# City of Rockingham
## Planning and Engineering Services Committee Meeting Minutes
### Monday 14 September 2015

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### Planning and Development Services Information Bulletin – September 2015
- PDS-058/15 Proposed Modification to Indicative Development Guide Plan – Tuart Ridge Neighbourhood Centre
- PDS-059/15 Proposed Building Envelope Variation
- PDS-060/15 Amendment to Planning Approval - Extractive Industry (Deletion of Condition)
- PDS-061/15 Proposed Street Naming Theme – "One71 Baldivis" (Melbourne CBD Attractions, Inner City Suburbs and Precincts)
- PDS-062/15 Proposed Street Naming Theme – "Brightwood at Baldivis" (Bright and Vibrant)
- PDS-063/15 Joint Development Assessment Panel Application - Mixed Use Development (Showroom, Gymnasium and Office) - Lot 159 Minden Lane, Baldivis
- PDS-064/15 Joint Development Assessment Panel Application - Additions and Alterations to Secret Harbour District Shopping Centre - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour
- PDS-065/15 'Indian Ocean Gateway' 

### Engineering and Parks Services Information Bulletin – September 2015
- EP-038/15 Budget Amendment to allocate extra Roads to Recovery funding for 2015/2016 (Absolute Majority)
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City of Rockingham
Planning and Engineering Services Committee
Meeting Minutes
Monday 14 September 2015 - Council Boardroom

1. Declaration of Opening

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

Moved Cr Hill, seconded Cr Pease:
That Cr Elliott be appointed Acting Chairperson for the meeting.

Carried – 4/0

The A/Chairperson declared the Planning and Engineering Services Committee Meeting open at 4.04pm, welcomed all present, and delivered to the Acknowledgement of Country.

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

2.1 Councillors

Cr Richard Smith (Deputy Mayor) Chairperson (arrived 4.28pm)
Cr Chris Elliott A/Chairperson (until 4.28pm)
Cr Ron Pease JP
Cr Deb Hamblin
Cr Allan Hill OAM JP
Cr Justin Smith (Observer)
Cr Matthew Whitfield (Observer)
Cr Leigh Liley (Observer until 4.58pm)

2.2 Executive

Mr Andrew Hammond Chief Executive Officer
Mr Bob Jeans Director Planning and Development Services
Mr John Woodhouse Director Legal Services and General Counsel
Mr Chris Thompson Director Engineering and Parks Services
Mr Peter Ricci Manager Major Planning Projects
Mr Brett Ashby Manager Strategic Planning and Environment
Mr Richard Rodgers Manager Building Services
Mr David Waller Coordinator Statutory Planning
Mr Michael Howes Coordinator Ranger Services
Mr Ian Daniels Manager Engineering Services
Mr Gary Rogers Manager Procurement and Projects
Mr Kelton Hincks Manager Asset Services
Mr James Henson Manager Parks Development
Mr Adam Johnston Manager Parks Operations
Mr Allan Moles Manager Integrated Waste Services
Ms Melinda Wellburn PA to Director Planning and Development Services
2.3 Members of the Gallery: 4
2.4 Apologies: Nil
2.5 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice

3.1 Mr James Mumme, 36 Gloucester Avenue, Shoalwater - Palm Beach Caravan Park

At the August Committee meeting held on 17 August 2015, Mr Mumme tabled the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 26 August 2015 as follows:

1. Process

   Question
   (i) On 28 July Council carried en bloc a vote to ADOPT (initiate) Amendment No.157?

   Response
   Amendment No.157 was initiated by the Council at the ordinary Meeting held on the 23rd June 2015.

   Question
   (ii) Why did the Committee vary the Officer Recommendation, namely to require the LSP to be presented to Council for consideration of approval to proceed to advertise for public submissions rather than be advertised under delegated authority?

   Response
   The Committee's reasons for varying the Officer recommendation was: “The Committee wished to ensure that the Local Structure Plan was presented to Council rather than proceed to be advertised under delegated authority.”

   Question
   (iii) Does this change mean that Council will also approve the LSP before public submissions are called for?

   Response
   No. The Local Structure Plan will be considered in accordance with Clause 4.2.6 of Town Planning Scheme No.2.

2. Lake Richmond

   Question
   (i) SEWPaC has declared this development "not a controlled action". Given the ongoing parlous state of Lake Richmond's water quality and the fact that it is a highest priority wetland and the fact that MBM is controlled action with many onerous requirements, can you help me understand why this development is not a controlled action?

   Response
   The City is not qualified to answer this question.

   Question
   (i) Would Council consider appealing this?

   Response
   No.

3. Stormwater

   Questions
   (i) The Interim Recovery Plan for the thrombolites has stringent criteria for success regarding quality and level of water. The EAR states "dust and stormwater runoff will also be controlled during development to limit any in-direct impacts to nearby sensitive environments." I notice that the word used is "limit" not avoid or prevent. Why will dust and stormwater runoff be allowed to enter the lake at all?
(ii) Groundwater on the development site is known to be up to 50cm below the surface so mixing the storm water is likely. The proponent expected to manage water on site. It seems unclear whether 'on site' means no water is allowed to enter the lake or not. I believe that one condition of the Anchorage was that no storm water runoff from blocks is allowed to enter the lake. Why is there no such condition imposed for this development?

Response
Stormwater and groundwater management will be considered as part of the Local Water Management Strategy (LWMS), together with a future Local Structure Plan. This is consistent with the advice provided by the Environmental Protection Authority on the Scheme Amendment regarding hydrological processes.

4. Contamination
Questions
(i) The EAR appears contradictory. At one point it mentions "desk top study" and at another a "site investigation". Does this mean both?
(ii) Surely some groundwater sampling in between the caravan park and Lake Richmond and testing for contaminants would have been considered important?
(iii) Will removal of the leach drains and soil around the septic tanks be required?
(iv) I note that this matter is the responsibility of the developer. Who will monitor the developer?

Response
The EAR assessment included a desk-top analysis as well as a site investigation. There is a possibility that the on-site effluent disposal whilst operating as a caravan park may have caused Lots 1512 & 5000 to become a contaminated site (EAR, page 16).

A Preliminary Site Investigation has been scheduled by the proponent to assess the potential contamination of the site. Depending upon the results of the preliminary investigation, further investigation and on-site sampling may be required.

If there is any site contamination, it is the responsibility of the DER and the EPA to assess the development prior to work commencing.

5. Environmental Sensitivity
Questions
(i) Page 11 says "in an environmentally sensitive manner and good landscaping". What exactly do these mean?
(ii) When will they be specified?
(iii) Why not mention that bird/frog friendly habitats should be created?

Response
Landscaping is a matter that will be considered by the City as part of a future application seeking Planning Approval for the proposed development.

6. Traffic
Question
(i) The Traffic Impact Assessment appears inadequate. It claims that the existing intersections and roads are capable of carrying an extra 4050 trips/day, but there is no mention of the expected impact of MBM in both development stage or operational stage nor of the expansion of the Stirling Base. The PER gives 4000 vehicles per day on Point Peron Road in 2018. Why is there no mention of the MBM?
This figure is based on an assumption of an average of one car/household and nine trips/day. If families of naval personnel are going to live here, it's likely that they will have two cars and use them both each weekday.
It's estimated that one tenth of 40% of the traffic will head west on Lake Street towards Safety Bay Road. Given the naval personal are the most likely residents here, surely this figure is unrealistic. The TIA estimate is 4% of 4050 which gives 160 movements westwards.

**Response**

The City will review the Traffic Impact Assessment in its assessment of the proposed Scheme Amendment.

### 7. Lack of Vision

**Question**

(i) I'm glad that local native plants are required and that cats will be banned (or curfewed?), but here is a chance for a truly forward looking development. Why should not it be specified at this stage that houses be designed to be passive solar, to face towards the north instead of facing towards the streets or laneway, and to generation their own power, and for bird and frog friendly landscaping?

**Response**

The layout of the development will be considered as part of the Structure Plan and detailed design as part of a future application seeking Planning Approval for the development.

**Question**

(i) Instead of merely circulating some printed educational materials, why not require the developer or DHA to support a friends of Lake Richmond Group?

**Response**

The City has no authority to require the developer or DHA to support a friends of Lake Richmond Group. This is a question that should be raised directly with the Defence Housing Australia.

### 8. Weed Control

**Question**

(i) I notice in the EAR that this is a planning matter rather than a matter for dealing with actual weeds. Weeds are a major problem for Lake Richmond. What is proposed to ensure that weeds do not grow on the cleared land before and during construction of infrastructure and housing?

**Response**

Weed control can be considered as part of the developer’s construction management of the site.

### 9. Housing Heights

**Question**

(i) In the text, it states that there will not be two storey housing along Lake Street but in the graphic shown as a model there are two storey houses along the Street. Why? It is suggested that some will be "higher" - how much higher? A limited should be specified.

**Response**

The City will consider building heights in a future Local Structure Plan.

## 4. Public Question Time

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<td>4.05pm</td>
<td>The A/Chairperson invited members of the Public Gallery to ask questions.</td>
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<td>4.1</td>
<td>Mr Arno Staub, 2 Muros Close, Warnbro - PDS-063/15 - Joint Development Assessment Panel Application - Mixed Use Development (Showroom, Gymnasium and Office) - Lot 159 Minden Lane, Baldivis</td>
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The A/Chairperson invited Mr Staub to present his questions to the Planning and Engineering Services Committee. Mr Staub spoke at length on his concerns regarding the City's assessment of his development proposal, stating that the assessment in the report was based on office use rather than showroom use. He also stated that measurements within the report were incorrect and a response had not been received on how the measurements of the proposal were undertaken.

Mr Staub advised that the Baldivis Activity Centre Structure Plan states that Nairn Drive and Safety Bay Road are to have passive frontages and do not form part of the main street areas. Mr Staub made reference to Page 64 of the Agenda which indicated that the level of building standard is to be based on the standard of the First Choice Liquor building, Dome Café and Medical Centre and that his building surpassed those buildings.

Mr Staub advised that his proposed building addresses both street frontages and does not have a back of building. He advised that the backs of these buildings are unappealing.

Mr Staub queried whether there is a maximum length of wall for street front buildings in the City Policy requirements. He advised that his building has a lesser length of wall than First Choice Liquor and queried the comments in the report.

Director Planning and Development Services, Mr Jeans advised that the proposal had been assessed against each requirement of the Detailed Area Plan and Baldivis Town Centre Policy and that the assessment of each of those requirements had been set out in the report and Responsible Authority Report.

Mr Staub queried why the City requires signage panels to be placed on the building to display signs.

Mr Staub advised that he had spoken to an officer at the Building Registration Board who advised the City's assessment is incorrect and that it should be left to the Certifier to advise at the Building Permit stage. He queried on what basis the City assessed the number of disabled parking bays required.

Mr Staub then asked the following question:

1. Does the passive frontage requirement of the Baldivis Activity Centre Structure Plan apply to my property?

The Chairperson advised that this question will be taken on notice and a response would be provided at the Council meeting to be held on Tuesday 22 September 2015.

4.2 Mr Peter Green, 25 Nabberu Loop, Cooloongup - Mangles Bay Marina Local Structure Plan

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

1. Has the City received any correspondence from Cedar Woods as discussed at the August Council Meeting?

Response

Yes, however, it is not related to the Local Structure Plan.

2. Is it likely that the Local Structure Plan will be available for public comment prior to the closure of the Metropolitan Region Scheme (MRS) Amendment on the 13th November? If the Local Structure Plan is available prior to that date, it might need to be changed substantially.

Response

Director Planning and Development Services, Mr Jeans advised that the Local Structure Plan and the MRS Amendment are not linked. The Structure Plan assessment will proceed if the MRS Amendment is approved.
4.28pm  Cr Richard Smith arrived at the Planning and Engineering Services Committee meeting and assumed the Chair.

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

The Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. Mr Mumme commended Council Officers on their submission to the Western Australian Planning Commission (WAPC) regarding the 3.5 Million draft Perth and Peel Strategic Planning document. Many of the issues raised by Council are in his opinion vital to our City, particularly transport, health, recreation, education, employment, disputing the depiction of the Bush Forever site as Urban Expansion, and their concern that the WAPC consultation is “procedural and superficial” and appears to pre-empt decisions months before they are due to be made after a consultation process.

Mr Mumme referred to two WAPC maps from Appendix 3 of the Bulletin, one called Plan 1 and one called Figure 8. Both show a road along the southern edge of Lake Richmond and unbroken between the Causeway and Rae Road. In the first map its called “Existing Road”. In the second map this road is labelled “Integrator Arterial” and the title of the map is “Recommended Additional Regional Roads”?

Mr Mumme then asked the following questions:

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<th>Question</th>
<th>Response</th>
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<td>1. Is Council, like the WAPC, also recommending the Garden Island Highway as a solution to the traffic problems posed by the so-called Mangles Bay Marina? If so, why? If not, why did Council not raise it?</td>
<td>The Chairperson took the question on notice.</td>
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<td>2. Council knows that the Federal Department of Environment imposed stringent conditions on the MBM in order to protect the water quality and levels of Lake Richmond that are considered vital to the sustainability of the thrombolites and the Holocene dune sedge community around the lake. If Council is considering recommending this road, will Council advise the Federal Department of Environment of this fact and seek its consent in relation to the conditions? If not, why not?</td>
<td>The Chairperson took the question on notice.</td>
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<tr>
<td>3. Will Council advise the WAPC that it opposes the upgrading of Richmond Avenue to the Garden Island Highway? If not, why not?</td>
<td>Chief Executive Officer, Mr Hammond advised that Council does not have a policy position on this issue.</td>
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**Question**

4. Mr Mumme referred to the map in 3.5 Million showing the Bush Forever Site 355 as 'Urban Expansion' and expressed his surprise that Council did not ask the WAPC to alter this map of the Bush Forever site. Because Council did not raise this issue, Council's submission gives the impression that Council also accepts the loss of Bush Forever 355 and agrees to the pre-emption.

   Does Council accept the loss of BF355?

   If not, why did they not dispute the map?

**Response**

*The Chairperson took the question on notice.*

**Question**

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

**Response**

*The Chairperson took the question on notice.*

4.32pm There being no further questions the Chairperson closed Public Question Time.

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

*Moved Cr Hill, seconded Cr Elliott:*

That Committee **CONFIRM** the Minutes of the Planning and Engineering Services Committee Meeting held on 17 August 2015, 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**

4.32pm 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**

4.32pm The Chairperson asked if there were any interests to declare.

   There were none.

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

Cr Hill tabled a West Australian newspaper article titled "Health fears over freight link fumes" - Monday 14 September 2015.

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

Nil
## 11. Bulletin Items

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

#### Health Services

1. Health Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 FoodSafe
   3.2 Industrial and Commercial Waste Monitoring
   3.3 Mosquito Control Program
   3.4 Ocean Water and Storm Water Sampling
4. Information Items
   4.1 Mosquito-Borne Disease Notifications
   4.2 Food Recalls
   4.3 Food Premises Inspections
   4.4 Public Building Inspections
   4.5 Outdoor Public Event Approvals
   4.6 Permit Approvals
   4.7 After Hours Noise and Smoke Nuisance Complaint Service
   4.8 Complaint - Information
   4.9 Noise Complaints - Detailed Information
   4.10 Building Plan Assessments
   4.11 Septic Tank Applications
   4.12 Demolitions
   4.13 Swimming Pool and Drinking Water Samples
   4.14 Rabbit Processing
   4.15 Hairdressing and Skin Penetration Premises
   4.16 New Family Day Care Approvals
   4.17 Correspondence
   4.18 Emergency Services
   4.19 Social Media
   4.20 Bush Fire Hazard Reduction Program
   4.21 Accredited Volunteer Training
   4.22 Warnbro Dunes Bushfire Mitigation Pilot Project
   4.23 State Emergency Management Committee Secretariat – Strategic Bushfire Stocktake
   4.24 Southern Australian Seasonal Bushfire Outlook 2015-16
   4.25 Ranger Services
   4.26 Department News

#### Building Services

1. Building Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Legal
   4.2 Monthly Building Permit Approvals - (All Building Types)
   4.3 Private Swimming Pool and Spa Inspection Program
   4.4 Continued Service System – Where a Certificate of Design Compliance & Building Permit are Produced Individually
   4.5 Demolition Permit
   4.6 Permanent Sign Licence
   4.7 Community Sign Approval
   4.8 Temporary Sign Licence
   4.9 Street Verandah Approval
   4.10 Occupancy Permits
### Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Local Planning Strategy (LUP/1352)
   3.2 Water Campaign (EVM/56-02)
   3.3 Karnup District Structure Plan (LUP/1546)
   3.4 Cockburn Sound Coastal Alliance – Vulnerability & Flexible Adaptation Pathways Project Stage 3 (EVM/149)
4. Information Items
   4.1 Proposed Metropolitan Region Scheme Amendment – Heritage Park Phase 2 Lots 986 and 993 Baldivis Road, Baldivis
   4.2 Delegated Final Adoption of Structure Plan
   4.3 Delegated Minor Changes to Structure Plans

### Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Land Use - Planning Enforcement
   4.2 Subdivision/Development Approvals and Refusals by the WAPC
   4.3 Notifications and Gazettals
   4.4 Subdivision Clearances
   4.5 Subdivision Survey Approvals
   4.6 Subdivision Lot Production
   4.7 Delegated Development Approvals
   4.8 Delegated Development Refusals
   4.9 Delegated Building Envelope Variations
   4.10 Subdivision/Amalgamation Approved
   4.11 Strata Plans
   4.12 Subdivision/Amalgamation Refused
   4.13 Public Comment - Proposed New Western Australian Heritage Act
   4.14 Local Planning Scheme Regulations
   4.15 Palm Beach Caravan Park - Advertising of Scheme Amendment

### Planning and Development Directorate

1. Planning and Development Directorate Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08)
   3.2 Northern Smart Village Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.3 Campus Sector – Masterplan, Development Policy Plan and Scheme Amendment
   3.4 Eastern Sector - Masterplan, Development Policy Plan and Scheme Amendment
   3.5 Southern Gateway Sector – Masterplanning, Development Policy Plan and TPS (LUP/1846 & LUP/1847)
3.6 Rockingham Station Sector – Masterplanning and Development Policy Plan (LUP/1848)
3.7 ‘Mangles Bay Marina’
3.8 Rockingham Beach Foreshore Master Plan
4. Information Items
4.1 Warnbro Dunes Pilot Project - Project Update
4.2 City of Rockingham Submission – Draft Perth & Peel @ 3.5 Million and South Metropolitan Peel Sub-Regional Planning Framework

Advisory Committee Minutes

Committee Recommendation

Moved Cr Pease, seconded Cr Hamblin:
That Councillors acknowledge having read the Planning Services Information Bulletin – September 2015 and the content be accepted.
Committee Voting – 5/0
Cr Pease commended Planning Services on this month’s Bulletin.

Engineering and Parks Services Information Bulletin – September 2015

Engineering Services
1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Road Safety Strategy Review
   3.2 Integrated Transport Plan Review
   3.3 Stormwater Adaptation Plan
4. Information Items
   4.1 Delegated Authority for Temporary Thoroughfare Closure
   4.2 Delegated Authority for the payment of Crossover Subsidies.
   4.3 Delegated Authority to approve the release of Bonds for private subdivisional works.
   4.4 Delegated Authority to approve of Engineering Drawings – Subdivisions
   4.5 Delegate Authority for Notices given under s3.25(1)(a) LG Act 1995
   4.6 Delegate Authority for approval of Directional Signage
   4.7 Engineering Services Design Projects 2015/2016
   4.8 Handover of Subdivisional Roads
   4.9 Structure Plan Referrals
   4.10 Traffic Report Referrals
   4.11 Urban Water Management Referrals
   4.12 Subdivision Approval Referrals
   4.13 Subdivision Clearance Requests
   4.14 Development Application Referrals
   4.15 Authorised Traffic Management Plans for Works on City Controlled Roads
   4.16 Safety Bay Road – Principal Shared Path
   4.17 Warnbro Beach Road – Temporary Speed Cushions

Engineering Operations
1. Engineering Operations Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Road Construction Program Main Roads Grant 2015/2016
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**Parks Development**

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

**Parks Operations**

1. Parks Operation Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Beach Lookout Replacement - Secret Harbour Foreshore
   3.2 Baldivis Nature Reserve, Install Formal Limestone Access Path (Greening Plan)
   3.3 Stan Twight Reserve – Cricket Net Renewal
   3.4 Centenary Reserve – Garden Kerbing Renewal
   3.5 Play Equipment Replacements
4. Information Items
   4.1 Parks Maintenance Program 2015/2016

**Asset Management**

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

**Building Maintenance**
1. Building Maintenance Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Secret Harbour Car Park – Lighting Upgrade
   3.2 Replacement of Flood Lighting – City of Rockingham Administration Building
   3.3 Replacement of Electric Fence – City of Rockingham Depot/Operations Centre
   3.4 Warning Signage and Fire Panel Upgrade – City of Rockingham Depot and Operations Centre
   3.5 Upgrade of Fire Panel to Safety Bay Library
   3.6 Upgrade of Fire Panel at Millar Road Landfill
   3.7 Rockingham Bowling Club – Asbestos Removal
   3.8 McLarty Hall – Asbestos Removal
   3.9 Safety Bay Bowling Club – Asbestos Removal
   3.10 Hebron Street Youth Services – Asbestos Removal
   3.11 Rockingham Bowling Club – Asbestos Removal from Switchboard
   3.12 Safety Bay Bowling Club – Asbestos Removal from Switchboard
   3.13 Safety Bay Health Clinic – Asbestos Removal
   3.14 Safety Bay Yacht Club – Asbestos Removal
   3.15 Centaurus Kindergarten – Asbestos Removal Floor Replacement
   3.16 Centaurus Kindergarten – Asbestos Removal from Switchboard
   3.17 Centaurus Kindergarten – Asbestos Removal – Replace Walls
   3.18 Rockingham Museum – Asbestos Removal from Switchboard
   3.19 Rockingham Museum – Asbestos Removal and Ceiling Replacement
   3.20 Rockingham Museum – Asbestos Removal and Floor Replacement
   3.21 Bell Park – Retrofit and Lighting Replacement
   3.22 Lagoon Reserve - Pole Replacement
   3.23 Tangadee Reserve – Upgrade of Switchboard and Cabling

4. Information Items
   4.1 Building Maintenance
   4.2 Graffiti Removal
   4.3 Lighting Inspections

**Capital Projects**
1. Capital Projects Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Coastal Management Consultants (Sand Drift/Erosion Problems)
   3.2 Coastal Infrastructure Facilities Consultant (Jetties/Boat Ramp Planning)
   3.3 Lighting Consultants (Technical Planning/Design, Underground Power Program)
   3.4 Major Project Property Development Planning (Design Modifications/Tender Planning/Structural Testing)
4. Information Items
   4.1 Shoalwater North Underground Power Project
   4.2 2015/2016 Public Area Lighting and Arterial Lighting
   4.3 Bent Street Boat Ramp Rock Armour Protection and Boat Ramp Maintenance
   4.4 Secret Harbour Surf Life Saving Club - Renovation
   4.5 Lark Hill Sub Metering
4.6 Baldivis Reserve Toilet Replacement
4.7 Lions Park Upgrade
4.8 Waikiki Foreshore – Foreshore Protection Specification
4.9 Rockingham Day Care Fire Panel Replacement
4.10 Lotteries House Replacement of Elevator
4.11 Administration Building Replacement of Elevator
4.12 Aqua Jetty Swimming Club Office
4.13 Eighty Road Reserve Club Facility
4.14 Laurie Stanford Reserve Development
4.15 Rhonda Scarrott Reserve Development
4.16 Safety Bay Tennis Club – Reroofing and General Renovations
4.17 Point Peron Sand Trap Excavation and Beach Nourishment 2015/2016

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

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

**Advisory Committee Minutes**

**Committee Recommendation**

Moved Cr Hill, seconded Cr Elliott:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin – September 2015 and the content be accepted.

Committee Voting – 5/0
12. Agenda Items

Planning and Development Services

Planning and Development Services
Strategic Planning and Environment Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-058/15 Proposed Modification to Indicative Development Guide Plan – Tuart Ridge Neighbourhood Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LUP/420-05</td>
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<tr>
<td>Risk Register No</td>
<td></td>
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<tr>
<td>Applicant:</td>
<td>Cardno (WA) Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Okeland Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Jeff Bradbury, Coordinator Strategic Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Brett Ashby, Manager Strategic Planning and Environment</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>April 2009 (PD56/4/09); October 2010 (SPE-006/10); May 2011 (SPE-017/11); April 2014 (PDS-031/14)</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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</tr>
<tr>
<td>Site:</td>
<td>Lot 3 Delta Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>5,196m²</td>
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<tr>
<td>LA Zoning:</td>
<td>Development</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
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<td>Attachments:</td>
<td>Proposed Modified Indicative Development Guide Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>1. Location of Lot 3 Delta Road, Baldivis</td>
</tr>
<tr>
<td></td>
<td>2. Adopted Indicative Development Guide Plan</td>
</tr>
<tr>
<td></td>
<td>3. Proposed Modification to Indicative Development Guide Plan</td>
</tr>
</tbody>
</table>

Purpose of Report

To consider a proposal to modify the Indicative Development Guide Plan (IDGP) for the ‘Tuart Ridge Neighbourhood Centre’ by increasing the residential density over Lot 3 Delta Road, Baldivis from R40 to R60.
Background

At its ordinary Meeting held in April 2014, the Council adopted an IDGP for the Tuart Ridge Neighbourhood Centre. The intent of the IDGP was to facilitate the following mix of land uses within the Neighbourhood Centre in accordance with the principles of *Liveable Neighbourhoods* and based on ‘Main Street’ design principles (Figure 2):

- A supermarket;
- Specialty retail tenancies;
- A private community purpose site (Childcare Centre);
- A public community purposes site (Piazza);
- A gym; and
- R40 Residential Dwelling Sites.

1. Location of Lot 3 Delta Road, Baldivis

Details

The applicant seeks approval to modify the IDGP for the ‘Tuart Ridge Neighbourhood Centre’ by increasing the residential density over Lot 3 Delta Road, Baldivis from R40 to R60 (see Attachment 1 and Figure 3).

The applicant has provided the following information in support of the proposal:

- The landowner has undertaken a review of market demand and determined that an R60 residential product is desired in the locality.
- All of the residential land within the Village Centre is currently coded R40 and the proposed R60 coding would provide for a greater mix of density within the Centre; and is an appropriate density to be located within the Centre.

- It is intended that the site be developed for two-storey multiple dwellings (approximately 50 units) in accordance with the Residential Design Codes.

