWOT analysis in the Strategic Plan including the potential impacts of the envisaged active and passive recreation? Unless this is attempted it's impossible to reconcile conflicting values of natural and built environment.

---

1 Correction of typographical error
The Chairperson advised that there was no SWOT analysis of the impacts on active and passive recreation as it was not a project requirement. The Council will make a decision on a range of proposals within the Master Plan against the Project Purpose, the Design Drivers and the feedback received during the next round of community consultation.

4. Why is the role of householders on private land in proximity to the foreshore explicitly excluded from the Strategic plan? Surely local landowners might choose to play an important role in monitoring the health and safety of the foreshore and in complementing the coastal bush and wildlife, if they were invited and valued. Given restraints on Council funding of reserves, the role some householders can play should not be excluded.

The Chairperson advised that It is not clear why Mr Mumme concludes that the role of proximate landowners have been excluded. The consultation to date has included an opportunity for all stakeholders, including adjacent landowners. The nearby landowners and residents are important stakeholders and the City will engage further with them when the draft Master Plan is released for comment.

5. One objective is to "provide a range of suitably located infrastructure, including boat launching facilities ... that allows access to and use of the foreshore and beach but doesn't compromise the other values of the foreshore." What other values of the foreshore are considered to be beyond putting at risk here?

The Chairperson advised that it is not evident where this objective is taken from; it does not form part of the stated Project Purpose. As such, there is insufficient context to respond to the question and it is taken on notice pending further clarification.

6. Given the recurrent costs of re-dredging the Bend Street channel, what is council's assessment of the long term viability of this navigation channel and has this been considered in relation to developing launching ramps elsewhere in the City?

The Chairperson advised that the City is soon to commission a Coastal Management Study which will provide a strategic view on boat launching facilities within the City. The issue Mr Mumme raised will be investigated as part of the Study.

7. I asked: What aspects of the physical capability of our coast would Council consider it was unable to protect? I fear that Council here is largely thinking of the built environment. What is Council's understanding of the role of individual elements (wattles, ground covers, snakes, skinks, raptors) in ensuring the biodiversity of our coast?

The Chairperson advised that the question seems to relate to the draft Coastal Hazard Risk Management and Adaptation Plan which Council resolved to advertise for public comment last month. It is recommended that Mr Mumme raises this matter during the CHRMAP consultation process which has commenced.

8. When I read the report's recommendations that there be more parking, bus parking and that Given the width of the Foreshore Reserve, there is potential to align a north-south dual-use path within the dune environment. Although this may present some ongoing dune management challenges, it is recommended that the outcome be explored. I am appalled at yet another attack on what little remains of our original environment. This contradicts the general Design Driver to -Protect and enhance the natural assets of the foreshore, such as the dune system and coastal environment. What will Council do to protect and enhance the dune system?
The Chairperson advised that the response to these Design Drivers will be evident when the draft Master Plan is prepared and released for public comment.

9. Is Council aware that invasive weeds are typically introduced along roads and paths and construction and that Shoalwater Bay beach is receding at 1-3 metres a year? If so why is council considering inserting another path along the foredunes along Shoalwater Bay?

The Chairperson advised that the Design Driver recommends that the integration of a dual-use path be investigated, and the benefits and implications of this path will be considered by Council when it adopts the Master Plan.

10. Page 105 states that the dual-use path along Arcadia Drive not only results in "pedestrian/vehicle conflicts but cause the view over the coast to be obscured by existing vegetation. Bush IS the view over the coast. Will Council place the views of residents who put their ability to see the bay from the front lounges ahead of the needs of the bush and the wildlife that depends on the little that's left of the City's coastal ecology? Many of the houses along Arcadia Drive are two storey anyway and many are closed for much of the year.

The Chairperson advised that as mentioned in the response to the previous question, the benefits and implications of this path will be considered by Council when it adopts the Master Plan.

11. Although a small percentage (15%) of survey respondents favoured the introduction of a 'skate park' this is balanced by the fact that only 3% of respondents were under the age of 24.

This is another result of the lack of effort by Council to obtain representative samples in its surveying. Instead of just appearing to write off the skate park, why will council not attempt to balance the survey by approaching the local primary and secondary schools?

The Chairperson advised that the potential for a skate facility has not been 'written off' as Mr Mumme suggests, rather, there is a proposed Design Drivers for Sectors 3 and 4 which read:

"Explore options for youth play amenity including skate infrastructure."

4.2 Mr Peter Green, Cooloongup - PD-044/19 Safety Bay Shoalwater Foreshore Master Plan - 'Design Drivers'

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

I refer to the proposed dual-use pathway along Shoalwater Bay.

Question

1. Did Council receive from DBCA a Recreation Plan that they were asked to comment on?

The Chairperson advised that the question will be taken on notice and a written response will be provided in due time.

Note: Mr Green subsequently advised that he wished to 'withdraw' the question. A response is therefore not necessary.

4.3 Mr Sunny Millar, Safety Bay - Waste and Recycling Bins - Rockingham Library

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

Mr Millar made reference to the City's 'Turn the Tide on Plastics' guideline and congratulated the City on the initiative.
<table>
<thead>
<tr>
<th><strong>Question</strong></th>
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<tbody>
<tr>
<td>Why are there still two bins near the entry to the Rockingham Library with Murdoch University on them? One is supposed to be for recycling and the other for rubbish, however, both are used for inappropriate material. Who is responsible for these bins, Murdoch University or the City of Rockingham?</td>
</tr>
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</table>

_The Chairperson advised that the question will be taken on notice._

4:16pm There being no further questions the Chairperson closed Public Question Time.

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

Moved Cr Sammels, seconded Cr Hamblin:

That Committee **CONFIRMS** the Minutes of the Planning and Engineering Services Committee Meeting held on 20 May 2019, as a true and accurate record.

Committee Voting – 5/0

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

Nil

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

4:17pm 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**

4:17pm Cr Jones declared the following Declaration of Interest:

<table>
<thead>
<tr>
<th>8.1 Item PD-042/19 Proposed Scheme Amendment No.170 - Rezoning from 'Rural' to 'Special Residential'</th>
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<tbody>
<tr>
<td>Councillor: Cr Mark Jones</td>
</tr>
<tr>
<td>Type of Interest: Impartiality</td>
</tr>
<tr>
<td>Nature of Interest: He has friends that live at No.4 Maddren Way, directly abutting part of the area proposed to be rezoned.</td>
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<tr>
<td>Extent of Interest: Not Applicable</td>
</tr>
</tbody>
</table>

The Chairperson noted there were no further interests declared.

9. **Petitions/Deputations/Presentations/Submissions**

Nil

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

Nil

11. **Bulletin Items**

Planning and Development Services Information Bulletin - June 2019

**Health Services**

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
| 3.1 FoodSafe  |
| 3.2 Industrial and Commercial Waste Monitoring  |
| 3.3 Mosquito Control Program  |
| 3.4 Environmental Waters Sampling  |
| 3.5 Food Sampling  |

4. Information Items

| 4.1 Food Recalls  |
| 4.2 Food Premises Inspections  |
| 4.3 Public Building Inspections  |
| 4.4 Outdoor Event Approvals  |
| 4.5 Permit Approvals  |
| 4.6 Complaint - Information  |
| 4.7 Noise Complaints – Detailed Information  |
| 4.8 Health Approvals  |
| 4.9 Septic Tank Applications  |
| 4.10 Demolitions  |
| 4.11 Swimming Pool and Drinking Water Samples  |
| 4.12 Rabbit Processing  |
| 4.13 Hairdressing and Skin Penetration Premises  |
| 4.14 Caravan Park Inspections  |

**Building Services**

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   | 4.1 Monthly Building Permit Approvals - (All Building Types)  |
   | 4.2 Other Permits  |
   | 4.3 Monthly Caravan Park Site Approvals  |

**Compliance and Emergency Liaison**

1. Compliance and Emergency Liaison Team Overview
2. Human Resource Update
3. Project Status Reports
   | 3.1 Refurbishment of the New Compliance Headquarters  |
4. Information Items
   | 4.1 BEN Signage  |
   | 4.2 Responsible Pet Ownership – Dogs, Cats and the Law  |
   | 4.3 Ranger Services Action Reports  |
   | 4.4 Building Compliance  |
   | 4.5 Emergency Management and Fire Prevention  |
   | 4.6 SES Activity  |
   | 4.7 CRM – May 2019  |
   | 4.8 Restricted Burning Period  |
4.9 SmartWatch Key Result Areas

**Strategic Planning and Environment**

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   | 3.1 Local Planning Strategy (LUP/1352)  |
   | 3.2 Tamworth Hill Swamp Management Plan  |
   | 3.3 Lake Richmond Management Plan Review - Stage 2  |
   | 3.4 Coastal Hazard Risk Management and Adaption Plan – Stage 2  |
3.5 Bushland Management Plan

4. Information Items

**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 and Development Infrastructure Assets Approvals
   4.6 Handover of Subdivisional Roads
   4.7 Development Application Referrals
   4.8 Delegated Subdivision Engineering and Public Open Space Practical Completions
   4.9 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works

**Statutory Planning**

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Heritage Strategy
   3.2 Pedestrian Access Way Strategy Review
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approval and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused
   4.13 Proposed Optus Mobile Phone Base Stations (Small Cell Facilities) – Various sites in Safety Bay
   4.14 Design WA

**Planning and Development Directorate**

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

Advisory Committee Minutes

Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:
That Councillors acknowledge having read the Planning Services Information Bulletin - June 2019 and the content be accepted.

Committee Voting - 5/0

Engineering and Parks Services Information Bulletin – June 2019

Engineering and Parks Services Directorate
1. Engineering and Parks Services Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Bushfire Risk

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

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

**Parks Services**

1. Parks Services Team Overview  
2. Human Resource Update  
3. Project Status Reports  
4. Information Items  
   4.1 Delegated Public Open Space Handovers  
   4.2 Barbeque Replacements  
   4.3 Secret Harbour Surf Life Saving Surrounds  
   4.4 Bollard Fence Replacement  
   4.5 Installation of mulch throughout the City  
   4.6 Tree Vandalism at Lake Richmond Reserve  
   4.7 Feral Animal Control Program  
   4.8 Harvey Road Prescribed Burn

**Engineering Services**

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

Advisory Committee Minutes

Committee Recommendation

Moved Cr Hamblin, seconded Cr Sammels:
That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin - June 2019 and the content be accepted.

Committee Voting – 5/0
## Agenda Items

### Planning and Development Services

#### Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-036/19 Final Approval Scheme Amendment No.164 to Town Planning Scheme No.2 - Schedule No.11 Development Contribution Plan No.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/2013</td>
</tr>
<tr>
<td>Applicant:</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>18 December 2018 (PD-065/18)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
</tbody>
</table>

#### Purpose of Report

To consider the Final Approval of Scheme Amendment No.164 to Town Planning Scheme No.2 (TPS2) for the purpose of amending Schedule No.22 Development Contribution Plan No.2, following the completion of public advertising.

#### Background

State Planning Policy 3.6 Development Contributions for Infrastructure (SPP3.6) was gazetted on 20 November 2009. The objectives of the SPP3.6 are to:
- promote the efficient and effective provision of public infrastructure and facilities to meet the
demands arising from new growth and development;
- ensure that development contributions are necessary and relevant to the development to be
permitted and are charged equitably among those benefiting from the infrastructure and
facilities to be provided;
- ensure consistency and transparency in the system for apportioning, collecting and spending
the development contributions; and
- ensure the social well-being of communities arising from, or affected by, development.

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

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

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

In May 2011, the Council resolved to adopt (initiate) Amendment No.114 to TPS2 to introduce
provisions pertaining to the implementation of Development Contributions for Infrastructure through
the introduction of Development Contribution Plan No.2 (DCP2). Amendment No.114 also made a
number of modifications to Clause 5.6.

Amendment No.114 was gazetted on 6 March 2013.

In March 2015, the Council initiated Amendment No.156 to amend Town Planning Scheme No.2 as
follows:

(i) clause 5.6.1(a) is amended by deleting “, but does not apply to Development Contribution Area
No.1”;

(ii) clause 4(2) of Schedule No.12 is amended by:
(a) Inserting the following:
(b) the Primary Centre Waterfront Village Zone;
(c) the Primary Centre Urban Village Zone;
(d) the Primary Centre City Living Zone;
(e) the Commercial Zone;);
(b) deleting “(b) the Waterfront Village Zone”; and
(c) renumbering paragraphs (c), (d), (e), (f), (g) and (h) respectively.

The Amendment was gazetted on 1 April 2016.

Following subsequent modifications to the City’s Town Planning Scheme No.2 to accord with the
Planning and Development (Local Planning Schemes) Regulations 2015, clause 5.6 is now clause
5.5, and Schedule 12 is now Schedule 11.

In October 2018, the Council considered a review of the Community Infrastructure Plan and resolved
to adopt the City of Rockingham Community Infrastructure Plan 2018-2028. The revised Community
Infrastructure Plan incorporated the following variations from the Community Infrastructure Plan which
informed the current Development Contribution Plan:

**Aqua Jetty Stage 2**

The intended expansion of the Aqua Jetty facilities, to improve amenities and cater to existing and
future demand for both wet and dry facilities, no longer aligns fully with the description under DCP2.

**Baldivis South High School Outdoor Sport and Recreation Hard Court**

This facility will no longer be provided at the Baldivis South High School. A review of Baldivis
community needs has identified additional demand for outdoor hardcourts to service the Baldivis
North Sub-Area, as well as the existing need identified for the Baldivis South-Sub-Area. This need
can be met by the provision of a Sub-District facility located in Baldivis North. Changing the
location of the facility to the Baldivis North Sub-Area rather than the Baldivis South Sub-Area
ensures an equitable geographic spread of facilities as the location of the Baldivis District Sporting
Complex, which includes outdoor courts to service the entire municipality has moved from the
Baldivis North Sub-Area to the Baldivis South Sub-Area.
**Baldivis District Sporting Complex**
DCP2 identifies the location of this district level project in the Baldivis North sub-area. The infrastructure item is being delivered in the Baldivis South sub-area following the acquisition of land at Eighty Road.

**Baldivis Indoor Recreation Centre**
As above, DCP2 identifies the location of this district level project in the Baldivis North sub-area. The infrastructure item is being delivered in the Baldivis South sub-area following the acquisition of land at Eighty Road.

**Rockingham Youth Recreation Space Redevelopment**
A new space will be developed within same sub-area, in lieu of redeveloping the existing facility (located at Rockingham Waterfront).

**Lark Hill Sportsplex Stage 2**
The intended development of additional facilities no longer aligns fully with the description under DCP2.

**Port Kennedy Sport and Recreation Outdoor Hard Courts**
The Port Kennedy Sport and Recreation Outdoor Hard Courts has been removed. Additionally, the updated Community Infrastructure Plan proposed the following new infrastructure item to seek funding from the Development Contribution Scheme:

**East Baldivis Recreation Reserve**
The Baldivis South Active POS development is no longer listed as an infrastructure item, and has been replaced by the East Baldivis Recreation Reserve. The City’s intention is that by adding the East Baldivis Recreation Reserve it will satisfy the same demand as the Baldivis South Active POS Development.

The Council initiated Amendment No.164 in December 2018 in order to modify Schedule No.11 to align with the current CIP.

**Details**
Amendment No.164 is intended to ensure consistency between the City’s recently adopted Community Infrastructure Plan 2018-2028 and the DCP2. The rationale for the specific modifications is as follows:

**Proposal 1**
The definitions under Schedule 11, part 5, have the effect of describing the nature of the infrastructure item and setting the scope of infrastructure that can be funded through the DCP2.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Variation</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aqua Jetty Stage 2</td>
<td>Deleting the words “group fitness rooms, basketball courts, offices, consulting rooms, spectator seating, first aid room, change rooms, crèche, outdoor cafe, play area and swimming club room” and replacing with “additional recreation and community facilities”</td>
<td>The existing description for the Aqua Jetty Stage 2 development is more specific than other descriptions within DCP2, and does not provide flexibility for the City to adjust the project scope to meet community needs.</td>
</tr>
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<td>Baldivis South Active POS Development</td>
<td>Deleted and replaced with “East Baldivis Recreation Reserve” means the development of an active and passive open space reserve to be located in the Baldivis North Sub-Area.</td>
<td>The Baldivis South Active POS Development was intended to address needs for active POS space in the Baldivis South Sub-Area.</td>
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### Definition | Variation | Rationale
--- | --- | ---
**Baldivis District Sporting Complex** | Deleting the words “Baldivis North Sub-Area” and replacing with the words “Baldivis South Sub-Area”. | The CIP review has identified additional demand for active POS space in the Baldivis North Sub-Area which can best be met by a Sub-District facility that meets the needs of both Sub-Areas. The City has identified an alternative site, and acquired land on Eighty Road, which is better located than the previous location identified east of the Kwinana Freeway. Given the new site is located within the Baldivis South rather than Baldivis North Sub-Area, the DCP2 description is required to be amended. The scope and catchment served by the infrastructure is not proposed to change. |
**Baldivis Indoor Recreation Centre** | Deleting the words “Baldivis North Sub-Area” and replacing with the words “Baldivis South Sub-Area”. | The City has identified an alternative site, and acquired land on Eighty Road, which is better located than the previous location identified east of the Kwinana Freeway. Given the new site is located within the Baldivis South rather than Baldivis North Sub-Area, the DCP2 description is required to be amended. The scope and catchment served by the infrastructure is not proposed to change. |
**Lark Hill Sportsplex Stage 2** | Deleting the words “playing fields, clubroom, indoor sports court facility, outdoor sports courts, flood lighting and car parking” and replacing with “additional sporting and recreational facilities”. | The existing description for the Lark Hill Sportsplex Stage 2 development is more specific than other descriptions within DCP2, and does not provide flexibility for the City to adjust the project scope to meet community needs. |
**Port Kennedy Outdoor Sport and Recreation Hardcourts** | Deleted in its entirety. | The CIP has identified that this infrastructure item is no longer required. |
**Rockingham Youth Recreation Space Redevelopment** | Deleted and replaced with “Rockingham Youth Recreation Space” means the development of a recreation space for youth to be located in the Rockingham Sub-Area. | Redevelopment of the existing space is no longer appropriate given uncertainty over land tenure at the existing site. A new facility is intended to be developed in the same Sub-Area, at the Rockingham waterfront, which will meet the same community needs. |
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<td>Baldivis South HS Outdoor Sport and Recreation Hardcourts</td>
<td>Deleted and replaced with “Baldivis Outdoor Courts” means the development of sporting and recreational hardcourts to be located in the Baldivis North Sub-Area.</td>
<td>The facility is no longer intended to be co-located with the Baldivis South High School and will instead be developed as a sub-district facility in the Baldivis North Sub-Area. In this regard, the CIP review has identified additional demand for active POS space in the Baldivis North Sub-Area which can best be met by a Sub-District facility that meets the needs of both Sub-Areas.</td>
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**Proposal 2**

The Table under Schedule 11, part 7, outlines the various infrastructure items and the Sub-Areas which forms the catchment for each item. The following modifications are required to ensure consistency with the changes identified in Proposal 1, and to ensure the applicable Sub-Areas reflect the infrastructure items catchment.

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<td>Baldivis South Active POS Development</td>
<td>Replace with &quot;East Baldivis Recreation Reserve&quot; under SUB DISTRICT heading, serving the Baldivis North Sub-Area and Baldivis South Sub-Area.</td>
<td>The Baldivis South Active POS Development was intended to address needs for active POS space in the Baldivis South Sub-Area. The CIP review has identified additional demand for active POS space in the Baldivis North Sub-Area which can best be met by a Sub-District facility that meets the needs of both Sub-Areas.</td>
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<td>Port Kennedy Outdoor Sport and Recreation Hardcourts</td>
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<td>The CIP has identified that this infrastructure item is no longer required.</td>
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<td>Rockingham Youth Recreation Space Redevelopment</td>
<td>Deleting the word “Redevelopment”.</td>
<td>Redevelopment of the existing space is no longer appropriate given uncertainty over land tenure at the existing site. A new facility is intended to be developed in the same Sub-Area, at the Rockingham waterfront, which will meet the same community needs.</td>
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<td>Baldivis South HS Outdoor Sport and Recreation Hardcourts</td>
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<td>The facility is no longer intended to be co-located with the Baldivis South High School and will instead be developed as a sub-district facility in the Baldivis North Sub-Area. In this regard, the CIP review has identified additional demand for active POS space in the Baldivis North Sub-Area which can best be met by a Sub-District facility that meets the needs of both Sub-Areas.</td>
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Implications to Consider

a. Consultation with the Community

Amendment No.164 was advertised in accordance with the Regulations for a period of 60 days, commencing on 13 March 2019 and concluding on 20 May 2019. Public advertising was carried out in the following manner:

- 52 developers operating in the City, along with the Urban Development Institute of WA and the Property Council of Australia, were notified in writing of the Scheme Amendment and invited to comment. The developers notified were those that, in the opinion of the City, would be most affected by changes to Development Contribution Plan No.2.
- Copies of the Amendment and supporting documentation were made available for inspection at the City’s Administration Offices and on the City’s website.

At the conclusion of the advertising period, one submission had been received, from Cedar Woods Pty Ltd.

The submission noted that a new draft SPP was to be released in the near future that should be considered as part of the Amendment. In this context, the submission raised the following specific comments:

1. DCP 2 seeks to raise over $150 million solely for the purpose of funding City of Rockingham community infrastructure projects. The purpose of DCP2 is not balanced by a need to better coordinate funding for broader infrastructure needs directly associated with urban growth (such as roads, service infrastructure, and facilities) which relate directly to urban development or subdivision. It should there be re-assessed against the original intent and purpose of the Draft Policy/Policy Review.