2. Adopted Indicative Development Guide Plan

3. Proposed Modification to Indicative Development Guide Plan
Implications to Consider

a. Consultation with the Community

The WAPC Structure Plan Preparation Guidelines state that changes in residential density that fall within the same density band are not required to be advertised. In this regard, the proposed change from Residential R40 to R60 was not advertised because R40 and R60 both fall within the medium density band.

b. Consultation with Government Agencies

Refer to previous comment.

c. Strategic

Community Plan

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

Aspiration D: Sustainable Environment

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

d. Policy

Liveable Neighbourhoods

Liveable Neighbourhoods (LN) has been prepared to implement the objectives of the State Planning Strategy and State Sustainability Strategy (to create communities that reduce dependency on private vehicles and are more energy and land efficient), and operates as a sustainable development control policy to guide structure planning and subdivision.

LN contains eight 'elements' under which Structure Plans and subdivisions are assessed, as follows:

- Element 1 - Community Design
- Element 2 - Movement Network
- Element 3 - Lot Layout
- Element 4 - Public Parkland
- Element 5 - Urban Water Management
- Element 6 - Utilities
- Element 7 - Activity Centres and Employment
- Element 8 - Schools

In this regard, Element 7 - Activity Centres and Employment states that medium or higher density housing should be located in and nearby all mixed-use centres. These centres should provide a range of housing types, sizes and affordability choices. It also states that residential activity provides for improved community safety within Centres and fosters walkability and public transport use.

The proposed R60 density satisfies the objectives of LN by providing opportunities for housing diversity which is currently lacking in the locality and it will also provide improved passive surveillance of the adjacent Primary School.

State Planning Policy 3.1 - Residential Design Codes

The Residential Design Codes (R-Codes) provide a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes aim to address emerging design trends, promote sustainability, improve clarity and highlight assessment pathways to facilitate better residential design outcomes throughout Western Australia.
The main differences between the R40 and R60 coding in terms of multiple dwelling developments are:
- Under R60, the plot ratio increases from 0.6 to 0.7 which results in the potential for additional dwelling units to be developed on the site;
- Under R60, the primary street setback is reduced from 4m to 2m; and
- Under R60, the maximum building height increases from two storeys to three storeys, however, in this case, the applicant intends to build a two storey development.

In this regard, the up-coding of Lot 3 from R40 to R60 will provide for an appropriate urban form of development which supports the proposed Neighbourhood Centre.

e. Financial
Nil

f. Legal and Statutory

Town Planning Scheme No.2 (TPS 2)
The adopted Structure Plan for Tuart Ridge (as amended) requires that development on the land identified as “Village Centre” (Neighbourhood Centre) shall be generally in accordance with the IDGP endorsed by the Council on 22 April 2014.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

The proposed modification to the IDGP is supported for the following reasons:
1. The proposed R60 density satisfies the objectives of LN by providing for medium density housing within the Neighbourhood Centre.
2. The proposed R60 density satisfies the objectives of LN by providing opportunities for housing diversity.
3. The proposed R60 density provides for residential activity within the Neighbourhood Centre which provides for improved community safety and fosters walkability.
4. The proposed form of development provides for improved passive surveillance of the adjacent Primary School.

The identified benefits mentioned above are influenced by the form of development intended for the site by the applicant. Such benefits would be diminished if, for example, Lot 3 was subdivided into small/narrow lots and developed for single residential purposes, which will have a negative impact upon the streetscape due to the domination of garage doors and vehicle crossovers that would reduce the potential for on-street parking and provision of street trees.

As such, it is recommended that the Council require that an annotation placed on the Indicative Development Guide Plan stating that Lot 3 can only be developed for grouped and/or multiple dwellings.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ADOPT the proposed modification to the Indicative Development Guide Plan for the Tuart Ridge Neighbourhood Centre to increase the residential density of Lot 3 Delta Road, Baldivis from R40 to R60, subject to an annotation being placed on the Indicative Development Guide Plan stating that Lot 3 can only be developed for grouped and/or multiple dwellings.
Committee Recommendation

Moved Cr Hamblin, seconded Cr Pease:

That Council **ADOPT** the proposed modification to the Indicative Development Guide Plan for the Tuart Ridge Neighbourhood Centre to increase the residential density of Lot 3 Delta Road, Baldivis from R40 to R60, subject to an annotation being placed on the Indicative Development Guide Plan stating that Lot 3 can only be developed for grouped and/or multiple dwellings.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-059/15 Proposed Building Envelope Variation</th>
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<tr>
<td>File No:</td>
<td>DD024.2015.0000024.001</td>
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<td>Risk Register No:</td>
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<tr>
<td>Applicant:</td>
<td>Mr D and Mrs A Blackburn</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr D and Mrs A Blackburn</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Nick Michael, Planning Assistant</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
</tr>
<tr>
<td></td>
<td>Mr Mike Ross, Manager Statutory Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2014 (PDS-090/14) and July 2015 (PDS-050/15)</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 1013 Peelfold Glen, Golden Bay</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>3,531m²</td>
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<tr>
<td>LA Zoning:</td>
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<td>Attachments:</td>
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<tr>
<td>Maps/Diagrams:</td>
<td>1. Location</td>
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<tr>
<td></td>
<td>2. Aerial Photograph</td>
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<td></td>
<td>3. 2014 Approved Building Envelope</td>
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<td>4. 2015 Approved Building Envelope</td>
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<td></td>
<td>5. Existing and Proposed Building Envelope Plan</td>
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<td>6. Consultation Plan</td>
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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON TUESDAY 20 OCTOBER 2015

PRESIDING MEMBER
Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 1013 Peelfold Glen, Golden Bay.

Background

In June 2014, the Western Australian Planning Commission (WAPC) granted approval to subdivide Lots 135-137, 151 and 9004 Gaze Grove, Lots 133,138, 140-145 Peelfold Glen and Lots 146-150 and 9003 Ayrton Court, Golden Bay into 31 lots. As part of the subdivision process, Building Envelopes were identified for the proposed lots.

In November 2014, Council approved a Building Envelope modification with an increase of 10%, from 600m² to 660m². The modification was to allow for a garage.

3. 2014 Approved Building Envelope
In July 2015, Council approved a further Building Envelope modification, with no increase in size, to allow for a Shed and a Swimming Pool.

The approved Building Envelope is set back 9m from the north boundary, 10m from the south boundary, 28m from the east boundary and 6m from the west boundary.

The subject lot has two mature Tuart trees (marked on Figure 3) in the western portion of the site. The topography of the lot is generally level.
Details

The applicant seeks approval for further minor changes to the shape of the approved Building Envelope to allow for the construction of a fence around the proposed Swimming Pool. The size of the Building Envelope will remain unchanged at 660m².

The applicant has provided the following justification for the proposal:
- No environmental impact; and
- There will be no adverse impact on privacy or amenity of the subject or adjoining properties.
Implications to Consider

a. Consultation with the Community

In accordance with Clause 6.3.3 of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 – Variations to Building Envelopes, Building Envelopes may be varied at the discretion of the Council, only after consultation with the owners of affected or adjoining properties. The application was referred to five nearby and adjacent property owners for a period of 14 days as shown on the Consultation Plan below. At the close of the advertising period, no submissions had been 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 Community Plan 2015-2025:

**Aspiration D:** Sustainable Environment

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

d. Policy

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

The proposed Building Envelope variation complies with the objectives and policy provisions of PP3.3.17. There is no proposed increase in size. The bush fire risk is not considered to increase as a result of the modification. The modification is for a fence around the proposed swimming pool which will have minimal effect on the neighbouring properties.
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**
   **Risk Implications of Implementing Officer Recommendation**
   Nil
   **Risk Implications of Not Implementing Officer Recommendation**
   Nil

<table>
<thead>
<tr>
<th>Comments</th>
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<tbody>
<tr>
<td>The proposed Building Envelope complies with TPS2 and PP3.3.17. There are no adverse environmental impacts associated with the proposed Building Envelope or increased fire risk. The impact of the proposed Building Envelope on the amenity of neighbouring properties is minimal given no vegetation is affected and no objections were raised to the proposal by adjoining owners. It is recommended that the proposed Building Envelope be approved.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Voting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Majority</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Officer Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council <strong>APPROVE</strong> the application to vary the Building Envelope at Lot 1013 Peelfold Glen, Golden Bay.</td>
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<table>
<thead>
<tr>
<th>Committee Recommendation</th>
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<tbody>
<tr>
<td>Moved Cr Elliott, seconded Cr Hill:</td>
</tr>
<tr>
<td>That Council <strong>APPROVE</strong> the application to vary the Building Envelope at Lot 1013 Peelfold Glen, Golden Bay.</td>
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<table>
<thead>
<tr>
<th>The Committee's Reason for Varying the Officer's Recommendation</th>
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4.58pm - Cr Leigh Liley departed the Planning and Engineering Services Committee meeting.
**Planning and Development Services**

<table>
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<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-060/15 Amendment to Planning Approval - Extractive Industry (Deletion of Condition)</th>
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<tr>
<td>File No:</td>
<td>DD020.2015.00000045.001</td>
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<td>Risk Register No:</td>
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<td>Applicant:</td>
<td>Roberts Day Group Pty Ltd</td>
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<td>Owner:</td>
<td>Avadean Pty Ltd</td>
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<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr David Waller, Coordinator Statutory Planning</td>
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<td>Mr Mike Ross, Manager Statutory Planning</td>
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<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
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<td>Previously before Council:</td>
<td>April 2010 (PD46/4/10) and June 2015 (PDS-042/15)</td>
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<td>Disclosure of Interest:</td>
<td>Tribunal</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Lot 500 and Lot 11 Paganoni Road, Karnup</td>
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<td>Lot Area:</td>
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<td>Attachments:</td>
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<td>Maps/Diagrams:</td>
<td>1. Location Plan</td>
</tr>
<tr>
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<td>2. Aerial View</td>
</tr>
<tr>
<td></td>
<td>3. Site Development Plan</td>
</tr>
</tbody>
</table>
1. Location Plan

2. Aerial Photo

CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 20 OCTOBER 2015

PRESIDING MEMBER
Purpose of Report

To consider an application seeking to delete Condition 5(a) of the Planning Approval dated 24th June 2015, granted for the Extractive Industry at Lot 500 and Lot 11 Paganoni Road, Karnup, which limits traffic to the existing crossover access to Lot 11.

Background

In June 2015, Council granted Planning Approval to Extractive Industry at Lot 500 and Lot 11 Paganoni Road, Karnup subject to the following condition:

“5. On-going requirements
   (a) Vehicle Access
      (i) The existing access to Lot 500 Paganoni Road must only be used for domestic or rural purpose and not for any traffic associated with this extractive industry approval.
      (ii) All extractive industry traffic access and egress must be obtained from the existing access point at Lot 11 Paganoni Road.”

In August 2015, the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS) granted approval to the same development, but excluded condition 5.

Details

The applicant seeks Council approval to delete condition 5 (a).

The condition 5 (a) was applied to the 2015 Planning Approval, as it had been previously included in the 2010 Planning Approval at the request of the Department of Planning.

The WAPC, however, did not reiterate the requirement for access to be limited to Lot 11 on its MRS approval. For this reason, the applicant seeks the deletion of the condition from the City’s Planning Approval, due to the inconsistency.
3. Site Development Plan
## Implications to Consider

<table>
<thead>
<tr>
<th>a.</th>
<th>Consultation with the Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation with the community is not required as the site development plan, showing two access points, was advertised as part of the initial application. No objections to the proposed access arrangements were received during the advertising period.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>b.</th>
<th>Consultation with Government Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further consultation is not required because the WAPC Planning Approval includes two access points. Therefore, it can be ascertained, that it has no objection to proposed modification.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>c.</th>
<th>Strategic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Plan</strong></td>
<td></td>
</tr>
<tr>
<td>This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:</td>
<td></td>
</tr>
</tbody>
</table>

**Aspiration D:** Sustainable Environment

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

<table>
<thead>
<tr>
<th>d.</th>
<th>Policy</th>
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<tbody>
<tr>
<td>Nil</td>
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<thead>
<tr>
<th>e.</th>
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<tbody>
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<table>
<thead>
<tr>
<th>f.</th>
<th>Legal and Statutory</th>
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</thead>
<tbody>
<tr>
<td><strong>Town Planning Scheme No. 2 (TPS2)</strong></td>
<td></td>
</tr>
<tr>
<td><em>Clause 6.11 Amending or Revoking a Planning Approval</em></td>
<td></td>
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<tr>
<td>The Council may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.</td>
<td></td>
</tr>
<tr>
<td>Prior to commencing development the proponent must also obtain an Extractive Industry Licence, which is pending the outcome of the Council’s reconsideration of condition 5 (a).</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>g.</th>
<th>Risk</th>
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<tbody>
<tr>
<td><strong>Risk Implications of Implementing Officer Recommendation</strong></td>
<td></td>
</tr>
<tr>
<td>Nil</td>
<td></td>
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</table>

**Risk Implications of Not Implementing Officer Recommendation** |
| Nil |

---

### Comments

The City considers the amendment to the Planning Approval to be appropriate based on the following:

- the City’s Engineering Services has advised that the second access point on to Paganoni Road is safe from a traffic engineering point of view; and
- the Department of Planning, which is responsible for this section of Paganoni Road, now supports the use of the two access points.

In light of the above, it is recommended that the application seeking to remove the condition be approved.
Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVE** the application seeking an amendment to the Planning Approval, dated 24 June 2015, for an Extractive Industry at Lot 500 Paganoni Road, Karnup, to delete condition 5(a).

2. Issue an amended Planning Approval as follows:

   "1. **Approval Period**
   This approval is valid for a period of 5 years only, commencing from the date of issue of this approval.

   2. **Development prohibited after Expiry of Approval Period or Lapse of Approval**
   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

   3. **Compliance with approved Excavation Management Plan**
   The development must comply with the approved Excavation Management Plan dated September 2009, including all management commitments for the duration of the development.

   4. **Requirements Prior to the Commencement of Excavation**
   (a) **MRS Approval**
   Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme.

   (b) **Owner Permission**
   The owner of Lot 11 providing written consent to haulage vehicle access and fuel storage, prior to the commencement of works the subject of this approval.

   (c) **Seal Access**
   The access road on Lot 11 Paganoni Road must be sealed for a distance of 50 metres into the site.

   (d) **Traffic Management**
   A traffic management plan must be approved by the City.

   (e) **Fence Maintenance**
   A fence must be constructed in accordance with the following requirements:
   (i) A perimeter fence around the perimeter of the site, except where excavation works occur between Lot 500 and Lot 11 Paganoni Road.

   (ii) Fencing must restrict areas to Bush Forever Area 379.

   (iii) A perimeter fence must be erected 50 meters from the wetland known as Deerpark Swamp shown on the approved plans.

   (iv) The fencing must be post and wire with warning signs of the extraction area and prohibiting unauthorised access at all times.

   (f) **Weed Management Plan**
   A Weed Management Plan must be approved by the City.

   (g) **Acid Sulfate Soils**
   An Acid Sulfate Soils Assessment form and if required as a result of the self-assessment, an acid sulphate soils report and acid sulphate soils management plan must be submitted to and approved by the Department of Environment and Regulation.
(h) Landscaping Plan
   A landscaping plan must be:
   (i) prepared by a suitably qualified and experienced consultant which plan
       addresses measures to screen the extractive industry from Paganoni
       Road.
   (ii) Submitted to the City for the City’s approval; and
   (iii) Approved in writing by the City.

5. On-going requirements
   (a) Haulage Vehicles
      All company haulage vehicles must be numbered and the quarry operators
      name is clearly shown on fleet haulage vehicles to enable clear identification of
      trucks by motorists and residents.
   (b) Excavation Setbacks
      (i) All excavation works must be setback not less than:
          - 150 metres of the existing dwellings on Lot 671 and Lot 10
            Paganoni Road, Karnup, except where a noise bund is
            constructed in accordance with an Acoustic Consultants Report
            that demonstrates compliance with the Environmental Protection
            (Noise) Regulations 1997;
          - 40 metres from the front lot boundary to Paganoni Road;
          - 20 metres to all other lot boundaries; and
          - 50 metres from the wetland known as Deerpark Swamp.
   (c) Groundwater
      (i) All earthworks must maintain a minimum vertical separation distance of
          2 metres to the Maximum Groundwater Level.
      (ii) The applicant is required to undertake baseline monitoring to ensure the
           Maximum Groundwater Level can be determined.
      (iii) No dewatering is to occur.
      (iv) No drainage, stormwater or any other matter shall be deposited into or
           allowed to enter Bush Forever Area 379.
   (d) Fuel Storage
      The above ground hydrocarbon storage facility on Lot 11 Paganoni Road is to
      be bunded with impervious bunds having a maximum capacity of 110% of the
      hydrocarbon store capacity, unless otherwise approved by the City of
      Rockingham.
   (e) Hours of Operation
      (i) No quarrying or excavation operations are to be conducted other than
          between 7:00am and 7:00pm Monday to Saturday inclusive but
          excluding public holidays and not at all on Sundays.
      (ii) No trucks or other vehicles are to enter or exit the extraction area
          outside of the permitted hours of operation.
   (f) Noise Management Plan
      (i) The Noise Management Plan prepared by Lloyd George Acoustics dated
          February 2010 and approved by the City must be observed and
          performed in accordance with the tenor of its provisions.
      (ii) If an Officer of the City inspects the site and is satisfied that any of the
           extractive industry operations on-site are generating an unreasonable
           amount of noise, or that any of those operations are not compliant with
           any of the conditions relating to noise emissions (including non-
           compliance with the noise management measures included in the noise
           management plan), the City may direct in writing that:
(a) An amended noise management plan is submitted and approved; or

(b) The activities on the site are brought into compliance with this approved, as the case may be.

In this condition ‘an unreasonable amount of noise’ means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

(g) Dust Management Plan

(i) The Dust Management Plan prepared by RPS dated September 2009 and approved by the City, must be observed and performed in accordance with the tenor of its provisions.

(ii) If the City considers that the excavation works are generating an unreasonable amount of dust, or that any of those operations are not compliant with the approved Dust Management Plan, the City may direct in writing that:

- An amended Dust Management Plan is submitted and approved by the City; or

- The activities on the site are brought into compliance with this approval, as the case may be.

In this condition ‘an unreasonable amount of dust’ means visible dust crossing the site’s boundary and visibly excessive dust on the site.

(h) Traffic Management Plan

The Traffic Management Plan approved by the City, must be observed and performed in accordance with the tenor of its provisions, including the following measures:

(i) Haulage vehicles are not permitted to park along Paganoni Road at any time;

(ii) All haulage vehicles used for sand haulage must have enclosed bodies to prevent the spillage of sand and limestone on public roads; and

(iii) A stop sign to be maintained at the exit point on Lot 11.

(i) Weed Management Plan

The Weed Management Plan approved by the City must be observed and performed in accordance with the tenor of its provisions.

(j) Acid Sulphate Soil Management Plan

Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.

(k) Site Operations

The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

6. Annual Reporting Requirements

By 30th June each year, a report must be provided to the City which report is in a form and containing content approved in writing by the City which report provides details of the operations of the approved development for the preceding calendar year including, but not limited to:

(i) The progress of the extraction work;

(ii) The progress of any rehabilitation work undertaken or completed;
(iii) The compliance with the provisions of each of the plans referred to in these Conditions; and
(iv) The number and type of complaints received from the public and responses to those complaints.

7. Complaints Procedure
(i) A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time.
(ii) The owners and occupiers of properties within 500 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.
(iii) A complaints log must be kept in which the following is to be recorded:
   (a) The date and time of each complaint made and received;
   (b) The means (telephone or email) by which the complaint was made;
   (c) Any personal details of the complainant that were provided or, if no details were provided a note to that effect;
   (d) The nature of the complaint;
   (e) The steps or actions taken in, and the time of, the response of each complaint, including any follow up contact with the complainant; and
   (f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps were taken.
(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.
(v) The complaints log must be provided to the City on demand.
(vi) A copy of any report prepared and submitted to the Department of Environment Regulation (as required by and forming part of the operator's monitoring and reporting requirements contained in any licence or approved issued by the Department must be provided to the City concurrently with the report being provided to the Department.

8. Commencement of Stages and Rehabilitation
(i) This Condition applies where the land or part of the land is shown on the approved plans as being divided into stages in numerical sequence.
(ii) No excavation work is to be commenced on the second or any subsequent stage unless:
   (a) All excavation work on the previous stage has ceased; and
   (b) Rehabilitation work on the previous stage has commenced.
(iii) All rehabilitation work specified in the approved rehabilitation plan must be completed no later than 6 months after the earlier of:
   (a) The expiry of the approval period; and
   (b) The lapse of this approval.

9. Area Excluded from Approval
This approval does not include any excavation works referred to in stages 1, 3 and 4 on the Site Development Plan for lot 11 Paganoni Road, unless where otherwise provided for in this approval.

FOOTNOTES TO APPROVAL
This approval is issued by the City of Rockingham subject to the following Footnotes:
(i) If the development the subject of this approval has not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
(ii) The approval of the Western Australian Planning Commission is required pursuant to the Metropolitan Region Scheme, prior to the commencement of works. The application has been forwarded to the Commission for determination.

(iii) It is the operator's responsibility to advise all contractors and sub-contractors (including truck drivers) of the conditions of this Planning Approval and any accidental damage or removal of any vegetation the subject of the protection will be deemed to be unlawful by the Council and will not be accepted as a defence for such an occurrence.

(iv) Prior to the clearing of any vegetation on Lots 11 or 500, a Permit to Clear Native Vegetation being obtained from the Department of Environment Regulation. Please note that the vegetation on Lot 11 is likely to be a suitable foraging habitat for Carnaby's Black Cockatoo, which is classified as endangered under the Environmental Protection and Biodiversity Conservation Act 1999. It is suggested that the applicant discuss the matter with the Commonwealth Department of Environment Heritage, Water and the Arts to confirm whether a referral under this Act is necessary, prior to making an application for a clearing permit.

(v) The subject area is located within the Stakehill Groundwater Area as proclaimed under the Rights in Water Irrigation Act 1914. Any groundwater abstraction in this proclaimed area for the purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water. The using of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

(vi) All noise is to comply with the provisions of the Environmental Protection (Noise) Regulations 1997.

(vii) An Extractive Industry Licence is required to be obtained from the City of Rockingham, prior to the commencement of any works, pursuant to the Extractive Industries Local Law 2000.

(viii) This approval excludes post-extraction uses (including turf farms and earthworks for urban purposes); further approval must be obtained for post-extraction uses.

(ix) In accordance with Water Quality Protection Note 15 (WQPN15) Extractive Industries near sensitive water resources (DoW, 2013) it is recommended that best management practices are adhered to:

- guidance on stormwater system design, management, treatment and disposal is given in the Department of Water’s Stormwater management manual for Western Australia (reference 43) and WQPN 52 – Stormwater management at industrial sites (reference 4c); and
- all stockpiled materials (including topsoil overburden) awaiting transport or held for rehabilitation should be located upstream in the catchment of turbidity control facilities.

(x) With regard to the “acid sulphate soils self-assessment form”, this form can be downloaded from the Western Australian Planning Commission’s website at: www.planning.wa.gov.au.

The “acid sulphate soils self-assessment form” makes reference to the Department of Environment Regulation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Environment Regulation’s website at: www.der.wa.gov.au.”

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**Committee Recommendation**

Moved Cr Pease, seconded Cr Hill:

That Council:

1. **APPROVE** the application seeking an amendment to the Planning Approval, dated 24 June 2015, for an Extractive Industry at Lot 500 Paganoni Road, Karnup, to delete condition 5(a).
2. Issue an amended Planning Approval as follows:

   *(a) Approval Period*
   This approval is valid for a period of 5 years only, commencing from the date of issue of this approval.

   *(b) Development prohibited after Expiry of Approval Period or Lapse of Approval*
   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

   *(c) Compliance with approved Excavation Management Plan*
   The development must comply with the approved Excavation Management Plan dated September 2009, including all management commitments for the duration of the development.

4. Requirements Prior to the Commencement of Excavation

   *(a) MRS Approval*
   Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme.

   *(b) Owner Permission*
   The owner of Lot 11 providing written consent to haulage vehicle access and fuel storage, prior to the commencement of works the subject of this approval.

   *(c) Seal Access*
   The access road on Lot 11 Paganoni Road must be sealed for a distance of 50 metres into the site.

   *(d) Traffic Management*
   A traffic management plan must be approved by the City.

   *(e) Fence Maintenance*
   A fence must be constructed in accordance with the following requirements:
   (i) A perimeter fence around the perimeter of the site, except where excavation works occur between Lot 500 and Lot 11 Paganoni Road.
   (ii) Fencing must restrict areas to Bush Forever Area 379.
   (iii) A perimeter fence must be erected 50 meters from the wetland known as Deepark Swamp shown on the approved plans.
   (iv) The fencing must be post and wire with warning signs of the extraction area and prohibiting unauthorised access at all times.

   *(f) Weed Management Plan*
   A Weed Management Plan must be approved by the City.

   *(g) Acid Sulfate Soils*
   An Acid Sulfate Soils Assessment form and if required as a result of the self-assessment, an acid sulphate soils report and acid sulphate soils management plan must be submitted to and approved by the Department of Environment and Regulation.

   *(h) Landscaping Plan*
   A landscaping plan must be:
   (i) prepared by a suitably qualified and experienced consultant which plan addresses measures to screen the extractive industry from Paganoni Road.
   (ii) Submitted to the City for the City’s approval; and
   (iii) Approved in writing by the City.
5. **On-going requirements**

(a) **Haulage Vehicles**

All company haulage vehicles must be numbered and the quarry operators name is clearly shown on fleet haulage vehicles to enable clear identification of trucks by motorists and residents.

(b) **Excavation Setbacks**

(i) All excavation works must be setback not less than:

- 150 metres of the existing dwellings on Lot 671 and Lot 10 Paganoni Road, Karnup, except where a noise bund is constructed in accordance with an Acoustic Consultants Report that demonstrates compliance with the Environmental Protection (Noise) Regulations 1997;

- 40 metres from the front lot boundary to Paganoni Road;

- 20 metres to all other lot boundaries; and

- 50 metres from the wetland known as Deerpark Swamp.

(c) **Groundwater**

(i) All earthworks must maintain a minimum vertical separation distance of 2 metres to the Maximum Groundwater Level.

(ii) The applicant is required to undertake baseline monitoring to ensure the Maximum Groundwater Level can be determined.

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The above ground hydrocarbon storage facility on Lot 11 Paganoni Road is to be bunded with impervious bunds having a maximum capacity of 110% of the hydrocarbon store capacity, unless otherwise approved by the City of Rockingham.

(e) **Hours of Operation**

(i) No quarrying or excavation operations are to be conducted other than between 7:00am and 7:00pm Monday to Saturday inclusive but excluding public holidays and not at all on Sundays.

(ii) No trucks or other vehicles are to enter or exit the extraction area outside of the permitted hours of operation.

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(i) The Noise Management Plan prepared by Lloyd George Acoustics dated February 2010 and approved by the City must be observed and performed in accordance with the tenor of its provisions.

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   (b) The means (telephone or email) by which the complaint was made;
   (c) Any personal details of the complainant that were provided or, if no details were provided a note to that effect;
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(ix) In accordance with Water Quality Protection Note 15 (WQPN15) Extractive Industries near sensitive water resources (DoW, 2013) it is recommended that best management practices are adhered to:

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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:

- **PDS-061/15**
- **Proposed Street Naming Theme – "One71 Baldivis" (Melbourne CBD Attractions, Inner City Suburbs and Precincts)**

### File No:

- LUP/1900

### Applicant:

- McMullen Nolan Group

### Owner:

- Mirvac (WA) Pty Limited

### Author:

- Miss Nicole D'Alessandro, Planning Administration Officer

### Other Contributors:

- Mrs Sharon Peacock, Projects Research Officer
- Mr Dave Waller, Coordinator Statutory Planning

### Date of Committee Meeting:

- 14 September 2015

### Previously before Council:

- Executive

### Site:

- Lots 746-750 and 545 Baldivis Road, Baldivis

### Lot Area:

- 30.5488ha

### LA Zoning:

- Development

### MRS Zoning:

- Urban

### Attachments:

- 1. Location Plan
- 2. Plan of Subdivision
- 3. Structure Plan

### Maps/Diagrams:

- 1. Location Plan
- 2. Plan of Subdivision
- 3. Structure Plan
1. Location Plan

**Purpose of Report**

To consider an application seeking approval for a street naming theme based on ‘Melbourne CBD Attractions and Inner City Suburbs and Precincts’ for a residential subdivision located at Lots 746-750 and 545 Baldivis Road, Baldivis. The Estate is to be marketed as “One71 Baldivis”.

**Background**

In June 2015, the City resolved to adopt a proposed Structure Plan subject to modifications, prepared over Lots 746-750 and 545 Baldivis Road, Baldivis. The Structure Plan was approved by the Western Australian Planning Commission (WAPC) in August 2015.

The Structure Plan contains the following elements:
- Residential densities ranging from ‘R25’ to ‘R40’ (average lot areas from 220m² - 350m²) to facilitate development of approximately 510-540 dwellings;
- Five areas of Public Open Space (POS) totalling 4.1ha;
- A portion of a public primary school measuring approximately 2ha in area, with the balance (also 2ha) being provided by the landowners to the south; and
- Access to Baldivis Road at Pemberton Boulevard.

In March 2015, a subdivision application was submitted to the WAPC covering Lots 746-748 Baldivis Road, Baldivis for the creation of 131 lots. This application is awaiting conditional subdivision approval for Stage 1.
2. Plan of Subdivision (Stage 1)

3. Structure Plan
Details

The applicant advises that the street names reflect the theme of ‘Melbourne CBD Attractions and Inner City Suburbs and Precincts’ to represent the urban contemporary feel of the location and desire towards becoming a vibrant and creative place to live.

Examples of the proposed street names are as follows:

Acland - Acland is a street in the Melbourne suburb of St Kilda, which enjoys great popularity as a recreational area. It was one of the first streets laid out when St Kilda was surveyed in 1842.

Guildford - Guildford Lane is located in the block between Queen, Elizabeth, Little Lonsdale and La Trobe streets. Several buildings on Guildford Lane have been listed on the Victorian Heritage Inventory as significant historical sites.

Cremorne - Cremorne was named after the Cremorne Gardens which were founded by gold rush entrepreneur James Ellis. The gardens were acquired and expensed by entrepreneur George Coppin and became one of Melbourne’s major attractions.

Lygon - Lygon is a street in inner northern Melbourne. The street features some outstanding 19th Century landmarks that include the Trades Hall.

Toorak - Toorak is a suburb of Melbourne on relatively high ground south of the Yarra River which has views to Port Phillip Bay and proximity to central Melbourne, making it a fashionable place to live after the first land sales in the 1840’s.

Implications to Consider

a. Consultation with the Community
   Nil

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

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

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

 d. Policy
    Nil

e. Financial
   Nil

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

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
The proposed theme based on ‘Melbourne CBD Attractions and Inner City Suburbs and Precincts’ is compliant with the City’s Planning Procedure 1.4 and the Geographic Names Committee Principles, Procedures and Guidelines which falls within the category of ‘thematic’ as a preferred source of street names.

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

Voting Requirements
Simple Majority

Officer Recommendation
That Council SUPPORT the proposed street naming theme of ‘Melbourne CBD Attractions and Inner City Suburbs and Precincts’ for the residential subdivision located at Lots 746-750 and 545 Baldivis Road, Baldivis.

Committee Recommendation
Moved Cr R Smith, seconded Cr Hamblin:
That Council SUPPORT the proposed street naming theme of ‘Melbourne CBD Attractions and Inner City Suburbs and Precincts’ for the residential subdivision located at Lots 746-750 and 545 Baldivis Road, 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
# Planning and Development Services
## Statutory Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-062/15 Proposed Street Naming Theme – &quot;Brightwood at Baldivis&quot; (Bright and Vibrant)</th>
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<tr>
<td>File No:</td>
<td>LUP/1909</td>
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<tr>
<td>Risk Register No:</td>
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<td>ABN Realty</td>
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<tr>
<td>Owner:</td>
<td>Jacaranda Springs Private Estate, Caversham Land Co Pty Ltd and Yellenday Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Miss Nicole D’Alessandro, Planning Administration Officer</td>
</tr>
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<td>Other Contributors:</td>
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<td>14 September 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>44.2882ha</td>
</tr>
<tr>
<td>LA Zoning:</td>
<td>Development</td>
</tr>
<tr>
<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>1. Location Plan</td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>2. Plan of Subdivision</td>
</tr>
</tbody>
</table>
1. Location Plan

**Purpose of Report**

To consider an application seeking approval for a street naming theme based on ‘Bright and Vibrant’ Street Names for a residential subdivision located at Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis to be marketed as ‘Brightwood at Baldivis’.

**Background**

In July 2015, the Western Australian Planning Commission (WAPC) approved a Structure Plan over Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis.

The Structure Plan contains the following elements:

- The creation of approximately 630 residential dwellings ranging in (average) size from 180m² to 350m² (residential coding from R25 to R60);
- A 3.3ha portion of a High School Site;
- 4 areas of Public Open Space totalling 4.5ha, including a 1.37ha linear POS reserve accommodating a high pressure gas pipeline and other easements and associated buffers; and
- Providing a 2.2m road widening to Sixty Eight Road.

A subdivision application creating 581 lots covering the entire site is currently under assessment by the WAPC and is awaiting conditional approval.
2. Plan of Subdivision

Details

The applicant advises that this community is earmarked to attract a younger demographic to create a young, bright, active and vibrant community.

The bright and vibrant aspect of the community has driven and inspired the applicant to propose that the selection of street names which are linked to the word ‘bright’ and have connections to light, reflection, shine, luminosity and brilliance.

The overall theme and individual street names each reflect the desired lifestyle or atmosphere which is anticipated will unfold over time in Brightwood at Baldivis.

Examples of the proposed street names are as follows:

- **Lucent** - Glowing with or giving off light.
- **Vivid** - Intensely deep or bright.
- **Radiant** - Sending out light; shining or glowing brightly.
- **Gleam** - Shine brightly, especially with reflected light.
- **Lambent** - Glowing, gleaming, or flickering with a soft radiance.

Implications to Consider

a. **Consultation with the Community**
   
   Nil

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

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

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

d. Policy
Nil

e. Financial
Nil

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

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
The proposed theme based on 'Bright and Vibrant' street names is compliant with the City's Planning Procedure 1.4 and the Geographic Names Committee Principles, Procedures and Guidelines which falls within the category of ‘thematic’ as a preferred source of street names.

In light of the above, it is recommended that the Council support the street naming theme as it encourages a consistent brand message.

Voting Requirements
Simple Majority

Officer Recommendation
That Council SUPPORT the proposed street naming theme of 'Bright and Vibrant' street names for the residential subdivision located at Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, Baldivis.

Committee Recommendation
Moved Cr Hill, seconded Cr Pease:
That Council SUPPORT the proposed street naming theme of 'Bright and Vibrant' street names for the residential subdivision located at Lots 569 and 1263 Baldivis Road and Lot 21 Sixty Eight Road, 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
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-063/15 Joint Development Assessment Panel Application - Mixed Use Development (Showroom, Gymnasium and Office) - Lot 159 Minden Lane, Baldivis</th>
</tr>
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<tbody>
<tr>
<td>File No:</td>
<td>DD020.2013.00000373.001</td>
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<tr>
<td>Risk Register No:</td>
<td></td>
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<tr>
<td>Applicant:</td>
<td>Planning 4Site Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Staub Family Pty Ltd</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Ms Erika Dawson, Projects Officer, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>16 February 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>November 2014 (PDS-096/14) and February 2015 (PDS-014/15)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
<td></td>
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<tr>
<td>Site:</td>
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<tr>
<td>Lot Area:</td>
<td>2,814m²</td>
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<td>LA Zoning:</td>
<td>District Town Centre</td>
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<td>MRS Zoning:</td>
<td>Urban</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Responsible Authority Report</td>
</tr>
</tbody>
</table>
11. North West corner of Settlers Avenue/Atwick Terrace Intersection
12. North Eastern corner of Settlers Avenue/Atwick Terrace Intersection
13. Detailed Area Plan
**Purpose of Report**

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for a commercial development, comprising of a showroom, a gymnasium (health studio) and offices on Lot 159 Minden Lane, Baldivis.

**Background**

The site fronts the north eastern corner of the Nairn Drive and Safety Bay Road intersection. The rear of the lot is bound by Minden Lane. The lot is currently vacant. See Figures 1 and 2.

**JDAP Meeting - 12 December 2014 - Initial Consideration**

The application was initially considered by the South-West Joint Development Assessment Panel (SWJDAP) on 12 December 2014 where it was resolved to defer the application for the following reason:

“In order for the applicant to address matters pertaining to parking, deliveries (servicing) and waste management”

**JDAP Meeting - 3 March 2015 - Second Consideration**

The applicant provided additional information to address the reasons for deferral. The revised application was considered by the SWJDAP on 3 March 2014 when it was resolved to defer the application in order for the applicant to liaise further with the City regarding:

1. Review layout of car parking to ensure it satisfies all relevant standards, including consideration of the following:
   a. Pedestrian connection between building, car park, and streets at all opening hours.
   b. Keeping ROW easements clear of obstructive use.
   c. Service bays and refuse storage areas and manoeuvring.
   d. Centralized disability bays to main access.
   e. Levels to reflect disability access (AS1428).
   f. Internal footpath should be 1700 width or more.
   g. Defined pedestrian entry and exit points from the building to show safe footpath access.

2. In relation to the building facades, greater consideration be given to the points raised by the City’s Urban Design Consultant in the RAR.”

**Details**

**Original Application**

The proposal involved the development of a two story, plus mezzanine level, mixed use commercial building comprising of the following landuses:

- A ground floor and first floor gymnasium (1,077m²);
- First floor and mezzanine level offices (809m²); and
- A ground floor showroom tenancy (616m²).

The gymnasium is proposed to be operated by Bailey Fitness. The gymnasium will operate between the hours of 5.30am – 9.00pm Monday to Thursday, 5.30am – 8.00pm Friday, 7.00am – 6.00pm Saturday and 9.00am – 4.00pm Sunday.

No details were provided for the proposed use of the showrooms and office.

Parking for the development is proposed to be located at the rear of the building with access obtained from Minden Lane. In total, 44 bays were proposed, including two accessible bays. A total of 14 short-term bicycle bays were provided.
Construction materials have not been specified for the proposal. A colour palette of white and grey has been proposed. Six entries, two each for the showrooms, gymnasium and the central access way, are proposed from Safety Bay Road. The central access way will also be served by two entries from the rear carpark.

The building is comprised of two wings (8.02m in height) and a central mezzanine component (12.04m in height). The wings are proposed to be located on the street boundary with the central component recessed from the street. The development proposes repetitive triangular windows on both the street and rear elevation of the wings. It is proposed to incorporate non-transparent tinted glazing within the central component. A 2.5m deep cantilevered awning is proposed to run along the majority of the street frontage with a break where the wings meet the central component.

Changes Following Initial JDAP Meeting

Following the initial JDAP meeting, the applicant has provided additional information. Specifically:

- A parking review which is summarised as follows:
  - The development is calculated to require 63 parking bays in order to comply with TPS2 provisions;
  - As a mixed-use development, the land uses will operate in a reciprocal manner as peak activity of offices and showrooms occurs during the weekday and peak gymnasium activity occurs in the evening;
  - The maximum number of any one land use is 42 bays;
  - An assessment of the peak periods of activity for all land uses shows that, during the normal working day, 39 bays would be required; and
  - It is concluded that the provision of 44 bays can be considered appropriate to cater for the proposed land use parking demand.

- A waste/servicing plan has also been submitted.

- The following changes have been made to the original development plans:
  - Site and Ground Floor Plan:
    - Reconfiguration of the carpark layout resulting in 44 parking bays (inclusive of two accessible parking bays);
    - Reconfiguration of two (2) service bays, increasing both in size;
    - Inclusion of 28 short term bicycle parking facilities, including 14 in the road reserve in front of the proposed building and 14 in the carpark;
    - Inclusion of two (2) additional screened bin stores;
    - Moving the bin store, located to the eastern side of the proposed building, hard against the street boundary; and
    - Division and delineation of internal floor area for gymnasium.

  - First Floor Plan:
    - Division and delineation of internal floor area for gymnasium.

Changes Following Second JDAP Meeting

Following the second JDAP meeting, the applicant has provided additional information. Specifically:

- Change in land use in the western ground floor tenancy from a showroom to an office; (This change cannot be considered as it would constitute a material change to the proposal, and was not included in the scope of the deferral reasons. It would require a new development application);

- The following changes have been made to the original development plans:
  - Site and Ground Floor Plan:
    - Reconfiguration of the carpark layout resulting in a loss of four (4) carbays (deletion of one (1) carbay and conversion of three (3) bays to small car bays).
This results in an overall parking provision of 43 parking bays (inclusive of three (3) small carbays and two (2) accessible parking bays);

- Removal of parking intrusions from the easement;
- Deletion of one (1) service bay and relocation of the other service bay;
- Western internal footpath has increased in width by 0.1m;
- Eastern internal footpath has been decreased in width from 1.3m to 0.8m;
- Aisle widths have been increased to a minimum of 5.8m except in the North Western corner;
- North Western corner has been designated as one way traffic only;
- Reconfiguration of North Western bin store;
- Relocation of the Eastern emergency exit to the rear of the building i.e. it will no longer impact the easement;
- Inclusion of 14 additional short term bicycle parking facilities;
- Reduction in building depth by 0.1m at the rear of the building;
- Identification of a 78.12m² corridor adjacent to the rear wall of the proposed ground floor showroom/office; and
- Deletion of the division and delineation of internal floor area for gymnasium.

- First Floor Plan:
  - Identification of a 77.15m² corridor adjacent to the rear wall of the proposed office; and
  - Reduction in building depth of 0.1m at the rear of the building.

- Second floor plan
  - Reduction of the central cube in area from 15.24m x15.24m (232.26m²) to 14.34m x 14.34m (205.64m²); and
  - Reduction in building depth of 0.1m at the rear of the building.

- Elevations and Section plan
  - Increase in the width of the vertical elements by 0.1m on the street elevations.
3. Initial Site and Ground Floor Plan
4. Second Site and Ground Floor Plan
5. Revised (Current) Site and Ground Floor Plan
6. Revised (Current) First Floor Plan
7. Revised (Current) Second Floor Plan
8. Revised (Current) Safety Bay Road Elevation (South Western)
9. Revised (Current) Minden Lane Elevation (North Eastern)
10. Perspective Plan (Safety Bay Road and Nairn Drive Intersection)
Implications to Consider

a. Consultation with the Community
The City has the discretion, pursuant to TPS2, to advertise the proposal. The City, however, did not consider it necessary to advertise the proposal.

b. Consultation with Government Agencies
As the subject lot abuts Safety Bay Road, which is classified as an "Other Regional Road" under the Metropolitan Region Scheme (MRS), the application was referred to the Department of Planning (DoP) for comment. Upon receipt of the referral, the DoP requested that the applicant submit a Traffic Impact Statement in support of the proposal. Due to the location of the site, within the Baldivis Activity Centre Structure Plan (BACSP) area, the applicant supplied the DoP with the Transport Assessment undertaken for the BACSP. The DoP was satisfied that this Transport Assessment contained sufficient detail for the subject proposal.

1. Department of Planning

Submission:
The DoP is satisfied that the surrounding intersections will continue to operate within acceptable levels with the proposed development application subject to modifications as outlined in the transport assessment.
The DoP has no objections to the proposal on regional transport planning grounds subject to the development proposal contributing towards the construction of the northern path on Safety Bay Road to finalise the pedestrian network to the signalised pedestrian crossing at the Safety Bay Road/ Settlers Avenue intersection.

City’s Comment:
Should the application be approved, the DoP’s recommended condition would be applied.

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

**Aspiration D:** Sustainable Environment

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

d. Policy
State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP4.2)
The purpose of SPP4.2 inter alia is to specify broad planning requirements for the planning and development of new activity centres in Perth and Peel.

Clause 5.1 - Activity Centre Hierarchy
Baldivis is identified as a 'District Centre’ under the Activity Centres Hierarchy in SPP4.2. The proposed development is consistent with the planned activity centre hierarchy.

Clause 5.2 - Activity
Although the proposal contributes to the overall mix of land uses within the District Centre, the proposed Showroom is not considered to be appropriate in this location. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional ‘service road’ format, or where a rear parking court is accessed directly from the adjacent major road(s).

In this case, the proximity to the intersection precludes direct access to this site, requiring customers to navigate through the town centre and along Minden Lane to find the car parking, which brings a high degree of inconvenience and is at odds with the convenience normally associated with showroom developments.
The other fundamental issue with showroom uses that have car parking to the rear is that the shopfront tends to face the car park. Whilst a proposal may show doors facing the street, the reality is that there will always be pressure from the tenants to prioritise frontage to the car park and, thus, render the street frontage as a token gesture and a signage opportunity.

**Clause 5.3 - Movement**

The subject site was chosen as the location for the District Centre given its proximity to Safety Bay Road (Other Regional Road).

Consistent with SPP4.2, the City has set upper limits to parking in TPS2 reflecting the opportunity for reciprocal and shared parking and availability of on-street parking. Clause 5.3.2 (4) of SPP4.2 states that parking should be provided at a rate of two (2) bays per 100m² (i.e. one (1) bay per 50m²) for showrooms and offices.

SPP4.2 requires that parking facilities are to be located, scaled, designed and landscaped to avoid visual domination of street and public space frontages, and to avoid discontinuity of the urban form and pedestrian amenity. The development proposes sleeved parking generally consistent with the intent of SPP4.2. The development, however, fails to make adequate provision for car parking, including parking for people with a disability. This is discussed in detail in the Comments Section of this report.

Clause 5.3.2 (5) states that the responsible authority should ensure safe and convenient access for pedestrians and cyclists (including end-of-trip facilities) and people with a disability. These include weather-protected car bays for workers and visitors with a disability. Which have not been provided.

**Clause 5.4 - Urban Form**

On the advice of the JDAP the applicant amended the street elevations by increasing the width of the vertical elements by 100mm. This change is considered to be extremely minor.

The proposed development is characterised by its lack of variety. Excessive repetition is found in the:

- Parapet height
- Articulation of façade
- Façade treatment
- Opaque street frontage; and
- Awning treatment.

The proposal is considered to be of an architectural appearance that lacks the urban or civic character associated with a town centre.

The configuration and use of ground floor buildings will not contribute to an active and attractive outdoor space which the public will occupy. Both ground floor tenancies will be accessed primarily from the rear carpark.

Assessment of the proposal against the design principles of PP3.2.4 and the approved DAP, in addition to advice received from the City's Consultant Urban Designer, concludes that the proposal is considered to be inconsistent with the Urban Form intent of SPP4.2.

**Clause 5.5 - Resource Conservation**

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

**Clause 5.6 - Out of Centre Development**

A showroom is not classified as a high trip generating land use in Appendix 1 of SPP4.2. Clause 5.6.1 states that bulky goods retailing (i.e Showroom) is unsuited to the walkable catchment or the core of activity centres given their size and car-parking requirements, low employment densities and need for freight vehicle access. As such, its location within the Activity Centre is not considered to be appropriate.
Clause 6.6 - Development Control

Clause 6.6.1 of SPP4.2 requires the preparation of an Activity Centre Structure Plan prior to approval of any major development within an activity centre and for the development to be located within an appropriate level centre of the activity centre hierarchy. The BACSP, which is discussed below, was prepared to fulfil this requirement.

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

Baldivis Activity Centre Structure Plan (BACSP)

The BACSP is a strategic planning document prepared to fulfil the requirements of SPP4.2 as outlined above. The BACSP provides a strategic framework for the Centre and informs changes to the IDGP and the Baldivis Town Centre Policy. It was adopted by Council in July 2012 and endorsed by the WAPC in December 2012.

Centre Vision

The subject site is located within the Core Precinct of the Structure Plan. The proposed development is partially consistent with the vision for the Core Precinct which is to achieve a lively character with an emphasis on land uses which will generate interest and pedestrian activity.

Activity

The Core Precinct forms the core of the Activity Centre with key concentrations of commercial and community activity. The precinct will accommodate the major shopping and community facilities within the activity centre and be supported in the future by office activity and residences.

Land uses identified for the Core precinct include:

- Retail;
- Entertainment and leisure;
- Eating and drinking premises; and
- Offices.

A showroom is not identified as a preferred land use for the Core precinct. It is, however, identified as a preferred land use Transition and Eastern precincts.

The assessment of the proposal against the provisions of Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4) concludes that the proposal does not sufficiently generate pedestrian activity along Safety Bay Road and Nairn Drive.

Urban Form

The BACSP outlines that the Core Precinct will continue to be characterised by a strong built form accommodating pedestrian-based activity and appropriate land uses to encourage pedestrian activity. Development within the Core Precinct will build upon the theme of an urban town centre, with strongly defined streets, which accentuate the void in the street created by the town square. Active ground floor uses should be present on all frontages in this precinct.

Assessment of the proposal against the design principles of PP3.2.4 and the approved DAP, in addition to advice received from the City’s Consultant Urban Designer, concludes that the proposal is considered to be inconsistent with the Urban Form intent of the BACSP.

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

The subject site forms part of the Baldivis District Centre in the City’s PP3.1.2. In 2012, PP3.1.2 was reviewed by the Council to incorporate the recommendations of SPP4.2. A Retail Sustainability Assessment (RSA) was undertaken as part of the Baldivis Activity Centre Structure Plan in accordance with SPP4.2. The BACSP outlines retail floor space requirements. A showroom, an office and a gym are not considered to be Planning Land Use Category 5 land uses in terms of PP3.1.2. Accordingly, the proposal complies with PP3.1.2.
Planning Policy 3.2.4 - Baldivis Town Centre (PP3.2.4)

PP3.2.4 provides guidance on development of land within the Baldivis Town Centre, based on land use, movement network, urban design, and specific precinct considerations. The proposed development is considered to be inconsistent with the provisions of PP3.2.4 as outlined below.

Integrated Development Guide Plan (IDGP)

PP3.2.4 contains an IDGP for the Baldivis Town Centre. The purpose of the IDGP is to illustrate building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required, and any other information required by the Council. The approved IDGP is shown in Figure 11.

The proposal is generally consistent with the IDGP.

Requirements

PP3.2.4 includes general requirements as well as specific precinct requirements applying to development. These requirements are outlined below, along with comments on compliance with these requirements.