2. The inclusion of regional community infrastructure, such as the ‘Lark Hill Sportsplex (Stage 2) appears inconsistent with provisions of the Draft Policy or direction of the WAPC. Many categories of regional infrastructure, generally, have been excluded from DCPs.

3. DCP2 appears to over represent the role of landowners / developers as a primary source of funding for municipal community infrastructure obligations. Greater emphasis should be placed on alternative funding, such as grants and rates revenue.

4. Landowners have little capacity to investigate the total level of community infrastructure and associated inclusions and standards being adopted. Correspondingly, it is difficult to reasonably assess whether total costs relate fairly and reasonable to industry benchmarks and whether they should transfer, relatively uncontested, to DCP2. Therefore, as part of its assessment of Amendment No. 164, the WAPC is requested to appoint a specialised panel, to ensure there is proper detailed delineation between DCP2 cost obligations and municipal cost obligations.

5. Cedar Woods is directly affected by an increase in cost estimates arising through Amendment No.164, adding $422 to its contribution per lot. In our opinion, the full extent of community of community infrastructure to be funded through DCP2 is not justified under the Draft Policy and should be pulled-back as part of the Draft Policy Review. Cedar Woods objects to any increase in its DCP2 cost liability.

The matters raised in the above submission are addressed in the Comments section of this report and the Schedule of Submissions.

b. Consultation with Government Agencies

All Scheme Amendments are required to be referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment is required, prior to advertising. On 21 January 2019 the EPA advised that the Scheme Amendment should not be assessed under the Act, and that it was not necessary to provide any environmental advice or recommendations on the Scheme Amendment.
c. **Strategic**

**Community Plan**

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

**Aspiration 2:** Plan for Future Generations

**Strategic Objective:** Infrastructure Planning - Plan and develop community, sport and recreation facilities which meet the current and future needs of the City’s growing population.

d. **Policy**

**State Planning Policy 3.6 – Development Contributions for Infrastructure**

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

A new draft State Planning Policy was released for public comment in 2016, but has not progressed to finalisation.

e. **Financial**

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

f. **Legal and Statutory**

**Planning and Development (Local Planning Schemes) Regulations 2015 (‘the Regulations’)**

The procedures for dealing with proposals to amend TPS2, as per the Act, are set out in the Regulations. Regulation 35(1) enables the Local Government to prepare or adopt an amendment to TPS2, in a form approved by the WAPC. The resolution must specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment, and include an explanation for the reason for the local government forming that option.

The proposed Scheme Amendment is a ‘complex amendment’ as it seeks to amend a development contribution plan.

As a ‘complex amendment’, the WAPC is required to determine whether the amendment is suitable for advertising and may require changes to the amendment, prior to advertising commencing.

**Schedule No.11 – Development Contribution Plan No.2**

Clause 17 of DCP2 requires the Council to carry out a review of the operation of the Development Contribution Plan every 5 years from the Operative Date, and in the course of that review the Council is to consider and have regard to:

(a) the extent to which development has occurred in Development Contribution Area No.2 since the Operative Date or the date of the last review under this clause, whichever is the later;

(b) the potential for further development in Development Contribution Area No.2; and

(c) any other matters that appear to the Council to be relevant to the operation of this Plan.

The review of the CIP has satisfied the above requirements.

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

This matter has been assessed as a Medium financial risk.
A decision by the WAPC/Minister for Planning to not approve modifications to the City’s DCP2 to enable contributions to be applied to modified infrastructure items would have a major impact level on the City’s finances.

The City considers there to be a small chance of the WAPC/Minister for Planning not approving suitable modifications to DCP2, as the Amendment is consistent with the State Planning Policy.

**Comments**

The proposed Scheme Amendment is intended to ensure consistency between the City’s recently adopted Community Infrastructure Plan 2018-2028 and the DCP2.

With respect to the matters raised in the submission received, the following points are noted:

- The new draft SPP has not yet been approved by the State Government for public consultation and should not be considered in the determination of this Amendment.
- DCP2 was prepared specifically for the funding of community infrastructure consistent with the existing SPP3.6. The content and scope of DCP2 were considered and endorsed by the WAPC and Minister for Planning through the approval of Amendment No.114. DCP2 was approved to operate for a period of 20 years in order to provide certainty to the City that it would receive contributions from development in order to fund the delivery of infrastructure, which is being pre-funded by the City. It would not be appropriate to substantially alter the content of DCP2 given the City has already begun implementation through the delivery of infrastructure.
- ‘Lark Hill Sportsplex (Stage 2)’ is already included in DCP2 and the Amendment is simply adjusting the definition for that item. The submission provides no substantive comment on these proposed changes.
- DCP2 clearly sets out that Owner’s Cost Contributions are proportional to the demand they generate. As the City cannot guarantee access to grants funding, it is not appropriate for the City to ensure such when preparing estimates for payment of Owner’s Cost Contributions. This matter was raised in submissions on Amendment No.114 and was considered by the Council, WAPC and Minister at that time.
- Details of the City’s cost estimates are set out in the Development Contribution Plan Report, which is updated annually, and available on the City’s website. More detailed information on preparation of the cost estimates is available on request, and Owners can seek review of the cost estimates under clause 5.5.12 of the Scheme.
- There is no basis to require the Amendment to justify the extent of community infrastructure against the new draft SPP, given it has not been approved by the State Government for public consultation. It is noted that the costs per dwelling unit within the Baldivis North Sub-Area, whilst increasing under the changes proposed by this Amendment, are still $49 below the original costs when DCP2 was introduced in November 2011, and are considered reasonable.

The receipt of just one submission on the proposed Amendment suggests that the proposals do not raise any significant concerns for developers operating within the City and are considered reasonable.

Given the above, it is recommended that the Council adopt Scheme Amendment No.164 for Final Approval.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ADOPTS** (initiate) Amendment No.164 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows:

   **Proposal 1**
   
   Amend Schedule No.11, part 5 as follows:
(i) The definition of “Aqua Jetty Stage 2” is amended by deleting the words “group fitness rooms, basketball courts, offices, consulting rooms, spectator seating, first aid room, change rooms, crèche, outdoor cafe, play area and swimming club room” and replacing with “additional sporting, recreational and community facilities”.

(ii) The definition of “Baldivis South Active POS Development” is deleted and replaced with “East Baldivis Recreation Reserve” means the development of an active and passive open space reserve to be located in the Baldivis North Sub-Area.

(iii) The definition of “Baldivis District Sporting Complex” is amended deleting the words “Baldivis North Sub-Area” and replacing with the words “Baldivis South Sub-Area”.

(iv) The definition of “Baldivis Indoor Recreation Centre” is amended by deleting the words “Baldivis North Sub-Area” and replacing with the words “Baldivis South Sub-Area”.

(v) The definition of “Lark Hill Sportsplex Stage 2” is amended by deleting the words “playing fields, clubroom, indoor sports court facility, outdoor sports courts, flood lighting and car parking” and replacing with “additional sporting and recreational facilities”.

(vi) The definition of “Port Kennedy Outdoor Sport and Recreation Hardcourts” is deleted.

(vii) The definition of “Rockingham Youth Recreation Space Redevelopment” is deleted and replaced with “Rockingham Youth Recreation Space” means the development of a recreation space for youth to be located in the Rockingham Sub-Area.

(viii) The definition of “Baldivis South HS Outdoor Sport and Recreation Hardcourts” is deleted and replaced with “Baldivis Outdoor Courts” means the development of sporting and recreational hardcourts to be located in the Baldivis North Sub-Area.

**Proposal 2**

Amend the Table under Schedule 11, part 7, as follows:

(i) Delete the following row:

| (20) Baldivis South Active POS Development | Baldivis South Sub-Area |

and replace it, under the SUB DISTRICT heading, with:

| (16) East Baldivis Recreation Reserve | Baldivis North Sub-Area and Baldivis South Sub-Area |

(ii) Delete the following row:

| (18) Port Kennedy Outdoor Sport and Recreation Hardcourts | Port Kennedy Sub-Area |

(iii) Delete the following row:

| (3) Rockingham Youth Recreation Space Redevelopment | All of the Sub-Areas |

and replace it under the DISTRICT heading with:

| (3) Rockingham Youth Recreation Space | All of the Sub-Areas |

(iv) Delete the following row:

| (22) Baldivis South HS Outdoor Sport and Recreation Hardcourts | Baldivis South Sub-Area |

And replace it, under the SUB DISTRICT heading, with:
## 2. ADOPTS the recommendations contained within the Schedule of Submissions as follows:

<table>
<thead>
<tr>
<th>Submission</th>
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<tr>
<td>1. Mr Karl White, Cedar Woods</td>
<td>The majority of the submission has been made on the basis of a new draft State Planning Policy 3.6 – Development Contributions for Infrastructure, that has been prepared by the WAPC to replace the existing SPP3.6. The City is not aware of the content of the new draft SPP and is unable to respond specifically to its purported content. It is noted that the WAPC Chairman, Mr David Caddy, provided a presentation on the SPP review process at a recent UDIA forum where it was advised that the WAPC had endorsed a new draft SPP for consideration by the State Government, although timing for release of the new draft SPP was not known. Mr Caddy further noted that it was unlikely that substantially progressed Scheme Amendments would be required to comply with the new draft SPP, and that it would not be applied to existing development contribution plans. With specific reference to the detailed points, the following comments are provided:</td>
<td>That the submission be not upheld.</td>
</tr>
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3. DCP2 appears to over represent the role of landowners / developers as a primary source of funding for municipal community infrastructure obligations. Greater emphasis should be placed on alternative funding, such as grants and rates revenue.

4. Landowners have little capacity to investigate the total level of community infrastructure and associated inclusions and standards being adopted. Correspondingly, it is difficult to reasonably assess whether total costs relate fairly and reasonably to industry benchmarks and whether they should transfer, relatively uncontested, to DCP2. Therefore, as part of its assessment of Amendment No.164, the WAPC is requested to appoint a specialised panel, to ensure there is proper and detailed delineation between DCP2 cost obligations and municipal cost obligations.

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<td>3. DCP2 appears to over represent the role of landowners / developers as a primary source of funding for municipal community infrastructure obligations. Greater emphasis should be placed on alternative funding, such as grants and rates revenue.</td>
<td>1. DCP2 was prepared specifically for the funding of community infrastructure consistent with the existing SPP3.6. The content and scope of DCP2 were considered and endorsed by the WAPC and Minister for Planning through the approval of Amendment No.114. DCP2 was approved to operate for a period of 20 years in order to provide certainty to the City that it would receive contributions from development in order to fund the delivery of infrastructure, which is being pre-funded by the City. It would not be appropriate to substantially alter the content of DCP2 given the City has already begun implementation through the delivery of infrastructure.</td>
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This matter was raised in submissions on Amendment No.114 and was considered by the Council, WAPC and Minister at that time.

4. Details of the City’s cost estimates are set out in the Development Contribution Plan Report, available on the City’s website. More detailed information on preparation of the cost estimates is available on request, and Owners can seek review of the cost estimates under clause 5.5.12 of the Scheme.

5. There is no basis to require the Amendment to justify the extent of community infrastructure against the new draft SPP, given it has not been approved by the State Government for public consultation. It is noted that the costs per dwelling unit within the Baldivis North Sub-Area, whilst increasing under the changes proposed by this Amendment, are still $49 below the original costs when DCP2 was introduced in November 2011, and are considered reasonable.

Committee Recommendation

Moved Cr Sammels, seconded Cr Jones:
That Council:

1. **ADOPTS** (initiate) Amendment No.164 to Town Planning Scheme No.2 for the purposes of amending Town Planning Scheme No.2 as follows:

   **Proposal 1**
   
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CONFERRED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

PRESIDING MEMBER
(ii) The definition of “Baldivis South Active POS Development” is deleted and replaced with “East Baldivis Recreation Reserve” means the development of an active and passive open space reserve to be located in the Baldivis North Sub-Area.

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and replace it under the DISTRICT heading with:

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<td>1. Mr Karl White, Cedar Woods</td>
<td>The majority of the submission has been made on the basis of a new draft State Planning Policy 3.6 – Development Contributions for Infrastructure, that has been prepared by the WAPC to replace the existing SPP3.6. The City is not aware of the content of the new draft SPP and is unable to respond specifically to its purported content.</td>
<td>That the submission be not upheld.</td>
</tr>
</tbody>
</table>

This submission is made by Cedar Woods Properties Limited, on behalf of its wholly owned subsidiaries:

A. Silhouette Property Pty Ltd, which owns The Rivergums residential estate; and

B. Upside Property Pty Ltd, Woodbrooke Property Pty Ltd and Kayea Property Pty Ltd, which collectively own Millars Landing residential estate.

The Rivergums and Millars Landing are residential housing estates which include the development of residential lots and built-form and are subject to the payment of developer contributions under the City of Rockingham Development Contribution Plan No.2 (DCP2).

Cedar Woods notes that the Western Australian Planning Commission (WAPC) Draft State Planning Policy 3.6 – Development Contributions for Infrastructure (Draft Policy) is under review and an amended Draft Policy (Draft Policy Review) is soon to be released for consultation.

In the context of the Draft Policy Review, Cedar Woods calls on the City of Rockingham, the WAPC and the Minister for Planning to reconsider the reasonableness of DCP2 on the following grounds.

1. DCP 2 seeks to raise over $150 million solely for the purpose of funding City of Rockingham community infrastructure projects. The purpose of DCP2 is not balanced by a need to better coordinate funding for broader infrastructure needs directly associated with urban growth (such as roads, service infrastructure, and facilities) which relate directly to urban development or subdivision. It should therefore be re-assessed against the original intent and purpose of the Draft Policy/Policy Review.

2. The inclusion of regional community infrastructure, such as the ‘Lark Hill Sportsplex (Stage 2) appears inconsistent with provisions of the Draft Policy or direction of the WAPC. Many categories of regional infrastructure, generally, have been excluded from DCPs.

With specific reference to the detailed points, the following comments are provided:
<table>
<thead>
<tr>
<th>Submission</th>
<th>Comment</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. DCP2 appears to over represent the role of landowners / developers as a primary source of funding for municipal community infrastructure obligations Greater emphasis should be placed on alternative funding, such as grants and rates revenue.</td>
<td>1. DCP2 was prepared specifically for the funding of community infrastructure consistent with the existing SPP3.6. The content and scope of DCP2 were considered and endorsed by the WAPC and Minister for Planning through the approval of Amendment No.114. DCP2 was approved to operate for a period of 20 years in order to provide certainty to the City that it would receive contributions from development in order to fund the delivery of infrastructure, which is being pre-funded by the City. It would not be appropriate to substantially alter the content of DCP2 given the City has already begun implementation through the delivery of infrastructure.</td>
<td></td>
</tr>
<tr>
<td>4. Landowners have little capacity to investigate the total level of community infrastructure and associated inclusions and standards being adopted. Correspondingly, it is difficult to reasonably assess whether total costs relate fairly and reasonably to industry benchmarks and whether they should transfer, relatively uncontested, to DCP2. Therefore, as part of its assessment of Amendment No.164, the WAPC is requested to appoint a specialised panel, to ensure there is proper and detailed delineation between DCP2 cost obligations and municipal cost obligations.</td>
<td>2. 'Lark Hill Sportsplex (Stage 2)' is already included in DCP2 and the Amendment is simply adjusting the definition for that item. The submission provides no substantive comment on these proposed changes.</td>
<td></td>
</tr>
<tr>
<td>5. Cedar Woods is directly affected by an increase in cost estimates arising through Amendment No 164, adding $422 to its contribution per lot. In our opinion, the full extent of community infrastructure to be funded through DCP2 is not justified under the Draft Policy and should be pulled-back as part of the Draft Policy Review. Cedar Woods objects to any increase in its DCP2 cost liability.</td>
<td>3. DCP2 clearly sets out that Owners Cost Contributions are proportional to the demand they generate. As the City cannot guarantee access to grants funding, it is not appropriate for the City to ensure such when preparing estimates for payment of Owners Cost Contributions.</td>
<td></td>
</tr>
</tbody>
</table>
This matter was raised in submissions on Amendment No.114 and was considered by the Council, WAPC and Minister at that time.

4. Details of the City’s cost estimates are set out in the Development Contribution Plan Report, available on the City’s website. More detailed information on preparation of the cost estimates is available on request, and Owners can seek review of the cost estimates under clause 5.5.12 of the Scheme.

5. There is no basis to require the Amendment to justify the extent of community infrastructure against the new draft SPP, given it has not been approved by the State Government for public consultation. It is noted that the costs per dwelling unit within the Baldivis North Sub-Area, whilst increasing under the changes proposed by this Amendment, are still $49 below the original costs when DCP2 was introduced in November 2011, and are considered reasonable.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Reference No & Subject:

- **Reference No & Subject:** PD-037/19
- **Proposed Modification to Building Envelope**

## File No:

- **File No:** DD024.2019.0000002.001

## Applicant:

- **Applicant:** Mr Chad Vergara and Ms Melissa Winter

## Owner:

- **Owner:** Mr Chad Vergara and Ms Melissa Winter

## Author:

- **Author:** Mr Stephen Sullivan, Planning Officer

## Other Contributors:

- **Mr David Waller, Coordinator Statutory Planning**
- **Mr Mike Ross, Manager Statutory Planning**

## Date of Committee Meeting:

- **Date of Committee Meeting:** 17 June 2019

## Previously before Council:

- **Previously before Council:**

## Disclosure of Interest:

- **Disclosure of Interest:**

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

- **Nature of Council's Role in this Matter:** Tribunal

## Site:

- **Site:** Lot 1019 (No. 56) Peelfold Glen, Golden Bay

## Lot Area:

- **Lot Area:** 2,221 m²

## LA Zoning:

- **LA Zoning:** Special Residential

## MRS Zoning:

- **MRS Zoning:** Rural

## Attachments:

1. Location Plan
2. Aerial Photograph
3. Existing/Proposed Building Envelope Plan
4. Photograph 1 - Location of Proposed Patio
5. Photograph 2 - Location of Proposed Garage
6. Consultation Plan
Planning and Engineering Services Committee Minutes
Monday 17 June 2019
PD-037/19

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

1. Location Plan

To consider an application to modify the approved Building Envelope at Lot 1090 (No. 56) Peelfold Glen, Golden Bay.

2. Aerial Photograph

Purpose of Report

To consider an application to modify the approved Building Envelope at Lot 1090 (No. 56) Peelfold Glen, Golden Bay.
Background

Peelfold Glen is located to the south-west of the intersection of Dampier Drive and Mandurah Road. The street has its main access from Dampier Drive and is orientated in a north-south direction. Lot 1090 (No.56) Peelfold Glen (the Site) is a battle-axe lot that is situated at the southern end of Peelfold Glen. It’s north-western boundary abuts the eastern side of the Golden Bay Estate, with the north-eastern, south-eastern and south-western boundaries of the site abutting other residential properties. The original (current) Building Envelope was created as part of the subdivision of the Peelhurst Estate, Golden Bay.

Details

The applicant proposes to modify the approved Building Envelope for the purposes of:

- Adding a new patio to wrap around the northern corner of the existing dwelling; and
- Building a new outbuilding (garage) to the north-east of the existing dwelling.

The size of the proposed Building Envelope, based on the 23 April 2019 revised plans, is proposed to be increased from 600m² to 620m², as shown below:

3. Existing/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), the application was referred to adjoining property owners and occupiers, as per the consultation plan below.

At the closing of advertising, no submissions were received.
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 Strategic Community Plan 2019-2029:

**Aspiration 3:** Plan for Future Generations

**Strategic Objective:** Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations

d. Policy
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 Scheme Text.</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>The land is grassed where it is proposed to locate the new patio and outbuilding. No trees will be removed for the purposes of varying the Building Envelope.</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 increased level of bushfire risk.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Planning and Engineering Services Committee Minutes
Monday 17 June 2019
PD-037/19

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>No unacceptable amenity impacts to neighbours.</td>
<td>No objection were received from adjoining owners to the Building Envelope modification and it 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 original Building Envelope will be increased from 600m² to 620m², which is an increase of 20m² or 3%, which complies with the maximum allowable increase of 10%.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building Envelopes are to be of a regular shape and comprise one single contiguous area.</td>
<td>The Building Envelope is generally of a regular shape and will 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 minor additions (open patio) to the existing dwelling and a detached outbuilding (double width garage) on the Site. A Bushfire Management Plan was submitted when the original Building Envelope was approved.

The proposed modification of the Building Envelope will not result in an increase in bushfire risk. The proposal is considered to be compliant with the requirements of SPP3.7.

e. Financial
Nil

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

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

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

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

Nil

Comments

The proposed Building Envelope modification is consistent with the intent TPS2 and PP3.3.17. The modification is to facilitate the construction of a future garage and patio.

The Building Envelope modification will not result in any environmental impact. The modification will allow all existing and proposed structures to be included within the Building Envelope. Further, the modification will not result in the removal of any trees and it will not increase the level of bushfire risk. Therefore, it is recommended that the proposed Building Envelope variation be approved.