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<thead>
<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Requirements</td>
<td></td>
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</tr>
<tr>
<td>Land Use</td>
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<tr>
<td>Retail land uses shall be considered having regard to the City's Local Commercial Strategy.</td>
<td>The development is consistent with the PP3.1.2 in terms of retail provision.</td>
<td>Yes</td>
</tr>
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<td>Movement Network</td>
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<tr>
<td>Whilst provision for kerbside parking will be made, the majority of parking will occur to the rear of buildings that front the street.</td>
<td>The site’s location is not suitable for on street parking. Consequently the parking is proposed to be located to the rear of the development.</td>
<td>Yes</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
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<tr>
<td>To achieve street front continuity, and limit vehicular/pedestrian conflict points, the number of access driveways crossing pavements will be minimised.</td>
<td>Three crossovers are proposed to Minden Lane. This is consistent with the DAP and considered to be acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>The number of on-street parking spaces may contribute towards the parking required for adjacent non-residential uses.</td>
<td>No on street parking proposed.</td>
<td>N/A</td>
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<tr>
<td>Provision must be made for delivery and service vehicles to have rear access to buildings via laneways or rights-of-way.</td>
<td>Access for service vehicles is proposed to be obtained from Minden Lane. This is considered to be suitable within the context of the site. The development, however, only proposes one service bay, meaning that the showroom development cannot be serviced appropriately. (The service bay is located in the South Eastern corner of the lot, away from the showroom)</td>
<td>No</td>
</tr>
</tbody>
</table>

**Urban Design**

| The height of buildings will generally be set at a minimum two stories or equivalent parapet height. | The proposed building achieves an equivalent two-storey height level.                                                                                     | Yes        |
| To ensure that the main pedestrian areas remain substantially sunlit throughout the day, particularly in winter months, buildings will be limited in height to three stories except where it can be demonstrated that an equivalent degree of sunlight penetration can be achieved by a stepped-back building profile for taller structures. In practice, the standard will be sun penetration to substantial areas of pedestrian streets and spaces between 12 noon and 2 pm on June 22. | The proposal is three storeys at its maximum.                                                                                                               | Yes        |
| The built form of the Town Centre is to be framed around the public street system with generally contiguous and active building frontages positioned at the streetscape boundary, subject to minor variations for residential development. | The building does not offer contiguous framing of the street. In the North Western section of the lot there is a recess in the building frontage. This serves no other purpose other than to denude the building from one on the adjoining lot. The building is also recessed at the central component. | Partially Compliant |
### Policy Requirements

<table>
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<tr>
<th>Policy Requirements</th>
<th>Planning Comments</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Variety and articulation of street front building facades will be encouraged to avoid monotony and to break up the horizontal scale of contiguous building frontages.</td>
<td>The proposed building features extensive repetition of the architectural treatment. Both wings remain the same height for their entire length. This serves to accentuate the horizontal scale of the building. The additional 100mm width to the vertical elements on the street elevations is not considered to be sufficient to address the issues previously identified.</td>
<td>No</td>
</tr>
</tbody>
</table>

### Precinct Requirements

#### Core Precinct

| The intention for the Precinct is to develop an integrated mixed use environment including retail, commercial and office development consistent with the overall urban design objectives for the Town Centre. The configuration and ground floor use of buildings must define an attractive sequence of outdoor spaces which the public will occupy. | The proposed development provides for a mixture of land uses, however, it is considered that the proposal is inconsistent with the overall urban design objective of PP3.2.4 as is demonstrated in this table. The configuration and use of ground floor buildings will not contribute to an active and attractive outdoor space which the public will occupy. Both ground floor tenancies will be accessed primarily from the rear carpark. | No         |

| All structures must be built to a minimum of two storeys or equivalent parapet height to keep the Town Centre compact and to reinforce the desired urban character. This standard applies to buildings along all street frontages. | The proposal achieves the minimum two storey height.                                                                                   | Yes        |

<p>| Buildings shall be designed to achieve an appropriate use profile with an active, ground floor street frontage incorporating convenience or recreation-related retail, entertainment, cafés, restaurants and similar uses. Short-stay accommodation, multiple dwellings, offices, function rooms, etc. are the preferred upper floor uses. | The proposed development provides a Showroom and a Gymnasium on the ground floor. Both tenancies are proposed to be accessed primarily from the rear. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional 'service road' format, or where a rear parking court is accessed directly from the adjacent major road(s). A showroom is not considered to be an appropriate land use in this location for this building to promote an active street frontage. | No         |</p>
<table>
<thead>
<tr>
<th>Policy Requirements</th>
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<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>To allow for robust buildings, a minimum ground floor to first floor height of 3.2 metres with a minimum 3.0 metres ceiling height is to be provided.</td>
<td>The proposal achieves the minimum ceiling height.</td>
<td>Yes</td>
</tr>
<tr>
<td>Street elevations are to be articulated to include defined street front entries which are clearly identifiable from the street. Balconies, deep window reveals, related awning and roof elements and changes in materials (subject to the maintenance of a predominantly glazed and transparent commercial frontage at ground level) are also encouraged.</td>
<td>The six street entries, while present, are not considered to be defined. Four unidentifiable entries, set within the triangular windows, serve the showroom and the gymnasium. The two entries serving the central portion of the building are recessed from the street. The entries lack elements, outlined in the policy provision, that would assist legibility from the street.</td>
<td>No</td>
</tr>
<tr>
<td>Continuous pedestrian shelter shall be provided at street level through a generally continuous street verandah (awning) treatment that is a minimum 2.5m wide. Verandah posts within the road reserve are generally not supported.</td>
<td>The proposed awning lacks continuity along the street frontage i.e. there are gaps between the main awnings and the awning associated with the central three-storey element.</td>
<td>No</td>
</tr>
<tr>
<td>Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.</td>
<td>The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little to no architectural treatment has been provided to this section of the building.</td>
<td>Partially Compliant (Height)</td>
</tr>
<tr>
<td>Blank walls fronting public spaces will not be permitted.</td>
<td>Although the mezzanine level is glazed, the tinted glazing proposed to be used reads as a blank façade.</td>
<td>No</td>
</tr>
<tr>
<td>Within an urban streetscape discipline, variety and high design standards will be encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast concrete construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail consistent with the spirit and intent of the Policy requirements.</td>
<td>The proposed developed is characterised by its lack of variety. Excessive repetition is found in the: Parapet height Articulation of façade Façade treatment Opaque street frontage; and Awning treatment.</td>
<td>No</td>
</tr>
<tr>
<td>Policy Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>The proposal is considered to be of an architectural appearance that lacks the urban or civic character associated with a town centre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street entries and window frontages are to remain transparent to ensure that a commercial, interactive frontage is available to the development from the street at all times.</td>
<td>Less than 50% of the ground floor street frontage is proposed to be transparent.</td>
<td>No</td>
</tr>
<tr>
<td>Drive-through facilities will not be supported in the Core Precinct, consistent with main street design principles.</td>
<td>No drive through facilities are proposed.</td>
<td>Yes</td>
</tr>
<tr>
<td>The pedestrian entry onto the street is to remain open during business hours. Where rear customer parking is provided, provision should be made for a pedestrian path linking the carparking area with the street.</td>
<td>Pedestrian entry onto the street could be conditioned to remain open during business hours if the application were to be approved. One pedestrian path has been provided through the centre of the building.</td>
<td>Yes</td>
</tr>
<tr>
<td>Residential development shall achieve a minimum density of 40 dwellings per site hectare. For the purposes of the Residential Design Codes, there is no maximum density applicable.</td>
<td>No residential development. Not applicable to this development.</td>
<td>N/A</td>
</tr>
<tr>
<td>Residential development must incorporate noise attenuation measures to the satisfaction of the City to protect dwellings from being unreasonably affected by activities causing noise associated with lively mixed use areas.</td>
<td>No residential development. Not applicable to this development.</td>
<td>N/A</td>
</tr>
<tr>
<td>Full streetscape works shall be provided by the subdivider. Where the adjoining verge has not already been streetscaped, developers will be required to contribute the full cost of streetscape works in the public streets immediate adjoining their development site. These shall generally include pavements, kerbside parking, streets trees, lighting and furniture.</td>
<td>Verge treatments could be conditioned to be upgraded if the application were to be approved.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

The proposal shows indicative signage only. A Sign Strategy would be required to be submitted which demonstrates compliance with the objectives of PP3.3.1, prior to the placement of advertisements on a building or structure. Section 6 of PP3.3.1 outlines the requirements for the Sign Strategy. It is noted that the building design does not make adequate provision for signage.
Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

PP3.3.14 aims to facilitate 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>Short Term</th>
<th>Long Term</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Showroom (609m²)</td>
<td>1/1000m² NLA</td>
<td>1</td>
</tr>
<tr>
<td>Office (786m²)</td>
<td>1/500m² NLA</td>
<td>2</td>
</tr>
<tr>
<td>Health Studio (961m²)</td>
<td>1/200m² NLA</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>8</td>
</tr>
</tbody>
</table>

The application proposes 42 bicycle bays: 14 in the road reserve and 14 in the carpark. It is considered that the 14 in the carpark can serve as long-term bays as per the requirements of PP3.3.14.

### End-of-Trip Facilities

In terms of PP3.3.14, the provision of eight long-term parking spaces requires the provision of two showers (one male, one female). The showers are required to be provided in a change room in accordance with PP3.3.14. Should the application be approved, it is recommended that a condition be imposed requiring the provision of end-of-trip facilities.

e. **Financial**

Nil

f. **Legal and Statutory**

**Metropolitan Region Scheme (MRS)**

The subject lot is zoned ‘Urban’ under the MRS.

The subject lot abuts a road reserved as an ‘Other Regional Road’ under the MRS. For this reason the proposal was referred to the Department of Planning for comment. (See consultation section).

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

**Clause 3.2 - Zoning Table**

The subject site is zoned 'District Town Centre' under TPS2. The proposed uses of 'Showroom', 'Office' and 'Health Studio' are not permitted (D), unless the Council has exercised its discretion by granting Planning Approval.

**Clause 4.5 - District Town Centre Zone**

**Objective**

The objective of the zone is to establish a clear and concise statement of planning and main street principles to guide the development of 'Main Street' Town Centres having due regard to the objectives and principles outlined within a prepared District Town Centre Policy, and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone.
As is highlighted in the assessment of the proposal against the provisions of PP3.2.4, the proposal is not considered to be consistent with the objective of the District Town Centre Zone.

Clause 4.15 - Carparking

Parking Requirements and Provision

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2.

A full assessment of the car parking requirements and provision is contained within the Comments Section where it is demonstrated that the proposal does not comply with TPS2 requirements.

Clause 5.3 - Control of Advertisements

Clause 5.3.1 requires planning 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.

The proposal shows indicative signage only. Further detail on signage is discussed in the Policy section under Planning Policy 3.3.1 - Control of Advertisements.

g. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Comments

JDAP Decision

The following is an assessment of the revised application against the JDAPs deferral decision:

Pedestrian connection between building, car park, and streets at all opening hours

The internal pedestrian footpath will be unusable in some places due to the overhang of vehicles

Keeping ROW easements clear of obstructive use

All encroachments have been removed from the ROW easement.

Service bays and refuse storage areas and manoeuvring.

One service bay has been deleted from the original application. As such, the City is not satisfied that the development will function appropriately from a servicing/waste management perspective. This is discussed further in the Servicing/Waste Disposal section of the Comments section.

Centralized disability bays to main access.

The accessible bays have not been moved closer to the central access.

Levels to reflect disability access (AS1428).

There is still a shortfall of one accessible bay.

Internal footpath should be 1700 width or more

The internal footpath is 1m wide in certain places. It will be rendered unusable with due to the overhang of vehicles.

Defined pedestrian entry and exit points from the building to show safe footpath access

The rear entry and exit points are legible. The footpath will not be usable in certain places.

Greater consideration be given to the points raised by the City’s Urban Design Consultant in the RAR."
The applicant has widened the vertical elements on street elevations by 100mm\(^1\). This token effort has not considered the detailed review provided by the City's Urban Design consultant is not considered to be sufficient.

Site Context and Design

The site forms part of the larger Baldivis Activity Centre, which includes the Settlers Avenue main street and the Baldivis Shopping Centre. The site is located within the Core Precinct of the Baldivis Activity Centre Structure Plan, which is planned to contain the major shopping facilities of the Centre and provide an attractive visual presence to the traffic dominated Safety Bay Road and an intimate pedestrian oriented presence. Figure 13 illustrates the built form intention for the Core Precinct Area and Figures 12-15 illustrate the existing built form in the area.

The City's consultant Urban Designer advised that the proposal is lacking in detail and is of an architectural appearance that lacks the urban or civic character associated with a town centre. This advice has been extrapolated upon throughout the assessment of the proposal against the provision of PP3.2.4 and the approved DAP.

The City has had numerous meetings with the developer and applicant where the urban design concerns were raised. Apart from some minor changes, the applicant/developer has refused to amend the design to address these issues.

\(^1\) Correction of typographical error
13. South West Corner Settlers Avenue/Atwick Terrace Intersection

14. North West corner of Settlers Avenue/Atwick Terrace Intersection
15. North Eastern corner of Settlers Avenue/Atwick Terrace Intersection

**Detailed Area Plan**

Pursuant to Clause 4.23 (which was, at the time, Clause 4.3.2) of TPS2 a Detailed Area Plan was prepared and approved for the subject lot. This DAP was approved 20 July 2012.
### Permitted Land Use

As per TPS2.  

<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Land Use</td>
<td>The proposed land uses are permitted only when the Council exercises its discretion by issuing a Planning Approval under TPS2.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Preferred Land uses

Retail; Civic and Community; Entertainment and Leisure; Eating and Drinking Premises; Offices; and Medium Density Residential.  

| Retail; Civic and Community; Entertainment and Leisure; Eating and Drinking Premises; Offices; and Medium Density Residential. | The Showroom is not a preferred land use in this location. Showroom developments work best from a functional perspective when the customer car parking is located either at the front of the showrooms in the conventional ‘service road’ format, or where a rear parking court is accessed directly from the adjacent major road(s). A showroom is not considered to be an appropriate land use in this location. The office and gymnasium are compliant. | Partial Compliance |

### Setbacks

All buildings shall generally have a contiguous frontage addressing the street within a 0-2m setback; Nil setback permitted to Minden Lane and all internal boundaries.  

| All buildings shall generally have a contiguous frontage addressing the street within a 0-2m setback; Nil setback permitted to Minden Lane and all internal boundaries. | Building complies with prescribed setbacks | Yes |

### Building and Ceiling Heights

Structures to be a minimum two storey.  

| Structures to be a minimum two storey. | The proposed building achieves an equivalent two-storey height level. | Yes |

Minimum ground floor to first floor height of 3.2m with a ceiling height of 3m.  

| Minimum ground floor to first floor height of 3.2m with a ceiling height of 3m. | 4m height proposed. | Yes |

### Built Form and Orientation

The design shall promote activation of the street; with main entrances and substantial transparent glazing to a minimum height of 3m to achieve active building frontages.  

<p>| The design shall promote activation of the street; with main entrances and substantial transparent glazing to a minimum height of 3m to achieve active building frontages. | Tenancy entrances are not defined and the major entrance is recessed from the street. Primary access to the building is from the rear carpark. The gym reception area is located adjacent to the rear entrance. The entries to the gym on the street will likely require a swipe card reducing the prospect of walk-ins from the street. The upper level offices will be served by the stairwell located to the rear of the central portion. | No |</p>
<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building entries to the internal boundaries are permitted subject to there being an entry from the street as identified on the DAP. The building shall promote surveillance of the street and the rear carpark where possible.</td>
<td>Entries, while not defined, are available from the street. The building offers surveillance of the carpark.</td>
<td>Yes</td>
</tr>
<tr>
<td>The building may be stepped back at right angles from the corner truncations to provide flexibility in design.</td>
<td>Building to provide a constant hard edge to street frontages.</td>
<td>Yes</td>
</tr>
<tr>
<td>Special architectural emphasis should be provided at street and laneway corners with elements such as additional height, distinct roof forms, curved walls and tower elements.</td>
<td>The three-storey element is appropriately located at the point where the building cranks, however, other than increased height, little architectural treatment has been provided to this section of the building.</td>
<td>Partially Compliant</td>
</tr>
<tr>
<td>Where a building abuts a street cantilevered awnings, with a minimum depth of 2.5m and a minimum height of 3m above pavement level, must be provided for the full length of each façade.</td>
<td>The proposed awning lacks continuity along the street frontage i.e. there are gaps between the main awnings and the awning associated with the central three-storey element.</td>
<td>No</td>
</tr>
<tr>
<td>Ground level facades of commercial and mixed use buildings fronting the street shall be transparent for at least 60% of its area.</td>
<td>Less than 50% of the ground floor front the street is glazed.</td>
<td>No</td>
</tr>
<tr>
<td>Facades are to be articulated by providing indentations and projections in the floor plan, whilst maintaining a continuous awning at 2.5m depth.</td>
<td>Both ‘wings’ of the building are proposed to be set hard up against the street boundary with no indentation in the floor plan. This serves to accentuate the repetitiveness of the building. The only indentation in the floor plan occurs at the central portion of the building.</td>
<td>Partially Compliant</td>
</tr>
<tr>
<td>Broad facades and blank walls shall be broken up to create variety and interest through architectural design features. Blank walls facing roads are not acceptable.</td>
<td>Although the mezzanine level is glazed, the proposed tinted glazing reads as a blank façade.</td>
<td>No</td>
</tr>
<tr>
<td>At least one designated pedestrian access corridor, linking the street to the rear carpark and Minden Lane is required. This corridor shall be contiguous and well defined.</td>
<td>One pedestrian access way is proposed. The corridor is contiguous.</td>
<td>Yes</td>
</tr>
<tr>
<td>DAP Requirements</td>
<td>Planning Comments</td>
<td>Compliance</td>
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</tr>
<tr>
<td>Larger developments to be broken up through the use of elements which emphasise a vertical proportion.</td>
<td>Both wings remain the same height for their entire length. This serves to accentuate the horizontal scale of the building. The applicant has widened the vertical columns on the street elevations by 100mm. This is not considered to be sufficient to break up the façade.</td>
<td>No</td>
</tr>
<tr>
<td>Pedestrian Access</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The main public entrances to all buildings shall be located along Nairn Drive or the corner of Nairn Drive and Safety Bay Road or may also be access via the contiguous and well defined corridor identified in the DAP.</td>
<td>The main public entrance is located to the rear of the building from the carpark.</td>
<td>No</td>
</tr>
<tr>
<td>Primary entries to first floor tenancies and secondary entries to ground floor tenancies may be accessed via the suggested contiguous and well defined pedestrian corridors.</td>
<td>Primary entry to the ground floor health studio is proposed from the pedestrian corridor.</td>
<td>No</td>
</tr>
<tr>
<td>Separate and clear pedestrian paths should be provided between the car park and main public entrances to facilitate customer’s safe access to building entries. A central pedestrian corridor linking the main entry to the new carpark is encouraged.</td>
<td>A pedestrian path has been proposed along the rear of the building however no paths have been provided within the carpark. A central pedestrian corridor has been provided.</td>
<td>Partially Compliant</td>
</tr>
<tr>
<td>Materials and Finishes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Variety and high urban design standards are encouraged in the fit-out, awning treatments, lighting and signage of individual premises. Tilt slab or pre-cast construction will only be approved for visible external walls where the design achieves an adequate level of articulation and detail. | The City’s consultant Urban Designer outlined the following issues with the elevation treatment include:  
  - The extensive repetition of the architectural treatment.  
  - The ‘flatness’ of the wall and the corresponding lack of shadows to provide visual relief.  
  - The limited palette of wall materials and the resulting lack of visual interest.  
  - The inability to appropriately incorporate signage into the design of the building.  
  - The ‘thinness’ of the canopy and the resulting lack of significance as part of the composition of the street elevations, and the inability to incorporate lighting to improve pedestrian amenity after dark. | No          |
<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>− The incongruity and irrelevance of the triangular windows.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>− The lack of continuity of the awning along the street frontage – there are gaps between the main awnings and the awning associated with the central three-storey element.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>− The relentless single parapet height (other than the three storey component).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>− The extent of solid (opaque) wall to the street frontage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>− The lack of differentiation between the architectural treatment of the ‘front’ and ‘back’ of the building, which will only serve to reinforce the confusion as to which way tenancies should face.</td>
<td>The applicant has widened the vertical elements on the street elevations by 100mm. This is not considered to be sufficient in breaking up the façade.</td>
<td></td>
</tr>
<tr>
<td>Durable and low maintenance materials in an earthy colour palette is recommended.</td>
<td>Details on construction materials have not been supplied. The white colour material proposed to be used is not considered to be earthy.</td>
<td>No</td>
</tr>
<tr>
<td>A combination of materials and/or finishes shall be incorporated to add visual interest.</td>
<td>The proposed development is characterised by its lack of variety. Excessive repetition is found in the: Parapet height, Articulation of façade, Façade treatment, Opaque street frontage; and Awning treatment.</td>
<td>No</td>
</tr>
<tr>
<td>Unfinished walls including boundary walls shall not be left exposed where in public view.</td>
<td>Although the mezzanine level is glazed, the proposed tinted glazing reads as a blank façade.</td>
<td>No</td>
</tr>
</tbody>
</table>

**Service and Storage Areas**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Delivery, loading and storage areas are to be screened from public view by an enclosure which is complementary with the style and materials of the primary building.</td>
<td>The service bay is visible from Minden Lane. The bin stores are proposed to be screened.</td>
<td>No</td>
</tr>
<tr>
<td>Minden Lane shall be the primary access for service vehicles and services areas (such as big storage bins).</td>
<td>Minden Lane is proposed to be used for service access to the rear of the building.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### DAP Requirements vs Planning Comments vs Compliance

<table>
<thead>
<tr>
<th>DAP Requirements</th>
<th>Planning Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Vehicle Access and Parking Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All vehicle access shall be via the designated access points off Minden Lane and parking generally sleeved at the rear of the premises.</td>
<td>Vehicle access is proposed from Minden Lane. Parking is located to the rear of the building.</td>
<td>Yes</td>
</tr>
<tr>
<td>The development must meet the maximum and minimum car parking requirements as set out in Table 3 and Clause 4.15.1.1 of TPS2.</td>
<td>The proposed development has provided for a total of 43 parking spaces. This results in a shortfall of 26 spaces. It is, however, considered that this shortfall will increase as a result of changes required to the plans as detailed in the car parking section of the Comments section.</td>
<td>No</td>
</tr>
<tr>
<td>Undercroft Parking is encouraged.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Signage**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Pylon Signage is not permitted.</td>
<td>N/A</td>
</tr>
<tr>
<td>Signage additional to the corporate branding must be consistent in colour, size and font.</td>
<td>Indicative signage has been displayed on the elevation plans. A sign strategy could be conditioned however it is considered that the building design does not make appropriate provision for the incorporation of signing.</td>
</tr>
<tr>
<td>All buildings must include a sign strategy in accordance with PP3.3.1.</td>
<td>A sign strategy could be conditioned should the application be approved.</td>
</tr>
</tbody>
</table>

**Fencing**

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Perimeter Fencing is discouraged and should be limited to residential land uses and alfresco dining.</td>
<td>None proposed.</td>
</tr>
<tr>
<td>Commercial fencing maximum height of 700mm.</td>
<td>None proposed.</td>
</tr>
<tr>
<td>Fencing shall be constructed in masonry to complement the style and materials of the primary building.</td>
<td>None proposed.</td>
</tr>
</tbody>
</table>

**Landscaping**

<p>| | |</p>
<table>
<thead>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping of the verges must be installed by the purchaser.</td>
<td>Landscaping could be conditioned should the application be approved.</td>
</tr>
</tbody>
</table>

**Carparking**

**TPS Requirement**

Pursuant to Clause 4.6.3 of TPS2, car parking is to be provided in accordance with Clause 4.15.1.1 of TPS2 and Table 3 of TPS2.
Under the parking provision of TPS2, the proposed development requires the provision of a minimum 69 and a maximum of 94 parking spaces.

Parking Provision

The proposed development has provided for a total of 43 parking spaces. This results in a shortfall of 26 (51) spaces (38% shortfall) compared to TPS2 requirements.

The amount of parking, however, shown on the plans will be reduced for the following reasons:

- Under AS/NZS 2890.1:2004 Parking facilities - Off-street car parking (AS/NZ2890.1) the development is assigned User Class 3, being ‘Short-term town centre parking’. For car parking bays at 90° the following is required:
  - A parking bay width of 2.6m must be provided. The proposal provides for bays widths between 2.3m and 2.5m. No bays comply; and
  - An aisle width of 5.8m is required. The development does not achieve this minimum width in the North Western corner of the lot. Furthermore, in order to provide the required bay widths of 2.6, the aisle widths will have to be reduced below the required 5.8m. The development cannot provide the required bay width and aisle with without modifying the building design.
- Three (3) Small Car bays have been provided without any justification; and
- The development is required to include a total of three (3) additional accessible bays as required by the Building Code of Australia (see Parking for People with Disability). Only two, have been provided.

Small Car Spaces

The development proposes to include three (3) small parking spaces. The small parking spaces are to have dimensions of 2.3m wide x 4.3m length.

AS/NZ2890.1 states that:

“In certain circumstances it may be appropriate to provide a space smaller than specified above for small cars. It shall be designed as a space for small cars”.

AS2890.1 provides the dimensions of 2.3m x 5.0m for small parking spaces. The proposed small car bays do not meet this requirement.

The Standard provides no further guidance on the circumstances in which, or proportion of provision of small car spaces that would be appropriate.

No justification has been provided by the applicant for the provision of the small parking spaces in terms of planning merit. Planning merit is the scope of consideration in determining a Planning Application. Thus consideration of the appropriateness of the small car spaces and functionality of the car park are the relevant considerations.

The City requires car parking to be provided in accordance with AS2890.1 and the relevant User Class. There are no specific provisions relating to the number or proportion of small car parking spaces, and the applicant has not provided any planning merit justification for the circumstances in which the provision of the small spaces is appropriate.
The parking design requirements in AS2890.1 are based on the 85th percentile vehicle from a study of the Australian motor vehicle fleet. There has been no demonstration that the users of the car park would be driving vehicles below this average.

Furthermore, the User Class 3 is designed on the need for full opening of all car doors as well as the need for efficiency in parking aisles through the high turnover nature of shopping centre traffic. In this regard the small parking spaces are not supported.

**Reciprocal Parking**

The applicant is seeking to have the TPS2 parking requirements reduced on the basis of reciprocal uses of the car park. The applicant asserts that the TPS parking requirements consider each use in isolation and assumes no reciprocal use. This is not correct. The parking requirements in the District Town Centre Zone are lower than the general TPS parking requirements. This is a reflection of both reciprocity and multiple trip generation. It should also be note that the parking requirements outlined in SPP4.2 - Activity Centres for Perth and Peel are higher than the TPS District Town Centre requirements.

To be able to consider reciprocity of parking, the peak hour parking demand for the particular developments is required to be known. The applicant has advised that the peak hour for the gym would be 6-7pm, closely followed by the 5-6pm period. This is based on another gym operated by the same operator. This aligns with the NSW RTA's Guide to Traffic Generating Developments (GTGD), which identifies the 5:30-6:30pm period as the peak activity period for gymnasiums. It is also noted that the peak parking accumulation for gymnasiums is in the period immediately prior to the commencement of the main evening gym class(es). No details have been provided on vehicle occupancy rates.

In the absence of other information, it can only be assumed that the entire TPS requirement of 48 parking spaces would be required for the peak period. On the site alone, there would be insufficient parking to cater for the gym peak hour demand.

The specific use of the office is unknown. General operating hours for such a development could reasonably be expected to be 8am to 5pm Monday to Friday. The GTGD indicates that 80% of office employees leave the site in the peak hour. Thus at 5pm at least 80% of employees are on site. Based on the TPS parking requirements (13 parking spaces), approximately 11 spaces would be in use.

The specific use of the showroom is unknown. General operating hours for such a development could reasonably be expected to be 9am to 5pm Monday to Friday, with late night trading to 9pm on Thursdays. The showroom component would also likely operate Saturdays and Sundays between 9am (11am Sundays) and 5pm. With no specific development, it can only be assumed worst case scenario with the pm peak being the entire parking requirement of 8 parking spaces.

Given the above, the peak demand could be assumed to be 67 parking spaces. Given this, there is essentially no evidence to suggest that reciprocal parking could be supported.

The reciprocal parking considerations in TPS2 do not extend to reducing car parking requirements and replacing them with bicycle parking or motorcycle parking as asserted by the applicant. Simply because 4.4% of the population owns motorcycles does not correspond to the same proportion of gym users access the gym via a motorcycle. Nor does the argument that a high proportion of gym patrons will cycle to the gym because there are in close proximity to the gym

**Parking for People with Disability**

The City’s Planning Procedure 1.16 - Carparking and Access Considerations for People with Disability, outlines that the City shall, amongst other matters, take into consideration the provisions made for people with a disability based upon compliance with the Building Code of Australia (BCA) and the Australian Standards in relation to carparking, pathways, ramps, steps, signs and lighting.

Parking provision for people with disability is based on the Building Code of Australia Requirements. The requirements for provision are outlined below:
<table>
<thead>
<tr>
<th>Building Class</th>
<th>Requirement</th>
<th>Rate</th>
<th>Calculations</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 5 (Office)</td>
<td>1 space/100 carparking spaces (or part thereof)</td>
<td>14</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Class 6 (Showroom)</td>
<td>1 space/50 carparking spaces (or part thereof)</td>
<td>8</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Class 9b (Gym)</td>
<td>1 space/50 carparking spaces (or part thereof)</td>
<td>48</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

The **National Construction Code 2014 Guide to the BCA Volume One** states that:

“If a carpark serves a multi-classified building, the number of accessible carparking spaces required should be calculated by determining the number of spaces serving each classification.”

The development provides for a total of two (2) accessible spaces resulting in a shortfall of one (1) accessible bay. Therefore one (1) of the proposed car bays would be required to be removed in order to make provision for the extra accessible bay; this will increase the overall parking deficiency.

**Accessible Path of Travel for people with a Disability**

In some instances the development purposes parking bay lengths of 4.8m. This may be acceptable in terms of AS/NZ2890.1 where parking is to a low kerb which allows 600mm overhang. It is noted that the development proposed kerb is 150mm and this will allow a vehicle to overhang the proposed internal footpath. This overhang, however, renders the footpath unusable in places where the footpath is as narrow as 1m (reduced to 400mm with the overhang from the cars). Critically this overhang will result in noncompliance with AS 1428.1-2009 - Design for access and mobility – General requirements for access – New building work. This Australian Standard requires the provision of an unimpeded path of access of at least 1m in width for people in a wheelchair. This is not achievable with the current design. The deficient path width will require either the building to be set back further or the car park layout reconfigured. In this regard, the amended proposal fails to address the JDAP’s deferral item 1 (f).

**Servicing / Waste Disposal**

The application proposes for service vehicles to access the site from Minden Lane, this is consistent with the DAP.

In the amended submission the application has relocated one of the service bays and deleted the other. This leaves one (1) service bay, located in the South Eastern corner of the lot, servicing the development.

The applicant’s submission identifies three (3) bin stores and includes a Waste Management Plan. The waste management plan, however, states that the North Eastern bin store is to be serviced from the adjacent service bay. This service bay, however, has been deleted in the latest iteration of the plans. As such, the City is not satisfied that the development can function appropriately from a servicing and waste disposal perspective.

**Conclusion**

The proposal for the showroom, health studio and office development is permissible in the District Town Centre zone. As outlined throughout this report, however, the proposal fails to provide for an appropriate design, form and activation. The proposed building is of an architectural appearance that lacks the urban or civic character associated with a town centre.
Furthermore, the development fails to provide adequate provision for the parking and manoeuvring of vehicles both in terms of number of bays provided and compliance with relevant Australian Standards. The development also will not have the ability to be serviced adequately. For these reasons the application cannot be supported.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Responsible Authority Report for the proposed Mixed Use Development (showroom, gymnasium and office) Lot 159 Minden Lane, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

*That the Metro South-West JDAP resolve to:*

**Refuse** the DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 Site and Ground Floor Plan (Drawing No.SK.12 Rev J), First Floor Plan (Drawing No.SK.13 Rev J), Second Floor Plan (Drawing No.SK.14 Rev J) and Elevation and Section Plans (Drawing No.SK.15 Rev I), dated 8 June 2015 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:

(a) The proposed development fails to make adequate provision for car parking, including parking for people with a disability, as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.

(b) The proposed development is not considered to be compatible with its setting, as required by clause 6.6 (i) of TPS2.

(c) Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles, as required by clause 6.6 (q) of TPS2.

(d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.

(e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(h) A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.

(i) The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan.

(j) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(k) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
(l)  The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.

(m)  Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.

(n)  Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.

(o)  Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.

(p)  A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.

(q)  The proposed development fails to provide weather-protected car bays for workers and visitors with a disability as required by clause 5.3.2 (5) of State Planning Policy 4.2 Activity Centres for Perth and Peel.

(r)  The proposed development fails to provide an unimpeded path of access linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work.*

**Committee Recommendation**

Moved Cr Hill, seconded Cr Hamblin:

That Council adopt the Responsible Authority Report for the proposed Mixed Use Development (showroom, gymnasium and office) Lot 159 Minden Lane, Baldivis contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 12(2) of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

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(d)  The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(e)  The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.

(f)  The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City’s Local Planning Policy 3.2.4 – Baldivis Town Centre.
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Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
## Planning and Development Services

### Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-064/15 Joint Development Assessment Panel Application - Additions and Alterations to Secret Harbour District Shopping Centre - Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour</th>
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<tr>
<td>File No:</td>
<td>DD020.2014.00000411.002</td>
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<tr>
<td>Risk Register No:</td>
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</tr>
<tr>
<td>Applicant:</td>
<td>Greg Rowe Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>Perpetual Limited</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Greg Delahunty, Senior Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mrs Erika Dawson, Projects Officer, Mr Bob Jeans, Director Planning and Development Services</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>February 2005 (PD16/2/05), September 2005 (PD137/9/05), September 2007 (PD183/9/07), February 2008 (PD23/2/08), January 2015 (PDS-008/15)</td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council's Role in this Matter:</td>
<td>Executive</td>
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### Site:

- Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour

### Lot Area:

- Lot 2003 = 30,580m²
- Lot 2010 = 27,493m²
- Lot 2013 = 3,522m²

### LA Zoning:

- District Town Centre

### MRS Zoning:

- Urban

### Attachments:

- Responsible Authority Report

### Maps/Diagrams:

1. Location Plan
2. Aerial Photo
3. Deposited Plan
4. Change to Main Street Tenancies
5. Change to Loading Dock
6. Change to Warnbro Sound Avenue Access Street Middle crossover
7. Change to Oasis Drive Median
8. Change to Warnbro Sound Avenue Median
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>9.</td>
<td>Change to Internal Floor space</td>
</tr>
<tr>
<td>10.</td>
<td>Change to Coles Trolley Store</td>
</tr>
<tr>
<td>11.</td>
<td>Site and Ground Floor Plan</td>
</tr>
<tr>
<td>12.</td>
<td>Original Oasis Drive Entry 1</td>
</tr>
<tr>
<td>13.</td>
<td>Revised Oasis Drive Entry 1</td>
</tr>
<tr>
<td>14.</td>
<td>Original Oasis Drive Entry 2</td>
</tr>
<tr>
<td>15.</td>
<td>Revised Oasis Drive Entry 2</td>
</tr>
<tr>
<td>16.</td>
<td>Original Wambro Sound Avenue (East) Elevation</td>
</tr>
<tr>
<td>17.</td>
<td>Original Wambro Sound Avenue (East) Elevation</td>
</tr>
<tr>
<td>18.</td>
<td>Original Secret Harbour Boulevard (North) Elevation</td>
</tr>
<tr>
<td>19.</td>
<td>Revised Secret Harbour Boulevard (North) Elevation</td>
</tr>
<tr>
<td>20.</td>
<td>Original Oasis Drive (West) Elevation</td>
</tr>
<tr>
<td>21.</td>
<td>Revised Oasis Drive (West) Elevation</td>
</tr>
<tr>
<td>22.</td>
<td>Original Oneida Road (South) Elevation</td>
</tr>
<tr>
<td>23.</td>
<td>Revised Oneida Road (South) Elevation</td>
</tr>
<tr>
<td>24.</td>
<td>Intersections</td>
</tr>
<tr>
<td>25.</td>
<td>Secret Harbour IDP</td>
</tr>
<tr>
<td>26.</td>
<td>Current on-site parking to be retained</td>
</tr>
</tbody>
</table>

![Location Plan](image-url)

1. Location Plan
Purpose of Report

To provide recommendations to the Metro South West Joint Development Assessment Panel (SWJDAP) on an application for the proposed additions and alterations to the Secret Harbour District Shopping Centre, comprising two (2) supermarkets, one (1) mini major, 40 specialty stores, and five (5) kiosks on Lots 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour.

Background

History of Approvals

The following outlines the history of Planning Approvals on site:

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

Existing Site Improvements

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

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

The adjacent Lot 2002 contains the Whistling Kite Tavern and drive thru bottle shop. It gains access over Lot 2003 as shown in the following Deposited Plan.

3. Deposited Plan
Details

The application proposes to amend the JDAP Planning Approval as outlined below and amending/deleting a number of conditions.

Modified Design

(a) Reconfiguration of the main street tenancies which includes more articulated building features and more alfresco dining opportunities

Existing Main Street Tenancies

(b) Reconfigured ALDI loading dock which includes improved screening measures

Existing Aldi Dock
5. Change to Loading Dock

(c) Modifications to the Warnbro Sound Avenue Access Street Middle crossover by modifying the kerbing

6. Change to Warnbro Sound Avenue Access Street Middle crossover
(d) Modification to the median on Oasis Drive

Existing Median

Proposed Median

7. Change to Oasis Drive Median

(e) Modification to the Warnbro Sound Avenue median adjacent to Access Street Middle by modifying the kerbing;

Existing Median

Proposed Median

8. Change to Warnbro Sound Avenue Median
(f) A number of minor modifications to the internal shopping mall layout

Existing Internal Layout

Proposed Internal Layout

9. Change to Internal Floor space

(g) Change to Coles Trolley Store

Existing Trolley Store Proposed Trolley Store and Substation

10. Change to Coles Trolley Store

(h) Modifications to the car parking layout including the reduction of 49 bays

Refer to Figure 11
Modified Conditions

Condition 4
The approved condition states:

"Prior to issue of a Building Permit, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham."

The applicant proposes to amend the condition to read:

"Prior to occupation of the proposed development, engineering drawings and specifications are to be prepared for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue to a signalised intersection, in accordance with Main Roads WA specifications and to the satisfaction of the City of Rockingham"

Condition 6
The approved condition states:

"Prior to issue of a Building Permit, arrangements being made with the City of Rockingham for the partial payment of the cost to engage a suitably qualified Quantity Surveyor/Engineer, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4."

The applicant proposes to amend the condition to read:

"Prior to occupation of the proposed development, arrangements being made with the City of Rockingham for the partial payment of the cost to engage a suitably qualified Quantity Surveyor/Engineer, to the satisfaction of the City of Rockingham, to provide a cost estimate for the construction of the intersection, as illustrated in the approved plans referenced in Condition No. 4."

Condition 7
The approved condition states:

"Prior to any works occurring, arrangements being made with the City of Rockingham for the partial payment of the cost of the intersection works as advised by the Quantity Surveyor/Engineer referenced in Condition No. 6."

The applicant proposes to amend the condition to read:

"Prior to occupation of the proposed development, arrangements being made with the City of Rockingham for the partial payment of the cost of the intersection works as advised by the Quantity Surveyor/Engineer referenced in Condition No. 6."

Condition 10
The approved condition states:

"Unless otherwise agreed with the City of Rockingham on advice from the Department of Planning, the existing left in/left out access at Access Street North onto Warnbro Sound Avenue (adjacent to the petrol station) is to be modified or closed within 28 days of the expiry of the current lease for the petrol station, but no later than 30 March 2018, after which there is to be no more than six access or egress movements to Warnbro Sound Avenue."

The applicant proposes to amend the condition to read:

"Unless otherwise agreed with the City of Rockingham on advice from the Department of Planning, access from the site onto Warnbro Sound Avenue shall be limited to the existing left in/left out at the northern access adjacent to the Petrol Station, left in, left out and right in at the main central access and left in at the southern access adjacent to pad site 2."

Condition 21
The approved condition states:

"Heavy vehicles are not permitted to gain access to or from the site via the southern access driveway on Oasis Drive."
The applicant proposes to amend the condition to read:

“Heavy vehicles are only permitted to gain access to or from the site via the southern access driveway on Oasis Drive where the heavy vehicle does not access any portion of Oasis Drive to the north of the southern access driveway.”

Footnote 12

The applicant proposes to include a new Footnote 12 to read:

“It should be noted that the requirements of Condition No. 4, 6 and 7 will not be triggered by the need for a Building Permit associated with Building footings and site works.”
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON TUESDAY 20 OCTOBER 2015

PRESIDING MEMBER

11. Site and Ground Floor Plan (Changes are clouded in red)
12. Original Oasis Drive Entry 1
13. Revised Oasis Drive Entry 1
14. Original Oasis Drive Entry 2
15. Revised Oasis Drive Entry 2
16. Original Wambro Sound Avenue (East) Elevation
17. Revised Wambro Sound Avenue (East) Elevation
18. Original Secret Harbour Boulevard (North) Elevation
19. Revised Secret Harbour Boulevard (North) Elevation
20. Original Oasis Drive (West) Elevation
21. Revised Oasis Drive (West) Elevation
22. Original Oneida Road (South) Elevation
23. Revised Oneida Road (South) Elevation
Implications to Consider

a. Consultation with the Community

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

b. Consultation with Government Agencies

The application was referred to the Department of Planning for comment.

<table>
<thead>
<tr>
<th>Department of Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submission:</strong></td>
</tr>
<tr>
<td>(a) Access</td>
</tr>
<tr>
<td>The Department wishes to reiterate the advice, that a total of 6 vehicular access / egress points to Warnbro Sound Avenue be observed at all times</td>
</tr>
<tr>
<td><strong>City’s Comment:</strong></td>
</tr>
<tr>
<td>The City is supportive of the DoP’s comments. The applicant’s proposed modified condition 10 restricts vehicular access / egress movements onto Warnbro Sound Avenue to six points.</td>
</tr>
<tr>
<td>These movements are as follows:</td>
</tr>
<tr>
<td>− Access Street North: Left in / Left out; (Two movements);</td>
</tr>
<tr>
<td>− Access Street Middle: Left in / Left out / Right in (Three movements); and</td>
</tr>
<tr>
<td>− Access Street South: Left in (One movement).</td>
</tr>
<tr>
<td>This is consistent with the advice received from DoP. As such, the proposed modified condition can be supported.</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
</tr>
<tr>
<td>That the applicant’s modified condition be supported.</td>
</tr>
</tbody>
</table>
24. Intersections

Access Street North
Left in / Left out

Access Street Middle
Left in / Left out / Right in

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

**Community Plan**

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

**Aspiration D:** Sustainable Environment

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

d. **Policy**

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

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

**Clause 5.3 - Movement**

The subject site was chosen as the location for the District Centre given its proximity to Warnbro Sound Avenue (Other Regional Road). A high frequency public transport service is not available in this area. This is relevant as access to high frequency public transport services can be reasonably used as justification for a reduction in parking requirements.

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

SPP4.2 identifies that a parking rate of 4-5 bays per 100m² for shops. This equates to 1 space per 20m²-25m². Given that there is no opportunity for cash in lieu of spaces (because there is no other space within the town centre to provide parking) and public transport service is limited, further reduction of parking below this rate is not considered appropriate.

Parking requirements and provision is further discussed in the Planning Assessment section of this report.

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

**Clause 5.4 - Urban Form**

The amended proposal is consistent with the urban form requirements of SPP4.2 in that it provides for buildings that address the street, provide for a mix of land uses, provision of public spaces that provide for a quality meeting place.

**Clause 5.5 - Resource Conservation**

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

**Planning Policy 3.1.2 – Local Commercial Strategy (PP3.1.2)**

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

1. **Recommended Centre Sizes**

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

The shopping centre overall post development will have a NLA of 16,315m², however, with the range of uses accommodated it will have less than 15,000m² PLUC5 NLA. This is consistent with PP3.1.2.
Planning Policy 3.2.3 - Secret Harbour Town Centre (PP3.2.3)

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

Clause 3 - Policy Objectives

The objectives of PP3.2.3 are:

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

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

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

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

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

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

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

Indicative Development Plan (IDP)

Clause 5 of PP3.2.5 requires the Council to have regard to the IDP in applying PP3.2.3. The IDP is contained within Figure 25.

The proposed development provides for built form that is consistent with the IDP.
25. Indicative Development Plan
General Requirements

PP3.2.2 includes general requirements as well as specific precinct requirements applying to development. These requirements are outlined below, along with comments on compliance with these requirements.

Table 1: PP3.2.2 General Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Guidelines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(vii) Buildings fronting the streets within the Core Precinct shall be designed to achieve an appropriate use profile with an active, ground floor street frontage predominantly incorporating retail, entertainment cafes, restaurants and similar uses.</td>
<td>The development achieves this for the large part of Oasis Drive. The 'blank' section of the southern end of this street will be developed with shops in this location in the future. The amendment to the approved plans offers added alfresco dining opportunities and includes a play area. This will further contribute to the activation of the street.</td>
<td>Yes</td>
</tr>
<tr>
<td>(xi) Carparking standards are to be in accordance with Table 3 of Town Planning Scheme No.2 (TPS No.2). In recognition that the Secret Harbour Town Centre is being developed in accordance with Main Street design principles, car parking requirements may be reduced to a minimum of 1 bay per 20m² for retail development, as well as dispensations for reciprocal parking for activities that operate outside core retail trading hours.</td>
<td>An assessment of parking provision has been provided in the Planning Assessment Section of this report. It does not comply with the TPS requirements, however, further discussion on parking is provided in the Planning Assessment section.</td>
<td>No (see comments in parking section)</td>
</tr>
<tr>
<td>(xv) Service access, including refuse and bin storage for all commercial buildings, should be from the rear of street front premises.</td>
<td>The majority of the servicing vehicles will access the site other than from Oasis Drive. The revised proposal, however, seeks access from Oasis Drive for Coles service vehicles. This is inconsistent with this Policy provision and the condition applied by the JDAP on the February 2015 approval which prohibits heavy vehicles accessing the site from Oasis Drive.</td>
<td>No</td>
</tr>
</tbody>
</table>

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

District Commercial Centres require the provision of bicycle parking, based on an additional NLA of 9,950m². Based on this figure there is a requirement to provide 10 long term and 16 short term bicycle bays. This is consistent with the original approval. As such, the same condition and for the provision of bicycle bays and end of trip facilities is recommended.

e. Financial

Nil
f. **Legal and Statutory**

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

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

**Clause 4.5 - District Town Centre Zone**

The proposed development is considered to be consistent with the objective of achieving a 'Main Street' Town Centre for the District Town Centre Zone, as outlined in Clause 4.5.1 of TPS2. The proposal has also been assessed for conformity with the City's Planning Policy 3.2.3 - Secret Harbour Town Centre, which is addressed below.

**Clause 4.5.3 - Planning Principles**

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

**Clause 4.15 - Carparking**

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2. Whilst the applicant seeks a range of use classes to be approved as part of this application, car parking has been determined on the basis of 'Shop' as it is the most likely use.

2. **Parking Requirements and Provision**

Pursuant to clause 4.15.1.1, car parking is required to be provided in accordance with Table No.3 of TPS2. Whilst the applicant seeks a range of use classes to be approved as part of this application, car parking has been determined on the basis of 'Shop' as it is the most likely use.

<table>
<thead>
<tr>
<th>Table 2: Proposed Development TPS2 Parking Requirements</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td><strong>Rate</strong></td>
</tr>
<tr>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Extension to existing Centre (400m²-155m²=245m²)</td>
<td>1/22(17) m² NLA</td>
</tr>
<tr>
<td>Supermarkets (5,000m²)</td>
<td>1/22(17) m² NLA</td>
</tr>
<tr>
<td>Mini Major (650m²)</td>
<td>1/22(17) m² NLA</td>
</tr>
<tr>
<td>Specialty Stores (3,985m²)</td>
<td>1/22(17) m³ NLA</td>
</tr>
<tr>
<td>Kiosks (70m²)</td>
<td>1/22(17) m³ NLA</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

For the Secret Harbour Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

Based on the TPS requirements, the proposed development requires the provision of a minimum of 456 parking spaces, in addition to that required by the existing developments on site.

Further discussion on parking requirements and provision is provided in the Comments section of this report.
g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

Reconsideration of Conditions

Condition 4
The detailed design is required prior to the issue of a Building Permit as it will affect site layout. There needs to be certainty on this matter before the development progresses. This condition does not require the applicant to pay for the intersection works. It simply requires the design to be undertaken. As such, the modified condition is not supported.

Conditions 6 and 7
These conditions do not necessarily require the payments to be made, just arrangements being made for the payments. The conditions were specifically worded this way to ensure that agreements were made at this stage, but still providing flexibility. As such, the modified conditions are not supported.

Condition 10
The revised condition limits the vehicular access / egress points to six (6). This is consistent with advice received from the Department of Planning. As such, the intent of the modified condition is supported.

Condition 21
The change to this condition would result in the removal of the median which is not support by the City. Should the median be removed a Left-Right T junction would be created. This is not appropriate from a road traffic safety point of view. It would also compromise the streetscape works in the main street.

The City is seeking to prohibit heavy vehicles from Oasis Drive in order to maintain the “main street” character.

The applicant seeks the removal of this condition to allow for Coles service vehicles to access the site from Oasis Drive; this is inconsistent with PP3.2.2 which requires service access, including refuse and bin storage for all commercial buildings, to be from the rear of street front premises.

Footnote 12
This is not necessary as modified conditions 4, 6 and 7 are not supported.

Car Parking

Background
The existing developments approved on site require a total of 443 car parking spaces, including those for people with a disability.

The carpark is not constructed in accordance with the approved plans. At present on site there are a total of 390 car parking spaces, including 11 spaces for people with a disability. On Oasis Drive there are 11 existing parallel parking spaces. These can be included in the parking provision for the existing development. Based on this, there is a current shortfall of 42 parking spaces on site.

Parking Requirements/Provision
The proposed amendment provides for:
- A reduction in Net Lettable Area (NLA) of 158m² (9,950m² in lieu of the approved 10,108m²) approved; and
- A reduction of 49 on-site car bays.
The following table outlines the revised parking requirements for the proposed development based on the Town Planning Scheme parking requirements and SPP4.2 requirements.

<table>
<thead>
<tr>
<th>Use</th>
<th>NLA</th>
<th>TPS2 Required</th>
<th>SPP4.2 Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Rate</td>
<td>Number</td>
</tr>
<tr>
<td>Shop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extension to existing Centre</td>
<td>400-155=245m²</td>
<td>1/22(17)m²</td>
<td>12 (15)</td>
</tr>
<tr>
<td>Supermarkets</td>
<td>5,000m²</td>
<td>1/22(17)m²</td>
<td>228(295)</td>
</tr>
<tr>
<td>Mini Major</td>
<td>650m²</td>
<td>1/22(17)m²</td>
<td>30(39)</td>
</tr>
<tr>
<td>Specialty Stores</td>
<td>3,985m²</td>
<td>1/22(17)m²</td>
<td>182(235)</td>
</tr>
<tr>
<td>Kiosks</td>
<td>70m²</td>
<td>1/22(17)m²</td>
<td>4(5)</td>
</tr>
<tr>
<td>Total</td>
<td>9,950</td>
<td></td>
<td>456(589)</td>
</tr>
</tbody>
</table>

Notes:
For the Secret Harbour Town Centre, parking rates are provided as a minimum and maximum range, with the maximum parking allowable provided in brackets.

The SPP rates were used in the assessment of the original application and are considered to be reasonable to use given that they allow for reciprocity between uses.

The following table outlines the parking requirements for the entire site based on existing approvals and the SPP4.2 requirements for the proposed development.

<table>
<thead>
<tr>
<th>Development</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Spaces</td>
</tr>
<tr>
<td>Stage 1 (existing shopping Centre)</td>
<td>422^</td>
</tr>
<tr>
<td>Tavern</td>
<td>0^</td>
</tr>
<tr>
<td>Caltex</td>
<td>16^</td>
</tr>
<tr>
<td>McDonalds</td>
<td>17^</td>
</tr>
<tr>
<td>Stage 2 (proposed development)</td>
<td>399</td>
</tr>
<tr>
<td>Total</td>
<td>854</td>
</tr>
</tbody>
</table>

Notes:
^ Based on previous approval requirements
* Parking spaces for people with a disability have been calculated on Building Code of Australia Requirements (i.e. 1/50 overall spaces for Class 6) and is to be included in the overall provision, not in addition to.

The revised site plans provided with the application do not reflect what is currently on site in terms of the existing car parking that is not to be amended as part of the application (see Figure 26).
26. Current on site parking to be retained

Based on the existing parking on site that is to be unchanged, plus the modified and new parking areas, the development proposes:

- 260 unchanged existing on-site spaces;
- 36 modified existing on-site spaces;
- 414 new on-site spaces;
- 11 existing on-street parking spaces (Oasis Drive); and
- 27 new on-street parking spaces (Oasis Drive).

Thus the total parking provided is 748 spaces. This is a shortfall of 111 spaces or 13%.

The Planning Approval for the existing shopping centre (Stage 1) required parking to be provided in accordance with the then Planning Policy No 8.1 - City Centre Development Policy Plan (PP8.1). The following table outlines these requirements.
The parking rates required by PP8.1 are higher than that required by the City's current parking requirements and SPP4.2. Based on the above floor areas, the following would be required by current TPS2 requirements for the tavern and SPP4.2 requirements for shops.

Based on the revised parking calculations from SPP4.2 as outlined Tables 3 and 6, the overall shopping centre would require the following car parking:

Table 5: Existing Planning Approval

<table>
<thead>
<tr>
<th>Use</th>
<th>NLA</th>
<th>Rate</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supermarket &amp; Specialty Stores</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>5,420m²</td>
<td>1/17m²(15m²) GLA</td>
<td>319(362)</td>
</tr>
<tr>
<td><strong>Tavern/Drive thru Bottle shop</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td>587m²</td>
<td>1/5m²(4m²) of bar and public areas including lounges, beer gardens and restaurants.</td>
<td>118(147)</td>
</tr>
<tr>
<td>Bottle shop</td>
<td>200m²</td>
<td>1/17m²(15m²) GLA</td>
<td>12(14)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>449(523)</td>
</tr>
</tbody>
</table>

Table 6: Revised Existing Development Parking Calculations

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supermarket &amp; Specialty Stores</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>5,420m²</td>
<td>217</td>
</tr>
<tr>
<td><strong>Tavern/Drive thru Bottle shop</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td>587m²</td>
<td>118(147)</td>
</tr>
<tr>
<td>Bottle shop</td>
<td>200m²</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>343(372)</td>
</tr>
</tbody>
</table>

Table 7: Revised Overall Parking Calculations

<table>
<thead>
<tr>
<th>Development</th>
<th>Parking Requirement</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Spaces</td>
<td>Spaces for People with a Disability</td>
</tr>
<tr>
<td>Stage 1 (existing shopping Centre)</td>
<td>343(372)</td>
<td>7*</td>
</tr>
<tr>
<td>Tavern (included in Stage 1)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Caltex</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>McDonalds</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>Stage 2 (proposed development)</td>
<td>399</td>
<td>8*</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>775(804)</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total without McDonalds</strong></td>
<td>758 (787)</td>
<td>16</td>
</tr>
</tbody>
</table>

Notes:
* Parking spaces for people with a disability have been calculated on Building Code of Australia Requirements (i.e. 1/50 overall spaces for Class 6).
The proposed development provides:
- 710 car parking spaces on site (noting that 17 of these are required for the McDonalds Approval);
- 38 car parking spaces on-street.
Thus the total parking provided for this development is 731 spaces.