Voting Requirements
Simple Majority
**Officer Recommendation**

That Council APPROVES the application to vary the Building Envelope at Lot 1090 (No.56) Peelfold Glen, Golden Bay, as shown below.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Summers:

That Council APPROVES the application to vary the Building Envelope at Lot 1090 (No.56) Peelfold Glen, Golden Bay, as shown below.
The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-038/19</th>
<th>Proposed Street Naming Theme - ‘Oasis Baldivis’</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/2046 and 21.2018.23.1</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Rowe Group Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Lot 5 - Starfield Corp Pty Ltd</td>
<td>Lot 6 - Ms J White and Messrs R &amp; J Cahill</td>
</tr>
<tr>
<td></td>
<td>Lot 7 - Mr and Mrs Wickliffe</td>
<td>Lot 8 - Mr B and Mrs D Morzenti</td>
</tr>
<tr>
<td></td>
<td>Lots 302 and 309 - Infield Holdings Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2019</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 5-8, 302 and 309 Kerosene Lane, Baldivis</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>15.34ha</td>
<td></td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development</td>
<td></td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Location Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Structure Plan - Lots 5-8 Kerosene Lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Structure Plan - Lots 302 and 309 Kerosene Lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Subdivision Plan - WAPC 153892, 153958, 153887 and 153891</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Subdivision Plan - WAPC 156409</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Purpose of Report**

To consider an application seeking approval for a street naming theme based on words which are related to, or synonyms of the word ‘Oasis’ to be applied to a residential subdivision located at Lots 5-8, 302 and 309 Kerosene Lane, Baldivis. The site is to be marketed as ‘Oasis Baldivis’.

**Background**

In July 2017, the Western Australian Planning Commission (WAPC) granted approval to the Structure Plan applying to Lots 5-8 Kerosene Lane, Baldivis. The approved Structure Plan includes the creation of 135 residential lots with an ‘R30’ density and 3 areas of Public Open Space, as per map 2 below.
In May 2018, the WAPC granted approval to the Kerosene Lane Structure Plan applying to Lots 302 and 309 Kerosene Lane, Baldivis. The approved Structure Plan includes the creation of 130 residential lots with densities of ‘R25’ and ‘R40’ and 2 areas of Public Open Space, as per map 3 below.

3. Structure Plan – Lots 302 and 309 Kerosene Lane

In August 2017, subdivision applications for Lots 5-8 were conditionally approved by the WAPC for 130 lots. (WAPC Refs 153892, 153958, 153887 and 153891)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

PRESIDING MEMBER

4. Subdivision Plans – WAPC 153892, 153958, 153887 and 153891
In July 2018, a subdivision application for Lots 302 and 309 Kerosene Lane was conditionally approved by the WAPC for 139 lots. (WAPC Ref 156409)

5. Subdivision Plan – WAPC 156409

Details

The proposed street naming theme for the Oasis Baldivis Estate is based on words related to, or synonyms of the word ‘Oasis’.

The subject site is surrounded by a large variety of land uses, in proximity to Lake Cooloongup, the regional centre of Rockingham and rural land uses. The locality provides for many opportunities for recreation and enjoyment of the natural environment.

The ‘Oasis Baldivis’ Estate provides for residential living surrounded by a high quality built and natural environment. As such, the rationale behind the choice of theme relates to the Estate acting as a ‘suburban oasis’.

Examples of the proposed street names are as follows:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enchanted</td>
<td>To delight to a high degree, to impart a magic quality or effect to</td>
</tr>
<tr>
<td>Blissful</td>
<td>Providing perfect happiness or great joy</td>
</tr>
<tr>
<td>Pristine</td>
<td>Pristine refers to something ‘in its original condition’, that is clean and fresh as if new</td>
</tr>
<tr>
<td>Habitat</td>
<td>Oases provide habitats for animals and plants, in otherwise dry deserts</td>
</tr>
<tr>
<td>Paradise</td>
<td>A place or condition of great happiness</td>
</tr>
</tbody>
</table>

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Consultation with the Geographic Names Team is required following the Council’s decision.

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:
Aspiration 3: Plan for Future Generations

Strategic Objective: Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy
Nil

e. Financial
Nil

f. Legal and Statutory

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

g. Risk

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

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

Nil

Comments

The City’s Planning Procedure No. 1.4 - Street Names and Their Themes (Planning Procedure No.1.4) provides guidelines and procedures for street naming themes and associated street names for subdivisions within the City. All applications for approval of street naming themes are assessed by the City for compliance with Planning Procedure No.1.4 and are referred to Council for determination.

The proposed theme based on ‘words related to, or synonyms of the word ‘Oasis’ complies with the City’s Planning Procedure No.1.4 and the Geographic Names Committee Principles, Procedures and Guidelines, as a thematic source of names which is relevant to the site marketed and to be known as ‘Oasis Baldivis’.

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

Next Steps

Street names that are consistent with the Council approved street naming theme and comply in all respects with Planning Procedure No.1.4, will be pre-approved by the City and referred to the Geographic Names Team for further assessment and final approval.

Voting Requirements

Simple Majority

Officer Recommendation

That Council SUPPORTS the proposed street naming theme based on ‘words related to, or synonyms of the word ‘Oasis’ for the residential subdivision located at Lots 5-8, 302 and 309 Kerosene Lane, Baldivis known as ‘Oasis Baldivis’.

Committee Recommendation

Moved Cr Sammels, seconded Cr Hamblin:

That Council SUPPORTS the proposed street naming theme based on ‘words related to, or synonyms of the word ‘Oasis’ for the residential subdivision located at Lots 5-8, 302 and 309 Kerosene Lane, Baldivis known as ‘Oasis Baldivis’.

Committee Voting – 5/0
### The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

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

Not Applicable
### Purpose of Report

To consider proceeding with a minor road closure for a portion of the Parkin Street Road Reserve to enable its amalgamation with Lot 22 Parkin Street, Rockingham following public advertising.
Background

In March 2019, Council resolved to advertise the proposed closure of a small portion of Road Reserve (100.7m²) on the corner of Parkin Street and Walker Avenue Rockingham.
Details

The applicant seeks Council’s support to close a portion of Parkin Street Road Reserve, Rockingham to facilitate its amalgamation with the adjoining Lot 22 Parkin Street, Rockingham. The area of land to be amalgamated measures 100.7m².

The location of the proposed road closure portion is depicted below:

![Proposed Road Closure Diagram]

Implications to Consider

a. Consultation with the Community

The proposal was advertised for 35 days in accordance with the Land Administration Act 1997, by a notice circulated in the South Telegraph newspaper. Advertising closed on 23 May 2019 and no public submissions were received. Neighbour consultation is not required for a road closure in terms of the Land Administration Act 1997.

b. Consultation with Government Agencies

The following authorities were consulted during the advertising period:

(i) Department of Planning, Lands and Heritage;
(ii) Main Roads WA;
(iii) Western Power;
(iv) Water Corporation;
(v) Department of Water and Environmental Regulation;
(vi) ATCO gas; and
(vii) Telstra.

Submissions were received from Main Roads WA (MRWA), Department of Water and Environment Regulation (DWER) and ATCO Gas Australia Pty Ltd Regulations.
1. Department of Water and Environmental Regulation (DWER)

Submission:
DWER has no objection to the proposed road closure.

City's Comment:
Noted.

2. Main Roads WA (MRWA)

Submission:
MRWA has no objection to the proposed road closure.

City's Comment:
Noted.

3. ATCO Gas Australia Pty Ltd (ATCO Gas)

Submission:
ATCO Gas has no objection to the proposed road closure.

City's Comment:
Noted.

c. Strategic

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

**Aspiration 3:** Plan for Future Generations

**Strategic Objective:** Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations

d. Policy

Nil

e. Financial

The City’s costs associated with advertising the proposal are required to be reimbursed by the applicant. The net financial cost associated with the proposed road closure to the City is therefore nil.

f. Legal and Statutory

The care, control and management of roads rests with the City of Rockingham. As the Local Government Authority over Parkin Street, the City is responsible for the management of the road closure.

The responsibility for determining applications for the closure of road reserves rests with the Minister for Planning, Lands and Heritage on advice from the Department of Planning, Lands and Heritage (State Land Services).

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**

Consultation with Government Agencies has confirmed that the proposed road closure will not adversely impact on existing or planned services. Further, no submissions were received following advertising of the proposal.

It is recommended that Council support the proposed road closure, in which case, the matter will be forwarded to the Department of Planning, Lands and Heritage (State Land Services) seeking approval from the Minister for Planning, Lands and Heritage.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council SUPPORTS the proposed closure of a portion of Parkin Street and Walker Avenue adjacent to Lot 22 (No.16) Parkin Street, Rockingham for the portion of land shown below.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Hamblin:

That Council SUPPORTS the proposed closure of a portion of Parkin Street and Walker Avenue adjacent to Lot 22 (No.16) Parkin Street, Rockingham for the portion of land shown below.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Purpose of Report

To consider a request to close a portion of Charles Street Road Reserve in East Rockingham, to enable its amalgamation with Lot 89 Patterson Road, East Rockingham.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

PRESIDING MEMBER
**Background**

The Kwinana Nickel Refinery (KNR) site has an area of 35.2872ha and is located on the southern boundary of the City of Kwinana and northern boundary of the City of Rockingham. KNR is owned and operated by BHP Billiton Nickel West Pty Ltd (BHP).

In July 1973, approximately 0.18ha of land along the southern boundary of Lot 89, along Charles Street was “transferred to the Crown” for road widening purposes on Diagram Plan No.9541(2). As a consequence, infrastructure cabling was installed in late 1960s and a fence erected around the KNR southern boundary within the area than now encroaches onto the Charles Street Road Reserve.

---

3. Diagram Plan
The City has received an application from the owner of Lot 89 Patterson Road, East Rockingham seeking to rectify the historical boundary, by closing and amalgamating this portion of Charles Street Road Reserve, East Rockingham. The City has not been able to ascertain the rationale behind the road widening boundary alignment, however, it is believed that Charles Street Road Reserve was intended (i.e. splayed), to allow for a potential future road bridge over the railway line.
The area of land to be amalgamated is approximately 0.18ha and is required to support the existing and future expansion of the KNR as part of the recently approved nickel sulphate development, in June 2018. The location of the proposed road closure section is depicted below.

**Implications to Consider**

a. **Consultation with the Community**

In order to comply with section 58 of the Land Administration Act 1997 (the Act), a resolution from Council is required to proceed with the closure of a portion of road reserve. Under the Act, the City is required to advertise the proposed road closure by way of a publication in a local newspaper seeking public comment for a period of 35 days.

b. **Consultation with Government Agencies**

The City has been liaising with the Department of Planning, Lands and Heritage and Landcorp, in relation to the road closure proposal. Further consultation will occur with the below-mentioned Government Agencies, following consent from Council to advertise the proposal:

(i) Department of Fire and Emergency Services;
(ii) Department of Planning, Lands and Heritage;
(iii) Department of Water and Environmental Regulations;
(iv) City of Kwinana;
(v) ATCO;
(vi) Landcorp;
(vii) Main Roads WA;
(viii) Telstra;
(ix) Water Corporation; and
c. **Strategic**

**Community Plan**

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

**Aspiration 3:** Plan for Future Generations

**Strategic Objective:** Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. **Policy**

Nil

e. **Financial**

Advertising costs will be borne by the proponent.

f. **Legal and Statutory**

The care, control and management of Charles Street rests with the City of Rockingham. As the Local Government Authority over Charles Street, the City is responsible for the management of the road closure.

The responsibility for determining applications for the closure of road reserves rest with the Minister for Planning, Lands and Heritage on advice from the Department of Planning, Lands and Heritage (State Land Services).

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 affected land is required to support the expansion of the KNR site. The applicant seeks to rectify this historical boundary by seeking the partial closure of the Charles Street Road Reserve with the intention to purchase the affected road for amalgamation into Lot 89.

It is recommended that the Council support the proposed road closure for the purposes of seeking public comment.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **Supports** the proposed closure of a portion of Charles Street, East Rockingham adjacent to Lot 89 Patterson Road, East Rockingham, subject to seeking public comment for the portion of land shown below.
Proposed Road Closure

Committee Recommendation

Moved Cr Sammels, seconded Cr Jones:

That Council SUPPORTS the proposed closure of a portion of Charles Street, East Rockingham adjacent to Lot 89 Patterson Road, East Rockingham, subject to seeking public comment for the portion of land shown below.
### 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>PD-041/19 Proposed Small Bar, Restaurant and Micro-Brewery</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2019.0000071.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Azacca Brewing Co.</td>
</tr>
<tr>
<td>Owner:</td>
<td>Amylodis Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Chris Parlane, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td></td>
</tr>
<tr>
<td>Lot Area:</td>
<td>Lot 166 (No.181) Cnr Safety Bay and McLarty Roads, Shoalwater</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>1,146m²</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Commercial</td>
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<td>Attachments:</td>
<td>Urban</td>
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<td>Maps/Diagrams:</td>
<td>Schedule of Submissions</td>
</tr>
<tr>
<td></td>
<td>1. Location Plan</td>
</tr>
<tr>
<td></td>
<td>2. Aerial Photo</td>
</tr>
<tr>
<td></td>
<td>3. Site Plan (As Advertised)</td>
</tr>
<tr>
<td></td>
<td>4. Safety Bay Road Elevation Plan</td>
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<td></td>
<td>5. McLarty Road Elevation Plan</td>
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<td>6. South Elevation Plan</td>
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<td></td>
<td>7. South-West Elevation Plan</td>
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<td></td>
<td>8. Site Plan and Front Elevation (As Amended)</td>
</tr>
<tr>
<td></td>
<td>9. Consultation Plan</td>
</tr>
<tr>
<td></td>
<td>10. Submission Location Plan</td>
</tr>
<tr>
<td></td>
<td>11. Submission Location Plan (Enlargement)</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo
Purpose of Report

To consider an application seeking Development Approval for a proposed Small Bar, Restaurant and Micro-Brewery on Lot 166 (No.181) Safety Bay Road, Shoalwater.

Background

Lot 166 Safety Bay Road (the 'subject land') was previously owned by BP and used as a Service Station for at least 20 years, culminating in its decommissioning in 1996. The land was rehabilitated, rendering the site suitable for development. Throughout this time, the land was zoned 'Service Station' in Town Planning Scheme No.1.

A Scheme Amendment was initiated in 1997, seeking to rezone the land to permit the establishment of a Marine Retail and Repair land use.

In 1998, Development Approval was granted for a Marine Retail, Maintenance and Repairs use, involving the maintenance and sale of boats.

The zoning of the land changed to 'Commercial (Additional Use 4: Marine Sales Maintenance and Repairs)' with the gazettal of Town Planning Scheme No.2 in 2004.

In 2009, Development Approval was granted for a Plant and Garden Supplies Shop.

In 2012, Development Approval was granted for a Shop, involving the retail sale of 'market' stall goods.

In 2015, Development Approval was granted for a Restaurant (Café), with a maximum customer capacity of 52 seats, comprising of indoor and al-fresco seating.

Since 2017 the site has been vacant.

Details

The proposal involves:

- A kitchen, bar and restaurant seating in the existing building;
- Building extensions to provide an alfresco dining area, staff and keg rooms, brewery and toilets;
- An external grassed picnic / children's play area;
- 14 on-site car parking bays;
- A maximum capacity of 60 patrons;
- Trading hours (as advertised):
  - Monday to Sunday, 10am to 10pm;
- Subsequent to public advertising the proposed trading hours were amended to:
  - Wednesday to Sunday, 10am to 10pm;
- Up to 8 staff;
- Brewing will take place 4 times per week;
- Food will be available at all times the premises is trading;
- A 1.2m high masonry wall is proposed along the boundaries of Safety Bay Road and McLarty Road, with provision for visually permeable infills above; and
- A 2.1m high masonry wall is proposed on the south-western boundary with the adjoining residential property at 35 McLarty Road.

The applicant has provided the following technical reports in support of the application:

- Acoustic report;
- Traffic Impact Assessment;
- Odour and Waste Management Plan; and

Subsequent to advertising, further information and amended plans were received, which responded to various issues raised by the City or in submissions.
Changes following advertising included:

- Shifting the driveway location on Safety Bay Road further to the south, providing maximum separation from the intersection with Scott Road. As a result, the customer car parking area has been re-configured.
- Amending the hours of operation, with trading time reduced in response to submissions as indicated above.

A separate application has been received for a Section 40 Certificate for a Small Bar liquor license, the granting of which is contingent on the Council approving this Development Application.

3. Site Plan (As Advertised)
4. Safety Bay Road Elevation Plan
5. McLarty Road Elevation Plan
6. South Elevation Plan

7. South-West Elevation Plan
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 referred to property owners and occupiers as indicated on the Consultation Plan below.
9. Consultation Plan

Submissions were received over a 28 day period from 9 April to 7 May, however, the submission period was extended until 23 May to allow submissions from property occupiers who had not received notification letters.

Two signs were erected on-site and notices were placed on the City’s website.

A total of 285 landowners and occupiers were consulted.

At the closing of advertising, a total of 144 submissions were received.

The following is a breakdown of the submissions:

- 21 submissions were received objecting to the proposal; and
- 123 submissions were received supporting or indicating no objection to the proposal.

The locations from where submissions were received are shown on the Submission Location Plan in Figure 10 below.

Thirteen (13) submissions in support either did not include a property address or are from locations beyond the extent of the plan in Figure 10 below.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

PRESIDING MEMBER
The submissions received supporting the proposal included the following comments:

- The proposal is a good use of under-utilised land;
- There is a perceived need for a facility like this;
- The proposal will create employment opportunities and benefit local tourism;
- The proposal will improve the visual amenity of the area.

The submissions received objecting to the proposal are summarised as follows:

**Traffic, Access and Parking**

Submission:
(i) Concerns that 14 on site car parking bays is inadequate for the proposed use, creating the potential for illegal parking to occur in the locality.

Proponent’s Response:
The parking schedule that applies to this development calls for 1 parking bay per 4 persons. There are an additional 47 lined and marked public parking bays within a 250m radius of the proposed development which can be utilised if our onsite parking is full. Between the onsite parking, public transport and Uber/taxis, as well as local residents choosing to walk or ride, we feel illegal parking on neighbouring streets would be quite unlikely.

City’s Comments:
Refer to the discussion on car parking below in the Legal and Statutory section of this report.

Submission:
(ii) Concerns the proposal will adversely impact on traffic safety, given the proximity of the subject land on the corner of McLarty and Safety Bay Roads.

Proponent’s Response:
An 18 page in-depth Traffic Impact Assessment has been prepared to address the concerns raised and concludes the following:

“It is expected that the vehicular traffic generated by the site will distribute across the road network in the vicinity. Furthermore, the total peak hour rate represents roughly 1 vehicle every 2 -3 minutes during peak hour. It was perceived that these rates are, in fact, negligible and are not anticipated to generate any significant adverse impacts on the local road network. Such vehicular trips can be conveniently accommodated at the nearby intersections without any adverse impacts.”

City’s Comments
The City, having assessed the Traffic Impact Assessment provided by the applicant, considers that traffic generated by the development is within the capacity of the road network to accommodate, and will not compromise the safety or functionality of the road network.

In reaching this conclusion it is noted that the proposed driveway locations are situated to comply with AS2890.1, which provide maximum sight distance and separation from the intersections of Safety Bay Road, McLarty Road and Scott Road, which is an improvement on the existing situation.

**Noise**

Submission:
(i) Concerns that noise from the patrons, traffic and music will adversely impact the residential amenity of the area.

Proponent’s Response:
This is an issue we are very mindful of and by implementing numerous measures there should no impact on the surrounding amenity. An acoustic report has been prepared and this report states we can achieve full compliance with Noise Regulations with the proposed development.
Noise (cont…)

As per our code of conduct we will implement the following procedures to further reduce noise impacts: All external speakers will be installed facing inward towards the building, with the volume kept at a conversational level at all times. No sub woofers will be installed. Only management will have access to volume control. All external doors will be closed at 10pm. All people lingering in the car park or out the front after closing will politely be asked to move on. Signs will also be placed around the venue reminding our patrons leave quietly as to respect the neighbours.

City's Comments:
The City has assessed the Acoustic Report provided by the applicant, and considers the recommended mitigation measures will ensure that noise generated from this proposal will comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (the Regulations), which set limits on noise levels during the daytime, weekends and evenings able to be received at surrounding noise sensitive (residential) premises.

To achieve compliance, a 1.8m high masonry fence is to be erected on the southern site boundary adjoining No.183 Safety Bay Road, in lieu of the lower existing boundary wall. Additional recommended mitigation measures include:

- Erecting a 2.1m solid fencing along part of the south-west residential boundary;
- Erecting a 1.2m solid fence along the McLarty Road and Safety Bay Road boundaries of the site.

The required boundary fencing is shown on the plan below, which is taken from the applicant's Acoustic Report.

To effectively manage noise generated from this proposal, a Noise Management Plan is recommended to be imposed as a condition if approval is granted.

Hours of Operation

Submission:
(i) Concerns the proposed operating hours are excessive: 10am to 10pm seven days a week, providing no respite to residents from associated traffic and noise.
### Hours of Operation (cont…)

**Proponent’s Response:**
We were advised that it is easier to apply for maximum operational hours initially because it can be difficult to extended trading hours once open. We had no plans to permanently open on Monday or Tuesday and were hoping for the flexibility to open for one off special events. We agree that the hours would provide little respite to residents, so the trading hours will be 10 am till 10pm Wednesday - Sunday.

**City’s Comments:**
The applicant has reduced the proposed trading hours to Wednesdays - Sundays, 10am to 10pm. The applicant will be required to comply with the proposed trading hours, which will be imposed a condition, if approval is granted.

As mentioned earlier, it has been demonstrated in the Acoustic Report submitted with the application that noise from the proposed use will comply with the relevant noise Regulations. Given the above, the City considers the applicant’s amended operating hours reasonable, and noise generated capable of being controlled to maintain residential amenity for surrounding properties.

### Other Issues

**Submission:**
(i) Brewing equipment has been installed prior to obtaining approval.

**Proponent’s Response:**
The brewery equipment has not been installed, it is merely being stored on site with owners permission.