Based on the revised parking calculation (requirement of 759 spaces), the development has a parking shortfall of 28 bays (3.7%).

**Future Development**

Part of the main street (Oasis Drive) has not been developed as part of this application. The applicant has advised it would seek to provide this additional floor space in the future. Based on concept plans provided, there would likely be an approximate additional 600m² NLA in this area. Based on the SPP4.2 parking requirements for shops, an addition 24 parking spaces would be required.

The on-street parking at the southern end of Oasis Drive (21 spaces) will be allocated to the uncompleted main street section. This results in a further shortfall of 3 bays.

Furthermore the intent to develop the remaining two pad sites is a concern of the City. The City is currently considering an application, which is awaiting further information, for a Dan Murphys store, on one of the remaining pad sites. It requires 43 parking spaces based on SPP4.2 rates. There is, however, no parking available on site to accommodate this.

Pad site 3 is also undeveloped. Five on-street parking spaces are available to pad site 3, however, if it is a shop use in the order of 40 parking spaces could be required. It would require its parking to be provided on its own site, which would significantly restrict the development of the site and require the removal of existing spaces to facilitate access.

It is noted that Secret Harbour does not have access to high frequency public transport services, which would prevent the City from reducing the parking provision in this location.

For these reasons it is recommended that the application be deferred in order to address the parking shortfall holistically over the site.

In summary:
- The development provides less parking than is required by both SPP4.2 and TPS2;
- There is no available parking for the proposed Dan Murphys;
- There is no available parking for pad site 3; and
- McDonalds have lodged a Form 2 JDAP application with the City to reduce its parking requirement.

For these reasons it is recommended that the application be deferred in order to address the parking shortfall holistically over the site.

**Conclusion**

The proposed changes to the plans although minor in nature have reduced the parking provision to an unacceptable degree. As such, it is recommended that the proposal be deferred in order to address the parking shortfall.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Responsible Authority Report for the proposed additions and alterations to the existing Secret Harbour District Shopping Centre at Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the **Planning and Development (Development Assessment Panels) Regulation 2011**, which recommends:
“That the Metro South-West JDAP resolves to:

1. **Approve** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 22 July 2015 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. **Defer** the proposal in order to address the shortfall of parking over the site.”

### Committee Recommendation

Moved Cr Pease, seconded Cr Hamblin:

That Council **ADOPT** the Responsible Authority Report for the proposed additions and alterations to the existing Secret Harbour District Shopping Centre at Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour contained as Attachment 1 as the report required to be submitted to the presiding member of the South-West Joint Development Assessment Panel (SWJDAP) pursuant to Regulation 17 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

“That the Metro South-West JDAP resolves to:

1. **Approve** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 22 July 2015 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. **Defer** the proposal in order to address the shortfall of parking over the site.”

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Planning and Development Services
Directorate, Planning Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-065/15</th>
<th>'Indian Ocean Gateway'</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>GVR/1-12</td>
<td></td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>City of Kwinana</td>
<td></td>
</tr>
<tr>
<td>Owner:</td>
<td>Various</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Bob Jeans, Director Planning &amp; Development Services</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Peter Ricci, Manager Major Planning Projects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr Andrew Hammond, Chief Executive Officer</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
<td></td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
<td></td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Refer to Figure 1</td>
<td></td>
</tr>
</tbody>
</table>

| Site:                   | Various     |
| Lot Area:               | Various     |
| LA Zoning:              | Various     |
| MRS Zoning:             | Central City Area, Industrial, Urban |

| Attachments:            | 'Indian Ocean Gateway Consultative Draft – August 2015' |
|                        | 1. 'Indian Ocean Gateway' Boundary |
|                        | 2. Extract from Metropolitan Region Scheme |
|                        | 3. Extract from Extract from Metropolitan Region Scheme Amendment Proposal |
|                        | 4. 'Indian Ocean Gateway' Industrial Rezoning Proposal |
|                        | 5. Metropolitan Region Scheme Amendment No.976/33 - Removal of Railway Reservation |

| Maps/Diagrams:         | 'Indian Ocean Gateway Consultative Draft – August 2015' |
|                       | 1. 'Indian Ocean Gateway' Boundary |
|                       | 2. Extract from Metropolitan Region Scheme |
|                       | 3. Extract from Extract from Metropolitan Region Scheme Amendment Proposal |
|                       | 4. 'Indian Ocean Gateway' Industrial Rezoning Proposal |
|                       | 5. Metropolitan Region Scheme Amendment No.976/33 - Removal of Railway Reservation |

**Purpose of Report**

To consider the document styled the "Indian Ocean Gateway" consultative draft prepared and released by the City of Kwinana.

**Background**

Nil

**Details**

In August 2015, the City of Kwinana released a document titled the "Indian Ocean Gateway - Consultative Draft August 2015" ("the Kwinana Draft"); a copy of the document is attached.
The document states that the Kwinana Draft is intended to represent the ‘optimal, long-term solution to the infrastructure, transport, economic and environmental future of the State’s premier industrial area, and its core is the pressing need for investment in the Outer Harbour’.

The boundary of the Kwinana Draft includes the following precincts and is shown in Figure 1 below:

- Australian Marine Complex;
- Kwinana Industrial Area;
- Rockingham Industry Zone;
- Latitude 32; and
- All land within the current ‘Air Quality Buffer’ (i.e. the Kwinana Air Quality Buffer), as identified in the draft South Metropolitan Peel Sub-Regional Planning Framework.
The Kwinana Draft is said to be a 50 year vision that seeks to answer the complexities of competing planning, environmental, social and economic issues which the City of Kwinana submit has restricted the ability of the precinct to evolve. It says that it will provide the framework around which the Outer Harbour, which is considered to be the ‘key to the future sustainability and overall success of Western Australia’s port trade’, can be confidently progressed.

The Kwinana Draft proposal contains the following key elements:

(i) The Outer Harbour would be privately funded and built in two stages requiring land reclamation of approximately 200ha – each stage will involve the construction of associated road and rail infrastructure to carry freight;

(ii) The intermodal facility would be located at the Outer Harbour, and not within Latitude 32 (Wattleup) as currently proposed, and built concurrently with the Outer Harbour;

(iii) Within Rockingham, the construction of the Fremantle Rockingham Controlled Access Highway (2025 – 2035) would be constructed and the Kwinana Loop Railway reserve (refer to Figure 1 above) would be reinstated;

(iv) An ‘Industry Protection Zone’ (formerly the ‘Western Trade Coast Industry Protection Zone’) would be legislated;

(v) A graduation of industrial uses from heavy industry in core, adjacent to the Outer Harbour, to ‘new science and innovation’ precincts where IOG interfaces with urban areas; and

(vi) A single governance entity would be put in place to manage and coordinate growth within the IOG (planning and advocacy). The City of Kwinana would be prepared to manage the governance role for the area within its jurisdiction.

The document suggests that many benefits will be delivered to the region along with broader outcomes such as enabling the Fremantle Inner Harbour to realise its redevelopment potential and reducing traffic congestion.

At a recent workshop, representatives from the City of Kwinana advised that it was the State Government’s recent announcement to privatise the Fremantle Inner Harbour which had prompted the release of the Kwinana Draft. The City of Kwinana is seeking to link the privatisation of the Inner Harbour to the construction of the Outer Harbour.

In circulating the document to the City and others, the City of Kwinana advised that the Kwinana Draft proposal had been prepared in ‘consultation with our local, state and national stakeholders’. (This did not include adjoining local governments.)

### Implications to Consider

**a. Consultation with the Community**

The City of Kwinana has released the Kwinana Draft as a ‘Consultative Draft’ and requested "feedback". There is no timeframe within which comments are invited.

**b. Consultation with Government Agencies**

The City of Kwinana has advised that it consulted with various government agencies in preparing the Kwinana Draft (although, these are not named).

**c. Strategic Community Plan**

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

**Aspiration C:** Quality Leadership

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

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

e. Financial
Nil

f. Legal and Statutory
If adopted by the City of Kwinana, the Kwinana Draft will have no legal or statutory status.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
The Kwinana Draft is based upon a number of fundamental proposals and assumptions, many of which are not explained or rationalised in the circulated document. These are discussed below:

Rockingham Strategic Metropolitan Centre

The Kwinana Draft proposes to rezone land within the Rockingham Strategic Metropolitan Centre from Central City Area Zone (in the Metropolitan Region Scheme) to permit an ‘industrial’ zoning to ‘permit future industrial growth’.

The southern boundary of the Kwinana Draft is inconsistent with zonings under the Metropolitan Region Scheme and Town Planning Scheme No. 2.

The rezoning proposal is also inconsistent with the land-use framework contained within the endorsed ‘Activity Centre Plan’ for the Strategic Metropolitan Centre.

In this regard, the Kwinana Draft boundary follows the alignment of Dixon Road, Goddard Street, Patterson Road then the former Kwinana Loop Railway reservation behind the ‘Challenger Business Park’ (containing Bunnings).

All land within the Kwinana Draft boundary is shown to be ‘Developed Industrial’ or ‘Potential Industrial Growth’ within the document; refer to Figure 1.

As Figure 2, being an extract from the MRS below depicts, portion of this land is zoned ‘Central City Area’ (light blue) and there is a current MRS Amendment request that seeks to expand the ‘Central City Area’ zoning as depicted in Figure 3.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES
MEETING HELD ON TUESDAY 20 OCTOBER 2015

PRESIDING MEMBER
4. Kwinana Draft Industrial Rezoning Proposal

The progress of the MRS Amendment has been stalled awaiting the preparation of the Western Trade Coast Buffer Legislation, which is being done by the Department of State Development. This proposed legislation is running well behind schedule, and no ‘end by’ date has been advised to the City.

As the Council and others are well aware, the City has adopted a local Town Planning Scheme Amendment to exclude any residential land uses from this area, and to allow the development of the precinct as a mixed business commercial area. The Council has also adopted a draft Development Policy Plan to guide the development of this area as a commercial mixed business sector.

Again, the passage of this Amendment and draft Policy has been deferred awaiting the State Government’s decision on the draft buffer legislation.

Kwinana Air Quality Buffer

A Kwinana Draft proposal is that the Kwinana Air Quality Buffer (or ‘Industry Protection Zone’ and formerly the ‘Western Trade Coast Industry Protection Zone’) be legislated. This position proposal would clearly impact on the planning framework for the Strategic Metropolitan Centre, as evidenced above.

Certainty surrounding the Air Quality Buffer will benefit all parties, however, and as the City has regularly expressed, the extent of the buffer needs to be based on a technical and scientific assessment rather than it follow a cadastral boundary as is currently the case. The existing buffer was formed in the 1980’s and lacks scientific rigour or credibility and does not serve the interests of industry or community in the manner that it should.

Kwinana Loop Railway

Until the mid-1990’s, the MRS contained a railway reservation to accommodate the ‘Kwinana Loop Railway’, being an element of the then future freight rail network to service the broader industrial area. Following a review of the industrial planning framework, portions of the Kwinana Loop Railway reservation were removed from the MRS as it was deemed by Westrail to be surplus to the future freight rail needs.
CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 20 OCTOBER 2015

PRESIDING MEMBER

5. MRS Amendment No.976/33 - Removal of Railway Reservation
Planning for the Rockingham Industry Zone and the Rockingham Strategic Metropolitan Centre proceeded on the basis that the Kwinana Loop Railway concept had been abandoned.

In late 2014, it was brought to the City’s attention that the Department of Transport had requested that the previously deleted portions be reinstated. The City subsequently expressed its strong objection to this action on a number of grounds, including the following:

(i) It does not recognise the planning framework that has evolved over the Rockingham Industry Zone over many years;

(ii) It severely limits the ability to implement the approved ‘Activity Centre Plan’ for the Rockingham Strategic Metropolitan Centre;

(iii) There is no evidence that the resultant traffic and transport implications have been established or considered; and

(iv) It will ensure that more existing residential land-uses are located closer to the freight route which will require ongoing management.

The position of the WAPC on this matter is not yet known.

The IOG now proposes to reinstate the Kwinana Loop Railway which is clearly contrary to the above position taken by the City.

If reinstated, the freight railway will:

- undermine the implementation of the Strategic Metropolitan Centre vision;
- bisect the community conservation and parkland buffer;
- affect the primary road network and major access roads into the City; and
- adversely affect the residential amenity of hundreds of residents living in North Rockingham, through noise and vibration.

In objecting to its potential reinstatement in 2014, the City recommended that any decision surrounding the future of the Kwinana Loop Railway should be preceded by comprehensive assessment. This assessment should interrogate the planning options, alternative alignments and consequences for other strategic and interfacing land uses and be supported by relevant stakeholders, including the City of Rockingham. It should also analyse and reach conclusions on the supplementary implications on matters such as regional traffic and residential amenity.

The proposed reinstatement of the Kwinana Loop Railway confirms the absence of proper consultation by the City of Kwinana and the lack of understanding, or recognition, of the City’s adopted planning framework.

Governance

The proposal suggests that the City of Kwinana might become the “single entity” for the governance management role of the IOG and assume the role of the disbanded Western Trade Coast Industry Committee (WTCIC). Given that the WTCIC was not a “single entity” (it was a government committee) this suggestion is puzzling and misguided.

If the rationale behind this “proposal” is to replace the WTCIC then one must look at the original role of that committee and why it was disbanded.

The City of Rockingham was, and remains a strong supporter of a well-resourced and coordinated approach to the assembly, marketing and release of land for the purposes of industrial development in the Western Trade Coast Zone.

In the formative stages of the WTCIC it became evident, certainly to some member Local Governments that some members were keen to explore other roles for the Committee by focussing upon single issues and interests and endeavouring to usurp the normal functions of some State Government Departments and indeed member local governments.

The following are excerpts of a letter written by the Chief Executive Officer to the Premier in late 2012 outlining the many concerns as to the governance performance and role of the committee. The letter also served to clarify the City’s actual policy position on land use planning for the industrial area and its immediate surrounds.
*Dear Premier*

The Western Trade Coast Industries Committee (WTCIC) is an advisory committee established for the purpose of coordinating and driving government action and providing a single point of focus across the four industrial precincts of the Australian Marine Complex, Latitude 32, Kwinana Industrial Area and the Rockingham Industrial Zone. The City understands that this committee bears no legal entity and reports principally to the Industrial Lands Supply Taskforce reporting to the Minister for Lands.

Firstly, I must emphasise that the City of Rockingham supports both the concept and objectives of the Western Trade Coast Industries Committee and the valuable role it can play in assembling appropriate industrial land to serve the best economic interests of the State. The City has a representative on the committee.

Secondly, I can confirm that the City is also committed to the establishment of development control areas and development exclusion zones, based upon independent contemporary scientific research and analysis that will serve to protect absolutely all of the Western Trade Coast Industry Zone from any incursive or compromising land uses. Importantly this research and analysis should encompass all forms of potentially intrusive pollution, not just odour. This process should be overseen by the WA Planning Commission (WAPC) and the outcomes covered by a State Planning Policy or other appropriate legislative instrument.

I also write to express concern as to some recent "decisions" of the WTCIC, evidence of a particularly poor level of corporate governance and meeting procedure, and the proclivity of some members to view this committee as a discrete legal entity capable of making, giving effect to and communicating decisions outside of the aegis of either the Industrial Lands Supply Taskforce or the responsible Minister. The WTCIC has neither adopted a code of conduct nor observes the principles of good corporate governance as is recommended by the Public Sector Commissioner.

Recent "decisions" that purported to oppose a Metropolitan Region Scheme Amendment relating to Woodman Point and the Cockburn Coast Local Structure Plan were discussed and considered without the benefit of any professional or technical advice and voted upon despite protests from members present that the Committee had neither the standing nor terms of reference to consider the matters.

You would be aware that this City rarely writes letters to, or seeks meetings with either yourself or your Ministerial colleagues. We prefer to handle matters at a local level or by negotiation, communication and cooperation with senior government executives. In this instance we find ourselves frustrated and quite frankly confused as to what is the Government’s policy position on the KAQB or its strategic replacement. We believe we have little option but to bring our concerns directly to you.

These frustrations are compounded by the WTCIC at times aspiring to operate as a legal entity and even quasi planning authority in an environment of poor corporate governance with little heed being given to established public sector standards.

Finally Premier, we urge you to convene a meeting of the Local Government CEOs and Director Generals involved in this issue in order to develop a process that can be put in train to provide a prompt, satisfactory and sensible way forward in resolving the main issue. It remains our strong belief that any process should be developed and executed within the current Western Australian planning framework."

The City has, and continues to be, subjected to much misinformation, distributed in "industry circles" that suggests its planning effort is unsatisfactory, even incompetent, and the City planning framework threatens the operation and further development of the industrial area. A recent meeting between board members of the Kwinana Industry Council and Councillors and executives of the City certainly confirmed this to be the case. Thankfully City officers were able to provide a very clear and precise demonstration of the City’s competencies in these matters to most present.

It may be timely to execute a targeted and comprehensive communication strategy that clearly presents the facts relating to the City’s planning framework and its policy position on issues such as the “buffer zone” and strategic transport routes. Communication should extend to the Premier, Minister for Planning and relevant Directors General in the public sector and key industry leaders in the private sector.

It may also be timely to commence discussions on the formation of a WTCIC replacement (or reinstatement), however, on this occasion working under a more focussed and relevant terms of reference with proper governance and departmental oversight. This is not a proposal to establish a single entity planning authority. Strategic and statutory planning over the subject area is being managed effectively and competently by the three resident local governments and the WA Planning Commission.

The proposal to create one entity with planning controls regardless of local government boundaries suggests that the current arrangements are inadequate. The document does not provide any rationale for there to be a central planning entity, nor does it explain how it could be legislated.
The proposal also supports the combination of “business development” and “land use planning” as part of one business unit. These functions, whilst being important, are discrete and very different activities, relying upon different professional skillsets and business principles.

It is considered that the fundamental problem, indeed the fatal flaw, in the performance of the WTCIC was the propensity of some members to confuse, whether intentionally or otherwise, the role of the committee as a quasi-planning authority instead of its proper and intended role (as set up by the State Government) as a coordinating committee that would facilitate both the effective promotion of the area and the coordinated and orderly development and release of the land therein.

It follows that land use planning has always, and should always be led by the WA Planning Commission and local governments in consultation with stakeholder groups. That consultation is effective, transparent and provided for under law.

The City has no evidence to demonstrate that the current planning framework is not meeting the objectives for the Rockingham Industry Zone or that it is restricting growth and development. Also, the City has engaged effectively with LandCorp, which manages large portions of the Rockingham Industry Zone, on matters associated with the growth of the precinct and there has been no indication that LandCorp share the views espoused by the City of Kwinana.

Rather than simply assert that a new model is required, the City of Kwinana should have engaged with all stakeholders to identify whether there are any real inadequacies in the current model.

The City of Kwinana did not do this.

Summary of Issues

The Kwinana Draft has been poorly communicated and is ill-conceived. The disregard for longstanding positions of the Council, including its endorsed planning framework for the Rockingham Strategic Metropolitan Centre, is concerning.

Industry Land Rezoning – Patterson Road (within the Strategic Metropolitan Centre)

In recommending this land for ‘future industrial growth’, the City of Kwinana:

1. Did not rely on any technical reports which recommended this land for “potential industrial growth”.
2. Did not undertake any land-use or town planning assessments for this land, prior to framing its recommendation.
3. Does not identify or acknowledge the distance to the nearest residential homes from this ‘potential industrial land’.
4. Did not consider the potential impacts on these homes.
5. Did not acknowledge that this land is located within the Strategic Metropolitan Centre.
6. Did not acknowledge that ‘industry’ in this location is contrary to the approved Centre Plan for the Strategic Metropolitan Centre.
7. Did you not reference any consultations with any Government agencies in recommending ‘industrial’.
8. Published no reasons for recommending ‘industrial’ in this location.

Kwinana Freight Railway

In recommending the extension of this freight railway loop, the City of Kwinana:-

1. Did not rely upon any technical reports which recommended reinstatement of the heavy rail freight loop.
2. Did not assess any environmental, operational, technical or land use implications.
3. Did not assess any other freight railway alignment options to service the Kwinana Industrial Area.
4. Did not consider the impacts of the ‘at-grade’ crossings on the primary road network.
5. Did not reference any consultations with any Government agencies in recommending reinstatement.
6. Did not consider the impacts that the reinstatement of the railway will bisect an existing community parkland and conservation buffer.
7. Did not consider any potential noise impacts on the nearby residential properties.
8. Did not identify or acknowledge that the Railway Reservation was removed from the MRS in 1996, via Amendment 976/33, at the request of Westrail.

**Governance**

In recommending a single entity “to manage the governance role of the IOG” the City of Kwinana:
1. Fails to acknowledge both the importance and need, yet poor performance of the WTCIC
2. Fails to understand the legal standing of the WTCIC
3. Confuses “business development” with “land use planning”
4. Suggests a governance model with same terms of reference that rendered the WTCIC dysfunctional

**Conclusion**

In short:
- The document lacks any form or academic, technical or intellectual rigour.
- It carries no references.
- It has no statutory standing.
- On its release, it was unauthorised by the Council of the City of Kwinana.
- It is not aimed or addressed at anyone.
- It is essentially an aspirational marketing pamphlet.

Given the quality of the document, it is recommended that the Council not engage on the detail within the Kwinana Draft.

It is recommended that the City of Kwinana be requested to withdraw its proposals for all land within the City of Rockingham.

It is also recommended that the Council's position be communicated to the relevant stakeholders, including State Government agencies and the Office of Premier and Cabinet.

**Voting Requirements**

Normal

**Officer Recommendation**

That Council:
1. **REQUEST** the City of Kwinana withdraw the "Indian Ocean Gateway Consultative Draft", or remove the land within the City of Rockingham, given the manner in which the document has been conceived and communicated and the lack of recognition or understanding of the City's planning framework.
2. **DIRECT** the CEO to communicate the City's opposition to the Draft to the Premier of Western Australia and member Local Governments in the South West Group.
3. **REQUEST** that the State Government considers the (re)establishment of a committee that is charged with the assembly of land, marketing and promotion of the Western Trade Coast Zone with a clearly stated role and proper governance arrangements.
4. **DIRECT** the CEO to undertake a major communications program that informs major government and industry stakeholders of the City's land use planning framework and policy position on key strategic issues relevant to the ongoing development and success of the Western Trade Coast Zone.
## Committee Recommendation

Moved Cr R Smith, seconded Cr Hill:

That Council:

1. **REQUEST** the City of Kwinana withdraw the "Indian Ocean Gateway Consultative Draft", or remove the land within the City of Rockingham, given the manner in which the document has been conceived and communicated and the lack of recognition or understanding of the City's planning framework.

2. **DIRECT** the CEO to communicate the City's opposition to the Draft to the Premier of Western Australia and member Local Governments in the South West Group.

3. **REQUEST** that the State Government considers the (re)establishment of a committee that is charged with the assembly of land, marketing and promotion of the Western Trade Coast Zone with a clearly stated role and proper governance arrangements.

4. **DIRECT** the CEO to undertake a major communications program that informs major government and industry stakeholders of the City's land use planning framework and policy position on key strategic issues relevant to the ongoing development and success of the Western Trade Coast Zone.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
# Planning and Engineering Services Committee Minutes

**Monday 14 September 2015**

### Engineering and Parks Services

#### Engineering Services

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<td>Attachments:</td>
<td>Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector</td>
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### Purpose of Report

For Council to consider the adoption of the voluntary “Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector” (the Protocol), to delegate authority to the Chief Executive Officer (CEO) to implement the Protocol and give notice of its intention to amend the purpose of the Carbon Tax Reserve.

### Background

In November 2011 the Clean Energy Act 2011 (CE Act) received Royal Assent with the legislation placing a tax on carbon emissions.

The City was identified, in accordance with section 184 of the CE Act, as a liable carbon tax entity and as such was liable for paying carbon tax on its emissions at the Millar Road Landfill Facility (the Landfill) from the 2012/2013 financial year.

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CONFIRMED AT A PLANNING AND ENGINEERING SERVICES MEETING HELD ON TUESDAY 20 OCTOBER 2015

PRESIDING MEMBER
The calculation of carbon tax was based on the assumption that any waste disposed of at the Landfill would release carbon for the following 80 years and these future liabilities were to be charged for at the time of disposal.

When setting the fees at the Landfill, a calculation of the average carbon tax liability for a tonne of waste resulted in a notional amount of $2.00 for construction and demolition waste, $8.50 for municipal solid waste and $8.70 for commercial and industrial waste, being included in the charges. This amount was transferred to a reserve fund set up to cover the future liability of the Carbon Tax.


As the carbon tax liability had been removed effective from 1 July 2014, the City introduced new fees to pass on the savings and resolved to refund customers who had disposed waste at the Landfill, an amount equivalent to the carbon tax paid between 1 July 2014 and 31 August 2014.

In 2014/2015 the City made its first and only payment under the CE Act of $104,763 being the amount of carbon credits required for waste disposed at the Landfill during 2012/2013.

The balance of the funds collected for future carbon tax liabilities has been held in the reserve fund.

### Details

Following the repeal of the carbon tax, the future year carbon liabilities associated with waste deposited during the 2012/2013 and 2013/2014 years were extinguished.

The Australian Landfill Owners Association and the Australian Local Government Association, representing the landfill industry, have developed the Protocol to ensure that the early collected carbon charges are returned for consumer benefit.

The Protocol sets out the requirements for the following:

1. Calculation and disclosure of early collected carbon charges held.  
   The City already has this information available and will be able to meet the end of 2015 reporting timeframe. Administration costs can also be deducted.

2. Acquiring early collected carbon charges. This is through refunds to local government customers and investing in abatement projects or the purchase of carbon abatement credits and voluntarily transferring them to the Government.  
   The intent is to provide refunds to local government customers and to regional local government customers who give a commitment that the refund will be passed on to their local government customers and/or member local governments. This is to ensure that the consumer receives the benefit.

3. Investment in projects. Abatement projects are required to be in addition to “business as usual”, have emissions reduction as one of their purposes, and not be registered as an Emission Reduction Fund project.  
   The intent is to utilise the non-refunded charges to offset the cost of implementing the Three Bin Waste Collection System which meets the criteria as it is a new service and will divert waste from landfill.

4. Purchase of abatement credits.  
   It is not intended to purchase abatement credits.

5. Timeframes. Refunds to local governments are required within 60 days of an agreement being reached between the City and the customer of the amount of the refund.  
   All other non-refunded carbon charges are to be acquitted by 31 December 2016 and any expenditure on abatement projects or credits is to be incurred before 31 December 2017. The intended abatement project meets these timeframes.

6. Verification reporting and disclosures.  
   Annual independent auditor reports are required to be provided to the Department of the Environment.

**Implications to Consider**

a. **Consultation with the Community**
   The City’s proposal to change the purpose of the Reserve Fund will be advertised for a period of one month to allow for community comment.

b. **Consultation with Government Agencies**
   Nil

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration D:** Sustainable Environment
   **Strategic Objective:** Carbon Footprint and Waste Reduction - Carbon footprint reduction and waste minimisation programs focussed on community education and awareness, and the use of new technologies proven to be environmentally acceptable and financially sustainable.

d. **Policy**
   The City adopted the Management of Carbon Pricing Policy in August 2012 that set out the City’s approach to the management of carbon pricing at the Landfill.

e. **Financial**
   The following table shows the summary of carbon tax balance held by the City. After allowing for the carbon tax already paid or refunded, the balance of Carbon Tax held (not including interest earned on investments) is $3,652,351.

   Under the Protocol the amount available to be refunded to other local governments is $1,203,444 with the amount available for abatement projects investment being $1,543,409. The balance of $905,498 is the amount contributed by the City of Rockingham and has already been budgeted to be used to offset part of the cost of the introduction of a Three Bin Waste Collection System as a proposed abatement project.

   The balance of the Carbon Tax Reserve at 30 June 2015 was $3,933,993 which includes interest earned.
### Carbon Tax (Ex GST)

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### Balance of Carbon Tax Funds Held

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### Potential Refund

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### Potential Abatement Projects Investment

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<td>(194,269)</td>
</tr>
</tbody>
</table>

### Balance of Carbon Tax Funds

<table>
<thead>
<tr>
<th></th>
<th>2012/2013</th>
<th>2013/2014</th>
<th>2014/2015</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance of Carbon Tax Funds</td>
<td>104,763</td>
<td>0</td>
<td>(104,763)</td>
<td>(0)</td>
</tr>
</tbody>
</table>

---

### City of Rockingham - Carbon Tax Summary

**f. Legal and Statutory**

Section 6.11 of the Local Government Act 1995 deals with reserve accounts and requires that before a local government changes the purpose of a reserve account or uses the money in a reserve account for another purpose it must give one month's local public notice of the proposed change of purpose or proposed use unless they have been disclosed in the annual budget of the local government for that financial year. A decision to make a change under this section is required to be by absolute majority.

Section 5.42 of the Local Government Act 1995 deals with delegations to the CEO and a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act except for limitations contained under Section 5.43. A decision to delegate authority to the CEO is required to be by absolute majority.

**g. Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

### Comments

Following the introduction of the carbon tax the City took reasonable steps to ensure that consumers depositing waste at the Landfill made a payment to offset the future liabilities for emissions from that waste.

Due to the nature of the emissions from waste, the amount collected at the time when the waste was disposed would be repaid as a carbon tax over a number of years.
While it was reasonable to charge consumers at that time, it is also reasonable to provide consumers with the benefit now that the carbon tax has been repealed.

The Protocol acknowledges that there is a difficulty in ensuring consumers will receive the benefit by simply refunding customers of the Landfill, as most of these are businesses that have already passed on the carbon charge to their customers.

By refunding local governments and investing in abatement projects, consumers whether ratepayers or residents, will receive a benefit through lower costs, additional services and reduced emissions.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council:

1. **ADOPT** the voluntary “Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector” including:
   (i) The refund of carbon charges to local government customers,
   (ii) The refund of carbon charges to regional local government customers where a commitment is given that the refund will be passed on to their local government customers and/or member local governments,  
   (iii) The acquittal of any remaining non-refunded carbon charges by investing in an abatement project being the implementation of a Three Bin Waste Collection Service.

2. **DELEGATE AUTHORITY** to the Chief Executive Officer to implement the “Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector”, and

3. **GIVE NOTICE** of its intention to change the purpose of the Carbon Tax Reserve from “fund future Carbon Tax liabilities” to “fund the implementation of the Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector” including refunds to local government customers, administration costs and the investment in abatement projects.

### Committee Recommendation

Moved Cr Elliott, seconded Cr Hamblin:

That Council:

1. **ADOPT** the voluntary “Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector” including:
   (i) The refund of carbon charges to local government customers,
   (ii) The refund of carbon charges to regional local government customers where a commitment is given that the refund will be passed on to their local government customers and/or member local governments, 
   (iii) The acquittal of any remaining non-refunded carbon charges by investing in an abatement project being the implementation of a Three Bin Waste Collection Service.

2. **DELEGATE AUTHORITY** to the Chief Executive Officer to implement the “Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector”, and

3. **GIVE NOTICE** of its intention to change the purpose of the Carbon Tax Reserve from “fund future Carbon Tax liabilities” to “fund the implementation of the Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector” including refunds to local government customers, administration costs and the investment in abatement projects.

Committee Voting – 5/0
<table>
<thead>
<tr>
<th><strong>The Committee's Reason for Varying the Officer's Recommendation</strong></th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Implications of the Changes to the Officer’s Recommendation</strong></td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Purpose of Report

To request Council amend the 2015/2016 Budget to include extra Commonwealth Roads to Recovery Funding and approve additional projects.

Background

The objective of Roads to Recovery is for the Commonwealth Government to contribute to the Infrastructure Investment Programme through supporting maintenance and construction of the nation’s local road infrastructure asset, which facilitates greater access for Australians and improved safety, economic and social outcomes. The Roads to Recovery Programme does not contain a sunset clause under the new National Land Transport Act 2014 meaning no new legislation will be required for the continuation of the programme.

From 2014/2015 to 2018/2019 the Commonwealth Government will provide $3.2 billion under the Roads to Recovery Programme, to be distributed to Australia's local councils, state and territory Governments responsible for local roads in the unincorporated areas (where there are no councils) and the Indian Ocean Territories.
Roads to Recovery allocations for the councils in each jurisdiction (except the ACT as it is a unitary jurisdiction) have been determined on the basis of the recommendations of the Local Government Grants Commissions in each state and the Northern Territory for the roads component of the Financial Assistance Grants. This is the same methodology as was used for this purpose in previous Roads to Recovery Programmes.

The Commonwealth Government announced in late June 2015 that Councils across Australia will receive an extra $1.105 billion over the next two years. This announcement occurred after Council adopted the 2015/2016 Annual Budget.

Local governments will receive an extra $300 million in 2015/2016 under Roads to Recovery, on top of the $700 million they are already receiving – a $1 billion cash injection in local roads over the next 12 months.

For the City of Rockingham this means an extra $728,543 of Commonwealth funding for the 2015/2016 financial year. This brings the total Roads to Recovery funding for 2015/2016 from $1,698,832 up to $2,427,375.

There is also a carry forward of $70,820 from the allocated 2014/2015 Roads to Recovery funding that needs to be allocated to projects in 2015/2016.

The final Roads to Recovery funds available for the 2015/2016 financial year is $2,498,195.

**Details**

Confirmation has been received from the Department of Infrastructure and Regional Development that these funds need to be spent in the current financial year.

As with all funding there are rules and regulations attached to this funding stream. One of the main rules associated with Roads to Recovery funding is that it does not include items such as Plant (Machinery) Depreciation or any Overheads/On costs.

The final percentage of these costs of total project expenditure will alter slightly depending on the following factors:

1. Internal construction staff costs vs contractors
2. Amount of materials required
3. Plant (machinery) used (internal vs external)

A calculation of previous projects has shown that this percentage averages at 15% of the total project costs. This percentage was not factored into the original budget which included the full 100% being funded by Roads to Recovery.

The table below shows the current approved Roads to Recovery budgeted projects and the proposed projects taking into account the extra funds and the 15% costs that the City will need to cover.

The two new projects listed are:

1. Nairn Drive - This is the construction of the second carriageway from Safety Bay Road to Clyde Avenue. This project was included in the Business Plan for completion in the 2016/2017 financial year and funded via Roads to Recovery.

2. Young Road – Two coat spray seal (with geotextile fabric) along the portion of road that was reconstructed at the end of 2014/2015. These works have been programmed for this summer and will use the carry forward funds.
<table>
<thead>
<tr>
<th>PROJECT NAMES</th>
<th>DESCRIPTION OF WORKS</th>
<th>TOTAL BUDGET</th>
<th>APPROVED BUDGET SPLIT</th>
<th>PROPOSED BUDGET SPLIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandurah Rd  (Safety Bay Rd intersection)</td>
<td>Construct extra southbound lane</td>
<td>$ 950,000</td>
<td>$ 950,000</td>
<td>-</td>
</tr>
<tr>
<td>Wilkinson Rd (Serpentine Rd 1.4km north)</td>
<td>Construct, widen, seal</td>
<td>$ 750,000</td>
<td>$ 750,000</td>
<td>-</td>
</tr>
<tr>
<td>Rand Ave / Chalmers Ave</td>
<td>Roundabout</td>
<td>$ 260,000</td>
<td>-</td>
<td>$ 260,000</td>
</tr>
<tr>
<td>Eva Lynch Way</td>
<td>LATM Devices</td>
<td>$ 140,000</td>
<td>-</td>
<td>$ 140,000</td>
</tr>
</tbody>
</table>

**CURRENT BUDGET TOTAL**

<p>| | | | |</p>
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<tbody>
<tr>
<td></td>
<td>$2,100,000</td>
<td>$1,700,000</td>
<td>$400,000</td>
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</table>

**NEW 2015/2016 PROJECTS**

<p>| | | | |</p>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Nairn Dve (Safety Bay to Clyde)</td>
<td>Construct 2nd Carriageway</td>
<td>$ 770,000</td>
<td>-</td>
</tr>
<tr>
<td>Young Road (Karnup Rd 0.60km north)</td>
<td>Two-Coat Spray Seal</td>
<td>$ 69,000</td>
<td>-</td>
</tr>
</tbody>
</table>

**PROPOSED BUDGET TOTAL**

<p>| | | | |</p>
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</thead>
<tbody>
<tr>
<td></td>
<td>$2,939,000</td>
<td>$2,498,195</td>
<td>$440,805</td>
</tr>
</tbody>
</table>

**Implications to Consider**

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Consultation has taken place with the Department of Infrastructure and Regional Development to confirm that the funds must be spent in the financial year that they have been allocated.

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration C:**  Quality Leadership
   **Strategic Objective:**  Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis.

d. Policy
   Nil

e. Financial
   Due to the allocation of the 15% of City funds towards these projects there will be an increase of $40,805 that is required to come from City funds. These extra funds will be included in the October 2015 financial review with an identified account where these funds can be sourced.
f. Legal and Statutory

In accordance with 6.8 Section (1) (b), of the Local Government Act 1995:

‘A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure from municipal fund not included an annual budget is authorised in advance by resolution’.

An Absolute Majority decision is required for this budget amendment.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

Since its inception, one of the strict rules with Roads to Recovery funding dealt with the current level of funding that Local Authorities were spending at that time on roads. This level of City orientated funding was not allowed to decrease and be replaced by Roads to Recovery. Therefore, Local Authorities do need to be careful not to use these types of extra funding opportunities as a way to reduce their own funding on roads and divert this to other projects.

To enable the extra funds to be spent in the current financial year this proposal is seen as the best way to use these funds. It will mean there will be an amendment required to the Business Plan for Capital Works from 2016/2017 onwards. This amendment will be dealt with when the updated Business Plan is being adopted later in the year.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council AMEND the 2015/2016 Annual Budget as follows:

1. Allocate $770,000 expenditure for the construction of the dual carriageway on Nairn Drive, Baldivis (Safety Bay Road – Clyde Avenue);

2. Allocate $69,000 expenditure for the application of a final two coat seal on Young Road, Baldivis (600m from Karnup Road travelling north); and

3. Increase income account number 310088.3199 (Roads to Recovery) revenue by $728,543.

Committee Recommendation

Moved Cr Hamblin: seconded Cr Pease:

That Council AMEND the 2015/2016 Annual Budget as follows:

1. Allocate $770,000 expenditure for the construction of the dual carriageway on Nairn Drive, Baldivis (Safety Bay Road – Clyde Avenue);

2. Allocate $69,000 expenditure for the application of a final two coat seal on Young Road, Baldivis (600m from Karnup Road travelling north); and

3. Increase income account number 310088.3199 (Roads to Recovery) revenue by $728,543.

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-039/15**
- Extractive Industry Licensing – Renewal of Licence for Lot 500 Paganoni Road, Karnup

## File No:

- ECD/86:DD020.2015.80.001

## Risk Register No:

- Proponent/s:
  - Avadean Pty Ltd (t/a Rocla Quarry Products)

## Author:

- Mr Aaron Baxter, Engineering Services Project Coordinator

## Other Contributors:

- Date of Committee Meeting:
  - 14 September 2015

## Previously before Council:

- 23 June 2015 (PDS-042/15)

## Disclosure of Interest:

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

## Site:

- Lot 500 (No:157) Paganoni Road, Karnup

## Lot Area:

- 42.6 Hectares (426,279 m²)

## LA Zoning:

- MRS Zoning:

## Attachments:

- Maps/Diagrams:
  - 1. Locality Plan
  - 2. Aerial Photo

---

![Locality Plan and Aerial Photo](image.jpg)
1. Lot 500 Paganoni Road, Karnup - highlighted in red

2. Lot 500 Paganoni Road, Karnup - highlighted in red

**Purpose of Report**

To approve an Extractive Industries Licence to the land holder for commercial operations on Lot 500 (No.157) Paganoni Road, Karnup.

**Background**

On 24 July 2012 Council endorsed the alignment of all current Extractive Industry Licence holders within the municipality to a single uniform renewal date that coincided with the end of the 2011/2012 financial year. The quarry located at Lot 500 Paganoni Road received a licence from June 2010 to December 2014 and subsequently was not included in the alignment proposal.

All Extractive Industries require planning approvals to be granted by the Western Australian Planning Commission (WAPC) as well as the City of Rockingham (CoR) prior to an Extractive Industry Licence being issued by the CoR Engineering Department in accordance with the Extractive Industries Local Law 2000.

The City received a renewal application on 25 March 2015 seeking planning approval for an extractive industry. The matter was considered by Council at its ordinary Meeting held on 23 June 2015, where it resolved to grant conditional Planning Approval under clause 6.7.1(a) of Town Planning Scheme No.2, in accordance with the conditions specified in the Approval to Commence Development. Under the provisions of the Metropolitan Regional Scheme the WAPC granted Approval to Commence Development on 7 August 2015 resulting in the completion of all town planning statutory procedures by the Proponent. The granting of the Extractive Industry Licence by the City is the last requirement before operations can recommence.

**Details**

The City has received an Extractive Industries Licence renewal application from the following licensee:

<table>
<thead>
<tr>
<th>Licensee</th>
<th>Site Location</th>
<th>Licensee Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avadean Pty Ltd (t/a Rocla Quarry Products) Licence No. 20/2010</td>
<td>Lot 500 (No.157) Paganoni Rd, Karnup.</td>
<td>Rocla Quarry Products PO Box 469 Cloverdale WA 6895</td>
</tr>
</tbody>
</table>

The City’s Extractive Industries Local Law 2000 allows for extractive industry licences to be issued for up to 21 years, with a recommended period of five years being the usual, the City is requesting in this instance that a licence period of only 21 months be issued so as to align the site with the
City’s Extractive Industry uniform licencing regime. This regime has all other current Extractive Industry licences expiring on 30 June 2017.

**Implications to Consider**

a. **Consultation with the Community**
   Nil

b. **Consultation with Government Agencies**
   Nil

c. **Strategic**
   **Community Plan**
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
   
   **Aspiration D:** Sustainable Environment
   **Strategic Objective:** Land-Use and Development control – Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle.

d. **Policy**
   Nil

e. **Financial**
   The Extractive Industries Amendment Local Law 2011 requires the payment of the Annual Licence Fee by 30 June each year.
   
   The Fees and Charges set for the 2015/2016 Budget in relation to Licence Fees are determined by the anticipated tonnage of material to be extracted from each site for the period of 1 July 2015 to 30 June 2016:
   
   - Renewals - Less than 50,000 m³ $2,000 (excl. of GST)
   - Renewals - Greater than 50,000 m³ $3,000 (excl. of GST)

f. **Legal and Statutory**
   Extractive Industries Licences are administered in accordance with the City of Rockingham Extractive Industries Local Law 2000.

g. **Risk**
   **Risk Implications of Implementing Officer Recommendation**
   Nil
   **Risk Implications of Not Implementing Officer Recommendation**
   Nil

**Comments**

As the proponent has been working the quarry site since 2010 with no problems and has been issued all other statutory approval it is recommended that the Extractive Industry Licence be issued for approval with an expiry date of 30 June 2017 to bring it in line with all other Extractive Industry Licence holders within the City.

**Voting Requirements**

Simple Majority

**Officer Recommendation**
That Council APPROVE the issuing of an Extractive Industries Licence to Avadean Pty Ltd (t/a Rocla Quarry Products) for Lot 500 (No.157) Paganoni Road, Karnup in accordance with the City of Rockingham Extractive Industries Local Law 2000 under the conditions listed below:

1. **Approval Period**
   
   This approval is valid until the 30 June 2017.

2. **Development prohibited after Expiry of Approval Period or Lapse of Approval**
   
   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

3. **Compliance with approved Excavation Management Plan**
   
   The development must comply with the approved Excavation Management Plan dated September 2009, including all management commitments for the duration of the development.

4. **Requirements Prior to the Commencement of Excavation**
   
   (a) **MRS Approval**
   
   Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme.

   (b) **Owner Permission**
   
   The owner of Lot 11 providing written consent to haulage vehicle access and fuel storage, prior to the commencement of works the subject of this approval.

   (c) **Seal Access**
   
   The access road on Lot 11 Paganoni Road must be sealed for a distance of 50 metres into the site.

   (d) **Traffic Management**
   
   A traffic management plan must be approved by the City.

   (e) **Fence Maintenance**
   
   A fence must be constructed in accordance with the following requirements:

   (i) A perimeter fence around the perimeter of the site, except where excavation works occur between Lot 500 and Lot 11 Paganoni Road.

   (ii) Fencing must restrict areas to Bush Forever Area 379.

   (iii) A perimeter fence must be erected 50 meters from the wetland known as Deerpark Swamp shown on the approved plans.

   (iv) The fencing must be post and wire with warning signs of the extraction area and prohibiting unauthorised access at all times.

   (f) **Weed Management Plan**
   
   A Weed Management Plan must be approved by the City.

   (g) **Acid Sulfate Soils**
   
   An Acid Sulfate Soils Assessment form and if required as a result of the self-assessment, an acid sulphate soils report and acid sulphate soils management plan must be submitted to and approved by the Department of Environment and Regulation.

   (h) **Landscaping Plan**
   
   A landscaping plan must be:

   (i) prepared by a suitably qualified and experienced consultant which plan addresses measures to screen the extractive industry from Paganoni Road.

   (ii) Submitted to the City for the City’s approval; and
5. **On-going requirements**

(a) **Haulage Vehicles**

All company haulage vehicles must be numbered and the quarry operators name is clearly shown on fleet haulage vehicles to enable clear identification of trucks by motorists and residents.

(b) **Excavation Setbacks**

(i) All excavation works must be setback not less than:

- 150 metres of the existing dwellings on Lot 671 and Lot 10 Paganoni Road, Karnup, except where a noise bund is constructed in accordance with an Acoustic Consultants Report that demonstrates compliance with the Environmental Protection (Noise) Regulations 1997;

- 40 metres from the front lot boundary to Paganoni Road;

- 20 metres to all other lot boundaries; and

- 50 metres from the wetland known as Deerpark Swamp.

(c) **Groundwater**

(i) All earthworks must maintain a minimum vertical separation distance of 2 metres to the Maximum Groundwater Level.

(ii) The applicant is required to undertake baseline monitoring to ensure the Maximum Groundwater Level can be determined.

(iii) No dewatering is to occur.

(iv) No drainage, stormwater or any other matter shall be deposited into or allowed to enter Bush Forever Area 379.

(d) **Fuel Storage**

The above ground hydrocarbon storage facility on Lot 11 Paganoni Road is to be bunded with impervious bunds having a maximum capacity of 110% of the hydrocarbon store capacity, unless otherwise approved by the City of Rockingham.

(e) **Hours of Operation**

(i) No quarrying or excavation operations are to be conducted other than between 7:00am and 7:00pm Monday to Saturday inclusive but excluding public holidays and not at all on Sundays.

(ii) No trucks or other vehicles are to enter or exit the extraction area outside of the permitted hours of operation.

(f) **Noise Management Plan**

(i) The Noise Management Plan prepared by Lloyd George Acoustics dated February 2010 and approved by the City must be observed and performed in accordance with the tenor of its provisions.

(ii) If an Officer of the City inspects the site and is satisfied that any of the extractive industry operations on-site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures included in the noise management plan), the City may direct in writing that:

(a) An amended noise management plan is submitted and approved; or

(iii) Approved in writing by the City.
(b) The activities on the site are brought into compliance with this approved, as the case may be.

In this condition ‘an unreasonable amount of noise’ means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.

(g) Dust Management Plan

(i) The Dust Management Plan prepared by RPS dated September 2009 and approved by the City, must be observed and performed in accordance with the tenor of its provisions.

(ii) If the City considers that the excavation works are generating an unreasonable amount of dust, or that any of those operations are not compliant with the approved Dust Management Plan, the City may direct in writing that:

- An amended Dust Management Plan is submitted and approved by the City; or
- The activities on the site are brought into compliance with this approval, as the case may be.

In this condition ‘an unreasonable amount of dust’ means visible dust crossing the site’s boundary and visibly excessive dust on the site.

(h) Traffic Management Plan

The Traffic Management Plan approved by the City, must be observed and performed in accordance with the tenor of its provisions, including the following measures:

(i) Haulage vehicles are not permitted to park along Paganoni Road at any time;

(ii) All haulage vehicles used for sand haulage must have enclosed bodies to prevent the spillage of sand and limestone on public roads; and

(iii) A stop sign to be maintained at the exit point on Lot 11.

(i) Weed Management Plan

The Weed Management Plan approved by the City must be observed and performed in accordance with the tenor of its provisions.

(j) Acid Sulphate Soil Management Plan

Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.

(k) Site Operations

The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

6. Annual Reporting Requirements

By 30th June each year, a report must be provided to the City which report is in a form and containing content approved in writing by the City which report provides details of the operations of the approved development for the preceding calendar year including, but not limited to:

(i) The progress of the extraction work;

(ii) The progress of any rehabilitation work undertaken or completed;

(iii) The compliance with the provisions of each of the plans referred to in these Conditions; and
(iv) The number and type of complaints received from the public and responses to those complaints.

7. Complaints Procedure

(i) A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time.

(ii) The owners and occupiers of properties within 500 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.

(iii) A complaints log must be kept in which the following is to be recorded:

(a) The date and time of each complaint made and received;
(b) The means (telephone or email) by which the complaint was made;
(c) Any personal details of the complainant that were provided or, if no details were provided a note to that effect;
(d) The nature of the complaint;
(e) The steps or actions taken in, and the time of, the response of each complaint, including any follow up contact with the complainant; and
(f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps were taken.

(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.

(v) The complaints log must be provided to the City on demand.

(vi) A copy of any report prepared and submitted to the Department of Environment Regulation (as required by and forming part of the operator’s monitoring and reporting requirements contained in any licence or approved issued by the Department must be provided to the City concurrently with the report being provided to the Department.

8. Commencement of Stages and Rehabilitation

(i) This Condition applies where the land or part of the land is shown on the approved plans as being divided into stages in numerical sequence.

(ii) No excavation work is to be commenced on the second or any subsequent stage unless:

(a) All excavation work on the previous stage has ceased; and
(b) Rehabilitation work on the previous stage has commenced.

(iii) All rehabilitation work specified in the approved rehabilitation plan must be completed no later than 6 months after the earlier of:

(a) The expiry of the approval period; and
(b) The lapse of this approval.

9. Area Excluded from Approval

This approval does not include any excavation works referred to in stages 1, 3 and 4 on the Site Development Plan for Lot 11 Paganoni Road, unless where otherwise provided for in this approval.

Committee Recommendation

Moved Cr Elliott, seconded Cr Hill:

That Council APPROVE the issuing of an Extractive Industries Licence to Avadean Pty Ltd (t/a Rocla Quarry Products) for Lot 500 (No.157) Paganoni Road, Karnup in accordance with the City of Rockingham Extractive Industries Local Law 2000 under the conditions listed below:
1. **Approval Period**  
   This approval is valid until the 30 June 2017.

2. **Development prohibited after Expiry of Approval Period or Lapse of Approval**  
   After the expiry of this approval period no development, including any works the subject of this approval are to be undertaken except for any rehabilitation works in accordance with Condition 8.

3. **Compliance with approved Excavation Management Plan**  
   The development must comply with the approved Excavation Management Plan dated September 2009, including all management commitments for the duration of the development.

4. **Requirements Prior to the Commencement of Excavation**  
   (a) **MRS Approval**  
       Approval to Commence Development must be separately obtained from the Western Australian Planning Commission under the provisions of the Metropolitan Region Scheme.
   (b) **Owner Permission**  
       The owner of Lot 11 providing written consent to haulage vehicle access and fuel storage, prior to the commencement of works the subject of this approval.
   (c) **Seal Access**  
       The access road on Lot 11 Paganoni Road must be sealed for a distance of 50 metres into the site.
   (d) **Traffic Management**  
       A traffic management plan must be approved by the City.
   (e) **Fence Maintenance**  
       A fence must be constructed in accordance with the following requirements:
       (i) A perimeter fence around the perimeter of the site, except where excavation works occur between Lot 500 and Lot 11 Paganoni Road.
       (ii) Fencing must restrict areas to Bush Forever Area 379.
       (iii) A perimeter fence must be erected 50 meters from the wetland known as Deerpark Swamp shown on the approved plans.
       (iv) The fencing must be post and wire with warning signs of the extraction area and prohibiting unauthorised access at all times.
   (f) **Weed Management Plan**  
       A Weed Management Plan must be approved by the City.
   (g) **Acid Sulfate Soils**  
       An Acid Sulfate Soils Assessment form and if required as a result of the self-assessment, an acid sulphate soils report and acid sulphate soils management plan must be submitted to and approved by the Department of Environment and Regulation.
   (h) **Landscaping Plan**  
       A landscaping plan must be:
       (i) prepared by a suitably qualified and experienced consultant which plan addresses measures to screen the extractive industry from Paganoni Road.
       (ii) Submitted to the City for the City’s approval; and
       (iii) Approved in writing by the City.
On-going requirements

(a) Haulage Vehicles

All company haulage vehicles must be numbered and the quarry operators name is clearly shown on fleet haulage vehicles to enable clear identification of trucks by motorists and residents.