**City’s Comments:**
Noted.

(ii) Concerns the brewing process will cause unpleasant odours.

**Proponent’s Response:**
The aroma emitted occurs during the boiling process which is for about 1 hour per batch of beer. We plan on brewing 2 to 3 times per week. We understand that the aroma emitted might not be to everyone’s liking so we have chosen to install a condenser which collects the steam/vapour created during the boiling process and turns in back into a liquid which simply runs down the drain. This process essentially eliminates any odour from the brewing process leaving the building.

**City’s Comments:**
The application states that the most effective way to manage odour from the brewery is to install a condenser on the kettle of the brewer to trap vapour and turn it back into water, which is then discharged to sewer.

The City has assessed the Odour Management Plan submitted with the application, and is satisfied the measures proposed to mitigate odour will ensure that the proposed micro-brewery will not adversely affect neighbours.

(iii) Concerns that waste storage will increase the rodent problem.

**Proponent’s Response**
The bin enclosure will be kept clean and tidy at all times so as not to attract vermin.

An environmental pest control company will be contracted upon opening and 3 monthly inspections will occur to detect any pest/rodent activity. Bin collections will occur at least once a week.

**City’s Comments:**
The City has assessed the Waste Management Plan submitted with the application and is satisfied that the measures proposed will ensure that waste generated by the proposal can be effectively managed so as not to generate a rodent problem or adversely affect neighbours.

(iv) Discrepancies in the information provided in the development application, traffic and noise reports regarding patron numbers, opening hours and general facts.
### Other Issues (cont…)

**Proponent's Response:**
We acknowledge there are a few discrepancies within our various reports as they were carried out by different consultants at different stages of the planning process. Through a combination of council feedback and finalising of the plan we can confirm the capacity will be 60 people, opening hours will be 10 am till 10pm Wednesday - Sunday.

**City's Comments:**
The discrepancies contained in the Traffic and Acoustic reports do not undermine the reported conclusions. A condition is recommended, if approval is granted, to require the submission of a revised Waste Management Plan and Noise Management Plan which will align with the facts of the matter.

#### (v) Potential adverse impacts on the amenity and privacy of adjoining land.

**Proponent's Response:**
We are very mindful that we are located in a residential area and our business plan has been developed around this fact. We have a Code of Conduct, House Management Plan, Traffic Impact Assessment, Acoustic Report, Waste Management plan and Odour management plan prepared to minimise any adverse effects on the area.

We have designed our building with our neighbours in mind. All boundary walls will be installed at a height to ensure the neighbours will not have any invasion of privacy visually. Boundary walls and the orientation of building structures have been designed to direct patron noise away from neighbouring houses and with these measures in place the Acoustic Report we carried out showed that any noise created on the premise was within the allowable range as outlined in the Noise Regulations (1997).

**City's Comments:**
As discussed above, the Acoustic Report confirms the proposal complies with the Environmental Protection (Noise) Regulations 1997, which ensures that noise from the proposed use will not adversely affect surrounding residential amenity. Proposed boundary fencing will effectively mitigate any potential adverse impact on the privacy of surrounding residential land.

#### Anti-social behaviour

**Submission:**
(i) Concerns regarding the potential for anti-social behaviour of intoxicated patrons, and the impact this will have on residents, particularly after leaving the premises.

**Proponent's Response:**
All staff are required by law to hold a Responsible Service of Alcohol certificate which ensures that appropriate steps are taken to prevent patrons becoming intoxicated. A qualified Manager will always be on site who is trained in how to deal with anti-social behaviour on the rare chance it does occur within our venue. However, as a boutique venue with a small capacity we believe we will attract a respectful crowd.

**City’s Comments:**
A Harm Minimisation Plan has been prepared which includes procedures that will be followed in the event that patrons are intoxicated and causing disorderly behaviour. Should the application be approved, the applicant is required to comply with the Harm Minimisation Plan at all times, for the duration of the development.

#### Property Values

**Submission:**
(i) The proposal will adversely impact surrounding property values.

**Proponent's Response:**
This concern is open to interpretation and personal opinion. The more amenities and services in an area generally enhances the desirability to live in that area.
b. Consultation with Government Agencies
Nil

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

**Aspiration 3:** Plan for Future Generations

**Strategic Objective:** Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.

d. Policy
Planning Policy 3.3.19 Licensed Premises

The purpose of PP3.3.19 is to provide guidance for the assessment of determination of Liquor Licence applications within the City. PP3.3.19 aims to protect the safety and amenity of existing and future residents and businesses against alcohol related problems such as property damage, anti-social behaviour, violence and to promote the responsible sale and consumption of alcohol.

The following is an assessment of the proposed development against the assessment criteria of PP3.3.19:

<table>
<thead>
<tr>
<th>Policy Requirement</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td></td>
<td></td>
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<tr>
<td>Applications will not generally be supported if the proposal is likely to have a significant potential impact on the amenity of the area, or affected neighbouring properties</td>
<td>The information provided demonstrates that noise generated by the proposed use will comply with relevant Regulations, and as such will not adversely impact on residential amenity. The proposed boundary fencing will maintain the privacy for adjoining properties, and protect the surrounding residential properties from headlight glare of vehicles using the car park at night.</td>
<td>Yes</td>
</tr>
<tr>
<td>Undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur.</td>
<td>The proposed development is not in close proximity to a place of worship, hospital, or school, noting the Safety Bay Primary School is located 325m to the east. The Kip McGrath education centre is situated across the road from the subject land, however, no objection was received from this property.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirement</td>
<td>Provided</td>
<td>Compliance</td>
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<tr>
<td><strong>Location (cont...)</strong></td>
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<tr>
<td>The amenity, quiet and good order of the locality in which the premises or proposed premises are, or are to be situated would in some other manner be lessened.</td>
<td>The City considers the amenity, quiet or good order of the locality is likely to be maintained based on the assessment included in this report, and management measures being undertaken by the applicant.</td>
<td>Yes</td>
</tr>
<tr>
<td>Licenced premises should generally have an active street front.</td>
<td>The subject tenancy is set back from the street boundary, however, achieves frontage activation by virtue of the al-fresco dining area oriented to address Safety Bay Road.</td>
<td>Yes</td>
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<tr>
<td><strong>Number of Patrons</strong></td>
<td></td>
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<tr>
<td>Premises are restricted to the maximum patron numbers under the Health (Public Building) Regulations 1992, and those numbers are to be complied with at all times.</td>
<td>The development approval, if granted, will include a condition limiting patron numbers to 60 persons.</td>
<td>Noted</td>
</tr>
<tr>
<td><strong>Past History</strong></td>
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<tr>
<td>The City will generally review the history of complaints regarding an existing licensed premises when considering an Application for Planning Approval for a &quot;Change of Use&quot; or an Extended Trading Permit. In this regard, the City is interested in past complaints regarding noise, vandalism, anti-social behaviour or traffic/ parking issues. The City may request the applicant to supply full and complete details of any complaints regarding an existing licensed premises including details of any complaints or prosecutions commenced by the Police, the Liquor Licensing Authority, the Health Department or FESA.</td>
<td>There is no previous history associated with the proposed development.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirement</td>
<td>Provided</td>
<td>Compliance</td>
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<tr>
<td><strong>Noise</strong></td>
<td>An Acoustic Report has been submitted in support of the application, which has been reviewed by the City and considered acceptable. Should the application be approved, the requirement to comply with the recommendations in a Noise Management Plan will be applied as a condition of approval.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Harm Minimisation</strong></td>
<td>A Harm Minimisation Plan has been prepared by the applicant. The proposed Small Bar serves food in a restaurant setting and includes a children's play area. The clientele and atmosphere will therefore be different to that of a standard Tavern.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Consultation</strong></td>
<td>The proposal was advertised in accordance with clause 64 of the deemed provisions of TPS2 and Planning Procedure No. 1.3 Community Consultation. This is discussed further in the Community Consultation section of this report.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The proposed development complies with the objectives and requirements of PP3.3.19.

e. **Financial**

Nil
f. Legal and Statutory

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject land is zoned "Commercial (Additional Use 4: Marine Sales, Maintenance and Repairs)" in TPS2.

The Zoning Table provides for both "Small Bar" and "Restaurant" land uses, that are "D" uses in the Commercial zone. That is, they are uses not permitted, unless the Council has exercised its discretion by granting Development Approval.

A Small Bar is defined in TPS2 to mean:

"Small Bar means premises licensed as a small bar under the Liquor Control Act 1988 and used to sell liquor for consumption on the premises, but not including the sale of packaged liquor; and with the number of persons who may be present on the licensed premises limited to a maximum of 120".

Restaurant is defined to mean:

"Means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licenced under the Liquor Control Act".

Clause 3.2.3 of TPS2 states "where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from any other use class which by its more general terms might otherwise include such a particular use".

The proposal can be characterised as both a Small Bar and a Restaurant as it has consistency with both land use definitions. On balance, however, as the floor plan layout indicates an emphasis on seated dining, compared to freestanding bar space, the proposal is interpreted as a Restaurant.

Clause 4.6.3 - Parking

Pursuant to Clause 4.6.3, car parking is to be provided for the development in accordance with Table 2 of TPS2.

It is noted there is no rate specified in Table 2 for a 'Small Bar' land use. Furthermore, the rate for a 'Tavern' land use is not considered appropriate in this instance, due to the nature and small scale of this proposal. As such, the rate for a 'Restaurant' land use has been applied in assessing this application.

The parking rate for a Restaurant requires 1 bay per 4 persons the building is designed to accommodate. Based on maximum proposed patronage of 60 people, the applicant is required to provide 15 on site car bays.

The application proposes 14 on site car parking bays, and seeks Council discretion for a 1 car bay shortfall, on the basis that:

- Not all customers will drive to the site. The site is accessible via public transport and by walking or cycling for those that live in the locality;
- It is unlikely the premises will operate at capacity at all times;
- At least 35 on street car parking bays exist in close proximity to the site (on Safety Bay Road south of the subject land between Scott Road and Radford Place), which can absorb parking not able to be accommodated on site.

It is considered there is sufficient available car parking supply in reasonable proximity to the site to warrant the grant of discretion in this instance.

While some submissions raised concerns about illegal verge parking, this would become a compliance matter, with the potential for offending drivers to receive infringement notices.

The design of the car park is worthy of comment, as there is insufficient space for service vehicles to manoeuvre on the property to leave the site in a forward gear while the car bays are occupied. To address this, it is the proponent's intention to arrange for the collection of waste via a private waste contractor coordinated to occur in the mornings, outside of business trading hours using vehicles no larger than 6.4m long.
The car parks have been designed to accommodate the swept path of a 6.4m long SRV utilising unoccupied car parking bays. The collection of waste can be managed by imposing a Waste Management Plan condition, in the event approval is granted.

**Clause 4.6.4 - Setbacks**

The Scheme requires buildings to be set back from the boundary with residential zoned land in accordance with the R Codes.

The proposed extension to the rear of the building is set back from the adjoining property at 183 Safety Bay Road by 1.2m, which complies with the R Codes.

Approximately 8.5m of the proposed building extension is proposed to be erected on the common boundary with the residential property at 35 McLarty Road. To this extent, the boundary wall will present in a manner similar to a garage parapet wall that can be erected on the boundary as of right. Given the above, this aspect of the proposal is supported.

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 is for a change of use of an existing site and does not involve the full redevelopment of the site.

The proposal is generally compliant with TPS2, with the exception of a 1 car bay car parking shortfall, and building setback from an adjoining residential boundary. For the reasons outlined in this report, the discretion required from Council is capable of being granted.

For the reasons stated, the proposal is considered unlikely to adversely impact the amenity of the area, including adjoining properties.

The concerns of submitters can be adequately addressed through conditions of Development Approval. It is recommended the application be conditionally approved.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council APPROVES the application for a Restaurant, Small Bar and Micro-brewery on Lot 166 (No.181) Safety Bay Road, Shoalwater, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans and drawings as listed below:
   - Development Plan, dated March 2019, Drawing No.7, Rev C;
   
   save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

2. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
   (i) The location of bin storage areas and bin collection areas for the different waste streams;
   (ii) The number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
(v) Timing and frequency of bin collections.
All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

3. Prior to applying for a Building Permit, a Landscaping Plan must be prepared to the satisfaction of the City of Rockingham and include the following detail:
(i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
(ii) Any lawns to be established and areas to be mulched;
(iii) Any natural landscape areas to be retained;
(iv) Those areas to be reticulated or irrigated; and
(v) Proposed upgrading to landscaping, paving and reticulation of the street setback area and verge areas.

The landscaping, paving 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.

4. 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.

5. A Noise Management Plan shall be prepared for approval by the City of Rockingham prior to the use establishing which shall be observed and performed in accordance with the tenor of its provisions, included the recommendations contained in the Acoustic Engineering Solutions report dated 26 February 2019, and shall be complied with at all times, for the duration of the development.

6. A 1.8m high masonry wall shall be constructed along the full length of the southern boundary with 183 Safety Bay Road, prior to occupation.

7. The Small Bar, Restaurant, Micro-Brewery shall only trade between the hours of:
   • Wednesdays to Sundays, 10am to 10pm.

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

9. Prior to the occupation of the development, the existing redundant crossovers on McLarty Road and Safety Bay Road must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City of Rockingham.

10. The carpark must:
    (i) provide a minimum of 14 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 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.

11. Bicycle parking spaces/racks allowing for the storage of a minimum of 3 bicycles, including 1 short term spaces and 2 long term spaces, to be installed prior to occupation of the tenancy.
12. All works must be carried out in accordance with the approved Noise Management Plan, Odour Management Plan, Waste Management Plan and Harm Minimisation Plan, for the duration of the development.

13. The applicant must protect the City’s existing streetscape assets, including footpaths, kerbs, drainage channels and street trees. Any damage that occurs to infrastructure other than for the purpose of the development shall be rectified by the applicant to the satisfaction of the City, at the applicant’s cost.

14. The maximum number of patrons authorised by this approval shall not exceed 60 persons.

15. Walls or fences shall be truncated or reduced to no higher than 0.75m within 1.5m of where the proposed driveways meet Safety Bay Road and McLarty Road.

**Committee Recommendation**

Moved Cr Hamblin, seconded Cr Jones:
That Council **APPROVES** the application for a Restaurant, Small Bar and Micro-brewery on Lot 166 (No.181) Safety Bay Road, Shoalwater, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans and drawings as listed below:
   - Development Plan, dated March 2019, Drawing No.7, Rev C;
   save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

2. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
   (i) The location of bin storage areas and bin collection areas for the different waste streams;
   (ii) The number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (v) Timing and frequency of bin collections.
   All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

3. Prior to applying for a Building Permit, a Landscaping Plan must be prepared to the satisfaction of the City of Rockingham and include the following detail:
   (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
   (ii) Any lawns to be established and areas to be mulched;
   (iii) Any natural landscape areas to be retained;
   (iv) Those areas to be reticulated or irrigated; and
   (v) Proposed upgrading to landscaping, paving and reticulation of the street setback area and verge areas.
   The landscaping, paving 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.

4. 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.

5. A Noise Management Plan shall be prepared for approval by the City of Rockingham prior to the use establishing which shall be observed and performed in accordance with the tenor of its provisions, included the recommendations contained in the Acoustic Engineering Solutions report dated 26 February 2019, and shall be complied with at all times, for the duration of the development.
6. A 1.8m high masonry wall shall be constructed along the full length of the southern boundary with 183 Safety Bay Road, prior to occupation.

7. The Small Bar, Restaurant, Micro-Brewery shall only trade between the hours of:
   • Wednesdays to Sundays, 10am to 10pm.

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

9. Prior to the occupation of the development, the existing redundant crossovers on McLarty Road and Safety Bay Road must be removed and the verge, footpath, kerbing and landscaping must be reinstated to the satisfaction of the City of Rockingham.

10. The carpark must:
   (i) provide a minimum of 14 car parking spaces;
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   (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.

11. Bicycle parking spaces/racks allowing for the storage of a minimum of 3 bicycles, including 1 short term spaces and 2 long term spaces, to be installed prior to occupation of the tenancy.

12. All works must be carried out in accordance with the approved Noise Management Plan, Odour Management Plan, Waste Management Plan and Harm Minimisation Plan, for the duration of the development.

13. The applicant must protect the City's existing streetscape assets, including footpaths, kerbs, drainage channels and street trees. Any damage that occurs to infrastructure other than for the purpose of the development shall be rectified by the applicant to the satisfaction of the City, at the applicant's cost.

14. The maximum number of patrons authorised by this approval shall not exceed 60 persons.

15. Walls or fences shall be truncated or reduced to no higher than 0.75m within 1.5m of where the proposed driveways meet Safety Bay Road and McLarty Road.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

4:34pm - The Presiding Member called a member of the public gallery to order for interjecting. The Presiding Member called several members of the public gallery to order and advised that if their interjection continued he would adjourn the meeting.

4:36pm - Cr Stewart departed the Planning and Engineering Services Committee meeting.
To consider initiating an amendment to Town Planning Scheme No.2 (TPS2) to rezone two portions of Lots 9500 and 9501 Mandurah Road, Baldivis from 'Rural' to 'Special Residential'.
Background

The subject land is zoned ‘Rural’ under Town Planning Scheme No.2 (TPS2). The land adjoins Baldivis Grove Estate, currently under construction, to the east and a ‘Rural’ property to the west. It also adjoins existing ‘Special Residential’ properties to the north, within Woodleigh Grove Estate. The Mandurah Road ridgeline is located to the immediate west.

3. Town Planning Scheme No.2 (Existing Zoning Plan)

4. Approved Baldivis Grove Structure Plan
Details

The applicant seeks approval to rezone two portions of land within Lots 9500 and 9501 Mandurah Road, from ‘Rural’ to ‘Special Residential’.

A Subdivision Guide Plan (SGP) has been provided in support of the Scheme Amendment identifying four (4) lots to the north and one (1) larger lot to the south. The proposed northern lot sizes range from 2,006m² to 2,024m² and includes Building Envelopes with a size range of 575m² to 747m². The proposed larger southern lot has a size of 8,734m² and a building envelope of 1,170m².

A summary of the applicant's justification for the Scheme Amendment is as follows:

1. The proposal is in accordance with the relevant State Planning and Development Control Policies of the Western Australian Planning Commission (WAPC);
2. The subject portions of land are contained within Planning Unit No.4A of the City’s Planning Policy No.3.1.1 - Rural Land Strategy (PP3.1.1), which supports ‘Special Residential’ zoning;
3. The rezoning will provide for the efficient use of currently underutilised and inappropriate zoned lands;
4. The rezoning on Lot 9501 will provide a transitional interface between the existing rural lifestyle land to the north and the more traditional property types within the future Baldivis Grove Estate; and
5. The rezoning will afford the subject site statutory protection with respect to tree and landform protection.

The following documents were provided in support of the Scheme Amendment:

(i) Planning Report;
(ii) Subdivision Guide Plan;
(iii) Bushfire Management Plan; and
(iv) Environmental Assessment Report (Tree Retention).
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)** for a minimum period of 42 days from the date of publication, with an advertisement being placed in a newspaper circulating the area.

b. Consultation with Government Agencies

Consultation with relevant Government Agencies will occur if the Scheme Amendment is initiated by the Council, in accordance with the **Planning and Development (Local Planning Schemes) Regulations (2015)**.

c. Strategic Community Plan

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

**Aspiration 3:** Plan for Future Generations

**Strategic Objective:** Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations

d. Policy

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

SPP3.7 requires a Bushfire Hazard Level Assessment and a Bushfire Management Plan (BMP) addressing the bushfire protection criteria to be submitted in the consideration of amendments to local planning schemes. The Guidelines for Planning in Bushfire Prone Areas (The Guidelines) require the applicant to demonstrate, by way of a Bushfire Hazard Level Assessment, that the land proposed to be rezoned has, or can be made to have, a low to moderate bushfire hazard level (i.e. BAL-Low to BAL-29).

All proposed building envelopes will have a BAL-29 or less (Maps 7 & 8). All northern lots will have overlapping Asset Protection Zones (APZs) and will be required to be implemented by each future landowner in perpetuity. The southern lot is proposed to be a complete APZ. The BMP demonstrates that the proposed layout complies with the Guidelines.

Minimal vegetation (only 3 trees on the northern subject lot) is required to be removed or modified to reduce the bushfire threat. The applicant has stated that no clearing of trees will be required on the southern lot. It is considered that a better balance between tree protection and bushfire threat can be achieved through a BAL 29 APZ, which will reduce the potential for further tree removal. This matter can be resolved prior to scheme amendment advertisement.

Overall the proposal is considered to be compliant with the objectives of SPP3.7, as it demonstrates an acceptable level of bushfire risk and tree removal, for both portions of subject land. This will be subject to further information being required from the applicant regarding bushfire management and tree retention for the southern lot by imposing a BAL 29 APZ.

**Perth and Peel@3.5 Million and South Metropolitan Peel Sub-Regional Planning Framework (Framework)**

In March 2018, the Western Australian Planning Commission (WAPC) adopted the South Metropolitan Peel Sub-Regional Planning Framework (the Framework), forming part of the Perth and Peel@3.5million suite of land use planning and infrastructure frameworks, to guide the future growth of Perth and Peel regions as a compact, consolidated and connected city that can accommodate a population of 3.5 million by 2050.

In August 2018, Council resolved not to support applications to rezone land to ‘Special Rural’ and ‘Special Residential’ which fail to comply with the Framework (1-4ha), until the review of PP3.1.1 (Rural Land Strategy) has been finalised.
Council also resolved that it will consider applications to rezone land to ‘Special Rural’ and ‘Special Residential’ provided they comply with the current PP3.1.1 and the Framework. The Officer’s report on the Framework did recognise that this Scheme Amendment was one of the applications that had yet to be determined.

The Framework identifies the land as ‘Rural Residential’ in Figure 6. ‘Rural Residential’ is identified as generally supporting lot sizes with a range of one to four hectares. The Framework recognises some exceptions for ‘rounding-off of existing areas’, which in the City’s view provides a basis for the Scheme Amendment to be considered, recognising the unique circumstances of the site, as explained in the Rural Land Strategy section.

6. South Metropolitan Peel Sub-Regional Planning Framework Plan (Extract)

Development Control Policy 2.5 - Special Residential Zones (DC2.5)

The Western Australian Planning Commission’s (WAPC) DC2.5 sets out requirements for Special Residential Zones in terms of location, internal design, servicing and statutory provisions. DC2.5 provides for the creation of lots between 2000m² and 1ha in Special Residential zones. The proposed subdivision is compliant with DC2.5.

Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1)

The City's PP3.1.1 provides the basis for land use planning in the rural area of the City. It provides the Council with a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land. The subject site is located within Planning Unit No.4(A) of PP3.1.1.

The primary objective of Planning Unit No.4(A) is to encourage Special Rural/Special Residential development which recognises and enhances the landscape and natural resource attributes of the land and provides a rural context to proposed urban development to the east.

PP3.1.1 recommends lot sizes for Planning Unit No.4(A) of 5,000m² to the east of the ridgeline. The proposed northern lot sizes of between 2,006m² to 2,024m² do not comply with this requirement, however, it is considered that the northern portion of land has some unique circumstances to warrant support, given the following:

- The land will provide an appropriate transition from larger ‘Special Residential’ lots in Woodleigh Grove to the north and the ‘Residential R30’ lots identified in the Baldivis Grove Estate structure plan.
- It is similar to the ‘Residential R5’ interface in Baldivis Grove Estate to the east where it adjoins Woodleigh Grove Estate and provides a transition to medium density residential development.

- The Applicant has demonstrated that there will not be a significant environmental impact for the northern proposal with smaller lot sizes and overlapping Asset Protection Zones. Accordingly there is no need to defer the application for rezoning pending the outcomes of the review of PP3.1.1 as the Frameworks recognise this type of exception.
7. Draft Subdivision Guide Plan (Northern Site)
8. Draft Subdivision Guide Plan (Southern Site)
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019

The applicant has prepared a SGP, BMP and Environmental Assessment Report (Tree Retention Plan) to support initiation of the Scheme Amendment.

In August 2018, Council resolved that it will consider applications to rezone land to ‘Special Rural’ and ‘Special Residential’ provided they comply with the current PP3.1.1 (Rural Land Strategy) and the WAPC’s South Metropolitan Peel Sub-Regional Planning Framework (SMPSRPF). The SMPSRPF recognises some exceptions for ‘rounding-off of existing areas’.

PP3.1.1 (Rural Land Strategy) and TPS 2 provides that lots sizes on the eastern side of the Mandurah ridge line, in Precinct 4A, should be a minimum of 5,000m². The proposed Subdivision Guide Plan identifies the northern portion of the land with lot sizes of between 2,006m² to 2,024m².

The City considers that there is sufficient planning grounds to warrant varying lot sizes for the northern portion of the site, to provide a suitable transition of lots sizes between Woodleigh Grove to the north and the Baldivis Grove Estate to the south.

The proposal complies with SPP3.7 as it has been sufficiently demonstrated that bushfire risk can be managed to a moderate bushfire hazard level and an acceptable level of clearing of mature trees will occur on the subject lands, with the exception of the southern lot. It is considered that a better balance between tree protection and bushfire threat can be achieved by limiting the size of the Asset Protection Zone further. This matter can be resolved prior to scheme amendment advertisement.
As such, it is recommended that Amendment No.170 be supported.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **ADOPTS** (initiate) Amendment No.170 to Town Planning Scheme No.2 as follows:
   
   (i) Partially rezone portions of Lots 9500 and 9501 Mandurah Road, Baldivis from 'Rural' to 'Special Residential';
   
   (ii) Partially amend the Scheme Map to contain portions of Lots 9500 and 9501 Mandurah Road, Baldivis, within the ‘Special Residential Zone’ and reference these on the Scheme Map as 'Special Residential';
   
   (iii) Modify the location table in ‘Schedule No.5 - Special Residential Zones’ Portions of Planning Unit No.4 of the Rural Land Strategy to include Portions of Lots 9500 and 9501 Mandurah Road, Baldivis, as follows:

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Description of Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4(v)</td>
<td>Portions of Lots 9500 and 9501 Mandurah Road, Baldivis.</td>
</tr>
</tbody>
</table>

   (iv) Amend Plan No.6 - Special Residential Zones (North) to include Portions of Lots 9500 and 9501 Mandurah Road, Baldivis, with bold outline and designate it as ‘4(v)’.

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

3. **REQUESTS** the applicant to provide an amended Subdivision Guide Plan and Building Envelope for the southern lot, demonstrating a reduced Asset Protection Zone (APZ) to BAL 29 to ensure improved tree retention, prior to the Scheme Amendment being advertised.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Sammels:

That Council:

1. **ADOPTS** (initiate) Amendment No.170 to Town Planning Scheme No.2 as follows:
   
   (i) Partially rezone portions of Lots 9500 and 9501 Mandurah Road, Baldivis from 'Rural' to 'Special Residential';
   
   (ii) Partially amend the Scheme Map to contain portions of Lots 9500 and 9501 Mandurah Road, Baldivis, within the ‘Special Residential Zone’ and reference these on the Scheme Map as 'Special Residential';
   
   (iii) Modify the location table in ‘Schedule No.5 - Special Residential Zones’ Portions of Planning Unit No.4 of the Rural Land Strategy to include Portions of Lots 9500 and 9501 Mandurah Road, Baldivis, as follows:

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</table>

   (iv) Amend Plan No.6 - Special Residential Zones (North) to include Portions of Lots 9500 and 9501 Mandurah Road, Baldivis, with bold outline and designate it as ‘4(v)’.

2. **CONSIDERS** the proposed Scheme Amendment as a ‘Standard Amendment’ in accordance with Regulation 34(a) of the Planning and Development (Local Planning Schemes) Regulations 2015; and
3. **REQUESTS** the applicant to provide an amended Subdivision Guide Plan and Building Envelope for the northern lots being increased to a minimum lot size of 4,000m², and the applicant demonstrating a reduced Asset Protection Zone (APZ) to BAL29 for the southern lot, to ensure improved tree retention, prior to the Scheme Amendment being advertised.

Committee Voting – 3/2

(Crs Elliott and Hamblin voted against)

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

The reduction of the lot sizes to approximately 2,000m² would create an undesirable precedent and would result in a higher density of lots on the southern boundary of the Woodleigh Grove Estate than would otherwise be expected.

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

Not Applicable
## Joint Development Assessment Panel

**Application - Proposed Service Station**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PD-043/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>DD020.2019.00000059.001</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Planning Solutions Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Dawnmark Holdings Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr David Banovic, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Greg Delahunty, Senior Projects Officer</td>
</tr>
</tbody>
</table>

**Date of Committee Meeting:** 17 June 2019

**Previously before Council:**

**Disclosure of Interest:**

**Nature of Council's Role in this Matter:** Tribunal

**Site:** Lot 36 (No.137) Dixon Road, East Rockingham

**Lot Area:** 5,832m²

**LA Zoning:** Light Industry

**MRS Zoning:** Industrial

**Attachments:**
1. Responsible Authority Report
2. Schedule of Submissions

**Maps/Diagrams:**
1. Location Plan
2. Aerial Photograph
3. Town Planning Scheme No.2 zoning map
4. Metropolitan Region Scheme zoning map
5. Section of Deposited Plan depicting road widening requirements
6. Perspectives
7. Site Plan
8. Dixon Road and Evinrude Bend Elevations
9. Consultation Plan
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (MSWJDAP) on a DAP application for a proposed Service Station at Lot 36 (No. 137) Dixon Road, East Rockingham.

Background

The subject site is located at the corner of Dixon Road, Evinrude Bend and Whittle Road, with Dixon Road to the south, Evinrude Bend to the east and Whittle Road to the north. The subject site has an area of 5,832m² and is contained within the East Rockingham Industrial Area.

An access easement exists along the southern portion of the subject site, continuing through adjoining properties to the west and allowing uninterrupted vehicle movement access lots between Evinrude Bend and McCamey Avenue. The access easement is adjacent to Dixon Road reservation, with both roads affected by Other Regional Road (ORR) reservation under the Metropolitan Region Scheme (MRS). The subject site is generally flat and vacant.

1. Location Plan
2. Aerial Photograph

3. Town Planning Scheme No.2 zoning map
4. Metropolitan Region Scheme zoning map

5. Section of Deposited Plan depicting road widening requirements

Previous Development Approvals
In September 2015, the City approved a Showroom, Veterinary Clinic, Warehouse and Service Industry development on the subject site. This Development Approval has since lapsed.
There are no other Development Approvals associated with the subject site.

Details
A DAP application to construct and operate a Service Station was lodged with the City on 12 March 2019. The proposal involves the development of a ‘BP’ Service Station, retailing fuel and convenience items, and an incidental car service facility. The fuel retailing facility provides for the refuelling of light and heavy vehicles, with two separate fuel canopies.
Specifically, the proposed development comprises:

- A fuel retailing building of 225m² gross floor area (GFA) operated by BP;
- A car service building of 400m² GFA operated by a separate tenant, who is yet to be confirmed;
- Service yard, bin storage area and rainwater tank contained within a 2.2m high enclosure;
- A delivery and loading area associated with the service yard and bin storage area;
- A light vehicle fuel canopy, comprising a height of 5.9m, which provides cover for four bowsers and a heavy vehicle fuel canopy, comprising a height of 6.4m, which provides cover for one bowser;
- A 17.9m long parapet wall adjacent to the heavy vehicle canopy, comprising a height of 6.8m;
- Two underground fuel storage tanks and an associated filling point to accommodate fuel tankers;
- A total of 35 new car parking spaces and removal of existing 14 car parking spaces adjacent to the Dixon Road reserve -
  - 13 proposed retail building shopfront car parking spaces;
  - 14 proposed car parking spaces opposite the car service component of the service station;
  - 8 proposed car parking spaces north of the retail building;
- Various signage including two prominent Pylon Signs, including one 9m high Pylon Sign fronting Dixon Road and one 6m high Pylon Sign fronting Evinrude Bend; and
- Associated landscaping treatments adjacent to the southern, eastern, western and northern boundaries of the subject site.

The proposed fuel retailing facility of the service station will operate 24 hours per day, seven days per week and accommodate up to four staff on site at any one time. The proposed vehicle repair facility of the service station will operate 7am to 7pm, six days per week and accommodate approximately five staff on-site at any one time.

The development will generate on average 648 vehicle movements per day with 45 and 61 new trips during weekday AM and PM peak hours.
6. Perspectives
7. Site Plan
8. Dixon Road and Evinrude Bend Elevations

**Implications to Consider**

a. **Consultation with the Community**

The application was advertised for public comment over a period of 21 days, commencing on 2 April 2019 and concluding on 23 April 2019. The nature of the 24-hour fuel retailing warranted comment from nearby landowners and occupiers prior to Council providing its recommendation to the MSWJDAP.

Advertising was carried out in the following manner:

- Landowners and occupiers directly adjacent and opposite the subject site were notified in writing of the proposed development; and
- Copies of technical documents and plans of the proposal were made available for public inspection at the City's Administration Offices and placed on the City's website.
At the close of the public consultation period a total of two submissions were received, which included one objection and one supporter, so as long as the development did not propose a car wash facility.

The objection received is from a landowner in Smythe Street, Rockingham, which has been summarised in the table below, including the applicant's and officer's response to the issue. The applicants response to concerns raised have also been summarised.

<table>
<thead>
<tr>
<th>Land-use and Location</th>
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</thead>
<tbody>
<tr>
<td>Submission:</td>
</tr>
<tr>
<td>There are a sufficient number of petrol stations already in the Rockingham area and BP are well represented. I should think that the residents at the Rockingham Holiday Village do not need and want a petrol station right next door to them! There are a few more petrol stations just over the train line in Kwinana, of which BP is also represented.</td>
</tr>
<tr>
<td>Applicant's Response:</td>
</tr>
<tr>
<td>A service station is a discretionary land use within the Light Industry zone and is capable of approval on the subject site. The proposed use and development is consistent with the Light Industry zoning and has been supported by the necessary technical reporting, to ensure it does not impact on the surrounding properties. The amount of service stations within the Rockingham area is not a relevant planning consideration.</td>
</tr>
<tr>
<td>City's Comment:</td>
</tr>
<tr>
<td>The City must provide recommendations to the MSWJDAP on planning merits of the proposal. The number of existing service stations in the area is not a relevant planning consideration. The application has been considered in accordance with TPS2 and applicable planning policies. Further, the application will ultimately be determined by the MSWJDAP.</td>
</tr>
</tbody>
</table>

b. Consultation with Government Agencies

The following government departments and service agencies were consulted:

- Department of Water and Environmental Regulations (DWER);
- Department of Planning, Lands and Heritage (DPLH);
- Department of Fire and Emergency Services (DFES); and
- Water Corporation.

The comments received are as follows:

1. Department of Planning, Lands and Heritage (DPLH) - summarised

The Department has no objection to the use of the reserved land for the proposed signage, car parking and landscaping on a temporary basis only, and on condition that:

- The advertisements do not interfere with sightlines, distract drivers, or have the potential to hinder the intersection of or become confused with traffic signals or road signs; and
- The proponent agrees to remove the signage without seeking compensation from either the Council or the WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.

City's Comment:

The subject land is affected by an Other Regional Road (ORR) reservation for Dixon Road under the Metropolitan Region Scheme (MRS). The road reservation extends approximately 16.5m along the southern portion of the subject site and across the entire frontage, continuing through adjoining properties to the west, between Evinrude Bend and McCamey Avenue.
2. Department of Planning, Lands and Heritage (DPLH) - summarised (cont...)

The extent of this reservation has been taken into consideration as part of the design of the proposed development, with development being located outside of the reservation with the exception of the two proposed pylon signs and landscaping. In this instance, the pylon signs and landscaping can be approved, and be erected on a temporarily basis, until such time as the reserved land is required for road upgrading purposes in the future.

Consequently, DPLH recommended conditions are supported by the City.

3. Department of Water and Environmental Regulations (DWER) - summarised

Contamination and Stormwater Management
DWER has identified groundwater contamination risk due to fuel leakage from underground fuel storage tanks, from minor and major fuel/chemical spills and from hydrocarbon contaminated stormwater runoff from impervious surfaces.

With regard to stormwater management, DWER recommends the stormwater drainage system be designed, constructed and managed in accordance with the Stormwater Manual for Western Australia (DWER, 2004).

The planning report has not included any conceptual designs for the management of stormwater within and around the service station and associated infrastructure. The stormwater management plan should demonstrate how and where the small, minor and major rainfall events will be managed and include the following:

- Stormwater runoff be fully contained for small and minor storm events (1 and 0.2 Exceedance per Year runoff). Required storage for each rainfall event, basin sizing and design should be detailed.
- The first 15mm of stormwater runoff (1 Exceedance per year runoff) to undergo water quality treatment via bio-retention.
- Measures to prevent contaminated stormwater runoff mixing with other stormwater runoff from impervious areas and how the SPEL Puraceptor is integrated into the overall stormwater drainage system.
- Permitted outflow of stormwater runoff from the site.

Applicant's Response:
Contamination and Stormwater Management

The design particulars of the underground storage tanks can be provided at the detailed design stage. Modern day fuel storage tanks are state of the art and are double walled and electronically monitored. The tanks will be appropriately located, constructed and maintained as part of best practice service station design and operation.

New underground storage tanks are designed to ensure they do not leak. The double wall of the tank and monitoring ensures that if a breach is identified, it can be rectified before the second wall of the tank is breached. In addition, the tanks are a combination of steel and fibreglass so the erosion of the tank is less than traditional underground tanks.

Stormwater will all be completed at detailed design stage and can be detailed in the stormwater management plan condition of development approval. It is standard to incorporate a SPEL puraceptor onsite to capture hydrocarbons from the forecourt and tank refuelling areas. The puraceptor captures the hydrocarbons and stores them in a chamber to be pumped out. The water can then be transferred into the stormwater system.

City’s Comment:
Contamination and Stormwater Management

As vehicles will be moving through the fuel area and into the surrounding car parking next to the convenience store, it is highly likely that hydrocarbons will be mobilised outside of the bunded area. The piped drainage network outside of this area must therefore be connect to the SPEL unit. The City agrees that all underground tanks and their pipe work (excluding any gas venting and tank fill lines that are normally dry) should have double-walled construction, with an interstitial leak-monitoring space.
4. Department of Water and Environmental Regulations (DWER) - summarised (cont…)

Applicant's comments in respect to contamination and stormwater management are supported by the City, as it has been demonstrated that the matters raised in DWER's submission can be appropriately addressed and managed. Should the development be approved, a condition requiring a stormwater management plan is recommended.

Advice Notes

DWER in its submission also provides for Advice Notes relating to Stormwater Management and Emergency Response. A copy of the advice notes forms part of the Attachment 4 - Schedule of Submissions of the accompanying Responsible Authority Report (RAR).

The applicant has been provided with a copy of the DWER submission.

5. Department of Fire and Emergency Services (DFES) - summarised

Vegetation Classification

The road verges on Evinrude and Dixon Road within Plot 5 have been excluded. Evidence to support these exclusions as managed to low threat in accordance with AS3959 is required.

Development Footprint

The Bushfire Attack Level (BAL) Assessment within the Bushfire Management Plan (BMP) has not considered the location of the fuel canopy. Figure 1 shows a truck and car fuel canopy which appears to adjoin the fuel station convenience store. The BAL ratings should be calculated from the edge of the fuel canopy.

Location, Siting and Design

The BAL ratings cannot be validated, as the BAL assessment has excluded the fuel canopy.

Recommendation

The development design has not demonstrated compliance to Element 1: Location and Element 2: Siting and Design.

Applicant's Response:

Vegetation Classification

The road verges are the responsibility of the adjacent landowner to maintain in accordance with the local Fire Control Notice and City of Rockingham Activities in Thoroughfares and Public Places and Trading Local Law 2001.

Development Footprint

The revised BAL rating has been calculated from the edge of the fuel canopy and includes the fuel canopy as an attached structure.

Location, Siting and Design

The BAL rating of 19 is valid and is considered acceptable for the land use.

Recommendation

BAL 19 has been established for the subject site, corresponding to a limited scale of bushfire risk emanating from the non-vegetated area surrounding the development site, the low threat vegetation to the east of the subject site and the Bush Forever reserve south of Dixon Road.

City's Comment:

Vegetation Classification

It is generally the owner/occupier's responsibility to maintain the verge directly boarding their property, however, the City can confirm that the existing portion of verge on the Dixon Road is irrigated and regularly maintained by the City. The City is therefore satisfied with the verge vegetation exclusion and vegetation management proposed, subject to a condition of development approval that requires the BMP to be updated accordingly, as the land outside the lot can be maintained in perpetuity by the City and the landowner for the life of the development.
6. Department of Fire and Emergency Services (DFES) - summarised (cont…)

**Development Footprint**

The revised BAL assessment considers the location of the fuel canopies. Consequently, the determined BAL rating for the development has increased from BAL-12.5 to BAL-19. Nevertheless, the inclusion of the fuel canopies within the BAL assessment still ensures that development is appropriately sited in terms of SPP3.7.

**Location, Siting and Design**

A site visit dated 22 May 2019, confirms that the vegetation within the revised BAL assessment has been correctly identified and it is therefore considered that the BAL-19 rating is valid.

**Recommendation**

As a result of the modifications to the BAL assessment, it is considered that the BMP is accurate and can be implemented to reduce the vulnerability of the development to bushfire. The City is satisfied that the development design has demonstrated compliance with SPP3.7, specifically Element 1: Location and Element 2: Siting and Design, which is further detailed in the State Government Policy section of this report.

A submission from Water Corporation was not received.

c. **Strategic**

**Community Plan**

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

**Aspiration 3:** Plan for Future Generations

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

d. **Policy**

**State Government Policies**

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

SPP3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. The majority of the subject site has been designated bushfire prone under the Fire and Emergency Services Act 1998 (as amended) and therefore the requirements of SPP3.7 are applicable.

The objectives of SPP3.7 are to:

- "Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change."

As the land is designated as a bushfire prone area and is classified as a 'high risk' land use, the applicant submitted a BMP, Risk Management Plan (RMP) and Bushfire Emergency Plan (BEP) in support of the application, as per the requirements of SPP3.7.
The proposal was referred to DFES, which initially did not support the proposal as the fuel canopies had not been considered as part of the BAL assessment and due to 'lack' of evidence to support verge vegetation along Dixon Road and Evinrude Bend being classified as 'excluded' from the BAL assessment. As detailed in the Consultation section of this report, the applicant submitted a revised BMP with further clarification which addresses DFES comments. Accordingly, it is concluded that the proposal is compliant with SPP3.7.

Guidelines for Planning in Bushfire Prone Areas (GfPBPA)

The Department of Planning, Lands and Heritage's GfPBPA provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. The following is an assessment against the relevant requirements of the GfPBPA.