(b) Excavation Setbacks

(i) All excavation works must be setback not less than:
   - 150 metres of the existing dwellings on Lot 671 and Lot 10 Paganoni Road, Karnup, except where a noise bund is constructed in accordance with an Acoustic Consultants Report that demonstrates compliance with the Environmental Protection (Noise) Regulations 1997;
   - 40 metres from the front lot boundary to Paganoni Road;
   - 20 metres to all other lot boundaries; and
   - 50 metres from the wetland known as Deerpark Swamp.

(c) Groundwater

(i) All earthworks must maintain a minimum vertical separation distance of 2 metres to the Maximum Groundwater Level.

(ii) The applicant is required to undertake baseline monitoring to ensure the Maximum Groundwater Level can be determined.

(iii) No dewatering is to occur.

(iv) No drainage, stormwater or any other matter shall be deposited into or allowed to enter Bush Forever Area 379.

(d) Fuel Storage

The above ground hydrocarbon storage facility on Lot 11 Paganoni Road is to be bunded with impervious bunds having a maximum capacity of 110% of the hydrocarbon store capacity, unless otherwise approved by the City of Rockingham.

(e) Hours of Operation

(i) No quarrying or excavation operations are to be conducted other than between 7:00am and 7:00pm Monday to Saturday inclusive but excluding public holidays and not at all on Sundays.

(ii) No trucks or other vehicles are to enter or exit the extraction area outside of the permitted hours of operation.

(f) Noise Management Plan

(i) The Noise Management Plan prepared by Lloyd George Acoustics dated February 2010 and approved by the City must be observed and performed in accordance with the tenor of its provisions.

(ii) If an Officer of the City inspects the site and is satisfied that any of the extractive industry operations on-site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions (including non-compliance with the noise management measures included in the noise management plan), the City may direct in writing that:

(a) An amended noise management plan is submitted and approved; or

(b) The activities on the site are brought into compliance with this approved, as the case may be.

In this condition ‘an unreasonable amount of noise’ means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997.
(g) Dust Management Plan

(i) The Dust Management Plan prepared by RPS dated September 2009 and approved by the City, must be observed and performed in accordance with the tenor of its provisions.

(ii) If the City considers that the excavation works are generating an unreasonable amount of dust, or that any of those operations are not compliant with the approved Dust Management Plan, the City may direct in writing that:

- An amended Dust Management Plan is submitted and approved by the City; or
- The activities on the site are brought into compliance with this approval, as the case may be.

In this condition 'an unreasonable amount of dust' means visible dust crossing the site's boundary and visibly excessive dust on the site.

(h) Traffic Management Plan

The Traffic Management Plan approved by the City, must be observed and performed in accordance with the tenor of its provisions, including the following measures:

(i) Haulage vehicles are not permitted to park along Paganoni Road at any time;

(ii) All haulage vehicles used for sand haulage must have enclosed bodies to prevent the spillage of sand and limestone on public roads; and

(iii) A stop sign to be maintained at the exit point on Lot 11.

(i) Weed Management Plan

The Weed Management Plan approved by the City must be observed and performed in accordance with the tenor of its provisions.

(j) Acid Sulphate Soil Management Plan

Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.

(k) Site Operations

The operator must alter the operation of the site or the manner in which the use is carried out as directed in writing by the City, in response to any comments and recommendations agreed between the operator and the City of Rockingham, and the operation of the site or the use shall thereafter be carried out in accordance with any such direction.

6. Annual Reporting Requirements

By 30th June each year, a report must be provided to the City which report is in a form and containing content approved in writing by the City which report provides details of the operations of the approved development for the preceding calendar year including, but not limited to:

(i) The progress of the extraction work;

(ii) The progress of any rehabilitation work undertaken or completed;

(iii) The compliance with the provisions of each of the plans referred to in these Conditions; and

(iv) The number and type of complaints received from the public and responses to those complaints.

7. Complaints Procedure

(i) A telephone number or numbers and an email address or addresses must be maintained through which complaints concerning the development may be made at any time.
(ii) The owners and occupiers of properties within 500 metres of any boundary of the land must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses.

(iii) A complaints log must be kept in which the following is to be recorded:
(a) The date and time of each complaint made and received;
(b) The means (telephone or email) by which the complaint was made;
(c) Any personal details of the complainant that were provided or, if no details were provided a note to that effect;
(d) The nature of the complaint;
(e) The steps or actions taken in, and the time of, the response of each complaint, including any follow up contact with the complainant; and
(f) If no actions or steps were taken in relation to the complaint or enquiry, then the reasons why no action or steps were taken.

(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.

(v) The complaints log must be provided to the City on demand.

(vi) A copy of any report prepared and submitted to the Department of Environment Regulation (as required by and forming part of the operator’s monitoring and reporting requirements contained in any licence or approved issued by the Department must be provided to the City concurrently with the report being provided to the Department.

8. Commencement of Stages and Rehabilitation
(i) This Condition applies where the land or part of the land is shown on the approved plans as being divided into stages in numerical sequence.

(ii) No excavation work is to be commenced on the second or any subsequent stage unless:
(a) All excavation work on the previous stage has ceased; and
(b) Rehabilitation work on the previous stage has commenced.

(iii) All rehabilitation work specified in the approved rehabilitation plan must be completed no later than 6 months after the earlier of:
(a) The expiry of the approval period; and
(b) The lapse of this approval.

9. Area Excluded from Approval
This approval does not include any excavation works referred to in stages 1, 3 and 4 on the Site Development Plan for Lot 11 Paganoni Road, unless where otherwise provided for in this approval.

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 request Council amend the 2015/2016 Budget to meet costs associated with the construction of the Secret Harbour emergency access path and provide Council with details of the tenders received for Tender T15/16-34 – Construction of the Secret Harbour Foreshore emergency access path, document the results of the tender assessment and make recommendations regarding award of the tender.

## Background

The redevelopment of the Secret Harbour Surf Lifesaving Club has highlighted the need for a renewal of the surrounding infrastructure to support the projected population growth and increased use of the foreshore environment.

Currently, the primary beach access path connecting the Surf Lifesaving Club to the nearshore environment poses a number of potential safety concerns. The track can be extremely dangerous for pedestrians due to poor sightlines, can be difficult to navigate in a 4WD and is not trafficable for an ambulance in the event of an emergency.
With regard for these concerns, the proposed vehicle access path will improve the existing connection from the Secret Harbour Surf Lifesaving Club to the nearshore environment, therefore enabling faster response times in emergency situations and improved community safety.

In February 2015, the City contracted MP Rogers to design the emergency access path with consideration for the impacts of global warming and the physical capability of the existing landforms with particular regard to future sea level rise, storm events, shoreline mobility and future revetment strategies. Minimising the extent of clearing and the requirements for short and long term maintenance were also important considerations.

The design was finalised following consultation with the Western Australian Planning Commission, the Department of Environment Regulation, the Secret Harbour Residents Association and the Secret Harbour Surf Lifesaving Club. The proposed alignment and design is indicated in Figure 1 and a complete set of detailed design drawings can be found in the Request for Tender document.

1. Proposed alignment of the Secret Harbour emergency access path

**Details**

The construction of the emergency access path will require reshaping of the existing track and the adjoining dunes to achieve appropriate grades, batters and sightlines. As part of the works, the dunes adjacent to the track will be reshaped and vegetated with indigenous species to ensure appropriate stabilisation. The path itself will be 5m wide reinforced concrete with a vehicle turn around area and windbreak fencing on either side. The project is expected to take 12 weeks to complete from the date of award.

Specifically, the objective is to ensure that the improved public access within the foreshore is:

- Compatible with the protection and conservation of the natural coastal environment;
- Designed and located to complement and be visually compatible with the surrounding landscape;
- Sufficient to cater for an increasing regional population; and
- Conducive to enabling faster response times in an emergency.
To engage a suitable contractor to undertake these works, the tender was advertised in the West Australian newspaper on Saturday, 18 July 2015. The tender closed at 2:00pm Wednesday 5 August 2015 and was publicly opened immediately after the closing time.

Tender submissions were received from the following:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Lump Sum Price – GST Excl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curnow Group Pty Ltd</td>
<td>$ 223,156</td>
</tr>
<tr>
<td>Frogmat Environmental (Australasia) Pty Ltd</td>
<td>$ 244,847</td>
</tr>
<tr>
<td>Neo Infrastructure Pty Ltd</td>
<td>$ 291,840</td>
</tr>
<tr>
<td>WCP Civil Pty Ltd</td>
<td>$ 296,500</td>
</tr>
<tr>
<td>Bistel Construction Pty Ltd</td>
<td>$ 300,969</td>
</tr>
<tr>
<td>TRACC Civil Pty Ltd</td>
<td>$ 301,189</td>
</tr>
<tr>
<td>BCL Group Pty Ltd</td>
<td>$ 453,673</td>
</tr>
<tr>
<td>MMM (WA) Pty Ltd</td>
<td>$ 454,390</td>
</tr>
</tbody>
</table>

A panel comprising of the City’s Manager Parks Services, Irrigation Assets Officer and Environmental Projects Officer undertook tender evaluations.

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

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Max Pts</th>
<th>Level of service</th>
<th>Understanding Tender Requirements</th>
<th>Price Considerations</th>
<th>Total Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neo Infrastructure Pty Ltd</td>
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<td>34.3</td>
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<tr>
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<td>22.2</td>
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</tr>
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</tr>
<tr>
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<td>77.5</td>
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</tr>
<tr>
<td>MMM (WA) Pty Ltd</td>
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<td>73.3</td>
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<tr>
<td>BCL Group Pty Ltd</td>
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<td>31.7</td>
<td>14.8</td>
<td>70.7</td>
<td></td>
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</table>

**Implications to Consider**

a. **Consultation with the Community**

The draft plans were tabled to the Secret Harbour Surf Life Saving Club and the Secret Harbour Residents Association were also advised of the proposal. The Secret Harbour Surf Lifesaving Club will also be advised of the construction schedule when finalised.

A public notice was placed in the Sound Telegraph on Wednesday 15 July 2015 advising of the proposed project. A post will also be made on Facebook reminding the community that the beach access path will be temporarily closed for the duration of the works.
b. Consultation with Government Agencies

The Western Australian Planning Commission (WAPC) was consulted in accordance with the Planning and Development Act section 6(2). The WAPC advised that the proposed public works within Crown Reserve 47199 were consistent with the purpose of the Metropolitan Region Scheme Parks and Recreation reserve and therefore no objections were raised.

The Department of Environment Regulation (DER) was consulted regarding the requirements for a Native Vegetation Clearing Permit and the DER confirmed that the action is exempt under Regulation 5, Item 12, Part V of the Environmental Protection Act 1986.

c. Strategic Community Plan

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

- **Aspiration B**
  - **Strategic Objective:** Mobility and Inclusion - Community services, programs and infrastructure that effectively caters for all residents including seniors, youth and vulnerable populations.

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

- **Aspiration D**
  - **Strategic Objective:** Coastal and Bushland Reserves - Coastal and bushland reserves that are well used and sustainably managed preserving them for future generations to enjoy.

d. Policy

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

e. Financial

The initial estimate for the construction of the Secret Harbour emergency access path was reflected in the 2015/2016 Business Plan to the value of $200,000.

While a separate work order was established for the above amount the funding for the construction was not allocated in the annual budget, however, when tenders were called it was believed that these costs could be accommodated in the associated construction of the Secret Harbour Surf Life Saving Club as the project was consistent with the overall development scope.

The recommended tender cost is $291,840 and as such a budget amendment is now required to ensure adequate funds are available for the entire project.

Savings will be identified in the October Budget Review to accommodate the associated shortfall.

f. Legal and Statutory


'Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $100,000 unless sub regulation (2) states otherwise'
And:
In accordance with 6.8. Section (1) subsection (b), of the Local Government Act 1995:
‘A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure from municipal fund not included in annual budget is authorised in advance by resolution’.

g. Risk

Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments

Considering the current budget allocation and the tender outcome, it is not possible to complete the works proposed within the tender without a budget amendment being approved.

Submissions were received from eight companies with a similar range of experience, knowledge and resources. Many of the submissions also provided strong evidence of previous experience doing similar work.

The assessment panel, however, believed that the submission received from Neo Infrastructure Pty Ltd provided the best balance of proficiency, while also demonstrating an exceptional level of experience executing marine infrastructure projects at a competitive price, when compared against all the respective submissions and are therefore recommended as the preferred tenderer.

Voting Requirements

Part 1 Absolute Majority
Part 2 Simple Majority

Officer Recommendation

That Council:
2. **ACCEPT** the tender submitted from Neo Infrastructure Pty Ltd, 2/61 Windsor Road Wangara, for Tender T15/16-34 - Construction of the Secret Harbour Foreshore emergency access path, in accordance with the tender documentation for the lump sum value of $291,840 ex GST.

Committee Recommendation

Moved Cr Pease, seconded Cr Hill:

That Council:
2. **ACCEPT** the tender submitted from Neo Infrastructure Pty Ltd, 2/61 Windsor Road Wangara, for Tender T15/16-34 - Construction of the Secret Harbour Foreshore emergency access path, in accordance with the tender documentation for the lump sum value of $291,840 ex GST.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
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<thead>
<tr>
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<th>Reports of Councillors</th>
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<table>
<thead>
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<th>Addendum Agenda</th>
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<tr>
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15. Motions of which Previous Notice has been given

Planning Services

Planning and Development Services

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>PDS-057/15 Notice of Motion – Dog Exercise Areas in Secret Harbour</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>CUS/8-05</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Cr Chris Elliott</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Michael Howes, Coordinator Ranger Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td></td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Executive</td>
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Site:  
Lot Area:  
Attachments:  
Maps/Diagrams:  

Purpose of Report

To provide officer comment and advice on Cr Elliott’s Notice of Motion seeking an increase in the number of on-lead Dog Exercise Areas and the establishment of an off-lead Dog Exercise Area in the suburb of Secret Harbour.

Background

Cr Elliott submitted the following motion for consideration at the 22 September 2015 Council meeting:

“That the Chief Executive Officer undertake an investigation into increasing the number of on-lead dog exercise areas and investigate the establishment of an off-lead dog exercise area in the Secret Harbour area and submit a report back to Council.”
Details

The suburb of Secret Harbour currently has one designated off-lead Dog Exercise Area located at Secret Harbour Oval and an area of Secret Harbour Beach for dog owners to legally exercise their dogs off leash. The suburb of Secret Harbour has increased in population and development, however, there has not been a corresponding increase in the number of dog exercise areas in the suburb.

In response to a change in the Dog Act 1976, Council at its meeting held 25 August 2014 resolved to declare dog exercise areas and prohibited dog exercise areas. This removed the need for the City of Rockingham to alter the Dogs Local Law 2000 in order to add and remove dog exercise areas and allowed the City to declare these areas, via Council Resolution.

Implications to Consider

| a. Consultation with the Community | Nil |
| b. Consultation with Government Agencies | Nil |
| c. Strategic Community Plan | Nil |
| d. Policy | Nil |
| e. Financial | Nil |
| f. Legal and Statutory | Nil |

Section 31 of the Dog Act 1976 specifies that a local government may determine (by Absolute Majority) both dog exercise and dog prohibited areas:

"31. Control of dogs in certain public places

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

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

g. Risk

| Risk Implications of Implementing Officer Recommendation | Nil |
| Risk Implications of Not Implementing Officer Recommendation | Nil |
Comments

It is agreed that the suburb of Secret Harbour has an inadequate number of dog exercise areas. This has been recognised previously by the City and the suburb has been identified as requiring an increase in the number of dog exercise areas.

By increasing the number of dog exercise areas it will enable dog owners to legally exercise their dogs in these areas off leash. This will also enable residents without dogs to visit non-dog exercise parks and reserves, with a decreased risk of dogs being exercised off-leash.

An investigation and report will be required to identify appropriate locations and numbers of parks and reserves within Secret Harbour that may be suitable to be declared as off-lead Dog Exercise Areas.

All Reserves and Parks within Secret Harbour currently allow dogs to be on-lead.

Voting Requirements

Simple Majority

Officer Recommendation

That Council DIRECT the Chief Executive Officer to undertake an investigation and submit a report back to Council on suitable parks and reserves within Secret Harbour that could be considered for declaration as off-lead Dog Exercise Areas in accordance with section 31 of the Dog Act 1976.

Notice of Motion from Cr Elliott

That Council DIRECT the Chief Executive Officer to undertake an investigation into increasing the number of on-lead dog exercise areas and investigate the establishment of an off-lead dog exercise area in the Secret Harbour area and submit a report back to Council.

Committee Recommendation

Moved Cr Elliott, seconded Cr Hill:

That Council DIRECT the Chief Executive Officer to undertake an investigation and submit a report back to Council on suitable parks and reserves within Secret Harbour that could be considered for declaration as off-lead Dog Exercise Areas in accordance with section 31 of the Dog Act 1976.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable
<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>Notice of Motion – Renaming of Golden Bay Foreshore to the Sam Silla Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>R/27066a-02</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>Cr Chris Elliott</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr James Henson, Manager Parks Development</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Golden Bay Foreshore Reserve, Lot 2031, R/27066</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>33,690m²</td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td>Location Map</td>
</tr>
</tbody>
</table>
Purpose of Report

To provide Officer comment and advice on Cr Chris Elliott’s Notice of Motion requesting Council support of the Golden Bay Progress Association’s request to Landgate that the Golden Bay Foreshore Reserve be renamed the Sam Silla Reserve.

Background

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

That Council strongly supports Golden Bay Progress Association’s request to Landgate that the Golden Bay Foreshore Reserve be renamed the Sam Silla Reserve.
Details

When a park or reserve is to be named in honour of a person, they should have either had a direct long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve, or the State.

Association or contribution can include:

- two or more terms of office on a local government council;
- twenty or more years association with a local community group or service club;
- twenty or more years of association or service with a local or State government agency or organisation;
- action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area;
- service to the community or organisation must have been voluntary, and
- given and surname combinations may be acceptable.

When a naming action has been presented to the Geographic Names Committee (GNC), it shall determine whether the naming proposal in its current form conforms to all required naming policies and standards; and may seek further supporting evidence, if required, from the applicant, government departments or development bodies, and other interested parties such as affected local land owners, businesses or residents as required.

The GNC will determine the merits of each proposal and/or identify issues arising from the application before making a final decision.

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   The GNC may consult with relevant emergency response or public service organisations if a question of public safety or confusion might arise; consider all information for its relevance to the principles, policies and procedures, especially all objections received from members of the public and emergency response or other public service organisations.

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

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

d. Policy
   Nil

e. Financial
   Should the application for renaming be successful there would be a requirement to amend the current Reserve signage.
   The approximate cost of the signage amendment would be around $500, which would be met through the existing reserve maintenance account.
f. **Legal and Statutory**

The naming approval will require GNC endorsement under the provision set out in the *Land Administration Act 1997, Land Administration Regulations 1998* and the *Instrument of Delegations*.

In some circumstances the Chairman and the Executive Officer of the GNC have the authority to approve naming submissions. Through the Geographic Names Team, advice is provided to the applicant on how the naming proposal shall proceed or why it cannot.

As the application considers the renaming of an area within the Regional Foreshore Reserve it is likely to be referred to the Western Australian Planning Commission for comment.

It is expected that the application would be assessed in accordance with the Metropolitan Region Scheme (MRS) and comply with the requirements of section 6(2) of the Planning and Development Act 2005 which are to:

(a) Have regard to the purpose and intent of the relevant scheme; in this case the MRS.
(b) Have regard to the principle of proper and orderly planning and preservation of the amenity of the area.

g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

**Comments**

Historically, Council has supported community nominations for naming of Reserves with the intent to recognise a community member who has made a substantial contribution to the community.

The GNC gives careful consideration to all requests as established acknowledgment is traditionally conveyed on long servicing Councillors or individuals who've had a significant impact or contribution to the development of the community as a whole.

Mr Sam Silla was one of the early residents of Golden Bay having moved to the area in 1971 and lived in the same location in Marillana Drive until he passed away in February 2009.

Throughout his life Mr Silla became very involved in the life and progress of the community, having held the Progress Association meetings in their home for several years until the Golden Bay Hall was built.

Mr Silla started Golden Bay Realty, running it first from home, before moving to the local shopping Centre and continued operating there until just before his death.

He was also an integral member of the local Volunteer Bush Fire Brigade serving as Captain of the brigade for a time.

In relation to the Golden Bay Progress Association’s application to have the Golden Bay Foreshore Reserve named after Mr Silla, it is considered that his contribution meets the relevant criteria outlined by the GNC and it is therefore recommended that Council support the renaming of a portion of the Golden Bay Foreshore to Sam Silla Reserve.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **SUPPORT** the renaming of a portion of the Golden Bay Foreshore, Marillana Drive; Golden Bay R/27066 to Sam Silla Reserve.
**Notice of Motion from Cr Elliott**

That Council strongly supports Golden Bay Progress Association's request to Land Gate that the Golden Bay Foreshore Reserve be renamed the Sam Silla Reserve.

**Committee Recommendation**

Moved Cr Elliott, seconded Cr Hill:

That Council *SUPPORT* the renaming of a portion of the Golden Bay Foreshore, Marillana Drive; Golden Bay R/27066 to Sam Silla Reserve.

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
**General Management Services**

Mr Andrew Hammond, Chief Executive Officer apologised for the exclusion of this Item from the Agenda.

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>GMS-015/15 Notice of Motion – Bus Shelter Advertising/Messages</th>
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<tbody>
<tr>
<td>File No:</td>
<td>GOV/7</td>
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<td>Risk Register No:</td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Matthew Whitfield</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
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<td>Other Contributors:</td>
<td></td>
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<td>Date of Committee Meeting:</td>
<td>14 September 2015</td>
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<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
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**Purpose of Report**

To consider a Notice of Motion proposed by Cr Whitfield as follows:

“That Council DIRECT the Chief Executive Officer to investigate the options and opportunities surrounding the potential usage of the bus shelters located throughout the city with the potential for displaying either city messages or paid advertisements.”

**Background**

At the Council meeting held 25 August 2015, Cr Whitfield gave notice of a motion that Council direct the Chief Executive Officer to investigate the potential for the City to display City messages and/or paid advertising on bus shelters throughout the City. Advertising on bus shelters, usually via commercially provided infrastructure, is commonplace in the metropolitan area.
Details

The City of Rockingham currently receives licence fees from a commercial entity for advertising on 65 bus seats and 2 bus shelters within the City. With expanding population and residential growth in the City it is timely to investigate the expansion of commercial advertising on bus shelters and other public infrastructure, including the opportunities for commercially provided public infrastructure for advertising purposes.

Such investigations would include consideration for potential increased revenue return, reduced cost of infrastructure provision by the City and any policy requirement to govern the placement of infrastructure for advertising purposes and the type of commercial advertisements and public messages permitted.

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

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

   Aspiration C: Quality Leadership

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

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

d. Policy
   Council does not have a policy in regards commercial advertising on public infrastructure.

e. Financial
   The City of Rockingham currently receives licencing fees in relation to commercial advertising on bus seats and shelters, which amounted to $11,543 for the period 8/12/2013 to 7/12/2014.

f. Legal and Statutory
   City of Rockingham By-Law Relating to Signs, Hoardings and Bill Posting specifies the occasions where a licence is required for advertising signs and the conditions thereto.

   City of Rockingham Activities in Thoroughfares and Public Places and Trading Local Law 2001 specifies the requirements in relation to advertising signs on thoroughfares.

   The City's Town Planning Scheme and Planning Polices also specify requirements in relation to advertising signs in the City.

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
While advertising on bus shelters and seats is commonplace in the metropolitan area and is currently undertaken in the City, the issue is a complex one which involves multiple sources of legislative head of power (which may not necessarily be complementary to each other). The licensing, policy and contractual requirements pertaining to commercially provided bus shelters for advertising purposes is also complex and will require comprehensive investigation.

The investigation presents the opportunity for the City to increase revenue streams and possibly bring forward bus shelter infrastructure for the City. The Notice of Motion is therefore supported.

Voting Requirements
Simple Majority.

Officer Recommendation
That Council DIRECT the Chief Executive Officer to investigate the options and opportunities surrounding the potential usage of the bus shelters located throughout the City with the potential for displaying either city messages or paid advertisements.

Cr Whitfield’s Notice of Motion
That Council DIRECT the Chief Executive Officer to investigate the options and opportunities surrounding the potential usage of the bus shelters located throughout the city with the potential for displaying either city messages or paid advertisements.

Committee Recommendation
Moved Cr Hamblin seconded Cr Hill:
That Council DIRECT the Chief Executive Officer to investigate the options and opportunities surrounding the potential usage of the bus shelters located throughout the City with the potential for displaying either city messages or paid advertisements.

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
16. **Notices of Motion for Consideration at the Following Meeting**

Nil

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**

Cr Hamblin wished to take the opportunity to thank Cr Smith as Chairperson of the Planning and Engineering Services Committee and also Cr Hill for his contributions. Cr Hamblin said that Richard had always been professional and caring of people and their issues close to the heart. Cr Hamblin wished Richard all the best in his retirement from Council.

Cr Hill acknowledged the professionalism of the Planning and Engineering Services Committee and that the reports presented to them made their job much easier. He requested Mr Jeans and Mr Thompson pass on his gratitude to all of their staff.

Cr Smith thanked Cr Hamblin for her comments and best wishes. Cr Smith said it had been a privilege to be a Councillor and Mayor and explained his reasoning for retiring from Council.

Cr Smith expressed his sincere gratitude to all present for their hard work and dedication to the City.

18. **Matters Behind Closed Doors**

Nil

19. **Date and Time of Next Meeting**

The next Planning and Engineering Services Committee Meeting will be held on **Tuesday 20 October 2015** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**

There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **5:40pm**.