Element 1 - Location

The development complies with the relevant Acceptable Solution for this Element, as the applicant has demonstrated through a BAL assessment and implementation of an Asset Protection Zone (APZ) that the maximum BAL level that buildings will be required to be constructed to will be BAL-19 of Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas (AS3959). A condition of development approval is recommended in this regard.

Element 2 - Siting and Development

The development complies with the relevant Acceptable Solution for this Element, as the buildings on the lot will be provided with an APZ (of the required dimension), which is established for the most part within the lot boundaries (excluding APZ extending into Dixon Road and Evinrude Bend verges). Conditions of Development Approval are recommended to ensure the APZ is provided prior to the occupation of the development, and buildings are constructed to the requirements of AS3959.

Element 3 - Vehicular Access

The development complies with the relevant Acceptable Solution for this Element, as development provides several egress options from the site, to the south onto Dixon Road and west and north which lead to Day Road.

Element 4 - Water

The development complies with the relevant Acceptable Solution for this Element, as reticulated water supply is currently available to the site. A condition of approval is recommended in this respect to ensure the connection to reticulated water is maintained at all times.

There are four fire hydrants within close proximity to the development site, with the closes being setback approx. 6m from the south-eastern lot truncation.

Environmental Protection Authority (EPA) - Separation Distances between Industrial and Sensitive Land Uses No.3 (Guidance Statement)

The EPA Guidance Statement provides advice to proponents, responsible authorities, stakeholders and the public, on the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a development proposal.

The EPA recommends a 200m buffer distance to all 24 hour Service Station operations because of Gaseous, Noise, Odour and Risk to sensitive land uses. The buffer recommended by the Guidance Statement is not an absolute separation distance, but instead are default distances providing general guidance in the absence of site-specific technical studies.

The nearest noise sensitive premises (a caravan) on the caravan park site is approximately 62.4m from the proposed development. The East Rockingham Development Guidelines recognise the caravan park site’s proximity to the broader industrial precinct. A detailed assessment against the separation of the proposed development to sensitive land uses is considered in the Legal and Statutory section of this report, where the applicant has demonstrated that the proposed development is appropriately designed and sited to mitigate any potential amenity and environmental impacts on nearby sensitive land uses.
It is also noted that as part of the public consultation period, the City notified the operator of the caravan park site. No submissions were received from the caravan park provider or occupants of the site.

**Local Policies**

**Planning Policy 3.1 - Control of Advertisements (PP3.1)**

The applicant submitted a signage strategy as part of the development application which included details, type number and size of signage. The signage strategy consists of various wall signs, directional signage, a roof sign and two Pylon Signs.

The following provides an assessment of the pylon signage seeking to vary the requirements of PP3.3.1:

<table>
<thead>
<tr>
<th>A Pylon Sign must not:</th>
<th>Office Comment</th>
<th>Compliance - 9m high Pylon Sign</th>
<th>Compliance - 6m high Pylon Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>be located within 1.8m of a boundary</td>
<td>The pylon sign associated with the fuel retailing building is setback 0.9m from the Dixon Road reserve whilst the pylon sign associated with the car service building is setback 0.8m from the Evinrude Bend road reserve.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>be situated within 6.0m of any other sign of the same lot</td>
<td>There are no existing or proposed signs within 6m of the two proposed pylon signs.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>project over a street, walkway or any other public area by more than 1.0m</td>
<td>The pylon signs do not project over a street, walkway or any other public area.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>have a height exceeding 6.0m, unless it can be demonstrated to the Council that a greater height is warranted and it complies with the objectives of this Planning Policy. In any event, a Pylon Sign shall not exceed 9.0m in height</td>
<td>A 9m height above natural ground level is proposed for the fuel retailing building, whilst a 6m height above natural ground level is proposed for the car service building.</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>have any part of the sign less than 2.7m from the ground level, unless the sign is designed such that the underside of the face area is located at ground level</td>
<td>The pylon signs comprise of panels which are incorporated from ground level to the top of the sign.</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>have a face area exceeding more than 3.5m width or height</td>
<td>The face area of both proposed pylon signs exceed 3.5m in height.</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
A Pylon Sign must not:

<table>
<thead>
<tr>
<th>A Pylon Sign must not:</th>
<th>Office Comment</th>
<th>Compliance - 9m high Pylon Sign</th>
<th>Compliance - 6m high Pylon Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>have a face area of more than 4m² on each side (single tenancy) or 13m² on each side (multiple tenancy)</td>
<td>The pylon signs have a face areas of approximately 19.4m² and 13m², both exceeding the permitted 4m², as signs are entirely dedicated to the individual buildings.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Only one (1) pylon sign shall be permitted on a lot with a single tenancy.</td>
<td>The subject site has frontage to three streets.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>For lots with two or more tenancies, only one (1) pylon sign will be generally permitted unless the site is large and has more than one street frontage, in which case one pylon sign per street frontage may be permitted.</td>
<td>The appropriateness of two proposed pylon signs is further detailed below.</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

The following objectives of PP3.3.1 are relevant for the consideration of pylon signs:

“(a) Ensure that advertisements are appropriate for their location;
(b) Minimise the proliferation of advertisements;”

An audit of existing pylon signs along Dixon Road between Evinrude Bend and McCamey Avenue demonstrates the following:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Signage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 37 Dixon Road</td>
<td>• There is no existing pylon signage.</td>
</tr>
<tr>
<td>Lot 38 Dixon Road</td>
<td>• One, 6m high pylon sign which advertises a showroom development; and</td>
</tr>
<tr>
<td></td>
<td>• There are no other business on this lot.</td>
</tr>
<tr>
<td>Lot 39 Dixon Road</td>
<td>• One, 9m high pylon sign which advertises a construction company; and</td>
</tr>
<tr>
<td></td>
<td>• There are no other business on this lot.</td>
</tr>
<tr>
<td>Lot 40 Dixon Road</td>
<td>• One, 9m high pylon sign which advertises all four (4) businesses on this lot (7 Eleven convenience store, Buccaneer Swimming Pools, Muzz Buzz and car wash); and</td>
</tr>
<tr>
<td></td>
<td>• The lot also has direct frontages to three streets and is similar in size to Lot 36 Dixon Road.</td>
</tr>
</tbody>
</table>

The setback of the proposed ‘BP’ pylon sign from Dixon Road reserve is consistent with setbacks of adjoining pylon signs within the audit area, thus the reduced setback of 0.9m can be supported by the City. With regard to the ‘car service’ pylon sign adjacent to Evinrude Bend, it is noted that there are no obstructions which warrant a reduced setback, thus the reduced setback of 1m is not supported by the City.

It is noted that during the audit of existing pylon signs, the pylon sign on Lot 40 advertises a ‘retail fuelling’ development as well as three other developments. It is also noted that Lot 40 is akin to Lot 36 in terms of its size and context. There is a clear precedent demonstrating that the proposed pylon signs can be integrated into one sign.
The applicant has indicated that "the BP tenancy has its own individual sign which is consistent with their pylon sings development across Australia". The City assesses development applications on a case by case basis, and the proposition by the applicant is not a relevant planning consideration.

In light of the above, two pylon signs are not supported on this site as they do not satisfy the aforementioned objectives a) and b) of PP3.3.1. Should the development be approved, a condition requiring only one pylon sign for the proposed development is recommended.

Planning Policy 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 (Improvement Plan No.14 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.”

A detailed assessment against PP3.3.8 is available in the Local Policies section of the accompanying RAR, where it is concluded that the development is consistent with the objectives of PP3.3.8.

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

PP3.3.14 facilitates the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Bicycle Parking Requirement

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Long Term</td>
</tr>
<tr>
<td></td>
<td>Rate</td>
</tr>
<tr>
<td>Commercial (Service Station - Convenience Store component)</td>
<td>1:250m²</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

No bicycle spaces have been provided. A condition of development approval requiring the provision of three bicycle parking spaces is recommended.

e. Financial

Nil

f. Legal and Statutory

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

Clause 67 of Schedule 2 of the Planning Regulations outlines the matters to which the Local Government is to have due regard when considering an application for development approval. Where relevant, these matters have been discussed throughout this Report.
City of Rockingham Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned 'Light Industry' under TPS2. The proposed use of 'Service Station' is not permitted, unless the Local Government has exercised its discretion by granting Development Approval.

TPS2 defines a Service Station as:

"premises used for:
(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
(b) The carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking."

The proposed development offers the retail sale of fuel for private and commercial vehicles as well as the retail sale of incidental convenience goods commonly sold in supermarkets, delicatessens and newsagents. The development also includes service bays that provide for the carrying out of minor mechanical repairs to motor vehicles.

The use is provided across two separate tenancies. The proposed development, although across two separate tenancies satisfies the two elements of the Service Station definition under TPS2.

Clause 4.10.1 - Objectives of the Industrial Zones

The objectives of the Industrial zoned land 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 standard 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 design of the proposed development results in efficient use of the industrial land and required landscaping along Dixon Road, Evinrude Bend and Whittle Road will serve to screen views of the development whilst softening its impact on the public realm. The development presents an attractive facility that ensures a high level of passive surveillance and amenity to the locality.

The subject site is located at the south eastern end of the East Rockingham Industrial Area, which is identified for light industrial land uses. Land uses typically located within this area range from light manufacturing to mechanical workshops, storage and unit developments. The City's Health Services has reviewed the Acoustics report and advised that there are outstanding noise considerations that can be addressed during the detailed design stage. Nevertheless, the City considers that the development is unlikely to have an adverse impact on surrounding land uses. The City has standard noise mitigation conditions which are applied to larger developments of this nature. Thus, should the development be approved, conditions requiring a revised Acoustic report prior to applying for a Building Permit (using general levels for equipment to show required measures that will ensure the development can comply with Environmental Protection (Noise) Regulations 1997 (Noise Regulations), and a final Acoustic report prior to occupancy demonstrating that all mechanical services and other noise sources will comply with the Noise Regulations are recommended.

The proposed development is consistent with the objectives of the zone.

Clause 4.10.2 - Form of Development

The Local Government shall have regard to the following when considering an application for development 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 and conservation; and
(d) to ensure safe movement of vehicular and pedestrian traffic in the area."

The proposed development is consistent with requirements of PP3.3.8 in regards to the building design, landscaping and the working environment. This is discussed in detail in the Local Policies section of the accompanying RAR.

The surrounding context of the locality contains a mix of light industrial land uses (to the north and the west), a caravan park (to the east) on the opposite side of Evinrude Bend, vacant land to the north zoned for light industrial purposes and a Parks and Recreation Reserve on the southern side of Dixon Road. The proposed development is set back approximately 62.4m from the nearest caravan and approximately 56.7m from the reserve. To protect the amenity of the adjacent caravan park and the reserve, the proposal implements the following measures:

**Odour and Waste**
- Bin store area is located to the rear of the development, so as to ensure it is not visible from the caravan park site or reserve;
- Any potential odours to be controlled by extractor fans and vapour recovery system as part of the car service building; and
- No wash down bay or facilities is proposed as they are not required for the car service building.

**Noise and Lighting**
- Noise emissions from the development will be compliant with the Noise Regulations; and
- External lighting will be designed and regulated by Australian Standard 4282 - Control of Obtrusive Effective of Outdoor Lighting, so as to ensure there is no glare or light spill that will adversely impact the caravan park site.

**Stormwater**
The proposed development will increase the amount of impervious surface on site. Although the application does not include any conceptual designs for the management of stormwater within and around the Service Station, it has been demonstrated that stormwater can be appropriately addressed and managed, as the site layout has been designed to ensure development is provided with ‘best practice’ (i.e. leak monitoring, double-walled construction for pipes and tanks. Should the development be approved, a Stormwater Management Plan will be required to clearly demonstrate how drainage will be managed in accordance with Planning Policy 3.4.3 – Urban Water Management. The management of drainage systems is also detailed in the Consultation section of this report.

**Traffic**
The applicant, through Shawmac Consulting Civic & Traffic Engineers, conducted a Traffic Impact Assessment (TIA) to assess the impacts associated with parking, access and traffic generation from the proposed development. The TIA concluded that there are no issues identified with regard to traffic operations of the proposed development.

**Clause 4.10.3 - Parking**
TPS2 requires the provision of on-site parking for vehicles for development on industrial zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The table below provides an assessment of the Service Station proposal against the relevant car parking requirements of TPS2.
The proposed development provides a total of 35 car parking spaces which satisfies the car parking requirements of Clause 4.15 of TPS2.

Clause 4.10.4 - General Development Provisions

Clause 4.10.4 provides for development provisions on all Industrial zoned land within the City, unless otherwise specified in Planning Policy 3.3.8 - *East Rockingham Design Guidelines*. The provisions are outlined below and considered in relation to the proposed development.

### Use | Rate | Required | Provided
--- | --- | --- | ---
Service Station | 1 bay for every service bay, plus 1 bay per employee; and 6 bays per 100m² NLA | 6 service bays plus 9 employee bays; and 12 bays (200m² NLA, non-inclusive of incidental office/showroom NLA) | 35 bays

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>27 bays</th>
<th>35 bays</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>General Development Provisions</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facade</td>
<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 Local Government in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finished. 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 Local Government.</td>
<td>The facades of the fuel retailing and car service building visible from Dixon Road will be finished in concrete panel and colorbond with textured paint finish to height of 4.2m and 9m.</td>
</tr>
<tr>
<td>Fencing</td>
<td>No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Local Government are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Local Government 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 Local Government.</td>
<td>There is no fencing proposed as part of this development application.</td>
</tr>
<tr>
<td>Setback area</td>
<td>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 Local Government.</td>
<td>The front setback area is proposed to be used for landscaping and vehicular access and circulation only.</td>
</tr>
</tbody>
</table>
Clause 4.10.8 - Light Industry zone

Clause 4.10.8 provides for setback and landscaping requirements for developments within the Light Industry zone, unless otherwise specified in the East Rockingham Design Guidelines. An assessment against the setback and landscaping requirements has been undertaken in accordance with the Element Precinct of the East Rockingham Design Guidelines, where it is concluded that the development application satisfies the requirements of the Element Precinct (refer to Local Policies section of the accompanying RAR).

Clause 5.3 - Control of Advertisements

Clause 5.3.1 requires Development approval to be obtained for the erection of advertisements. In considering an application for an advertisement, the Council is required to consider the objectives of TPS2.

Signage is discussed in the Policy section of this report under PP3.3.1, where it was concluded that the two proposed Pylon Signs are not appropriate for their location.

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 is an appropriate land use within the Light Industry zone under TPS2. The proposed development is unlikely to have an adverse impact on the amenity of the adjacent Caravan Park. The ORR reservation has been taken into consideration as part of the design of the proposed development, so as to ensure the Service Station development does not impact on the long term objectives of the reservation.

The proposed development is compliant with TPS2 and Policy requirements.

It is recommended that the application be supported by Council.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPTS the Responsible Authority Report for the application for the proposed Service Station Facility at Lot 36 (No. 137) Dixon Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (MSWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/19/01585 and accompanying plans:
- Perspectives, Drawing No.1, dated Feb 2019;
- Site Plan and Survey Plan, Drawing No.3, dated May 2019;
- Elevations, Drawing No.4, dated May 2019;
- Elevation Perspectives, Drawing No.5, dated Feb 2019;
- Landscape Plan, Drawing No.6, dated May 2019; and
- Signage, Drawing No.7 dated Feb 2019;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:
Conditions

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

2. Prior to applying for a Building Permit, revised drawings shall be provided illustrating only one (1) pylon sign for the approved development, to the satisfaction of the City of Rockingham.

3. Prior to applying for a Building Permit, the applicant/owner is to demonstrate that development shall incorporate Water Management and Rainwater Harvesting System measures, in accordance with the City of Rockingham Planning Policy 3.3.8 - East Rockingham Design Guidelines (Appendix 3) and be maintained for duration of the development.

4. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any property or road reserve. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

5. The carrying out of motor vehicle servicing must occur in conjunction with the sale of fuel for the duration of the development.

6. Prior to applying for a Building Permit, an acoustic report that demonstrates all mechanical services associated with the development and any other noise source will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.

7. Prior to occupation of the development, a final acoustic assessment must be prepared and provided to the City of Rockingham which demonstrates to the City's satisfaction that the development complies with the Environmental Protection (Noise) Regulations 1997.

8. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
   (i) the location of bin storage areas and bin collection areas;
   (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
   (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
   (iv) frequency of bin collections.

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

9. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham, demonstrating compliance with AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.

External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.

10. A landscaping plan must be prepared and include the following detail, to the satisfaction of the City, prior to issue of a Building Permit:
    (i) The Location, number and type of existing and proposes trees (including shade trees) and shrubs, indicating calculations for the landscaping area;
    (ii) Any lawns to be established;
    (iii) Those areas to be reticulated or irrigated;
    (iv) Garden edge treatment to all sections where garden areas adjoin turf to provide separation and maintenance;
    (v) Verge areas; and
    (vi) Shade trees for car parking bays at a rate of one tree per four car parking bays.

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.
11. 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 that are specifically identified for removal.

12. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in the Bushfire Management Plan prepared by Entire Fire Management, dated 13 May 2019, must be provided in accordance with the WAPC’s Guidelines for Planning in Bushfire Prone Areas. The APZ must be maintained for the duration of the development.

13. Prior to occupation of the development, the Bushfire Management Plan prepared by Entire Fire Management, dated 13 May 2019 shall be updated to address comments made by the City of Rockingham with regard to maintenance responsibilities of Dixon Road verge.

14. Prior to occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.

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

16. The carpark must:
   (i) provide a minimum of 35 car parking spaces;
   (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of 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;
   (v) the width of the car parking bay (located adjacent to the compressor) to be at least 2.9m wide (i.e 2.6m plus 0.3m); and
   (vi) comply with the above requirements for the duration of the development.

17. One (1) long-term and two (2) short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to commencement of development. The bicycle parking spaces must be constructed prior to occupation of the development.

18. Access of delivery vehicles is only permitted between the hours of 7:00am and 7:00pm from Monday to Saturday (inclusive) and between 9:00am and 7:00pm on Saturday and public holidays, for the duration of the development.

19. Entries and window frontages facing the street must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Dixon Road and Evinrude Bend, for the duration of the development.

20. All plant and roof equipment and other external fixtures are to be screened from view.
21. Materials, sea containers, goods or bins must not be stored within the car park at any time.
22. The proponent must remove all approved signage within the Metropolitan Region Scheme Other Regional Road reservation without seeking compensation from either the City of Rockingham or the WAPC for any loss, damage or expense should the reserved land be required for road upgrading purposes in the future.
23. The pylon sign within the Metropolitan Region Scheme Other Regional Road reservation shall not interfere with sightlines, distract drivers, or have the potential to hinder the intersection of or become confused with traffic signals or road signs.

Advice Notes
1. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
2. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City's Health Services for information on confirming requirements.
3. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.
4. All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
5. With respect to the Landscape Plan condition, the Dixon Road existing portion of turf on the verge is irrigated and maintained by the City of Rockingham. For clarify of maintenance responsibilities, it is recommended to extend the planting to the existing footpath on Dixon Road which must be maintained by the applicant. The applicant is to contact the City's Park Services Irrigation Supervisor, prior to works commencing on site to discuss terminating the existing irrigation to Evinrude Bend portion of turf verge, which must be irrigated and maintained by the applicant.
6. With respect to the car park condition, the City's Traffic Engineer advises that the design for the proposed kerb ramp in front of the fuel retailing building is to be changed to a maximum gradient of 1 in 8 (12.5%), in accordance with AS1428.1. Manual measurements from the site plan suggests a proposed gradient of 1 in 4 (25% based on a proposed ramp length of 0.6m to accommodate a 150mm height difference), therefore not complying with AS1428.1.
7. With respect to the outstanding matters identified in the Acoustics report, the applicant is to liaise with the City of Rockingham Health Services in this regard.

Where a development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Jones:
That Council ADOPTS the Responsible Authority Report for the application for the proposed Service Station Facility at Lot 36 (No. 137) Dixon Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (MSWJDAP) pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/19/01585 and accompanying plans:
• Perspectives, Drawing No.1, dated Feb 2019;
• Site Plan and Survey Plan, Drawing No.3, dated May 2019;
• Elevations, Drawing No.4, dated May 2019;
- Elevation Perspectives, Drawing No.5, dated Feb 2019;
- Landscape Plan, Drawing No.6, dated May 2019; and
- Signage, Drawing No.7 dated Feb 2019;

in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

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Committee Voting – 4/1

(Cr Summers voted against)
The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
To seek Council endorsement of the ‘Design Drivers’, derived from community consultation, which will inform the preparation of the Safety Bay Shoalwater Foreshore Master Plan.

Background

In December 2017, Council resolved to approve the Safety Bay Shoalwater Foreshore Master Plan project and allocate funding. In doing so, Council noted that the foreshore has the potential to deliver greater benefit to the local community and visitors and a strategic vision, in a community-led Master Plan, is the best vehicle to achieve this.

The Master Plan study area was defined as the foreshore reserve and abutting road reserve generally between Boundary Road and Warnbro Beach Road, a length of 5.3km, as shown below:
1. Study Area

The following ‘Project Purpose’ was developed for the Master Plan:

“To develop a strategic vision for the Safety Bay and Shoalwater Foreshore Precinct that gives direction to:

- Realising its tourism potential, including ‘marine based tourism’, with a focus on the emerging kite surfing and wind surfing industry;
- Coordinating the existing and future commercial activity within the foreshore;
- Maximising community use by enhancing the existing recreational experiences; and
- Protecting key environmental and built assets.

It was recognised that the Master Plan would have a planning horizon of 20 – 30 years and that the outcomes would be delivered in the short, medium and long term.

The Council also acknowledged that the following key phases of the project:

(i) Site Analysis Mapping.
(ii) Initial Community Consultation.
(iii) Endorsement of ‘Design Drivers’.
(iv) Draft Master Plan Preparation.
(v) Second Consultation – Draft Master Plan.
(vi) Master Plan Adoption.

In early 2018, as the procurement process to engage a consultant team to assist in the project was scheduled to commence, temporary re-structuring within the City administration was required following the departure of the Chief Executive Officer.
This led to the City’s Master Plan Project Sponsor and Project Leader performing higher duties and there being limited capacity to progress the project. The project was therefore placed on hold pending the appointment of the new CEO.

As a result, the procurement process was finalised in late 2018, when GHD Woodhead was appointed to conduct the ‘Initial Community Consultation’ and prepare the Master Plan.

**Details**

In the period since the appointment of GHD Woodhead, the ‘Initial Community Consultation’ has been conducted, the details of which appear under the ‘Consultation with the Community’ heading below, and the Site Analysis Mapping has been completed.

The Site Analysis Mapping brings together all the existing characteristics, considerations and features of the Study Area which need to be reconciled in preparing the Master Plan and includes:

- Existing site profile across natural and built assets including utility servicing infrastructure;
- Land ownership, land management and existing community/commercial use;
- Access and movement behaviours (pedestrians and cyclists);
- Regulatory considerations including the applicable planning framework and heritage; and
- Traffic and parking.

**Implications to Consider**

a. **Consultation with the Community**

The ‘Initial Community Consultation’ was designed to get an appreciation of the existing values attached to the foreshore and gauge where there is capacity for change and to what extent. The process was designed to get a representative sample from adjacent residents/landowners, visitors, local businesses, community groups and public agencies.

The primary tool used during the ‘Initial Community Consultation’ was an online survey which asked a series of questions to determine foreshore values, how the foreshore is used and what enhancements should be contemplated.

The survey opened on 25 February 2019 and invited responses until 18 March 2019. The survey was promoted through a number of means including:

- The February 2019 City Chronical;
- The ‘Council Column’ in the Sound Telegraph on 27 February;
- Emails and follow-up phone calls to selected residents, community groups, commercial traders and State Government agencies;
- Flyers placed in a number of local businesses;
- Social Media posts;
- Editorial content in local newspapers;
- RockPort (where the project is a specific topic of interest); and
- The ‘Share Your Thoughts’ portal on the City’s website.

A dedicated webpage was also placed on the City's website through which the survey could be accessed and lodged.

At the conclusion of the survey period, 623 survey responses had been received which included 12 responses from community groups, commercial traders and State Government agencies. Of the 611 ‘individual’ responses, 545 were from local residents and 67 from visitors.

Additional information was also derived from telephone conversations with prominent/active local residents and local businesses along with unsolicited email responses.

The ‘Initial Community Consultation’ feedback is summarised in the attached ‘Design Drivers’ Report.

The key outcomes from the consultation are described below.
- safety.

3. Local Traders Telephone Interviews

The City also identified a number of traders in the Penguin Road and Bent Street commercial centres, along with the Mersey Point commercial node, that should be interviewed.

From the five traders that agreed to be interviewed, the following Master Plan outcomes were derived:

- improved accessibility to the foreshore;
- boardwalk access to the beach;
- parking, including parking for buses;
- increased amenity; and
- improved pedestrian access across Arcadia Drive and Safety Bay Road.

4. Unsolicited Responses

Without being prompted, four local residents sent GHD Woodhead unsolicited emails offering local knowledge, improvement suggestions and images. The matters raised in these responses include the following:

- more parking, lower vehicle speeds and pedestrian access to, and through, the foreshore;
- creation of active coastal recreation amenity areas;
- infrastructure that capitalise on coastal views; and
- improved visual amenity whilst protecting the natural assets including the dune environment.

5. Councillor Engagement Session

On 9 April 2019, the outcomes of the ‘Initial Community Consultation’ were discussed at a Councillor Engagement Session. The Councillors were also asked a number of questions in order to get an opinion of the direction the Master Plan should take.

Key observations from the Session included the need to generally improve the recreational experience and ensure that the requirements of the Department of Biodiversity, Conservation and Attractions, in relation to the Shoalwater Island Marine Park, are well understood.

It was also expressed that residents want a destination when walking along the foreshore. Some of the facilities that Councillors raised as being contemplated for the Master Plan are:

- infrastructure to support existing recreational marine activities (i.e. kite surfing and wind surfing);
- toilets and change rooms;
- leisure based commercial activities in strategic locations, both permanent and temporary;
- a skate park/youth precinct catering for broad age groups; and
- more shade.

The potential associated with the Safety Bay Yacht Club building and surrounds was also raised as an opportunity which should be explored.

b. Consultation with Government Agencies

Five State Government Agencies were contacted and invited to disclose any matter that requires consideration through the Master Plan process; two agencies responded.

The Department of Water and Environment Regulation provided information relating to urban water management, native vegetation protection/clearing and groundwater licensing.

The Department of Biodiversity, Conservation and Attractions provided insight into the management jurisdiction over Tern Bank and the nearshore environment.
c. Strategic

**Community Plan**

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

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

d. Policy

Nil

e. Financial

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**

Upon considering the feedback received from the various sources during the ‘Initial Community Consultation’, it is clearly evident that the foreshore is a valuable community asset that supports a range of activities.

It can also be concluded that the community are generally drawn to its natural environmental character which they want retained and enhanced. Most respondents agree that there are improvements which can be instituted to improve the recreational experience.

As expected, there are opposing opinions on specific issues, particularly those which contemplate change. The City has taken the view that the ‘Design Drivers’, which will provide a framework around which the Master Plan will be designed, needs to strike the balance between maintaining what makes the foreshore appealing and what could improve the appeal.

The ‘Design Drivers’ also need to work within the broad parameters of the ‘Project Purpose’ (as described in the ‘Background’ section above).

Some ‘Design Drivers’ will be applicable to the entire Study Area, whilst others will be specific to discrete locations. As a result, the Study Area has been divided into four Sectors as shown in Figure 2.
2. Master Plan Sectors

(i) General ‘Design Drivers’ - Entire Study Area

A number of matters should be addressed in ‘Design Drivers’ as they represent outcomes that an integrated Master Plan should deliver, many of which are common landscape architectural responses. These include, consistent and complementary furniture, materials and signage along with additional/upgraded facilities and opportunities for art or commemorative installations.

Safety, through incorporating Crime Prevention Through Environmental Design (CPTED) principles is another response that the design should incorporate.

The ‘Initial Community Consultation’ emphasised the need to protect and enhance the natural foreshore assets which will be included as a ‘Design Driver’; this outcome was clearly the most favoured aspiration for the foreshore. Pedestrian access to the foreshore, across Arcadia Drive and Safety Bay Road, and access to the beach and through the foreshore was raised consistently and should be addressed, including the provision of all abilities access. This action will complement the City’s current program of installing pedestrian refuge facilities and pram ramps at various locations along Safety Bay Road.

The Site Analysis Mapping demonstrated that vehicle speeds are consistently in excess of the posted limit, particularly on Arcadia Drive. The City has committed funds to introduce traffic management measures to reduce vehicle speeds along Arcadia Drive and a ‘Design Driver’ is recommended that will build on this approach.

The challenges associated with parking availability was expressed during the consultation and the Site Analysis Mapping confirmed that a number of existing carparks are over capacity during peak periods. The parking demand around Mersey Point can be particularly acute at times and the overflow of vehicles into the adjacent streets causes issues, particularly when vehicles park on Arcadia Drive within the on-street cycle-lane. It is therefore recommended that the potential for increased parking provision and management be addressed in the Master Plan, including bus parking. The ‘management’ of parking would explore the potential for ‘drop-off bays’ and the like.

The need for additional shade was raised and there are locations which could benefit, however, this issue can be emotive due to the potential impact of coastal views from public spaces or private property. Nonetheless, the matter should be investigated as additional shade can enhance the recreational experience.
Although the foreshore offers unique coastal views, it was expressed through the ‘Initial Community Consultation’ that it may be possible to provide an opportunity to enhance or capitalise on the aspect across the Shoalwater Marine Park and Warnbro Sound. This matter is proposed to be addressed in a ‘Design Driver’.

The provision and location of public toilets and change rooms is often contentious. The Study Area currently offers five separate facilities. The need for more facilities will, in part, be driven by the future uses proposed in the Master Plan, however, the City will be providing direction to the provision of public toilets and change rooms through the ‘Parks Provision Policy’, as resolved by Council in May 2019. This matter should be acknowledged and investigated.

The desire for additional commercial facilities within the foreshore was expressed by almost half the survey respondents as a potential improvement. Other consulted parties saw this outcome as being a priority to provide more options and a destination point within the foreshore. The only existing permanent facility within the Study Area is the café/kiosk at Mersey Point, however, there are facilities within the adjacent commercial centres (Penguin Road, Bent Street and Malibu Road).

The City issues annual Traders Permits for commercial operators within the foreshore, the majority of which are associated with fitness training and hire equipment/sales linked to kite surfing and wind surfing. These competing commercial interests have caused tensions between the operators at times and there has been approaches made to the City to establish permanent infrastructure within the foreshore to support these businesses.

The Master Plan presents an opportunity to explore whether the foreshore should support permanent leisure based commercial activities (i.e. cafes, bars, restaurants) and where. The Master Plan can also provide recommendations to the location of Traders Permits and the appropriateness of permanent structures to support the businesses.

Equally, there is an ability to identify a location/s, and introduce infrastructure, to support temporary facilities in the form of food vans or food trucks and the like to activate the foreshore.

Although the City has been consistent in the message that the Master Plan will not, in itself, resolve marine water quality concerns, the fact remains that the drainage assets managed by the City and Water Corporation discharge into the Foreshore Reserve. As a result, the Master Plan should ensure that sufficient area is set aside where the drainage outlets discharge to enable stormwater treatment in accordance with Water Sensitive Urban Design principles.

In May 2019, Council resolved to commence public consultation on a draft Coastal Hazard Risk Management and Adaption Plan. The CHRMAP provides recommendations on adaptation pathways along the City's coast to the predicted impacts of sea level rise and storm events. A combination of ‘managed retreat’ and ‘protection’ has been recommended for the Safety Bay and Shoalwater foreshores.

All improvements proposed within the Master Plan must be mindful of the predicted erosion and inundation forecasts and reconcile matters such as the life of the assets and community benefit. The recommended adaptation pathway is also a consideration.

The City is also soon to commission the Coastal Management Study which will ultimately provide strategic recommendations on how future demand for boat launching facilities will be addressed. The Study recommendations will provide direction on the future of the three boat ramps within Safety Bay and Shoalwater, particularly the Bent Street facility. The planning horizon for the Master Plan is similar to the Study (30 years).

Given that the Master Plan needs to understand the future of the three ramps and offer a complementary response within the Foreshore Reserve, the design phase of the Master Plan is likely to be contingent upon the Coastal Management Study outcomes; this needs to be recognised in a ‘Design Driver’.

(ii) Sector One - Boundary Road to McLarty Road
3. Sector One - Boundary Road to McLarty Road

The Site Analysis Mapping revealed that the Shoalwater Reserve, or the elevated parkland south of the public toilet facility/carpark, is a popular destination particularly for small gatherings. The Reserve contains minimal infrastructure to support these activities, and given the supply of adjacent parking and the public toilet facility, it is recommended that the potential to introduce new facilities be investigated.
Within this Sector, the existing dual-use path mainly abuts the road carriageway. It was observed through the 'Initial Community Consultation' that this can not only result in pedestrian/vehicle conflicts but cause the view over the coast to be obscured by existing vegetation. Given the width of the Foreshore Reserve, there is potential to align a **north-south dual-use path within the dune environment**. Although this may present some ongoing dune management challenges, it is recommended that the outcome be explored.

Further to the general 'Design Driver' relating to **enhancing views**, it is recommended that this Sector contain a stand-alone 'Design Driver' given its elevated nature.

**Lions Park** is a key destination within this Sector, and although improvements have recently been undertaken, there is an ability to enhance the layout and function of Lions Park over the life of the Master Plan. Lions Park is also used to access the beach for kite surfers, wind surfers, kayakers and the like and there is the potential to **improve access**.

(iii) **Sector Two - McLarty Road to Carlisle Street**
4. Sector Two - McLarty Road to Carlisle Street

The central destination within this Sector is Mersey Point and the jetty and building infrastructure which houses Pengos Café, Rockingham Wild Encounters and an office for the DBCA. The Secret Harbour Surf Life Saving Club also has a presence at Mersey Point and access the beach at the rear of the building. Appurtenant infrastructure includes carparking, Shoalwater Marine Park interpretative information and play infrastructure.

Given that Mersey Point is the interface for thousands of tourists who access the Shoalwater Marine Park, the Master Plan should examine the potential for improvements and enhancements to the existing infrastructure and landscaping treatments. In doing so, there may be potential for the land-based activities aligned to Penguin Island and the Shoalwater Marine Park to be expanded.

The alignment of the dual-use path is severed by the carpark and pedestrians/cyclists are forced to enter a vehicle environment. It is recommended that a ‘Design Driver’ be included to determine if the alignment of the dual-use path can be modified to improve safety and connectivity.

It is also recommended that the potential for more interpretative signage be investigated.

(iv) Sector Three - Carlisle Street to Bent Street

---

2 Correction of typographical error
5. Sector Three - Carlisle Street to Bent Street

Sector Three notably contains Tern Bank, The Pond, the Bent Street boat ramp and the Safety Bay Yacht Club building.

The popularity of The Pond and it surrounds for kite surfing and wind surfing, and its recognition on a national and international level as a destination, presents many opportunities to capitalise on its appeal. As mentioned above, one of the adopted ‘Project Purposes’ is to realise this potential.

It is therefore recommended that ‘Design Drivers’ associated with infrastructure to support kite surfing and wind surfing at The Pond be included. This would include infrastructure to assist in the hosting of events.

Tern Bank is a fragile and dynamic landform that supports significant flora and fauna; it is managed by DBCA. The consultation process identified the opportunity to better manage access within and across Tern Bank and the Master Plan should explore this outcome.

‘Access’ would not be limited to pedestrian access but also to maintenance vehicle access. Given the current practice of dredging the navigation channel involves the exporting of dredge material via trucks that access the beach from the Carlisle Street boat ramp, an alternate solution involving more direct access should also be examined.
The potential for more interpretive signage and education about The Pond and Tern Bank is also recommended.

The Safety Bay Yacht Club building is a local asset in the sense that it hosts various community groups. Its physical condition, however, has been deteriorating for many years and decisions on whether to undertake remedial work or pursue a new approach will need to be made. The current lease expires in April 2021.

Given the timeframe of the Master Plan, it should examine future uses of the Safety Bay Yacht Club building and consider whether alternative locations, which may accommodate a range of different uses, is appropriate. The CHRMAP findings will be a key input in this regard.

There is also a case to increase the separation of foreshore parkland from Safety Bay Road, to increase amenity and safety, and it is recommended that this be included as a ‘Design Driver’.

Although a small percentage (15%) of survey respondents favoured the introduction of a ‘skate park’ this is balanced by the fact that only 3% of respondents were under the age of 24.

Further, the Site Analysis Mapping concluded that there is a lack of recreational facilities for the older youth cohort in the Study Area and in the vicinity. It should also be noted that a youth facility need not have a large skate component but it could be a small element of a broader integrated facility. This Sector, along with Sector Four, is the logical location for such a facility, and it is recommended that it be investigated.

(v) Sector Four - Bent Street to Warnbro Beach Road
6. Sector Four - Bent Street to Warnbro Beach Road

Sector Four is predominantly parkland with a number of picnic and play facilities along with two off-street carparks one of which is in proximity to the public toilets/change rooms at Waikiki Beach.

Many of the general ‘Design Drivers’ have applicability to this Sector including pedestrian access (across Safety Bay Road), upgraded/consistent infrastructure and facilities and the potential for commercial uses both permanent and temporary.

Given the elevated nature of the Waikiki foreshore, it is recommended that a stand-alone ‘Design Driver’ for enhancing views be included. Further, as detailed above, the Sector has the potential to support a youth facility at an appropriate scale. The separation of activity from Safety Bay Road, as mentioned for Section 3, is also applicable.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ENDORSES the following ‘Design Drivers’ to inform the preparation of the Safety Bay and Shoalwater Foreshore Master Plan:

(i) General - Entire Study Area

- Develop a consistent and complementary palette of furniture, materials and signage.
- Include additional and upgraded picnic facilities including BBQs, shade shelters, drink fountains, bins etc.
- Incorporate the opportunity for artwork and commemorative interpretations at appropriate locations.
- Incorporate Crime Protection Through Environmental Design (CPTED) principles within the Master Plan to provide improved security along the foreshore.
- Protect and enhance the natural assets of the foreshore, such as the dune system and coastal environment.
- Create safe pedestrian and cycle access paths and/or boardwalks along full length of foreshore, with consideration to connectivity beyond the site boundaries, and improved all abilities beach access.
- Allow for improved pedestrian access to the foreshore from the surrounding suburbs across Arcadia Drive and Safety Bay Road.
- Investigate ways to reduce traffic speeds along Arcadia and Safety Bay Road.
- Consider the potential to increase parking provisions, including bus parking, along with direction on how it should be managed.
- Increase shade throughout the foreshore through the careful inclusion of trees and shelters.
- Design viewing nodes or similar that capitalise on the aspect across the Shoalwater Marine Park and Warnbro Sound (and incorporate interpretative signage as appropriate).
- Incorporate additional public toilets/change room facilities consistent with the direction to be provided in the City’s ‘Parks Provision Policy’.
- Investigate the potential for permanent leisure based commercial activities, such as cafe’s, bars and restaurants, in strategic locations.
- Provide direction to the location of Traders Permits and the appropriateness of supporting infrastructure.
- Investigate locations for temporary food vans/truck locations and allow for appropriate access and infrastructure.
- Allow the opportunity for stormwater treatment, in accordance with Water Sensitive Urban Design principles, where drainage outlets enter the foreshore.
- Have due regard to the findings within the City’s ‘Coastal Hazard Risk Management and Adaptation Plan’ in recommending proposed improvements.
- Consider the outcomes of the City’s ‘Coastal Management Study’ by incorporating complementary uses and infrastructure to support the strategic intent for the boat launching facilities.

(ii) Sector One - Boundary Road to McLarty Road
- Investigate the potential for new public facilities and amenities within the Shoalwater Reserve.
- Investigate the integration of a dual-use footpath into the dune system away from Arcadia Drive.
- Utilise the foreshore elevation to leverage views across the Shoalwater Marine Park.
- Improve kite surfing, wind surfing, kayak etc. and all abilities access to the beach from the Lions Park car park.

(iii) Sector Two - McLarty Road to Carlisle Street
- Review and improve general landscape design and treatment surrounding the Mersey Point facility and associated carpark.
- Examine the potential for the Mersey Point facility to be expanded to allow for a wider range of uses and activities.
- Investigate a new dual-use path alignment around the Mersey Point facility that prioritises pedestrians and cyclists.
- Increase the potential for additional Penguin Island and Shoalwater Marine Park interpretative and educational signage.

(iv) Sector Three - Carlisle Street to Bent Street
- Provide infrastructure to support kite surfing and wind surfing activities in proximity to The Pond and facilitate the potential for it to host events, including national and international events.
- Provide the opportunity for more interpretative signage and education about The Pond and Tern Bank.
- Investigate the future of the Safety Bay Yacht Club facility and consider alternative locations and what uses it could accommodate.
- Investigate formalised access across Tern Bank to the beach for pedestrians and maintenance vehicles.
- Improve the safety and amenity of the foreshore parkland by creating separation from Safety Bay Road.
- Explore options for youth play amenity including skate infrastructure.
(v) Sector Four - Bent Street to Warnbro Beach Road
- Utilise the foreshore elevation to leverage views across Warnbro Sound.
- Improve the safety and amenity of the foreshore parkland by creating separation from Safety Bay Road.
- Explore options for a youth play facility including skate infrastructure.

Committee Recommendation

Moved Cr Hamblin, seconded Cr Summers:
That Council ENDORSES the following ‘Design Drivers’ to inform the preparation of the Safety Bay and Shoalwater Foreshore Master Plan:

(i) General - Entire Study Area
- Develop a consistent and complementary palette of furniture, materials and signage.
- Include additional and upgraded picnic facilities including BBQs, shade shelters, drink fountains, bins etc.
- Incorporate the opportunity for artwork and commemorative interpretations at appropriate locations.
- Incorporate Crime Protection Through Environmental Design (CPTED) principles within the Master Plan to provide improved security along the foreshore.
- Protect and enhance the natural assets of the foreshore, such as the dune system and coastal environment.
- Create safe pedestrian and cycle access paths and/or boardwalks along full length of foreshore, with consideration to connectivity beyond the site boundaries, and improved all abilities beach access.
- Allow for improved pedestrian access to the foreshore from the surrounding suburbs across Arcadia Drive and Safety Bay Road.
- Investigate ways to reduce traffic speeds along Arcadia and Safety Bay Road.
- Consider the potential to increase parking provisions, including bus parking, along with direction on how it should be managed.
- Increase shade throughout the foreshore through the careful inclusion of trees and shelters.
- Design viewing nodes or similar that capitalise on the aspect across the Shoalwater Marine Park and Warnbro Sound (and incorporate interpretative signage as appropriate).
- Incorporate additional public toilets/change room facilities consistent with the direction to be provided in the City’s ‘Parks Provision Policy’.
- Investigate the potential for permanent leisure based commercial activities, such as cafe’s, bars and restaurants, in strategic locations.
- Provide direction to the location of Traders Permits and the appropriateness of supporting infrastructure.
- Investigate locations for temporary food vans/truck locations and allow for appropriate access and infrastructure.
- Allow the opportunity for stormwater treatment, in accordance with Water Sensitive Urban Design principles, where drainage outlets enter the foreshore.
- Have due regard to the findings within the City’s ‘Coastal Hazard Risk Management and Adaptation Plan’ in recommending proposed improvements.
- Consider the outcomes of the City’s ‘Coastal Management Study’ by incorporating complementary uses and infrastructure to support the strategic intent for the boat launching facilities.
(ii) Sector One - Boundary Road to McLarty Road
- Investigate the potential for new public facilities and amenities within the Shoalwater Reserve.
- Investigate the integration of a dual-use footpath into the dune system away from Arcadia Drive.
- Utilise the foreshore elevation to leverage views across the Shoalwater Marine Park.
- Improve kite surfing, wind surfing, kayak etc. and all abilities access to the beach from the Lions Park car park.

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- Review and improve general landscape design and treatment surrounding the Mersey Point facility and associated carpark.
- Examine the potential for the Mersey Point facility to be expanded to allow for a wider range of uses and activities.
- Investigate a new dual-use path alignment around the Mersey Point facility that prioritises pedestrians and cyclists.
- Increase the potential for additional Penguin Island and Shoalwater Marine Park interpretative and educational signage.

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- Investigate the future of the Safety Bay Yacht Club facility and consider alternative locations and what uses it could accommodate.
- Investigate formalised access across Tern Bank to the beach for pedestrians and maintenance vehicles.
- Improve the safety and amenity of the foreshore parkland by creating separation from Safety Bay Road.
- Explore options for youth play amenity including skate infrastructure.

(v) Sector Four - Bent Street to Warnbro Beach Road
- Utilise the foreshore elevation to leverage views across Warnbro Sound.
- Improve the safety and amenity of the foreshore parkland by creating separation from Safety Bay Road.
- Explore options for a youth play facility including skate infrastructure.

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

#### Site Selection for the Future Southern and Central Suburbs Enclosed Dog Parks

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>EP-016/19 Site Selection for the Future Southern and Central Suburbs Enclosed Dog Parks</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>R36850</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Adam Johnston, Manager Parks Services</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Craig Beard, Project Technical Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Gary Rogers, Manager Community Infrastructure Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Matthew Emmott, Community Infrastructure Planning Officer</td>
</tr>
<tr>
<td></td>
<td>Mr Amos Dolman, Inquiry and Appeals Officer</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 June 2019</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
</tr>
<tr>
<td>Site:</td>
<td>St Clair Reserve Volume 1 and 2, Lot 1356 Sheridan Way, Port Kennedy</td>
</tr>
<tr>
<td></td>
<td>Seahaven Reserve, Lot 1 Chalmers Avenue, Waikiki</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>St Clair Reserve: 68,144m²</td>
</tr>
<tr>
<td></td>
<td>Seahaven Reserve: 48,681m²</td>
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<td>LA Zoning:</td>
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<td>MRS Zoning:</td>
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<td>Attachments:</td>
<td>1. Selected Potential Southern Suburbs EDP Locations</td>
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<tr>
<td></td>
<td>2. Selected Potential Central Suburbs EDP Locations</td>
</tr>
<tr>
<td></td>
<td>3. Shortlisted Southern and Central Suburbs EDP Locations</td>
</tr>
<tr>
<td></td>
<td>4. St Clair Reserve, Port Kennedy (Proposed EDP Area Shaded Red)</td>
</tr>
<tr>
<td></td>
<td>5. Seahaven Reserve, Waikiki (Proposed EDP Area Shaded Red)</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Selected Potential Southern Suburbs EDP Locations</td>
</tr>
<tr>
<td></td>
<td>2. Selected Potential Central Suburbs EDP Locations</td>
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<tr>
<td></td>
<td>5. Seahaven Reserve, Waikiki (Proposed EDP Area Shaded Red)</td>
</tr>
</tbody>
</table>
Purpose of Report

To seek Council approval for St Clair Reserve and Seahaven Reserve to be selected as the preferred sites of the future Southern and Central Suburbs Enclosed Dog Parks (EDP) for the purpose of community consultation.

Background

Council endorsed the Enclosed Off-Leash Dog Exercise Area (EOLDEA) - Needs and Feasibility Study - July 2015 in August 2015. Since then, the City has opened an EDP in Rockingham in 2016, and Baldivis in 2018.

The Enclosed Off-Leash Dog Exercise Area - Needs and Feasibility Study recommended that “the City’s future planning investigate the provision of an EOLDEA in Baldivis, and the Central and the Southern Suburbs and it be delivered as early as practicable”.

The needs and feasibility study noted that it is evident there is a need and associated benefits for a number of EDPs within the City of Rockingham.

The City has commenced the site selection process for future enclosed dog parks in the City’s Southern (Singleton, Golden Bay, Secret Harbour and Port Kennedy) and Central (Warnbro and Waikiki) Suburbs.

Details

The provision of further EDPs will result in a number of benefits for the Rockingham community and surrounds, specifically; an increase in responsible dog ownership, an increase in physical activity, an increase in community socialisation and an increase in greater dog socialisation.

Officers from the City’s Community Infrastructure Planning and Parks Services teams completed a desktop analysis of suitable reserves throughout the Coastal South and Central suburbs. Officers identified 19 potential sites throughout both areas.

A project team was formed to complete further analysis of the 19 reserves through a detailed site assessment matrix process. Officers included:

- Manager Community Infrastructure Planning;
- Manager Parks Services;
- Community Infrastructure Planning Officer; and
- Project Technical Officer.

Criteria used in the site assessment matrix included;

Passive surveillance
Site has at least one active street frontage, site has passive surveillance, clear sight lines achieved through/to the facility.

Accessibility
Site is easily accessible by emergency vehicles, site has multiple access options, including walking and driving.

Location
Minimum 50m separation from neighbours achieved.

Infrastructure
Provision of existing or capacity for new car-parking on/at the site, site has provision of services (power and water), the site can accommodate the proposed facility (minimum size).

Site specifics
Appropriate land tenure in place (i.e. City owned, controlled or managed), no environmental conditions affecting proposed use (i.e. contaminated site, Bush Forever, etc.), and site accommodates a variety of design options.
Sustainability

People want to go to the location, there is little/no potential competition from nearby/similar activities.

Southern Suburbs:

The project team reviewed parks across the suburbs of Singleton, Golden Bay, Secret Harbour and Port Kennedy.

In total, 12 sites were assessed through the desktop survey (these sites are identified in Figure 1 in red). Of these, two sites were deemed to be suitable through the desktop research, and were identified for further analysis through a site visit. The two sites identified for further analysis were:

1. Surf Drive, Secret Harbour; and
2. St Clair Reserve, Port Kennedy.
1. Selected Potential Southern Suburbs EDP Locations

Central Suburbs:

To determine the most suitable location for the Central suburbs dog park, the project team reviewed parks across the suburbs of Warnbro and Waikiki.
In total, 7 sites were assessed through the desktop survey (these sites are identified in Figure 2 in red). Of these, three sites were deemed to be suitable and were identified for further analysis through a site visit. The three sites identified for further analysis were:

1. Torbay Mews Reserve, Warnbro;
2. The Avenue Reserve, Warnbro; and
3. Seahaven Reserve, Waikiki

2. Selected Potential Central Suburbs EDP Locations

The project team completed site visits of the five sites identified for further analysis to determine their suitability for an EDP (the five reserves are identified in Figure 3). These five sites were:

1. Surf Drive Reserve, Secret Harbour (1);
2. St Clair Reserve, Port Kennedy (2);
3. Torbay Mews, Warnbro (3);
4. The Avenue, Warnbro (4); and
5. Seahaven Reserve (5)

Following the site selection and site visits completed by the project team, it was determined that the two most suitable reserves would be:

- St Clair Reserve (Southern Suburbs); and
- Seahaven Reserve (Central Suburbs)
The above two sites were deemed the most suitable locations for future EDPs for the following reasons:

- Both are located in a central and easily accessible location for the community;
- Each site has good passive surveillance from surrounding roads;
- There are multiple access options including walking, or private vehicle;
- There is parking available at St Clair Reserve which can be expanded, and there is sufficient parking on the roads surrounding Seahaven Reserve; and
- Following feedback from both the Rockingham and Baldivis EDPs, both sites are large in size and would be suitable to accommodate a variety of design options.

3. Shortlisted Southern and Central Suburbs EDP Locations
4. St Clair Reserve, Port Kennedy (Proposed EDP Area Shaded Red)

5. Seahaven Reserve, Waikiki (Proposed EDP Area Shaded Red)

**Implications to Consider**

a. **Consultation with the Community**

The Community Infrastructure Planning team conducted consultation with the Rockingham and Baldivis communities at various stages during the development of both the Baldivis and Rockingham EDPs.

Ongoing community requests have been received for additional dog parks in both the Coastal South and Coastal Central Wards.

If Council approves St Clair and Seahaven Reserves as the preferred sites for the Southern and Central Suburb EDPs, a community consultation period will follow to determine the community’s satisfaction with the sites.
b. Consultation with Government Agencies
Nil

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

**Aspiration 2:** Grow and Nurture Community Connectedness and Wellbeing

**Strategic Objective:** Community engagement - Facilitate comprehensive community engagement on issues facing the City, ensuring that residents can provide input into shaping our future.

**Strategic Objective:** Services and facilities - Provide cost effective services and facilities which meet community needs.

**Aspiration 3:** Plan for Future Generations

**Strategic Objective:** Liveable suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.

d. Policy
Not Applicable

e. Financial
There are no financial implications in respect to undertaking the community consultation regarding the proposed locations for the future EDPs.

The estimated costs associated with the development of each EDP is $165,000. Additional car parking works will likely be required to support the EDP at St Clair Reserve, and these costs are estimated at $50,000. Budget amounts have been allowed in the City’s Business Plan with intended implementation of the Seahaven EDP in 2019/2020 and St Clair EDP in 2021/2022.

f. Legal and Statutory
Seahaven Reserve is an approved Off-Leash Dog Exercise Areas in line with Section 31 of the Dog Act 1976, however, St Clair Reserve is not. Following the site selection process for the future EDPs, the City’s Compliance and Emergency Liaison team will be required to undertake works to have St Clair Reserve designated as an Off-Leash Dog Exercise 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

Community facilities play a vital role in providing spaces for both active and passive recreation. These areas are valued by communities for their recreational and social opportunities. EDPs encourage the community to participate in recreation and socialisation.

The City has a large registered dog population, and in line with the Needs and Feasibility Study and following the success of both the Rockingham and Baldivis Enclosed Dog Parks, the City is now required to commence planning for the future southern and central suburbs dog parks.

The extensive site selection process completed by City officers has ensured that the most appropriate sites have been selected for future EDPs.

St Clair Reserve and Seahaven Reserves have been determined the most appropriate sites for the future EDPs due to the below reasons:
Both are located in a central and easily accessible location for the community;

Each site has good passive surveillance from surrounding roads;

There are multiple access options including walking, or private vehicle;

There is parking available at St Clair Reserve which can be expanded, and there is sufficient parking on the roads surrounding Seahaven Reserve; and

Following feedback from both the Rockingham and Baldivis EDPs, both sites are large in size and would be suitable to accommodate a variety of design options.

St Clair Reserve was favoured due to the large registered dog population in the suburb of Port Kennedy. Seahaven Reserve is an existing approved off leash dog exercise area that is well utilised by local residents.

To ensure the community is involved in the development of these vital community spaces, it is important that community consultation is undertaken on the selected preferred park locations for the southern and central EDPs.

Following the outcome of the proposed consultation process, a further report will be presented to Council providing details of the consultation feedback on the proposed site.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** St Clair Reserve, Port Kennedy and Seahaven Reserve, Waikiki, as the preferred sites of the Southern and Central Suburbs Enclosed Dog Parks for the purpose of community consultation.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Jones:

That Council **APPROVES** St Clair Reserve, Port Kennedy and Seahaven Reserve, Waikiki, as the preferred sites of the Southern and Central Suburbs Enclosed Dog Parks for the purpose of community consultation.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Reference No & Subject: EP-017/19 WALGA Quote W18/19-78 - Supply of One New Landfill and Earthworks Compactor with Optional Service and Maintenance Agreements

File No: W18/19-78

Proponent/s: Mr Glen Zilko, Fleet Management Supervisor

Author: Mr Manoj Barua, Manager Engineering Services

Other Contributors: Mr Manoj Barua, Manager Engineering Services

Date of Committee Meeting: 17 June 2019

Previously before Council: 17 June 2019

Disclosure of Interest: Executive

Nature of Council’s Role in this Matter: Executive

Site: Lot Area: LA Zoning: MRS Zoning: Attachments: Maps/Diagrams:

Purpose of Report
To provide Council with details of the quotes received for WALGA Quote W18/19-78 - Supply of One New Landfill and Earthworks Compactor with optional service and full maintenance agreements, document the results of the quotes assessment and make recommendations regarding award of the quote.

Background
The City’s plant replacement program identified the Bomag landfill and earthworks compactor plant number 60383 for replacement in the 2018/2019 financial year. The landfill and earthworks compactor is used at the City’s Millar Road Landfill Facility.

Details
Quote W18/19-78 - Supply of One New Landfill and Earthworks Compactor was sent out via the WALGA E-Quote system on Friday 22 March 2019. Quotes closed at 2.00pm Wednesday, 17 April 2019. Quotes were sent to three companies on WALGA’s Preferred Supply for Plant Machinery Equipment.
Submissions were received from all three companies. One submission, from GCM Enviro Pty Ltd provided two options for the landfill earthworks compactor. The three companies also provided options for the service and full maintenance agreements. All submissions for the landfill and earthworks compactor were subjected to mechanical and operator assessments undertaken by suitably qualified and experienced City officers.

<table>
<thead>
<tr>
<th>Company</th>
<th>Landfill Compactor Make and Model</th>
<th>Price for Supply, Delivery of one new landfill and earthworks compactor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tutt Bryant Equipment</td>
<td>Bomag BC772RB-2</td>
<td>$740,000</td>
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<tr>
<td>GCM Enviro Pty Ltd – Option 1</td>
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<td>GCM Enviro Pty Ltd – Option 2</td>
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<tr>
<td>Westrac Pty Ltd</td>
<td>Caterpillar 826K</td>
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</tbody>
</table>

A panel comprising the City’s Manager Waste Services, Landfill Operations Supervisor, Manager Engineering Services and Fleet Management Supervisor undertook evaluations of the quotes.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Level of Service</th>
<th>Performance and Experience</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tutt Bryant Equipment – Bomag BC772RB-2</td>
<td>11.7</td>
<td>34.1</td>
<td>40.0</td>
<td>85.8</td>
</tr>
<tr>
<td>GCM Enviro Pty Ltd – Tana E380 – Option 1</td>
<td>10.0</td>
<td>28.2</td>
<td>38.2</td>
<td>76.4</td>
</tr>
<tr>
<td>GCM Enviro Pty Ltd – Tana E380 Eco – Option 2</td>
<td>10.0</td>
<td>29.2</td>
<td>37.3</td>
<td>76.5</td>
</tr>
<tr>
<td>Westrac Pty Ltd – CAT 826K</td>
<td>11.6</td>
<td>26.6</td>
<td>37.6</td>
<td>75.8</td>
</tr>
</tbody>
</table>

The panel considers that the Tutt Bryant Equipment - Bomag BC772RB-2 provides the best value for money.

The quotation documentation also provided for an optional service agreement or full maintenance agreement and prices received as follows:

**Optional Service Agreement** (A service agreement is for servicing of the machine only at the regular intervals of 250 hours)

<table>
<thead>
<tr>
<th>Company</th>
<th>Landfill Compactor Make and Model</th>
<th>Cost for 5 years or 8500 hours use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tutt Bryant Equipment</td>
<td>Bomag BC772RB-2</td>
<td>$93,703</td>
</tr>
<tr>
<td>GCM Enviro Pty Ltd – Option 1</td>
<td>Tana E380</td>
<td>$83,760</td>
</tr>
<tr>
<td>GCM Enviro Pty Ltd – Option 2</td>
<td>Tana E380 Eco</td>
<td>$83,760</td>
</tr>
<tr>
<td>Westrac Pty Ltd</td>
<td>Caterpillar 826K</td>
<td>$78,285</td>
</tr>
</tbody>
</table>

**Optional Full Maintenance Agreement** (a full maintenance and service agreement covering all mechanical breakdowns for the 5 year term with the exception of ground engaging tools such as tracks and bucket cutting edges)
<table>
<thead>
<tr>
<th>Company</th>
<th>Landfill Compactor Make and Model</th>
<th>Cost for 5 years or 8500 hours use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tutt Bryant Equipment</td>
<td>Bomag BC772RB-2</td>
<td>$146,240</td>
</tr>
<tr>
<td>GCM Enviro Pty Ltd – Option 1</td>
<td>Tana E380</td>
<td>$92,994</td>
</tr>
<tr>
<td>GCM Enviro Pty Ltd – Option 2</td>
<td>Tana E380 Eco</td>
<td>$92,994</td>
</tr>
<tr>
<td>Westrac Pty Ltd</td>
<td>Caterpillar 826K</td>
<td>$137,275</td>
</tr>
</tbody>
</table>

The optional service agreements and full maintenance agreement were considered by the Assessment Panel.

Taking into consideration of the warranty and service agreements the Assessment Panel did not consider the full maintenance agreement as being best value to the City.

The expenditure of similar plant owned by the City demonstrates that the servicing costs in the service agreement are appropriate and therefore it is recommended that the City enters into a service agreement for the five year period or 8,500 hours of use.

**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 Strategic Community Plan 2019-2029:
       - **Aspiration 3:** Plan for Future Generations
       - **Strategic Objective:** Sustainable waste solutions - Incorporate new opportunities that support responsible and sustainable disposal of waste.

d. **Policy**
   - In accordance with the City’s Purchasing Policy, purchases from WALGA’s Preferred Supply Contract, can be used as a procurement option.

e. **Financial**
   - **Plant Tenders**
     - $890,000 has been allocated for the purchase of one new landfill and earthworks compactor in the 2018/2019 budget account GL 418184.0025.086 - Plant and Equipment Purchases. In accordance with the panel’s recommendations the purchase can be undertaken within the budget allocation.
     - The servicing cost is incorporated as part of the overall yearly Fleet maintenance budget.

f. **Legal and Statutory**
   - In accordance with the Local Government (Functions and General) Regulations 1996, Part 4, Division 2, Section 11 subsection (2)(b), a tender exemption applies to WALGA’s Preferred Supply Contracts, and therefore local governments are not required to go to public tender when purchasing from WALGA’s arrangement, irrespective of contract value or length.

   Section 11(1) ‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON MONDAY 15 JULY 2019  

PRESIDING MEMBER
Section (2) – Tenders do not have to be publicly invited according to the requirements of the Division if – 
Section (2)(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of ‘WALGA’ 

**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

Following consideration of the submissions in accordance with the quote assessment criteria, Tutt Bryant Equipment demonstrated the capability, capacity and resources to deliver the landfill and earthworks compactor according to the City’s specification.

The assessment panel considered that the quotation received from Tutt Bryant Equipment for the supply of one new landfill and earthworks compactor with the optional service agreement represented the best value to the City and therefore recommended as the preferred supplier.

### Voting Requirements

Simple Majority

#### Officer Recommendation

That Council:

1. **ACCEPTS** the quotation in accordance with WALGA Contract No NPN 2.15 submitted by Tutt Bryant Equipment, 50 Great Eastern Highway South Guildford, WA 6056 for quotation W18/19-78 – Supply of One New Landfill and Earthworks Compactor for the total price of $740,000 excluding GST and disposal of the existing Bomag landfill and earthworks compactor plant number 60383 at public auction.

2. **ACCEPTS** the service agreement for a total cost of $93,703 excluding GST for the servicing of the Bomag BC772RB-2 landfill and earthworks compactor for a five year period or 8,500 hour of use submitted by Tutt Bryant Equipment, 50 Great Eastern Highway South Guildford, WA 6056.

#### Committee Recommendation

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

That Council:

1. **ACCEPTS** the quotation in accordance with WALGA Contract No NPN 2.15 submitted by Tutt Bryant Equipment, 50 Great Eastern Highway South Guildford, WA 6056 for quotation W18/19-78 – Supply of One New Landfill and Earthworks Compactor for the total price of $740,000 excluding GST and disposal of the existing Bomag landfill and earthworks compactor plant number 60383 at public auction.

2. **ACCEPTS** the service agreement for a total cost of $93,703 excluding GST for the servicing of the Bomag BC772RB-2 landfill and earthworks compactor for a five year period or 8,500 hour of use submitted by Tutt Bryant Equipment, 50 Great Eastern Highway South Guildford, WA 6056.

Committee Voting – 5/0
The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
<table>
<thead>
<tr>
<th></th>
<th>Reports of Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>Addendum Agenda</th>
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</thead>
<tbody>
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<td>14</td>
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<table>
<thead>
<tr>
<th></th>
<th>Motions of which Previous Notice has been given</th>
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<td>15</td>
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<table>
<thead>
<tr>
<th></th>
<th>Notices of Motion for Consideration at the Following Meeting</th>
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</thead>
<tbody>
<tr>
<td>16</td>
<td>Nil</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Urgent Business Approved by the Person Presiding or by Decision of the Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Matters Behind Closed Doors</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Date and Time of Next Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>The next Planning and Engineering Services Committee Meeting will be held on Monday 15 July 2019 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:51pm.</td>
</tr>
</tbody>
</table>